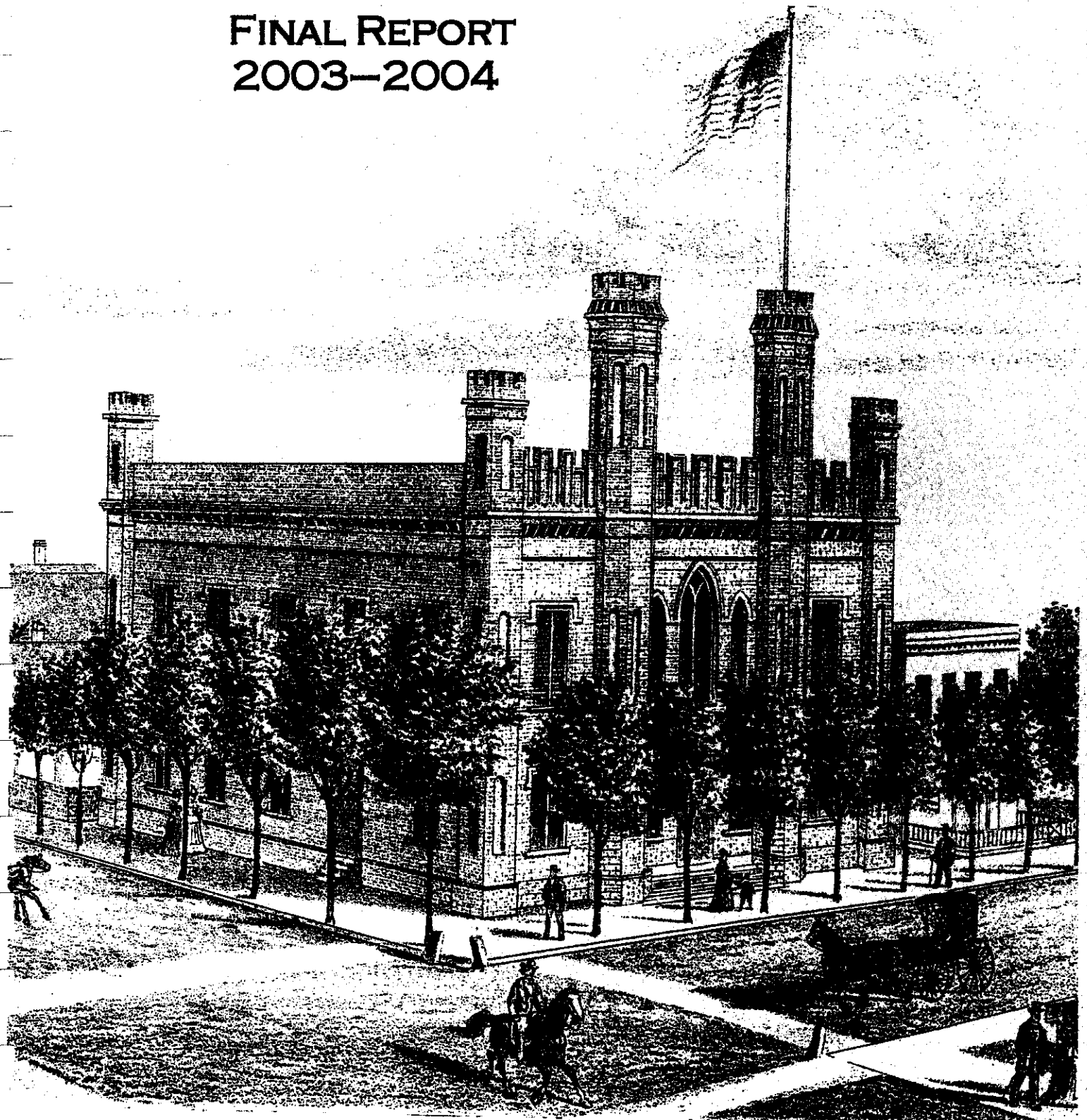


YUBA COUNTY  
**GRAND JURY**

FINAL REPORT  
2003–2004





The Honorable  
**KATHLEEN R. O'CONNOR**  
Judge of the Superior Court

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# The County of Yuba

## GRAND JURY

(530) 749-7341

June 30, 2004

The Honorable Kathleen R. O'Connor  
Yuba County Superior Court  
215 Fifth Street, Suite 200  
Marysville, CA 95901



Dear Judge O'Connor:

I present to you the 2003/2004 Grand Jury Final Report. We have suffered the unfortunate death of one member and the serious illness of another. The remaining jurors have worked diligently to prepare this report. Also, any member who might have had even the appearance of a conflict of interest abstained from voting on the final report.

Each portion of the report has been investigated extensively and adopted by at least 12 grand jurors, as required by Penal Code Sections 933 and 940. Our committees worked long hours and dug in dark, dusty corners. Also, numerous persons were interviewed before their investigations were completed, compiled and reports written.

On behalf of the 2003/2004 Grand Jury, I would like to extend our thanks to you, Judge O'Connor. You have always been available to our many, many questions (including personal contact, phone calls, and early morning e-mails). The open door policy of District Attorney Patrick McGrath, County Counsel Daniel Montgomery, and their staffs has been very helpful to this year's Grand Jury. We would also like to thank Court Executive Officer Steve Konishi, Deputy Court Executive Officer Evelyn Allis and their staff. They have been available and willing to help us with all of our needs.

Finally, I would like to thank my fellow jurors for all of their cooperation and hard work throughout this past year. It has been an interesting and exciting year and hopefully some new friendships will continue. I want to encourage the residents of Yuba County to consider becoming a Grand Juror. They will find it to be very worthwhile and a learning and rewarding experience. To review the grand jury web site, go to [www.yubacourts.org](http://www.yubacourts.org), click on Grand Jury and bring up the web site!

Sincerely,

Mary Reynolds  
Foreperson, 2003/2004

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## *IN LOVING MEMORY*



**Brenda Rutledge  
1940-2003**

Brenda Rutledge was born in Bakersfield, California, on December 12, 1940. After living several years on a local dairy farm, Brenda and her family moved to Buena Park, California, where she graduated from high school in 1959. After graduation, Brenda worked at various jobs, eventually joining the Los Angeles Sheriff's Department in the 1970's. She served the Department for over 25 years before retiring in 1999. Wanting to be closer to family, Brenda moved to the Yuba-Sutter area that same year. She was a faithful member of Loma Rica Baptist Church, where she was involved in various ministries working with children. On December 12, 2003, Brenda was killed tragically in a car accident on Highway 20, on her way home from helping a church member in need. Brenda was loved by all who knew her, and will be greatly missed.

This report is dedicated to Brenda, who served with us, and for you, on the 2003-2004 Yuba County Grand Jury.



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## 2003-2004 Yuba County Grand Jury

Robert Agles	Wheatland
Clara Ansley	Olivehurst
Betty Bruno	Marysville
Marian Chew	Marysville
Alice Colston	Olivehurst
Karan Curbow	Wheatland
Demonia Dibble	Browns Valley
Rickeia Dotson	Marysville
Betty Endresen	Marysville
Janet Giorgianni, Secretary	Olivehurst
Gary Jones	Smartville
Judy Middleton	Wheatland
John Morral	Smartville
William Paul	Loma Rica
Mary Reynolds, Foreperson	Browns Valley
Laura Sanders	Marysville
Ruby Schoenig	Marysville
Daisy Shelton	Olivehurst
James Walchesky, Foreperson Pro-Tem	Marysville

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# History of the Grand Jury

Some historians believe that the earliest versions of the Grand Jury existed in Athens, where the Greeks used citizen groups to develop accusations. Others find traces of the concept in the Teutonic peoples, including early Anglo-Saxons. Evidence also exists that the early French developed the "King's Audit", involving citizens who were sworn and required to provide fiscal information related to the operation of the kingdom.

Most commentators, however, believe that the Grand Jury arose as an institution in England. In the first millennium, English individuals prosecuted criminals with the King personally involved in the system. Anglo-Saxon King Aetheired (980-1016) appointed a dozen landowners to investigate alleged crimes. In 1166, King Henry II established a system of local informers (twelve men from every hundred) to identify those who were "suspected of" various crimes. If the suspects survived their "trials by ordeal", they paid fines to the King. The "informers" were fined, however, if they failed to indict any suspect or even enough suspects. After 1188, they became tax collectors as well and after the reign of Henry III, they were charged with looking into the condition and maintenance of public works.

The Magna Carta, signed by King John in 1215, did not mention the Grand Jury, specifically, but did establish various procedures to ensure fairness in the dispensation of justice. Thereafter, until the mid-1300's, the 12-man juries served both to present indictments and also to rule on the validity of charges. During Edward III's reign from 1312-1377, the 12 individuals were replaced by 24 knights, called "le grande inquest" and the 12 became a "petit jury" responsible only for declaring innocent or guilty verdicts.

Ultimately, in the 1600's the English Grand Jury developed as a process to determine whether there was probable cause to believe that an accused individual was guilty of a crime. Grand juries reached their English pinnacle of citizen protectors in 1681 when they refused to indict enemies of King Charles II for alleged crimes. Ironically, English laws establishing grand juries were repealed in 1933.

The use of juries in earliest American colonial history was limited. However, procedures similar to grand juries were used to hear criminal charges of larceny (Boston, 1644), holding a disorderly meeting (Plymouth, 1651), and witchcraft (Pennsylvania, 1683).

In the early 1600's, colonial representatives of the English monarchs made laws and prosecuted violators. The first grand juries recommended civil charges against those crown agents, thus establishing themselves as representatives of the governed, similar to grand juries today. The first grand juries also looked into

government misconduct or neglect. For example, the first colonial grand jury, established in Massachusetts in 1635, "presented" town officials for neglecting to repair stocks, and also considered cases of murder, robbery, and spousal abuse.

Other early grand juries performed a variety of administrative functions, including audits of county funds (New Jersey), inspections of public buildings (Carolinas) and review of taxes and public works (Virginia). Virginia grand juries also investigated whether each family planted two acres of corn per person.

Later on during colonial times, grand juries considered criminal accusations and investigated government officials and activities. Grand jurors included popular leaders such as Paul Revere and John Hancock's brother. These grand juries played a critical role in the pre-revolutionary period. For example, three grand juries refused to indict John Peter Zenger, whose newspaper criticized the royal governor's actions in New York.

Although he was ultimately prosecuted by the provincial attorney, Alexander Hamilton defended him and a petit jury acquitted him. Grand juries also denounced arbitrary royal intrusions on citizens' rights, refused to indict the leaders against the Stamp Act of 1765, and refused to bring libel charges against the editors of the Boston Gazette in 1766.

After the Revolutionary War ended, the new Federal Constitution did not include a grand jury. Early American leaders such as John Hancock and James Madison objected. Thereafter the grand jury was included in the Bill of Rights, as part of the Fifth Amendment, which states in pertinent part: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger." Until today, the federal grand jury remains an integral part of the justice system, used by federal prosecutors for a variety of potential crimes.

As the various states were admitted to the Union and adopted their legal and operating procedures, almost every one initially included some reliance on grand juries to either review criminal indictments or inquire into government activities, or do both. Some states' grand juries were very active in administrative affairs, even including recommending new laws.

Throughout this state-by-state development, the underlying concept remained the same: ordinary citizens, neighbors and others on grand juries were a necessary part of government to ensure that public prosecutors were not swayed by personal or political prejudices, and that government officials efficiently and effectively performed jobs.

Today, all states except Connecticut and Pennsylvania and the District of Columbia may use grand juries to indict and bring criminal trials. Twenty-three states and the District of Columbia require that grand jury indictments be used for

certain more serious crimes. California and twenty-four other states make use of grand jury indictments optional. All states and the District of Columbia use grand juries for investigative purposes.

Currently, the California Grand Jury has three basic functions:

1. To weigh criminal charges and determine whether indictments should be returned;
2. To weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office;
3. To act as the public's "watchdog" by investigating and reporting upon the affairs of local government

Of these functions, the watchdog role is by far the one most often performed by the modern grand jury in California. It is estimated that between 83% and 85% of the average grand jury's time is spent in investigating county agencies. The reporting function of the grand jury is central to its effective operation in the public interest. Grand juries have issued reports on the conduct of public officials and other matters pertaining to local governance for hundreds of years. The final report, containing the grand jury's findings and recommendations on the subjects of its investigations is the normal end product of the grand jury's activity in the performance of its watchdog function and is the formal means by which the grand jury seeks to effectuate its recommendations.

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# Cities



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# City of Wheatland

## **Focus of Investigation**

The focus of this investigation was to observe and inspect the operations of various departments in the City of Wheatland, with particular interest in how the city is handling its current growth, and preparing for its future.

## **Reason for Investigation**

The Grand Jury is authorized to visit departments of the city and county during its regular term of office.

## **Process of Investigation**

The Cities Committee of the Yuba County Grand Jury visited, interviewed, and/or toured the following departments/sites within the City of Wheatland: City Hall, Fire Department, Wheatland Cemetery, Public Works Department, Police Department, and City Council.

## **City Hall**

The committee visited City Hall, meeting with the City Clerk and the Secretary. The committee was informed that the Secretary and the City Clerk act as staff for the Financial Officer. The Secretary writes receipts for all monies collected, and also writes all checks payable for the signature of the Financial Officer. The Secretary and City Clerk also act as staff for the Building Inspector and the City Administrator. The committee had occasion to observe the City Clerk in action when it attended several of the City Council meetings.

## **Fire Department**

Committee members visited the Wheatland Fire Department and met the only full-time employed firefighter and two volunteer firefighters. The full-time employee has the rank of captain, and his time is divided among the three substations. Volunteer firefighters are paid by the number of calls they answer; however, their pay scale differs depending upon their experience and training. Volunteers are paid equally for time spent at training drills. The committee learned that the Fire Chief is a volunteer firefighter, and is paid the same as the other volunteers. When he is not on call or duty, the in-charge position follows the chain-of-command. There are currently three substations: Plumas-Brophy I, Plumas-Brophy II, and Wheatland. Sometime during the next two years, a new substation will be built on the west side of town. Presently, there are negotiations to establish a fire district which will include all substations and have a five-member Board of Directors consisting of two City Council members, two members from Plumas-Brophy area and one member-at-large.

The committee toured the premises, finding that although small, the facility appeared to be functioning without difficulty; however, the committee feels Wheatland's rapid growth may greatly affect the facility's capabilities in the near future.

### **Wheatland Cemetery**

The committee toured the Wheatland Cemetery and spoke with the caretaker, Mr. Simmons, who has worked at the cemetery since 1983 and is the only full-time employee. Mr. Simmons explained that there is one part-time employee who works approximately six months a year. Mr. Simmons receives overtime pay, when it applies, one week paid vacation per year, and Workers' Compensation Protection. The caretaker's supervisor is the Cemetery Board, and the Cemetery Board's supervisor is the Yuba County Board of Supervisors. When asked, Mr. Simmons commented that he is satisfied with the equipment he has, such as mowers, which he and his assistant run every day.

The Wheatland Cemetery District Board receives new members by accepting applications for a position, reviewing those applications, and then making its selection. The applicant is then presented to the Board of Supervisors for final approval.

The cemetery is funded by the County of Yuba through a percentage of county taxes, with all revenue first going through the County Auditor's office. After that, revenue from the sale of burial plots goes to the Wheatland Cemetery District. Burial plots are sold for \$150, but the committee was informed that the price is going up.

Some development has occurred in the area adjacent to the cemetery. It appears that there is some disagreement by residents as to whether or not there is adequate parking for cemetery visitors. Prior to development, visitors were able to park along the entire south side of the cemetery. Now, with a change in the road and intersection near the cemetery and a culvert installed along the south side of the cemetery, this area is inaccessible to vehicles. All that is left for overflow parking is a small triangle of land on the south side of Wheatland Road. Parking at a nearby school site is permitted when space is available.

There is another cemetery under the jurisdiction of Wheatland Cemetery District, called Lofton Cemetery, located off of Ostrom Road. This cemetery merged with Wheatland some time ago. Volunteers are instrumental in the appearance of this cemetery, with particular attention to Memorial Day and Veteran's Day.

### **Public Works**

The committee visited the Department of Public Works and interviewed both the Director, Larry Panteloglew and Water/Waste Superintendent, Donald Scott. Mr.

Panteloglou and Mr. Scott gave committee members an overview of the department.

Public Works provides and/or maintains the following services for the City of Wheatland: Water, waste treatment, city roads, storm drains and drainage, and city parks. It operates under the regulations of the Department of Health Services for the State of California and the State Water Resources Control Board. Both the Director and the Water/Waste Superintendent are hired by the City Administrator and approved by the City Council. The staff consists of the Director, the Superintendent, two full-time employees who maintain the parks, roads, gutters and drains, and one full-time employee in charge of operations and maintenance for water and sewer systems. Other part-time employees are hired as needed. It was noted that while full-time employees receive some benefits, or in lieu thereof a monthly stipend, part-time employees do not receive any benefits. (The Director and the Superintendent receive insurance coverage through other employment.)

Both Mr. Panteloglou and Mr. Scott were hired in 1998. At the time, the City's water system was in dire need of repair. Wells needed casing repairs and many of the underground pipes were broken, leaking and/or too small to take care of the needs of transporting water to its destinations. The U.S. Department of Agriculture (USDA), along with the City Council at the time, projected the cost to repair and update the entire system to be approximately three million dollars. The USDA awarded a grant to the City of Wheatland in the amount of one million dollars to get the project underway. Early on in the project it became apparent the repair cost would run more than anticipated. The final cost was about 4.2 million dollars. The 3.2 million dollar balance is being paid from current revenues and past reserves. When new revenue is received from current building developments, the City will then be able to build up a reserve. (Note: During the time of the investigation, the committee found that water meters were installed on all residences in the City of Wheatland. To date, billing is still on a "flat-rate". The City is currently "test reading" the meters in certain sections to ensure they work properly before converting to the new system.)

Committee members toured the new facility completed in May of 2003, and observed the computer system which operates the entire water system. All wells are monitored 24-hours a day. The department has generators in the event of a power outage, with alarms on the system to alert of any problems. The committee was impressed with the new system. The Director stated that the department has received a lot of support from the City Council. Public Works is now working with the USDA and the City Council to proceed with updating the City's sewer system.

The committee was provided a copy of the budget for the current year, which the Director and Superintendent drafted themselves. The department's budget has been about \$400,000 annually, but they feel this will have to be adjusted due to Wheatland's rapid growth. As a result of this growth, any new development in

the City must have its own water and sewer system matching the standards of the City's most up-to-date systems. All water revenue goes through City Hall. Public Works has a fund from which bills are paid.

### **Police Department**

Committee members visited the Police Department, and interviewed Police Chief Mears. Chief Mears has been Chief of Police for 17 years, having been appointed by the City Council. Chief Mears explained to the committee that the department has seven full-time officers and six part-time reserve officers. Reserves receive \$10 per month. There are no volunteers on the force. Full-time officers work 12-hour shifts, 3 days on/4 days off, then 4 days on/3 days off. Officers have some medical benefits, and a retirement plan is set to go into effect July 1, 2004. It should be noted that the Police Officers' Association has presented an alternative plan. This matter is presently before the City Council. Officers are subject to the standards of the State Police Officer Standards of Training Rules and Regulations. This is a state commission, with rigid standards for all police officers. The Chief stated that reserves are trained by full-time officers and monitored by him. All officers are hired by the City Council after a thorough background check by the Chief, and hired only on his recommendation. Chief Mears also feels that he has a good relationship with his officers, and stated that each officer is evaluated annually.

Currently the department does not have a dispatcher. When the Chief and other officers are out, the station is locked. When this happens, phones are set on "call forty" (short for call-forwarding) and calls are automatically transferred to the on-duty officer's phone. This way, no calls are missed.

The Police Department provides all law enforcement services to Wheatland, including traffic, public relations, and detective work. Chief Mears feels that he has adequate equipment and stated that he thinks the department's vehicles are the best in the County and perhaps the State. Cars have all radio channels, a camcorder, radar, and a "Taser" gun, which is a non-lethal weapon. The Police Department also handles Animal Control. Wheatland has no animal care facility, so animals must be transported to the Yuba County Animal Care Facility.

Chief Mears reported that he prepares his own budget, basing it on the previous year's spending. After the budget is prepared, the Chief submits it to the City Council for approval. The committee requested a copy of the budget and was given a computer printout showing the beginning balance, expenditures and current balance of funds. The department receives revenue from fines, parking tickets, drunk driving fees, and from copying reports requested by those who need them at \$7.00 per copy. Fingerprinting is done by request for a fee of \$10.

Chief Mears stated to the committee that he sees Wheatland growing rapidly, with not enough funds to meet the City's increased law enforcement needs. At present, when officers are on patrol, they are usually alone, and do not have

back-up in the event of an emergency. Also, Chief Mears feels the department needs a dispatcher on duty, at least during the day, to take care of incoming calls, and other business. The Chief also expressed his desire to have an additional officer on duty, with an officer on desk duty and a sergeant in charge.

### **City Council**

The committee attended several City Council meetings, observing their procedures and listening to issues being brought before them. The City Council consists of five members and because Wheatland is a General Law City, the City Council elects its mayor. A council member's term is four years. Election years are staggered in order to maintain some experienced members.

The committee interviewed several City Council members: Mayor Gary Ulman, Roy Crabtree, and Lisa McIntosh, as well as Jim Thompson, who is both City Administrator and Building Inspector. Committee members inquired about wages and benefits for full-time city employees and were told that because of the size of the City, with only about 12 full-time employees, it is very difficult to attract an insurance carrier that can provide a package of benefits at a price the City can afford. As the City grows, it will need additional staff, making it necessary to obtain employee benefits. Presently, the City offers some benefits to employees. They also have the option to receive a monthly stipend of \$150 instead of benefits. Mr. Ulman agreed that in order to attract good employees, the City needs a good benefit program.

One important, ongoing project before the City Council is the update of the General Plan for the City of Wheatland. This study is being funded by several developers who plan to build in Wheatland. The study covers the sphere of influence, rapid growth, impact of traffic, as well as necessary additions to roads, streets and schools. This study is also addressing the possibility of annexing several parcels into the City of Wheatland. The Yuba County Board of Supervisors and LAFCO (Local Agency Formation Commission) are also involved in this study.

The committee observed, first-hand, some of the traffic problems facing Wheatland, especially during peak hours. The committee was informed that there is added traffic patrol during these peak hours. One of the major problems noticed, in addition to heavy traffic, was the high number of traffic violations occurring, specifically the illegal passing of cars on the right side of cars making left turns. There is not enough room for this, causing potential danger to pedestrians and/or bicycle traffic. The committee addressed these problems at a meeting with City Councilman Crabtree and City Administrator Thompson. They stated that the only thing holding up the traffic light project is paperwork. The City received \$150,000 from the "race track project" to pay for necessary improvements due to a projected increase in traffic. The City used a portion of the funds to pay for a study before installing the light. The City agreed to do this when CalTrans agreed to apply the cost of the study to the City's share of the

expense for the light. The City's remaining cost is approximately \$50,000. The study indicated that the City qualified to have two traffic lights, with three lanes going through town, ending at Bear River School. There will also be curbs, gutters and sidewalks through the City. Committee members were also told that the City was awarded a grant of \$500,000 to use for child safety. Currently there is a crossing guard each morning and afternoon to assist children across Highway 65.

In the interview with Mr. Thompson, the committee learned that operations for Building Inspector are under the ICBO (International Conference of Building Officials). The Office of City Administrator serves at the will and pleasure of the City Council. The Building Inspector is certified by the State of California. According to the Council and Mr. Thompson, he has been the "Temporary" City Administrator for seven years. His staff includes the City Clerk, the Treasurer, and a CPA (certified public accountant), as well as necessary clerical staff. Mr. Thompson's position as Administrator is a non-paying position. He has been the Building Inspector for ten years. Mayor Ulman told the committee that building fees are collected when a person or developer brings in blueprints for a building, and the fee is assessed according to square footage. The Building Inspector receives 30% (this serves as his salary) and the City receives 70% of each fee. The Building Inspector explained that he only accepts his 30% portion of new house fees, while other fees available to him through remodeling and additions to existing buildings are donated back to the City.

Pursuant to a citizen's complaint, Mayor Ulman was asked who supervises the Building Inspector, and he stated that the City Council is his supervisor. The committee asked Mayor Ulman if there was a problem with the City Administrator and the Building Inspector being the same person, and he replied that if there was a complaint or conflict, it would go to the City Council which makes the final decision concerning any conflict.

The City Council is hoping to bring new businesses to Wheatland so that they will have a larger tax base. Council members feel, however, that these businesses will most likely be located in the newer, rather than older, part of town. The Council projects that by the year 2012, Wheatland's population will reach 25,000. The engineer working with the City on development also worked on the Twelve Bridges Project.

### **Summary**

For several months, the Cities Committee has interviewed public officials, visited various city departments, and attended City Council meetings. Committee members have also reviewed budgets, the proposed General Plan, and the proposed new development for the City of Wheatland. The committee finds that the City of Wheatland is feeling the pain of rapid growth. Many of the facts and figures have changed during the course of our investigation. Taking this into account, the committee is concerned about the future serviceability of Wheatland's infrastructure to its residents.

## **Findings**

1. Although this committee is concerned about Wheatland's adaptability to its rapid growth, it finds the City of Wheatland's infrastructure to be operating at a satisfactory level. All service agencies are aware of the challenges ahead and are in the process of implementing strategies to meet future needs of residents.
2. Apparently, paperwork is the only thing preventing the overdue installation of much-needed traffic light(s) in Wheatland. CalTrans is currently reviewing bid documents that will be sent out for bid. The committee is concerned that if the project continues at its current pace, it will be at least a year before the light(s) is/are installed.

## **Recommendations**

1. The population of Wheatland is projected to reach 25,000 by the year 2012. The Cities Committee recommends that future Grand Juries continue to monitor the growth rate of Wheatland and its infrastructure.
2. The City of Wheatland should try to establish a reasonable employee benefit package for full-time employees.
3. The City of Wheatland should pursue the repair, updating, and expansion of the existing sewer system, and set aside a portion of water/sewer revenue received from residents for maintenance and future repair of the City's water/sewer system.
4. The committee strongly recommends that the City of Wheatland research ways to expedite the City's traffic light project and explore ways of motivating CalTrans to prioritize the installation of Wheatland's much-needed traffic light(s).
5. If possible, Wheatland Cemetery needs to provide security for the cemetery and to improve accessibility, install a pedestrian access gate on the east side of the cemetery. The committee also recommends that the Wheatland Cemetery Board investigate the parking situation at the cemetery, taking necessary action to provide adequate parking for visitors.

## **Responses Required for Findings**

None

## **Responses Required for Recommendations**

- |         |                             |
|---------|-----------------------------|
| 1       | None                        |
| 2, 3, 4 | City of Wheatland           |
| 5       | Wheatland Cemetery District |



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# City of Marysville

## **Focus of Investigation**

To investigate alleged misconduct of malfeasance by a City Official using inside or privileged information regarding the pending bankruptcy of the now defunct Feather River Baseball, LLC, ( also known as "Mudcats" or "Furies").

## **Reason for Investigation**

This investigation was the result of a complaint filed with a previous Grand Jury and forwarded to the present Grand Jury for further investigation.

## **Process of Investigation**

Two former Grand Jury members were interviewed separately. Both jurors encouraged the committee to further pursue the investigation. The committee was informed that the previous Grand Jury had interviewed the City Official in question under oath, but the interview had not been transcribed. A transcript of the interview was obtained by the committee and used in the course of investigation. The former grand jurors provided names of possible witnesses.

One of the former owners of the Mudcats/Furies baseball team was interviewed. This individual informed the committee that when it became apparent that the team was in financial trouble, and when the Marysville City Council/Marysville Community Development Agency refused an extension of time for the team to make the due payments, he informed the Council it would be necessary for the team to file bankruptcy. The former owner of the baseball team stated to the committee that the City Official in question was present when this occurred and, therefore, was aware of the pending bankruptcy. The former owner gave the committee the names of two former employees who could give information concerning the business operations of the baseball team.

The committee interviewed both former employees, separately. One of the employees stated that due to the baseball team's policy of "no refunds", he remembered having to ask the owner for direction for handling the City Official's request for a refund. He was instructed by the owner to "go ahead and give the [City Official's] money back". The second employee stated that there was a policy of "no refunds", but that a refund was given to the City Official because the City Official had been instrumental in bringing the baseball team to Marysville. Both employees stated that there was only one refund made by the baseball team, which was to the City Official.

The committee was informed that all records and receipts of the operation of the Mudcats/Furies were left in the office located in the city building at 9<sup>th</sup> and B Streets in Marysville. The City Clerk informed the committee the City did not

have any records belonging to the baseball team. The committee interviewed the current owner of the Gold Sox Baseball Team, who gave the committee unlimited access to the building. After searching the office and an adjacent storage room on three occasions, the committee found records and receipts of previous years of Feather River Baseball, LLC, operations, but nothing pertaining to the year 2000-2001, which was the year in question. The new owner of the Gold Sox team and the office manager confirmed that they have no records from the previous teams. All the new owner received was a cardboard box from the City which, upon inspection, contained no information helpful to the investigation.

The City Clerk provided the committee with Official Minutes of the City Council and the City Development Agency. The committee thoroughly examined these records, making copies of the minutes of meetings on dates which were pertinent to the investigation.

Three City Officials were interviewed, separately, under oath, including the City Official under investigation. The testimony of each of these individuals was transcribed.

From the Bankruptcy Court in Sacramento, the committee obtained the date of filing of the baseball team's bankruptcy petition, the file number, and the name of the assigned independent trustee. The trustee informed the committee that according to 11 USCS, Sec. 547, any payment made by the baseball team within a 90-day period prior to filing a petition for bankruptcy is a part of the bankruptcy estate.

The evidence the Grand Jury obtained suggests the date of the receipt of the information by the City Official was February 2, 2001. The bankruptcy petition was filed on February 13, 2001. The committee issued subpoenas to various banks and credit reporting agencies to ascertain the specific date and method by which the City Official received a refund, but this information will not be obtained prior to the printing of this report.

### **Summary**

There is no argument between this committee and the City Official who is the subject of the complaint that season tickets were purchased in December of 2000 for the upcoming baseball season.

There is no argument between this committee and the City Official who is the subject of the complaint that this individual received all money back for the 2001 season tickets.

Discovery is continuing concerning the reason for obtaining the refund, the time that the City Official requested the refund and the date the baseball team paid the refund. There is also a dispute whether moneys received were in fact a refund, or merely a cancellation of the order for season tickets.

### **Findings**

In mid-December, 2000, the City Official purchased season tickets for the upcoming baseball season, 2001.

On February 2, 2001, a special closed meeting of the Marysville City Community Development Agency was held to discuss "anticipated litigation".

On February 5, 2001, the Marysville City Community Development Agency filed a court action for "unlawful detainer" against the Feather River Baseball, LLC.

On February 6, 2001, at a regular meeting of the Marysville City Council, it publicized that the baseball team was in trouble.

On February 13, 2001, the Feather River Baseball, LLC, filed for bankruptcy, Chapter 11, in Sacramento, California.

Under the bankruptcy laws, any payment of money paid out by a bankruptcy petitioner 90-days prior to the filing of a bankruptcy petition is considered a part of the bankruptcy estate.

### **Recommendations**

Investigation is continuing as to whether the City Official used inside information to obtain the refund or cancellation of his purchase of season tickets. The Grand Jury recommends that the subsequent Grand Jury complete the inquiry.

### **Required Responses for Findings**

None

### **Required Responses for Recommendations**

Yuba County Grand Jury 2004-05

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# County

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# Yuba County Community Development Department Code Enforcement Division

## **Focus of Investigation**

The focus of this investigation was to gain a better understanding of the procedures and responsibilities of the Code Enforcement Division and to assess its operations.

## **Reason for Investigation**

Grand Jury records indicate that the Code Enforcement Division has not been investigated in recent years. The Grand Jury is authorized to visit departments of the City and County during its regular term of office. After the initial visit, the Grand Jury received a citizen's written complaint concerning Code Enforcement procedures.

## **Process of Investigation**

The Counties Committee interviewed the Assistant Director of the Community Development Department Peter Calarco on September 29, 2003. Prior to assuming the duties of Assistant Director, Mr. Calarco was the Principal Planner for County Planning.

Mr. Calarco explained that the division operates under Title 7 of the Yuba County Ordinance Code, and has three (3) enforcement officers, with approximately 400 active cases pertaining to the identification and abatement of public nuisances within the County of Yuba, including public nuisances which have a blighting influence and/or are detrimental to the health, safety and/or welfare of residents of the County. He stated that there is a 50% record of cases being settled, worked through, and closed. At the time of the September 29, 2003 visit, 736 cases had been opened in the calendar year and during that same time period, only 311 cases were closed. The revenue generated by the Code Enforcement Division is deposited into the County's General Fund and is tracked by a system called "Data Base." The tracking of these funds was initiated in February 2003.

Mr. Calarco informed committee members that in January/February of 2003, Code Enforcement moved from under the umbrella of Environmental Health to a division within the Community Development Department. Mr. Calarco gave an overview of the division and provided a demonstration of "Trak It", the Department's computer tracking system. The committee requested, received, and subsequently reviewed, the following written information:

1. A copy of the citation procedures,
2. A copy of Chapter 7.36 "Property Maintenance Ordinance",
3. A report of caseload activity,
4. Costs associated with the Code Enforcement Division.



On November 4, 2003, the Board of Supervisors approved 22 new positions to Community Development/Public Works. These positions were in response to the number of new housing construction in the County. In anticipation of new code enforcement positions, a Supervising Code Enforcement Officer position was created. The position was filled from within by promoting Mr. Jeremy Strang, a County Code Enforcement Officer. Backfilling of the vacant position was anticipated, but uncertainties in state funding have prompted the County to impose a hiring freeze and the staffing level remains at three.

In response to a written complaint, a visit to the complainant's residence was made on May 13, 2004. Committee members interviewed the complainant and viewed the property. The complainant provided documentation, correspondence and pictures related to the complaint.

On May 18, 2004, another meeting was held with Code Enforcement Division staff at the new Government Center. Representing Yuba County was Mr. Strang, the new Supervising Code Enforcement Officer, and Code Enforcement Officer John Jacenich. During this meeting, code enforcement staffing, operations, and the complainant's issues were discussed.

Committee members investigated the complaint filed against the Code Enforcement Division. The complaint alleged that the Code Enforcement Division had not followed the letter of the law in pursuing the cleanup of property. Documents reviewed by the committee indicated the complainant has initiated litigation. Therefore, the Grand Jury cannot investigate this complaint further.

### **Findings**

At the time of visit, the Code Enforcement Division had 736 cases that were opened in the previous calendar year. During that time 311 of the cases were resolved and closed. The remaining 425 cases were still open and efforts were being made by enforcement staff to resolve issues and produce closure.

### **Recommendations**

The Code Enforcement Division needs to review its management and handling of code enforcement cases and assess if there are ways and means to reduce the ratio of new cases to those being resolved and closed.

### **Responses Required for Findings**

Code Enforcement Division,  
Yuba County Community Development Department

### **Responses Required for Recommendations**

Code Enforcement Division,  
Yuba County Community Development Department

# Yuba County Auditor-Controller

## **Focus of Investigation**

The focus of this investigation was to interview the Auditor-Controller, Assistant Auditor-Controller, and possibly support staff.

## **Reason for Investigation**

This investigation was conducted to gain a better understanding of the procedures and responsibilities of this department and to gather information through inquiry about issues pertaining to other ongoing Grand Jury investigations.

## **Process of Investigation**

The County Committee met briefly with the Auditor-Controller, Dean Sellers, and at length with the Assistant Auditor-Controller, Albert Dehr, on January 21, 2004, in the old County Offices at 935 14<sup>th</sup> Street. Mr. Dehr gave a brief overview of office procedures and operations.

The County Auditor-Controller is an elected official and reports to the State Controller's Office. The office is non-political and is taxpayer oriented. The office operates under the Office of Management and Budget guidelines because the county seeks federal grants, among others.

The committee requested and received computer printouts showing the Final Approved Budget and Financing sources. The committee was informed that records are updated on a daily basis. The committee was also provided with Financial Statements, the Independent Auditor's Report and Management Report. The Auditor-Controller's Office receives and records all incoming funds from the state, county tax payments and payments to county departments for services rendered or permits issued. The funds are then coded to the specific department or area generating the revenue. The office is also responsible for tracking the funds, making payments and assessing the County's overall fiscal condition. All incoming and outgoing funds are tracked by computer. Mr. Dehr stated the office has increased its productivity about 3-4 times since becoming computerized and financial information is more readily available.

Due to several ongoing Special District reviews by the Grand Jury, the committee asked numerous questions in regard to how the Auditor-Controller's Office functions with respect to Special Districts. The committee was informed that Special Districts individually are not included in the County's yearly budget but are all "lumped together" under a single reference code. All Special District tax assessment funds come into the Auditor-Controller's Office accounting system and are coded according to district, but Special Districts normally write their own

checks, pay their own bills with numbered checks provided by the Auditor-Controller's Office and have their own record-keeping systems.

The committee inquired about funds used for the new County Government Center. Mr. Dehr explained that the funds used were from the "tobacco revenue" obligations owed to the County and intended for capital improvements. The funds received were used to build a new animal care facility, remodel existing county buildings, and remodel the old "Wards" building into the County Government Center. **Future incoming tobacco dollars must be used to educate youth on the dangers of smoking.**

### **Summary**

The committee found the interview to be very enlightening. Many questions were answered about how money is tracked after it is received by the County and until it is expended and leaves the county coffers. Mr. Dehr was well-prepared for the interview and presented the information in a way that was both interesting and understandable. The committee did not speak, at length, to any support staff.

### **Findings**

Carlos E. Soler, Certified Public Accountant, conducted a County, Independent Management Review for the year ending June 30, 2003. Contained in the Management Report dated October 24, 2003, are 16 findings, most relating to fiscal management issues. Though the various county departments noted in the report have responded to the findings and recommendations with a "Corrective Action Plan", six of the findings had also been made in the previous year's Management Report. Departments with the most findings are the Airport (4 findings), and the Sheriff's Department (6 findings).

### **Recommendations**

1. The Auditor-Controller's staff needs to follow-up on corrective action responses made by county departments to assure that corrective action is being implemented. Deficiencies and problems need to be corrected and/or remedied so they do not continue from year to year to avoid being reported again in future reviews.
2. The committee recommends that the 2004-2005 Grand Jury investigate Yuba County Airport operations.

### **Responses Required for Findings**

Auditor-Controller

### **Responses Required for Recommendations**

- |   |                    |
|---|--------------------|
| 1 | Auditor-Controller |
| 2 | None               |

# Yuba County Clerk/Recorder

## **Focus of Investigation**

The focus was to visit the Elections Office and witness the historic recall election of Governor Gray Davis.

## **Reason for Investigation**

By request, from Terry Hansen, Yuba County Clerk/Recorder

## **Process of Investigation**

Members of the Grand Jury toured the Elections Office and interviewed Terry Hansen, County Clerk/Recorder. Ms. Hansen is an elected official, and the office staff consists of a Supervisor of Elections and five Deputy Clerk/Recorders. Jury members observed workers numbering ballots with markers. Ms. Hansen explained that the workers were numbering the voted absentee ballots. Due to the unprecedented number of candidates on the ballot, it was necessary to number the ballots in each sleeve so that in case they were separated, they could be matched up again. (This process was taking place throughout the state in one form or another.) The Grand Jury members proceeded to the ballot counter where the ballots would be counted. The ballots are stacked in the card reader, which is connected to a computer. The computer has been programmed to count this election. As the ballots are read, the computer records the votes and a tally is printed.

Terry Hansen explained to jury members how absentee ballots are processed. The Elections Department begins issuing absentee ballots approximately one month before the election. As the voted ballots are returned, the signature of the voter is compared to the signature on their voter registration affidavit. The voted ballot is then placed in a locked ballot box until the Monday before Election Day. At this time an Absentee Board is brought in and the identification envelopes are opened. The secrecy envelopes containing the voted ballots are removed from the identification envelope. This preserves the confidentiality of the voter. (The identification envelopes are placed in storage along with other election materials. This is placed in secured storage for 22 months before it can be destroyed.) The voted ballots are then removed from the secrecy envelopes and checked for bent cards, hanging chads, torn cards, tape or anything that could jam the card reader. These damaged cards are then moved to the Ballot Duplicating Board. The duplicated ballots are then placed with the ballots to be counted. The damaged ballots are sealed in an envelope, identified and stored for 22 months. The voted ballots are then placed in a cardboard container, a temporary seal with identifying information is placed on it, and the container is then locked up until it is time to count ballots.

Poll workers are selected in many different ways. The first choice is to contact the workers from the last election and hope they will serve again. Additional workers are selected by phone calls, applications on voter registration cards, sample ballots, newspaper and radio advertising.

The original voter registration affidavits are filed alphabetically in a large file. The office staff refers to it as "the tub". Ms. Hansen is purchasing a new Voter Registration System after moving to the new Government Center. This system will have Signature Retrieval on the computer screen and will speed up the process of verifying signatures. The original registration affidavit will no longer need to be pulled.

Ms. Hansen is looking forward to moving to the new Government Center and implementing the new system. She feels with her small staff, it is necessary to have the most updated technology.

### **Summary**

The Grand Jury enjoyed its tour of the Elections Office, and Terry Hansen's explanation of election operations. The office atmosphere was calm and organized. The new voter registration system will improve efficiency for registration. It should be noted at the time of this report that all voting sites in Yuba County are ADA (Americans with Disabilities Act) compliant. At this time, it is unclear which new voting systems will be approved by the State of California and implemented by the counties.

### **Findings**

None

### **Recommendations**

None

# Law Enforcement

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# Yuba County Jail

## **Focus of Investigation**

This investigation focused on the general conditions at the Yuba County Jail facility, with added interest in the areas of meal service and commissary inventory.

## **Reason for Investigation**

This investigation was conducted for two reasons. The first is that the Grand Jury, pursuant to California Code Section 919(b), "...shall inquire into the condition and management of the public prisons within the county". The second reason stems from an inmate's complaint concerning insufficient quantity of food at meal times and inability to purchase "enough" food items from the commissary.

## **Process of Investigation**

The Law Enforcement Committee interviewed Sheriff Virginia Black to get some background information. Assisting Sheriff Black were Capt. Mark Chandless and Lt. James Downs. During this interview, the committee asked about touring the Yuba County Jail. The sheriff stressed that no visit to the jail would be allowed without an appointment. (Sheriff Black later explained that, operationally, there can be difficulty in having unannounced visits, and that visits will be allowed at any time, if feasible.)

The committee then met with Sheriff Black on the appointed day to tour the Yuba County Jail, and were shown the central control room, classes in session, men's and women's sections, the health section, law library, kitchen, commissary, and laundry facility.

The Central Control Room is equipped with a video monitoring system enabling the person on duty to view many areas of the jail, both inside and out. They can also control all doors.

The committee observed a group of inmates participating in an A.C.T.S. (Alcohol Control Substance Treatment Series) group. Various classes are offered to the inmates, including trade classes such as construction skills and electrical work.

The Men's Section has a video monitoring system with its own operator that works in conjunction with the main system in the central control room. The men's section also has its own barber shop run by inmates. Inmates are brought to the shop by a deputy, and doors are locked. The shop is checked, before and after



use, for contraband. Inmates use electric clippers with plastic attachments. No scissors or blades are allowed.

The Women's Section was toured. One of the rooms, a former visiting room, is now a training room. Inmates learning construction had renovated the space into one large room furnished with tables and chairs. Sheriff Black was able to acquire some discarded computers, enabling the women to learn basic computer skills. Other classes, such as anger management, G.E.D. (General Education Degree) classes and drug/alcohol awareness are also offered. The G.E.D. classes are taught by a credentialed teacher. MJUSD initially pays the teacher and is then reimbursed by the Inmate Welfare Fund. Inmates are able to work toward their G.E.D. while in jail and, upon completion, receive a degree from MJUSD.

The Health Section was found to be outstanding. It is staffed by an RN (Registered Nurse), LVN (Licensed Vocational Nurse), and a NA (Nurse's Assistant) 20 hours a day, and a doctor 5 days a week. A psychiatrist comes in once a week. There are seven cells in the medication wing, two of which are for contagious inmates. Inmates can bring their own medication, which is turned over to the nurse, and the doctor checks it for accuracy. If the inmate is examined and he/she is determined to need medication and does not have it, the doctor will prescribe it. The prescription is then brought to the jail and given to the nurse, who dispenses all medications. After an inmate leaves the jail, any remaining medication that the County has purchased is returned to the pharmacy. Inmates have the right to refuse medication or treatment.

In the event an inmate has a mental disorder and refuses medication, the staff may attempt to convince the inmate to take the medication, but the staff cannot force the inmate. If the staff feels they cannot provide the necessary care and supervision, the inmate can be taken to the Bi-County Mental Health Facility. If inmates are taken to an outside medical facility, the County pays the cost. I.N.S. (Immigration and Naturalization Service) pays the costs of outside care for those in their custody. There is no cost to inmates for dental care.

The jail has an extensive Law Library available to the inmates. It is furnished with large tables, comfortable chairs and a librarian, Kim Ross. Ms. Ross is a Deputy/Bailiff and a former teacher. She audits the law books to see that they are in place and not damaged. Books are purchased by the Inmate Welfare Fund. The law library is where the committee was served lunch. The meal consisted of spaghetti, bread w/margarine, corn, dessert and a drink. The committee, consisting of both men and women, of various body types, agreed that while it was not gourmet food, the meal was filling and nutritionally well-balanced.

The committee requested and received a six-week menu of meals, and following is a sample menu of breakfast, lunch and dinner:

<b>Breakfast</b>	<b>Lunch</b>	<b>Dinner</b>
6 oz oatmeal	6 oz soup	4 oz three bean salad
½ grapefruit	4 oz chicken patty sandwich w/ trimmings	4 oz Salisbury steak
2-egg omelet	1 bag potato chips	4 oz buttered noodles /gravy
9 later tots	4 oz winter squash	4 oz buttered carrots
2 slices toast/butter	3 oz ice cream	1 slice cake
¾ oz jelly	8 oz milk	1 dinner roll/butter
8 oz milk		8 oz milk

The Kitchen was spotless! Everything appeared to be in good working order. The kitchen manager has been there for 18 years and stated that purchasing food and other supplies in bulk has reduced the cost of meals to 71 cents per meal. The inmates receive three hot meals a day, getting a bag lunch if they are being transported at meal time. The kitchen served 408,789 inmate meals last year. The deputies on duty and the inmates eat the same food. All meals meet the standards set by the Department of Corrections and a qualified dietician is hired annually for menu planning.

In the Laundry, the committee observed three female inmates working. Inmates working in the laundry must be trained on the equipment and informed of how to get help if the need arises. In addition to the door through which inmates enter and leave, there is another door that deputies can open that leads into a corridor and through another door into the outside basement. The inmates also have a communication system available by which they can get immediate help. The inmates do not handle soap or bleach, which are automatically dispensed into the wash. The committee members noticed that it was overly warm in the laundry. It is believed that the output of heat from the two large commercial dryers overpowers the venting system in this facility. The ventilation system was installed in 1962. Observations by the staff suggested that the laundry room is too small for the amount of workload being handled. The jail laundry handles all of Bi-County Mental Health's laundry needs as well and has done so for a number of years. Their agreement with Yuba County is up for renewal with a 2% cost of living increase.

A copy of the agreement was reviewed by the committee. The committee asked Sheriff Black about the possibility of having a minimal break between laundry loads to help with ventilation, but apparently there is too much laundry to do to allow a break. There is neither a thermostat to control the room's temperature or a thermometer to monitor the room's temperature. There are no windows. There is a fan available to circulate room air. Sheriff Black shares the committee's concern about the laundry facility and stated that she has approached the Board of Supervisors about the laundry in the past.

The Commissary offers a selection of personal and food items that can be purchased by the inmates. Inmates can purchase up to \$75 worth of goods twice per week, with a maximum of \$37.00 allowed for food items. The supplies in the commissary were nicely arranged and very orderly, in spite of it being somewhat

cramped. The commissary is limited to 90 items. In order to achieve more variety, the selection of goods is rotated. The committee members and commissary staff both feel a larger selection of food items would be beneficial. More storage space would be necessary to enlarge inventory. Employees in the commissary include a purchasing agent, and two clerks.

### **Findings**

1. The committee does not agree with the complainant concerning lack of sufficient food at meal times. The committee found the meals to be sufficiently filling.
2. It is difficult to determine what "enough" is, concerning the complaint of an inmate's inability to purchase enough food items from the commissary. The committee does acknowledge, however, that the variety of food items available is somewhat limited.
3. There is inadequate ventilation in the laundry room. The problem could be more than one thing. One observation by the committee is that the laundry room is either too small for its ventilation system to work properly, or struggling with an inadequate ventilation system, or both. Another reason for the stuffiness of the room might be that the amount of laundry being processed in the laundry facility is greater than the room's size dictates. There is no way to monitor or control the laundry facility's temperature.

### **Recommendations**

1. The commissary should attempt to add more food items to its inventory, and perhaps allow a larger percentage of purchases to be food items.
2. The committee recommends that the Yuba County Jail seek an assessment on the performance of the laundry room's ventilation system from a reputable source and act accordingly. The committee recommends follow-up on the response to this recommendation by next year's Grand Jury.
3. The committee recommends that a thermometer be installed in the laundry facility immediately in order to confirm the room's compliance with OSHA requirements. The committee recommends follow-up on the response to this recommendation by next year's Grand Jury.

### **Required Responses for Findings**

- |      |  |
|------|--|
| 1, 2 | None                                     |
| 3    | Yuba County Jail<br>Board of Supervisors |

### **Required Responses for Recommendations**

1, 2, 3      Yuba County Jail  
Board of Supervisors

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# Yuba County Sheriff's Department

## **Focus of Investigation**

This investigation focuses on the following questions:

1. How are towed/impounded vehicles processed, and what becomes of the contents of these vehicles? Is there a "release fee" imposed on these vehicles?
2. How are "Personnel Complaint" forms processed and filed?
3. What is the Inmate Welfare Fund, and how is it funded?
4. How are the Jail's inmate telephone charges calculated?

## **Reason for Investigation**

During an interview with Sheriff Black in which the Law Enforcement Committee received background information about the Sheriff's Department and the Yuba County Jail, several items were mentioned but not discussed in depth. When the committee members later met to interpret this interview, it was decided that a follow-up interview and investigation was necessary to clarify topics of concern.

## **Process of Investigation**

The Law Enforcement Committee met with Sheriff Virginia Black and Capt. Mark Chandless for a follow-up interview on January 16, 2004 at 1:00 p.m. Also in attendance were Capt. Alan Long and Administrative Financial Officer Michelle Manning. Committee members addressed the subjects mentioned in the Focus of Investigation, above, and received the following information.

When asked if Yuba County imposes a "release fee" on towed/impounded vehicles, as does the Marysville Police Department, the Sheriff replied that Yuba County does not currently charge a "release fee", but added that one will be in place in the future.

Sheriff Black added that there is a storage fee, but that fee is set by the State. It was then explained to the committee that when a vehicle is towed, it is first checked for valuables and it is up to the deputy to decide which items will be taken in for safe-keeping. The California Highway Patrol uses Form 180 to list items left in a vehicle, and Yuba County has a similar form. The vehicle's owner is given a copy of this form. If the owner is jailed, he/she is given notice by the property officer as to when he/she may pick up his/her property. The owner has 90 days in which to redeem his/her property. If the property remains unclaimed and is deemed to have value, someone from *PropertyBureau.com* comes and picks it up. (The committee received a copy of the company's Property Disposal Agreement). *PropertyBureau.com* is located in San Clemente, and is a bonded company. The property is cleaned and/or repaired and then sold. Net proceeds

received from the sale of property are deposited into the County's General Fund. Capt. Alan Long, former property officer, spoke to the committee on this subject. He explained that contents of vehicles involved in a crime are held as evidence and only the District Attorney has final approval of disposal and/or return of property to the owner.

Also discussed was the procedure for filing "excessive use of force" complaints. The committee was informed that there is no general file for these complaints. The proper name for such a complaint is a "Personnel Complaint". Personnel Complaint Forms are processed, and then filed in the employee's personnel file. (The committee was later supplied with a copy of the Sheriff's Department's Personnel Complaint Procedure text for review.)

Michelle Manning, Administrative Financial Officer, spoke to committee members about the Inmate Welfare Fund account. The Inmate Welfare Fund is a fund established to provide special programs, recreation and instructors for the inmates at Yuba County Jail. It is funded through, among other things, profits received from commissary sales and rebates from the contracted phone company on phone calls.

Expenditures are paid from the General Fund and every quarter the General Fund is reimbursed from the Inmate Welfare Fund.

During the first interview, questions arose as to what inmate phone charges were within the jail. The committee requested documents explaining said charges. Sheriff Black stated that such documentation was confidential and could not be discussed due to contract agreements. The phone contract was eventually furnished to the Grand Jury for review. (As stated before, the contents of the contract are confidential and, therefore, cannot be disclosed in this report.) The Board of Supervisors intends for the funds received through this contract to be profitable.

The committee was informed that inmates are not charged for calls to their attorney, probation officer, or other public agencies. However, personal phone calls are charged to the party being called as a collect call. There is a maximum time limit of 15 minutes per call.

### **Findings**

1. There is a satisfactory procedure in place for processing personal belongings left in impounded vehicles.
2. Although there is no "master file" containing a record of all personnel complaints within the department, claims are kept on record in the employee's personnel file.

### **Recommendations**

The committee feels it would be beneficial if a master file could somehow be created within the Sheriff's Department for personnel complaints. This file could help the department detect undesirable personnel trends. This recommendation by the committee is encouraged only upon the condition that the integrity of employees' private files be maintained. It is not the intention of this committee to jeopardize or violate employees' rights.

### **Responses Required for Findings**

None

### **Responses Required for Recommendations**

- |   |                                  |
|---|----------------------------------|
| 1 | Yuba County Sheriff's Department |
| 2 | Yuba County Sheriff's Department |



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# Yuba-Sutter Juvenile Hall

## **Focus of Investigation**

This investigation focused on visiting Juvenile Hall and assessing the operating procedures and overall condition of the facility.

## **Reason for Investigation**

This investigation was conducted pursuant to California Penal Code Section 919(b), which states, in part, that the Grand Jury "...shall inquire into the condition and management of the public prisons within the county." Juvenile Hall falls within this category.

## **Process of Investigation**

Members of the Law Enforcement Committee interviewed Mr. Frank Sorgea. Mr. Sorgea is the Superintendent of the Yuba-Sutter Juvenile Hall and works under the supervision of Steve Roper, Chief Probation Officer for Yuba County. Mr. Sorgea stated that the facility's annual budget is 3 million dollars, with operating costs being split between Yuba and Sutter County. Monthly expenditures, such as electricity, water/sewer, and building maintenance, remain fairly constant. Other costs are determined by the number of inmates each county has in the facility. For the past couple of years, inmates from Sutter County have outnumbered those from Yuba County. Staffing at the Hall runs between 75 and 100 employees, depending on the number of inmates.

After the interview, the committee toured the facility. Mr. Sorgea explained that the original portion of the Hall was the nurses' quarters of the old County Hospital. This is where inmates staying for short lengths of time are housed. The Hall is divided into two parts. There are 45 beds in the "old" section and 15 in the new security section (none were in this section on the day of the tour). Inmates in the Hall are housed in cells, most of which have room for two inmates. There is an additional section named "Camp Singer". Here, inmates are in single units, separated by concrete walls, with open doorways. There is a bed and metal storage cabinet in each unit. The inmates have access to a large room that has a T.V., books, and games, with easy access to restrooms and showers. The other two sections have similar rooms.

Inmates exhibiting good behavior and helpfulness are rewarded with "points", which can be used to extend their evening curfew. Regular bedtime is 8:00 p.m. With earned points, inmates can extend this time to 9:00 or 10:00 p.m. They can also earn extra time to phone family and have siblings visit.

It was stated that Juvenile Hall has the same setup with phone calls as does the County Jail. On a copy of their receipts and expenditures, the Hall received \$11,654.83 in rebates on outgoing inmate's phone calls in a given year. Juvenile Hall also received a \$1500 bonus for renewing the contract.

Each section of Juvenile Hall has classrooms. Classes consist of no more than 20 students, with 1 teacher and 2 aides. At the time of our tour, the classrooms in the old section were being painted, so another room was being used. Camp Singer's two newly-built classrooms are located in the old county warehouse next to Camp Singer. The building has room for construction classes and indoor recreation. The Superintendent was proud to inform the committee that the cost for the new facilities was well below bid, thus saving the two counties quite a bit of money. He noted that plans are underway to update the current cooling system as it is getting harder to maintain and is not cost effective. (Note: A new air conditioning system has since been installed.)

The kitchen is new, equipped with large refrigerators, freezers, and storage. Everything in the kitchen is stainless steel. Inmates assist the kitchen staff. Three hot meals a day are prepared and served. Inmates in the old section are served first, entering and leaving through the same door. When these inmates leave, the inmates of Camp Singer enter via another door. Inmates in the security section have their food carted to them.

### **Findings**

The committee was satisfied with the condition of the facility, its operation, and the attitude exhibited by staff.

### **Recommendations**

None

# Marysville Police Department

## **Focus of Investigation**

The focus of this investigation was to gain information on staffing, funding and policies of the Marysville Police Department.

## **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..."

## **Process of Investigation**

The Law Enforcement Committee members interviewed Marysville Police Chief Bret Smith on February 2, 2004. Chief Smith informed the committee of his long history in law enforcement. He was made a Lieutenant on the Marysville Police Department two years ago, becoming Chief of Police in June/July 2003.

Chief Smith explained the department's staffing. There are 22 officers on the force, including the Chief and the Lieutenant. There are three officers on night duty (a sergeant and two officers) to cover the entire city. In 1998, there were 28 officers, but a lack of funding caused the reduction of officers. The officers are augmented by ten reservists that collectively volunteered about 4,000 hours in 2003. The department is trying to recruit ten more reservists. There are also 40 volunteers with between 6,000 and 7,000 collective volunteer hours in 2003. Three officers and several volunteers speak Spanish, and one speaks Punjabi. One officer, funded by a federal grant, is assigned to Marysville schools and is called a School Resource Officer. This officer is a member of COPPS, which stands for "Community Oriented Policing and Problem Solving". The department is currently seeking another grant that would provide an additional officer for this program. Chief Smith stated that there is adequate funding for the department this year, but without knowing if grant monies will continue or what other funds will be available, he is quite concerned about next year. He is hopeful that no further cuts will be made, as he believes the department is already "short-handed".

The committee members inquired as to whether or not the department kept a file on 'excessive use of force' complaints. Chief Smith stated that all complaints are placed in a file and are kept for a period of five years. A report pertaining to excessive use of force complaints must be sent to the State.

When asked about the number of traffic stops made in the City, Chief Smith replied that there are "a lot". Approximately 120,000-130,000 vehicles travel

each day on E Street alone. A great many of these vehicles are "big rigs". Sensors at traffic lights, which an officer can view from a side street, detect when a vehicle runs a red light. The fine for running a red light is \$341. The City of Marysville receives \$137 of the fine and the rest goes to the State and Yuba County.

When asked about stops concerning bicyclists or pedestrians, the Chief stated that there are three levels of procedure:

1. Consensual. Individuals must agree to stop and talk with officer. The individual maintains the right to leave at any time.
2. Detention. Officer must have "good cause" for stopping an individual and must articulate his facts.
3. Arrest. Officer must have "probable cause" to stop and detain an individual.

Chief Smith added that although "panhandling" was once illegal, it is now considered a form of free speech so long as the panhandler does not impede the person that is being approached.

Recently, at a City Council meeting, a representative from the Marysville Police Department reported the upcoming temporary installment of traffic cameras to photograph traffic light violations. These cameras will be operated for a test period of time to find out the benefits of such a system. This temporary installation and operation is at no cost to the City of Marysville.

The subject of fees concerning towed/impounded vehicles was addressed. Committee members were curious about the fact that the Police Department charges a \$100 "release fee" for towed/impounded vehicles. The Chief informed the Committee that this is common among almost all municipalities. In order to get his/her vehicle released, the owner must: 1) show a valid license, 2) have proof of auto insurance, and 3) pay a \$100 release fee.

In addition to paying the Police Department the \$100 release fee, the owner of the towed/impounded vehicle must also pay the towing company a \$125 towing fee and a \$22.85 per day storage fee. (The towing fee is set by towing company, and storage fee is set by the state)

After consideration of information received during the interview, the committee felt that the amount of the release fee for vehicles was a concern. The committee is also concerned about the traffic problems on E Street. The committee contacted police departments in surrounding municipalities of various demographics to find out if they imposed a release fee for towed vehicles. All surrounding police departments stated that the reason for the release fee was to

cover administrative costs of processing the vehicle, preparing a report, and the officers' time. Below is a list of cities contacted and the amount of fees:

City	Fee Amount	Comments
Yuba City	\$113	
Grass Valley	90	
Nevada City	None	
Chico	55	Only for expired/no registration
Oroville	13	
Sacramento	67	

The above list reflects that the average release fee for area municipalities is \$56.33. The committee noticed that Yuba City and Marysville have the two highest release fees in the municipalities sampled.

### **Findings**

1. The Marysville Police Department collects \$100 for the release of every vehicle towed by the City of Marysville. The release fee average found by a sampling of surrounding municipalities with various demographics is \$56.33.
2. Marysville Police Department has an ongoing problem of traffic overcrowding and traffic light violations due to the large amount of vehicles traveling E Street on a daily basis. The police department is investigating possible solutions for this problem.

### **Recommendations**

1. The committee recommends that the Marysville Police Department examine their \$100 release fee. If possible, the fee could be lowered to an amount that better reflects the area's average. The word "fee" means "a charge for services". The committee feels the release fee should be adjusted to an amount that only covers actual costs to the department.
2. As it has in the past, Marysville Police Department should continue to approach the City Council, perhaps on a regular basis, with problem-solving ideas and/or reports of problems concerning E Street traffic.

### **Responses Required for Findings**

None

### **Responses Required for Recommendations**

Marysville Police Department

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# Yuba County Probation Department

## **Focus of Investigation**

The investigation focused on how the Probation Department operates, with special interest in what the department is doing to reduce recidivism. (Recidivism means "a tendency to relapse".)

## **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..."

## **Process of Investigation**

The Law Enforcement Committee met with Chief Probation Officer Steve Roper for an interview about the Department. (Hereafter in this report the Chief Probation Officer will be referred to as "Officer Roper".) He gave each committee member a packet of several pages of information. The packet included the Department's Mission Statement, an organizational chart of the Department, a budget summary, and mandated and optional services breakdowns.

Officer Roper gave the committee an overview of the Probation Department's staff, and their requirements. He explained that the Presiding Juvenile Court Judge appoints the Chief of the Probation Department. Officer Roper stated that he has four department managers who are responsible for those working in their department. There are a total of 126 employees, 40 of whom are deputies of various classes. Employees must meet educational qualifications. Officer Roper continued by saying that the Probation Department is funded by the County and has a budget of \$7.5 million. Responsibilities of the department are:

1. Duties for the Court include investigations and written pre- and post-sentencing reports filed with the Court
2. Supervise probationers
3. Supervise Juvenile Hall

Officer Roper stated that the law allows for prevention, intervention and detention. He advised the committee that workers in the probation department are proud of their work and what they are able to accomplish in various areas. There are seven officers assigned to the high schools and middle schools where, if applicable, they do intervention on the first offense, if applicable.

The department also presents a program to high schools entitled "Every 15 Minutes" in which student actors portray victims of car accidents caused by



driving while under the influence of alcohol and/or drugs. This presentation is said to be quite impressive and is evoking positive response.

Proposition 36 is one of the department's drug treatment program. This is offered to offenders that meet specific criteria but according to Officer Roper, not all that are eligible seek this treatment. It is believed that community-based programs are harder to administer, but more successful in the long run. At present, one participant in five succeeds, but that number is improving.

Officer Roper told committee members that the Probation Department receives strong judicial support from the Courts and the District Attorney, and that the Yuba County Drug Program is separate from the Drug Court. Officer Roper feels that drugs pose the greatest threat to society. Drug Court and Yuba County Drug Program both offer highly intensive programs for drug-users.

Apparently, there are a high number of parolees/probationers in the Yuba County area, due to high numbers being sentenced here. Those sentenced to state prisons and then released are under the supervision of State Parole Officers. The Probation Department supervises County Jail parolees/probationers. Fourteen of the County's Probation Officers are equipped with guns. There are four steps every officer must take before using their guns: 1) verbal contact, 2) non-lethal contact (quasi-judo), 3) pepper spray, 4) metal baton, and then 5) gun.

### **Findings**

The Probation Department is apparently working smoothly and at a high performance level, especially considering reduced staff in the department. Chief Probation Officer Roper has the added challenge of having his office separated from the rest of the department during remodeling of the Probation Department in the County Courthouse.

### **Recommendations**

None

### **Required Responses for Findings**

None

# Yuba County Animal Care Services

## **Focus of Investigation**

The focus of this investigation was to tour the Yuba County Animal Care Facility, which is now almost 65-years old and to evaluate the site's overall condition.

## **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..."

## **Process of Investigation**

The Law Enforcement Committee met with Sheriff Virginia Black, Sgt. Michael Williamson, and Animal Control Officer Steven Scott on October 20, 2003, and toured the Animal Care Facility. Committee members also met Animal Technician Joe Hilliard, and office workers, Sue Dorsey and Paula Dent.

Sheriff Virginia Black explained that after being elected, she was asked by the Board of Supervisors to take on the responsibilities of Animal Control. Being an animal lover, she agreed to take it with the condition that a new facility be constructed as the present one would not stand up to state inspection requirements. The Board of Supervisors approved this condition, putting the Sheriff's Department in charge of Animal Care Services.

A new facility is currently under construction and should be completed this spring (2004). The money being used for this project, 1.7 million dollars, is part of the Tobacco Settlement Fund (see Auditor-Controller interview). The facility will be called Yuba County Animal Care Services, and the officers' titles will be Animal Care Officers. The new facility will be much larger than the present one, with more kennels, office space and storage. It will also have its own clinic with an on-call veterinarian. More kennels can be added as needed. Until then, the old facility will be used for any overflow.

The committee was told that Animal Care Services had three vehicles when the Sheriff's Department took over, each of which had over 100,000 miles. They received a new vehicle in 2002 and one in 2003. Hopefully, the third will be replaced in 2004.

Last year the Animal Care Facility processed 4,069 animals, of those animals, 266 were adopted, 2,505 were euthanized, and the remainder were reunited with their owners. About 29% of the facility's calls come from residents of Marysville. The City of Marysville does not have an Animal Care Facility, so it has a contract

with Yuba County to handle the City's residents' calls. The County recently signed a contract with Beale AFB to receive their stray animals as well, since the facility at Beale has become inadequate and they do not want to rebuild it. The City of Wheatland also has a contract with the Yuba County Animal Care Facility to house its animals. The committee received copies of all three contracts for review. The Marysville and Beale contracts appear to be paying an adequate amount for services received. There is some concern with the Wheatland contract, however. The City of Wheatland's growth will likely cause a substantial increase in calls. A change in the provisions of the Wheatland contract may be needed.

### **Summary**

The committee feels that, considering the age of the current facility, the workers are doing an excellent job in keeping the kennels looking and smelling clean. Everything is in as good a shape as possible. The committee members were satisfied with the condition of the facility.

Note: Since this report was written, the new facility is open and in service. The committee is looking forward to touring it.

### **Findings**

1. The committee found the facility to be in good condition and operating in a satisfactory manner. The committee feels the new facility is long overdue and will be a positive change for both staff and animals.
2. The committee reviewed the Marysville, Beale, and Wheatland contracts with Animal Care Services. The Marysville and Beale contracts are being charged adequate fees for animal services received and although Wheatland's contract is currently adequate, it does not allow for its anticipated rate of growth.

### **Recommendations**

The committee recommends that Animal Care Services take a special interest in reviewing contracts with communities it serves, particularly Wheatland, in order to ensure it is receiving adequate compensation for animal care services provided.

### **Required Responses for Findings**

None

### **Required Responses for Recommendations**

None

# Health and Human Services

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# Yuba County

## Public Guardian/Conservator

### **Focus of Investigation**

This investigation focused on verifying that departmental policies and procedures are current and meeting the County's needs and that Yuba County is providing for the safety and protection of its clients managed within the Public Guardian/Conservator program.

### **Reason for Investigation**

This investigation was conducted pursuant to California Penal Code Section 925, which provides that grand juries shall investigate and report on the operations, departments and functions of the county.

### **Process of Investigation**

The Health and Human Services Committee visited the office of the Yuba County Public Guardian/Conservator, and interviewed the Public Guardian/Conservator, Christina Billeci. The committee also spoke with the Deputy Conservatorship Officer and the Office Specialist Secretary. Ms. Billeci stated that she currently has three employees: Deputy Conservatorship Officer Lance Nalley, Office Specialist Kathleen Bartel, and a Cal Works temporary worker who helps with office duties. The committee requested and received copies of the following documents:

1. Current legal forms being used
2. Purpose and Mission Statement
3. Handbook for conservatorship investigations and general policies and procedures
4. Organizational chart of department
5. Departmental budget for 2003/2004 (acquired from the Auditor-Controller's office)

The mission of the Public Guardian's office is to provide comprehensive conservatorship services to a diverse, elderly and disabled population, commensurate to each individual's needs, through an integrated system of care, and a professional, highly trained staff.

The Public Guardian helps Yuba County achieve its mission by providing for the safety and protection of these vulnerable populations within the County's financial resources.

Through interview and reviewed documents, the committee learned how the department is managed. The Office Specialist and the Deputy Conservatorship Officer are overseen by the Public Guardian/Public Conservator, who in turn is overseen by the County Administrator and finally reviewed by the Yuba County Board of Supervisors.

At the time of the interview, Yuba County had 83 clients receiving conservatorship services. The current clients' placements, by type of facility, are as follows:

45	Board and care
20	Skilled nursing facility
1	Locked mental health facility
6	Independent living
2	State hospital
8	Living with family members
1	Mental health inpatient unit
83	Total placements

For a person to become a client of the Public Guardian/Conservator, he/she must first be referred by a physician. Adult Protective Services then reviews the case. The gathering of information through family screening is also used when appropriate. When it is determined that the person is unable to manage his/her affairs appropriately and safely, the conservatorship is granted through the superior court system. Clients under the age of 18 fall under the guardianship portion of this department. The fees are set by the federal and state governing agencies.

This department receives funding through federal, state, and local government agencies. Below is the budget for 2003/2004:

Salaries and benefits	\$163,291
Services and supplies	16,513
Other expenses	10,845
Fixed assets	0
Total	\$190,649

The Public Guardian/Conservator's office manages clients' assets, in the form of a trust fund, making sure the clients' assets are not wrongfully used.

While touring the facility, the committee found that, at times, personal items of clients are being stored in a closet with the office supplies. The committee also observed that currently the Deputy Conservatorship Officer is using a portion of the public office where the Office Specialist is conducting business. Closed case files are stored in stacked boxes on the office floor as well. All of these situations are due to lack of space.

## **Findings**

1. After reviewing the department's policies and procedures, the committee found that no significant changes were necessary.
2. Current legal forms being used are meeting the needs of the department, its clients and the County.
3. In view of privacy issues, the committee finds it inappropriate that a private office is not available for the duties of the Deputy Conservatorship Officer. Private interviews should not be conducted in such an open area.
4. The committee found that clients' personal belongings were being stored in a closet with office supplies.

## **Recommendations**

1. Examine the lack of privacy in the current office space and provide the necessary changes to correct the problem. Understanding that space needed for a private office might involve added expense, our committee feels that this issue should be examined by the Board of Supervisors, as privacy rights could be violated.
2. There needs to be a separate storage area for clients' personal belongings.

## **Responses Required for Findings**

- |   |   |
|---|---|
| 1 | None                                    |
| 2 | None                                    |
| 3 | Yuba County Public Guardian/Conservator |
| 4 | Yuba County Public Guardian/Conservator |

## **Responses Required for Recommendations**

- |   |   |
|---|---|
| 1 | Yuba County Board of Supervisors        |
| 2 | Yuba County Public Guardian/Conservator |



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# Yuba County Adult Services

## **Focus of Investigation**

This investigation focused on a variety of services and programs in Yuba County that serve seniors, adults with disabilities and their care providers. This investigation also was conducted to verify that current policies and procedures are in place and meeting the needs of Yuba County residents.

## **Reason for Investigation**

This investigation was conducted pursuant to California Penal Code Section 925, which provides that grand juries shall investigate and report on the operations, departments, and functions of the county.

## **Process of Investigation**

The Health and Human Services Committee visited the office of Adult Services. A series of interviews were conducted with management and staff. Furthermore, manuals of policies and procedures for the Adult Protective Services Program were reviewed.

The adult services investigated were: Public Authority (PA)/In Home Support Services (IHSS), Adult Protective Services (APS), Multipurpose Senior Service Program (MSSP), Senior Nutrition Access Card (SNAC), and Foundation for Rehabilitation, Education, Employment of the Disabled (FREED).

The committee found that the Adult Services Department currently has seventeen staff members. Two nursing positions were eliminated due to budget cuts. Ginny Tuscano, Health and Human Services Program Manager, oversees two social worker supervisors and fourteen specialized employees. This department is funded with federal, state, county and city funds and grants. Strict guidelines are in place and maintained in relationship to departmental policy and procedures. The committee reviewed a complete copy of the State of California Adult Protective Services Program, which is available for public review through the Department of Social Services' website: [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov). The California Department of Social Services (CDSS) Manual of Policies and Procedures for the Adult Protective Services are found in Div. 33, Chapters 33-100 through Chapters 33-800.

Below is a highlight of the services in review.

Public Authority (PA) was created and established by the Yuba County Board of Supervisors to provide for the delivery of In-Home Supportive Services (IHSS) in Yuba County. The PA and IHSS are one in the same service. IHSS is a program that provides services for in-home care to eligible elderly and disabled

individuals who would be unable to live safely in their own homes without assistance. This includes those who would be able, with help, to return to their homes from a hospital, nursing home or a board and care home. Some of the services provided include personal care services, feeding, ambulation, meal preparation/clean up, domestic, laundry, and shopping. Independent Providers (IP) is a special purpose entity in Yuba County which provides services for these recipients. IHSS pays IPs who are hired and supervised by the recipient or the recipient's guardian/authorized representative. Many IPs are relatives of the recipient. Payments are based on hours of service assessed and authorized by the County. Services provided are reviewed and calculated by the Adult Services Department by how much time it takes for the required services at the time of the application (then reviewed annually) which is based upon the recipients' physical and mental condition, living and social situation, and ability to perform various functions of daily living. A maximum of 195 service hours monthly are allowed for the general recipient. For a complete understanding of this program, a person may contact the Yuba County Adult Services Department at 6000 Lindhurst Avenue, Suite 700C, Marysville, CA 95901. Yuba County currently has approximately 700 recipients in this program. The County is currently updating its IP registry and is hopeful that legislation will be passed to do background checks on IPs assisting with care of the recipients in the IHSS program.

Adult Protective Services (APS) agency provides assistance to elderly and dependent adults who are functionally impaired, unable to meet their own needs, and victims of abuse, neglect or exploitation. The department investigates reports of abuse of elderly and dependent adults who are living in private homes, hotels, acute care facilities, adult day care and social day care centers. In addition to investigating and evaluating reports of abuse, the APS staff provides or coordinates support services, such as counseling, money management, conservatorship and advocacy. They also provide information and education to other agencies and to the public about reporting requirements and other responsibilities under the elder and dependent adult abuse reporting laws. Reports of abuse that occur in a nursing home, a board and care home, a residential facility for the elderly, or a long term care facility are the responsibility of the Ombudsman's office which is administered by the California Department of Aging. The services of the APS agency are available to any elderly or dependent adult regardless of income. There are currently approximately 30 APS referrals monthly. As Yuba County grows, this number will increase.

Multi-purpose Senior Service Program (MSSP) provides social and health care management to assist persons aged 65 and over, eligible for Medi-Cal and certifiable for skilled nursing care, to remain safely in the home. MSSP is a supplement to the IHSS and is funded by a grant. MSSP provides for necessary equipment such as walkers, wheelchairs, or other extra services that IHSS cannot supply. Currently in Yuba County, there are 60 participants.

Senior Nutrition Access Card (SNAC) program, which is administered through the Health and Human Services Department (HHSD), currently provides services to 40 ongoing participants monthly to ensure these participants have access to nutritious meals. The participant must be a resident of Yuba County, be at least 60 years of age, and meet low-income standards. SNAC provides participants with monthly coupon books containing 20 coupons valued at six dollars each for use toward payment of local restaurant meals. Restaurants submit coupons to HHSD for reimbursement. The City of Marysville through its Community Development Department is currently providing funds for services to ten residents in Marysville.

FREED is a non-profit Independent Living Center. The majority of FREED's staff and Board of Directors are people with disabilities who are role models for peers by conveying positive attitudes toward independence and public involvement. Their goal is to empower people with disabilities to exercise their rights in becoming active, productive members of the community. In some instances, FREED is included in the monthly multi-disciplinary group to better assist the needs of Yuba County's residents. Their local office is currently located at 508 J Street, Marysville, CA 95901-5630.

The office of Adult Services meets monthly with law enforcement, home health, social services, mental health, senior centers, FREED, Fremont-Rideout Medical Group hospital representatives, bank representatives and the county conservator to maintain accountability in the multidisciplinary programs. The Adult Services department makes every effort to provide reasonable support and maintenance for the residents of Yuba County, within the limits of public resources.

### **Findings**

The office of Adult Services has a huge responsibility to the residents of Yuba County. With only 17 staff members, it was felt by the committee that the programs are being managed well. It was found that when one program lacked funds or did not meet the needs of a participant, another program would fill in the gaps of services and programs set in place. The rules and regulations regarding most of these programs are set by the state and federal government and are being followed by the department. During this investigation, a staff member was always available to discuss questions and direct the committee to resources related to this department. They also informed the committee of other community resources available to equip residents of Yuba County with more services and helpful information related to adult service programs.

### **Recommendations**

None

### **Required Responses for Findings**

None

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# Public Works/ Special Districts

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# River Highlands Community Service District

## **Focus of Investigation**

This investigation focused on assessing the current financial condition of River Highlands Community Service District, including the status of the District's bond repayment, as well as how the bond money was used.

## **Reason for Investigation**

This investigation was initiated as a result of a citizen's complaint. The complaint noted that River Highlands Community Service District's operations and financial status have been questioned by area residents for several years. The main area of concern was the financial status of the District and the repayment status of bonds issued when the District was first established. The complainant was concerned that bond repayment was in default.

## **Process of Investigation**

The Public Works Committee interviewed one of the three Directors and the District General Manager on December 9, 2003. Two of the Directors were not available for the meeting. The committee requested by-laws, operating procedures and the most recent audit for the District. The committee was informed that by-laws and operating procedures had not been drafted. A copy of the 2002 audit through June 30, 2002, conducted by B. L. Meyers, Certified Public Accounts, was provided.

Grand Jury committee members also attended the May 12, 2004 River Highlands General Board meeting. Prior to the meeting, one of the three Directors submitted a letter of resignation because of employment commitments out of the area. An individual that had submitted an interest letter in response to the vacancy notice was appointed to fill the vacancy. A second Director will be submitting a resignation prior to the following meeting as she is moving from the area.

River Highlands District Counsel, Scott Browne, was in attendance and provided important information on issues pertaining to the District. When asked if the District had a copy of its by-laws, Mr. Browne stated that he did not think there were any by-laws for the District adding that, in his experience, special districts do not usually draft by-laws, as all special districts operate under Title 6 of the Government Code of the State of California.



Dan Luc, River Highlands' accountant, provided an estimate of the current checking account balance of the District, and told the Board the approximate balance after current bills were paid.

A presentation was provided by a representative of Campbell, Benn & Associates on the draft of the 2003 independent audit (through June 30, 2003). A draft copy of the audit was provided to committee members. Since this was a draft, and not the final report, there was discussion between Mr. Browne and the auditor. Some corrections were made. During this discussion, Mr. Browne explained that special assessment bonds had been issued by the District in 1991 to finance the construction of public improvements within the 18,000-acre district. The bonds were authorized and issued pursuant to the Mello-Roos Community Facilities Act of 1982. These bonds are not general or special obligations of the district. The bonds do not constitute an indebtedness or financial obligation of the District. The District acts only as an agent for the property owners in collecting assessments, forwarding collections to bondholders, and initiating foreclosure proceedings if needed.

It was also noted that a 2003 audit finding revealed that establishing the cost of fixed assets and improvements was difficult because of a lack of records. Committee members were informed that a past District accountant had unexpectedly left the area and many records could not be located. Other audit findings were minor in nature with the exception of the delinquency of bond repayment.

Discussions during the general meeting indicate that Directors are trying to stay on top of issues within the District that include water, sewer, roads and facilities.

Per financial reports, the District has adequate financial resources to continue operations barring any unforeseen major problems. However, the area of most concern within the District is the shortage of water from District wells. This is, and has been, a major concern to the Directors and residents and is forcing Directors to explore water conservation measures that will take effect June 1, 2004. Directors have also been researching their options in an effort to acquire additional water. Daily use per household is almost twice what the state has set as an average or acceptable usage level. The Board discussed ways to encourage conservation. It was decided that letters would be sent out to residents encouraging reduced water usage, with ideas to help residents achieve necessary conservation levels. If voluntary conservation proves unsuccessful, meters may be utilized to monitor usage and penalties may be used to discourage excessive use. The future development of an additional 120 acres has apparently stalled due to lack of water.

### **Findings**

The audit of the District by Campbell, Benn & Taylor for the year ending June 30, 2003 (in draft as noted above) points out under the long-term debt section that

the 1993 bond issuance, known as Gold Village Estates, is currently in default. The default is the result of property owners within the District failing to meet their original bond payment obligations on time. The report showed that approximately 10 of the original 84 units of Phase I were making debt service payments to pay off the overdue bonds. Bond defaults are also paid off whenever properties are sold. The bond default does not obligate or impact River Highlands Service District as the District is only acting as a broker for the bond debt.

The audit report did not note any material weakness or problems with the District's checks and balances of financial management.

**Recommendations**

None

**Required Responses for Findings**

None

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# Reclamation District 784

## **Focus of Investigation**

This investigation focused on assessing the condition of levees north of Silverwood residential area and examining the method of taxation of properties in Reclamation District 784 (RD 784).

## **Reason for Investigation**

The Grand Jury received a citizen's written complaint.

## **Process of Investigation**

Committee members interviewed the complainant and investigated the complainant's areas of concern.

Grand Jury committee members made an onsite visit to the levee north of Silverwood. It was observed that the levee was overgrown. The committee also viewed the levee area at the north end of Park Avenue. Here, it is quite evident by tread marks and worn areas that vehicles are bypassing barriers and driving on the levee.

The committee decided to meet with County Assessor Dave Brown. Mr. Brown told committee members that District 784 pulled out of the Tax Rate Area (TRA) in 1978. The District felt it was not receiving enough funding because of Proposition 13 tax restrictions. The District then commenced setting its own rates. The District returned to TRA through the Local Agency Formation Commission (LAFCO), but continues setting its own rates. Yuba County simply adds the rates to the tax statements.

The committee then met with District 784 Board President Richard Webb and Director Don Graham, who are acting Co-Managers of the District. They have three full-time employees and one 2/3-time secretary. This is considered a large district. The committee was informed that the levees in this District are owned by the State of California and the District's only responsibility is to maintain the levees. When work needs to be done, the District must notify the Department of Water Resources and the Corps of Engineers.

The committee was told that voting is based on assessed valuation and not one vote per registered voter. The formula for assessed valuation is based on the amount of property, use of the property, and type and number of buildings on the property. Agricultural property has the lowest rate. In order for the District to raise rates, it must have voter approval from the property owners. It then goes to the County Board of Supervisors for final approval. Voting for District Directors is based on one vote per registered voter.

When asked about action taken concerning the complaint received by the Grand Jury, the committee was told that the District has had several conversations with the complainant.

The District has spent approximately \$7000 trying to keep vehicles off of the levee at the north end of Park Avenue, which was one of the complaints, but vehicles continue to bypass installed barriers. The District is aware of the problem in the area of Silverwood, another item in the complaint. This section cannot be burned due to debris dumped there many years ago by a lumber mill. The dumping was allowed by the State and took place on the river side of the levee. It is now covered by dirt and sand. Occasionally, this material spontaneously ignites and is difficult to extinguish. This was the reason given for not burning this section of the levee.

### **Findings**

The committee feels that Reclamation District 784 has done, and is doing, all they can to improve the levee situation north of Silverwood residential area and also at the north end of Park Avenue.

### **Recommendations**

None

### **Required Responses for Findings**

None

# Schools

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# Yuba County Board of Education

## **Focus of Investigation**

To attend a regular meeting of the Yuba County Board of Education.

## **Reason for Investigation**

Routine observation of meeting process and procedures.

## **Process of Investigation**

All members of the Grand Jury Schools Committee attended a regular meeting of the Yuba County Board of Education at the One Stop Building, 1114 Yuba Street, in Marysville. Several awards were presented for individual achievement of teachers and staff. The Actual Report of Income and Expenses was explained by County staff. There were several reports from representatives of different school programs. After the meeting was adjourned, Mr. Ric Teagarden, Superintendent of Yuba County Schools, met with our committee for an informal interview.

## **Summary**

The committee found the meeting to be well-organized and informative, as well as interesting. The Board members addressed each other with respect and courtesy and appeared attentive throughout the meeting. Much information was shared and after the meeting, Mr. Teagarden answered questions to the committee's satisfaction. The committee appreciated Mr. Teagarden's patience and encourages all interested citizens to attend at least one of these meetings to have a better understanding of the community.

## **Findings**

All business meeting proceedings were conducted according to correct parliamentary guidelines and in proper order according to the meeting's agenda.

## **Recommendations**

None

## **Required Responses for Findings**

None



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# Lindhurst High School

## **Focus of Investigation**

The focus was to assess overall condition of the Lindhurst High School facility.

## **Reason for Investigation**

Routine visitation.

## **Process of Investigation**

The Schools Committee visited Lindhurst High School (Lindhurst) and interviewed the Principal, Mr. Dean Miller. Mr. Miller has been principal at Lindhurst for five years. Before that, he was employed at the district office for ten years. After the interview, the committee toured the grounds, the cafeteria and radio station, and met some of the staff. It should be noted that between the time of the interview with Dean Miller and writing this report, the committee found that some of the information received needed clarification. On May 24, 2004, the committee called Lindhurst and spoke with Head Counselor Georgia Wood in order to clarify certain information. According to Ms. Wood, Lindhurst was designed and built to accommodate up to 1200 students. Currently 1128 students are enrolled (May, 2004).

Mr. Miller was asked how area growth is affecting Lindhurst. Mr. Miller replied that he is concerned about overcrowding in the future. He stated that "portables [classrooms] can be added to most sites, but it's the support facilities, such as the cafeteria and restrooms... they are what determine whether or not a site is 'maxed out'." Mr. Miller feels that facilities at Lindhurst are reaching, or have reached, full capacity. It is Mr. Miller's opinion that redistricting will probably be the first option to relieve overcrowding. Redistricting would result in some students being sent to Marysville High School.

**Addressing Safety:** Lindhurst is a "closed" campus, meaning students must remain on the school grounds for the entire school day (except for doctors' appointments, sports, or other appointments). There is a fence around most of the school and in an emergency, the main drive-in entrance can be gated to stop any vehicles from entering or leaving the immediate area. Each classroom is equipped with a telephone. In order to ensure adequate safety for students and faculty, Lindhurst employs three security guards to patrol the grounds by golf cart and on foot. There is also a video surveillance system in place that monitors the main traffic areas of the campus, with more cameras to be installed in the near future for monitoring outlying areas of the campus. These tools also help with discipline and attendance issues.

With regard to “gang activity” at Lindhurst, Ms. Wood explained in a phone interview that when there is an incident, such as a fight which is apparently gang-related, this is reported to the Sheriff’s Department. For preventative measures, Lindhurst employs an Intervention Specialist to counsel students at risk. There is a peer group called “Teen Talk”, which serves as a support group for students. Lindhurst also employs a Parent Liaison who helps families with a variety of situations, including answering questions parents have about consequences when a student is in trouble.

### **Academics**

In addition to the main campus of Lindhurst, there is “South Campus”. This is the continuation portion of the school. The curriculum is varied, but the graduation requirements are the same as main campus. Students attend continuation school for a variety of reasons, including illness, truancy, lack of comprehension, and behavioral problems. There are tutors on both campuses during the day, and before and after school to help students with their work. Most tutoring is done by paid teachers. Some tutoring is done by student volunteers who receive credits for community service. Community service credits may be earned by students who participate in extra-curricular activities at school or in the community. Ten hours of community service are required for civic class credits and may be earned by tutoring. The students may also earn up to ten high school credits by participating in various school-approved community and school activities (leadership roles, sports teams, Woodleaf counselors, and other various community projects). The school keeps a record of students’ service hours. When asked how the tutoring programs are received, Ms. Wood told the committee that math tutoring is better attended than other tutoring, probably due to raised District standards, but there seems to be a lack of interest from students needing help, which may be why they are struggling in regular classes.

### **Cafeteria**

The cafeteria is newly remodeled and decorated in a fashion similar to that of a modern fast-food restaurant, complete with indoor plants. There are three lunch periods, due in part to a limited amount of seating. Approximately 70% of Lindhurst’s hot lunches served are in the subsidized/free lunch program. (Note: This percentage is seen district-wide, not just at Lindhurst.) The committee was impressed with the cleanliness and attractive décor of the cafeteria.

### **“Blazer Radio”**

This is a “student-run” radio station at Lindhurst. It was funded through monies received for school-wide achievement in SAT9 testing. The students voted on what to do with the money. Although school test scores are below the state average due to the diversity of the school’s population, Lindhurst improved 21 “points”. Their goal was 9 “points” (for more information on test results, go to

[www.cde.gov/test](http://www.cde.gov/test)). The radio station plays music at lunch and tapes shows produced by students. The station is an elective course and, beginning in the fall, students will receive ROP (Regional Occupational Program) credits for the class. The instructor has a disc jockey business and is an accredited teacher. Approximately 50 students participate in "Blazer Radio". Since the committee's visit, an antenna has been installed on a nearby water tower and is currently broadcasting with a range of at least five miles and up to ten miles, depending on weather.

### **School Maintenance**

There is money set aside in the school district to replace all roofs as needed. Lindhurst will be the first to be replaced, and the most expensive, due to asbestos in the roof. It will be necessary to "tent" the school during construction. The work is set to begin this summer (2004). The committee asked Ms. Wood if the work would be completed over the summer and if not, would the students be able to attend classes during construction. Ms. Wood stated that the bids were just coming in (May); therefore, work will start later than expected. Students will attend classes during construction because giant "tents" are used to cover buildings during removal of asbestos and portable buildings will be moved onto the school grounds for temporary classrooms.

### **Summary**

Committee members had an informative interview with Mr. Miller, as well as Ms. Wood. Overall, the committee was impressed with its visit to Lindhurst. It is the principal's opinion that the site's staff is working toward a long-term goal, as well as dealing with the day-to-day challenges set before them.

### **Findings**

1. School safety issues are being addressed proactively. Practical means of assuring adequate security are either in place or are in the process of being installed.
2. Lindhurst's students have a wide variety of learning needs, as do all schools in our District. There are many programs in place to serve the needs of students. However, a large percentage of students in need of tutoring are not taking advantage of the programs offered.
3. Lindhurst is close to reaching maximum capacity.

///  
///

## **Recommendations**

1. The School Committee recommends that Lindhurst continue the battle against complacency in students. With the increase of outside programs created to help students having trouble in the classroom, it makes sense to concentrate heavily on students' needs while still IN the classroom. Accountability in the classroom, whether it be discipline or curriculum issues, is imperative. Administration should continue to support and enforce this accountability.
2. Marysville Joint Unified School District Board of Trustees needs to take an active role in researching possible consequences of area growth in this District as a whole and at Lindhurst specifically. It is important to have a variety of possible solutions already "mapped out" rather than reacting to situations as they occur.

## **Required Responses to Findings**

None

## **Required Responses to Recommendations**

- |   |                         |
|---|-------------------------|
| 1 | None                    |
| 2 | MJUSD Board of Trustees |

# Marysville High School

## **Focus of Investigation**

The focus was to check the overall condition of the Marysville High School building site as well as day-to-day operations of Marysville High School.

## **Reason for Investigation**

Routine visitation.

## **Process of Investigation**

The Schools Committee visited Marysville High School (M.H.S.), and interviewed Principal Ron Ward, Assistant Principal Gary Cena, Assistant Principal Eric Preston, and Counselor Joy Sweringen. Mr. Ward stated that he was serving his first year as principal at M.H.S., but had worked for the School District for many years. He was previously a principal at Lindhurst High School and most recently was in charge of operations for the District. Gary Cena has returned to M.H.S. as assistant principal after a couple of years at Wheatland High School. There have been some changes in the counseling staff as well.

There are approximately 980 students currently enrolled at Marysville High School. The school consists of the main campus, as well as Marysville's north campus continuation program where students have a more flexible schedule and varied curriculum. Continuation students would probably drop out of school if it were not for a program such as this. The committee was told that academically, M.H.S. is improving daily. Efforts are being made to improve test scores through tutoring opportunities and better curriculum in the classroom. Mr. Preston explained that management is currently working on a new system to pinpoint areas where students need improvement. Additional assistance could then be provided in those areas. A math tutoring program is already in existence. A schedule is prepared and posted, showing times and instructors available. Students may choose the time and instructor to fit their schedule. Mr. Preston informed the committee of another computer-oriented class program called EAST Lab. Students are allowed a hands-on learning experience. For example, students have actually designed a project such as a city skate park. The students design the park, do a feasibility study and cost breakdown and follow the project to its completion.

The committee was told that the staff feels that good attendance is also a very important part of the students' success, and the committee was told that the school continually strives to improve students' attendance. Counseling is available to students struggling with attendance or academic issues and, like Lindhurst, M.H.S. has a Parent Liaison to provide assistance to families. Mr.

Ward ended the interview by telling the committee that, considering ongoing budget issues, he feels M.H.S. is doing well and that he is very pleased with its progress. Mr. Ward also commented that he feels M.H.S. has an excellent staff.

Committee members toured some of the school's buildings and grounds. Mr. Ward advised the committee that a district-wide modernization program is currently underway. Planned improvements to M.H.S. include repair and replacement of roofs as well as extensive electrical upgrades. (Some work may already be completed.)

The main school building, which was originally Yuba College, houses the majority of classrooms and student lockers. (There are additional classrooms and lockers in a wing of portable buildings located outside the main building). The main school building also contains administrative offices, an auditorium, and the library. Hallways appeared clean and the committee observed several colorful murals painted by students on the walls. During a change in classes, the committee observed that the students in hallways were orderly.

Mr. Ward and the committee proceeded across 18<sup>th</sup> Street, which is gated during school hours, and toured the Field House. The Field House is the original gym which is still used for sports activities. The Field House also contains the custodians' office and a weight room. Maintenance staff is currently remodeling the weight room, making it larger and with more natural light.

The committee then entered the gymnasium/cafeteria building. On one end of the building is the cafeteria. Besides serving food, the cafeteria is also used for some after-school activities and dances. Mr. Ward pointed out that the linoleum floor in the cafeteria is damaged and pulled up in places. Mr. Ward commented that although the floor is in need of repair, he does not know where the school will get the money to fix it. The cafeteria also has a sizeable area taken up a large number of stacked and rolled wrestling mats. The cafeteria is separated from the gymnasium by a movable partition. The committee entered the gymnasium and observed that the gym was attractive, with ample room for activities as well as spectators.

When asked about school security, Mr. Ward explained that M.H.S. is a "closed" campus, meaning students are not allowed to leave the grounds during the school day, except by permission from a parent or guardian. M.H.S. has two security officers on campus to monitor students and patrol grounds. Golf carts are used to provide better coverage of the expansive campus by security personnel. Mr. Ward stated that he and other staff members also walk the grounds during breaks and after school.

In the event of an emergency, the school has a "lock down" procedure in place. This procedure is practiced periodically, in a similar fashion to fire drills. In the event of an actual threat or danger, there is a "rapid-calling" telephone system able to notify all students' families (assuming they have a working phone

number) within a few minutes. Mr. Ward stressed the importance of parents/guardians keeping a current phone number on file in the office. Mr. Ward stated that M.H.S. is preparing to install video surveillance cameras around the campus. The number of cameras and their placement will depend on the cost. M.H.S. is adjacent to Marysville Joint Unified School District's offices and Marysville's Charter School, adding another source of foot traffic to monitor.

Mr. Ward admitted that due to the size and public accessibility of the grounds, M.H.S. is a difficult campus to patrol and keep litter-free. Little League, youth football, and soccer teams use the grounds evenings and weekends for practices and games, and neighborhood residents walk/run on the track daily as well. (It was noted students are sometimes assigned to pick up litter for minor disciplinary offenses.)

### **Summary**

The school's administration feels that improvements to curriculum are ongoing and tutoring opportunities for students are being enhanced. Student success is stated as a top priority, surpassed only by student safety. Given the age of the facility, the school buildings viewed by the committee appeared in adequate repair, with the exception of the cafeteria floor. Although the campus is quite large and difficult to patrol, the size can also be viewed as an asset. Marysville's campus has room to grow; many other schools in the district do not have that luxury.

### **Findings**

1. Due to the expansiveness of its campus, M.H.S. is difficult to patrol. The school's administration has given a lot of attention recently to the safety and security of the campus. New security guards are patrolling the site as are staff, and soon, video surveillance will be implemented as an important tool for monitoring the campus.
2. If test scores are a true indicator, Marysville's student success rate is improving.
3. The cafeteria flooring is deteriorating and in need of repair or replacement. Floor space is being used for storage of non-cafeteria-related items.
4. The main entrance to the gymnasium is difficult for visitors to locate and vehicle accessibility is cumbersome, at best.

### **Recommendations**

1. The committee wishes to acknowledge the difficult task M.H.S. staff faces with policing its expansive campus. The committee recommends that staff investigate the possibility of acquiring more funds for video surveillance (if



staff deems it necessary) through other agencies, due to the extensive public use of M.H.S. grounds.

2. The following recommendation is a duplicate of a recommendation given to Lindhurst High School by this committee, but applies to M.H.S. as well. The School Committee recommends that M. H.S. continue the battle against complacency in students. With the increase of outside programs created to help students having trouble in the classroom, it makes sense to concentrate heavily on students' needs while still IN the classroom. Accountability in the classroom, whether it be discipline or curriculum issues, is imperative. School administration should continue to support and enforce this accountability.
3. If possible, M.H.S. should try to relocate non-cafeteria items from the cafeteria and repair/replace the flooring as soon as funds become available.
4. The committee believes it would be beneficial for the area east of the Field House and south of the cafeteria, to someday be paved and used as additional parking. Realizing it would be a large expense, the committee hopes that funds will someday become available for this improvement.

#### **Required Responses for Findings**

None

#### **Required Responses for Recommendations**

None

# Marysville Joint Unified School District

## **Focus of Investigation**

The focus of this investigation was to 1) verify if the School District's current procedure of ensuring accountability of inventory is adequate, 2) determine whether or not a substantial amount of computer inventory is missing from the district, and 3) determine whether or not a former district employee in a management position misused district employee time.

## **Reason for Investigation**

This investigation was initiated by a complaint, alleging misuse of employee time and suspected theft of computer equipment by a former district employee in a management position. (This former employee will be referred to as "employee" in this report.)

## **Process of Investigation**

The Schools Committee reviewed the complaint. There were several complainants named. The committee interviewed as many of the complainants as possible, as some had left the area. The committee also received documentary evidence. After reviewing testimony of the complainants and the documents provided, the committee interviewed many of the district's administrative staff, as well as members of the MJUSD Board of Trustees.

The committee received consistent testimony that a former employee had misused employee time. The misuse occurred when the employee instructed subordinates to perform non-district work and install district equipment on private property during district time, traveling to and from non-district job sites in district vehicles. Sometime after these allegations were reported, the employee was placed on administrative leave, pending an investigation. District representatives have acknowledged that the allegations were found to be true, but the offenses were not deemed "terminable". The employee left the district for other employment without disciplinary action. No compensation or reimbursement for lost time was sought by the school district from the former employee.

About the same time the employee was placed on administrative leave, there was a break-in at the department in which the employee worked and property was stolen. The Marysville Police Department investigated the break-in, and later did a follow-up report concerning District property in the employee's possession. The Police Department also made a call to a job site where District property had allegedly been installed. No charges were ever filed. It is the District's position that there was not enough evidence to press charges against the employee for the break-in, and the investigation ended when the employee left the District for other employment.

After the break-in and theft, and after the employee left the District, an outside consulting firm assessed the department. Since computer equipment had been stolen during the break-in and an insurance claim needed to be filed, staff was instructed to do a complete inventory of the District's computer equipment. After several weeks, the inventory was complete and at least 35 pieces of computer equipment were determined to be missing from the inventory, the majority of which were from the employee's department. It should be noted, however, that these 35 pieces of computer equipment did not include the dozen or so laptops and other equipment stolen during the break-in.

The committee tried to find out what steps were taken after the discovery of the loss of inventory to trace this equipment, but those individuals interviewed by the committee were unable to provide clarifying information. Most administrative employees interviewed did not believe that the equipment was actually missing, but instead, just "misplaced" or merely "old, discarded" equipment.

At the time of this report, there are still documents to be reviewed by the committee that have not been received. The committee has received evidence tending to document that the employee, over a period of time, sold computer equipment from the District's inventory to at least one private vendor. This documentary evidence consists of cancelled checks, emails, and purchase invoices complete with specific serial numbers matching MJUSD inventory checklists. The evidence could be construed to show that the employee sold at least 23 pieces of "missing" computer equipment with a value on the inventory checklist of \$70,041.18, to a private vendor for \$30,200 and apparently did not turn the funds over to the District.

The computer equipment that was sold physically left the District's inventory in 2001, yet still appears on the District's Fixed Asset Master Report in 2003. The Grand Jury is concerned that because of what has been discovered, inventory accountability has either not been implemented, or is not being enforced at MJUSD. While the Grand Jury may be able to excuse a small amount of missing pieces of equipment in inventory control, it is highly unlikely that in excess of 35 new, expensive components would be overlooked.

### **Summary**

The Schools Committee interviewed many District employees, former District employees and Board of Trustees members during this investigation and reviewed extensive documentation. In the opinion of the Grand Jury, the evidence relating to the allegations was quite accessible and easily obtained. The Grand Jury is puzzled as to why there was not a more thorough investigation by the School District Administration and the Board of Trustees concerning the allegations of the complaint, particularly the missing inventory. Copies of the complaint that initiated this investigation were also received by Marysville Police

Department, Yuba County District Attorney, and the MJUSD Board of Trustees, among others.

The Grand Jury feels that the administrative bodies in the District have exhibited a complacent attitude toward the complaint mentioned in this report, which is of great concern to this Grand Jury.

### **Findings**

1. The School District Administration does not dispute that an employee misused employee time.
2. The allegation concerning a substantial amount of computer equipment being missing from the District's inventory has been confirmed through documents obtained from the School District, former employees, and third parties.
3. The allegation that an employee sold a substantial amount of District computer equipment for personal financial gain appears to have been substantiated through solid documentary evidence.

### **Recommendations**

1. The Grand Jury recommends an investigation by the Yuba County District Attorney to determine whether to initiate a suit seeking reimbursement of improperly expended public funds and that the MJUSD administration and the MJUSD Board of Trustees investigate the extent of misuse of District employee time by the former employee in question.
2. The Grand Jury recommends that MJUSD do a thorough investigation of other allegations in the written complaint provided to the District that are not addressed in this report.
3. The Grand Jury strongly recommends an immediate criminal investigation by the District Attorney, possibly with the assistance of the Marysville Police Department, concerning the missing District computer equipment and the former employee's involvement in the apparent sale of that equipment, and conduct further investigation concerning possible additional sales.
4. The Grand Jury recommends that the 2004/2005 Yuba County Grand Jury follow-up on recommendations 1, 2 and 3 and monitor action or actions taken by MJUSD Administration, the MJUSD Board of Trustees, the Marysville Police Department, and the District Attorney.

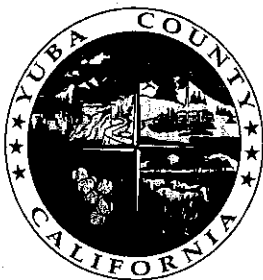
### **Responses Required for Findings**

1	MJUSD
2, 3	None

### **Responses Required for Recommendations**

1, 2	MJUSD
	MJUSD Board of Trustees
1, 3	Yuba County District Attorney
4	2004/2005 Yuba County Grand Jury

# Required Responses from 2002/2003 Final Report



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA**

**H. STEPHEN KONISHI**, *Court Executive Officer/Clerk of the Court/Jury Commissioner*

**Peggy S. Meyer**, *Deputy Court Executive Officer/Deputy Clerk of the Court*

**Evelyn Allis**, *Deputy Court Executive Officer/Deputy Clerk of the Court*

**Wendell Phillips**, *Human Resources Analyst*

November 17, 2003

2002/03 Grand Jurors

Re: 2002/03 Grand Jury Final Report Responses

Ladies and Gentlemen:

Attached are copies of the Responses to the 2002/03 Grand Jury Final Report. To recap, we received responses from all entities with the exception of the following:

Entity Investigated	No Response From
City of Marysville	Marysville Business Improvement District

In speaking with Jim Sullivan and Helen Burke of the Marysville BID, the District felt that the responses provided by the City of Marysville were sufficient.

Should you have any questions, please contact me at 749-7630.

Very truly yours,

A handwritten signature in black ink, appearing to read "Evelyn Allis", is written over the typed name.

EVELYN ALLIS  
Deputy Court Executive Officer

ms  
Enclosures

# 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



Forestry in May 2003. The facility passed the inspection with the rating of "No deficiencies affecting fire/life safety were noted. Fire clearance is granted." The facility will continue on its annual inspection cycle and will make any corrections as required by the fire inspection authority. No other action will be taken at this time.

Cc: Yuba County Board of Supervisors  
Kent McClain

# 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 *Det. Lt. Virginia Black / Lt. Jim Downs*  
*215 5th St Marysville CA 95901*
- Local Governing Body (i.e., Board of Supervisors, City Council, etc.) *County Board Sup.*

Date of Inspection: 5-8-03 Inspected by: WRS CCH/420 JSM/11

Fire Authority: Yuba County / Marysville C/FD

Facility Representative: LT J. Downs 5-8-2003

The following is to be used only as a guide and is not intended to include all applicable codes and requirements.

		Yes	No	N/A
<b>A. CONSTRUCTION</b>				
1.	Building construction type and fire resistive rating conform throughout and are maintained in good repair. (19 CCR 3.24; CBC 308.2.2.2; CBC 3.24A.1; CBC 324A.2; CBC Table 6-A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Proper interior ceiling and floor finish ratings are provided. (CBC 324A.4, CBC Table 8B)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Vertical shaft enclosures are in good repair and fire assemblies at openings are properly maintained. (CBC 711, Table 6A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. EXITS</b>				
4.	Proper corridor construction and opening protection are provided and maintained. Dead-end corridors do not exceed 20 feet in length. (CBC 1004 through 1006). Exit balconies do not exceed 50 feet. (CBC 332A.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	All means of egress are unobstructed and free of storage. (19 CCR 3.11)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Means of egress and exit signs are installed, illuminated and maintained. (CBC 1003.2.8.2 through 1003.2.9.2; CBC 331A.5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Corridors are not used as part of the air distribution system. (CMC 602.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Supervisory personnel are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency. (Penal Code 6030[c]; CBC 1003.3.1.8 exception 3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. MECHANICAL/ELECTRICAL</b>				
9.	Fire and smoke dampers and similar devices are adequate, properly installed, maintained and tested. (CMC 606.1 & 2; CBC 713.10, 713.11)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	All heating, cooling and ventilation equipment is maintained satisfactorily. There are no visible defects. (CMC 109.2; 19 CCR 3.02)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Electrical wiring, fixtures and appliances are properly installed and operated. (19 CCR 3.01; CBC 3.24)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Emergency power is provided for minimal lighting and fire/life safety systems. (CBC 1003.2.9; CBC 328A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. HOUSEKEEPING</b>				
13.	Kitchen hoods, vents, ducts and filters are installed, adequate, are maintained in proper condition and are free of grease. (19 CCR 3.19, 3.24; CMC 501 through 510)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	All areas are free of unacceptable amounts of storage. (19 CCR 3.19)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>E. FIRE EXTINGUISHING/FIRE ALARM</b>				
15.	All portable fire extinguishers, automatic fire sprinkler systems, wet and dry standpipe systems are installed and maintained properly. (CBC 3.24; CBC 3.29; CBC 3.29A; NFPA 13)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Manual and automatic fire alarm systems, when installed, shall be properly installed and maintained. (19 CCR 3.24; CBC 330A; NFPA 72)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	The automatic fire alarm system is properly maintained. (19 CCR 3.24)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>F. TRAINING/PREPLANNING</b>				
18.	At least one person is on duty who meets the training standards established for general fire and life safety relating specifically to the facility. (Penal Code 6030[c])	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Fire suppression preplanning inspections are conducted by the local fire authority at least every two years. (Penal Code 6031.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Code references above are from the most recent SFM adopted codes. Note that code references for the CBC may be different for facilities constructed prior to the revision of this form.

Where any deficiency is identified, please provide specific information regarding the deficiency type and location (e.g., the fire alarm in Building C indicated a trouble alarm and must be repaired.)

RECEIVED

FILED  
SANTA CLAY COUNTY  
SUPERIOR COURT  
SEP 25 PM 3:13  
TEJ MAAN  
SEP 25 PM 3:13  
STEPHEN KONGSHI  
CLERK OF THE COURT  
COURT CLERK

To: Kent McClain, County Administrator

From: Tej Maan, Environmental Health Director

Date: September 8, 2003

Subject: Grand Jury Report, 2002/2003

SEP 10 2003

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



FILED

YUBA COUNTY  
SUPERIOR COURT

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

**Health Officer,**  
Phone: (530) 741-6366

03-SEP-26 PM 4:00

JOSEPH W. CASSADY  
HEALTH OFFICER  
COURT CLERK

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.

- 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



03 444

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

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.

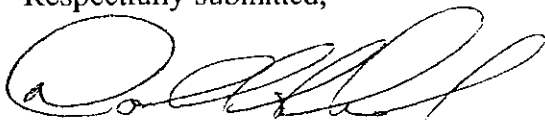
Recommendation #2: The Cemetery Board of Trustees should react to maintenance problems in a more timely manner.

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,

A handwritten signature in black ink, appearing to read 'Donald Schrader', written in a cursive style.

Donald Schrader, Chair  
Board of Supervisors



# CITY OF MARYSVILLE

FILED  
YUBA COUNTY  
SUPERIOR COURT

2003 OCT -8 AM 11:09

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

H. STEPHEN KONISHI  
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.

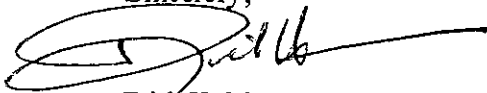
Response: The City's General Plan identifies the community area expanding to the north to include additional urban development. The City's Downtown Strategic Plan will include strategies for more intense urbanization, which should include promoting construction of taller buildings. Although the City 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.

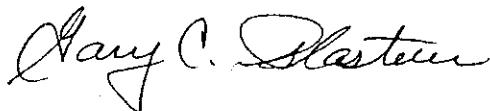
The objective of the incorporation of a new city called Olivehurst would be to provide full service to the citizens of the city and to have them control their own destiny. The discussions have been very preliminary, but the focus has been to provide all services that a city is authorized to provide, 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, reading "Gary C. Plasterer". The signature is fluid and cursive, with the first name "Gary" being more prominent and the last name "Plasterer" following in a similar style.

Gary C. Plasterer  
General Manager  
OLIVEHURST PUBLIC UTILITY DISTRICT

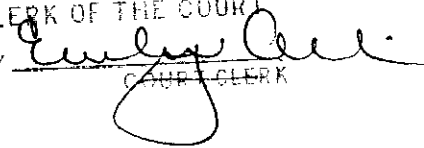
GCP:cvm

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