

YUBA COUNTY
GRAND JURY

FINAL REPORT
2004-2005

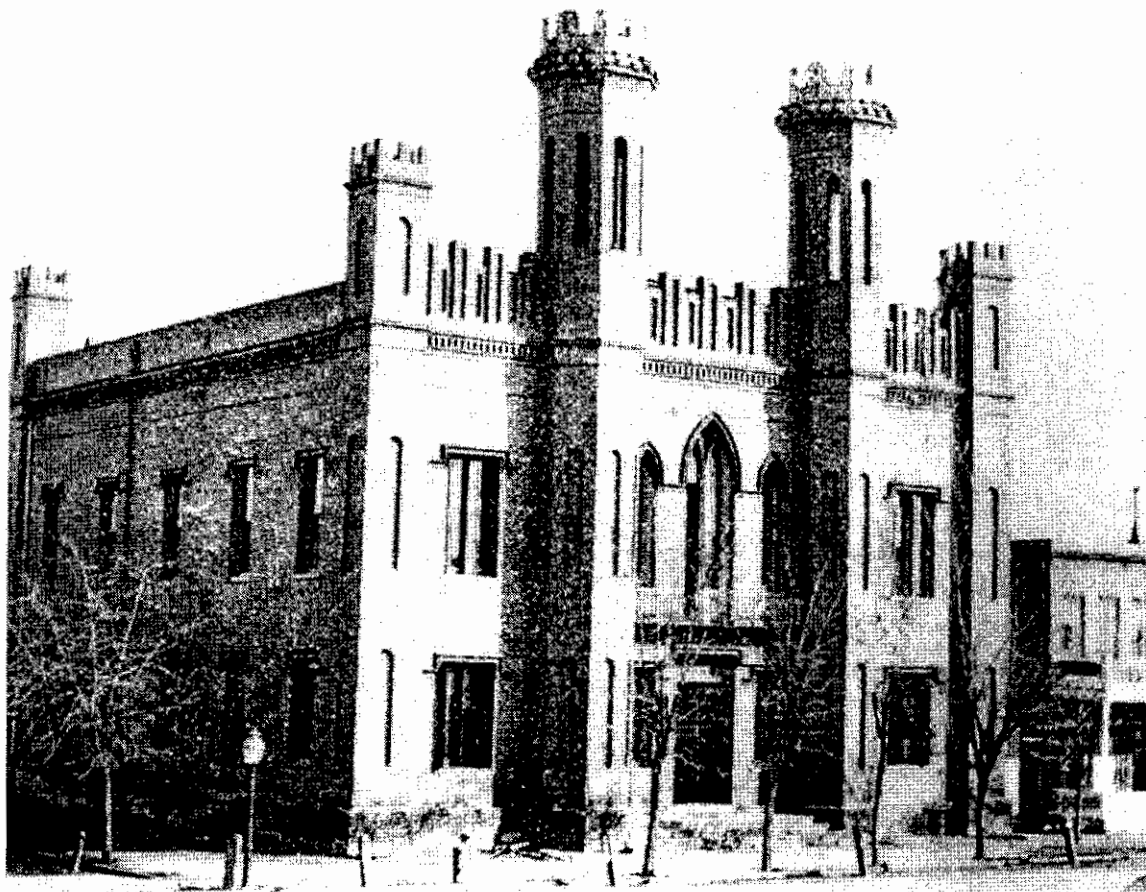


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The Honorable
DENNIS BUCKLEY
Judge of the Superior Court

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The County of Yuba

GRAND JURY



June 29, 2005

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

Dear Judge Buckley:

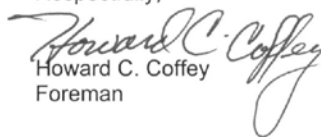
The Yuba County Grand Jury of 2004-2005 was composed of 16 citizens who worked very hard and devoted considerable personal time to fulfill their responsibilities. The Grand Jury members reviewed and investigated the activities of several governmental entities and also responded to citizen complaints. Enclosed you will find the final Grand Jury Final Report which includes findings and recommendations, but also includes recognition of entities and departments where the county's business and the interest of county residents is being well served.

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

The 2004-2005 Yuba County Grand Jury wishes to extend particular thanks to Evelyn Allis and her staff for their invaluable assistance and support. We also wish to thank Patrick McGrath, District Attorney, and Daniel Montgomery, County Counsel, who provided assistance, advice and legal expertise on numerous occasions throughout the year. The Grand Jury members appreciate the opportunity to serve with you, and as foreperson, I especially wish to thank you for your guidance and availability.

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

Respectfully,


Howard C. Coffey
Foreman

215 FIFTH STREET — COURTHOUSE — MARYSVILLE, CALIFORNIA 95901

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2004 - 2005 YUBA COUNTY GRAND JURY

Clara Ansley	Olivehurst
T. Wayne Brazelton	Marysville
Judith Brown	Marysville
Marian Chew	Marysville
Howard Coffey, Foreman	Browns Valley
Eva Conley	Wheatland
Demona Dibble	Browns Valley
Donald Foster	Clipper Mills
William Hamilton	Marysville
Carolyn Hodges	Marysville
Sheryl Hott	Dobbins
Katherine King	Marysville
Ruby Schoenig, Foreperson Pro Tem	Marysville
Harold Scott	Marysville
Donald Sinn	Loma Rica
Olive Sultzbaugh	Oregon House

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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 Aethelred (980-1016) appointed a dozen landowners to investigate alleged crimes. In 1166, King Henry II established a system of local informers (12 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-1300s, 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 1600s 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 1600s, 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 of indictment of a Grand Jury, except in cases arising in the land or naval forces, or 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 other 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 played by the modern grand jury in California. It is estimated that between 83 and 85 percent 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.

Cities

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City of Marysville, Fire Department

Reason for Investigation

Routine visitation pursuant to California Penal Code § 925.

Focus of Investigation

To observe the operations and facilities of the Marysville Fire Department.

Process of Investigation

The Yuba County Grand Jury Cities Committee paid an unannounced visit to the Fire Department, located at 107 Ninth Street, Marysville, and found the entire premises to be clean and organized. The social area is furnished with comfortable chairs, reading materials, and a television. The kitchen appeared to be adequate in size, well equipped, and since it was nearly 5 p.m. when the Committee arrived, one fireman was in the kitchen preparing dinner. The sleeping quarters are dormitory style with single beds. Although the sleeping quarters are co-ed, there are separate restrooms and showers for the men and women firefighters.

Committee members interviewed one of the firefighters on duty, who provided the information for this report. The Committee was informed that there are eight full-time employees and a varying number of reserve firefighters. The Department requires a minimum of three members to be on duty at all times. It is staffed and operated by the California Department of Forestry (CDF) under contract with the City of Marysville to provide firefighting services. Full time personnel are employees of the state and receive both retirement and health benefits. Reserve firefighters are compensated on a per-call basis as opposed to being purely volunteers, and do not receive other benefits. The majority of volunteers have other employment.

The Department has a mutual aid agreement with other local fire departments, which assures their assistance in the event of a large fire. The Department has a range of firefighting equipment, including a water tender, a hazardous material truck with protective gear, rescue and ladder trucks. Except for major repairs, all vehicle maintenance is handled by the city maintenance shop.

Having only three members on duty is generally adequate. There is a need for more firefighters only when there is a major fire or when someone may have to be rescued from a burning building. Under the latter circumstances, the accepted safety rule is a minimum of four firefighters, two firefighters in and two firefighters out at all times. On these occasions the reserves are depended upon to get to the site of the fire as soon as possible, coming either from their homes or places of employment. They can generally respond quickly at night; however, during the day the response time can vary greatly due to traffic conditions or because the reserves are at work and may not be able to leave their jobs immediately. (It was stated that in instances of extreme danger to life, the two-in/two out rule may be waived)

Conclusions

The Committee found the Marysville Fire Department premises, including the living, kitchen and sleeping areas, to be clean and adequate for the number of employees. The Department appeared to be well organized and sufficiently equipped to respond to any fire in the City.

Findings

None

Recommendations

None

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City of Marysville, Police Department

Reason for Investigation

The Grand Jury is authorized to visit departments of the City and County during its regular term of office pursuant to California Penal Code § 925.

Focus of Investigation

The focus was to observe operations of the Marysville Police Department and to inspect the actual premises, personnel, and equipment.

Process of Investigation

The Yuba County Grand Jury Cities Committee visited, unannounced, the Police Department, and asked for a tour of the premises. An officer arrived and took Committee members through the reception area into the dispatch unit. The officer told the Committee there is always one person on duty and, as often as possible, a second person is present. At the time the Committee was there, the second person was a trainee. The Committee viewed the room where all evidence is stored and locked up. The Committee was impressed with the extensive computer system and the Trax system. (Trax is a nationwide system which facilitates the tracking of missing children.)

The Police Department has a spacious break room, which also serves as a conference room when necessary. There are restrooms for both male and female officers.

Currently, there are 22 sworn officers and 10 reserve officers. The Department has a volunteer staff of 30 and 6 dispatchers. The Committee was told the Department could use an additional dispatcher. The Committee asked about the number of calls the Department receives and were told calls average about 50 to 75 per day. If, however, phones are out for any reason in nearby areas, the calls have numbered up to 125 in a two-hour period.

The Department has a reserve officer who is also an information technology expert and who volunteers his time to maintain the computer system.

In the interrogation room, the Committee noticed stuffed animals placed on shelves which they were told were for both children and adults who have been traumatized. The Committee was advised that while there has been a slight decline in child abuse in the City, there has also been a rise in false complaints for child abuse.

The Committee was told there is a problem sending reports directly to the computer from the patrol cars due to dead spaces where, for example, cell phones will not work. The patrolmen use laptops and then, when they get to the station, they download into the main computers. Information and reports to patrol cars come verbally from the main station.

Officers are on duty for 12-hour shifts, 3 days on and 4 days off, then 4 days on and 3 days off. The Police Department is still a part of the Narcotics Task Force (Net-5) program and participates in that program at all times. This program includes officers from Yuba City, Marysville, Yuba County, Sutter County and the Department of Justice.

The Committee was shown an antiquated holding cell/room that currently houses electrical equipment and computer terminals. This room has no outside ventilation and was extremely hot, with fans blowing into the room to cool the temperature. The room was not designed for this type of equipment and the present cooling system is inadequate to keep it properly cooled.

The Committee was introduced to the Chief of Police, who indicated he is satisfied with his staff; they work hard, are very conscientious and, in his opinion, were there because they wanted to be.

The officer took the Committee downstairs where there are storage facilities as well as offices for the investigators and for the administrative staff. The Committee met the Volunteer Coordinator, who trains volunteers and assigns them to various departments. The volunteers do a lot of work on crime prevention programs, drug and alcohol prevention programs, and programs for runaway kids from group homes. The Department has a school resource officer who goes around to all of the City's schools, working 40 hours per week. The coordinator is also in charge of the Neighborhood Watch Program.

The Committee asked if the Department would be prepared to respond in the event of any type of disaster in the downtown area and were told that they would be.

The Committee also looked at the storage department where the overflow files are stored. Members were told that homicide records are kept 99 years and 1 day, or until all who were involved in any way are deceased. Felony records are kept 10 years, and misdemeanors are kept 3 years. Any files containing DNA samples are kept 10 years.

Summary

The Committee toured the facility from the reception area to the downstairs area and was able to observe members of the staff in various departments at work. The dispatch center is small but well-equipped and the dispatcher on duty was working while the Committee observed. The evidence room is organized and the compartments holding evidence were locked. The Department is staffed adequately and officers on duty are rotated for 12-hour shifts for 3 days on and 4 days off, then 4 days on and 3 days off.

The officers on duty told the Committee at times there is a problem transmitting directly to the main computers. For this reason, the patrol officers use laptop computers and download to the main computer after returning to the station.

The room which contains all of the computer terminals and electrical equipment for the police station is quite small, has no ventilation, and is not designed for this purpose.

The offices, both upstairs and downstairs, were all neat and organized, each for its purpose. The rooms containing all of the overflow files were organized and were almost to capacity. According to the department head, all records are kept the proper length of time for each type of crime.

The Department has adequate restrooms for male and female officers, and there is a very nice break room, which is also used for a conference room.

During the time of the visit, this Committee was treated with respect, all questions were answered, and everything the Committee asked to see, was shown. The Committee was especially impressed with the volunteer programs being operated under the Volunteer Coordinator, who is in charge of all volunteers, including their training and subsequent placement in departments.

Findings

1. The Police Department presently has adequate space and personnel to operate efficiently. While the dispatch unit, the interrogation room and evidence locker are all small, they are adequate.
2. The computer system is maintained by an information technology expert, who is a volunteer.
3. There is a problem sending reports from patrol cars directly to the main computer. Reports are presently being entered into laptop computers for downloading to the main computer upon return to the station.
4. The computer terminal and electrical equipment room is not ventilated and is much too small for efficient maintenance of this equipment. Despite the fact there were fans blowing air into the room, the room was very hot.
5. The Department has an excellent volunteer program, which is beneficial in all areas of the Department.

Recommendations

1. The Marysville Police Department needs to improve the system for direct communication between the patrol car computers and the station's main computer.
2. The efficiency of the antiquated computer terminal and electrical equipment room needs to be addressed. An evaluation of this situation should be done by computer experts as soon as possible to determine whether the room is adequate for space and efficiency and whether the room temperature is detrimental to any or all of the equipment situated there.

Required Responses to Findings

None

Required Responses to Recommendations

- 1, 2 Marysville Police Department

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City of Marysville, Public Works Department

Reason for Investigation

This investigation was conducted based upon random selection pursuant to California Penal Code Section § 925.

Focus of Investigation

To investigate the operations of the City of Marysville Public Works Department.

Process of Investigation

The Yuba County Grand Jury Cities Committee visited the Department of Public Works, located in City Hall, and interviewed Mr. David Lamon, who has been the Director of Public Works since 1999. Mr. Lamon informed the Committee that the Public Works Department is in charge of parks, streets and sewer systems located within the city limits. The city limits go to the middle of the Yuba and Feather Rivers. The water for the City is provided by a private company (California Water Service Company) which is operated under state rules and regulations and has been servicing Marysville since before it became a city.

The sewer plant is operated under Waste Discharge Requirements (W.D.R.), which sets the wastewater standards for the City. The Committee asked if there could ever be a problem due to high water and was told by the director that this would not be a serious problem. The state has high standards for wastewater plants, and by the time releases are made, the wastewater has been treated to the non-dangerous stage. According to Director Lamon, the main problem for all local plants is lack of funds to provide and maintain standards. He stated that there are three plants locally: one in Marysville, one in Linda and one in Yuba City.

When asked about the Department's role in building requirements and planning within the city limits, the Director told the Committee that most decisions concerning land use and planning for the City is done by the Marysville City Community Development Agency.

The Director shared with the Committee that he wears many hats, as do others in the Department. This usually happens in small towns and cities due to the fact that there is more work than staff. The Department is in the process of hiring a public works assistant, who will be in charge of drains, sewers, and parks. Mr. Lamon feels his staff is doing a good job.

Marysville is a charter city and because of this, it is not required to have an up-to-date general plan in place. There is a housing development plan in place that has been updated within the past two years.

The Committee was impressed with the Director's presentation, especially since the Committee arrived with no notice. He spoke with the Committee in the reception area and seemed very forthright and thorough as he answered all questions.

Findings

None

Recommendations

None

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City of Wheatland

Reason for Investigation

The 2003-2004 Yuba County Grand Jury recommended the 2004-2005 Grand Jury continue to monitor the rapid growth of the City of Wheatland.

Focus of Investigation

The focus of the investigation was to review and report on services, personnel, benefits, premises, and equipment of various City departments, particularly as they may be affected by the expansion of housing and population in the area.

Process of Investigation

The Yuba County Grand Jury Cities Committee began by touring the City itself, noting areas of new housing and commercial development, new school buildings, traffic conditions and the condition of city streets. During this tour, the Committee saw a number of vacant buildings that had previously housed a relocated elementary school.

Thereafter, the Committee met with and interviewed then current Mayor Gary Ulman, and visited several of the city departments. The Mayor was initially asked why the City had not responded as required to the previous Grand Jury Report. He apologized for the failure and explained that the City Administrator, who had been delegated the responsibility to file the City's response, resigned during that time.

Mayor Ulman informed the Committee that the City Council has regular council meetings twice a month and holds special meetings as needed. In addition to these meetings, the Council meets on the first Thursday of each month for the specific purpose of studying the update of the General Plan for the City of Wheatland.

When asked why the First Street traffic signal had not been installed as planned in the fall of 2004, the Mayor advised that the installation had not occurred due to a combination of red tape, lack of funds, and other unexplained delays on the part of the parties involved.

Committee members next visited the Police Department, located at 413 Second Street, Wheatland, a modular building installed in 1997. The Committee met with a sergeant, a patrol officer, and a reserve officer who was in training as an evidence technician. A tour of the building revealed that the offices were very small and crowded. Much of the work area was in obvious need of renovation. On the other hand, all of the radios, computers and other office equipment, including the Trax system, did appear to be in good condition. The Department had also recently acquired an unmanned speed monitor which is used on Highway 65 at various times. This has proven to be an effective tool in encouraging motorists to reduce speed when traveling through the City.

The Committee also visited the Wheatland Fire Department located at 313 Main Street, Wheatland, and had the opportunity to speak with the firefighter who happened to be on duty, and is the only firefighter who is employed by the City. He advised that he in fact works 50% of his on-duty time for the Wheatland Fire District and 50% of on-duty time for the Plumas-Brophy

District. All of the other firefighters are volunteers, including the five new members who were currently in training. As with the Police Department, it was noted that this building, which the Committee was told was built in about 1974, also needed much repair and renovation, especially in the office and recreation areas. The fire fighting equipment included 2 pumpers, one of which is new, a Blazer utility vehicle, and one inactive 1949 truck.

Following the visit to the Police and Fire Departments, the Committee visited the City Hall, located at 313 Main Street. While the age of this building is not known, what the Committee could see was in good condition. Although the reception and work areas appeared to be adequate, at least for the present, there is concern that in the near future more space will be needed. The Committee was told that the building was supposed to house the Mayor's office; however, with that space currently being used by the financial officer, the Mayor is obliged to work out of his or her personal office.

The Committee visited the Public Works Department where members were shown the computer that controls the City's water system. Although plans are under way for the overhaul of the sewer system, it is necessary for the City to apply for loans or grants in order to fund this project. The Public Works Department is located on 4th Street, Wheatland, and is in a new building which was completed in about 2002.

Enita Elphick was elected Mayor of the City of Wheatland in November of 2004. Due to the election and other changes since the Committee first visited in September, jury members decided to repeat the investigation.

The meetings and interviews with Mayor Elphick were most productive. As hereafter outlined, she took time to update the Committee on a number of issues earlier discussed with Mayor Ulman as well as to discuss the activities of the City Council and the plans for updating the General Plan. Under the General Plan, it is recommended that the City Council address a number of issues including:

- Economic development strategies
- Enhancement of the down-town area to link it to a proposed civic center
- A preservation of historical down-town
- Improvement of city circulation system
- Consideration for residential and commercial land use
- Expansion of waste water facilities
- Improvement of fire protection and law enforcement services
- Consideration of traffic flow options and alternatives

Mayor Elphick said that the previous financial officer had left upon her election and that there were a number of issues that needed to be addressed as a result of there being no reliable accounting of revenue, expenditures, no audit trails, and no meaningful budget. A new financial officer had been retained to revise the accounting and was working on this project three days per week. Although temporary and under contract, he has committed to remain until after the new city budget is completed and a permanent financial officer is hired.

Mayor Elphick told the Cities Committee that upon taking office, she found little or no documentation of plans made or actions to be taken by or on behalf of the City. For this reason, she requested help from the League of Cities, an organization devoted to assisting small cities, to which Wheatland and most cities in the state belong. It was decided to form a panel of

independent review consultants consisting of four expert individuals, who are all retired from various phases of city government and experienced in management, finance, personnel, and infrastructure, to review the City's policies. This panel has met with the area's project developers who have agreed to advance the panel's fees subject to reimbursement if and when they proceed with development.

The Committee next inquired of Mayor Elphrick if there had been any recent progress concerning the sewer problems since the Committee's last visit. She advised that the problems of the sewer system remain unresolved and are a result of the age and lack of maintenance of the system. These sewer lines are approximately 70 years old and are literally disintegrating and causing backed-up sewage, as well as leakage onto streets near manholes. Mayor Elphick further advised that it had just recently come to her attention that while water meters had been installed for some time, they were still not being used to charge customers for usage. This has been found to be a software problem and should be easily fixed.

Insofar as the signal lights are concerned, the Mayor told the Committee that she had met with Caltrans and was told that they had completed the preliminary steps for the 1st Street light, and are now taking bids for its installation. She was further advised that the Main Street light will be installed in 2006, with funds already allocated by SACOG, the Sacramento Area Council of Government.

The Committee next asked the Mayor about the employee benefits and other insurance coverage for the City and was told that these are in fact problems that needed to be addressed. The Mayor told the Committee that the Workers Compensation premiums were extremely high and the employee benefit program needed to be addressed. She stated that she is in the process of meeting with various insurance companies in order to get the best coverage for the least amount of premiums available for the City.

The Mayor told the Committee that the Council recognizes the needs of the City for more office space and for the renovation of their current facilities. She said that she is also aware of the vacant buildings mentioned above and would like to negotiate with the proper authorities to lease the area for use by the City's administration. At this time there is some uncertainty as to the ownership of these vacant buildings.

The Mayor assured the Committee that it will now be the policy that all plans, contracts, and memorandums involving the City will be in writing, signed by all parties involved, and kept on file so that everyone will know what is going on.

The Mayor advised that a temporary building inspector had been hired and would work until a permanent inspector could be found.

At the time of the initial interview and discussions with Ms. Elphick, Police Chief John Mears had retired and the City Council was in the process of interviewing new prospects.

In a subsequent interview with the Mayor in April, 2005, the Committee learned that the following had occurred:

1. A new Chief of Police has been hired; police staff has been reduced from 7 to 5 full-time officers and 4 reserve officers

2. Under recently passed Measure E, an excise tax of 1% of a building permit's total value will now be imposed on all new building permits.
3. The panel of experts hired to review the policies of the City had completed the assessment and recommendations. A copy of this 52 page document was given to the Grand Jury. All of the recommendations of the panel of experts have been summarized into a "24 Month Implementation Plan." The report lists about 120 recommendations that range from hiring a city manager to updating the city's zoning map and zoning code. The report includes recommendations for improving human resources, public infrastructure and city-wide emergency services. A copy of the Executive Summary is attached as Attachment 1.
4. The temporary financial officer had made good progress on putting together the financial records of the City and provided the Committee a summary of revenue showing sources of revenue (see Attachment 2.)
5. A 2-day training program had been given to the clerical staff by the providers of the water meter software and the new system for reading water meters and billing procedures was underway.
6. Application had been filed with the United States Department of Agriculture for a loan in the sum of four million dollars for repairs to the sewer system.
7. The Steering Committee for the Wheatland General Plan Update had adopted a Land Use Plan – Alternate D – as a starting point for future planning (see Attachment 3.)
8. Bids put out by Caltrans on the signal light at 1st street have been received and were too high, so new bids will be put out.

In order to verify the progress of the traffic signal light, the Cities Committee interviewed a Caltrans Project Manager, the District Local Assistance Engineer, and the Transportation Engineer, all out of the Marysville office. Members were informed that the Wheatland 1st Street signal light project was advertised in April, 2005, and although bids were received, all were rejected because the low bid exceeded the budgeted amount. Caltrans is now considering trying to amend the project to qualify it for next year's State Highway Operations Prevention Program (SHOPP), while also seeking additional money to fund the project as designed. The Department is also planning to re-advertise the project in the winter of 2005 and, if funds are available and the low bid comes in within budget, construction will begin in the spring of 2006.

Caltrans further advised the Committee that the Main Street signal project is under a program known as STIP (State Transportation Improvement Program). Under this program, the City of Wheatland is responsible for the project and will have to complete additional engineering work, as well as apply for an encroachment permit from Caltrans in order to begin construction. There is a formula used for the STIP funds to determine the amount each county receives from the State. Information concerning this formula can be accessed at the California Transportation Commission website, at www.catc.ca.gov.

Summary

The City of Wheatland continues to grow rapidly with the anticipated problems which arise due to such growth. Not only is much new revenue needed to meet the demands of running the city

government, but it is apparent that past available revenue has not been properly collected or handled.

A number of City employees are part-time and/or temporary. Some positions, such as firefighters, have been filled by volunteers who may need training to be qualified. The Committee found that the physical premises of the Police Department, the Fire Department, and the City Hall are all in need of repairs. The premises are overcrowded and inadequate for the necessary day-to-day operations. The recreation and office areas of the Police and Fire Departments need to be repaired soon due to leakages from rain seen in the ceilings and walls. The office intended for the Mayor located in City Hall is being used by the Financial Officer, and the Mayor has to work out of her own private office.

In November of 2004, city elections brought about changes in the administration of the City. All investigations previously done by this Committee were then up-dated. This Committee met several times with the new Mayor of Wheatland who, despite the fact that she had been in office for only a few months, seemed to have a firm grasp on the problems the City is facing. The authorization of the four-person advisory panel of experts on city government is an excellent example of the vision of the Mayor. The document including the assessments and recommendations of the panel has been received by the City Council and is under study. The 24-month plan recommended by the panel of experts covers all aspects of the city government and is being considered for implementation by the City Council.

Other developments include the completion of an application for a loan to finance the necessary repair of the sewer system and the hiring of a new police chief, a temporary financial officer, and a temporary building inspector.

Caltrans has verified that the traffic signal lights for the City will be installed, pending allocation of funds, in 2006.

Findings

1. The City's financial condition was unclear and needed to be clarified.
2. The traffic signal light projects are, as verified by Caltrans, on track again, and should be completed in 2006.
3. A policy has been instituted requiring all city business to be in writing, signed by all parties, and filed.
4. The sewer problems are unresolved and need to be addressed by the council.
5. The training has been completed by the clerical staff to properly bill for water usages and collect revenue.
6. Application has been filed with the USDA for a loan for the sewer system update and repairs.
7. The premises currently occupied by the Police, Fire Departments and the City Hall offices are inadequate in size and are in dire need of renovation.

8. There are vacant buildings in the City that could be used as office spaces for a number of city departments if available for purchase or lease.

Recommendations

1. The City should hire permanent staff, including a building inspector, city manager and financial officer, as soon as it becomes financially feasible.
2. The possibility of acquiring the buildings vacated by the elementary school for the use of the City should be explored.
3. In cooperation with Caltrans, the City should continue to pursue the installation of the traffic signals.
4. The City should assure that the fees for water usage are properly charged and collected.
5. The City should continue to explore all available grants or loans to finance the sewer system repair and modernization of the sewer system.
6. The City Council should implement the recommendations contained in the Assessment and Findings Report submitted by the panel.
7. The 2005-2006 Grand Jury should continue to monitor and report on the growth of the City of Wheatland.

Required Responses to Findings

None

Required Responses to Recommendations

1-6 City of Wheatland



CITY OF WHEATLAND ORGANIZATIONAL ANALYSIS AND RECOMMENDATIONS FOR ESSENTIAL CITY SERVICES

EXECUTIVE SUMMARY

The future for the City of Wheatland will depend upon a successful reorganization path which requires a *vision* for the City for the next 20 years; *planning* for the immediate term and the long-term challenges; development of *people*—its most important resource—in the form of a competent and resourceful staff; and *discipline* to implement the vision.

Keys to Wheatland Success

- **Develop a Strategic Plan for Wheatland**

The Strategic Plan must include a vision for the future, and specific goals, objectives, and timeframes for actions that need to be taken to implement that vision. A Strategic Plan will also serve as the roadmap to implement the City's General Plan.

- **Create an Organizational Development Plan for City services**

The plan should include the types and levels of service the City of Wheatland will provide to its current and future residents. The plan should include the appropriate level of staffing, the ideal organizational structure and the proper mix of in-house staff and contract services that will enable efficient, professional City services for current residents and new homeowners.

- **Create a Master Plan for public infrastructure and community facilities**

The City must determine the infrastructure and community facilities that will be required to serve the existing community and the growth taking place in Wheatland. This requires an assessment of the circulation system, infrastructure, parks, public buildings and community facilities that will be needed in the future.

- **Assess the City's financial viability and develop a Financing Plan**

The City Council must have a clear understanding of the financial implications of growth and development to assure that an adequate financing plan will be in place. This plan should include infrastructure financing, community service plans and development of revenue streams to assure the City will be able to support City services in the future.



Oliver and Associates

Assessment Report: City of Wheatland, California

Keys to Success—the 24 Month Implementation Plan

The City Council's success depends on reorganization path which requires a *vision* for the City from the current point to the next 20 years; *planning* for the immediate and long-term; development of people - its most important resource - in the form of a competent and resourceful staff; and *discipline* to implement that vision. While the Assessment Report identifies many projects and tasks - some of which can be accomplished immediately and some of which may take many years to accomplish - the essential elements of the success of the 24 Month Plan are identified in the report.

City of Wheatland
Revenue Summary
Fiscal year ended 06/30/04

Description	Fiscal Year 2003/2004 Amount	City total %
General Fund:		
Property taxes	\$115,298	3.35%
Property transfer tax	32,469	0.94%
Sales tax	124,129	3.60%
Motor vehicle license fees	135,293	3.93%
Franchise fees	41,024	1.19%
Business licenses	6,207	0.18%
Building permits	359,224	10.42%
Planning fees	11,844	0.34%
Police department revenues	23,299	0.68%
Prop. 172 (public safety sales tax)	6,978	0.20%
Rents from city property	24,847	0.72%
Misc. revenues	12,035	0.35%
Subtotal General Fund Revenues	892,646	25.90%
Other City Funds:		
Supplemental law enforcement fund	100,264	2.91%
Misc. public safety grant funds	4,232	0.12%
Vehicle Abatement	7,565	0.22%
Gas taxes	69,332	2.01%
Transportation Development Act	2,496	0.07%
Other misc. grants	2,405	0.07%
Community Facility District (special taxes for debt service)	435,665	12.64%
Water user fees	542,250	15.73%
Sewer user fees	203,916	5.92%
Sewer deferred maint. surcharge	34,822	1.01%
Development impact fees	525,258	15.24%
Community center donations	36,668	1.06%
Landscaping & Lighting District annual assessments	69,289	2.01%
Subtotal - other City Funds	2,034,161	59.02%
Pass through payments received:		
Development projects	98,615	2.86%
General plan update	178,930	5.19%
After School Program	242,082	7.02%
Subtotal - pass through payments	519,627	15.08%
Total City revenues - fiscal year 2003/2004	\$3,446,434	100.00%

Attachment 2

County of Yuba
Grand Jury
Courthouse 215 Fifth Street
Marysville, CA 95901

Attn:

In answer to your questions:

SACOG is Sacramento Area Council of Governments

Software training for utility billing	Fund Balance
Meter software training	Significant Digits

Land Use Plan – Alternate D -- adopted by the Steering Committee for the Wheatland
General Plan Update:

Urban Reserve	4,215 Acres
Low Density Residential	2,000 Acres
Low-Medium Density Residential	330 Acres
Medium Density Residential	250 Acres
High Density Residential	60 Acres
Commercial	100 Acres
Employment	300 Acres
Park	115 Acres
Public	180 Acres

Employment includes office, professional, research and development, and light industrial
uses.

Public includes high school, middle school and elementary school.

Attached you will find a breakdown of the revenues.

If you have any other questions, please contact me.

Enita Elphick
Mayor
City of Wheatland



Attachment 3

Wheatland High School

Reason for Investigation

Routine visitation.

Focus of Investigation

The focus was to check the overall condition of the Wheatland Union High School, as well as day-to-day operations of the facility.

Process of Investigation

The Yuba County Grand Jury Cities Committee met with Mr. Sewell, Superintendent/Principal of the Wheatland Union High School, and was informed that the high school was built in the 1960's and has been very well maintained. The Committee found the facility well laid out, with large areas between main buildings. The buildings have large windows allowing natural light and a feeling of spaciousness.

The high school district has a District Mission Statement which reads:

"It is the mission of Wheatland Union High School to foster the development of productive, RICH citizens who will be:

- *Responsible -- Students will participate in a democratic society as effective and informed citizens.*
- *Informed -- Students will possess conceptual thinking abilities and complex problem solving skills.*
- *Capable of Succeeding in the 21st Century -- Students will be prepared for the broad range of possible vocational options. Students will have the intra- and interpersonal skills necessary to adapt to and function productively within their school, work, home, and the ever-changing world.*
- *Healthy -- Students will have a commitment to lifelong learning and enrichment. Students will be equipped with the knowledge and skills necessary to take a positive approach toward healthy development of the mind, body and spirit."*

Although the Committee did not tour the Academy for Career Education Charter School, the Committee did receive information about that school from Mr. Sewell since he is also that school's superintendent. The Academy is a tuition-free public high school located on Olive Street in Wheatland. The Academy, known as ACE, encourages students to learn through collaboration with family, business, and community in preparation for the world of work. Through integration of education and technology, students will then develop the resilience necessary to succeed in a rapidly changing world, and prepare for lifelong learning, productive citizenship and personal growth. The staff is committed to offering a solid, one-to-one educational package to each of the students. All students progress at their own pace in academics, career preparation, and technology. The materials used at the Academy are

aligned with all of the California State Standards, and the school has been given the candidacy status for accreditation, which allows the students to go on to accredited colleges or into military service.

The Committee received computer printouts from the superintendent which has detailed information concerning test scores, enrollment, class size, books, facilities, teachers, teacher qualification, and many other topics. All of this information is available to the public on www.wheatlandhigh.org.

The Wheatland schools are not unified, but the high schools share a school board and superintendent and there is a principal and vice-principal for each. The Committee learned that unification of schools is strictly a financial issue which affects the amount of money afforded each district by state or federal funds.

The Academy has an enrollment of approximately 50 to 60 students, and Wheatland High School has an enrollment approximately 630 students. The capacity of Wheatland High School is 1000 students.

The high school staff is as follows: 41 teachers and counselors, a clerical staff of 10, and 4 campus staff on grounds before school, during breaks and lunch. After school, the principal and vice-principal are on the campus grounds. There is a full-time librarian and an expert in technology in the library. There is no medical staff on campus, but in the event of a minor emergency, the medical staff from the elementary school, which is very near, responds. If the emergency is beyond the medical staff or for some reason they are not available, the principal will call 911, and that response time is good. In event of problems resulting from discipline, behavior, alcohol or drugs, police or sheriff response is usually good. Also Beale has responded on occasion, if necessary. This type of incident usually numbers two or three per year.

Discipline in the school is good and there are very few students who cause problems. In the event a student has caused problems and is put on probation, the Probation Department sends that student's probation officer out to check his activities in school.

The staff all seemed to be satisfied with the contracts of each department. The principal stated that his relationship with the school board is very good and any time there are negotiations on the table, he feels that the end results are good.

There is a tutoring program call AVID (Advancement Via Individual Determination.) This program helps students who take honors in advanced classes, etc. It also helps students prepare for the Exit Exam. Twenty percent of the school's students go on to 4-year colleges.

The school has a web page and each teacher has an individual page on that web site, on which they post each day's assignment and home work. Parents and students have access to this web page and can get all missed assignments. If there has been a lecture in the class missed by a student, the lecture will be posted on the web site for them to read.

There are a large number of computers located in the school and the library has enough of them set up so that an entire class can meet there and use computers for their particular class work. The school has enough computers to meet the needs of 1 computer for every 5 students. The principal stated that while this is adequate, they could use some additional computers which were more up to date. Schools need to keep up with technology, software, etc.

The library is large and well organized, with many resources for the students. There is a full-time librarian and computer expert. The library is used for computer classes and board meetings, and also has a section set up for students to use to access colleges for information concerning admission requirements.

There is a nice gymnasium with plenty of room for bleacher seats, which can be pushed back out of the way. The Committee noticed that all of the students participating in the gym period were dressed in gym clothes, which is a requirement at the high school.

The cafeteria is large and very clean, and there is a cook/manager in charge, with 5-6 people who are part time workers. The school serves about 550 meals daily to students and staff.

The school has a full time art teacher, and the Committee was able to look at some of the art work which was on display in the library.

There are several restrooms on the campus, 3 of which are for the students, divided into male and female sections. There are other restrooms in the various departments for staff.

The principal stated that they have a 95% attendance in school every day. They have had exchange students in the past, but do not have any this current school year.

There is a Parent Booster Club which supports the school in all of the sports and activities, parties, fund raisers, and is a vital part of the functions of the school.

There is also a full-time reading specialist who helps students with reading disabilities. This assistance can be remedial or for students who have a foreign home language and need help with English.

The Committee also visited the counseling department and met with various counselors who advised the Committee that each student must see a counselor at least once every year and, if there are problems, then they are called in again. The counselors the Committee spoke with seemed to be competent and very interested in the progress and well-being of the students. If a problem occurs, the student gets a slip to see the counselor, and if the problem occurs again, the student is sent to the Assistant Principal. The third time there is a problem, the student may face more serious consequences. The counselor the Committee spoke with indicated they were not too happy with responses they have been getting from the local police department, but did not give us any recommendation for solving the problem.

The superintendent/principal told the Committee they have some plans in place for the future, which he explained were two-fold. First, they have plans for the immediate future to accommodate the growth in the school due to the growth of Wheatland. They have negotiated with the developers of the Jones Tract to acquire 10 acres of land adjacent to the present campus, which will allow them to expand when necessary, using temporary and portable class rooms. The land will also give them space for added sports fields and areas for use by other entities if necessary. The long range plans for growth includes another high school for the City of Wheatland. Plans are already drawn, and each high school will operate with approximately 1800 students each.

Conclusions

The Committee was impressed with the operation of Wheatland Union High School. The premises are neat, well cared for, and adequate for the present enrollment. Rooms are large, airy, and well lit. The high school has a staff of 41 teachers and counselors, and a clerical staff of 10. There is security for the buildings and grounds. The faculty and staff, the principal and employees all have a good working relationship with the high school board. The Committee noted that there is a good relationship between the parents and the faculty in sports, academics, and social activities. The Committee also viewed plans for future development and believes the board and faculty are making good efforts to keep up with the growing population.

The Committee was very impressed with both the facilities and the faculty of Wheatland Union High School. During a later interview with Mayor Elphick, she stated, "The high school is the crown jewel of the City of Wheatland."

Findings

1. School buildings are older, but well maintained;
2. Faculty and counseling staff is adequate;
3. Clerical, maintenance and cafeteria staff are adequate;
4. Faculty and staff have a good working relationship with both the high school board and parents;
5. Future building plans are already in place to meet growth of the area.

Recommendations

None

Required Responses to Findings

None

County

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Yuba County Airport/Enterprise Zone

Reason for Investigation

Yuba County Airport/Enterprise Zone was selected based on recommendation of the 2003-2004 Yuba County Grand Jury (see 2003-2004 Grand Jury Report, page 20, recommendation #2) due to errors reported in the Yuba County Management Report.

Focus of Investigation

The investigation focused upon the status of a 20-year plan, funding to include grants and general airport operations and examination of errors reported in the Yuba County Management Report.

Process of Investigation

Members of the Yuba County Grand Jury County Committee visited Yuba County Airport/Enterprise Manager Mary Hansen. Ms. Hansen provided the Committee with a package of information about the Airport/Enterprise Zone. She also provided a thorough outline of the Airport/Enterprise Zone through an informative computer generated slide show.

Airport

The Yuba County Airport is a general aviation facility built in 1940. It is owned by Yuba County and is located 3 miles south of Marysville in the communities of Linda and Olivehurst. The Airport contains over 1000 acres and includes 256 acres available for industrial development. There are presently 69 aircraft hangars which are all currently rented out.

The County Committee asked Ms. Hansen about funding. She explained that although the Airport's funds have decreased by \$420,194 due to property being sold and not leased or rented out, it receives no funding from the Yuba County General Fund. The Airport's funding comes from grants (\$235,186), hangar rentals, interest from micro-enterprise revolving loans provided to businesses within the Enterprise Zone, land fees and other miscellaneous fees (\$411,538).

The Committee requested information about the status of the Yuba County Airport's 20-year plan. Ms. Hansen stated that it is being rewritten and is near completion. She indicated there is already in place a new airport 10-year capital improvement plan (posted on their website <http://www.yubacounty.org>), which anticipates completing projects in the amount of \$5.2 million over the next 10 years. Of this total, 95 percent will come through the Federal Aviation Administration Airport Capital Improvement Program. In 2004, the Airport received two Airport Improvement Program grants from the Federal Aviation Administration and a matching grant from the State Division of Aeronautics and worked on the planning and design of a number of projects as part of these successful grants. During 2005, these grants will be used to complete the perimeter fence and add secure entry points to the Airport operations area that will include a minimum of 4 controlled gates. Additional projects in 2005 include completion of an airfield drainage study, construction of an aircraft wash area and improvements that have not yet been developed on a new access road, as well as water and sewer facilities. These grant projects total \$900,000. Other considerations to be included in the new 20-year plan are provisions for lengthening the runway, building a runway drainage system, and setting aside land to prevent encroachment around runway approach and departure zones.

Enterprise Zone

The Enterprise Zone is an area set aside by state law to provide incentives designed to induce industries and other business to locate within these zones. The Enterprise Zone was established in 1986 for 15 years; however, it was extended 5 years by the State and will expire in October 2006. Within the Enterprise Zone, businesses can qualify for a variety of local and state tax incentives, revolving loan programs, and other services provided by the Enterprise Zone office.

When asked about the business within the current Enterprise Zone, Ms. Hansen explained that nearly all of the 256 acres set aside around the Airport for industrial development is sold or under long term lease. Not yet developed is a 30-acre industrial enterprise zone on the northwest side of the main runway. At present, it contains no utilities or road access. This area is under review to find ways to provide access, utilities, and to provide a continuing revenue source through leasing as opposed to selling the properties.

Findings

1. The Yuba County Grand Jury found that Ms. Hansen is actively pursuing grants and other sources of income for both the Enterprise Zone and the Yuba County Airport.
2. The Grand Jury found no indication of the problems indicated by the 2003-2004 Grand Jury Final Report.

Recommendations

1. Yuba County Airport/Enterprise Zone should continue to actively pursue renting or leasing the underdeveloped 30 acres.

Required Responses to Findings

None

Required Responses to Recommendations

None

Yuba County Local Agency Formation Commission (LAFCO)

Reason for Investigation

LAFCO was selected by this Grand Jury in order to gain an understanding of its general purpose insofar as it may be helpful to other investigations conducted.

Focus of Investigation

This investigation focused on the specific duties of LAFCO to the County, its source of funding, and its authority.

Process of Investigation

Members of the Yuba County Grand Jury County Committee visited Mr. Charles Thistlethwaite, Executive Officer for Yuba County LAFCO. Yuba County LAFCO is an independent commission that has the authority and responsibility for coordinating changes in local governmental boundaries in a logical and timely manner. It conducts special studies to review ways to reorganize, simplify, and streamline governmental structure and prepare a Sphere of Influence for each city and special district within the County. The commission's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Yuba County LAFCO is made up of a five member board: two members are Yuba County Supervisors, the cities of Marysville and Wheatland each provide one member, and one member is elected by the board to represent the public. In addition, there are three alternates: one is selected from the Yuba County Board of Supervisors, one from the City of Marysville or Wheatland, and one is selected by the commission to represent the public.

LAFCO's budget comes from the County General Fund and the cities of Marysville and Wheatland, with the County providing 50% of the funding. Marysville and Wheatland provide 50% of LAFCO's funding with their respective shares being determined by their populations. The County recoups part of their cost through development fees and fees for other LAFCO services.

Findings

None

Recommendations

None

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Yuba County Economic Development

Reason for Investigation

The Economic Development section of the Yuba County Enterprise Zone was selected as a routine investigation, pursuant to California Penal Code § 925.

Focus of Investigation

The investigation included an examination of funding, overall responsibility for Yuba County's industrial and retail development, and methods used to promote Yuba County.

Process of Investigation

The Yuba County Grand Jury County Committee met with Mr. John Fleming, Yuba County Economic Development Coordinator. Mr. Fleming explained to the Committee that his staff consists of himself and a shared secretary (with the Airport and Industrial Development/Enterprise Development Zone.) Mr. Fleming also stated that his primary duty involves working with the Airport and Industrial Development/Enterprise Development Zone to promote advantages and features of Yuba County to potential industrial developers. Mr. Fleming is the focal point for promotion of Yuba County's Research and Development Park, located near Beale A.F.B., and the Rancho Road Industrial and Commercial Park, located east of Olivehurst. Mr. Fleming stated that these areas do not have any infrastructure in place (i.e., water, sewage, etc.) at this time.

Mr. Fleming works with other Yuba County entities as well (see Yuba County Economic Development Strategic Plan [Five Year Vision, March 2004], page 65) to provide a unified front from the public to business sector in order to attract new businesses, industries, and research facilities, and to retain present business and industry. The secondary function is to provide communication between the County, its cities, and the business community to ensure Yuba County is ready and willing to assist business and industry to locate and expand within their areas. They also encourage the growth of employment opportunities that are consistent with the County's vision. Other promotion includes the film and agricultural industries, assistance in the development of recreational and cultural facilities and infrastructure for Yuba County residents, and to raise the appeal of Yuba County.

Mr. Fleming's funding comes from the Yuba County General Fund (\$25,118), block grants (\$0 for 2004-2005), and grants from outside companies (\$1,275 in 2003-2004 and \$0 in 2004-2005). The Board of Supervisors requested that Mr. Fleming cut his 2004-2005 Budget by 10%, which he did. The Board removed from his budget all money for travel, which actually resulted in a 22% cut (as per the 2004-2005 Yuba County Budget.) These cuts cannot be made up through small grants or outside resources. Mr. Fleming diligently searches and applies for grants to help fund his position. An example of this is the Yuba County's 2004 Economic and Demographic Profile. It was underwritten by a local Economic Development Pacific Gas & Electric Company (PG&E) Grant Program and assembled by the Center for Economic Development, California State University Chico. Below is a breakdown of the Economic Development Budget:

Advertisement	\$ 10,643
Promotional Items	1,300
Tourism	500
Professional Memberships	3,650
Travel	3,500
Office Supplies	1,000
Strategic Plan Program	.00
Printing of Strategic Plan	1,275
Business Retention	250
Marketing Materials	<u>3,000</u>
Total	\$25,118

Future goals for the Yuba County Economic Development are to bring in more industries, promote tourism, support the Olivehurst Planning Commission, and continue to provide a buffer zone around the Yuba County Airport.

Findings

1. The Grand Jury finds that Mr. Fleming is under-funded by the County, hampering his ability to provide the services of his office to existing industries and businesses within the County and to industries and businesses outside the County.
2. Mr. Fleming has not provided the County Board of Supervisors with a plan that will specifically target an industry nor a specific business base.

Recommendations

1. Mr. Fleming should develop a plan for submission to the County Board of Supervisors that will target specific interests. Mr. Fleming should also work with the County Board of Supervisors to increase his funding to help him promote these interests.

Required Responses for Findings

1. Yuba County Board of Supervisors
2. Yuba County Economic Development Coordinator

Required Responses for Recommendations

None

Yuba County Board of Supervisors

Reason for Investigation

This investigation was initiated on information received by the Grand Jury at a Yuba County Supervisors meeting on September 13, 2004 concerning use of County funds.

Focus of Investigation

The supervisors were asked a series of questions that included County fund usage outlined in the September 13, 2004 supervisors meeting, Yuba County infrastructure needs, and plans for economic development within the County.

Process of Investigation

Members of the Yuba County Grand Jury County Committee made two visits to interview members of the Yuba County Board of Supervisors. The first interview included Supervisors Mary Jane Griego and Hal Stocker. The second appointment was with Supervisors Don Schrader and Dan Logue. Dan Logue was unable to attend that interview due to illness.

Infrastructure and Increased Traffic Flows

The question was asked, "What plans do the County Board of Supervisors have to address the lack of infrastructure and how are they going to address the increased traffic flow brought on by the new growth, specifically in the Plumas Lake and Edgewater developments?" The supervisors all replied that at the present time there are no new roads scheduled to be built and there are no funds available to finance any new additions. They explained that Caltrans owns Highways 70 and 20 and the County has little or no control over them. Due to cuts in the state budget, Caltrans has lost all funding to build the highway 70 bypass around Marysville. In addition, the supervisors stated that any new bridges across the Yuba or Feather Rivers would require federal funding.

During the initial hearings concerning the Plumas Lake development, neither the Yuba County supervisor's nor the developers made provisions for law enforcement. At a later date, a special assessment was added to address this specific problem. To date no new officers have been funded from this assessment.

Economic Development

There is no infrastructure development within the Yuba County Research and Development Park or the Yuba County Rancho Road Industrial and Commercial Park (see Economic Development Report, pages 43 and 45 respectively, Attachments 4 and 5.)

When asked if the supervisors were aware of a "retail study" conducted by Chico State University encompassing Linda, Olivehurst and Plumas Lake, they responded they did indeed know about the study but not in detail.

The retail study indicates that in 2004, the Linda-Olivehurst areas had a retail leakage (monies spent in other retail areas) of over \$36 million (Retail Potential in Linda and Olivehurst, Attachment 6.) This leakage is expected to increase to over \$301 million by 2015 due to the

increased populations in Linda and Plumas Lake areas. Specifically, the Committee asked about Yuba County Economic Development Coordinator John Fleming's ability to promote Yuba County when his budget has been cut by 22% over his 2003-2004 budget, and the plan to promote increased commerce within Linda, Olivehurst, and Plumas Lake. In the 2003-2004 budgets, the Economic Development office received \$30,475 (an additional \$1,500 was added at a later date for a total of \$31,975), which was reduced to \$25,118 in the 2004-2005 budget. Supervisor Hal Stocker indicated that he would support a plan to specifically promote Yuba County by Mr. Fleming's office.

The Yuba County Economic Development Office, through contributions from Economic Development program income interest (\$1,600) and First American Title (\$2,500), published the retail study for public distribution.

Supervisors and Sheriff

The Grand Jury learned at a Yuba County Board of Supervisors' meeting on September 13, 2004 that a half million dollars (\$500,000) was transferred from the Sheriff's Jail bed trust fund on March 10, 2004 (Account Balance Inquiry, Attachment 7.) It was during this same public meeting that Sheriff Virginia Black alleged this transaction was done by the Yuba County Auditor's Office without notifying her and without the consent of the Board of Supervisors.

The situation involves \$500,000 that the State of California in "The Budget Act of 2001" authorized for special funding (Assembly Bill [AB] 443) to supplement county sheriffs in small and rural counties. In a letter dated August 2, 2004 (Attachment 8), Yuba County Administrative Officer Charles "Kent" McClain advised the Yuba County Board of Supervisors (cc: Sheriff Black, Auditor/Controller Dean Sellers, and County Counsel Dan Montgomery) that, "It is my recommendation that the Final Budget, prepared by the Auditor/Controller, show the AB 443 funds (\$500,000) as added revenue to the Sheriff/Jail budget. Further, the General Fund subsidy to the same budget be reduced by an equal amount and \$500,000 be returned to the General Fund contingency account." Sheriff Black replied to the Yuba County supervisors by letter dated August 3, 2004 (Attachment 9) that the action recommended by Mr. McClain was in violation of Government Code § 30070(b), which states: "Funds allocated pursuant to this section shall be used to supplement, rather than supplant existing law enforcement resources."

In a letter to the board, the Sheriff also alleged that Mr. McClain committed "misconduct-dishonesty" during a Yuba County Board of Supervisors' meeting on May 10, 2004. In this incident, Mr. McClain stated that Sheriff Black had not submitted a budget proposal reflecting a 10% reduction as requested by the Yuba County Board of Supervisors. Sheriff Black alleged that this statement by Mr. McClain was not true, as she did in fact submit the appropriate budget proposal (see letter dated May 13, 2004, Attachment 10.)

The Sheriff determined that she needed to have counsel to represent her in connection with the events described above and due to the fact that the County Counsel cannot represent both the Yuba County Board of Supervisors and the Yuba County Sheriff, she had to retain, at County expense, a private attorney.

The Sheriff further stated at the September 13, 2004 Yuba County Board of Supervisors' meeting that the "Board" might have exceeded its legal authority. At the root of the allegations is the Intergovernmental Service Agreement for Housing Federal Detainees agreement where Yuba County Jail provides bed space for the U.S. Immigration & Customs Enforcement (INS)

inmates. The original INS agreement provided for 62 inmates at \$45 a day for 2 to 4 days per week (approximately 12,896 days). The new contract, signed February 2, 2004, provides for \$60 a day per inmate for approximately 91,250 days per year (\$5,475,000 annually.) This contract should produce revenue of \$1.94 million for the Sheriff's Department and an equal amount for the General Fund.

On March 31, 1995, the Yuba County Board of Supervisors (Chairperson Joan Saunders) and then Sheriff Gary Tindel entered into an agreement that provides provisions for sharing the revenue generated by the INS jail bed usage. It provides for 17% for housing, food and clothing for INS inmates, 6% for partial repayment of the jail construction bonds, 3% for energy cost, and 3% for Jail Capital Improvement Fund. The remaining 71% is split equally between the Sheriff's Department and the General Fund. Yuba County Supervisors Mary Jane Griego, Hal Stocker and Don Schrader, Auditor/Controller Dean Sellers and Assistant Auditor/Controller Albert Dehr have all expressed concerns about the "sharing provisions" expressed in the INS Jail Bed Revenue Sharing Memorandum of Agreement (MOU).

Findings

1. The Yuba County Board of Supervisors and the Economic Development office have no specific plan to effectively increase commerce within the Linda, Olivehurst, and Plumas Lake areas.
2. The Yuba County Board of Supervisors does not sufficiently fund the Economic Development Office to enable it to effectively attract new consumer services, retail business; or to attract new industries and commerce to the Yuba County Rancho Road Industrial and Commercial Park.
3. Poor communication has lead to the hiring of outside attorneys at additional cost to Yuba County.
4. Documentation indicates that the Yuba County Board of Supervisors received legally questionable advice on budgetary matters (see letter to BOS, Attachment 11.)
5. At present, the INS Jail Bed Revenue Sharing MOU is out of date. Its dollar values expressed are from the 1995 contract. It shows no review by the Sheriff or the Board of Supervisors. The terms of the MOU are not being followed. Specifically, the division of funds and the use of the Sheriff's share to provide "Allocation for Sheriff's Department for additional personnel, safety equipment and fixed assets...." In addition, the MOU indicates that these revenues are to be used at the end of the fiscal year and are not to replace the Sheriff's annual budget (Attachments 12A and 12B.) Further, there is indication that the Yuba County Board of Supervisors is using the moneys to supplant the Sheriff's current year budget (Attachments 13 and 14.)

Recommendations

1. The Board of Supervisors and the Economic Development office should develop a specific plan to effectively increase commerce within the Linda, Olivehurst, and Plumas Lake areas as well as a plan to promote economic development within the Yuba County Research and Development Park and the Yuba County Rancho Road Industrial and Commercial Park.

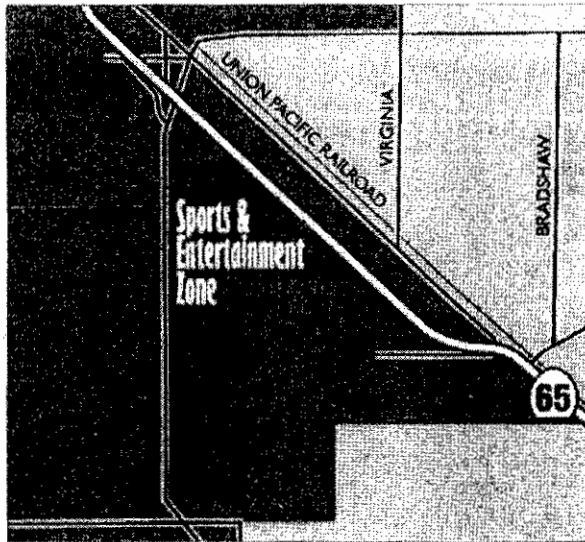
2. The Board of Supervisors should fund additional officers for Sheriff's Department to provide traffic patrols.
3. When funds are transferred, adequate notice should be provided to all parties.
4. The Board of Supervisors needs to review and update the INS Jail Bed Revenue Sharing MOU.
5. The Board of Supervisors needs to review the annual budget to ensure that monies budgeted are from and for the current year.
6. The Board of Supervisors needs to review the Sheriff's budget to ensure that it is correctly budgeted out of the County General Fund and to ensure that other revenue sources are not being used to supplant the Sheriff's budget (i.e., AB 443 funds and Jail bed revenue.)
7. The 2005-2006 Grand Jury should investigate the Yuba County Administration Office, The County Administrator, and follow-up on the Yuba County Board of Supervisors to ensure corrections of errors noted.

Required Responses to Findings

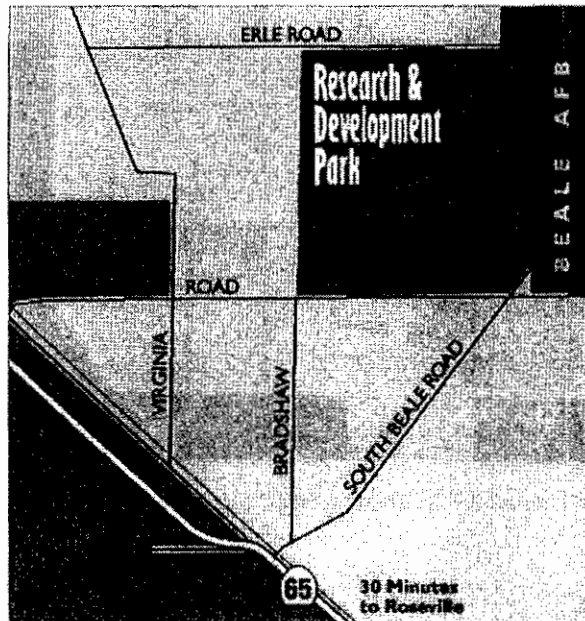
- 1 Yuba County Board of Supervisors and Yuba County Economic Development Office
- 2-5 Yuba County Board of Supervisors

Required Responses to Recommendations

- 1 Yuba County Board of Supervisors and Yuba County Economic Development Office
- 2 Yuba County Board of Supervisors
- 3 Yuba County Auditor/Controller's Office
- 4-6 Yuba County Board of Supervisors



The Amphitheatre sits on 90 acres of the Sports/Entertainment Zone and the first concert was held June 10, 2000. As many as 650 seasonal jobs are generated by sold-out events during the concert year.

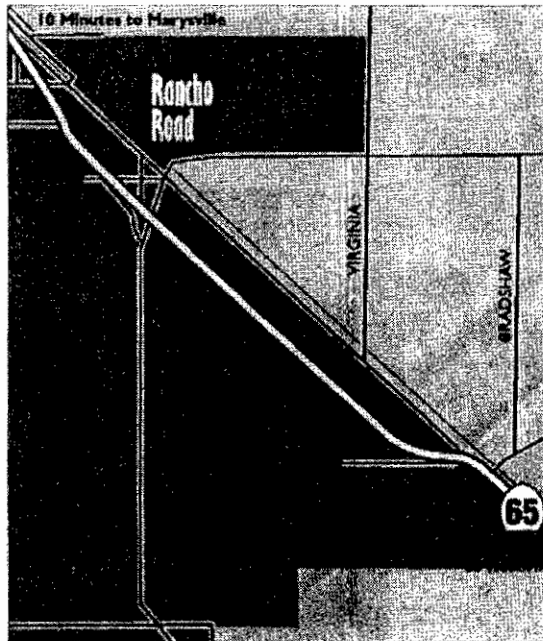


Research and Development Park
There is potential to develop approximately 2,492 acres of land east of Highway 65 and southwest of Beale AFB for new industrial and business capital investment. Funding sources for the necessary land-use studies and infrastructure improvements need to be identified. The property consists of eight parcels that are assessed at \$5 million based on existing agricultural uses. Current zoning requirements for Research and Development Park make it ideal for the construction of corporate campuses, office complexes, commercial development, and light industrial activities.

Attachment 4

Rancho Road

The Rancho Road Area Industrial and Commercial Park provides excellent Highway 65 frontage and represents the gateway to Yuba County from the Roseville/Rocklin market area, and is adjacent to the Sports/Entertainment Zone. The property features 500 acres of available land zoned for industrial and some commercial applications.



AIRPORT STRATEGIC PLANNING -- Page 45

Attachment 5



Executive Summary

The Sacramento Metropolitan Area is expanding into Yuba County, California. By 2015, over 33,000 new residents are expected to move into the southern part of the county and retailers should be prepared to meet the consumer demands of these new residents.

In 2004, unmet demand for retail sales in the Yuba County communities of Linda and Olivehurst will reach \$132 million. Over \$46 million of the unmet demand falls into the motor vehicles, boats, and parts group of retail sectors and over \$34 million is in the apparel and specialty stores group. Currently these are dollars spent by local residents in other communities, or not spent at all by local residents because what they need is not readily available in Linda and Olivehurst.

As people move to the Linda and Olivehurst areas over the next ten years, which is expected to occur at a rate of over 3,000 people per year, retail demand will jump to \$302 million dollars a year. In that time, retailers will need to add \$265 million worth of sales capacity in Linda and Olivehurst to meet the current plus the increased demand for retail spending in 2015. Sales in the motor vehicles, boats, and parts group will need to expand by over \$85 million and in the apparel and specialty stores group by over \$64 million within the next ten years to meet local demand. Stores will be needed in general merchandise in Olivehurst; restaurants; furnishings, appliances, and home improvement; and building materials and hardware to meet over \$20 million in demand in each group of retail sectors.

Table 1 - Retail Sales Demand Summary in Linda and Olivehurst

Retail Sector	Status in 2004			Status in or before 2015	
	Potential retail sales	Actual retail sales	Retail leakage (-) or capture (+) in 2004	Potential retail sales	Retail needed to meet demand in 2015
General Merchandise Stores (Olivehurst Only)	\$ 11,630,862	\$ 0	- \$ 11,630,862	\$ 26,139,572	+ \$ 25,139,572
Apparel and Specialty Stores	\$ 38,416,653	\$ 3,822,000	- \$ 34,594,653	\$ 68,075,440	+ \$ 64,253,440
Food and Drug Stores	\$ 16,405,130	\$ 17,601,000	+ \$ 1,195,870	\$ 28,189,236	+ \$ 10,588,236
Restaurants, Including Fast Food	\$ 21,640,305	\$ 8,152,000	- \$ 13,488,305	\$ 37,937,929	+ \$ 29,785,929
Furnishings, Appliances, and Home Improvement	\$ 12,623,966	\$ 1,780,000	- \$ 10,843,966	\$ 22,131,260	+ \$ 20,351,260
Building Materials & Hardware	\$ 16,757,290	\$ 0	- \$ 16,757,290	\$ 29,377,448	+ \$ 29,377,448
Motor Vehicles, Boats, and Parts	\$ 51,611,386	\$ 5,339,000	- \$ 46,272,386	\$ 91,087,559	+ \$ 85,748,559
Total Sales	\$ 169,065,694	\$ 36,694,000	- \$ 132,391,594	\$ 301,936,442	+ \$ 265,244,442

08/08/2004

COUNTY OF YUBA

Account Balance Inquiry

Shelf's Jail Bel Trust

08:46:41

Transactions

Fiscal Year 2004 Account# 285-0000-101.01-00

Description . . CASH / CASH BALANCE

Position to . . Starting date 4012004 mmddyyyy or Period

Transaction Type

Type options, press Enter.

1=Select

Op	Tp	Ap	Pr	Date mm/dd/yyyy	Debit Amount	Credit Amount
-	AJ	GM	09	03/10/2004	.00	500,000.00
-	AJ	GM	09	03/08/2004	110,719.18	.00
-	AJ	GM	08	02/02/2004	114,859.19	.00
-	AJ	GM	07	01/21/2004	1,121,646.97	.00
-	AJ	GM	07	01/21/2004	2,156.98	.00
-	AJ	GM	07	01/02/2004	107,640.26	.00
-	AJ	GM	06	12/08/2003	103,030.59	.00
-	AJ	GM	05	11/14/2003	.00	1,500,000.00
-	AJ	GM	05	11/07/2003	94,733.17	.00

*Funds transferred by
Auditor - Board
authority.*

*Funds reinitiated
per Board adopted
Budget.*

F8=Orig appl/group# F11=Account activity listing
F12=Cancel F16=Pending Transactions F17=Subset

Attachment 7


The County of Yuba

Office of the County Administrator

Charles K. McClain, County Administrator
Randy Margo, Assistant County Administrator
John L. Fleming, Economic Development Coordinator
Grace M. Mull, Administrative Analyst
Teena Carlquist, Executive Assistant to the County Administrator
Yuba County Courthouse
215 5th Street, Suite 115
Marysville, CA 95901

Phone (530) 749-7575
Fax (530) 749-7312
E-Mail kmcclain@co.yuba.ca.us
rmargo@co.yuba.ca.us
jfleming@co.yuba.ca.us
gmull@co.yuba.ca.us
tcarlquist@co.yuba.ca.us



Date: August 2, 2004
To: Board of Supervisors
From: 
Charles K. McClain, County Administrative Officer
Re: Local Assistance for Rural and Small County Law Enforcement (AB 443)

The adopted state budget restores the \$500,000.00 Rural Law Enforcement grant for the Sheriff/Jail which was deleted from last year's state budget. The county's adopted budget did not anticipate this funding source would be approved by the state and it was therefore not included in the revenue for the Sheriff/Jail (Fund 108). The General Fund (Fund 101) currently subsidizes the Sheriff/Jail budgets far more than \$1,000,000.00 in excess of the Maintenance of Effort (MOE) requirement. It is my recommendation that the Final Budget, prepared by the Auditor/Controller, show the AB 443 funds (\$500,000.00) as added revenue to the Sheriff/Jail budget. Further, the General fund subsidy to the same budgets be reduced by an equal amount and \$500,000.00 be returned to the General Fund Contingency account.

Cc: Sheriff Black
Dean Sellers, Auditor/Controller
Dan Montgomery, County Counsel

Attachment 8

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK
Sheriff - Coroner

(530) 749-7777
FAX (530) 741-6445

Date: August 3, 2004
To: Board of Supervisors
From: Sheriff Virginia R. Black *VB*
Re: Rural and Small Counties Law Enforcement Funding

I have received a copy of Mr. McClain's memo to you regarding the restoration of the Rural and Small Counties Law Enforcement Funding, wherein he is recommending to your Board that you supplant the money that is already in my budget which your board adopted.

Per Section 30070 of the Government Code, it is clearly stated that these monies "*shall be used to supplement rather than supplant existing law enforcement resources.*" The final budget has been adopted here in Yuba County and if you follow Mr. McClain's recommendation, you will clearly be in violation of this code.

During the budget process, our department was forced to make reductions in excess of 1.3 million dollars in general fund dollars. We lost allocated positions. An additional one million dollars was reduced from our budgets in A 87 costs that were finally corrected.

I became aware of the Rural and Small Counties money being restored late last week and my staff and I have been working on a proposal to bring to the board to utilize these funds *to enhance law enforcement* efforts in Yuba County. I would think the members of the Board would have a vested interest in ensuring the people of Yuba County receive the best law enforcement service delivery possible.

The MOE has no place in this discussion since the Auditor, all of the Public Safety departments and the CAO's office have never been in agreement on this issue.

I would encourage the Board not to follow Mr. McClain's recommendation and violate the Government Code. The Legislature intended that this specific funding be used to enhance rural law enforcement agencies and it is given directly to the Sheriffs, not the CAO's, of the 37 smallest counties to be used at the Sheriff's discretion for that purpose.

Should the Board members have any questions regarding this funding please contact me directly at 749-7775 and I will be happy to discuss this with you.

Cc: CAO Charles McClain
Auditor Dean Sellers
County Counsel Dan Montgomery

COURTHOUSE • 215 FIFTH STREET, SUITE 150 • MARYSVILLE, CALIFORNIA 95901-5788

Attachment 9

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK

Sheriff - Coroner

(530) 749-7777

FAX (530) 741-6445

May 13, 2004

Honorable Chairman/Members of the Board of Supervisors
County of Yuba

RE: Allegation of Misconduct – Dishonesty

Dear Chairman and Supervisors:

I am writing to you individually and collectively, and in your official capacity, on a matter of grave concern. I do so with the full expectation that you will treat this with the seriousness that it warrants and that you will, as responsible public officials, take appropriate action to ensure that this misconduct does not ever recur.

At the meeting of the Board of Supervisors on Tuesday, May 11, 2004, in open session and before members of the public and media, County Administrative Officer Kent McClain sat in front of you and all who were present and said that he had directed all county department heads to submit a budget reflecting a ten (10) per cent cut in our base budgets. Mr. McClain went on to say to you that I had not done so; that I had not submitted a budget proposal reflecting the requested ten (10) per cent cut.

Mr. McClain lied to you. And please understand that I use the word "lied" advisedly and in its commonly understood English language meaning of "to make an untrue statement with intent to deceive; to create a false or misleading impression; an assertion of something known or believed by the speaker to be untrue with intent to deceive."¹

On April 16, 2004 hard copies of our budgets were turned in, as requested, to the County Administrator's Office which reflected our base budgets with a **10% reduction** for '04-'05 and our **requested** '04-'05 budgets. (copies of face sheet for five of my budgets are attached hereto.)

On April 23, 2004, I and other Department heads met with Mr. McClain and his staff for the purpose of providing to him and one another, oral presentations of our submitted budgets. Speaking from prepared notes and remarks (copies of which are enclosed with this letter) I made my budget presentation. It included, as you can see, the

¹ Webster's Seventh New Collegiate Dictionary, Merriam-Webster, 1967, page 487.

COURTHOUSE • 215 FIFTH STREET • MARYSVILLE, CALIFORNIA 95901-5788

Attachment 10

requested ten per cent reduction. Mr. McClain was there. Mr. McClain and everyone else in that room heard my presentation. Therefore, Mr. McClain knew that I had done as requested and had made a budget presentation reflecting the requested ten percent reduction in base.

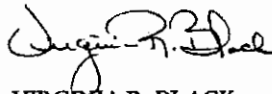
Yet Mr. McClain sat before you, the public and the media, and told you that I had not done so when he knew perfectly well that I had. This can only have been with the intent to mislead you into believing that I had not done that which Mr. McClain knew that I had done. He lied to you.

You may wonder why I did not immediately counter Mr. McClain's lie during the Board meeting. Of course I wish that I had. However, I have always operated on the assumption that those in County government will behave with honesty and veracity. Quite frankly, when Mr. McClain spoke as he did I could not believe what I was hearing and I was stunned to virtual silence. But I have now recovered, and shall remain so.

It is actionable misconduct for a public official of this County to lie to the Board of Supervisors. As you are Mr. McClain's appointing authority, it is your responsibility to supervise and control him. It is also your responsibility to have this matter investigated and for you to take such action as necessary to ensure that we are never lied to again. I can tell you with confidence that if even so much as a line level deputy sheriff was found to have lied about a matter of official county business, that deputy would be removed from County service. And the level of accountability does not decrease, but rather increases, as one makes one's way up through the chain of command.

As a constitutionally elected official of this County, I cannot and I will not tolerate being lied to or lied about by others who are entrusted to serve our citizens. Therefore, I turn to you for appropriate action, and with confidence that you will do your duty. If, however, I am wrong on that account, I will take my concerns elsewhere.

Very truly yours,



VIRGINIA R. BLACK
Sheriff
County of Yuba

enclosures

Attachment 10

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



915 - 8th Street, Ste. 109
Marysville, California 95901
(530) 749-7510
FAX (530) 749-7353

May 20, 2004

Virginia R. Black, Sheriff
215 Fifth Street
Marysville, CA 95901

Re: Letter of May 13, 2004

Dear Sheriff Black:

Thank you for your letter, dated May 13, 2004 regarding "allegation of misconduct-dishonesty" and the enclosures.

The Board of Supervisors expects and demands the highest ethical conduct of all County personnel and seriously addresses breaches.

Please be advised that this matter has been reviewed by the Board of Supervisors and action taken as deemed necessary by the Board.

Very truly yours,

A handwritten signature in cursive script that reads "Bill Simmons".

BILL SIMMONS
CHAIRMAN

SUPERVISORS

Dan Logue - District 1 • Bill Simmons - District 2 • Mary Jane Griego - District 3 • Don Schrader - District 4 • Hal Stocker - District 5

Attachment 10

The County of Yuba

Office of the County Administrator




Charles K. McClain, County Administrator
Randy Margo, Assistant County Administrator
John L. Fleming, Economic Development Coordinator
Grace M. Mull, Administrative Analyst
Teena Carlquist, Executive Assistant to the County Administrator
Yuba County Courthouse
215 5th Street, Suite 115
Marysville, CA 95901

Phone (530) 749-7575
Fax (530) 749-7312
E-Mail kmcclain@co.yuba.ca.us
rmargo@co.yuba.ca.us
jlfleming@co.yuba.ca.us
gmull@co.yuba.ca.us
tcarlquist@co.yuba.ca.us

Date: August 2, 2004

To: Board of Supervisors

From: 
Charles K. McClain, County Administrative Officer

Re: Local Assistance for Rural and Small County Law Enforcement (AB 443)

The adopted state budget restores the \$500,000.00 Rural Law Enforcement grant for the Sheriff/Jail which was deleted from last year's state budget. The county's adopted budget did not anticipate this funding source would be approved by the state and it was therefore not included in the revenue for the Sheriff/Jail (Fund 108). The General Fund (Fund 101) currently subsidizes the Sheriff/Jail budgets far more than \$1,000,000.00 in excess of the Maintenance of Effort (MOE) requirement. It is my recommendation that the Final Budget, prepared by the Auditor/Controller, show the AB 443 funds (\$500,000.00) as added revenue to the Sheriff/Jail budget. Further, the General fund subsidy to the same budgets be reduced by an equal amount and \$500,000.00 be returned to the General Fund Contingency account.

Cc: Sheriff Black
Dean Sellers, Auditor/Controller
Dan Montgomery, County Counsel

Attachment 11

County of Yuba

INTER-DEPARTMENT CORRESPONDENCE

March 31, 1995

TO: YUBA COUNTY BOARD OF SUPERVISORS
FROM: SHERIFF GARY D. TINDEL *gdt*
SUBJECT: AGREEMENT AND CONTRACT FOR JAIL BED SPACE WITH
THE U.S. BORDER PATROL & IMMIGRATION AND
NATURALIZATION SERVICE (INS)

RECOMMENDATION:

1. Authorize agreement between Sheriff Gary Tindel and the Immigration and Naturalization Service (INS) for jail bed rental, wherein Yuba County will rent up to 62 beds a day to INS for a fee of \$45 per bed.
2. Approve the distribution of revenue agreement between the Sheriff's Department and the County's General Fund.

BACKGROUND:

The Yuba County Sheriff's Department and the U.S. Border Patrol and INS have been negotiating for jail bed space rental for the past several months. On February 9, 1993, an agreement between the U.S. Marshal's Office and the Yuba County Sheriff's Department was signed by Chairperson Joan Saunders and Sheriff Gary Tindel, establishing a fixed bed rental rate of \$36.53 per day per inmate. The new agreement will establish a rate of \$45 per day, along with a rate of \$25 per hour for staff security costs in the event an inmate requires medical treatment outside the jail.

The 30-day cancellation clause is included in the agreement, allowing the Sheriff's Department to cancel the agreement in the event beds are no longer available.

The intent of the agreement is to allow Border Patrol and INS agents to house up to 62 inmates per day, twice a week, at the county jail beginning in April 1995. The housing will increase to four days per week beginning in June or July 1995. The potential exists to have other inmates the remaining three days per week, if agreed upon by the Sheriff and Border Patrol/INS agents.

4/18/95:BOS:Approved/tah

Attachment 12A

DISTRIBUTION OF REVENUE
FOR BORDER PATROL/INS BED SPACE RENTAL

1. Allocation for overhead costs to the Sheriff for food, clothing and in-house medical:
\$7.65 per day per inmate (17%)
2. Allocation for partial re-payment of the bond money used for jail construction:
\$2.75 per day per inmate (6%)
3. Allocation for jail Capital Improvement fund:
\$1.35 per day per inmate (3%)
4. Allocation for energy costs
\$1.35 per day per inmate (3%)
5. Allocation for County General Fund
\$15.97 per day per inmate (35.5%)
6. Allocation for Sheriff's Department for additional personnel, safety equipment and fixed assets, which can be encumbered at the end of the fiscal year (and each subsequent year for renewed contracts) but not to supplant annual budget.
\$15.97 per day per inmate (35.5%)

Attachment 12B


The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

GOVERNMENT CENTER - 815 8TH STREET, SUITE 115
MARYSVILLE, CALIFORNIA 95901-5273



CHARLES K. McCLAIN
COUNTY ADMINISTRATOR
RANDY MARGO
ASSISTANT COUNTY ADMINISTRATOR
JOHN FLEMING
ECONOMIC DEVELOPMENT COORDINATOR
GRACE M. MULL
ADMINISTRATIVE ANALYST
TEENA L. CARLQUIST
EXECUTIVE ASSISTANT
(530) 748-7575
FAX (530) 748-7312

DATE: August 17, 2004
TO: Board of Supervisors
FROM: 
Charles K. McClain, County Administrative Officer
SUBJECT: Implementation of the Agreement between the County of Yuba Board of Supervisors and the Yuba County Sheriff for the distribution of revenue derived from INS detainee jail bed space rental income.

RECOMMENDATION:

Recommend the Board approve a budget transfer in the amount of \$1,865,127.00 to implement the agreement between the County of Yuba Board of Supervisors and the Yuba County Sheriff for the distribution of income derived from INS detainee jail bed space rental income.

BACKGROUND:

In 1995 the Board of Supervisors of the County of Yuba agreed with then Sheriff Gary Tindel, to distribute the income derived from a contract with The U.S. Border Patrol and Immigration and Naturalization Service (INS) based on the following formula: 1) 17% to the Sheriff for food clothing and in house medical cost; 2) 6% for debt retirement on bonds used for jail construction; 3) 3% for jail Capital improvement fund; 4) 3% for energy costs for the jail; 5) 35.5% for the County General Fund; 6) 35.5% for the Sheriff for additional personnel, safety equipment and fixed assets.

DISCUSSION:

The 2004-2005 budget as proposed by the County Administrative Officer and as approved by the Board of Supervisors allocates 100% of the income derived from the jail bed space rental income to the Sheriff and Jail in Fund 108. The Sheriff has asked the Board to affirm the validity of the original agreement. The Board has agreed the distribution formula is indeed valid. Approval of the budget transfer will implement the agreement by distributing the income to the appropriate fund accounts.

COMMITTEE ACTION:

No committee action was sought.

FISCAL IMPACT:

Approval of the budget transfer will reduce the Sheriffs budget by \$1,865,127.00.

Attachment 14

Yuba County Auditor's Office

Reason for Investigation

The Auditor's office was selected based on recommendations of the 2003-2004 Grand Jury report (page 20.)

Focus of Investigation

The investigation included an overview of the Auditor's responsibilities and a review of fund transfer procedures between department accounts, funds transfer authority, and requirements and results of an independent audit.

Process of Investigation

Members of the Yuba County Grand Jury County Committee visited the office of Mr. Dean Sellers, the Yuba County Auditor. Mr. Sellers gave an overview of his department and responsibilities.

The Committee asked about Mr. Sellers' role in creating and maintaining the County's budget and how fund transfers were authorized and transferred from one fund to another. Mr. Sellers indicated that the Board of Supervisors authorizes all fund transfers and requests that the Auditor's office review them and instruct the Treasurer/Tax Collector to institute the funds transfer.

Mr. Sellers also discussed how the County's monetary obligations are authorized and met. The Auditor's office sends a summary of the County's obligations (i.e., utilities) for board authorization. After authorization, the Auditor's office instructs the Treasurer to complete the transfer of funds to satisfy the County's outstanding obligations.

The Committee and Mr. Sellers discussed specifically his authority to transfer funds from trust accounts to the General Fund and about the concern voiced by Sheriff Virginia Black in the County Supervisors meeting of September 13, 2004. Mr. Sellers stated that \$500,000 transferred on March 10, 2004 (Attachment 15) had been authorized by the Yuba County Supervisors as part of the original budget hearing on July 1, 2003 and approved as part of the 2003-2004 County budget because the state had not paid the \$500,000 that the State of California in "The Budget Act of 2001" authorized for special funding through Assembly Bill 443 (AB 443) to supplement county sheriffs in small and rural counties. However, the Yuba County Supervisors Budget Hearings of July 1, 2003 had previously approved a transfer to correct the shortfall of AB 443 funds (Minute Book 60, page 142.)

The County Committee then discussed the 2004-05 AB 443 funds with Mr. Sellers, who stated that the funds were received and placed in a holding account until a special account for these funds could be set up. He also stated that Sheriff Black had requested the funds be placed in one of her accounts (memo dated September 14, 2004, Attachment 16) but he stated, "...she does not tell me where to put money." The AB 443 funds were available to the County on September 20, 2004 (deposit certificate #049260, Attachment 17.) The special fund was not established until authorized per the December 14, 2004 letter from the Auditor's office. The actual funds transfer took place on December 15, 2004 (Attachment 18.) However, only

\$66,000 (Attachments 19 and 20) was deposited at that time while the remaining \$434,000 was transferred to the General Fund on October 29, 2004 (Attachment 21).

Although the Auditor's office approves transactions and tracks the funds, the actual receiving, transfer, and holding of funds is done by the County Treasurer and only approved and tracked by the Auditor's office. The specific funds transfer in question was transferred out of the Sheriff's Jail Bed Trust Fund into the Public Safety Account (Attachments 22 and 23.)

In a review of the Yuba County Independent Auditor's Report for Fiscal Year Ending June 30, 2004, it was noted that all problems in the previous independent auditor report had been corrected (page 10) and no major recommendations were made.

Findings

1. The transfer of funds from the Sheriff's Jail Bed Trust Fund was done without the Sheriff's knowledge and no documentation was found that showed that the Yuba County Board of Supervisors approved the transfer.
2. As stated by Sheriff Black, the holding of AB 443 funds and the subsequent transfer into the special account does not allow the Sheriff access to these funds.

Recommendations

1. Funds that are designated to supplement a specific budget should be identified and not included in general budget actions.
2. A method of verification that funds have been correctly transferred with the approval of the County Board of Supervisors should be established.
3. If special funds need to be placed in a special account, a method should be developed to place the correct account in the special fund in a timely manner (days not months) and provision be made so the funds are accessible to the appropriate departments.

Required Responses to Findings

None

Required Responses to Recommendations

2, 3 Auditor

GM201101

COUNTY OF YUBA
Adjusting Journal Transaction

1/25/05
09:01:12

Group number : 2889 JE 1101
Accounting period : 09/2004 mm/yyyy
Posting date : 03/11/2004 mm/dd/yyyy

Transaction information:

Transaction date : 03/10/2004 mm/dd/yyyy
Document number : JE 1101
Account number : 285-0000-101.01-00 CASH BALANCE
Project number :
Debit amount : .00
Credit amount : 500,000.00
Description 1 : COVER REV 108-361-5632
Description 2 : AB443 NOT REALIZ200401480
Transaction type code . . :

Press Enter to continue.

F3=Exit F12=Cancel F15=Group Inquiry F20=Imaging

Attachment 15

DATE: 9/14/04
(Current Date)

TO: Yuba County Treasurer & Tax Collector's Office
(530) 741-6236

FAX Number: (530) 742-7925

FROM: Sheriff-Coroner
(Department, School or Special District)

By: Michelle Manning
(Individual's Name)

749-7732
(Telephone)

RE: EFT - Incoming Direct Deposit

On * see attached, the amount of \$ 500,000 will be

directly deposited into the County's bank. Please prepare a deposit receipt depositing the

amount to fund number 284-0000-371-98-99
(14-digit number required)

* Funds released 9/16/04.



Attachment 16

GM201101

Yuba Treasurer & Tax Collector
Adjusting Journal Transaction

1/21/05
13:35:15

Group number : 604
Accounting period : 03/2005 mm/yyyy
Posting date : 09/21/2004 mm/dd/yyyy

Transaction information:

Transaction date : 09/21/2004 mm/dd/yyyy
Document number : DEP 49260
Account number : 180-0000-101.01-00 CASH BALANCE
Project number :
Debit amount : 500,000.00
Credit amount : .00
Description 1 : DR - TREASURER RNIA
Description 2 :
Transaction type code . . :
Bank code : 0

0.*

Press Enter to continue.

F3=Exit F12=Cancel F15=Group Inquiry

9.21.2004
F20= #49260.
500,000.00+
10.29.2004
#806.
66,000.00-
12.14.2004
#1104.
434,000.00-
-001
0.00*

Bill Hamilton
AB 443 funds
Rural Law Enforcement

1/25 11AM 2-4 members of
Grand Jury
Regarding \$500,000.00 deposit

Attachment 17

The County of Yuba

AUDITOR - CONTROLLER



DEAN E. SELLERS

915 8th Street Suite 105
Marysville CA 95901-5273
(530) 749-7810

RECEIVED

DEC 14 2004

YUBA COUNTY TREASURER &
TAX COLLECTOR

December 14, 2004

TO: JAMES S. KENNEDY, TREASURER

FROM: DEAN E. SELLERS, AUDITOR-CONTROLLER *D.E. Sellers*

RE: ESTABLISH A NEW HTE OPERATING TRUST FUND

Effective this date, the following fund has been established. All earned interest will remain in said fund.

FUND NAME	FUND AND BUDGET NUMBER
-----------	------------------------

AB 443 RURAL & SMALL CLEF

286

"AB 443 RURAL & SMALL COUNTY LAW ENFORCEMENT FUNDS"

If you should have any further questions, please call.

pc:

County Administrator
Sheriff's Office
Auditor's Staff

*done
12-15-04 JQ*

Attachment 18

[illegible]

GM201101

**Yuba Treasurer & Tax Collector
Adjusting Journal Transaction**

1/21/05
13:35:55

Group number : 981
Accounting period : 04/2005 mm/yyyy
Posting date : 11/05/2004 mm/dd/yyyy

Transaction information:

Transaction date : 10/29/2004 mm/dd/yyyy
Document number : JE 0806
Account number : 180-0000-101.01-00 CASH BALANCE
Project number :
Debit amount : .00
Credit amount : 66,000.00
Description 1 : CR - TREASURER ral U Sm
Description 2 :
Transaction type code . :
Bank code : 0

Press Enter to continue.

F3=Exit F12=Cancel F15=Group Inquiry F20=Imaging

Attachment 20

GM201101

**Yuba Treasurer & Tax Collector
Adjusting Journal Transaction**

1/21/05
13:36:37

Group number : 1306
Accounting period . . . : 06/2005 mm/yyyy
Posting date : 12/15/2004 mm/dd/yyyy

Transaction information:

Transaction date : 12/14/2004 mm/dd/yyyy
Document number : JE 1104
Account number : 180-0000-101.01-00 CASH BALANCE
Project number :
Debit amount : .00
Credit amount : 434,000.00
Description 1 : CR - TREASURER TO RURAL &
Description 2 :
Transaction type code . :
Bank code : 0

Press Enter to continue.

F3=Exit F12=Cancel F15=Group Inquiry F20=Imaging

Attachment 21

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK
Sheriff - Coroner

(530) 749-7777

FAX (530) 741-6445

April 2, 2004

To: Law and Justice Committee Members
Fr: Virginia R. Black, Sheriff-Coroner
Re: Budget Adjustment Action

On Tuesday, March 23, 2004, I was scheduled to attend the Law and Justice Committee meeting to discuss utilizing my portion of the Jail Bed funds (Sheriff's Jail Bed Trust 285) to increase staffing in the Jail and retain two grant-funded Deputy III positions that are due to expire June 30, 2004.

Prior to the meeting, I checked the county finance system to obtain a current balance of the Sheriff's Jail Bed Trust Fund. I was shocked to learn that on March 10, 2004, the Auditor-Controller went into my Sheriff's Jail Bed Trust fund and transferred \$500,000 out of it. This transfer was done completely without my knowledge, and without the authority of the Board of Supervisors. I raised this issue at the committee meeting on March 23rd, and asked CAO Kent McClain and his assistant Randy Margo, if they knew anything about this. They provided no comment. I asked the Auditor, Dean Sellers, who was present at the meeting, on whose authority he had made the transfer and why it was done without my knowledge. Mr. Sellers said that the transfer of \$500,000 on March 10, 2004 was to cover a reduction in State funding (AB443) and the transfer was authorized by the Board of Supervisor's at Budget Hearing in June 2003. I strongly disagreed with Mr. Sellers and told him so, as I did on February 9th at the fiscal review committee when he brought this subject up. The Board of Supervisor's did choose to take \$500,000 from my trust account during budget hearings in June 2003 rather than opting for a reduction in expenditures to the Public Safety departments. I did not agree with that action however, I did comply with their decision. The transfer of these funds was accomplished in November 2003. (see attached) All members of the fiscal review committee were made completely aware that the funds had been transferred when the subject was raised at the fiscal review committee meeting on February 9, 2004.

On March 23, 2004, at the Law and Justice Committee, Supervisors Bill Simmons and Dan Logue directed Kent McClain to provide the backup that validates the March 10, 2004 transfer of funds that Mr. Sellers claimed was approved by the Board in June 2003.

I received a copy of the attached memo dated March 25, 2004, prepared by Grace Mull, administrative analyst with the county administrator's office. Her chart validates my position that during budget hearings in June 2003, the jail bed contribution (revenue account 108-0000-371-87-10) was proposed at \$1,000,000, split between the jail and sheriff's budgets equally. At budget hearings on June 24, 2003, upon recommendation from Auditor Dean Sellers, the Board chose to adopt Option #3 (see attached budget hearings), and increased the jail bed contribution in the Sheriff's budget from \$500,000 to \$1,000,000. Again, I did not agree with the decision or the manner in which it was presented. However, I did comply with their decision.

COURTHOUSE • 215 FIFTH STREET • MARYSVILLE, CALIFORNIA 95901-5788

Attachment 22

Sheriff's Jail Bed Trust Revenue Account	Budget	FY 2003-04 Proposed Budget	FY 2003-04 Adopted Budget	"Revised" Adopted Budget
108-0000-371-87-10	Jail	\$500,000	\$500,000	No record
108-0000-371-87-10	Sheriff	\$500,000	\$1,000,000	found
Total		\$1,000,000	\$1,500,000	

Attached are copies of:

- 1) Minutes of the June 2003 budget hearings;
- 2) Proposed 2003-04 budget and amendments dated July 1, 2003;
- 3) The adopted budget prepared by the Auditor-Controller;
- 4) The memo authorizing the transfer of the Sheriff's Jail Bed Trust funds to the budgeted revenue account.

The documentation clearly validates my position on this issue. The transfer of the additional \$500,000 occurred outside the budget process, and was not formally authorized by the Board of Supervisor's. In addition, Mr. Sellers also stated at the Law and Justice Committee that the Board authorized this transfer back in June 2003 due to the reduction of State funding AB443 in the Sheriff's Department. To clarify, the reduction in AB443 funding was not in jeopardy during the budget hearing process. In fact, it was unclear as to what effect the State budget would have on the County's fiscal condition. Please see attached memo to the Board of Supervisor's dated September 4, 2003, from Randy Margo. There was no mention even at this time that the AB443 funding was in jeopardy.

In conclusion, I want to say that I am *very disappointed* in the manner in which this entire ordeal has been handled. This is a time when the County should be working as a team to resolve and overcome the State Budget issues and the effect it will no doubt have on our local government. The Auditor transferred funds from the Sheriff's Trust Fund, without my knowledge and without Board authorization. The County Administrator's office had ample opportunity to resolve this issue outside the committee and/or at Board level. The Law and Justice committee directed the county administrator to provide sufficient backup to validate their actions. Instead, I have spent a great deal of time and energy preparing the backup to prove that the transfer of funds on March 10, 2004 was not authorized and the information they provided to you was not accurate.

I demand that the Auditor-Controller immediately return the \$500,000, plus accrued interest, that he transferred from the Sheriff's Jail Bed Trust 285 on March 10, 2004. His actions were not authorized by the Board of Supervisors. I expect confirmation that this action has occurred by Friday, April 9, 2004.

If you require additional information or have any questions or concerns on the material provided, please contact me directly on my cellular phone at 682-8599, as I will be attending the California State Sheriff's Conference until Friday, April 9, 2004.

cc: Board of Supervisors
County Administrator
Auditor-Controller

Attachment 22

The County of Yuba

Office of the County Administrator

Charles K. McClain, County Administrator
Randy Margo, Assistant County Administrator
John L. Fleming, Economic Development Coordinator
Grace M. Mull, Administrative Analyst
Teena Carlquist, Executive Assistant to the County Administrator
Yuba County Courthouse
215 5th Street, Suite 115
Marysville, CA 95901

Phone (530) 749-7575
Fax (530) 749-7312
E-Mail kmccclain@co.yuba.ca.us
rmargo@co.yuba.ca.us
jfleming@co.yuba.ca.us
gmull@co.yuba.ca.us
tcarlquist@co.yuba.ca.us



Date: March 25, 2004
To: Charles K. McClain, County Administrator
Cc: Dean Sellers, Auditor/Controller
From: Grace Mull, Administrative Analyst *GM*
Re: FY 03/04 Sheriffs Budget Adjustment Actions

The following is a recap of the FY 03/04 Sheriffs Budget adjustment actions.

Budget Hearing Actions:

The following information represents changes in the Sheriffs budget during budget hearings. The \$500,000 increase in revenue reduced the General Fund subsidy to the Sheriffs budget by the same amount. The \$500,000 came from the Jail Bed Rental Trust account. This was a Board authorized action known as "Option 3". The increased revenue left the Sheriffs department budget as proposed with no reductions in expenditures.

Acct Number	Acct Name	Unit	Original Budget	Revised Budget
108-0000-371-87-10	Jail Maint Pris/Extra	Jail	\$500,000	\$500,000
108-0000-371-87-10	Jail Maint Pris/Extra	Sheriff	\$500,000	\$1,000,000
108-0000-361-56-32	State Rural/Small	Sheriff	\$500,000	\$500,000
		Total	\$1,500,000	\$2,000,000

Recent Actions:

Recently, due to the suspension of the AB443 State Rural/Small program by the State, the Auditors transferred \$500,000 on March 10, 2004 from the Sheriff Bed Space Rental Trust #285 to the 108 Public Safety fund to cover the deficit left by the absence of \$500,000 in revenue from this program. This action enabled the department to continue current year budgeted operations without expenditure reductions. ?

Attachment 23

Yuba County Treasurer/Tax Collector

Reason for Investigation

The Treasurer/Tax Collector's Office was selected as a follow-up investigation of the Yuba County Auditor's Office.

Focus of Investigation

This investigation included an overview of the Treasurer/Tax Collector's duties, fund handling and transfer authority.

Process of Investigation

Members of the Yuba County Grand Jury County Committee met with the Treasurer/Tax Collector, Mr. James Kennedy, who gave the Committee an overview of his department and responsibilities. The Committee found Mr. Kennedy to be extremely courteous and helpful in this investigation.

Mr. Kennedy provided the Committee with information previously requested on fund transfers and on recently passed County Measure D, which levies a 15¢ per ton surcharge on aggregate trucks within the County. As of December 2004, Measure D funds received exceeded \$100,000.

Committee members asked Mr. Kennedy to explain how fund transfers were authorized and how funds are transferred from one account to another. Mr. Kennedy stated that the Yuba County Board of Supervisors approves expenditure of funds and his office transfers those funds as specified by the Auditor's office.

When asked about the transfer of \$500,000 on March 10, 2004 from the Sheriff's Jail Bed Account to the Public Safety Account, Mr. Kennedy told us that he received the request from the Auditor's office on March 9, 2004 and completed the transaction as required by the Treasurer's Office Procedures.

The Committee also asked Mr. Kennedy about receiving funds from the state for the Rural and Small Counties Law Enforcement Funds (AB 443). Mr. Kennedy stated that the funds were received and held in a holding account until the Auditor had set-up a special account for these funds. The AB 443 funds were available to the County on September 16, 2004, but the establishment of the special account was not accomplished until December 14, 2004 per a letter from the Auditor's office. The actual transfer of funds took place on December 15, 2005.

Findings

The Treasurer/Tax Collector's Office is following the established policies and procedures investigated by the Grand Jury.

Recommendations

None

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Law Enforcement

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Yuba County Jail

Reason for Investigation

Yuba County Jail was selected pursuant to California Code § 919(b) which states in part that the grand jury "...shall inquire into the conditions and management of public prisons within the county" and upon complaints received by the Grand Jury.

Focus of Investigation

The investigation included general conditions, cleanliness, medical prescription dispensing procedures, inmate classification procedures, and a follow-up to the 2003-04 Grand Jury findings.

Process of Investigation

Sheriff Virginia Black, Undersheriff Steven Durfor, Capt. Mark Chandless, Lt. James Downs and Administrative Services Officer Michelle Manning met members of the Yuba County Grand Jury Law Enforcement Committee. Sheriff Black gave some background information, booking procedures, and answered all questions fully and without hesitation.

Capt. Chandless conducted the Jail facility tour. The Committee toured booking areas, holding cells, confidential cells (lawyer-client interview rooms), medical facilities, central control room, men's and women's cell areas and high security cells, classrooms, kitchen, commissary, and laundry facilities.

Classrooms include lessons in construction skills (men), electrical skills (men), computer skills (women), Alcohol Control Substance Treatment Series (A.C.T.S.), GED study and other classes as needed.

The Central Control Room monitors the various areas of the Jail facility through a series of video cameras located at strategic areas both inside and outside. The Central Control Room operator also controls access to the elevator and all doors throughout the facility.

General Population Cell Areas were toured. Here inmates were free to enter and use the common areas with access to hot water to make coffee or cups-of-soup purchased through the commissary. All areas were clean and well kept.

High Security Cells are where inmates without classification or who might pose a threat to other inmates are placed. The area is clean and well kept.

Medical Facilities were toured and found to be in good condition. The facilities are manned 20 hours per day and provide all medical needs, prescription drug dispensing, and general dental services as required. In emergencies, inmates are transported to the local hospital for treatment. Inmates can go to sick call daily where a medical doctor sees them (Monday through Friday and weekends in emergencies), dental sick call weekly, and psychiatric services weekly. All prescription drugs brought into the Jail by inmates are confiscated and reviewed for need by medical staff. If it is determined that the medication is required, it will be dispensed as prescribed by medical personnel. If a need for prescription is determined and it is not available, it will be

prescribed and dispensed as needed. Under normal conditions, all medical necessities are provided without expense to the inmates.

The Kitchen was clean and orderly. All inmates and sheriff personnel eat the same food. The kitchen manager stated that the cost of a meal is about 71 cents and menus are approved by a qualified dietician in accordance with California Department of Corrections. The Yuba County Jail is inspected by Yuba County Board of Health and the California Department of Corrections for facility cleanliness, food handling safety, and serving procedures. The Committee had lunch during its visit and found the food adequate.

The Commissary offers a broad spectrum of personal and food items that can be bought by inmates. The inmates can buy up to \$75 worth of goods twice per week, of which only \$37 can be for food items. Personal items for general hygiene are available at no cost. The commissary contains about 90 different items. The commissary staff includes a purchasing agent and two clerks.

The Laundry Facility is ventilated adequately. Procedures are in place for inmates to monitor the temperature (thermometer by the door) and they are required to check and clean the ventilation filters (logged on an hourly check sheet.) The room has a voice monitor system that can be used by laundry personnel if the area is too hot or in case of an emergency.

Findings

1. The Committee does not agree with the complaint that insufficient quantities of food are served to the inmates. The Committee found the food portions to be sufficient.
2. The Committee does not agree with the complaint concerning cleanliness of the women's shower area. The areas were clean and without odor. The inmates clean the common areas daily, including the showers, and the facilities are inspected by the Jail staff for compliance.
3. The Committee does not agree with the complaint concerning withholding of prescription medicine. All medication is dispensed and documented as per the instructions of the attending doctor or psychologist.

Recommendations

None

Required Responses to Findings

None

Yuba County Probation Department

Reason for Investigation

This investigation was conducted in accordance with California Penal Code § 925.

Focus of Investigation

This investigation focused on assessing operating procedures of the Yuba County Probation Department.

Process of Investigation

Members of the Yuba County Grand Jury Law Enforcement Committee met with Mr. Stephen Roper, Chief Probation Officer, at his office. Mr. Roper informed Committee members that he oversees the third largest department in Yuba County. The Probation Department consists of 5 divisions and 126 employees. Although the Probation Department is large, Mr. Roper feels that with only one superintendent (Juvenile Hall) and four managers, the administrative structure is unusually streamlined. This structure results in a management to employee ratio of 1 to 24, and is intended to give staff a sense of being an important member of a team with the same basic goals, direction, and philosophy. All interviewed personnel confirmed that they try to lead by example and instill an attitude that everyone is equally important.

Mr. Roper explained to the Committee that his duties include three mandated areas: preparation of adult and juvenile sentencing reports, supervision of adult and juvenile offenders released on probation and administration of juvenile detention facilities. In addition, the Probation Department manages Yuba County's Revenue and Recovery and the Intervention Treatment Services.

The Revenue and Recovery Department is responsible for assuring that offenders are held accountable by enforcing and collecting all court ordered fines, fees, and victim restitution. It also assists other county departments in the collection of delinquent accounts and the execution of civil judgments. In the 2003-04 budget, this department was allocated \$213,296 but actually collected \$343,300, not including monies collected which went directly to victims and/or the courts.

The Intervention Treatment Services Division administers the "Victim/Witness Program," which provides counseling to adults and children who are victims of crime or witnesses to crime. Staff also assists victims in applying for restitution and preparing victim impact statements to present to the court. The "Victim/Witness" program receives no funding from the County, operating solely on grants from the state.

The Probation Department also operates drug education and rehabilitation programs as mandated by Proposition 36, which was intended to offer alternatives to incarceration for certain drug offenses. These programs include drug awareness, education, treatment, diversion, and limited family intervention, allowing successful participants to avoid traditional penal sanctions such as jail.

Subscribing to the philosophy that an ounce of prevention is better than a pound of cure, the Probation Department has for some years been offering local school on-campus assistance through its Probation and School Success (PASS) Program. This is an endeavor worthy of special commendation and involves probation officers being placed at schools (K-12), where they become acquainted with the students and their families. These officers provide intervention assistance before legal problems develop. Together with school officials, these PASS officers have designed a broad range of services to best serve the school(s) to which they are assigned. Some examples are:

Donna Cummings at Mary Covillaud Elementary School

- Working with Principal Doug Esheman, has set up a clothes closet to provide coats, shoes, socks, underwear and even lice treatment
- Arranges school Christmas parties
- Organizes Mervyn's Child Spree where 100 children each receive \$100 worth of clothing
- Organizes the Rotary Club Christmas bicycle give-away
- Solicits funding from businesses, organizations, and the community to fund these programs
- Participates with school officials in a program where students who would otherwise be suspended are instead given detention in the Choices Program, which teaches self-awareness and other choices to resolve problems

Dan Bill at Cedar Lane Elementary School

- Cedar Lane School has a major attendance problem (78% of the student population has attendance issues.) By using direct intervention such as calling all students who are absent, Mr. Bill has helped to reduce these problems from 945 days of unexcused absences in 2002-03 to just 479 days in 2003-04.
- Assists in organizing and supervising after school sporting events
- Provides crisis intervention and conflict mediation
- Conducts classroom presentations on drug awareness, gang prevention, and child abuse
- Arranges referrals to outside organizations such as Fathers First (he is an educator/mentor), Mothers First, Hands Up, and First Steps
- Coordinates with families to arrange for governmental services

Dan Fitzpatrick at Alicia Intermediate School

- Is involved in all aspects of student problems including assisting individuals in conflict resolution
- Monitors the school's security camera system on a daily basis
- Interviews and counsels students with disciplinary problems
- Produces a video newsletter that is being translated into several languages and sent to parents providing information on school activities
- Monitors gang activity at the school
- Works with Principal Jack Stokes in developing alternative disciplines to suspension such as lunchtime detention, after-school detention, and referrals to counseling

Presently there are six PASS officers assigned to various Yuba County schools, most of whom serve more than one school. According to Mr. Roper, in the last 10 years the PASS program has helped reduce by over 50% the number of juvenile offenders taken into custody. Although school populations in Yuba County have risen since 2002, the total juvenile case loads has

dropped (Attachment 24.) The schools where PASS officers serve must pay their salaries. The amount saved in ADA (average daily attendance) by reducing unexcused absences and providing alternatives to suspensions, exceeds that cost (Attachment 25.)

Findings

1. The Yuba County Grand Jury finds the Probation Department to be an efficient and well managed entity providing essential services to the Court and this County. Grand jury members were impressed with the operations of the Department, particularly the PASS Program, which appears to be a cost effective and positive intervention tool, benefiting the entire community.
2. The Probation Department's policy manual contains outdated employment material and several language errors.

Recommendations

1. The Yuba County Grand Jury recommends that, as funds allow, the Probation Department expand its PASS Program with additional officers in more schools, including Lindhurst, Anna McKenney, and Linda.
2. The policy manual used by the Probation Department should be reviewed for the purpose of removing the outdated material and correcting the language errors.

Required Responses to Findings

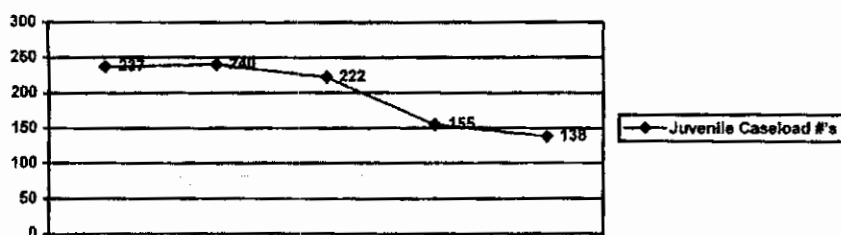
None

Required Responses to Recommendations

- 2 Probation Department

The Yuba County Probation Department is dedicated to early intervention, identification of at-risk youth, and preventative programs. We have experienced a steady decline in the number of juveniles requiring formal intervention by the justice system.

	July/2000	June/2001	June/2002	June/2003	June /2004
Juvenile Caseload #'s	237	240	222	155	138



JUVENILES UNDER COURT JURISDICTION

	Sutter	Butte	Yolo	Yuba
* Total Population	80,900	205,800	173,500	60,800
Juvenile Caseloads/ County 2004	182	687	575 (+1000 banked cases)	138
Juvenile Caseloads/ County 2003	179	630	1425	155

*Population figures from 2001 County web sites

*Caseload figures as of June 2004

This is only one component of the program. The narratives by the working officers speak to the bonds that are created and the real influence of the program.

Attachment 24

2003-2004 P.A.S.S. PROGRAM

The inception of the P.A.S.S. Program in 1986 started with a single officer. During the 2003-04 school years six P.A.S.S. officers were assigned to ten different school sites. Nine school sites are serviced within the Marysville Joint Unified School District. This year a PASS Officer was assigned within the Wheatland School District at Bear River Elementary School.

*The following figures are for the MJUSD school sites.

	2002-03	2003-04
Total District enrollment 13 th month	9340	9559
Enrollment for PASS Program site schools	5874	4826
% of students eligible for services	62.8%	50.5%

DIVISION OF STUDENTS SERVED

	Total District Enrollment 2002-03	Total District Enrollment 2003-04	+ or - Student Enrollment	Enrollment with PASS Officers 2002-03	Enrollment with PASS Officers 2003-04	2002-03	2003-04	+ or -
K-5 th Grade	4580	4803	+223	1794	1748	39.0%	36.0%	-3%
5-8 th Grade	2255	2210	-45	1915	2072	84.9%	93.7%	+8.8%
9-12 th Grade	2505	2546	+41	2165	1006	86.4%	39.5%	-46.9%

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Yuba-Sutter Juvenile Hall

Reason for Investigation

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

Focus of Investigation

This investigation was undertaken to inspect the facilities at the Yuba-Sutter Juvenile Hall and the Maxine Singer Youth Guidance Center (Camp Singer) and to assess the operating procedures and policies concerning staff and population, the services provided and general housekeeping.

Process of Investigation

Members of the Yuba County Grand Jury Law Enforcement Committee interviewed Mr. Frank Sorgea, who has been the Superintendent of Yuba-Sutter Juvenile Hall since 1990. Mr. Sorgea provided a detailed and informative explanation of the operations of Juvenile Hall and Camp Singer, including an overview of the budget, their present staffing level and qualifications, chain of command, incidents procedures and facility population. He also discussed upgrades to the facilities including the installation in 2004 of a new cooler system that has saved the Department several thousand dollars per month in energy costs.

Staffing

There are currently 60 employees at the Juvenile Hall and Camp Singer facilities, including teachers, clerical, janitorial, housekeeping, and kitchen staff. Of these, 26 are full time group counselors and eight are supervisors who are required to have at a minimum, an associate's degree in social sciences, criminal justice or similar field. These individuals are classified as peace officers and must therefore undergo both psychological and criminal background clearances before being hired.

In regard to behavior control Mr. Sorgea stated that there is "no tolerance for misbehavior;" however, he emphasized the fact that all wards of Juvenile Hall and Camp Singer Guidance Center are treated by staff with dignity and respect. The juveniles are also required to treat each other similarly, and experience has shown that this policy results in the development of a generally positive relationship between staff and the wards, which helps to reduce or de-escalate any problems which may arise. Discipline ranges from counseling, to time out, to loss of points and privileges. There is also a "no-hands-on" policy and physical contact is a last resort. The fact that pepper spray has been used only three times in three years, compared to some surrounding counties where it is used several times a month, attests to the effectiveness of these policies.

Following the interview, the Committee was taken on a complete tour of the facilities, which include the main Juvenile Hall and the newer Maxine Singer Guidance Center, which opened in 2002. The superintendent's office and other administrative offices are now located in one of the

buildings that was vacated when the County offices moved and were still in the process of being re-modeled. The assistant superintendent's office is still located in the main facility.

The "old" Juvenile Hall has a housing capacity of 45, with a 15-room unit for females and a 30-room unit for males. At the time of the visit, there were 38 juveniles from Yuba, Sutter, and Colusa Counties. This facility is not intended for long-term commitments and is used primarily for non-violent minors who are detained pending court proceedings or are waiting out-of-home placement. The average stay at the "hall" may vary from 10 to 30 days. Although currently unoccupied, there is also a separate 15-bed, secure facility for high-risk juveniles.

The Committee members also visited the on-site school while class was in session. It was apparent that the students were highly motivated as evidenced by their attentiveness, their answers to questions asked of them by their teacher, as well as the number of questions they asked.

Separate from the old Juvenile Hall complex is the Maxine Singer Youth Guidance Center, known as Camp Singer. The facility has two housing units for boys, each with twenty-four 77 square foot living areas containing a bunk and locker and separated by a three-foot high wall. There is also an identical 12-bed girl unit. While the bathrooms are typical dormitory style, they do provide appropriate privacy. The common areas, which are easily accessible to all minors, include a dayroom and activity room.

This facility is less than maximum security and was designed to offer a program for behavior modification. Only those minors who do not pose a threat to the community or to other youth and who meet other eligibility criteria are accepted into the program. The court-ordered commitment to the program is 210 days, with the participants being furloughed to their homes for the final approximately 30 days. During this furlough phase of the program, the minors live at home and return to the camp each day to attend school and participate in other activities. They are required to wear khaki uniforms when at the camp and while in the community performing community service. As they progress through the four stages of the program, they earn higher levels of autonomy until they reach the furlough phase. In phases two, three and four, as part of their graduation requirements, they must complete approximately 1000 hours of community service. Besides traditional education, these minors may also be offered reading development and other specialized classes depending on need. Although the primary focus is on the individual juvenile ward, a key aspect of the services offered at the camp includes family counseling support. Wards are also taught a variety of work skills such as carpentry, food service, landscaping and small engine repair, and training and instruction on goal setting, resume writing and interview skills.

Committee members had lunch with the wards at the guidance center and had the opportunity to discuss with them their perceptions of the camp. As a whole, the wards stated that they are learning a lot about themselves and found the camp hard but fair.

The kitchen and dining facilities were clean, the food service was well organized and efficient, and the Committee's meal was nutritious and substantial. Committee members were advised that the wards are taught how to cook, including the baking of cakes, pies and cookies which are served to the parents who visit their children for family counseling.

Of Special Note

Both management and line staff appeared to share the attitude explained by Stephen Roper, Chief Probation Officer, and Frank Sorgea, Juvenile Hall Superintendent that they are all equally important members of a team whose focus is the best interests of the wards. Everyone, including those in supervisory positions, seemed to be actively involved in the day-to-day operations of the facility and every employee interviewed provided only positive feedback.

The staffs at Juvenile Hall and Camp Singer are rotated on a quarterly basis to different shifts and duty assignments. This assures an equitable sharing of the less desirable shifts or assignments and cross-training, so that that all employees are capable of covering any absences.

Mr. Sorgea and the Committee discussed the various programs designed to teach the wards skills needed to improve home life for all members of the household. Some of the programs discussed were:

- Rule setting and enforcement
- Family unity by engaging in activities such as having meals together
- Behavior modification
- Seeking outside help for personal problems such as drug abuse

Findings

1. The Committee was impressed with the condition and operation of the facilities and the attitudes exhibited by staff.
2. There tends to be a loss of mid-range employees to other counties who offer a more attractive retirement system.

Recommendations

1. Possible review by the County Board of Supervisors of the retirement system in order to retain mid-range employees. The current system provides for 2% at age 55, whereas most other counties offer 3% at age 50 (the Committee polled 12 other counties in the north state.) Otherwise, pay and other compensations are comparable.

Required Responses to Findings

None

Required Responses to Recommendations

None

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Yuba County Sheriff/Coroner

Reason for Investigation

The Yuba County Sheriff/Coroner was selected based on information learned at a Yuba County Board of Supervisors' meeting on September 13, 2004 concerning use of county funds.

Focus of Investigation

The investigation focused on interviewing Yuba County Sheriff/Coroner Virginia Black concerning grievances outlined in the Yuba County Board of Supervisors' meeting on September 13, 2004.

Process of Investigation

Members of the Yuba County Grand Jury Law Enforcement Committee interviewed Sheriff Black to obtain information about her public statement of grievance during the September 13, 2004 Yuba County Board of Supervisors' meeting. Sheriff Black stated that there were three basic problems, which she explained.

The first problem was a transfer of \$500,000 dollars from the Sheriff's Jail Bed Trust Fund on March 10, 2004. The Sheriff stated this transaction was by the Yuba County Auditor without the consent of the Board of Supervisors

The second problem according to the Sheriff was that Yuba County Administrative Officer Kent McClain had committed, in her words "Misconduct – Dishonesty" (Attachment 26) during a Yuba County Board of Supervisors' meeting on May 10, 2004. At that meeting, Mr. McClain allegedly stated that Sheriff Black had not submitted a budget proposal reflecting a 10% reduction as requested by the Yuba County Board of Supervisors. Sheriff Black alleges that this statement by Mr. McClain was not true because she did in fact submit the appropriate budget proposal (Attachments 27 through 31.)

The third issue involves \$500,000 that the State of California, in "The Budget Act of 2001," authorized for special funding (Assembly Bill 443) to supplement county sheriffs in small and rural counties. In a letter dated August 2, 2004 (Attachment 32), Mr. McClain advises the Yuba County Board of Supervisors (cc: Sheriff Black, Auditor/Controller Dean Sellers, and County Counsel Dan Montgomery) that "It is my recommendation that the Final Budget, prepared by the Auditor/Controller, show the AB 443 funds (\$500,000) as added revenue to the Sheriff/Jail budget. Further, the General Fund subsidy to the same budget be reduced by an equal amount and \$500,000 be returned to the General Fund contingency account." Sheriff Black advised the Yuba County supervisors by letter dated August 3, 2004 (Attachment 33) that the action recommended by Mr. McClain would violate Government Code § 30070(b), which states: "Funds allocated pursuant to this section shall be used to supplement rather than supplant existing law enforcement resources."

Due to the first two incidents described above, Sheriff Black has retained a private attorney to represent her. She stated at the September 13, 2004 Yuba County Board of Supervisors' meeting that in her opinion, the "Board" may have exceeded their legal authority.

At the root of the allegations is the Intergovernmental Service Agreement for Housing Federal Detainees agreement where Yuba County Jail provides bed space for the U.S. Immigration & Customs Enforcement (INS) inmates. The original INS agreement provided for 62 inmates at \$45 a day for 2 to 4 days per week (approximately 12,896 days). The new contract signed February 2, 2004 (Attachment 34), provides for \$60 a day per inmate for approximately 91,250 days per year (\$5,475,000 annually). This contract should produce revenue of \$1.94 million for the Sheriff's Department and an equal amount for the General Fund.

On March 31, 1995, the Yuba County Board of Supervisors (Chairperson Joan Saunders) and then Sheriff Gary Tindel entered into an agreement that provided for the sharing of revenue generated by the INS Jail bed usage (Attachment 35.) It provides for 17% for housing, food and clothing for INS inmates, 6% for partial repayment of the jail construction bonds, 3% for energy cost, and 3% for the Jail Capital Improvement Fund. The remaining 71% is split equally between the Sheriff's Department and the General Fund. Yuba County Supervisors Mary Jane Griego, Hal Stocker, and Don Schrader, Auditor/Controller Dean Sellers, and Assistant Auditor/Controller Albert Dehr have all expressed concerns about the sharing provisions expressed in the INS Jail bed agreement.

Findings

1. Communication between the Board of Supervisors, Yuba County administrator, and Sheriff needs to be improved.
2. Yuba County administrator's budget advisement authority needs to be reviewed by the Yuba County Board of Supervisors (Attachment 36.)
3. The INS Jail Bed Revenue Sharing agreement is out of date and needs to be reviewed.
4. The INS Jail Bed Revenue Sharing agreement is not being complied with. Further, there is indication that the Board of Supervisors is not distributing the monies correctly and is using the monies to supplant the Sheriff's current year's budget.

Recommendations

1. The Board of Supervisors needs to review and update the Jail Bed Revenue Sharing agreement.
2. The Board of Supervisors needs to review the annual budget to ensure that budgeted monies are from and for the year of use.
3. The Yuba County Board of Supervisors needs to review the Sheriff's budget to ensure that it is funded correctly by the County General Fund and that other revenue sources, such as AB 443 funds and Jail bed revenues, are not being used to supplant the Sheriff's budget.

Required Responses to Findings

- 1-4 Yuba County Board of Supervisors

Required Responses for Recommendations

- 1-3 Yuba County Board of Supervisors

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK
Sheriff - Coroner

(530) 749-7777
FAX (530) 741-6445

May 13, 2004

Honorable Chairman/Members of the Board of Supervisors
County of Yuba

RE: Allegation of Misconduct – Dishonesty

Dear Chairman and Supervisors:

I am writing to you individually and collectively, and in your official capacity, on a matter of grave concern. I do so with the full expectation that you will treat this with the seriousness that it warrants and that you will, as responsible public officials, take appropriate action to ensure that this misconduct does not ever recur.

At the meeting of the Board of Supervisors on Tuesday, May 11, 2004, in open session and before members of the public and media, County Administrative Officer Kent McClain sat in front of you and all who were present and said that he had directed all county department heads to submit a budget reflecting a ten (10) per cent cut in our base budgets. Mr. McClain went on to say to you that I had not done so; that I had not submitted a budget proposal reflecting the requested ten (10) per cent cut.

Mr. McClain lied to you. And please understand that I use the word "lied" advisedly and in its commonly understood English language meaning of "to make an untrue statement with intent to deceive; to create a false or misleading impression; an assertion of something known or believed by the speaker to be untrue with intent to deceive."¹

On April 16, 2004 hard copies of our budgets were turned in, as requested, to the County Administrator's Office which reflected our base budgets with a **10% reduction** for '04-'05 and our **requested** '04-'05 budgets. (copies of face sheet for five of my budgets are attached hereto.)

On April 23, 2004, I and other Department heads met with Mr. McClain and his staff for the purpose of providing to him and one another, oral presentations of our submitted budgets. Speaking from prepared notes and remarks (copies of which are enclosed with this letter) I made my budget presentation. It included, as you can see, the

¹ Webster's Seventh New Collegiate Dictionary, Merriam-Webster, 1967, page 487.

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Attachment 26

requested ten per cent reduction. Mr. McClain was there. Mr. McClain and everyone else in that room heard my presentation. Therefore, Mr. McClain knew that I had done as requested and had made a budget presentation reflecting the requested ten percent reduction in base.

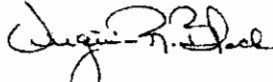
Yet Mr. McClain sat before you, the public and the media, and told you that I had not done so when he knew perfectly well that I had. This can only have been with the intent to mislead you into believing that I had not done that which Mr. McClain knew that I had done. He lied to you.

You may wonder why I did not immediately counter Mr. McClain's lie during the Board meeting. Of course I wish that I had. However, I have always operated on the assumption that those in County government will behave with honesty and veracity. Quite frankly, when Mr. McClain spoke as he did I could not believe what I was hearing and I was stunned to virtual silence. But I have now recovered, and shall remain so.

It is actionable misconduct for a public official of this County to lie to the Board of Supervisors. As you are Mr. McClain's appointing authority, it is your responsibility to supervise and control him. It is also your responsibility to have this matter investigated and for you to take such action as necessary to ensure that we are never lied to again. I can tell you with confidence that if even so much as a line level deputy sheriff was found to have lied about a matter of official county business, that deputy would be removed from County service. And the level of accountability does not decrease, but rather increases, as one makes one's way up through the chain of command.

As a constitutionally elected official of this County, I cannot and I will not tolerate being lied to or lied about by others who are entrusted to serve our citizens. Therefore, I turn to you for appropriate action, and with confidence that you will do your duty. If, however, I am wrong on that account, I will take my concerns elsewhere.

Very truly yours,



VIRGINIA R. BLACK
Sheriff
County of Yuba

enclosures

Attachment 26

BUDGET PREPARATION WORKSHEET

S.T.C.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2002-03 ACTUAL EXPENDITURES	2003-04 ADOPTED BUDGET	2004-05 DEPARTMENT BASE	2004-05 DEPARTMENTAL REQUEST	
133-7800-422.2900	TRAVEL	31,825	0	26,539	29,500	2,961
	SERVICES AND SUPPLIES	31,825	0	26,539	28,500	
133-7800-422.5301	A-87 CHARGES			114	114	
	OTHER CHARGES	-	0	114	114	
133-7800-422.9000	REIMBURSEMENTS	0	0	0	0	
	COST REIMBURSEMENTS	0	0	0	0	
S.T.C.		31,825	0	26,653	29,614	2,961

Base (Requested) \$ 29,614
 Revenues \$ 28,614
 10% Reduction \$ 2,961

84

Attachment 28

BUDGET PREPARATION WORKSHEET

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2002-03 ACTUAL EXPENDITURES	2003-04 ADOPTED BUDGET	2004-05 DEPARTMENT BASE	2004-05 DEPARTMENTAL REQUEST
101-4400-427.5301	A-87 CHARGES	31,881	10,818	314,239	314,239
	OTHER CHARGES	31,881	10,818	314,239	314,239
101-4400-427.6100	FIXED ASSETS-STRUCTURE	0	0	0	0
101-4400-427.6200	EQUIPMENT	2,596	0	0	0
	FIXED ASSETS	2,596	0	0	0
101-4400-427.9000	REIMBURSEMENTS	(83,000)	(83,000)	(83,000)	(83,000)
	COST REIMBURSEMENTS	(83,000)	(83,000)	(83,000)	(83,000)
ANIMAL CONTROL		445,777	491,474	784,668	849,064

Base (Req)	\$ 849,064
Revenues	\$ (205,000)
10% Reduction	\$ 644,064
	\$ 64,406

BUDGET PREPARATION WORKSHEET

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2002/03 ACTUAL EXPENDITURES	2003/04 ADOPTED BUDGET	2004/05 DEPARTMENT BASE	2004/05 DEPARTMENTAL REQUEST
108-2900-423.5301	A-87 CHARGES	967,697	1,551,158	369,776	369,776
	OTHER CHARGES	967,697	1,551,158	369,776	369,776
108-2900-423.6201	FIXED ASSETS-EQUIPMENT	43,823	0	0	0
	FIXED ASSETS	43,823	0	0	0
108-2900-423.9000	REIMBURSEMENTS	(31,473)	0	0	0
	COST REIMBURSEMENTS	(31,473)	0	-	-
	JAIL	5,710,247	7,068,751	6,415,768	6,574,856
					159,088

Base (Req) \$ 6,574,856
Revenues \$ (3,630,371)
General Fund \$ (1,353,609)
10% Reduction \$ 1,590,878
\$ 159,088

2

Attachment 31


The County of Yuba

Office of the County Administrator

Charles K. McClain, County Administrator
Randy Margu, Assistant County Administrator
John L. Fleming, Economic Development Coordinator
Grace M. Mull, Administrative Analyst
Teena Carlquist, Executive Assistant to the County Administrator
Yuba County Courthouse
215 5th Street, Suite 115
Marysville, CA 95901

Phone (530) 749-7575
Fax (530) 749-7312
E-Mail kmcclain@co.yuba.ca.us
rmargu@co.yuba.ca.us
jfleming@co.yuba.ca.us
gmull@co.yuba.ca.us
tcarlquist@co.yuba.ca.us



Date: August 2, 2004
To: Board of Supervisors
From: 
Charles K. McClain, County Administrative Officer
Re: Local Assistance for Rural and Small County Law Enforcement (AB 443)

The adopted state budget restores the \$500,000.00 Rural Law Enforcement grant for the Sheriff/Jail which was deleted from last year's state budget. The county's adopted budget did not anticipate this funding source would be approved by the state and it was therefore not included in the revenue for the Sheriff/Jail (Fund 108). The General Fund (Fund 101) currently subsidizes the Sheriff/Jail budgets far more than \$1,000,000.00 in excess of the Maintenance of Effort (MOE) requirement. It is my recommendation that the Final Budget, prepared by the Auditor/Controller, show the AB 443 funds (\$500,000.00) as added revenue to the Sheriff/Jail budget. Further, the General fund subsidy to the same budgets be reduced by an equal amount and \$500,000.00 be returned to the General Fund Contingency account.

Cc: Sheriff Black
Dean Sellers, Auditor/Controller
Dan Montgomery, County Counsel

Attachment 32

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK
Sheriff - Coroner

(530) 749-7777
FAX (530) 741-6445

Date: August 3, 2004
To: Board of Supervisors
From: Sheriff Virginia R. Black *VB*
Re: Rural and Small Counties Law Enforcement Funding

I have received a copy of Mr. McClain's memo to you regarding the restoration of the Rural and Small Counties Law Enforcement Funding, wherein he is recommending to your Board that you supplant the money that is already in my budget which your board adopted.

Per Section 30070 of the Government Code, it is clearly stated that these monies "*shall be used to supplement rather than supplant existing law enforcement resources.*" The final budget has been adopted here in Yuba County and if you follow Mr. McClain's recommendation, you will clearly be in violation of this code.

During the budget process, our department was forced to make reductions in excess of 1.3 million dollars in general fund dollars. We lost allocated positions. An additional one million dollars was reduced from our budgets in A 87 costs that were finally corrected.

I became aware of the Rural and Small Counties money being restored late last week and my staff and I have been working on a proposal to bring to the board to utilize these funds *to enhance law enforcement* efforts in Yuba County. I would think the members of the Board would have a vested interest in ensuring the people of Yuba County receive the best law enforcement service delivery possible.

The MOE has no place in this discussion since the Auditor, all of the Public Safety departments and the CAO's office have never been in agreement on this issue.

I would encourage the Board not to follow Mr. McClain's recommendation and violate the Government Code. The Legislature intended that this specific funding be used to enhance rural law enforcement agencies and it is given directly to the Sheriffs, not the CAO's, of the 37 smallest counties to be used at the Sheriff's discretion for that purpose.

Should the Board members have any questions regarding this funding please contact me directly at 749-7775 and I will be happy to discuss this with you.

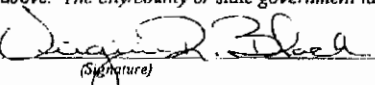
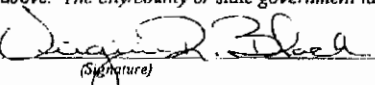
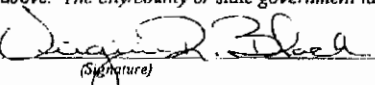
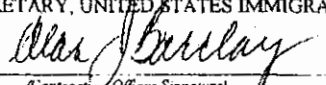
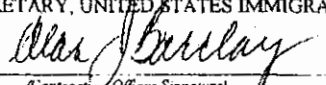
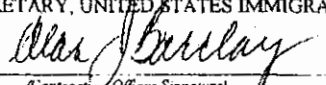
Cc: CAO Charles McClain
Auditor Dean Sellers
County Counsel Dan Montgomery

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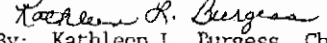
Attachment 33

**United States Department of Homeland Security
U.S. Immigration & Customs Enforcement**

Intergovernmental Service Agreement for Housing Federal Detainees

1. Agreement Number ACL-4-H-0001	2. Effective as of date in block 11	3. Requisition Number (if applicable)												
4. Issuing ICE Office Address: U.S. Immigration & Customs Enforcement Administrative Center, Laguna Niguel (ACL/CAP) P.O. Box 30080 Laguna Niguel, CA 92607-0080 Contact Person: Mr. Alan J. Barclay Phone: (949) 360-3190		5. City/County/State Government: The County of Yuba Office of the Sheriff - Coroner 215 Fifth Street Marysville, CA 95901-5788 Contact Person: Captain Mark Chandless Phone: 530-749-7733												
6. Services Covered by this Agreement: Housing, security, subsistence, clothing and medical care of persons detained by the U.S. Immigration & Customs Enforcement in accordance with the terms and conditions set forth herein.		7. Detainee Day Rate: \$ <u>60.00</u> 8. Estimated detainee days <u>91,250</u> per year												
9. Type of Detainee: <input checked="" type="checkbox"/> Adult Male <input checked="" type="checkbox"/> Adult Female														
10. City/County or State Government Certification: <i>To the best of my (our) knowledge and belief, data submitted in support of this agreement is true and correct. This agreement has been duly authorized by the governing body of the city/county or state government identified in block 5 above. The city/county or state government identified shall comply with all provisions set forth herein.</i> <table style="width:100%; border: none;"> <tr> <td style="width:33%; text-align: center;"> (Signature)</td> <td style="width:33%; text-align: center;"><u>1-29-04</u> (Date)</td> <td style="width:33%; text-align: center;"><u>Virginia R. Black Sheriff-Coroner</u> (Name & Title typed or printed)</td> </tr> <tr> <td style="text-align: center;">_____ (Signature)</td> <td style="text-align: center;">_____ (Date)</td> <td style="text-align: center;">_____ (Name & Title typed or printed)</td> </tr> <tr> <td style="text-align: center;">_____ (Signature)</td> <td style="text-align: center;">_____ (Date)</td> <td style="text-align: center;">_____ (Name & Title typed or printed)</td> </tr> <tr> <td style="text-align: center;">_____ (Signature)</td> <td style="text-align: center;">_____ (Date)</td> <td style="text-align: center;">_____ (Name & Title typed or printed)</td> </tr> </table> (For additional signatures, please attach another page.)			 (Signature)	<u>1-29-04</u> (Date)	<u>Virginia R. Black Sheriff-Coroner</u> (Name & Title typed or printed)	_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)	_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)	_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)
 (Signature)	<u>1-29-04</u> (Date)	<u>Virginia R. Black Sheriff-Coroner</u> (Name & Title typed or printed)												
_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)												
_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)												
_____ (Signature)	_____ (Date)	_____ (Name & Title typed or printed)												
11. This agreement is hereby approved and accepted for THE UNITED STATES OF AMERICA, by direction of the SECRETARY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT: <table style="width:100%; border: none;"> <tr> <td style="width:33%; text-align: center;"> (Contracting Officer Signature)</td> <td style="width:33%; text-align: center;"><u>2/2/04</u> (Date)</td> <td style="width:33%; text-align: center;"><u>ALAN J. BARCLAY</u> (Name typed or printed)</td> </tr> </table>			 (Contracting Officer Signature)	<u>2/2/04</u> (Date)	<u>ALAN J. BARCLAY</u> (Name typed or printed)									
 (Contracting Officer Signature)	<u>2/2/04</u> (Date)	<u>ALAN J. BARCLAY</u> (Name typed or printed)												

APPROVED AS TO FORM: DANIEL G. MONTGOMERY, COUNTY COUNSEL


By: Kathleen L. Burgess, Chief Deputy

Attachment 34

County of Yuba
INTER-DEPARTMENT CORRESPONDENCE

March 31, 1995

TO: YUBA COUNTY BOARD OF SUPERVISORS
FROM: SHERIFF GARY D. TINDEL *JS*
SUBJECT: AGREEMENT AND CONTRACT FOR JAIL BED SPACE WITH
THE U.S. BORDER PATROL & IMMIGRATION AND
NATURALIZATION SERVICE (INS)

RECOMMENDATION:

1. Authorize agreement between Sheriff Gary Tindel and the Immigration and Naturalization Service (INS) for jail bed rental, wherein Yuba County will rent up to 62 beds a day to INS for a fee of \$45 per bed.
2. Approve the distribution of revenue agreement between the Sheriff's Department and the County's General Fund.

BACKGROUND:

The Yuba County Sheriff's Department and the U.S. Border Patrol and INS have been negotiating for jail bed space rental for the past several months. On February 9, 1993, an agreement between the U.S. Marshal's Office and the Yuba County Sheriff's Department was signed by Chairperson Joan Saunders and Sheriff Gary Tindel, establishing a fixed bed rental rate of \$36.53 per day per inmate. The new agreement will establish a rate of \$45 per day, along with a rate of \$25 per hour for staff security costs in the event an inmate requires medical treatment outside the jail.

The 30-day cancellation clause is included in the agreement, allowing the Sheriff's Department to cancel the agreement in the event beds are no longer available.

The intent of the agreement is to allow Border Patrol and INS agents to house up to 62 inmates per day, twice a week, at the county jail beginning in April 1995. The housing will increase to four days per week beginning in June or July 1995. The potential exists to have other inmates the remaining three days per week, if agreed upon by the Sheriff and Border Patrol/INS agents.

4/18/95:BOS:Approved/tah

Attachment 35

DISTRIBUTION OF REVENUE
FOR BORDER PATROL/INS BED SPACE RENTAL

1. Allocation for overhead costs to the Sheriff for food, clothing and in-house medical:
\$7.65 per day per inmate (17%)
2. Allocation for partial re-payment of the bond money used for jail construction:
\$2.75 per day per inmate (6%)
3. Allocation for jail Capital Improvement fund:
\$1.35 per day per inmate (3%)
4. Allocation for energy costs
\$1.35 per day per inmate (3%)
5. Allocation for County General Fund
\$15.97 per day per inmate (35.5%)
6. Allocation for Sheriff's Department for additional personnel, safety equipment and fixed assets, which can be encumbered at the end of the fiscal year (and each subsequent year for renewed contracts) but not to supplant annual budget.
\$15.97 per day per inmate (35.5%)

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

GOVERNMENT CENTER - 815 8TH STREET, SUITE 115
MARYSVILLE, CALIFORNIA 95901-5273



CHARLES K. McCLAIN
COUNTY ADMINISTRATOR
RANDY MARGO
ASSISTANT COUNTY ADMINISTRATOR
JOHN FLEMING
ECONOMIC DEVELOPMENT COORDINATOR
GRACE M. MULL
ADMINISTRATIVE ANALYST
TEENA L. CARLQUIST
EXECUTIVE ASSISTANT
(530) 749-7575
FAX (530) 749-7312

DATE: August 17, 2004

TO: Board of Supervisors

FROM: 
Charles K. McClain, County Administrative Officer

SUBJECT: Implementation of the Agreement between the County of Yuba Board of Supervisors and the Yuba County Sheriff for the distribution of revenue derived from INS detainee jail bed space rental income.

RECOMMENDATION:

Recommend the Board approve a budget transfer in the amount of \$1,865,127.00 to implement the agreement between the County of Yuba Board of Supervisors and the Yuba County Sheriff for the distribution of income derived from INS detainee jail bed space rental income.

BACKGROUND:

In 1995 the Board of Supervisors of the County of Yuba agreed with then Sheriff Gary Tindel, to distribute the income derived from a contract with The U.S. Border Patrol and Immigration and Naturalization Service (INS) based on the following formula: 1) 17% to the Sheriff for food clothing and in house medical cost; 2) 6% for debt retirement on bonds used for jail construction; 3) 3% for jail Capital improvement fund; 4) 3% for energy costs for the jail; 5) 35.5% for the County General Fund; 6) 35.5% for the Sheriff for additional personnel, safety equipment and fixed assets.

DISCUSSION:

The 2004-2005 budget as proposed by the County Administrative Officer and as approved by the Board of Supervisors allocates 100% of the income derived from the jail bed space rental income to the Sheriff and Jail in Fund 108. The Sheriff has asked the Board to affirm the validity of the original agreement. The Board has agreed the distribution formula is indeed valid. Approval of the budget transfer will implement the agreement by distributing the income to the appropriate fund accounts.

COMMITTEE ACTION:

No committee action was sought.

FISCAL IMPACT:

Approval of the budget transfer will reduce the Sheriff's budget by \$1,865,127.00. ?

Attachment 36

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Health and Human Services

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Olivehurst Public Utility District

Reason for Investigation

Olivehurst Public Utility District (OPUD) was selected pursuant to California Penal Code § 925.

Focus of Investigation

General overview of operations, future activities related to growth, and policies and procedures.

Background

Olivehurst Public Utility District was formed in 1948 for water and fire services for the unincorporated community of Olivehurst. Since that time, sewer service, park, recreation and street lighting services have been added to the district's responsibilities.

Process of Investigation

Members of the Yuba County Grand Jury Health and Human Services Committee visited OPUD Department of Sewers. They were introduced to Mr. Timothy Shaw, General Manager of OPUD, and Ms. Cindy Van Meter, Administration Assistant/Deputy District Clerk, who conducted a tour of the facilities.

Total estimated revenue for 2004-2005 is \$909,104. Of the revenue collected, 89.5% is from existing residential and business locations. It is noted that residents, businesses, commercial and industrial areas are all charged the same flat rate of \$15.50 per month. The budgeted plan prudently includes monies for contingencies (about .5% for employees, 1.5% for operating expenses, .3% for operating utilities expenses, 5% for lift station expenses, and 7.7% for chemical expenses), but does not include any reserve for office expenses, vehicle maintenance, general and flood insurance, nor for ongoing training. It should also be noted that the budget does not include any funding for facility maintenance.

Findings

1. The budget is not complete because it does not specify monies slated for capital expenditures.

Recommendations

1. The budget needs to be completed by including a budget item for capital expenditures.

Required Responses to Findings and Recommendations

Olivehurst Public Utility District

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Yuba-Sutter Veterans Services

Reason for Investigation

Veterans Services was selected based on the changeover of personnel and the fact that there is no record of investigation in recent years.

Focus of Investigation

Assessment of staffing, current and planned activities, and policies and procedures.

Process of Investigation

Members of the Yuba County Grand Jury Health and Human Services Committee visited Yuba and Sutter County Veterans Services and were welcomed by Mr. Marvin King, Director of Veteran Services, and Ms. Kathy Volf, Deputy Director of Health and Human Services. Together they provided an overview of benefits available to veterans and their families.

Mr. King explained to the Committee that staffing in the office consists of one service officer (Mr. King) and one secretary. As the service officer, Mr. King assists veterans in preparing various claims for benefits. These claims require very specific information that is not always apparent. The form used can require extensive effort to fill out and may take considerable amounts of time (several months to years) to be approved. According to Mr. King, this office has a 60% to 65% approval rate for claims filed and the average period of approval time in this office is between 6 to 10 months. These approval rates and time periods are very favorable compared to other veterans offices and organizations contacted.

Mr. King stated that some problems facing his office are services and shelters for homeless veterans. Human welfare studies have shown that nearly 10% of the general population in Yuba County is homeless. Of that population, nearly 30% of them are veterans, and there are no shelters in the area for them. Veterans Services is in contact with other organizations to provide some help but they are extremely limited.

Veterans Services is working on several projects for the local community, which include providing reliable transportation to Sacramento for medical care. The present plan uses volunteers, but the lack of volunteers and accidents involving volunteers has placed this plan in jeopardy. Veterans Services is also trying to organize other area veterans' organizations to provide mutual cooperation where information can be shared and assistance to veterans can be maximized.

Mr. King and Veterans Services have been the force behind several veteran activities in this area such as "Stand Down", an annual event to honor military members, both veterans and active duty (mostly Beale A.F.B.) They also sponsor and oversee collection of donations for Veterans Services, as well as act as coordinators between differing veteran organizations.

Findings

None

Recommendations

None

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Yuba County Health and Human Services Welfare Fraud Division

Reason for Investigation

Health and Human Services, Welfare Fraud Division was selected pursuant to California Penal Code § 925.

Focus of Investigation

The intent of the investigation was an assessment of staffing, activities and recent accomplishments.

Process of Investigation

Ms. Susan Nobles, Director of Health and Human Services, Ms. Kathy Volf, Deputy Director of Health and Human Services, and Ms. Alicia DeWoody, Senior Welfare Fraud Investigator, met with members of the Yuba County Grand Jury Health and Human Services Committee and were cordially received. The fraud division consists of a staff of seven, Ms. Alicia DeWoody, five welfare fraud investigators, and one office specialist. All fraud investigators are sworn officers and provide security for the offices. In this capacity, they have the same ongoing training as all California peace officers.

The Welfare Fraud Division, a division of Health and Human Services, is funded primarily by federal funds along with funds from the state and the County General Fund. Human services division oversees the distribution of social services realignment funds, which provides services and support to families, individuals, and children in need.

The general responsibilities of the Welfare Fraud Division are to investigate eligibility facts, detect abuse, monitor suspected households and individuals, follow up on outside reported cases of possible welfare fraud, food stamp misuse, and the number of family members living at a residence. According to Ms. Nobles, they had 7,473 referrals, 1,693 CalWorks, 5,873 initial interview appointments, 2,516 food stamp issuances, and 5,698 eligibility fraud investigations, in 2003-04. Most cases were handled outside of the court system but 141 cases were forwarded to the district attorney's office for prosecution. In cases of extreme overload, some services may be contracted out (i.e., monitoring of individuals or households.) The Committee was informed that personnel turnover is very low in this division and that staffing levels are adequate.

Findings

None

Recommendations

None

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Yuba County Environmental Health

Reason for Investigation

Environmental Health Department was selected based on personnel changes and the fact that there is no record of investigation in recent years pursuant to California Penal Code § 925.

Focus of Investigation

This investigation focused on examination of policies and procedures.

Process of Investigation

Yuba County Environmental Health is part of the Community Development Department, and is located on 8th Street in Marysville, in the new Government Center. Upon arrival, members of the Yuba County Grand Jury Health and Human Services Committee observed that, although new, the office space was quite small and crowded. The Committee interviewed Mr. Tejinder Maan, Environmental Health Director, and Mr. Paul Donoho, Senior Environmental Health Specialist. It was learned that this department conducts all environmental visits to eating establishments and is responsible for enforcement of food handling laws. It is also responsible for conducting inspections regarding illegal use of chemicals in housing, commercial buildings and other possible users of hazardous materials.

Environmental Health has oversight of approval of septic systems, water treatment, and monitoring of the County's air quality requirements. The septic system approval process requires this office to coordinate with specialists (usually within their office) to determine soil drainage, rock structure, and minimum required distances for leech lines. Normally, a "perk" test is required to determine water drainage capacity of the area. These results, coupled with geological studies and past performances, are used to determine the type of system required. These systems are monitored only if a problem is reported. The primary use of perk testing is to prevent contamination of subsurface water.

Duties of this department require monitoring environmental hazardous areas but due to the lack of state, federal and local guidelines, they have no enforcement authority. Other County service areas that provide sewage treatment and public water systems (Linda Water, OPUD) are not directly monitored, but the required reports are monitored for trends and compliance.

Findings

The facilities are very small and crowded. Due to the lack of privacy, this creates a problem when confidential or personnel matters need to be discussed in the directors' area.

Recommendations

The Grand Jury recommends that if possible, an area be established for use by the Department to conduct private or personnel issues.

Required Responses for Findings

None

Required Responses for Recommendations

None

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Environmental Health Yuba-Sutter Disposal, Inc.

Reason for Investigation

Yuba-Sutter Disposal, Inc. was selected for investigation to follow up a previous interview with the Director of Environmental Health on environmental issues in regard to the disposal of hazardous waste material in Yuba County.

Focus of Investigation

The investigation focused on a review of handling of hazardous waste materials such as "white goods" (appliances that contain Freon or gear oil), paints, used motor oil, "red bag" items (hazardous materials in local waste cans), insecticides, pest control materials, and methane gases.

Process of Investigation

Members of the Yuba County Grand Jury Health and Human Services Committee visited Yuba-Sutter Disposal, Inc. and were received cordially by Mr. Douglas Sloan, Vice-President and General Manager, and Mr. William Kennedy, Operations Manager. The Committee was informed that Yuba-Sutter Disposal, Inc. (YSDI) consists of 261 active acres (75 years to fill) of dump located on the outskirts of Marysville and 400 to 500 additional acres (250 years to fill) as needed, located off Ostrom Road. YSDI employment consists of 133 staff positions, 18 of which are household compliance management located on Burns Drive in Yuba City. YSDI actively supports the local area through sponsorship of several programs that include a Community Clean-up Day in April and the California Coastal Clean-up Day in October. YSDI also provides bins at schools and offers free dump coupons to residents that subscribe to their services.

Yuba-Sutter Disposal has a load program with 35-40 permits for different materials that are regulated by the State Waste Management Board. This load program consists of the following areas:

- A. **White Goods.** Appliances that contain Freon or gear oil (generally used for cooling.) The oil or Freon is removed and collected in what is referred to as "lab packs". These lab packs are collected by other businesses for re-use or disposal. The outer casings are sold for scrap.
- B. **Paint, used motor oil, etc.** Some paint is donated to local agencies for graffiti abatement programs. Most is collected and resold for recycling.
- C. **Tire Grant Program.** Supports the County's regulator waste management (Mr. Keith Martin) through free dump certificates to dispose of used tires. All others pay a disposal fee of \$10 or more per tire.
- D. **Education and collection of household hazardous waste.** YSDI works with local schools and organizations (Kiwanis, Rotary, etc.) to educate residents on identification of

hazardous waste and proper disposal. They help sponsor hazardous waste collections and amnesty dump programs.

- E. **Red Bag.** This consists of hazardous materials in local waste cans. YSDI generally does not collect these cans and tags them with the reason. If hazardous material is collected, Yuba-Sutter Disposal attempts to identify the individuals responsible, return the materials to them, and provide education and procedures for proper disposal.

Yuba-Sutter Disposal, Inc. also pays the County nearly \$1,500,000 annually in tipping fees for transporting refuse from other counties into Yuba County.

Insecticides and other pest control materials are collected and disposed of by the environmental hazardous waste division of the County's local environment enforcement through systems such as HAZMAT bins and blue cart system.

Findings

None

Recommendations

None

Public Works

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Yuba County Water District

Reason for Investigation

This investigation was initiated by several written citizen's complaints.

Focus of Investigation

The Grand Jury focused its investigation on some of the allegations contained in these complaints including, but not limited to, misuse of Yuba County Water District (YCWD) funds and equipment, misuse of overtime, violations of the Brown Act, and violations of voter rights due to failure to process annexation applications.

Background

The Yuba County Water District is currently comprised of five individual improvement areas. It is the responsibility of the district to provide domestic and irrigation water needs to its users, within the approximately 180,000 acres contained inside its boundaries. Additionally, it has the responsibility to protect the water rights of the residents, provide for the needs of future development, collect service and miscellaneous charges from its customers, and cooperate with the various adjacent and surrounding water agencies, utility companies and the County at large. District water supply is a non-mandatory type service and individuals or commercial users may elect to use their well water and/or other personal sources (springs, rain collection, etc.)

Process of Investigation

Members of the Yuba County Grand Jury Public Works Committee began their investigation by interviewing the complainants. The Committee then began attending YCWD regular monthly meetings as well as budget and special meetings. After attending the first meeting, which was over four hours long, with the closed session in the middle, it became obvious to the Committee that animosity between certain board members was evident, as well as between some members of the board and the district manager. Several members of the public were unruly, and at times, the president had difficulty maintaining order. Parliamentary procedure was routinely ignored, and the whole process was exhausting to witness.

Several more meetings were attended by committee members, with similar observations in most cases. Meetings were routinely adjourned in the middle of the agenda to conduct closed session business, and then reconvened to a public format. On one occasion, when the board president adjourned for closed session, he stated, "You might as well all go home. We will be in closed session for a while." Committee members got the impression the board president did not want the public to return for the remainder of the public meeting.

Along with attending meetings, the Public Works Committee interviewed all current directors of the YCWD board, selected past directors, the district manager and some of his staff, and several citizens within the district. The Committee also requested and received credit card statements, bank statements, petty cash and vendor receipts, payroll records, past financial reports, and the district manager's and staff's employment contracts. The Committee also requested to see copies of procedural manuals and/or written policies regarding procurement, travel expenses, and vehicle usage/maintenance. The Committee was told there were no such documents outlining these policies and procedures.

The Committee was informed through interviews that the district manager is appointed by and serves at the pleasure of the board. This is confirmed in California Water Code § 30542. The arrangements of his employment are explained in his contract. The employment contract between the manager and the board is dated February 6, 1984, and is a one-page document. He is not a salaried employee.

The Committee learned that it is standard practice at the YCWD for staff working overtime to get compensated with compensatory time off (CTO). There is no line item in the budget for overtime pay. Payroll records show the district manager frequently takes comp time during regular business hours, then works extended hours during nights and weekends. The board of directors approves payroll expenses and district bill-paying retroactively.

Through interviews, the Committee learned that eight or more of the Water District's customers have paid their annexation fees but their property has not been annexed, thereby denying them their voting rights. Some of these annexations are 20+ years overdue. Filing annexations is one of the manager's operational responsibilities.

It is also the manager's responsibility to submit the district's annual budget for approval. The Committee found that the district's annual budget for 2004-2005 fiscal year that began in July, 2004 had not been approved as of March 2005, almost three-quarters into the fiscal year. The water use agreement between YCWD and South Feather Water and Power, as required by the State Water Resources Control Board, was due in June 2004. Because it was not submitted on time, the YCWD applied for and was awarded a one-year extension. The agreement was eventually filed in March 2005. Discussions in the public board meetings disclosed that the district election was nearly canceled because of late filing of the reapportionment maps. Again, this is a responsibility of the district manager.

The Committee sought, through examination of records and interview, to determine whether or not there was evidence of misuse of district funds. The Committee learned that all field employees have the authority to sign district checks, which require two signatures. All field employees are also issued a credit card to be used exclusively for district purchases. There were instances where credit cards have been used for personal items. The District is aware of this and its position is that these occasions are rare, and funds are always reimbursed by the employee. Some of the approved purchases funded with district money appear to be of a personal nature as well. It is accepted policy that when an employee travels out of the YCWD area to purchase supplies or conduct district business, and it is during the normal hours of lunch, the employee is entitled to reimbursement for their lunch expense. On one occasion, the cost of the item purchased for the district was so small that it cost less than the employee's lunch. Records also reflect this kind of activity on subsequent days.

All field staff and the manager are permitted to use vehicles for commuting purposes. There are no maintenance or usage logs in any of the YCWD vehicles or equipment, nor are there vehicle usage logs for the operators of these vehicles. The district does not have an on-site fuel tank for its vehicles, so fuel is purchased by credit card off-site. At one time, YCWD equipment was available for personal use. Although that practice was discontinued, it recently appeared on a board meeting's agenda.

Local legislative bodies, such as boards, agencies and commissions, are created in recognition of the fact that several minds are better than one and that through debate and discussion, the best ideas will emerge. The Ralph M. Brown Act is a law which was enacted to protect the

people's right to be informed by the agencies, boards or commissions created to serve them. It is the intent of the law that actions of these bodies be taken openly and that their deliberations be conducted openly. It also guarantees the public's right to attend and participate in meetings of these local legislative bodies. Although the principles of this law initially seem simple, application of this to real life situations can prove to be quite complex.

Alleged violations of the Brown Act were repeatedly brought up during interviews. Two alleged violations mentioned specifically were "serial meetings" and "failure to allow members of the public to speak on issues during regular meetings" (Attachment 37.) This report will first address the allegation of "serial meetings" occurring within the YCWD Board of Directors. The Committee observed at a board meeting evidence of such meetings taking place. A particular action could not have logically been achieved without outside planning on the part of some board members. This action by the board substantiates supporting testimony by witnesses involving other occasions of alleged serial meetings.

Another concern in regard to the Brown Act is the public's right to speak to issues at the regular meetings. At one regular meeting, members of the Committee observed that the board was honoring the rights of the public to speak for two or three members of the audience, but when a certain individual rose to address the board, they quickly moved on and would not recognize that citizen.

Findings

1. **Complaint of misuse of district equipment.** Field staff and the district manager are permitted to use district vehicles for commuting purposes. Because the YCWD owned vehicles have no logs, with no record of the mileage driven, there can be no accountability for maintenance and fuel purchases. YCWD employees reportedly respond to between three and seven emergency calls per year. The manager does not routinely respond to emergency calls. Currently, all field employees live within a few miles of the YCWD headquarters, so emergency response time would not be significant. This type of vehicle use is considered a perquisite.
2. **Complaint of misuse of district funds.** Some of the invoices paid with YCWD funds show purchases for items such as birdseed, camping equipment, personal hygiene items, soda pop and candy. YCWD funds have also reportedly been used to purchase luncheons and pay for Christmas party expenses. Some of these items could possibly be categorized as office supplies, but not all. Many records show that employees used the district credit cards to purchase personal items. Although it was explained to the Committee that these purchases are always reimbursed, this practice does not follow general acceptable accounting practices. The practice of paying an employee's lunch expense because they are on a routine district errand is not efficient use of district funds.
3. **Complaint of misuse of overtime.** The employment contract between the district manager and the board of directors dated February 6 1984 is a one-page document. The district's employment contracts state: *"Staff working overtime gets compensated with compensatory time-off."* There is no line item in the budget for overtime pay. The district manager frequently takes comp time, apparently leaving him behind in his workload and forcing him to work after-hours and weekends. The district manager receives time and a half credit for overtime worked, although his contract specifically states he will receive straight time. The Committee did not investigate the field staff's

overtime. The manager has control of the budget and his staff, and therefore the authority and responsibility to monitor his staff's payroll.

The Grand Jury finds the use of comp time to be a result of the board's failure to enforce the terms of the employment contract which states that overtime is to be compensated by comp time off only, an outdated contract, and a lack of supervision over the district manager in this area. The board of directors reinforces and in effect encourages this practice by approving the payroll expenses retroactively, and by not renegotiating and/or following the manager's contract.

4. **Complaint of Brown Act violations.** There are obvious personal conflicts between some of the directors and between some directors and the manager. Some of the board members try to "micro-manage" the manager. The Grand Jury finds that although the allegations of Brown Act violations may be warranted, these violations are more than likely committed as desperate attempts to restore some kind of order and proper influence to the board of directors.
5. **Complaint of violations of YCWD citizens' voting rights.** Of eight properties investigated by the Committee regarding annexation, it was found that although all eight have paid the fees (between March 1983 and May 1992) to the YCWD to become annexed, there are no official records of the annexation ever being completed. These property owners are excluded from all elections involving the YCWD and have been for at least 13 years.
6. There is serious dysfunction present among the board of directors, making their ability to conduct some of their business difficult, if not impossible.

Recommendations

The Grand Jury has concluded that many recommendations are applicable to its findings in this report. However, it is not in the YCWD's best interest to make a long list of itemized recommended changes. Instead, it is this Grand Jury's intent to help solve the dysfunction that has eroded the workings of this legislative body.

1. It is crucial that the YCWD create a policy and procedure manual for itself. Given the polarity of the board and the animosity between some board members and the district manager, legal counsel should be retained for advice and mediation during this process. Policies should be established concerning vehicle use, credit card use, overtime, manager accountability, parliamentary procedures, proper training for the board members, procurement/purchasing, reimbursement of travel expenses, and whatever else the district feels should be addressed. This same legal counsel should be present at all meetings to act as mediator if necessary, until the board is restored to proper order.
2. The Grand Jury recommends that the Board of Directors revisit the district manager's employment contract. It is in the district's best interest to come to an understanding with the manager. This contract needs to be adhered to.
3. It is also recommended that the board of directors stop micromanaging the district manager and start holding him accountable for the major responsibilities he is hired to execute. Examples of this would be the annual budget, reapportionment, and annexation of land.

4. It is important that the current board of directors become effective. If members of the board are unable to serve the public in a constructive and knowledgeable manner, they should either resign or not run for re-election.
5. Citizens attending board meetings should eliminate their hypercritical and challenging comments and only voice what is constructive.
6. The 2005-2006 Yuba County Grand Jury should monitor the progress of the YCWD.

Required Responses to Findings

1-6 YCWD Board of Directors

Required Responses to Recommendations

1-4 YCWD Board of Directors

THE BROWN ACT

OPEN MEETINGS FOR LOCAL LEGISLATIVE BODIES

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Attachment 37

CHAPTER III.
MEETING DEFINED

The term "meeting" is defined in section 54952.2 and expressly discusses several types of meeting formats. First, the term "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any matter which is under the subject matter jurisdiction of the agency. (§ 54952.2(a).) Under this definition, face to face gatherings of a legislative body in which issues under the subject matter jurisdiction of the body are discussed, decided or voted upon are meetings subject to the Brown Act. Informal gatherings such as lunches or social gatherings also would constitute meetings if issues under the subject matter jurisdiction of the body are discussed or decided by the member of the body. Second, the Act specifically prohibits any use of direct communication, personal intermediaries or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken. (§ 54952.2(b).) Most often this type of meeting is conducted through a series of communications by individual members or less-than-a-quorum groups, ultimately involving a majority of the body's members. These meetings are called serial meetings. The Act also expressly excludes specified gatherings from its definition of a meeting. (§ 54952.2(c).)

Specific issues relating to these meeting formats are discussed below.

1. Face to Face Meetings

The definition of the term "meeting" contained in section 54952.2(a) includes any congregation of a majority of the members of a body at the same time and place to hear, discuss or deliberate on any issue under the subject matter jurisdiction of the body. This definition makes it clear that the body need not take any action in order for a gathering to be defined as a meeting. A gathering is a meeting if a majority of the members of the body merely receive information or discuss their views on an issue. A meeting also covers a body's deliberations, including the consideration, analysis or debate of an issue, and any vote which may ultimately be taken. Under this construction, any gathering of a majority of the members of a body to receive information, hear a proposal, discuss an issue or take any action on an issue under the subject matter jurisdiction of the body is a meeting subject to the notice and open meeting requirements of the Act.

Under section 54952.2, as well as prior case law, a gathering need not be formally convened in order to be covered by the Act. In *Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, the court held that a luncheon gathering which included five county supervisors, the county counsel, a variety of county officers, and representatives of a union to discuss a strike which was under way against the county was a meeting within the meaning of the Act. Therefore, the meeting should have been noticed and members of the

committee by testifying, asking questions or providing information. In addition, the opinion concluded that observers could not sit at the dais.

D. Social or Ceremonial Occasions

Attendance by a majority of the members of the legislative body at a purely social or ceremonial occasion is not deemed to be a meeting, so long as the members do not discuss among themselves specific business within the jurisdiction of the body. (§ 54952.2(c)(5).) This has long been the law in California. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41; 43 Ops.Cal.Atty.Gen. 36, 38 (1964).) In practice, this prohibition may sometimes be difficult to observe since persons attending social or ceremonial occasions frequently wish to discuss specific issues with their governmental officials. However, where a majority of a legislative body is present, the members must not discuss specific business within the jurisdiction of the body to avoid violating the Act.

2. Serial Meetings

The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multimember boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 103.) This provision raises two questions: first, what is a serial meeting for purposes of this definition; and second, what does it mean to develop a concurrence as to action to be taken.

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting in the case of a five-person body. Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting through their representatives as intermediaries. The statutory definition also applies to situations in which technological devices are used to connect people at the same time

who are in different locations (but see the discussion below concerning the exception for teleconference meetings).

Once serial communications are found to exist, it must be determined whether the communications were used to develop a concurrence as to action to be taken. If the serial communications were not used to develop a concurrence as to action to be taken, the serial communications do not constitute a meeting and the Act is not applicable. In construing these terms, one should be mindful of the ultimate purposes of the Act — to provide the public with an opportunity to monitor and participate in the decision-making processes of boards and commissions. As such, substantive conversations among members concerning an agenda item prior to a public meeting probably would be viewed as contributing to the development of a concurrence as to the ultimate action to be taken. Conversations which advance or clarify a member's understanding of an issue, or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications which contribute to the development of a concurrence as to action to be taken by the legislative body. Accordingly, with respect to items that have been placed on an agenda or that are likely to be placed upon an agenda, members of legislative bodies should avoid serial communications of a substantive nature concerning such items.

Problems arise when systematic communications begin to occur which involve members of the board acquiring substantive information for an upcoming meeting or engaging in debate, discussion, lobbying or any other aspect of the deliberative process either among themselves or with staff. For example, executive officers may wish to brief their members on policy decisions and background events concerning proposed agenda items. This office believes that a court could determine that such communications violate the Act, because such discussions are part of the deliberative process. If these communications are permitted to occur in private, a large part of the process by which members reach their decisions may have occurred outside the public eye. Under these circumstances, the public would be able only to witness a shorthand version of the deliberative process, and its ability to monitor and contribute to the decision-making process would be curtailed. Therefore, we recommend that when the executive director is faced with this situation, he or she prepare a memorandum outlining the issues for all of the members of the board as well as the public. In this way, the serial meeting violation may be avoided and everyone will have the benefit of reacting to the same information.

However, this office does not think that the prohibition against serial meetings would prevent an executive officer from planning upcoming meetings by discussing times, dates, and placement of matters on the agenda. It also appears that an executive officer may receive spontaneous input from any of the board members with respect to these or other matters so long as a quorum is not involved.

The express language of the statute concerning serial meetings largely codifies case law developed by the courts and the opinions issued by this office in the past. In *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 796-798, the court concluded that the Act applies equally to the deliberations of a body and its decision to take action. If a collective commitment were a necessary component of every meeting, the body could conduct most or all of its deliberation behind closed doors so long as the body did not actually reach agreement prior to consideration in public session. Accordingly, the court concluded that the collective acquisition of information constituted a meeting. The court cited briefing sessions as examples of deliberative meetings which are subject to the Act's requirements, and contrasted these sessions with activities that fall outside the purview of the Act, such as the passive receipt of an individual's mail or the solitary review of a memorandum by an individual board member.

In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 105, the court concluded that a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting. In that case, the attorney individually polled the members of the body for their approval on a real estate transaction. The court concluded that even though the meeting was conducted in a serial fashion, it nevertheless was a meeting for the purposes of the Act. (See also, 65 Ops.Cal.Atty.Gen. 63,66 (1982); 63 Ops.Cal.Atty.Gen. 820, 828-829 (1980).)

3. Individual Contacts Between Members of the Public and Board Members

The prohibition against serial meetings must be reconciled with the exemption for individual contacts and communications contained in section 54952.2(c)(1). Individual contacts or communications between a member of a legislative body and any other person are specifically exempt from the definition of a meeting. (§ 54952.2(c)(1).) The purpose of this exception appears to be to protect the constitutional rights of individuals to contact their government representatives regarding issues which concern them. To harmonize this exemption with the serial meeting prohibition, the term "any other person" is construed to mean any person other than a board member or agency employee. Thus, while this provision exempts from the Act's coverage conversations between board members and members of the public, it does not exempt conversations among board members, or between board members and their staff.

By using the words "individual contacts or conversations" it appears that the Legislature was attempting to ensure that individual contacts would not be defined as a meeting, while still preventing the members of a body from orchestrating contacts between a private party and a quorum of the body. Accordingly, if a member of the public requests a conversation with an individual member of the board, who then acts independently of the board and its other members in deciding whether to talk with the member of the public, no meeting will have occurred even if the member of the public ultimately meets with a quorum of the body.

to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (§ 54954.2(a).)

Section 54954.2 also contains specific procedures by which the agenda requirement may be avoided in other specified circumstances as well. (§ 54954.2(b).)

B. Exceptions to Agenda Requirements

The Act identifies three situations in which a body is permitted to discuss or take action on a matter at a regular meeting where the matter was not first described on a duly noticed agenda. (§ 54954.2(b).) Prior to discussing a matter which was not previously placed on an agenda, the item must be publicly identified so that interested members of the public can monitor or participate in the consideration of the item in question.

The body may discuss a nonagenda item at a regular meeting if, by majority vote, the body determines that the matter in question constitutes an emergency pursuant to section 54956.5. (§ 54954.2(b)(1).) Any discussion held pursuant to this exception must be conducted in open session, since emergency meetings held pursuant to section 54956.5 cannot be conducted in closed session.

The body may discuss an item which was not previously placed upon an agenda at a regular meeting, when the body determines that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. (§ 54954.2(b)(2).) However, the Act specifies that in order to take advantage of this agenda exception, the need for immediate action must have come to the attention of the local "agency" after the agenda had already been posted. (§ 54954.2(b)(2).) The Legislature's choice of the term "agency" rather than "body" seems calculated to limit use of this exception by prohibiting its usage if the local agency i.e. staff, and not merely the body, had knowledge of the situation requiring action prior to the posting of the agenda. Lastly, the determination that a need for immediate action exists must be made by two-thirds of the members present or, if two-thirds of the body is not present, by a unanimous vote of those remaining. (§ 54954.2(b)(2).)

Finally, where an item has been posted on an agenda for a prior meeting, the item may be continued to a subsequent meeting that is held within five days of the meeting for which the item was properly posted. Under these circumstances, the items need not be posted for the subsequent meeting. (§ 54954.2(b)(3); see also, §§ 54955-55.1 [concerning adjournment and continuances], *infra* at p. 25.)

C. Public Testimony

Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the legislative body on any item under the subject matter

jurisdiction of the body. With respect to any item which is already on the agenda, or in connection with any item which the body will consider pursuant to the exceptions contained in section 54954.2(b), the public must be given the opportunity to comment before or during the legislative body's consideration of the item. (§ 54954.3(a).) The public testimony requirement appears to apply to closed sessions as well as open meetings, but see section 11125.7(d) of the Bagley-Keene Act, concerning state bodies, which was added in 1993 to expressly provide otherwise. Accordingly, this office believes that it would be prudent for legislative bodies to afford the public an opportunity to comment on closed-session items prior to the body's adjournment into closed session. The only exception to the public testimony requirement is where a committee comprised solely of members of the legislative body has previously considered the item at a public meeting in which all members of the public were afforded the opportunity to comment on the item before or during the committee's consideration of it, so long as the item has not substantially changed since the committee's hearing. (§ 54954.3(a).)

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. (§ 54954.3(a).) The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)

The Act specifically authorizes the legislative body to adopt regulations to assist in processing comments from the public. The body may establish procedures for public comment as well as specifying reasonable time limitations on particular topics or individual speakers. So long as the body acts fairly with respect to the interest of the public and competing factions, it has great discretion in regulating the time and manner, as distinguished from the content, of testimony by interested members of the public. (§ 54954.3(b).)

When a member of the public testifies before a legislative body, the body may not prohibit the individual from criticizing the policies, procedures, programs or services of the agency or the acts or omissions of the legislative body. (§ 54954.3(c).) This provision does not confer on members of the public any privilege or protection not otherwise provided by law.

Public meetings of governmental bodies have been found to be limited public fora. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal*

Schools

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Anna McKenney Intermediate School

Reason for Investigation

To assess the condition of the school property and facilities.

Focus of Investigation

The campus and physical layout of the Anna McKenney Intermediate School.

Process of Investigation

Anna McKenney School, built in 1957, is located in East Marysville and enrolls 6th, 7th and 8th grade students. The Yuba County Grand Jury Schools Committee met at the school for the limited purpose of viewing the premises and interviewing the principal, June Checchi, who took members on a tour of the campus. All of the classrooms were visited and found to be generally in good order, with each one reflecting the individuality of its occupants.

Members next visited the library, gymnasium, and cafeteria. The librarian familiarized committee members with the layout and contents of the library which appeared well-organized. In the cafeteria, committee members noticed that decorating for an upcoming dance was underway. When asked about lunch service, the principal informed the Committee that due to the number of students, it is served in two shifts. The gym was found to be quite large and in good repair.

There were four large restrooms, two for boys and two for girls, located on each end of the campus. They were clean, and, according to the principal, adequate in size. There is also a separate faculty restroom.

Committee members spoke briefly with the security guard on duty. He is the only campus security at McKenney, patrolling the grounds during regular school hours.

After touring the campus, the Committee interviewed Principal Checchi to learn more about the school. The following information was provided by Principal Checchi:

- Current enrollment is approximately 500 students, spread evenly over 6th, 7th, and 8th grades, with a maximum capacity of 700.
- Students speak a variety of languages: English, Hmong, Spanish, and Thai. Spanish is the most prevalent foreign language, and an English Development Class is offered for foreign language students.
- There is a "Homework Hotline" available to students and parents. They can call in and get the assignments which are posted by participating teachers. Students also receive a handbook/ planner which they maintain.

- Tutoring is available for students through a voluntary program. The principal feels that, unfortunately, the students who really need tutoring are not taking advantage of it.
- Because of a drop in test scores, McKenney is now in its first year of a state monitoring program. Under this program, teachers are required to participate in periodic training. The principal feels this is a positive thing, because training is normally optional.
- Principal Checchi feels that the school's PTO (Parent/Teacher/Organization) is the most active she has experienced, even though only a small percentage of parents are involved.

Findings

The Yuba County Grand Jury found the campus of Anna McKenney School to be in satisfactory condition, given the age of the facility. No conclusions can be drawn regarding staff performance and working conditions merely by touring the campus. However, both students and teachers appeared to be calmly going about their daily routine during the Committee's visit.

Recommendations

None

Required Responses to Findings

None

Browns Valley Elementary School

Reason for Investigation

The Grand Jury visited Browns Valley Elementary as an element of comparison of school sites in the Marysville Joint Unified School District.

Focus of Investigation

To observe and assess the overall condition of facility and grounds.

Process of Investigation

Members of the Yuba County Grand Jury Schools Committee visited Browns Valley Elementary on October 8th, 2004. Browns Valley Elementary was built in 1951 and is located on Browns Valley School Road. It enrolls kindergarten through fifth grade students. The average enrollment for the current year is 142 students. Due to population growth in the area, enrollment at Browns Valley School has risen dramatically in the last two years. Prior to that enrollment averaged consistently at 110.

The Committee's first encounter with staff was the custodian/groundskeeper repairing a sprinkler line near the front parking area. The grounds were immaculately groomed. There is a beautiful, professionally painted mural on the front wall of the school, paid for with money from various fundraisers. The hallways and restrooms in the main building (which were very clean) are alive with painted jungle creatures and other wildlife. These were painted by volunteers and reflect the creativity of staff and parents. The main building consists of the attendance office, cafeteria, principal's office, library, staff lounge, restrooms, and one classroom (kindergarten.)

The rest of the classrooms are located off the main building in several "portables." These are newer, semi-portable buildings used to expand school capacities and are widely used in most districts. Once in place, these buildings are seldom, if ever, relocated.

There was a substituting school secretary working the day of the visit, and the principal was at Cordua Elementary. Browns Valley and Cordua Schools share a principal. Since Committee members were familiar with the site, the Committee toured the site unescorted, visiting all classrooms and meeting all teachers. Classrooms appeared in order and students were attentive. The Committee also met the nutritional services employee and the librarian. All staff members were friendly and helpful during the Grand Jury's tour.

The Committee observed that the school's current parking is limited, with a small area in front of the school that has approximately eight spaces. On the side of the school is a one-directional parking lot with no turn-around that holds another dozen or so. This is where staff currently parks.

Findings

The Grand Jury found the Browns Valley school site is quite expansive, yet impressively maintained. Considering the age of the main building, it is in excellent condition. If the population continues to grow, Browns Valley's support facilities, such as restrooms, cafeteria

space, and parking will have to be addressed. There is an empty portable waiting for population increase to warrant the hiring of another teacher. It is of the Grand Jury's understanding that additional restrooms are already being discussed. Some parking alternatives are currently being discussed, as well.

Recommendations

None

Olivehurst Elementary School

Reason for Investigation

Olivehurst Elementary was selected by the Yuba County Grand Jury Schools Committee as one of several schools in the Marysville Joint Unified School District (MJUSD) to be visited.

Focus of Investigation

The Committee concentrated on assessing the condition of the facilities and grounds of the school site and to observe the progress of modernization projects.

Progress of Investigation

Members of the Yuba County Grand Jury Schools Committee visited the site of Olivehurst Elementary School on October 11, 2004. Olivehurst Elementary School is located on McGowan Parkway, and serves kindergarten through fifth grades. Enrollment at the time of visit was 460 students. Maximum capacity is 565. The principal at Olivehurst is Ms. Lori Guy, who has been the administrator at Olivehurst since 2001.

The Committee requested and received a copy of the school site's modernization plan, including construction progress photos. The entire school district is in the process of updating sites, which encompasses a variety of repairs and improvements. At Olivehurst, bids for roofing and electrical improvements were awarded in May of 2004 and, according to the principal, work was on schedule. Other construction projects at Olivehurst are due to begin in January, 2005.

The Committee toured the school site with the principal. The playground appeared neat and adequate in size for the current student population. During the tour, several site-generated beautification projects were observed by committee members. Among these are large murals painted by volunteers and a vegetable and flower garden tended by students. Actually, the garden serves two purposes: one is beautification; the other being practical learning experience for students tending the gardens.

Classrooms were visited, and some teachers were briefly interviewed by the Committee. Response from the teachers concerning "class size reduction" was very positive. All who were interviewed felt they were doing a better job with smaller class sizes. (Class size reduction is a statewide program begun several years ago limiting kindergarten through third grade classrooms to twenty students in each room.) Before class size reduction, classes would commonly exceed thirty students. School staff felt that the library being moved to a separate building was an improvement because the location was much quieter.

Findings

The Yuba County Grand Jury finds the site of Olivehurst Elementary School to be in satisfactory condition with the understanding that modernization projects underway will be completed as indicated.

Recommendations

None

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Marysville Joint Unified School District

Reason for Investigation

The Yuba County Grand Jury Schools Committee, pursuant to California Penal Code § 924.4, was authorized by last year's Grand Jury to continue an investigation and review materials gathered during last year's investigation of embezzlement of Marysville Joint Unified School District (MJUSD) computer equipment.

Focus of Investigation

This investigation focused on the continuing investigation of the embezzlement of MJUSD computer equipment, and assessing current MJUSD inventory practices (2003-2004 Grand Jury Final Report, pages 75-78.)

Process of Investigation

The Yuba County Grand Jury Schools Committee began its investigation by reviewing materials gathered during the previous grand jury's investigation. The Committee then conducted further inquiry through subpoenas, interviews, and newly acquired documentation.

Inquiry by the Committee included interviewing the Yuba County District Attorney's Office regarding progress of the criminal investigation recommended in last year's Grand Jury Final Report (Final Report, page 77.) The Committee was informed that a criminal investigation was indeed underway. (At the time of this writing, the district attorney's office is in the final stages of its criminal investigation.)

Through interview of MJUSD staff, the Committee learned that the school district is currently using the same inventory procedures and practices as before the embezzlement occurred. Each department or site is given an inventory document that reflects the most recent equipment list. It is the responsibility of each site to physically check each item on the list. The site is responsible for the accuracy of the inventory. After the site inventory is completed and the list returned to the district office, these lists are compiled into a master list. The auditing firm hired by the school district randomly chooses a few sites for accuracy of inventory numbers during its annual auditing process.

The Committee reviewed master inventory lists and interviewed staff in order to determine the reason for deletion of the equipment that was determined missing by last year's grand jury. District staff informed committee members that the previous MJUSD superintendent instructed staff to "clean up" the inventory list by deleting equipment that could not be accounted for. (There were at least 33 pieces of equipment on the list that were not physically in inventory.) It is not known at the time of this writing how this action will affect the current year's financial audit of the school district.

Findings

The Marysville Joint Unified School District has made no significant changes in its inventory practices and procedures, even though it has suffered a substantial loss of valuable inventory. MJUSD relies too heavily on the auditing firm it retains for checks and balances of inventory.

Recommendations

The Grand Jury recommends that the Marysville Joint Unified School District implement a method of inventory that will ensure better accountability of valuable equipment. The money lost from the current method is substantial, and the district cannot afford these kinds of losses.

Required Responses to Findings

MJUSD Superintendent
Board of Trustees

Required Responses to Recommendations

MJUSD Superintendent
MJUSD Board of Trustees

Ad Hoc Special Committee

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Yuba County Grand Jury 2004/2005 Youth Project

Yuba County Response to Runaway Youth

Reason for Investigation

As a result of other committee investigations, concerns arose regarding the manner in which Yuba County departments responded to questions about runaway youth. In an effort to get these questions answered, an Ad Hoc Committee was convened.

Focus of Investigation

Yuba County's response to runaway youth and the use of funding to benefit these youth.

Background

The Welfare and Institutions Code is the primary legislative enactment concerning children who may come before the court as a result of their conduct or as a result of being victims of abuse, neglect or abandonment. Youth are defined as those under 18 years of age. These children fall into three general categories:

- Section 601(a) of the code describes youth who persistently refuse to obey their parents or are beyond their control or who violate a curfew ordinance (*hereafter referred to as "at-risk youth"*);)
- Section 602(a) describes youth who are defined as delinquent based on the violation of the law, other than curfew (*hereafter referred to as "delinquents/criminals"*);)
- Section 300 minors are children who, as a result of being abused, neglected, or abandoned may be declared dependents of the juvenile court and removed from their parents' or guardians' homes (*hereafter referred to as "foster children"*).

Process of Investigation

Grand Jury members interviewed management and selected staff from each of the following departments: Sheriff, Social Services, District Attorney, Mental Health, and Probation. Interviews were conducted from a jury-prepared master question list at meeting rooms chosen by and within the departments. Jury members used the internet to research relevant California statutes, statistics, County fiscal letters, and diverse social programs related to runaway youth. Jurors also considered data from the Yuba County Sheriff, a 2003 Rand Report, and the Yuba County Probation Department.

Sheriff's Department

On November 5, 2004, jury members interviewed Sheriff Virginia Black and her administrative services officer, Michelle Manning. The Sheriff confirmed the fact that running away from home is not a crime; however, she stated clearly that her deputies actively look for runaways. Her department is not permitted to house anyone below the age of 18 years. When a runaway call

comes in, it is broadcast to patrol deputies, a report is written and follow-up is done. Runaways are considered missing persons and deputies who find runaways may pick them up and arrange transport to their parents. The deputy may also call Probation or try to mediate if the family has problems reuniting. The Sheriff's Department is part of the Children's Council, a local advisory group involving county agencies and community groups under one umbrella.

On December 20, 2004, members of the Grand Jury were informed that the Department does perform searches for runaways, and there were 256 reported cases in 2004 (Attachments 38 – 40.)

On January 12, 2005, members of the Yuba County Grand Jury met again with Sheriff Black and Captain Ron Johnson, Operational Division Commander. Sheriff Black explained that a runaway's status makes no difference as to energy expended looking for them. The Department receives no monies from any sources specifically earmarked for runaway youth or youth services in general.

Deputies may call Probation and suggest intervention or inform the parents and runaway youth, but they generally do not report individual runaways to the Probation Department. If a child is on probation, the deputy might call the child's probation officer to suggest counseling. Sheriff Black stated that she and Chief Probation Officer Steve Roper have not met and discussed the issue of runaway children.

Computer Aided Dispatch (CAD) reports show that the Sheriff's Department actively searches for runaways.

Department of Social Services

On November 11, 2004, jury members interviewed representatives of the Yuba County Social Services Department, including Ms. Suzanne Nobles, Health and Human Services Director, Ms. Kathy Volf, Assistant Director, Ms. Pam Cooke, Assistant Program Manager, Ms. Chris Adams, Manager of Children's Services, and Mr. Tom Clarke of Children's Services.

Mr. Clarke explained the different classifications of youths as seen from the social services perspective using Welfare and Institution Codes (W&I.)

In essence, the Department has parental responsibility for all dependent foster care children. Therefore, social services is responsible for runaway foster care dependents only. At the time of this interview, 2 out of 120 foster children were on runaway status, an average number of runaways per month for Yuba County. The Department's goal is to find and stabilize the situation of these youths. Law enforcement is notified, and protective custody warrants are issued through the courts. Social service workers physically look for the missing youths. They check with relatives, the children's friends and associates. Wherever the child is found, the Department will immediately send a representative to return the child. Social services will also arrange for the return of children who have run away from other counties or states.

It was stated that the Children's Council did not advise Chief Probation Officer Roper on how to spend his Comprehensive Youth Service Act/Temporary Aid to Need Families (CYS/TANF) funds. Rather, the workers felt that the Council's role was to identify needs and prepare strategic plans for Yuba County's children. The Children's Council is not funded, but meets during normal work hours.

When asked who might compile statistics in the County on runaways or missing children, the social services representatives suggested that probation and law enforcement might, but their department did not. They knew of no permanent compilation of data within Yuba County.

Social services has no mandate to report runaways unless the child has been or is suspected of having been abused or neglected.

When asked for recommendations on the issue of runaways, Mr. Clarke stated it would be good to have something in place for at-risk youth. Having a team of volunteers to respond to these youths and help "sort things out" would be helpful.

District Attorney's Office

Patrick McGrath, District Attorney, met with Grand Jury members on November 9, 2004. During that interview, Mr. McGrath stated that his department had nothing to do with runaway children. He was familiar with the Children's Council and attended meetings.

In the district attorney's reception area, jury members found handouts entitled "Kids and the Law, An A-to-Z Guide for Parents." This resource is funded by the Foundation of the State Bar of California. Jury members found this guide to be informative and potentially helpful to parents. It contains a glossary of useful terms and thoughtfully considers the rights and responsibilities of minors.

Probation Department

On November 29, 2004, jury members interviewed Chief Probation Officer Steve Roper in his office. Mr. Roper has been with the Probation Department since early 1975. In 1989, he was appointed Chief Probation Officer. Mr. Roper stated most runaways are between 15 and 18 years old.

The Yuba County Probation Department receives an estimated \$174,194 in funds annually. These funds allow the Department to expand preventive services to target populations of youth who are "habitual truants, runaways, or at risk of being adjudicated wards of the court under §§ 601 or 602. "

The Yuba County Board of Supervisors is required to establish a local planning council. This Council is to meet and advise the Chief Probation Officer in developing the expenditure plan.

Mr. Roper shared with jury members some history concerning runaway youth in this state. He noted that in 1968, a judge could order a runaway youth to go home. If the youth then left home, a warrant would be issued based on the violation of the court order. In 1978, running away was changed to a status offense. Because not staying at home or attending school was characterized as legal for an adult, it was determined it could not be illegal for youth. This change in the law, in Mr. Roper's view, has made assisting parents and runaways difficult. A judge can only advise at-risk youth to go home.

Mr. Roper mentioned there is currently no receiving home or shelter facility for runaways in Yuba County, but Assembly Bill 3121 could provide a possible funding source for a shelter in the future.

Mr. Roper further advised that although few counties work with at-risk youth, Yuba County's Probation Department has an officer and counseling for these runaways. The Department has had no referral for these counseling services for at least two years. The counseling is for both the at-risk youth and his or her parents.

Mr. Roper thinks a uniformed officer may have the needed beneficial effect on these youth. He stated that Sheriff Black and he have had some discussions on runaways, but not on the lack of referrals to the Probation Department.

The Probation Department is involved with the Children's Council. Mr. Roper is the current chairperson and one of the Council's founders. The Children's Council came about from a funding opportunity through the Juvenile Justice Crime Prevention Act of 2000.

Mr. Roper advised jury members that the Probation Department receives some \$193,000 from CYSA/TANF, which is used as revenue offset.

Probation has a Code of Conduct and a duty-to-act if they receive a report of a runaway. They can detain at-risk youth temporarily. Mr. Roper stated that truancy and running away are "gateway behaviors". He would like Yuba County to do more, but "there is no money". The Probation Department would welcome funding and ideas to help with this problem.

On February 8, 2005, jurors again met with Chief Probation Officer Steve Roper. He stated that CYSA/TANF funds have been received by the Probation Department in the past. Mr. Roper explained that in 2004-2005 these funds were not available; however, a like amount came from the state general fund. These funds have been expended on:

1. A variety of therapists for delinquents
2. A work program
3. A school intervention program
4. POW (Putting Out Winners), a substance abuse program.

Mr. Roper cannot specifically identify a CYSA funds auditing trail as these grant funds are used in conjunction with other funds.

Mr. Roper formed a Juvenile Justice Coordinating Council, which folded into the Children's Council to help decide where the CYSA funds should go. The expenditures were ratified by the Board of Supervisors for the first two years, and then made part of his operational budget.

Mr. Roper said that the CYSA program is "not targeted directly by our programs." He said that the Department does assign a senior officer if a parent of a runaway calls and asks for help, which sometimes happens. Mr. Roper stated that the Department cannot do anything until a referral is received, and does not advertise services for runaway youth and their families.

Bi-County Mental Health Department

On January 20, 2005, members of the Grand Jury met with Ms. Joan Hoss, Director of Bi-County Mental Health, in her office. The director stated that the Mental Health Department has no specific response to runaways. The crisis service is not a common destination for runaways,

and there are no public service messages advertising the crisis service as a place for them to go. Employees may notify child protective services (CPS) or parents, but will usually not notify the sheriff or police departments if a runaway comes to the Mental Health Department. Mental health, by law, cannot treat children without their parent's permission; however, if a child is considered suicidal, he or she will be treated.

The Department keeps no statistical data on runaways. There is a log in the crisis service of all contacts but the log has no data entry area for "runaway." The Mental Health Department is listed with the National Runaway Hotline. If a youth repeatedly runs away, his/her parents can get counseling at the Mental Health Department.

Ms. Hoss explained that running away was a conduct disorder, not a criteria for specialty services at Mental Health. She thinks a runaway youth should go to the Probation Department for assistance. If a family brings a child to the facility and there is no clinical problem, the youth will receive no treatment.

The Department receives no funds earmarked specifically for runaways. Mental Health Department TANF funds come from CalWorks funds and are dedicated to mental health services and drug and alcohol programs for clients.

Director Hoss attends meetings of the Children's Council. She stated that the Council is concerned with prioritizing needs for Yuba County children; however, the problem of runaways has not been specifically addressed. Director Hoss does not remember the Council advising the Chief Probation Officer in developing an expenditure plan. Director Hoss stated that, in her opinion, if funding for a functional group were tied to the runaway issue, the Children's Council priority areas might change (see Attachment 41 for Children's Council Mission and Goals.)

Financial Documents

The jurors requested CYSA/TANF documentation of revenue received, budgeted or expended from the Probation Department. The Committee hoped to review a detailed revenue audit trail to determine where and how over one million dollars in federal CYSA/TANF funds were spent in Yuba County since 1997. Jurors were not able to do so from the documents received (Attachments 42 - 46.)

Findings

1. All interviewed parties appear genuinely concerned for runaways and the youth of our communities. Additionally, they expressed concern about the lack of funds available to deal with runaways and help their families.
2. Communication and understanding is lacking between departments that are involved with runaways who are not wards of the court.
3. There is not a countywide procedure or guideline for departments to follow regarding runaways.
4. The Sheriff's Department is following their protocol to actively search for runaways.
5. The Probation Department has established programs that are useful to youth and the community.

6. Yuba County Probation Department received over \$1,000,000 from CYSA/TANF funding between 1997 and 2004. The documentation provided by the Probation Department was not sufficient for a complete review of the Department's use of funds.
7. The Children's Council members were unaware of their obligation to advise the Chief Probation Officer in preparing an expenditure plan for the CYSA/TANF funds.

Recommendations

1. Local government entities represented on the Children's Council need to communicate with each other about their protocol and services for runaways and their families.
2. The Grand Jury encourages the Sheriff's Department to continue their vigilance in looking for runaway children. It is recommended that they refer parents and children to the Probation Department for counseling.
3. The Probation Department needs to clarify the way their programs meet funding sources guidelines. Sufficient documentation needs to be maintained in order to account for revenue income and expenditures.
4. The Grand Jury recommends an increase in outreach to the public about the availability of services to runaways or potential runaways, such as public announcements in newspapers and radio, posters in schools and where youth may gather, and a youth hotline.
5. The Grand Jury encourages Children Council members, local government employees, and nonprofit volunteers to consider other established programs, such as the Butte County HERE program. The Federal Runaway and Homeless Youth Act (RHYA) is a possible source of funding for Yuba County runaway efforts.
6. The Grand Jury recommends that a countywide policy be developed concerning at-risk youth.

Required Responses to Findings

- 1-5 None
- 6 Probation Department

Required Responses to Recommendations

- 1 Children's Council Representatives:
- 2 Sheriff's Department
- 3, 4 Probation Department
- 6 County Administrator

Research Sources Used in Conjunction with the Youth Project, Runaway Youth

1. November 8, 2004, a representative from a local state senator's office responded to the Committee's inquiry about W&I Code §§1820-26, advising it represented Temporary Aid to Needy Families (TANF) funding.

2. November 9, 2004, jury members found an internet site, www.endhomelessness.org, which summarizes the Runaway and Homeless Youth Act (RHYA) first initiated in 1974. This is a competitive federal grant program designed to benefit runaway or homeless youth and their families. The act was reauthorized in October 2003 and is currently seeking and granting proposals.
3. November 11, 2004, at http://caag.state.ca.us/missing/content/03cnty_ch.htm, 323 children were listed as "runaway" for Yuba County in the 2003 Reports of Missing Children by County, at the Attorney General's Office. This number represents the most recent figures available (Attachment 47)
4. The Homeless Emergency Runaway Effort (HERE) Butte County, web site was located at <http://www.butte-dbh.org/here.htm>. No mention is made at the site of joint efforts with Yuba County (Attachment 48.)
5. The Legislative Counsel's Digest of AB 1542, Senate amendment 42 of which became the Comprehensive Youth Services Act and W&I §18220.
6. RHYA web site mentioning specific grants, funding amounts, grant criteria and vocabulary used for runaway youth http://www.acf.hhs.gov/programs/fbci/progs/fbci_rhyouth.html (Attachment 49.)
7. Juvenile Justice Program Reports from California Budget Bulletin, August 23, 2004, "Probation Departments get reprieve: federal TANF probation funds replaced with state general funds" at http://www.commonweal.org/programs/jjp-reports/report_082304.html.
8. On February 4, 2005, jurors received an internet link to County Fiscal Letters (CFL's) from the State Department of Social Services, County Allocations Unit, in which Yuba County allocation amounts could be found, http://www.dss.cahwnet.gov/lettersnotices/CountyFisc_552.htm.
9. It is noted by jurors that in a local newspaper dated March 19, 2005, the Marysville Police Department was seeking two runaways. The article featured photos of the two youth and a statement by Lt. Mark Cummings that the public's help in finding the youngsters was vital. This kind of outreach was new to the jurors and seemed helpful.
10. Jurors reviewed printouts from the internet including articles from the Chief Probation Officers of California (CPOC) web site. These articles show CPOC involvement with W&I §§18220-26, especially the section known as the Comprehensive Youth Services Act (CYSA)/TANF funded program.

Chief Probation Officers of California (CPOC) Articles

1. Sample board of supervisors' letter for setting up CYSA implementation in a county from the CPOC web site http://www.cpoc.org/Guidebook/appendix_5b.htm (Attachment 50.)
2. Memorandum to Yolo Board of Supervisors from their Chief Probation Officer dated October 22, 2002 concerning the TANF Expenditure Plan <http://www.yolocounty.org/org/bos/agendas/2002/102202/21.pdf>.

3. CPOC policy positions intended to create a foundation for statewide consistency in probation TANF...activities, Policy #1 being that TANF funds will be used for purposes which are fully consistent with the intent of Congress and the California Legislature http://www.cpoc.org/Guidebook/chapter_3_of_tanf_guidebook.htm (Attachment 51.)
4. CPOC/CYSA County Implementation Information http://www.cpoc.org.TANF/tanf_cysa_info.htm.
5. The Rand Statewide Evaluation of the CYSA/TANF Program, a 100+ page report, prepared for the CPOC, published 2003 www.rand.org.

The County of Yuba

OFFICE OF THE SHERIFF - CORONER

"DEDICATED TO OUR COMMUNITY"



VIRGINIA R. BLACK
Sheriff - Coroner

(530) 749-7777
FAX (530) 741-6445

December 28, 2004

TO: Yuba County Grand Jury-Law & Justice Committee

FROM: Sheriff Virginia R. Black *VRB*

RE: Runaway Juveniles

For the year, to date, 256 calls were made to our department regarding runaways. Of those, 170 reports were written, meaning the others returned or were located prior to a deputy asking for a report number. At this time, there are six juveniles who are still outstanding as runaways. That number changes frequently.

COURTHOUSE • 215 FIFTH STREET, SUITE 150 • MARYSVILLE, CALIFORNIA 95901-5788

Attachment 38

Missing Person Reporting

332.1 PURPOSE & SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 specify certain requirements relating to missing persons.

332.11 DEFINITIONS

Missing Person—"Missing person" includes, but is not limited to, a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4 (commencing with Section 277) of Title 9 of Part 1. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance, (Penal Code §14213).

At Risk—Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play;
- The person missing is in need of medical attention;
- The person missing has no pattern of running away or disappearing;
- The person missing may be the victim of a parental abduction;
- The person missing is mentally impaired;

Child—A person under eighteen years of age (Penal Code §11213).

332.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code §14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at risk or a child under sixteen years of age, the Investigations Unit, or other assigned personnel, will begin an investigation after an initial search by patrol personnel.

On weekdays after hours and weekends, the appropriate on-call detective shall be notified.

332.21 INVESTIGATION DILIGENCE

Penal Code §14205 mandates action taken by law enforcement employees in the investigation of missing persons. The required actions include the following:

YUBA COUNTY SHERIFF'S DEPARTMENT

Missing Person Reporting

- (a) Make an assessment of reasonable steps to be taken to locate the person.
- (b) If the missing person is under sixteen years of age, or there is evidence the person is at risk, the Department shall broadcast over the radio a "Be-on-the-lookout" transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken. Although this agency may assist in an investigation on a person who was last seen in Yuba County.

332.3 REPORT HANDLING

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

332.31 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When Yuba County Sheriff's Department takes a missing person report on a person who lives outside the County of Yuba County, we shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. Penal Code § 14205(c)

332.32 TELETYPE NOTIFICATIONS

When the missing person is at risk or under sixteen years of age, Communications personnel shall send a Teletype to the Department of Justice and the National Crime Information Center within four hours after accepting the report. To assist the Department of Justice, the Teletype must note the case involves a person at risk or under sixteen years of age.

332.33 AT RISK REQUIREMENTS

If a missing person is under eighteen years of age and at risk or under twelve years of age and missing for more than fourteen days, the handling investigator, shall immediately submit to the dentist, physician/surgeon or medical facility, the signed request for dental or skeletal X-rays or both.

In all cases the handling investigator may confer with the coroner or medical examiners and may submit reports including the dental/skeletal X-rays within 24 hours to the Attorney General's office for submission to the center.

332.34 MISSING MORE THAN 45 DAYS

If a person is still missing after forty-five days, the investigator must check with the appropriate coroner(s) or medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records along with a photograph and this must be noted on Department of Justice form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice form SS-8568.

332.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

Missing Person Reporting - 115

August 2003

Attachment 39

YUBA COUNTY SHERIFF'S DEPARTMENT

Missing Person Reporting

If a missing person at risk or under sixteen years of age is located, the investigator must ensure that a Teletype is sent within twenty-four hours to the Department of Justice noting that information.

When all other missing persons are located, the investigator (if case has been assigned) must ensure that a Teletype is sent within seven days to the Department of Justice noting that information. If no investigator has yet been assigned Communications personnel shall be responsible for sending the Teletype.

332.5 REFERENCE CHART

	ENTRY INTO MUPS/ NCIC	BOLO TELETYPE	CORONER CHECK	DOJ FORM (SS 8567)	SEND DENTAL X-RAYS	SEND PHOTO	SCHOOL NOTICE
CHILD "AT RISK"	Immediately	Without delay	Within 24 hours	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 10 days, written notice & photo
CHILD NOT "AT RISK" (16 and over)	Within 4 hours	DOJ Suggests	After 45 days immediately check	After 45 days	After 45 days	If available, send after 45 days	Within 10 days, written notice & photo
CHILD NOT "AT RISK" (under 16)	Immediately	Without delay	After 14 days immediately check	After 14 days, within 24 hours	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice & photo
ADULT "AT RISK"	Within 4 hours	Without delay	After 45 days immediately check	Mandated after 45 days, but DOJ wants form ASAP	After 45 days	Not Mandated	N/A
ADULT NOT "AT RISK"	Within 45 days	DOJ Suggests	After 45 days immediately check	After 45 days	After 45 days	Not Mandated	N/A

332.6 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

Attachment 40



FROM THE OFFICE OF THE SHERIFF:

1-14-05



Code 039 - Runaway Juveniles
045 - Missing Persons

1-4-01 through 12-25-04

[Handwritten signature]

INCIDENT YEAR	DATE	Incident #	CHGD	NUM	Offense	Status/Code	401	DEPT	CLAS#	PAGE
02/14/04	12-31-04	4								16
04/09/04	104003204	5204	2	401	WAL			039		
04/09/04	104003204	5204	3	401	WAL			039		
04/09/04	104003204	5204	4	401	WAL			039		
04/09/04	104003204	5204	5	401	WAL			039		
04/09/04	104003204	5204	6	401	WAL			039		
04/09/04	104003204	5204	7	401	WAL			039		
04/09/04	104003204	5204	8	401	WAL			039		
04/09/04	104003204	5204	9	401	WAL			039		
04/09/04	104003204	5204	10	401	WAL			039		
04/09/04	104003204	5204	11	401	WAL			039		
04/09/04	104003204	5204	12	401	WAL			039		
04/09/04	104003204	5204	13	401	WAL			039		
04/09/04	104003204	5204	14	401	WAL			039		
04/09/04	104003204	5204	15	401	WAL			039		
04/09/04	104003204	5204	16	401	WAL			039		
04/09/04	104003204	5204	17	401	WAL			039		
04/09/04	104003204	5204	18	401	WAL			039		
04/09/04	104003204	5204	19	401	WAL			039		
04/09/04	104003204	5204	20	401	WAL			039		
04/09/04	104003204	5204	21	401	WAL			039		
04/09/04	104003204	5204	22	401	WAL			039		
04/09/04	104003204	5204	23	401	WAL			039		
04/09/04	104003204	5204	24	401	WAL			039		
04/09/04	104003204	5204	25	401	WAL			039		
04/09/04	104003204	5204	26	401	WAL			039		
04/09/04	104003204	5204	27	401	WAL			039		
04/09/04	104003204	5204	28	401	WAL			039		
04/09/04	104003204	5204	29	401	WAL			039		
04/09/04	104003204	5204	30	401	WAL			039		
04/09/04	104003204	5204	31	401	WAL			039		
04/09/04	104003204	5204	32	401	WAL			039		
04/09/04	104003204	5204	33	401	WAL			039		
04/09/04	104003204	5204	34	401	WAL			039		
04/09/04	104003204	5204	35	401	WAL			039		
04/09/04	104003204	5204	36	401	WAL			039		
04/09/04	104003204	5204	37	401	WAL			039		
04/09/04	104003204	5204	38	401	WAL			039		
04/09/04	104003204	5204	39	401	WAL			039		
04/09/04	104003204	5204	40	401	WAL			039		
04/09/04	104003204	5204	41	401	WAL			039		
04/09/04	104003204	5204	42	401	WAL			039		
04/09/04	104003204	5204	43	401	WAL			039		
04/09/04	104003204	5204	44	401	WAL			039		
04/09/04	104003204	5204	45	401	WAL			039		
04/09/04	104003204	5204	46	401	WAL			039		
04/09/04	104003204	5204	47	401	WAL			039		
04/09/04	104003204	5204	48	401	WAL			039		
04/09/04	104003204	5204	49	401	WAL			039		
04/09/04	104003204	5204	50	401	WAL			039		
04/09/04	104003204	5204	51	401	WAL			039		
04/09/04	104003204	5204	52	401	WAL			039		
04/09/04	104003204	5204	53	401	WAL			039		
04/09/04	104003204	5204	54	401	WAL			039		
04/09/04	104003204	5204	55	401	WAL			039		
04/09/04	104003204	5204	56	401	WAL			039		
04/09/04	104003204	5204	57	401	WAL			039		
04/09/04	104003204	5204	58	401	WAL			039		
04/09/04	104003204	5204	59	401	WAL			039		
04/09/04	104003204	5204	60	401	WAL			039		
04/09/04	104003204	5204	61	401	WAL			039		
04/09/04	104003204	5204	62	401	WAL			039		
04/09/04	104003204	5204	63	401	WAL			039		
04/09/04	104003204	5204	64	401	WAL			039		
04/09/04	104003204	5204	65	401	WAL			039		
04/09/04	104003204	5204	66	401	WAL			039		
04/09/04	104003204	5204	67	401	WAL			039		
04/09/04	104003204	5204	68	401	WAL			039		
04/09/04	104003204	5204	69	401	WAL			039		
04/09/04	104003204	5204	70	401	WAL			039		
04/09/04	104003204	5204	71	401	WAL			039		
04/09/04	104003204	5204	72	401	WAL			039		
04/09/04	104003204	5204	73	401	WAL			039		
04/09/04	104003204	5204	74	401	WAL			039		
04/09/04	104003204	5204	75	401	WAL			039		
04/09/04	104003204	5204	76	401	WAL			039		
04/09/04	104003204	5204	77	401	WAL			039		
04/09/04	104003204	5204	78	401	WAL			039		
04/09/04	104003204	5204	79	401	WAL			039		
04/09/04	104003204	5204	80	401	WAL			039		
04/09/04	104003204	5204	81	401	WAL			039		
04/09/04	104003204	5204	82	401	WAL			039		
04/09/04	104003204	5204	83	401	WAL			039		
04/09/04	104003204	5204	84	401	WAL			039		
04/09/04	104003204	5204	85	401	WAL			039		
04/09/04	104003204	5204	86	401	WAL			039		
04/09/04	104003204	5204	87	401	WAL			039		
04/09/04	104003204	5204	88	401	WAL			039		
04/09/04	104003204	5204	89	401	WAL			039		
04/09/04	104003204	5204	90	401	WAL			039		
04/09/04	104003204	5204	91	401	WAL			039		
04/09/04	104003204	5204	92	401	WAL			039		
04/09/04	104003204	5204	93	401	WAL			039		
04/09/04	104003204	5204	94	401	WAL			039		
04/09/04	104003204	5204	95	401	WAL			039		
04/09/04	104003204	5204	96	401	WAL			039		
04/09/04	104003204	5204	97	401	WAL			039		
04/09/04	104003204	5204	98	401	WAL			039		
04/09/04	104003204	5204	99	401	WAL			039		
04/09/04	104003204	5204	100	401	WAL			039		

... END OF REPORT ...

received from
Joan Hoss
1-20-05

Yuba County Children's Council

- Mission:** To improve the well being of children in Yuba County.
- Goals:**
- To develop a service delivery system plan that emphasizes prevention and early intervention services.
 - Allow for flexibility of public expenditures, programming and policy.
 - Emphasize local decision making and provide greater flexibility at the local community level.
 - Provide for a continuum of family centered, child focused services through public and private partnerships.
 - Minimize duplication and identify service gaps.
 - Provide a forum for strategic planning to allow an efficient use of staff time.
 - Provide a forum for communication and information sharing.
- Objectives:**
- Functional groups will identify/prioritize needs and solutions/interventions by September 2003.
 - Council will prioritize identified needs/solutions and determine focus for planning activities by December 2003.
 - Create a five (5) year county wide strategic plan by June 2004.
- Meetings:** The Yuba County Children's Council meets once monthly on the 1st Wednesday of the month from 8-10:30am.
- Chairperson:**
- A Chair for the Council is elected and will rotate annually.
 - Joan Hoss was elected and will served as the chair for 2003.
 - Steve Roper was elected and to serve as Chair person elect for 2003 and as the chair for 2004.
- By-laws:** By laws were drafted and adopted in October 2002.
- Agendas:** Agenda requests must be submitted to the Council secretary, Bev Dal Porto 822-7505 at least two weeks prior to the Council meeting. Agenda items requiring action i.e. requesting support/approval of grant application must be accompanied by supporting documents. Minutes of the previous months meeting, the agenda and other related material will be distributed one week prior to the meeting.

Revised 5-04bd

Attachment 41

COMPRHENSIVE YOUTH SERVICES ACT
2004/2005 EXPENDITURE PLAN

BACKGROUND:

The 2004/2005 CYSA allocation for Yuba County is unknown at this time. The current State Budget proposal submitted by the Governor includes the elimination of TANF funding to probation and a shift of funds to the CalWorks Program. The following plan is therefore predicated on the historical allocation of \$193, 977. In addition the county is proposing a 10% reduction in general fund support to the department amounting to over \$300,000. The Governors proposal would result in program elimination and the county's reductions could impact expenditures due to staff changes similar to those discussed in last years plan. No direct reduction or changes occurred in FY 03/04.

Changes to this years plan include transfer of the placement officer to a vacant position within the probation department and replacing this position with an intervention counselor to provide support to the Dan Ave School Program. Salary increases exceed previous years with the implementation of the County's Longevity and Merit program. No other changes to program components are proposed.

Modifications to this plan will be made as dictated by budget decisions made both locally and at the State level.

EXPENDITURE PLAN

EXPENDITURE

Intervention Counselor	49,258
Juvenile Division, Clinical Social Worker	49,291
Group Counselor, Juvenile Offender Work Program	49,949
Substance Abuse Counselor	-0-
Program Aide, Placement	42,081
POW Program	3,398

STATISTICAL REPORT FOR 1st QUARTER 2004/05

	Q1 2004/2005	Q1 2003/2004	%+/-
ADULT WORK PROGRAM			
# Referrals	174	157	11%
Superior Court	153	136	13%
Felons	21	20	5%
Jail	0	1	-100%
Parole	0	0	#DIV/0!
# of hours assigned	5,028	6,813	-26%
# of hours worked	3,494	4,142	-16%
# Participants Completed	122	169	-28%
Satisfactory	61	98	-38%
Unsatisfactory	61	71	-14%
JUVENILE WORK PROGRAM			
# Referrals	27	17	59%
Juvenile Court	0	0	#DIV/0!
Juvenile Traffic Court	0	0	#DIV/0!
Formal Caseload	22	17	29%
Informal Caseload	5	0	#DIV/0!
# of hours assigned	706	175	303%
# of hours worked	586	102	475%
# Minors Completed	16	8	100%
Satisfactory	14	3	367%
Unsatisfactory	2	5	-60%
ADULT COMMUNITY SERVICE WORK			
# of Referrals	44	51	-14%
Total hours imposed	2,195	2,939	-25%
Total terminations	69	40	73%
Hours completed	1,635	993	65%
AOWPSTAT			10/13/04

Attachment 43

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 30, 2004

COUNTY FISCAL LETTER (CFL) NO. 04/05-28

TO: COUNTY WELFARE DIRECTORS
COUNTY FISCAL OFFICERS
COUNTY AUDITOR CONTROLLERS
CHIEF PROBATION OFFICERS

SUBJECT: REVISED COUNTY YOUTH AUTHORITY (CYA) COUNTY CAMPS AND
JUVENILE ASSESSMENT/TREATMENT FACILITIES (JA/TF) PROBATION
ADMINISTRATION FISCAL YEAR (FY) 2004/05 ALLOCATION

REFERENCE: CFL No. 04/05-20, dated September 3, 2004

The purpose of this letter is to provide counties with their adjusted allocations for the CYA County Camps and JA/TF programs for FY 2004/05. CFL No. 04/05-20 stated the base allocation for JA/TF was \$168 million rather than \$166,048,042. Consequently the entire \$168 million was distributed based on the 2002 estimated population rather than the \$166,048,042.

The \$2,664,955 augmentation should have been allocated per language in Welfare and Institutions Code (WIC) Section 18221 which states: "In any year when the total amount appropriated by the Legislature for the purposes of this section differs from the total of the amounts in paragraph (1), the difference shall be apportioned in favor of those counties whose allocation in paragraph (1) are below the average dollar allocation per number of juveniles in the county so that these counties receive allocations that are close to the resulting overall average allocation. Estimates of the numbers of juveniles may be determined by the Department of Finance (DOF) based on the best available data and may include those age ranges for which data are available."

The enclosed attachment provides you with the revised FY 04/05 CYA County Camps and JA/TF allocation that reflects the adjustment discussed above.

Any questions concerning this allocation should be directed to fiscal.systems@dss.ca.gov.

Sincerely,

Original Document Signed By

KATHY FARMER, Chief
Financial Management and Contracts Branch

Attachment

c: CWDA
Board of Corrections

Attachment 44

**FY 2004/05 REVISED ALLOCATION
CYA CAMPS & JA/TF PROBATION ALLOCATION**

ATTACHMENT

County	FY 2004/05 CYA CAMPS ALLOCATION	FY 2004/05 JA ALLOCATION	FY 2004/05 TOTAL ALLOCATION
Alameda	\$604,231	\$6,667,935	\$7,272,166
Alpine	\$0	\$584	\$584
Amador	\$0	\$100,667	\$100,667
Butte	\$0	\$538,712	\$538,712
Calaveras	\$0	\$103,092	\$103,092
Colusa	\$620,417	\$57,526	\$677,943
Contra Costa	\$627,578	\$4,493,504	\$5,121,082
Del Norte	\$166,705	\$197,338	\$364,043
El Dorado	\$0	\$508,807	\$508,807
Fresno	\$1,316,339	\$3,635,282	\$4,951,621
Glenn	\$0	\$90,484	\$90,484
Humboldt	\$0	\$286,072	\$286,072
Imperial	\$0	\$572,419	\$572,419
Inyo	\$0	\$241,575	\$241,575
Kern	\$2,087,208	\$4,333,734	\$6,420,942
Kings	\$278,342	\$647,746	\$926,088
Lake	\$0	\$314,736	\$314,736
Lassen	\$0	\$91,671	\$91,671
Los Angeles	\$15,244,283	\$67,713,506	\$82,957,789
Madera	\$275,301	\$404,791	\$680,092
Marin	\$0	\$631,365	\$631,365
Mariposa	\$0	\$22,394	\$22,394
Mendocino	\$0	\$333,240	\$333,240
Merced	\$0	\$584,419	\$584,419
Modoc	\$0	\$36,005	\$36,005
Mono	\$0	\$12,013	\$12,013
Monterey	\$326,052	\$1,018,813	\$1,344,865
Napa	\$0	\$593,942	\$593,942
Nevada	\$0	\$209,805	\$209,805
Orange	\$2,105,390	\$14,270,138	\$16,375,528
Placer	\$0	\$450,012	\$450,012
Plumas	\$0	\$46,127	\$46,127
Riverside	\$816,421	\$5,438,322	\$6,254,743
Sacramento	\$1,275,692	\$3,602,070	\$4,877,762
San Benito	\$0	\$360,418	\$360,418
San Bernardino	\$497,563	\$5,856,862	\$6,354,425
San Diego	\$2,228,080	\$9,463,866	\$11,691,946
San Francisco	\$117,033	\$3,232,706	\$3,349,739
San Joaquin	\$335,044	\$1,493,704	\$1,828,748
San Luis Obispo	\$0	\$1,013,424	\$1,013,424
San Mateo	\$422,778	\$3,201,176	\$3,623,954
Santa Barbara	\$470,847	\$2,794,054	\$3,264,901
Santa Clara	\$728,066	\$9,799,213	\$10,527,279
Santa Cruz	\$0	\$1,033,949	\$1,033,949
Shasta	\$343,350	\$694,367	\$1,037,717
Sierra	\$0	\$6,168	\$6,168
Siskiyou	\$0	\$126,526	\$126,526
Solano	\$207,841	\$1,748,360	\$1,956,201
Sonoma	\$308,099	\$2,200,569	\$2,508,668
Stanislaus	\$0	\$889,952	\$889,952
Sutter	\$0	\$226,793	\$226,793
Tehama	\$0	\$243,674	\$243,674
Trinity	\$0	\$58,342	\$58,342
Tulare	\$394,264	\$2,381,471	\$2,775,735
Tuolumne	\$0	\$119,136	\$119,136
Ventura	\$751,021	\$2,900,636	\$3,651,657
Yolo	\$0	\$429,067	\$429,067
Yuba	\$152,055	\$189,721	\$341,776
Total	\$32,780,000	\$168,713,000	\$201,413,000

Attachment 45

Budget Request Supplement 2

*received from Steve
Roper
Nov 29, 2004*

Budget Revenue Summary

Budget Unit Title Budget Unit Number	Probation 101-3100-423	Revenue Account Number	Revenue Account Title	Revenue Source Description	2002/03 Estimated Total	2003/04 Base Budget	2003/04 Requested Budget
✓ 101-0000-361-5603			Title IVE	Federal	\$374,000	\$350,000	\$350,000
✓ 101-0000-363-7411			PASS	MJUSD	\$301,414	\$275,583	\$275,583 ✓
✓ 101-0000-361-7412			TEM	YCOE	\$30,000	\$30,000	\$30,000
101-0000-361-5606			TANF-Probation	Federal	\$193,977	\$193,977	\$193,977
✓ 101-0000-363-7412			Truancy	MJUSD	\$20,000	\$14,000	\$14,000
101-0000-361-6200			CYA-Reimbursement	State-Transport to CYA	\$500	\$500	\$500
101-0000-361-5602			TANF-CYA	933-Placement	\$9,303	\$9,303	\$9,303
✓ 142-0000-361-462			Criminal Justice	realignment	\$64,463	\$64,463	\$64,463
Trust 240			State Drug/Alcohol	Prop 36	\$157,212	\$123,022	\$123,022
✓ 101-0000-371-8401			Probation Fee	Client Fee Thru Feb	\$60,000	\$70,000	\$70,000
✓ 101-0000-371-8401			Probation Reports	Client Fee	\$25,000	\$25,000	\$25,000
✓ 101-0000-371-8401			AOWP/JOWP Fee	Client Fee	\$14,000	\$15,000	\$15,000
✓ Trust 240			SATTA	State Drug & Alcohol	\$0	\$29,493	\$29,493
Total					\$1,249,868	\$1,200,341	\$1,200,341

CALIFORNIA DEPARTMENT OF JUSTICE
REPORTS OF MISSING JUVENILES
YEAR TO DATE BY COUNTY

DECEMBER COUNTY	2003	RUNAWAY	LOST	CATASTROPHE	STRANGER ABDUCTION	PARENTAL ABDUCTION	SUSPICIOUS CIRCUMSTANCES	UNKNOWN CIRCUMSTANCES	TOTAL
SAN DIEGO	8122	10	1	0	5	87	13	212	8450
SAN FRANCISCO	1897	6	0	0	0	30	16	14	1963
SAN JOAQUIN	2963	7	0	0	1	91	6	99	3167
SAN LUIS OBISPO	1591	3	0	0	0	11	6	37	648
SAN MATEO	1148	10	2	0	0	17	12	51	1240
SANTA BARBARA	1112	3	2	0	1	40	22	40	1220
SANTA CLARA	3761	32	1	0	7	130	19	541	4481
SANTA CRUZ	657	0	0	0	0	11	6	55	739
SHASTA	1069	3	0	0	0	15	6	31	1127
SIERRA	1	0	0	0	0	0	0	0	1
SISKIYOU	45	0	0	0	0	0	3	19	67
SOLANO	1562	3	0	0	0	45	5	68	1684
SONOMA	1339	4	0	0	0	32	10	28	1412
STANISLAUS	2131	8	0	0	1	36	17	153	2142
SUTTER	344	1	0	0	0	2	0	4	351
TEHAMA	314	2	0	0	0	0	0	15	335
TRINITY	15	2	0	0	0	0	0	3	20
TULARE	2410	10	0	0	2	54	10	127	2603
TULUMNE	237	10	0	0	0	51	3	11	263
VENTURA	1754	3	0	0	0	51	3	155	1866
YOLO	538	5	0	0	0	14	1	41	701
YUBA	323	9	0	0	0	6	6	12	350
ALL COUNTIES	107023	419	25	0	51	2242	545	4815	115120

printable version from
http://caag.state.ca.us/missing/content/00-03rpts_ch.htm

Homeless Emergency Runaway Effort

HERE

Services

- Suicide/Lethality Assessments
- Homeless and Runaway temporary shelter
 - Crisis Intervention
- Crisis Hospitalization and Placements
 - Short Term Therapy

500 Cohasset Rd. #27
Chico, CA 95926
(530) 891-2794

Crisis Line
(800) 371-4373

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Administration for Children & Families

THE FAITH-BASED AND COMMUNITY INITIATIVE

Empowering America's Grassroots

Runaway and Homeless Youth Programs

Programs

Grants for Runaway and Homeless Youth programs are authorized by the Runaway and Homeless Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974), as amended by the Runaway, Homeless and Missing Children Protection Act of 2003 (Public Law 108-96). More information may be found at <http://www.acf.hhs.gov/programs/fysb>.

Basic Center Program

The Basic Center Program funds youth shelters that provide emergency shelter, food, clothing, outreach services, and crisis intervention for runaway and homeless youth. The shelters also offer services to help reunite youth with their families, whenever possible. Any State, unit of local government, public or private agency, Indian Tribe, organization, or institution is eligible to apply for these discretionary funds.

Transitional Living Program

The Transitional Living Program for Homeless Youth addresses the longer term needs of older homeless youth and assists such youth in developing skills and resources to promote independence and prevent future dependency on social services. Housing and a range of services are provided for up to 18 months for youth ages 16-21 who are unable to return to their homes. Any State, unit of local government, public or private agency, Indian Tribe, organization, or institution is eligible to apply for these discretionary funds.

Sexual Abuse Prevention Program (Street Outreach Program)

The Sexual Abuse Prevention Program grants provide additional resources to organizations serving runaway homeless, and street youth for street-based outreach and education to prevent the sexual abuse and exploitation of these young people. Any private, non-profit agency is eligible to apply for these funds.

Youth Development State Collaboration Project

The Youth Development Grants provide demonstration grants to states for the purpose of developing or strengthening existing effective youth development strategies. These efforts focus on all youth, including youth in at-risk situations such as runaway and homeless youth; youth leaving the foster care system; abused and neglected children; and other youth served by the child welfare and juvenile justice systems. This competition is limited to the nine State organizations that are currently participating in the Youth Development State Collaboration Demonstration Project funded by FYSB. They are: Arizona (AZ), Iowa (IA), Illinois (IL), Kentucky (KY), Louisiana (LA), Massachusetts (MA), Nebraska (NE), New York (NY), and Oregon (OR).

Grant Availability

The grant cycle for FY 2004 is now over. Information for FY 2005 grant competitions will be available in the coming months. In the meantime, you may wish to review information about last year's grant competition below.

Award Information

Sponsoring Bureau: Administration on Children, Youth, and Families, Family and Youth Services Bureau

FY 2004 Program Announcement:

http://www.acf.hhs.gov/programs/fbci/progs/fbci_rhyouth.html

1/25/05

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Basic Center - <http://www.acf.hhs.gov/grants/open/HHS-2004-ACF-ACYF-CY-0011.html>
 Education and Prevention - <http://www.acf.hhs.gov/grants/open/HHS-2004-ACF-ACYF-EV-0022.html>

Amount of FY04 Competition:

Competitive Grant Area	FY04 New Start Grants Funds Available	Estimated Number of New Grants
A. BCP	up to \$ 200,000	up to 180
B. TLP	up to \$ 200,000	approximately 42
C. SOP	up to \$ 200,000	approximately 44-88
D. SLCDP	none	none

In addition to the new start grants, the Administration for Children and Families has provided for noncompetitive continuation funds to current grantees in the following programs:

Grant Area	FY04 Noncompetitive Continuation Funds	Number of Grants
A. BCP	up to \$ 200,000	approximately 220
B. TLP	up to \$ 200,000	approximately 131
C. SOP	up to \$ 200,000	approximately 52
D. SLCDP	up to \$ 250,000	less than 10

Total number of awards FY 2003:

- Basic Center Program: 355
- Transitional Living Program: 191
- Street Outreach Program: 147

Total amount awarded FY 2003:

- Basic Center Program: up to \$45,894,931
- Transitional Living Program: \$39,008,770
- Street Outreach Program: \$13,859,314

Project period: 3 to 5 years (funding given first year, and then grantee must apply for continuation grants for subsequent years of project)

Contact information:

Curtis Porter, Acting Deputy Associate Commissioner
 Administration for Children and Families
 Family and Youth Services Bureau
 330 C Street, S.W.
 Washington, DC 20447
 (202) 205-8102

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[ACF FBCI home](#) | [Featured Programs](#) | [Funding Opportunities](#) | [Resources](#)

- "COMPREHENSIVE YOUTH SERVICES ACT 18220" Internet Search
- from Chief Probation Officers of California web site

1) http://www.cpoc.org/Guidebook/appendix_5b.htm

Appendix 5B

SAMPLE BOARD LETTER
LETTERHEAD
DATE
INSIDE ADDRESS

(Board of Supervisors)

Regarding: Comprehensive Youth Services Act

Designation of Local Planning Council

Honorable Members of the Board:

The Comprehensive Youth Services Act (Welfare and Institutions Code Sections 18220 through 18226) allocated \$200,000 to the Probation Department for use in a manner specified by the Act. The Act requires the Board of Supervisors in counties which accept funds allocated by the Act to designate a local planning council. The local planning council is to advise the Probation Officer in the development of an expenditure plan for the funds allocated by the Act.

The Act provides that the Board of Supervisors in a county with a planning council established pursuant to Section 749.22 of the Welfare and Institutions Code may designate that body as the local planning council required by the Act. Your Honorable Board has previously designated the Juvenile Justice Coordinating Council as the local planning council required by Section 749.22. It is respectfully requested that the Juvenile Justice Coordinating Council also be designated as the local planning council required by the Act.

Sincerely,

Chief Probation Officer

2) http://www.cpoc.org/Guidebook/appendix_5d.htm

Appendix 5D

SAMPLE BOARD LETTER
LETTERHEAD
INSIDE ADDRESS

(Board of Supervisors)

Regarding: Comprehensive Youth Services Act

Expenditure Plan, Fiscal Year 1997/98

Honorable Members of the Board:

Your Honorable Board previously designated the Juvenile Justice Coordinating Council as the local planning council mandated by Welfare and Institutions Code Section 18225. The Comprehensive Youth Services Act (Welfare and Institutions Code Sections 18220 through 18226) allocated \$200,000 to the Probation Department for use in a manner specified in Sections 18222 and 18223. Section 18225 mandates Board of Supervisors

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approval of an expenditure plan for these funds. The Act requires that the expenditure plan be developed by the Probation Officer after receipt of advice from the local planning council. The attached expenditure plan has been developed in accordance with the requirements of the Act.

The approval of the expenditure plan by your Honorable Board is hereby requested.

Sincerely,

Chief Probation Officer

Attach.

3)http://www.cpoc.org/Guidebook/chapter_3_of_tanf_guidebook.htm

CHAPTER 3 - CPOC POLICY POSITIONS

CPOC adopted the following general policy positions as general policy guidance for its membership. These policy positions are intended to create a foundation for statewide consistency in probation TANF and Title IV-E activities.

Policy #1

TANF funds will be used for purposes which are fully consistent with the intent of Congress and the California Legislature.¹

Background

Utilization of funds in a manner consistent with legislative intent is seen as vital to long term program viability. For that reason the following excerpts from law and CDSS instructions are included as foundation material:

PL 104-193 (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, signed by President Clinton in September 1996) defines Congressional intent for the TANF program as:

- " 1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- 2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- 3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- 4) encourage the formation and maintenance of two-parent families."

(Section 404(a) of the Social Security Act)

The Comprehensive Youth Services Act (CYSA) signed by Governor Wilson on August 11, 1997 defines the intent of the California Legislature:

" The intent of the Legislature in enacting this chapter is to provide a continuum of family focused case-specific services, in a community-based setting, that addresses the full spectrum of child and family needs, including services provided in county-operated residential care facilities. (Section 18220(i) Welfare and Institutions Code)

The California Department of Social Services, as the state agency responsible for TANF, has delegated responsibility for program compliance to the Chief Probation Officers of

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California and the Probation Officer in each county receiving funds. County Fiscal Letter 97/98-12 provided the following program parameters:

funding for individual counties is limited to the combined total of the allocation for the county contained in the CYSA and the county's portion of ranches and camps funding contained in the budget act and allocated quarterly based on occupied beds in ranches and camps pursuant to procedures established by the California Youth Authority.

any audit exceptions or audit disallowances will be the responsibility of the county probation department

probation departments are required to maintain an adequate audit trail to support all expenditures claimed

probation departments are required to maintain records showing compliance with former Title IV-A EA eligibility requirements for costs claimed pursuant to Section 11823 Welfare and Institutions Code

probation departments are responsible for following program guidelines contained in AB 1542 (Sections 18220 through 18226 Welfare and Institutions Code) in determining claimable costs

costs claimed under Section 18223 are subject to the eligibility determination process and claiming procedures established for the Title IV-A EA program.²

Policy #2

The Probation Officer in each county will prepare an expenditure plan, with advice from the local planning council, for presentation to the Board of Supervisors as required by Section 18225 Welfare and Institutions Code.

Once the expenditure plan is completed and approved by the County Board of Supervisors, only modifications to the originally approved plan need to be submitted for approval. This can generally be completed during the normal county budget process.

Policy #3

TANF funds will be utilized in a manner which will enable probation departments to claim their full TANF allocation for services described in Section 18222(b) Welfare and Institutions Code).

Policy #4

When reimbursement is claimed from more than one source (such as TANF and Title IV-E) for a single program, a single time study will be completed containing categories encompassing all programs claimed. Such a time study form prevents inadvertent double claiming.

Policy #5

TANF services should be oriented to achieving TANF goals. The case file should document the progression from assessment to case plan to provision of services to outcome.

Policy #6

TANF claims will be developed and submitted in conformance with CDSS instructions, Federal Office of Management and Budget (OMB) Circular A-87 guidelines, and currently accepted accounting practices. Probation Officers are encouraged to seek guidance from their county auditor's office when state and federal regulations fail to provide clear direction.

Policy #7

Procedures and guidelines set forth in this Guidebook will be followed by all probation departments.

Policy #8

Probation departments will not request or accept more state and federal funding for an activity or service than the actual cost of that activity or service.

BACKGROUND

The Comprehensive Youth Services Act allows probation departments to claim TANF reimbursement (federal funds) for a wide variety of services to youth and families. These same services may be funded by a variety of state grants intended to improve the ability of probation departments to address areas of specific need. Federal regulations allow for federal reimbursement regardless of whether state or county funds are used to initially fund programs which then qualify for federal reimbursement. While probation departments are encouraged to utilize funds from multiple sources to fund programs up to the full actual cost of the programs, total non-county funding from multiple funding sources should never exceed the total actual cost of the program or service.

Policy #9

Costs of support as defined in Section 903(c) Welfare and Institutions Code are not to be included in capitated rates used to claim TANF reimbursement under Section 18223 Welfare and Institutions Code.³

Background

Legal counsel has advised CPOC that including the cost of food, and clothing in the capitated rate for probation residential facilities could be construed to constitute provision of assistance to families. There is a very important distinction between provision of service and provision of assistance under TANF. Officials in the federal Department of Health and Human Services have defined TANF services as:

- "1) services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support and employment services that do not involve subsidies or other forms of income support; and
 - 2) one-time, short term assistance (e.g., automobile repair to retain employment and avoid welfare receipt and appliance repair to maintain living arrangements)."
- (TANF-ACF-PA-97-1)

All forms of aid which may be construed by auditors to constitute "implicit or explicit income support" are considered assistance.

Agencies providing assistance under TANF are required to collect monthly and report quarterly 16 data elements for every family to whom assistance is provided. Collaterally, families receiving assistance are subject to the array of requirements and prohibitions set forth in Public Law 104-193 (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996). These include a sixty-month lifetime limit on eligibility and various work requirements.

The California Department of Social Services (CDSS) and legal counsel retained by CPOC agree that services provided by probation departments to juveniles and their families meet the federal TANF definition of services and do not constitute assistance in

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the TANF definition of that term. The two areas which might be construed as constituting assistance are institutional expenses for which parents may be billed as defined in the California State Supreme Court Jerald C. decision (April 1984) and Section 903(c) Welfare and Institutions Code, and foster care maintenance costs. It should be noted that foster care maintenance claims must be submitted monthly via the county welfare department assistance claim. All other TANF claims are submitted via the quarterly administrative expense claim.

Given the costly administrative burden associated with the provision of assistance, it would appear prudent to avoid any claiming which could be interpreted as meeting the TANF definition of assistance.

Policy #10

Foster care maintenance costs will not be claimed under Section 18223 Welfare and Institutions Code.

Background

Non-federal foster care maintenance costs (costs for wards who are not eligible for federal participation in maintenance cost payments under Title IV-E) may be claimed under Section 18223 and Section 404(a)(2) of the Social Security Act. However, foster care maintenance seems to clearly fall under the definition of assistance provided in TANF-ACF-PA-97-1. Additionally, foster care maintenance claims are submitted monthly via the county welfare department assistance claim rather than quarterly via the administrative cost claim. Consequently, foster care costs should not be claimed via TANF for the same reasons that "costs of support" identified in Section 903(c) Welfare and Institutions Code should not be claimed.

Policy #11

A strength-based assessment and service plan will be developed for each family served with TANF and/or Title IV-E funds. Family assessments, and service planning and delivery will be accomplished in a manner consistent with the provisions of the Comprehensive Youth Services Act and SB 1095 (Sections 47750 through 47773 of the Education Code – see page 5 below for details).

Background

The Comprehensive Youth Services Act requires that all services provided with TANF funds "shall be based on the following principles:

Services shall be oriented toward the principles of personal responsibility and self-reliance.

Services shall use available community resources to the extent they are available, to serve the needs of the populations served under this chapter.

Individualized case plan development shall consider family concerns, priorities, and resources and shall include services designed to help families develop problem solving skills to apply in new situations.

Services shall be based on comprehensive strength-based family assessments, shall be family focused, and shall address identified immediate needs as well as underlying risk factors contributing to problems that are more pervasive and recurrent in nature.

Services offered shall be cost-effective, using established community services in tandem with federal, state, and locally funded services."

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(Section 18224 WIC)

"...the needs of the entire family must determine the services provided on behalf of the minor." (Section 18220(d) Welfare and Institutions Code)

"Services shall be provided pursuant to a family service plan. When a family is served by multiple public agencies or in need of services from multiple public agencies, the family service plan shall be developed through an interdisciplinary approach that shall include representatives from agencies that provide services to the family or that may be required to implement the service plan." (Section 18222(a) Welfare and Institutions Code)

Senate Bill 1095 also requires case assessment for services funded by that Act. The risk factors which must be assessed for the high-risk first-time offender program are:

- "(1) Significant school behavior and performance problems
- (2) Significant family problems
- (3) Substance Abuse
- (4) Delinquent Behavior"

(Section 47760 Education Code. Definitions of these terms are contained in the section)

Assessment procedures which address requirements of both the Comprehensive Youth Services Act and SB 1095 will best ensure that important case dynamics are identified and service needs met. Case planning which involves all significant family members and service providers will best ensure development of a viable, effective case plan.

Title IV-E has always required a case plan to be developed prior to claiming these funds.

Policy #12

An Assessment and Case Plan will be developed in accordance with the guidelines and regulations of the funding source claimed.

TANF Services claimed via capitated rate - 30 days

TANF services claimed via time study - County CPO policy

Title IV-E when a minor is removed from the home - 30 days

Title IV-E when a minor is not removed from the home - County CPO policy

CPOC recommends the policy be 30 days for all minors when funding is claimed since it is required in two of the four above scenarios and to provide consistency and monitoring of staff. It is also required that a case plan be completed prior to claiming Title IV-E time for work completed on a case.

Policy #13

Assessment, planning and services summary documents will be retained for the period required by federal regulation. When assessment and service provision functions are performed under contract by community based organizations or by other public agencies pursuant to a memorandum of understanding (MOU), the contract or MOU will specify which organization shall retain case assessment and service documentation required by federal regulation. The amount of documentation required will correspond to the level of TANF expenditure for services to the family.

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