

YUBA COUNTY GRAND JURY



FINAL REPORT
2005-2006

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The County of Yuba

GRAND JURY

June 29, 2006

The Honorable James Curry
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901



Dear Judge Curry:

The Yuba County Grand Jury of 2005-2006 was composed of 18 citizens who worked hard and devoted considerable personal time to fulfill their responsibilities. The Grand Jury members reviewed and investigated the activities of several governmental entities and responded to numerous citizen complaints. Enclosed you will find the final Grand Jury Report including findings and recommendations, also included is recognition of entities and departments where the county's business and its citizens are being well served.

Each report is the result of extensive and careful investigation and has been adopted by the "Greater Majority" of the Grand Jury, as required by Penal Code § 933. The work of the Grand Jury was accomplished by several subcommittees, all of whom had two or more members. Also, any members who might have had even the appearance of a conflict of interest excluded themselves from participation on particular committees (see attachment.)

The 2005-2006 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,


William Hamilton
Foreman

215 FIFTH STREET — COURTHOUSE — MARYSVILLE, CALIFORNIA 95901

Attachment to Letter to The Honorable Judge Curry:

The following individuals were excused for the stated investigation due to possible or perceived conflict of interest:

Grand Juror	Connection / Possible Conflict
Sue Cerf	Yuba County Supervisor District 2
Eva Conley	Child Protection Services, Yuba County Jail
William Hamilton	Yuba College District
Joy Markum	Yuba County Probation Department

2005 - 2006 Yuba County Grand Jury

Robert Bennett	Wheatland
Sue Cerf	Browns Valley
Eva Conley	Wheatland
Leslie Drehobl	Marysville
Thomas Durham	Olivehurst
Wayne Ferguson	Linda
William Hamilton, Foreperson	Linda
Gary Hoon	Marysville
Katherine King, Foreperson Pro Tem	Linda
Lisa Kubacak	Beale A.F.B.
Jan Lee	Linda
Joy Markum	Linda
Sherrie Martin	Marysville
Elaine Peters	Wheatland
Steven Sanders	Linda
Harold Walter Scott	Olivehurst
Olive Sultzbaugh	Oregon House
Cory Watson	Marysville

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History of the Grand Jury

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

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

The Magna Carta, signed by King John in 1215, did not mention the Grand Jury, specifically, but did establish various procedures to ensure fairness in the dispensation of justice. Thereafter, until the mid-1300s, the twelve-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 twelve individuals were replaced by twenty-four knights, called “le grande inquest” and the twelve 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 others on grand juries were a necessary part of government to ensure that public prosecutors were not swayed by personal or political prejudices, and that government officials efficiently and effectively performed jobs.

Today, all states except Connecticut and Pennsylvania, and the District of Columbia may use grand juries to indict and bring criminal to trial. 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.

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Cities

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City of Marysville Red Light Camera System

Summary

In May 2005, the City of Marysville installed red light camera systems at three intersections. These cameras were installed primarily to increase traffic safety in the City of Marysville. A safer city will result in a higher traffic safety rating which, in turn, will decrease the cost of auto insurance for the residents and decrease the number of auto accidents which will result in a cost savings to the city police department. The increase in revenue from red light violators will allow the police department to concentrate on more serious type crimes.

Reason for Investigation

The installation of red light cameras at three intersections by the City of Marysville was discussed in a regular Yuba County Grand Jury meeting. It was suggested that the Grand Jury should determine if the cameras are cost-effective and actually do increase auto safety in the community by reducing traffic accidents, making the City of Marysville a safer place to drive.

Definitions Used in This Report

- **Red Light Camera Systems.** A computer-controlled camera that acts as an automated photo enforcement system; in effect, functioning as a police officer.
- **Approach.** The entrance to an intersection. There are two cameras at each approach. There are four approaches in Marysville.
- **Event.** When a vehicle proceeds through an intersection after the light has turned red and the vehicle is traveling at a predetermined speed. Two photos are taken: one photo of the driver and one photo of the rear license plate.
- **Loops.** Magnetic loops of wire under the pavement that are three feet apart. The first one is 11 feet from the limit line. These loops are used to compute the speed of the vehicle.

Background and Discussion

Members of the Yuba County Grand Jury Cities Committee interviewed Officer Dennis Hauck, traffic enforcement officer for Marysville Police who oversees the red light camera program. With the time commitment the red light camera program requires, Officer Hauck does not have time to do traditional law enforcement duties. The Marysville traffic enforcement officer said in the first month the cameras were in use, there were 2,759 violations at the combined four red light camera system approaches. During the first month, the police department did not issue citations;

warnings were issued during this trial period. Starting in June 2005, a \$350 ticket was issued by mail to violators. These citations include a court date for an option to contest the ticket.

Red light cameras first appeared at traffic intersections in Europe and Australia in the 1970's. Red light cameras came to the United States in 1993 in New York.

The Federal Highway Administration created the "Stop Red-Light Running Program" in 1995 as a community-based program. The study showed that red light running is the leading cause of auto crashes in the nation's urban areas. That same year, the California legislature authorized automated enforcement systems at traffic intersections.

Previously these systems were limited to railroad crossings in California. In 1997, Oxnard became the first city to install red light camera systems. The new law, which became effective January 1, 1996 for Oxnard, established a three-year trial period for these new systems.

A police officer can write about 250 citations per month. It would take three to four times the officers to keep up with the red light camera system. The camera systems are very objective and do not add additional risk to police officers. From the perspective of a traffic enforcement officer, there is no downside to the camera systems.

The red light camera system that is used in Marysville is on a five-year lease from Red Flex, a company that specializes in red light camera systems. Each approach is leased to the city at \$6,030 plus additional costs for electricity and Digital Subscriptions Lines (DSL) internet (estimated at \$120/month) for a total cost of \$6,150 per month per camera. The cost of the four approaches totals \$24,600 per month for the red light camera systems in Marysville. Red Flex is responsible for all maintenance and upkeep of the systems. The traffic enforcement officer said that Red Flex's response time was very fast, within 24 hours.

In June 2005, 1221 citations were issued for red light violations. The number issued has gone down due to public awareness, but a dramatic jump to 1054 citations in March 2006 was noted. The reason for this increase is unknown but may indicate that the public has become careless or numb to the cameras.

The increase in red light citations has had an unintended result in the courts where they are processed (see Attachments 1A and 1B, pages 65 and 66). According to Yuba County Superior Court Deputy Executive Officer Evelyn Allis, infraction filings have increased by over 63%, from 11,972 in fiscal year 2004/2005 to over 14,000 in the first nine months of fiscal year 2005/2006 (projects out to 18,944 citations for fiscal year 2005/2006). The increased workload has not been met by an increase in staff by the state to address this dramatic workload increase.

According to the red light citation information (see bottom portion of Attachment 1A, page 65), the City of Marysville has issued an average of 733 citations monthly which increases their general revenue stream by an average of \$120,627.85

monthly. Marysville receives \$164.50, the state receives \$113.04, and the county receives \$92.46 from each citation. This may look good but Marysville must pay \$24,600 plus \$120 for DSL monthly for the red light cameras. Yuba County's general fund only receives \$3.01 for each citation (see Attachment 2, page 67). The actual break down of traffic citations is governed by law as shown in Attachment 2.

Since 2005 was the first year that Marysville had the red light camera system, it will be necessary to continue monitoring accidents statistics in Marysville over the five-year trial period to determine if the number of accidents increases or decreases.

The life expectancy of each camera system is about five to ten years. At the present time, Marysville has red light camera systems at the following intersections: 3rd and E Streets northbound, 3rd and F Streets eastbound, and two at 10th and G Streets, one eastbound and one westbound. There is a need for more red light cameras systems in Marysville. Officer Hauck stated that there are plans to install cameras at two other intersections, 9th and E Streets and 12th and B Streets.

Findings and Recommendations

Finding 1. Officer Hauck is Marysville Police Department's expert in the red light camera systems, but all his time is spent administering this system and making reports.

Recommendation 1. Use non-sworn law enforcement personnel for the task of administering the red light camera systems.

Recommendation 2. The City of Marysville should consider the possibility of installing more red light camera systems in other locations.

Recommendation 3. The Board of Supervisors should consider installing red light camera systems at several locations, including North Beale Road and Hammonton-Smartville Road, Lindhurst and North Beale, and several other possible locations.

Recommendation 4. The increased workload to the Yuba County Superior Court needs to be addressed. One possible solution is for the City of Marysville to fund one court employee and the county to fund one court employee if they install red light camera systems in the county. The State of California legislators should be advised because if the system proves viable in Marysville, several other cities in California will install these systems as well.

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Required Responses to Finding and Recommendations

Finding 1	City of Marysville
Recommendations 1-2	City of Marysville Board of Supervisors
Recommendation 3	None
Recommendation 4	Board of Supervisors City of Marysville

City of Wheatland

Summary

In reviewing the City of Wheatland's current "exploding" population, its lack of monies to hire permanent staff, and current issues with traffic, the Cities Committee found that a city manager, finance officer, chief of police and building inspector have now been hired on a temporary basis.

Reason for Investigation

The 2004-2005 Yuba County Grand Jury recommended that the 2005-2006 Yuba County Grand Jury Cities Committee conduct a follow-up investigation of the rapid growth within the City of Wheatland.

Background and Discussion

The 2005-2006 Yuba County Grand Jury Cities Committee followed-up on 2004-2005 Grand Jury recommendations by conducting a meeting with Wheatland Mayor Enita Elphick, Interim City Manager Steve Wright, and Interim Finance Director Wes Peters at their temporary conference room on October 16, 2005.

Mayor Elphick opened the discussion by expressing major concerns about the hiring of staff members. She stated that they were using individuals that had prior employment with other cities and since Wheatland did not participate in the Public Employees Retirement System (PERS), these individuals could work, yet not have their current retirement packages affected.

The mayor first hired Steve Wright as the Interim City Manager. Mr. Wright previously worked for the City of Truckee and has 31 years as a city manager with a history of "start-ups" for new cities. The mayor then hired Wes Peters as Interim City Finance Director. Mr. Peters was previously employed by the County of Marin. Mayor Elphick is also exploring the possibility of hiring a temporary building inspector to work on an as-needed basis.

The mayor stated that the above-named individuals work two to three days a week, but there are no "hour" restraints since these individuals are not in PERS.

The mayor stated that the current Chief of Police, Ed Meyer, was out on administrative leave. At this time, Jeff Webster and Rob Langdon, both of whom are captains with the Yuba City Police Department, are serving as "Acting Police Chiefs" for the City of Wheatland. (Their salaries and benefits are reimbursed to the Yuba City Police Department for the time they spend in Wheatland.)

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Police

The Wheatland Police Department consists of five full-time police officers and two Level I reserves. There is no police dispatcher. The radio dispatch duties are provided by Marysville Police Department. (There is some consideration as to obtaining dispatching services from Yuba County Sheriff's Department in the very near future.) The current budget for the police department is \$500,000.

Fire

Wheatland's current budget for the all-volunteer fire department is \$90,000. Although the fire department does have one full-time fire fighter, there is a plan to poll the registered voters in Wheatland to see if they are interested in improving the fire department, as there is a need for new equipment and facilities. The new housing developments in the City of Wheatland should bring in revenue and, thus, help the city's financial situation in the event the community poll does not favor improving the fire department.

Sewer and Water System

The sewer lines to the treatment plant now are approximately 70-years old and are in desperate need of repair. Wheatland is working to obtain possible bonds, grants and/or loans to finance the cost of these repairs.

In 2004, Wheatland obtained a loan for \$3.1 million to install water meters and associated equipment and training to implement a metered water billing system, but was unable to bill the residents properly for water usages due to an inability to operate the installed technology. This problem caused a deficit in Wheatland's budget.

New Developments

The City of Wheatland has approved the following new developments:

1. **Jones Ranch.** Located southwest on Wheatland Road, approximately 450 single family homes in a 3-year development beginning in 2006.
2. **Heritage Oaks.** Located south of Main Street on the west side of Highway 65, approximately 400 single family homes beginning in the winter of 2005.
3. **Settler's Village.** Located on the west side of Highway 65 at McDevitt, a commercial "strip mall" to consist of no more than 31 businesses.

Traffic Lights

The traffic light will be located at 1st Street and Highway 65. The light has been in the general plan for several years but funding has not been available. The City of

Wheatland received a bid from Cal Trans for approximately 2.1 million dollars, which would include cross walks on all sides, handicap services and turn lanes.

Heritage Oaks Subdivision will also pay for a traffic light at Highway 65 north of the Bear River Bridge. The developer will put in the proper turn lanes and sidewalks.

Schools

The Cities Committee chose to include the Wheatland schools as part of its review of the City of Wheatland.

The Wheatland School District (WSD) operates four schools, two within the City of Wheatland and two at Beale Air Force Base. The new Bear River Middle School opened in the fall of 2004. Its previous site is now the new location of Wheatland Elementary School.

The schools located at Beale Air Force Base are Far West School, grades 4-6 and Lone Tree School, grades K-3 (this includes the Wheatland Charter Academy and a pre-school). These schools are operating well below capacity but due to location, they are not available to the general public.

The Wheatland Union High School District and its high school are located on Wheatland Road at the western edge of the city. The high school district also operates the Academy for Career Excellence (ACE), a charter school that provides alternate education options to high school-age students. The curriculum includes Core Academics, Career Preparation and Technology Training.

As of March 2006, the current attendance at Wheatland High School is 688 students and 40 teachers. Total capacity is estimated at approximately 1,000 students. The capacity was designed to accommodate students from Beale Air Force Base, but enrollment has fluctuated with changes in base operations. Currently, overcrowding is not a problem and the campus has capacity to accommodate increased enrollment. However, the high school district will soon be accommodating new students from both Heritage Oaks Estates and Jones Ranch housing developments, as well as from three subdivisions in the Plumas Elementary School District which does not currently have its own high school.

The Wheatland Union High School District projects an average of 0.18 high school students (grades 9-12) per new household. The district expects that new high schools eventually will be needed as a result of growth and development. Each new high school would serve about 1,300 to 1,400 students and would require between 40 and 45 usable acres. Suitable sites that meet the state Board of Education's criteria and are acceptable to local residents are difficult to find.

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Findings and Recommendations

Finding 1. The City Manager, Financial Director, Police Chief and Planning Inspector are interim employees.

Recommendation 1. Replace these interim employees with full-time employees.

Finding 2. Wheatland has no “benefit package” for its city employees.

Recommendation 2. Develop a benefit package or buy one to cover the employees and the city.

Finding 3. There is a need for public safety dispatcher.

Recommendation 3. Hire a public safety dispatcher.

Finding 4. The sewer lines do not meet the current usage needs.

Recommendation 4. Research available funding from the USDA and other sources to expedite the sewer replacement.

Finding 5. Traffic light at Highway 65 and 1st Street is not completed as proposed.

Recommendation 5. The traffic light has in the past been funded by individuals and grants (as noted in 2004-2005 Grand Jury Report) but there is no fund tracking of its usage. An investigation of these funds should be conducted and the traffic light needs should be funded and installed by the start of the 2006 fall school term.

Required Responses to Findings and Recommendations

Findings 1-5	City of Wheatland
Recommendations 1-4	None
Recommendation 5	City of Wheatland

County

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County Administrator's Office

Summary

The county administrator's office would not provide requested documents or an interview to the 2005-2006 Yuba County Grand Jury.

Reason for Investigation

The 2004-2005 Yuba County Grand Jury requested that the 2005-2006 Yuba County Grand Jury investigate the county administrator's office.

Background and Discussion

Attempting to schedule an interview with the county administrator, the 2005-2006 Yuba County Grand Jury was stonewalled. On two occasions, members of the 2005-2006 Yuba County Grand Jury visited the county administrator's office: October 15, 2005 and October 29, 2005. Two letters to the county administrator's office were sent requesting documents and an interview, but the letters were not responded to. The Grand Jury was unable to acquire the county administrator's office policies and procedures manuals. Other documents requested were not provided.

When financial worksheets were requested from the auditor/controller, the Grand Jury was informed by the auditor/controller's office by letter dated November 15, 2005 that the requested information is kept in the county administrator's office. We were not provided this information.

A new county administrator takes over on March 3rd 2006.

Finding and Recommendation

Finding 1. The county administrator failed to cooperate with the Grand Jury.

Recommendation 1. The 2006-2007 Grand Jury should investigate the county administrators' office.

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Board of Supervisors

Summary

The 2004-2005 Yuba County Grand Jury investigated the Yuba County Board of Supervisors (BOS) in response to improprieties regarding the sheriff's jail bed funds. In September of 2005, the BOS filed its response to the "findings and recommendations" of the 2004-2005 Grand Jury Final Report. The Grand Jury found that the BOS did not adequately address the issues raised in the report. Furthermore, the BOS stated in two of its responses that it would "look forward to meeting with the 2005-2006 Grand Jury to further explore these issues".

Reason for Investigation

The BOS was selected for investigation based on the BOS's response to the 2004-2005 Grand Jury Final Report which stated that the BOS looked forward to meeting with the 2005-2006 Grand Jury.

Background and Discussion

January 2006, the Grand Jury sent a letter to the BOS requesting a meeting to discuss the responses to last year's report. In March, after numerous unsuccessful attempts to contact the BOS, members of the Grand Jury went to the office of the BOS and met with Ms. Donna Stottlemeyer, Clerk of the Board, to schedule a meeting date.

On March 7, 2006, the Grand Jury as a whole met in a closed session with the BOS. During the meeting the Grand Jury explained to the BOS that the meeting was called in response to their invitation to meet with them to discuss the responses to last year's Grand Jury report. It was apparent that the individual board members were not aware of this element. The Grand Jury then inquired as to who wrote the response to the final report. The answer was that County Administrator Kent McClain wrote the response even though Chairman Mary Jane Griego signed it.

The Grand Jury's first question pertained to the \$500,000.00 jail bed fund issue and how the contract is written regarding the division of these funds. Supervisor Griego advised that 35% of these funds go to the BOS and the rest to the sheriff's department (see Attachment 3 pages 68 - 69), but past BOS members had never utilized this allocation.

In discussing the hiring of more deputy sheriffs, the BOS stated that is an issue the new county administrator will need to determine based upon the county's current population.

The Grand Jury then inquired into the Strategic and Implementation Plan regarding growth in housing, business, and traffic. The strategic plan is generated by the

Economic Development Department which is headed by John Fleming and the BOS. Although the strategic plan is updated annually, there is no implementation plan (an implementation plan commits assets such as money and personnel to a project; a strategic plan does not). Recent examples of this growth in the Linda and Olivehurst area are:

1. **Business**
 - a. Wal-Mart
 - b. D & D Cabinets
 - c. Anderson Truss
2. **Housing**
 - a. Plumas Lake
 - b. East Linda Specific Plan, i.e., Edgewater Development
3. **Traffic**
 - a. Bypass (originally the state was responsible but the county may take on this project)

Other discussions involved:

- The status of the county administrator position
- The different departments' budgets and how they are decided
- The Yuba County Water District
- Measure D and the distribution of yearly funds collected

The meeting ended and the Grand Jury left with the feeling the BOS were dedicated and concerned about the county, government departments and community of Yuba County.

Findings and Recommendations

Finding 1. Former County Administrator Kent McClain apparently wrote the responses to the 2004-2005 Yuba County Grand Jury Final Report and the BOS apparently were not aware of what was written even though it was signed by Chairman Griego.

Recommendation 1. The BOS should respond to the Grand Jury's final reports.

Finding 2. The Memorandum of Understanding (MOU) between the sheriff and BOS concerning the Jail Bed Fund that was addressed by the 2004-2005 Grand Jury Final Report is still out of date and not being followed (see Attachment 3, 4 and 5, pages 68-77.)

Recommendation 2. The Jail Bed Fund MOU should be updated and followed (see Attachment 3, page 68-69.)

Finding 3. The BOS agreed the handling of the \$500,000 reduction of the sheriff's budget was not perfect.

Recommendation 3. The new county administrator and the BOS need to communicate with the individual county departments when making budget transfers or changes.

Finding 4. Although the BOS does not control the expenditures of the sheriff's budget, they do control the number of authorized county employees including deputy sheriffs.

Recommendation 4. The BOS should adjust the budget and increase the number of deputy sheriffs required based upon population growth and number of calls responded to.

Finding 5. The BOS does have a strategic plan in place but they do not have a plan to allocate people and resources to achieve the goals in the strategic plan (implementation plan.)

Recommendation 5. Along with the strategic plan, the BOS needs an Implementation plan.

Required Responses to Findings and Recommendations

Finding 1 and Recommendation 1	None
Finding 2 and Recommendation 2	Board of Supervisors
Finding 3 and Recommendation 3	Yuba County Administrator Board of Supervisors
Finding 4 and Recommendation 4	Board of Supervisors
Finding 5 and Recommendation 5	Board of Supervisors Economic Development Department

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Local Agency Formation Commission

Summary

Although Yuba County has been slow to comply with the Cortese-Knox-Hertzberg Local Government Act of 2000, it has started to take the necessary steps needed to comply with State law and the growth needs of Yuba County.

The Yuba County Local Agency Formation Commission (LAFCO) executive officer will need the full support of the Yuba County Board of Supervisors (BOS) in contracting and funding independent inspectors to perform the review of the special districts and county service areas. Priority should be given to this area due to the rapid building and population growth of Yuba County and the fact that the county contains over 100 municipal service areas that need to be reviewed.

Reason for Investigation

Yuba County Local Agency Formation Commission (LAFCO) was selected based upon random selection.

Background and Discussion

The Cortese-Knox Local Government Reorganization Act was updated and changed substantially by the passage of the Cortese-Knox-Hertzberg Local Government Act of 2000. The Cortese-Knox-Hertzberg Local Government Act of 2000 became the law on 1st day of January 2001, which made the California's Local Agency's Formation Commissions (LAFCO) independent agencies within the counties. These changes strengthened LAFCO's ability to: (1) act independently and neutrally in its representation of counties, cities, and special districts; (2) protect agricultural and open-space lands; (3) prevent urban sprawl and ensure orderly extension of government services; (4) enhance communication, coordination, and procedures of LAFCO and local government; (5) and increase opportunities for public involvement, active participation, and information regarding government decision-making. To meet these goals the BOS hired an independent LAFCO representative.

The new executive officer of LAFCO, Mr. John Bonit, has many compelling and difficult tasks that will need his attention. Among these is a review of the county's special districts, including county service areas, the inclusion of representatives from the independent special districts on the LAFCO board, and an update of the "Sphere of Influence" of each local government.

The Cortese-Knox-Hertzberg Local Government Act of 2000 establishes the standard composition of all LAFCO's. The LAFCO board is required to have two members representing the county, two members representing the cities, two members representing independent special districts, and one member representing the public. The public member must receive at least one vote from each of the three constituencies. At this time there is no representation from the independent special

districts as required, which indicates that the public member is not correctly appointed.

LAFCO is required to perform a review of all municipal service areas to establish infrastructure needs, deficiencies, and their ability to provide services with consideration given to financing, population growth and population projections. These agencies should be reviewed before or in conjunction with “Sphere of Influence” updates. The county has not started any reviews and has until the 1st day of January 2008, to comply with this mandate.

Findings and Recommendations

Finding 1. Municipal district reviews have not been done.

Recommendation 1A. LAFCO should start as soon as practicable to review all municipal districts within Yuba County.

Recommendation 1B. Obtain funding and contract with an independent inspector to perform the required municipal reviews.

Recommendation 1C. While reviewing the municipal districts a review and update of their Sphere of Influence should be completed.

Finding 2. LAFCO’s policies and procedures, website information, and publicly available materials need to be reviewed for accuracy and compliance with state laws.

Recommendation 2. LAFCO should review and update its policies and procedures, website, and publicly available materials to ensure accuracy and compliance with changes in California law.

Finding 3. The Yuba County LAFCO board does not contain representation from independent service areas.

Recommendation 3A. Contact independent service areas so they can appoint two members to sit on the LAFCO board as required by law

Recommendation 3B. Conduct a review of all service areas to establish if they are needed and the possibility of being effectively combined with other service areas to provide better service at lower cost to Yuba County citizens. This review should include all service areas, with special focus on water drainage districts, utility districts, and water districts.

Required Response to Findings and Recommendations

Finding 1	Board of Supervisors LAFCO
Findings 2, 3	LAFCO
Recommendation 1	Board of Supervisors LAFCO
Recommendations 2, 3	LAFCO

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North Central Counties Consortium

Summary

The North Central Counties Consortium (NCCC) is a special district agency formed by a joint powers agreement between five semi-rural counties. The NCCC is a large agency that not only acquires and distributes monetary funds and grants, but also shares area profiles to bring job seekers and employers together.

The executive director was on a leave of absence receiving full pay and benefits while the interim director was also receiving pay and benefits. This was explained to us as a benefit covered in the organization's policies under long-term illness.

Reason for Investigation

The Yuba County Grand Jury received a complaint regarding excessive and wasteful spending by the NCCC.

Background and Discussion

The NCCC is designated as a "Workforce Investment Area" under the Workforce Investment Act. Under this designation, NCCC administers federally funded job-training programs in Colusa, Glenn, Lake, Yuba, and Sutter Counties. NCCC's goal is to improve the quality of the workforce, provide meaningful services to local business, increase the earning capacity of the local workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation's economy. The goal of the NCCC is to make the best use of and maximize its resources. As far as personnel, NCCC has downsized and outsourced by reducing the staff and trimming down expenses. NCCC is also considering downsizing its office space or sub-leasing some office space. It has been seeking a new executive director and, as of January 2006, had found one.

During the Grand Jury's investigation, we met with Don Schrader, a member of the Yuba County Board of Supervisors and Yuba County's representative on the NCCC, and also with a former employee of the NCCC. We requested copies of the NCCC Policies and Procedures Manual and Outlook Reports. We reviewed all the requested items and scheduled an interview with the interim executive director of the NCCC. This was an in-depth interview, ranging from the history of NCCC to personnel, internal and external audits, and Outlook Reports.

The Grand Jury contacted the Grand Juries from Sutter, Lake, Glen and Colusa Counties which make up the consortium. The Grand Juries from these four counties were not interested in investigating the NCCC as a group.

The 1-Stop Centers are a major component of this consortium. The NCCC has been on the cutting edge of job training reform in California, helping pioneer the 1-Stop Career Centers concept. NCCC's development of regional technology-based

information systems and collaborative efforts with local welfare departments, local education providers, the state Employment Development Department, and others have made it a model for delivering job training programs and services.

Presently the NCCC is not correctly posting public meetings in all counties.

Findings and Recommendations

Finding 1. The executive director was on medical leave but still receiving full pay pursuant to current policy covering long term illness.

Recommendations 1. None

Finding 2. Notice of meeting dates, times, locations, and agendas were not posed in all effected counties.

Recommendation 2. Follow guidelines of the Brown Act and post meetings.

Required Responses to Findings and Recommendations

None

Health and Human Services

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Health and Human Services Department

Summary

The Yuba County Department Health and Human Services (HHS) is one of the largest agencies in the county. Its vision is, *“Working cooperatively to empower and support Yuba County’s citizens to ensure they enjoy safe, healthy, and self-sufficient lives.”* HSS has two major divisions, the Health Division and the Human Services Division. The Health Division is comprised of Public Health Services, Veterans Services, and the For Our Recovering (FOR) Families Treatment Program. The Human Services Division is comprised of Adult Services, Children’s Services, Employment Services, Eligibility, and Fraud Detection and Prevention.

The Grand Jury noted that although there are outside constraints mandated by the federal government, the State of California, and the Yuba County Board of Supervisors (BOS), HSS does meet the terms stated in its mission statement to the best of its ability.

Reason for Investigation

The Grand Jury Health and Human Services Committee (the committee) chose to investigate HHS pursuant to Penal Code § 925.

Background and Discussion

The committee met with the following individuals during a series of meetings held at the HHS:

Ms. Suzanne Nobles, Director
Mr. Robert Shotwell, Deputy Director Services/Program
Ms. Chris Adams, Program Manager
Ms. Pam Cook, Assistant Program Manager
Ms. Kathy Cole, Deputy Director Admin/Finance

The committee used HHS’s Mission Statement as the basis of its investigation, which states....

- ✓ *Deliver timely, professional services with consistency, equity, integrity, and cultural sensitivity.*
- ✓ *Seek preventative solutions and early interventions to promote safety, good health, and economic self-sufficiency for children, families, and individuals.*
- ✓ *Strengthen partnerships and cultivate cooperation and collaboration between individuals, neighborhoods, and public and private agencies, to ensure efficient, cost-effective, coordinated, and expanded services.*
- ✓ *Promote a positive work environment where individuals’ differences and opinions are valued and respected.*
- ✓ *Promote personal and professional growth, accountability, and responsibility.*
- ✓ *Actively engage all employees in decision-making, planning, service delivery, and employ strong teamwork throughout all levels of the organization.*

Budget

The Yuba County budget is not simple to understand, but it does meet the State of California's basic requirements for a county budget.

The bulk of the financial funding for the services offered by HHS are provided by federal and state grants or allocations which are described as "matching dollar" grants. In other words, federal and state dollars are "matched" by Yuba County dollars.

An example of a matching dollar grant is:

Out of every dollar HHS has in its budget, there may be ten percent (or ten cents) provided by Yuba County and the remainder is divided up between the federal and state governments. This "county" dime is very important because without it, the other ninety cents is not there.

In reviewing the "County of Yuba, Final Budget, Fiscal Year Ending, June 30, 2006," as compiled by the auditor/controller, page 1 has an item labeled "Social Services" in the first column and the amount \$47,597,642 in the 8th column under "Total Financing Requirements." Yet when compared to the federal and state dollars provided to "Social Services", it seems that Yuba County is only providing \$8,155,884 of this budget requirement. If that is the case, then approximately 17% of HHS's budget comes from Yuba County. Federal, state and other dollars provide the remaining 83%.

HHS does not have an official "five-year budget plan" but they do plan and prepare for the expenditures they know will occur over numerous years. Each year in February, HHS submits its budget to the county administrator's office for the next fiscal year, which begins in July. Likewise, other various state agencies also receive this budget for review and, in some cases and for some portions, approval.

The federal government's fiscal year runs from October through September, which is different from the State of California's and Yuba County's, which run July through June. Because of the differences in the fiscal years, the funding for the county's new fiscal year usually arrives near the end of the first quarter or the beginning of the second quarter of Yuba County's fiscal year. Therefore, the budget covers HHS's minimum needs and requirements.

Occasionally, *the federal and state funds will include extra monies for the upgrading of equipment, computers, and other items for HHS.* However, the BOS have made and implemented policies regarding the purchase of equipment, computers, and supplies, and the BOS determines when the county departments are allowed to upgrade their equipment, computer systems, and other items. The BOS has determined, because there is not sufficient county funding available for upgrading other county department's equipment, computer systems, and other items, that HHS is not permitted to upgrade. In other words, the BOS deemed the money would be returned to the agencies it came from, even though the federal and state money was allotted to HHS for the express purpose of these upgrades which will, in essence,

keep them current and in touch with the federal, state, county, and mandates placed upon them. The BOS's rationale is to not appear to show favoritism to one county department over another.

The BOS also makes policy regarding the number of personnel positions within HHS, even though the federal and state governments fund almost all of the positions.

Should HHS receive more than the minimum it budgeted or was allocated, it is able to provide more services of better quality than just the minimum to meet the county's needs and requirements. Of course, this means that some years HHS can do more when it has more money; conversely, some years HHS can only manage to provide the basic needs and requirements.

Administration

The director of HHS is the "center of authority" for all the divisions and programs within HHS. There are two deputy directors, one for HHS programs and one for HHS administration and finance. The programs are then broken down into divisions that encompass nursing, child protective services (CPS), Cal Works, eligibility, and adult services. In addition, there are two assistant program managers, one for CPS and one for employment.

The director and deputy directors have weekly meetings and meet monthly with all directors and department heads. These meetings are important tools to a productive and positive work force environment in HHS. They also have an open-door policy so at any given time if an issue comes to the forefront that needs to be addressed before the scheduled meeting, it can be discussed and acted upon. Currently HHS has enough personnel on hand to comply with state standards. There is a low turnover rate of employees.

HHS currently employs an internal and external performance evaluation system. They use the standard provided by the Yuba County Personnel/Risk Management office -- once a year for established employees and every three months for new employees. There are two separate standard performance evaluation forms, one for staff and one for managers. The forms include a one to five page narrative and are used to bring forth and highlight the strengths and weaknesses of each person. Employees are expected to make a yearly goal(s) and their managers and supervisors support those goals. Goals are not just to "work more with less," they are for the improvement and enrichment of the whole professional person. If employees accepts a new or different position or grade within HHS, the probation period starts all over again and they are evaluated at three month intervals until they have completed the one year probationary period. If an employee who accepts a new or different position or grade is evaluated at a less than a satisfactory level, that employee can be let go.

The director reviews all performance evaluations and has noticed an overall positive thread in the evaluation narratives. Should an employee have a grievance with a

performance evaluation, he/she may discuss it with the director, who may then amend the evaluation if needed.

HHS places high values on training, especially since there are constantly changing requirements, regulations, and standards placed upon it from the federal and state governments. Training requirements are extensive and encompass the computer documentation system (that must meet the requirements of the federal, state, and court systems); training requirements provided by the Northern Training Academy located at the U.C. Davis Northern Consortium campus; POST training provided by Yuba College; and in-house and mentor training provided by HSS to its employees. There is also training in courtroom testimony, court report writing, legal standards, information-gathering techniques, and constant overviews of the federal and state code (laws and regulations) requirements provided by the county counsel's office. There are also other training requirements and courses provided by the state through various annual conferences.

The training of new employees is not an inexpensive budget item and is an investment in attaining highly trained, qualified, and efficient personnel.

Child Protective Services

National or federal laws are passed down to the State of California, who has oversight over all child protection services. The State of California adds some laws and regulations and then passes all of these requirements and standards down to the 58 counties in California. The average caseload (which complies with state standards) per social worker is 20-35, and the social worker's percentage of time on paper work is 15-20%. *The State of California mandates that CPS use a statewide computerized "case management system" which standardizes everything for every county within California. Documentation is what makes the case.*

All social workers must meet with case families, face-to-face, once a month, and there is 100% compliance with these face-to-face meetings. The presiding judge can mandate more visitations per month, but cannot make it less than once per month. The county counsel also provides legal aid to help the social workers prepare for court.

Yuba Community College provides foster parent training courses. These courses cover issues such as structured decision-making and how the court system works. The county counsel's office also instructs foster parents on legal and court issues.

Cal Works

HHS administers Cal Works, California's version of the welfare reform program passed by the U.S. Congress in 1996. Since January 1998, this program has taken the place of Aid to Families of Dependent Children (AFDC) and Temporary Assistance for Needy Families (TANF).

Its purpose is to change the direction of aid to applicants from cash assistance to gainful employment. Instead of supporting the families with dependent children with

welfare funds until the children grow up, this program limits families to 60 months of cash assistance for each eligible individual's lifetime, and offers training and employment assistance to make each family self-sufficient. However, the program provides food stamps and Medi-CAL when needed, as well as general relief to indigents.

The Cal Works program is an example of matching dollars. In addition to this "matching-dollar" concept, there is also an allocation process. Some examples of allocation are AFDC and TANF. Allocations of federal and state dollars is based upon expenditures in prior year(s), and the state provides a "block" of funds each year which may or may not match HHS's budget.

The federal government pays for half of Cal Works, with the remaining cost shared between the state and the counties. If the state does not meet the federally mandated performance outcomes, fiscal sanctions may be imposed upon the state. Therefore, if the county does not meet the state-mandated performance outcome(s), fiscal sanctions (a reduction of funding/dollars) may be imposed upon the county.

Medi-CAL is California's medical coverage program and is free for those who qualify. It is not a part of the welfare program, although you do have to go through HHS to obtain it.

Finding and Recommendations

Finding 1. The Yuba County Final Budget is not simple and does not provide information that shows all revenue streams, i.e., federal and state grants and allocations.

Recommendation 1. A column should be added to the budget that shows anticipated revenue from federal and state grants and allocations for "Social Services" so that the public will understand what portion Yuba County is funding and what portion is being provided by the federal and state grants and allocations.

Recommendation 2. The county policy prohibiting or restricting the use of federal and state funds to purchase and/or upgrade equipment, computers, and supplies needs to be revised to allow HHS to keep and use federal and state monies specified for these purposes.

Required Responses to Findings and Recommendations

None

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Law Enforcement

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Yuba County Jail

Summary

The Yuba County Jail (YCJ) serves approximately 370 inmates daily. Approximately 183 are inmates under the control of Home Land Security – Immigrations (INS). The Yuba County Sheriff's Department (YCSD) receives federal funds for each INS inmate it houses. Federal funds are then calculated into the jail budget. All inmates receive three meals a day and the required medical, psychological, and dental services. Most inmates are offered a variety of classes and vocational training programs based upon which housing unit they are assigned. Housing unit assignments are based upon several factors including behavior, alleged criminal behavior, past criminal history, and disciplinary actions from other institutions. The YCJ is well-maintained and clean. The YCSD deputies are professional, competent, and knowledgeable.

Reason for Investigation

This investigation was conducted pursuant to 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." YCJ falls within this category. YCJ is inspected by the Yuba County Grand Jury, U.S. Marshals, local health and fire departments, and the immigration department.

Background and Discussion

Members of the Grand Jury Law Enforcement Committee contacted Sheriff Virginia Black, who arranged for a tour of the jail facilities. The committee used the "Jail Investigation Guidelines" contained in the Yuba County Grand Jury Handbook. The committee chose to focus on the following areas:

1. Jail procedures and safety
2. Education and training for jail inmates
3. Meals
4. Health and safety

Jail Procedures and Safety

The sheriff's department is legally responsible for the safekeeping of all persons in custody. In order to protect the rights of both inmates and employees, certain regulations must be followed. All inmates receive a copy of the official jail information booklet. The Board of Corrections has established guidelines on how jails must operate to assure that inmates are housed safely and their Constitutional Rights are not violated.

At the time an inmate is booked, the inmate is asked a series of medical questions. Attached to this report (see Attachment 6 page 78) is a copy of the Intake Medical

Screening form. If an inmate is found to be intoxicated during the booking process, the inmate is given a sobriety assessment. Attached to this report is a Sobriety Assessment Form (see Attachment 7, page 79). Cases involving serious injury prior to booking are taken to Rideout Hospital for clearance by medical staff.

After being booked into the YCJ, inmates are housed in the pre-classification unit. Housing unit assignments are based upon several factors including but not limited to, sex, alleged criminal behavior, past criminal history, behavior and disciplinary actions from other institutions. Jail staff attempt to segregate gang members at all times. While inmates are being classified they are not allowed mail, visits, outside exercise, or special programs. Jail personnel monitor and control the jail through 70 security cameras, multiple control rooms, and a redundant system of locks. All females are supervised by female staff, and all males are supervised by male staff. Male and female correctional officers have separate sets of keys. Keys to each gender area are not exchanged.

INS buses run two times each day. The buses accommodate 10 to 50 inmates per transport. Interpreters are provided by phone through "Language Line". This program costs the jail approximately \$5,000 per month.

One housing unit consists of 10 two-person cells, 9 two-person cells and one handicapped cell per housing unit. Some of the housing units are dormitory style. Housing Unit "A" is where high-security inmates are housed. Housing Unit "B" is the program area. Housing Unit "C" is for low-security and INS inmates.

The female INS housing unit holds 20 beds. It is comprised of two 20-person cells and one 8-person cell. There are multiple control rooms which contain officers who control entry to and exit from the various areas of the jail. The jail is kept in a safe and sanitary condition.

Inmates are allowed to receive mail. There is no restriction on the number of letters an inmate may receive. Incoming and outgoing mail is inspected by jail staff for contraband. Inmates are not allowed to receive packages. Inmates are not allowed to have written correspondence with other inmates housed at the YCJ.

Discipline is used in the jail to maintain order and control. Disciplinary action is used when inmates refuse to comply with YCJ rules. Violations of rules are considered as major or minor violations depending on the severity of the action. The YCJ provides inmates with an appeals process for major violations. The inmate has the right to present any relevant information regarding the alleged offense. Inmates are allowed to have another inmate or staff member act as a lawyer to represent them. The jail commander determines within 24 hours of the hearing if the charge is true. All decisions must be made within 96 hours of the request for the hearing.

Education and Training for Jail Inmates

A General Education Diploma program is offered to inmates that have not completed their high school education. The class covers general education and a variety of other training alternatives. The inmate must not have an extensive discipline record

and must have an educational need for the classes. There are class rules, and the inmates must follow all rules established by and for the jail. The inmate must be attentive, follow the direction of the instructor, and attend all classes unless medically cleared. The educational program includes reading, writing, and arithmetic, as well as basic skills, vocational training, and life skills. Inmates are required to complete all homework and bring it to class. Female inmates interviewed expressed that they would like more opportunity for education and vocational skills.

Inmates are involved in various community service projects. All projects are non-profit. Certificates are available for inmates completing projects and classes. The certificates do not mention the fact the person earning the certificate is an inmate. Many of the inmates earn their certificate in the construction trade.

There are several housing unit programs: anger management; vocational janitorial, education and job skills. The programs are offered only to male inmates, as the male and female inmate populations cannot be mixed. There is not enough funding for separate programs, and the staff claims there is not enough female interest to initiate female inmate equivalent programs. Female inmates do have access to computers that are paid for through the Inmate Welfare Fund. The welfare fund is funded through commissary sales. Female inmates are not offered the same programs as male inmates; however, they are offered skill programs such as budgeting and computer skills.

The jail contains an up-to-date and comprehensive law library which is available for use by all inmates.

There are as many as 70 languages spoken in the jail. The average at any one time is 14.

Meals

The kitchen was toured. It was clean, orderly and well-supervised. The kitchen provides about 36,000 meals a month. These meals are provided by a full-time staff that is augmented by inmates (mostly INS). Each meal costs 75 cents and is reviewed by a nutritionist for nutritional value to ensure it meets California state requirements. The menu is checked every six weeks. Sixty special diets are available and most are prepared for religious reasons. The Grand Jury was served lunch. The meal consisted of chicken nuggets, soup, French fries, cole-slaw, pudding, and lemonade. Although the meal tasted bland, the meal was nutritious and balanced. A disciplinary meal consists of a meatloaf-like item and water.

Health

Upon arrival, all inmates must fill out a medical questionnaire. Newly received inmates see a physician within 14 days and are given a physical. Medical services are available 24 hours a day in emergencies. Inmates with severe injuries, illnesses, or emergencies are taken to Rideout Hospital for treatment. Pursuant to Penal Code § 4011.2, inmates are charged \$3 for each inmate-initiated medical or dental visit. Prescription drugs are administered in the proper dosage and at the proper time at

the discretion of the jail nurses. The Yuba County health officer is in charge of inmate medical care. The jail is short on nursing staff, as the position does not pay well. The physician is available every morning for inmate sick-call five days per week. Non-prescription medication is distributed during the regular medication call. Inmates are charged 50 cents for each dosage.

No inmate is denied medical care or medication based on indigence. Indigent inmates are given a basic commissary pack containing: toothbrush, toothpaste, soap, razor, paper and pen, and a comb.

Linen exchange is one time per week. Dirty clothes are exchanged for clean clothes 3 times each week.

Inmates are allowed to exercise at least four times a week for two hours each time.

A psychologist is available one day each week to address mental health issues.

A dentist is available one day each week.

Pregnant inmates are transitioned out of the jail as soon as possible. There is no maternity living area for pregnant inmates. There is no facility for birthing or newborns. Inmates give birth at the local hospital and are returned to jail. The newborn is often placed with a relative or other authorized person. Pregnant inmates are usually transferred to other facilities well before the due-date of the child's birth.

Findings and Recommendations

None

Yuba-Sutter Juvenile Hall

Summary

This review of the facilities, recreation, dining, medical, educational, staff, and administration of the Yuba-Sutter Juvenile Hall (YSJH) and the Maxine Singer Youth Guidance Center (Camp Singer) was undertaken to assess the operating procedures and policies concerning the staff and population, the services provided, and general housekeeping. The Grand Jury found that the attitude, commitment level and demeanor of the staff are exceptional. Despite the high-pressure, emotionally-charged environment and the challenge of working with children who have multiple emotional and behavioral issues, the staff maintains the highest standard of care and compassion. The wards are in the hands of people who truly believe that each child deserves a chance to improve his/her life, and the staff is committed to assisting each child in achieving this goal.

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." YSJH and Camp Singer fall within this category.

Background and Discussion

Members of the Grand Jury Law Enforcement Committee interviewed Mr. Frank Sorgea, Superintendent of Yuba-Sutter Juvenile Hall, and Mr. Steve Roper, Yuba County's Chief Probation Officer.

The superintendent provided a detailed and informative explanation of the operations of YSJH and Camp Singer, including an overview of the budget, staffing level and qualifications, chain of command, procedures pertaining to arrests and incidents, educational system, medical/dental/mental health care, and facility population. Grand Jury members were taken on a walking tour of both facilities by the superintendent.

The chief probation officer provided an overview and introduction to staffing and administrative issues.

Administration

The YSJH and the Maxine Singer Youth Guidance Center (Camp Singer) are Yuba-Sutter bi-county facilities that have operated since 1976 under a joint powers agreement. The joint powers agreement established an oversight committee comprised of board members from both Yuba and Sutter Counties. This board meets quarterly, reviews the activities of the facilities, and establishes the pro rata

base for cost of operations. Yuba County Probation Department is the administrative agency.

Facilities

YSJH is a 60-bed facility that provides detention for minors who are pending disposition by the Yuba and Sutter Juvenile Courts. In addition, the facility is utilized by the juvenile courts for short-term, post-disposition commitment. YSJH is comprised of multiple buildings. The main facility consists of three wings: A, B and C. The main facility was clean and well-maintained. Female detainees had painted and decorated many of the living units and the common area. The living units of the male detainees were plain, but clean and well-maintained. The detainees are allowed television, reading materials and G-PG rated movies in the common area. The television is controlled by the staff. Detainees in both facilities are segregated by gender, except while attending school.

The security housing unit (SHU) is used to house more serious offenders. The SHU is self-contained and provides on-site educational and recreational space. There were no detainees in the SHU unit when the committee toured the facility. The SHU was clean and well-maintained.

Camp Singer is a 60-bed facility located within the YSJH complex. The camp provides rehabilitative services and programs for detainees who are typically committed to the program for a period of 210 days. Camp Singer has one main living unit with a capacity for 48 male detainees. The female unit is a 12-bed facility located within the camp compound. The Grand Jury reviewed the sleeping and common areas of both male and female facilities. The detainees have semi-private, half-walled sleeping areas which are constantly camera monitored and supervised by staff. The facilities are clean and well maintained. The common area has a television, reading material and G-PG rated movies. The television is controlled by the staff. Camp Singer detainees are required to wear military-style uniforms.

Recreation

Recreation for all YSJH and Camp Singer detainees consists of an outdoor recreational yard, and an indoor recreational “arena” salvaged and recycled by the detainees for their own use. The arena was obtained from Yuba County Friday Night Live, a joint federal, county and state-funded juvenile recreation program within the community. The detainees had painted a mural on a wall of the indoor recreational area with the help of a local artist.

Dining Facilities

YSJH and Camp Singer share a common kitchen and dining hall. Detainees participate in training for food service and preparation. The kitchen was immaculate, sizeable and well organized. The meal being served was nutritious, appealing and of adequate size and content. The detainees working in the kitchen were enthusiastic and well supervised. The hygiene of the staff and detainees was impeccable.

Medical / Dental / Mental Health

The facility physician, Yuba County Health Officer Dr. Joseph Cassidy, visits once per week and is on-call 24 hours per day. Dr. Cassidy is responsible for general medical care and the prescribing of medications. Medications are dispensed by the supervising group counselor. There is a medical screening and treatment area near the booking area in YSJH. Any emergency injuries or illnesses are treated at a local area hospital (Rideout Memorial Hospital.) All staff is certified yearly in first-aid and CPR training.

Dental care is provided on an emergency basis. Detainees must be taken off-site in restraints by staff to a locally contracted dentist.

Mental health services are many and varied. One of the mental health service programs that the detainees and their families enjoy is the Family Therapy Program. The program is successful and received enthusiastically by the detainees and their families. There is also a substance abuse treatment program, which includes visits from local church support groups who provide Alcoholics Anonymous and Narcotics Anonymous counseling. The staff is vigilant about constantly monitoring the detainees for signs of unusual and suicidal behavior. The system for obtaining a new prescription for psychiatric and psychotropic medications is complicated and slows the treatment time for patients needing them. The staff is exceptional, skilled and compassionate in their mental health and medical treatment of the detainees.

Education

All detainees are screened upon entry to YSJH to determine their educational level and needs. Harry P. Carden School is on-site and run by the Yuba County Office of Education. They provide 4 full-time teachers, 8 aides and 2 resource specialists. School hours are from 8:30 a.m. until 3:00 p.m. and are geared towards one-on-one, individually-paced learning. Vocational classes are given from 3:00 p.m. to 5:00 p.m., with three to five vocational classes available. The Grand Jury observed a class on electrical home wiring. Detainees and staff were interested and knowledgeable. Many detainees transition into the Office of Education's "Youth Build, 1-Stop" program. Detainees are not required to attend school, but the behavioral reward system is tied into school attendance, which encourages detainees to attend class.

Staff

The staff of YSJH and Camp Singer consists of 100 total staff members, of which 48 are full-time. There is one staff per 10 detainees. All detainees begin in C wing, which is the most restrictive. The staff implements a "positive reinforcement" form of behavioral modification and discipline. Detainees earn points for behavior over a period of one week. The reward for points consists of being allowed to move to a less restrictive wing of YSJH for the following week. For extremely disruptive behavior, detainees are placed in timed "lock-down." The staff is authorized to use "pepper spray" as a last resort. The superintendent reported that "pepper spray" has only been utilized four times in four years. Mr. Roper stated that the staff pay is not

at the same level as neighboring counties. The retirement system and “pay banding” is not in-line with most other counties in Northern California. Mr. Roper also stated that the Board of Supervisors (BOS) has, to date, under-recognized the efforts of the staff of YSJH and Camp Singer.

“Pay band - pay banding” is an effort to provide, in essence, sufficient growth in a particular grade that allows for a person to be at that grade and continue to advance economically without having to advance from a grade structure standpoint.

Findings and Recommendations

Finding 1. Of concern is the confidentiality of the detainees while being transported in restraints to the contracted dentist. Of further concern is the possible exacerbation of dental problems by not providing basic, preventive dental care at the YSJH facility.

Recommendation 1. Consider the practicality of hiring a part-time dentist for preventive dental care, thus encouraging proper dental care, reducing dental emergencies and eliminating the problem of confidentiality of the detainees.

Finding 2. The committee was highly impressed with the skills and attitudes of the staff, the condition of the facilities and the programs offered. The detainees were clean, well-nourished, cooperative and respectful of staff and the Grand Jury.

Recommendation 2. None.

Finding 3. The detainees and staff demonstrated exceptional motivation and effort in recycling an abandoned arena from Yuba County Friday Night Live, a federal, county and state-funded juvenile recreation program within the community, for their own use.

Recommendation 3. None.

Finding 4. The procedure for obtaining a new prescription for psychiatric or psychotropic medication is complicated and slows the treatment time for patients who need them.

Recommendation 4. The Grand Jury would like to see a change to the system that would expedite the process without risking the well-being and safety of the detainees.

Finding 5. These facilities lose skilled and motivated staff to other county facilities that offer higher pay and benefit packages.

Recommendation 5. Continue with the BOS’s efforts to implement “Pay Banding” in order to stop the loss of skilled and motivated staff.

Recommendation 6. The BOS should provide much deserved recognition to the staff of the YSJH complex.

Required Responses to Findings and Recommendations

None

Follow-up

Through a follow-up, the Grand Jury determined that the BOS has implemented “pay banding” which is helping to address the county’s pay inequality; however, the retirement system still needs to be addressed.

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Public Works

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Yuba County Public Works

Summary

The Yuba County Public Works Department (PWD) is providing all necessary services but due to recent retirements, they have had a loss of “corporate knowledge” that has proven a hindrance. The loss of a grant writer puts their Five Year Roadway System Master Plan in jeopardy due to the lack of federal and state funding.

The PWD should study the use of alternate fuels and hybrid-vehicles within the county; the use of alternate heating fuels, solar energy systems, and other energy efficient methods building heating and cooling systems.

Reason for Investigation

The PWD was chosen for review by the 2005-2006 Yuba County Grand Jury based upon a selective basis for operational review of the department. This report covers the basic administrative areas of PWD.

Background and Discussion

The PWD has developed and published a Five Year Roadway System Master Plan. This plan includes a financial analysis section that is dependent upon grant funds from the State of California and the federal government. The PWD does not have a full-time grant writer. The PWD did have a grant-writer position but the county deleted the position and its funding. However, the Yuba County Board of Supervisors (BOS) has approved the Five Year Roadway System Master Plan which shows the requirement for a grant-writer.

There are approximately 100 bridges within Yuba County that are part of the county roadway system. According to the PWD, 30% of these bridges are in need of replacement; however, there have been no funding allocations to meet state and federal grant monies. The Grand Jury Public Works Committee found that the BOS need to allocate the required matching funds. The PWD’s goal is to replace one bridge per year.

Yuba County has been utilizing county service areas (CSA’s) to provide services in the county. There are approximately 70 CSA’s in the county. The premise of a CSA is to fund services that are not otherwise available through traditional sources but are funded by voter approved assessments to property taxes.

The county service areas of law enforcement, fire protection, and parks and recreation have been left out of the vast majority of CSA’s in the past. The current goal of the PWD is to have a 10-year event capability for storm water drainage in south Yuba County for roadways and a 100-year event capability for residential structures in south Yuba County. Updating and unification of the fragmented storm

water drainage system plans would greatly enhance the public health and safety of the residents in the south Yuba County area.

Findings and Recommendations

Finding 1. The PWD should consider the use of alternative energy sources (such as bio-diesel and solar energy).

Recommendation 1. None

Finding 2. The PWD has developed and published a Five Year Roadway System Master Plan. This plan includes a financial analysis section that appears to be extremely dependent upon grant funding from the State of California and the federal government, but the PWD does not have a full-time grant writer or even a grant-writer position. The PWD did have a full-time grant-writer but the county chose to eliminate this position.

Recommendation 2. The PWD needs a full-time grant-writer position.

Finding 3. Updating and unifying the fragmented storm water drainage system plans would greatly enhance the public health and safety of the residents of the south Yuba County area.

Recommendation 3. The PWD, in coordination with all affected agencies and special districts, should develop, update, and maintain a unified master storm water drainage plan for south Yuba County.

Required Responses to Finding and Recommendations

Findings 1-2	Yuba County Public Works Board of Supervisors.
Recommendations 1-2	None
Finding 3 and Recommendation 3	All South County Drainage Districts Yuba County Public Works Board of Supervisors Local Area Formation Commission

Schools

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Mary Covillaud Elementary School

Summary

Members of the Yuba County Grand Jury Schools Committee met with the principal of Mary Covillaud Elementary School (the school), Mr. Doug Escherman, and toured the school. The committee visited several classrooms, the library, school playgrounds, and the auditorium/cafeteria (cafeteria.)

The committee noticed the school is in need of a gymnasium or auditorium/ cafeteria large enough to accommodate one-half of the school population at one time.

Safety and security of the students is a concern. School policy requires all persons entering the campus during school hours to sign in at the office but a public road, which is open to unauthorized foot traffic during school hours, runs through the campus.

The janitorial staff consists of two individuals. They are stretched to their maximum workload capacity. With two city blocks of campus to maintain, they have a hard time achieving this. The janitorial staff falls behind but uses the school breaks to catch up.

Despite the shortcomings and problems, the staff and administration showed a positive and concerned attitude toward the students and each other. This is most notable by the fact that student scores on the California Standardized Test are among the highest in the state.

Reason for Investigation

The school was chosen based upon random selection and focused upon these four areas:

1. Conditions of school facilities
2. Condition and security of school grounds
3. Education methods used
4. Programs offered to students

Background and Discussion

The school is a kindergarten through fifth grade level school within the Marysville Joint Unified School District (MJUSD) with 460 students presently attending. There is a significant variance in the socio-economic status of the students, ranging from middle class, homeless, and non-English-speaking transients. Non-English-speaking children attend classes for English as a second language. The students present many challenges to administration and staff. Despite these challenges, the school has one of the highest CST (California Standardized Test) scores within the MJUSD which they have been nominated for the Distinguished School Award.

Attendance levels are extremely high with a 96% average. To keep the attendance levels high, the attendance clerk and parent liaison call the parents to ascertain why the children are not in school. They also rely on the district truancy office and a probation officer (PASS Officer) who comes to the school. To support attendance, the school has a monthly Attendance Celebration and gives away prizes.

As for the current learning materials, the “Readers” are up-to-date but the science books are out of date (1986). The committee was informed that the publisher for the science book is no longer updating this book. In order to keep current in this subject, through means of its own, the school purchased a program that uses the internet known as the “Knowledge Box”. This program allows teachers to download current science lesson plans for their teaching. Due to the Knowledge Box program, students achieved the highest standardized science test scores in the district last year; 60% of the fifth grade students were proficient or advanced in science.

There are seven computers in the library which are used by the third, fourth and fifth graders. A separate building houses a reading lab known as the “Waterford Lab.” The Waterford Lab is a reading program used by kindergarten through second grade students to learn and improve their reading skills.

School personnel have networked with the community and local business to raise money to repair damage done by vandals, and to provide workers to repair and upgrade the campus and facilities. The school has received donations from over 250 businesses. A single donation of one-half the cost of the Waterford Lab and sponsoring the cost of the annual “Mervyn’s Christmas” are examples of community support.

Education Methods Used

All of the classrooms observed were clean, organized and the children were actively engaged in the learning process. The teaching method used is a system called “Mastery”, where students study a subject to attain a proficiency level in a particular content. An example would be a student learning how to tell if a number is greater, less, or equal to another number. Once the student has demonstrated mastery of a subject, he/she moves on to the next higher content standard. All students must meet a minimum standard before being allowed to advance.

Three of the four kindergarten classes are extended-day classes, which means the classes are two hours longer. The end-of-the-year trimesters have shown there is a remarkable improvement in learning by the extended-day classes over the half-day classes.

Programs Offered to Students

There is a library with a full-time librarian. Students are allowed access before school, during lunch and after school. They also have a regular physical education program.

The lunches are prepared at Cedar Lane School and transported to Covillaud School to be served. Nearly 80% of the students served qualify for reduced-cost or free lunches. Due to the size of the school's cafeteria, lunch is served at six separate time intervals, starting at 10:50 a.m.

The school offers an after-school program with tutoring and is in the process of adding a fine arts program.

Conditions of School Facilities

The committee noticed that the school facilities were clean and generally free of any safety hazards, but several areas are in need of repair.

The cafeteria is a stucco building where many of the school activities, programs, and meetings are held. Parents participate in many of the school activities and meetings. The cafeteria is very small and unsuited to these types of activities. No other place exists for these purposes. The cafeteria is generally in good repair; however, there are several holes in the outside wall and faucets in the kitchen area were leaking.

The office spaces and classrooms visited were crowded but well organized and clean. Several of the door strips were missing or in need of repair. Also, mold was noted on the outside walls.

The school only has three restrooms. They are shared by the students and staff except that the portable classrooms are self contained. One of the cafeteria restrooms was under repair at the time the committee visited. This is a very small number of restrooms for nearly 500 people. In the cafeteria, the pipes in the boy's restroom are rusted and mold was noted on the walls.

Condition and Security of School Grounds

The school grounds are in good condition and generally safe for the students, except for a large hole near the front fence of the school that needs attention.

There is no security on campus. If a problem arises, a teacher or staff member notifies the Marysville Police Department by telephone. Every classroom has a phone. There is a Standard Emergency Plan for bomb threats, flood warnings and fires. Drills are performed to validate the plans. All plans are covered under the Safe School Plan and are reviewed quarterly.

Campus security needs to be reviewed. A public street runs through the school campus. It is blocked off to vehicle traffic during school hours, but this does not prohibit foot traffic. The flagpole on campus has been vandalized three times, indicating that unauthorized people are on campus after hours.

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Findings and Recommendations

Finding 1. The school is in need of a multitude of minor repairs that the janitorial staff does not have time to complete.

Recommendation 1. Fund and hire additional janitorial personnel.

Finding 2. Restrooms are not adequate. The restrooms in the cafeteria are in need of renovation.

Recommendation 2. Renovate and provide more restroom facilities.

Finding 3. The cafeteria is too small for the students to enter, eat, and clear in an orderly and safe manner. This presently requires excessive staff monitoring and several serving times. The use of the cafeteria as a location for school programs and activities is inadequate and requires these programs to be held over several days or to be moved off campus (Marysville High School.)

Recommendation 3. Expand the current cafeteria to support one-half of the school's maximum population. A multipurpose room is needed to support the school's needs during inclement weather and for school programs and activities.

Finding 4. The school campus is open and allows unauthorized persons on campus during school hours. Sixth Street runs through the middle of the campus. During school hours the street is blocked off to vehicle traffic but not foot traffic.

Recommendation 4. The school campus needs to be blocked off from foot traffic during school hours. A possible solution is to install a retractable gate that prohibits foot traffic. The Office of Education should be contacted about the possibility of using their "Youth Build, 1-Stop" vocational students to perform the installation.

Required Responses to Findings and Recommendations

Findings 1 – 4

Marysville Joint Unified School District

Recommendations 1 – 4

Marysville Joint Unified School District

Follow-up:

Mary Covillaud Elementary School has received the Distinguished School Award. It is the first school in the MJUSD to have achieved this honor.

The mold on the walls has been cleaned up and the restroom under repair has been reopened.

The out-of-date science book is not scheduled for review and adoption until 2007-2008.

Replacement of the cafeteria restroom is scheduled as a summer project this year.

Special Districts

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Reclamation District #784

Summary

On January 19, 2006 at the Feather River Center in Linda, the "Three Rivers Improvement Authority" held a public meeting to inform the people of Linda and Olivehurst about the status of the surrounding levees. Several speakers from local agencies addressed the audience about disaster and emergency evacuations in the event of a disaster in the areas of Linda and Olivehurst, and current and future plans to upgrade our levee system. These plans were implemented in 2004 and included a slurry wall on the Bear River. Yuba County Acting Planning Officer Kent McClain gave an overview of the county's \$200 million levee improvement project, which will occur in four phases and should be completed by 2008. The Army Corps of Engineers has been involved in the process to ensure the construction is performed in accordance with current federal and state standards.

Reason for Investigation

Written complaints from citizens and several oral complaints received at Three River Levee District meeting.

Background and Discussion

The Three River Levee meeting ended at 8:30 p.m. on January 19, 2006. A concerned citizen asked to speak with attending members of the Yuba County Grand Jury Special Districts Committee about a perceived trouble spot in the levee at the Star Bend boat ramp. The citizen stated that there was a bad under-wash of the levee that he would like for us to see. Members of the Special Districts Committee scheduled a date to view the levee around Star Bend to see the extent of damage to the levee. Upon inspection we noticed several sink holes in and around the area (see Attachments 8A, 8B and 8C, pages 80-82.)

Committee members met with Mr. Richard Webb, the manager of Levee District #784, at a Three Rivers Levee Improvement Authority Board meeting on April 11, 2006, to schedule a time to view the damaged levee at Star Bend. Mr. Webb explained that levees were repaired using "burry" which are rocks and cement reinforced with steel cables and rebar. He also stated that slip areas are often caused by burrowing animals tunneling into the levee, which allows water to weep or run through the tunnels. Traffic on the levees can speed up this process by collapsing the tunnels.

During a subsequent inspection it was noticed that the area had been repaired, but damage was visible (see 9A and 9B, pages 83-84.) The slide area at Star Bend had been repaired. The repaired area was approximately 90 feet wide by 65 feet long. Mr. Webb told the committee members that this area has been a problem area and has been repaired several times previously. During this inspection, committee members observed a "dark spot" on top of the levee near the center of the slide (see

Attachment 10, page 85.) The “dark spot” proved to be a hole approximately 8 feet by 10 feet of unknown origin.

The committee noted a new sink hole in the road at the base of the levee (see Attachment 11, page 86.) This area show evidence of prior repair (a burry) but it appeared that water running through a burrow was the cause.

It is of interest that sink holes can appear due to two causes. The first is water running down a rodent hole and washing out the soil, forming a large hole. The second cause is from water running through a borrow and heavy traffic (such as motor cycles and 4X4s) collapsing these runs.

Finds and Recommendations

Finding 1. 4x4’s and dirt bikes that use this part of the levee cause excessive erosion to the levees.

Recommendation 1. Since this is a concern to everyone living in the levee area, stricter enforcement of levee usage should be implemented.

Finding 2. Levee repairs should be monitored through inspections, and an investigation should be conducted to identify the cause of the damage to improve repairs, identify better repair methods, provide information on how to prevent these occurrences in the future.

Recommendation 2. None

Required Responses to Findings and Recommendation

Finding 1	Reclamation District #784 Sheriff’s Department Three Rivers Improvement Authority Board of Supervisors
Recommendation 1	Reclamation District #784 Sheriff’s Department Three Rivers Improvement Authority Board of Supervisors
Finding 2	Three Rivers Improvement Authority Reclamation District #784 All levee district and drainage districts within Yuba County

Yuba County Water District

Summary

Since the issuance of the 2004-2005 Grand Jury Final Report, the Yuba County Water District (YCWD) still seems unable to provide the necessary communication with its members. This failure makes YCWD's operations inefficient and may be in violation of California and/or federal law. YCWD still has pending members that have paid their fees but have not been annexed, some for over 20 years. This is not acceptable and is an example of a district that seems unconcerned with its members. The YCWD may also be violating its members' and pending members' voting rights by holding their money and not annexing them with full membership.

The YCWD has been advised, by their legal counsel, to return the fees paid for annexation to the individuals who have not been annexed into the YCWD. However, returning the money would only help the YCWD and would not address the 20 years of neglect, the lost interest on the funds paid in good faith by the individuals, and the fact these individuals will still have need for the YCWD's water services.

We, the Yuba County Grand Jury, request that the Yuba County District Attorney's office conduct an investigation of the YCWD for potential wrongdoing, including violations of the Brown Act and possible violations of the voting rights of its 20-year pending members.

Reason for Investigation

This investigation was initiated by written citizens' complaints. In late 2004, the Yuba County Grand Jury began investigating the YCWD, and for nearly two years, two to seven members of the Yuba County Grand Jury attended YCWD board meetings. In 2005 and 2006, the Yuba County Grand Jury committee members observed and noted numerous verbal and written petitions presented to the YCWD board. In no YCWD board meeting over the past two years were citizen complaints ever considered, nor have such items been placed upon the agenda so that the citizens' allegations could be properly discussed. At nearly every meeting, citizens have made written or verbal requests to address the YCWD board to discuss allegations of potential wrongdoing without any response from the board.

Background and Discussion

The YCWD main office is located at 9066 La Porte Road in Brownsville. The YCWD has a filtration plant near Forbestown.

The YCWD was formed on July 22, 1952 under the California water law for the primary purpose of providing domestic (treated) and irrigation (untreated) water service within the YCWD's boundaries.

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The YCWD is currently comprised of five (5) individual improvement areas:

District Number	Date Formed	Purpose
1	3/25/64	Irrigation service district
2	9/10/66	Domestic water service
3	4/30/68	Forbestown water distribution system
4	7/19/74	New York Road water distribution system
5	2/03/79	Rackerby water distribution system

At the current time, YCWD delivers domestic water to 1200 active customers in or near the communities of Brownsville, Challenge, Forbestown, Rackerby, and Strawberry Valley. Additionally, YCWD provides irrigation water to approximately 175 active members in and around Dobbins and Oregon House.

Many people have paid to annex into YCWD but have not been annexed, some for nearly 20 years. In a public meeting, the YCWD board stated that they “feel” that they are not under the obligation to annex these individuals, nor to pay the increased annexation fees associated with such action. While these potential members’ fees have been held in trust, the annexations have not taken place. Currently the YCWD board has received legal advice that they should just give the money back and let the owners of the property pay the current rate.

Members of the Yuba County Special Districts Committee have attended all special and regular monthly YCWD meetings. At these meetings, members of the public have (1) expressed concerns about how the daily business of the YCWD is conducted; (2) stated they are unclear about members’ rights; (3) asked why individuals who have paid their annexation fees have not been annexed; and (4) asked how complaints are handled by the YCWD board.

The Local Area Formation Commission Organization (LAFCO) has not conducted independent studies upon county municipal districts. A new LAFCO executive officer has been appointed and has stated that reviews of all municipal districts within the county will be done by January 1, 2007.

As stated above, it is the responsibility of the YCWD to provide for the domestic and irrigation water needs of its members within its boundaries. The YCWD has the responsibility to protect the water rights of its members, provide for the water needs for future development, collect service and miscellaneous charges, and cooperate with the various adjacent and surrounding water agencies, utility companies, and the county.

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Findings and Recommendations

Finding 1. The 2004-2005 Grand Jury Final Report pointed out that many individuals who paid their fees have not been annexed by the YCWD, some for over 20 years. At a recent meeting, the YCWD's legal counsel suggested returning the money these individuals. This type of action does not consider the people who have paid their fees in good faith, or the loss of interest or devaluation of their money.

Recommendation 1. The YCWD must annex these individuals.

Finding 2. The YCWD may potentially be violating the rights of the non-annexed individuals.

Recommendation 2. None

Finding 3. The 2005-2006 Yuba County Grand Jury Special District members have noted three members talking among themselves. They appear to be conducting "Serial Meetings" which would be in violation of the Brown Act. (Potential violations of the Brown Act were also noted in the 2004-2005 Grand Jury Final Report.)

Recommendation 3. The YCWD board should comply with all provisions of the Brown Act.

Recommendation 4. The Yuba County District Attorney's office should investigate the YCWD for potential wrongdoing, in cooperation with the 2006-2007 Grand Jury.

Required Responses to Findings and Recommendations

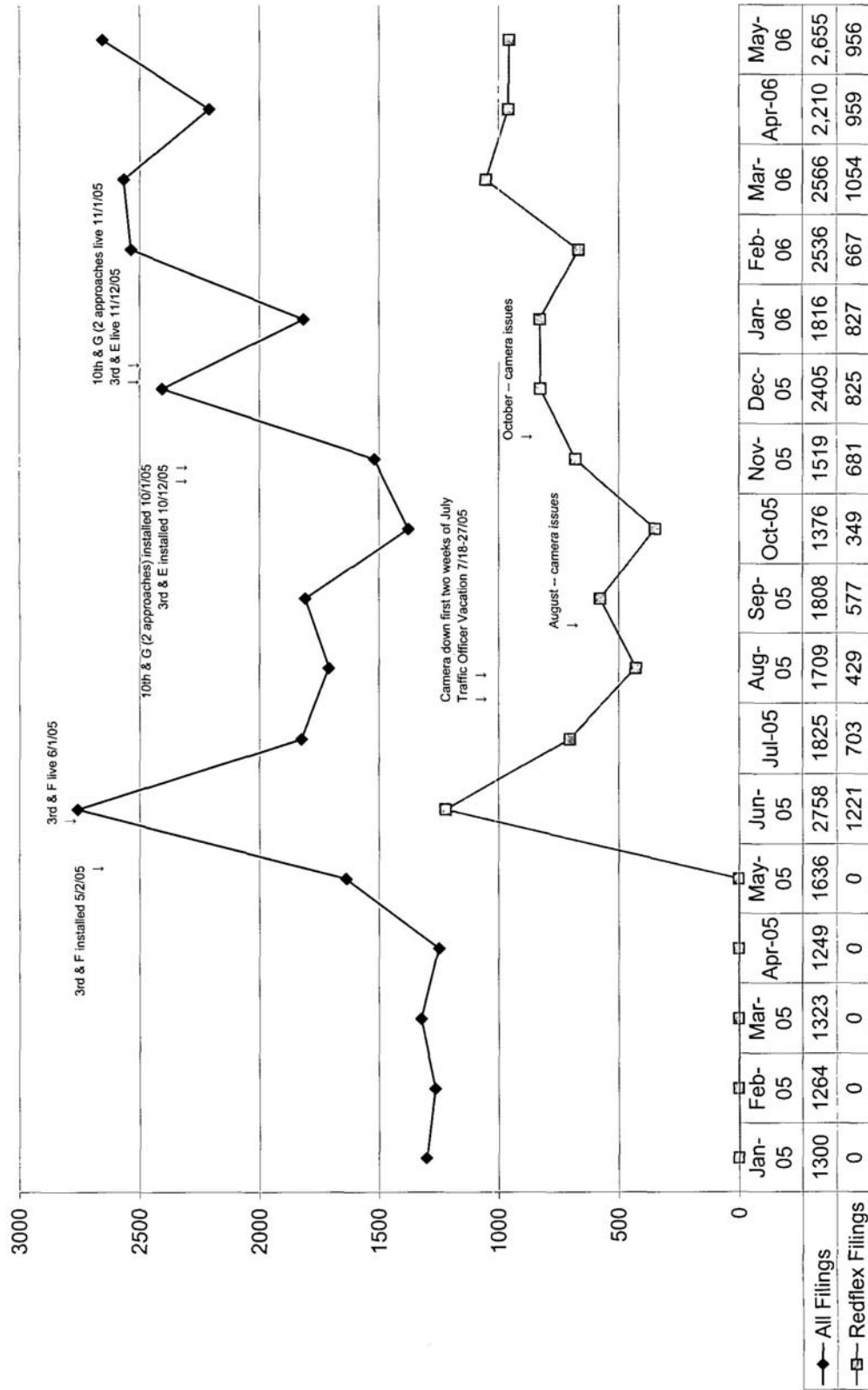
Finding 1	Yuba County Water District
Findings 2, 3	None
Recommendation 1	Yuba County Water District
Recommendations 2 – 4	None

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Attachments to Final Report

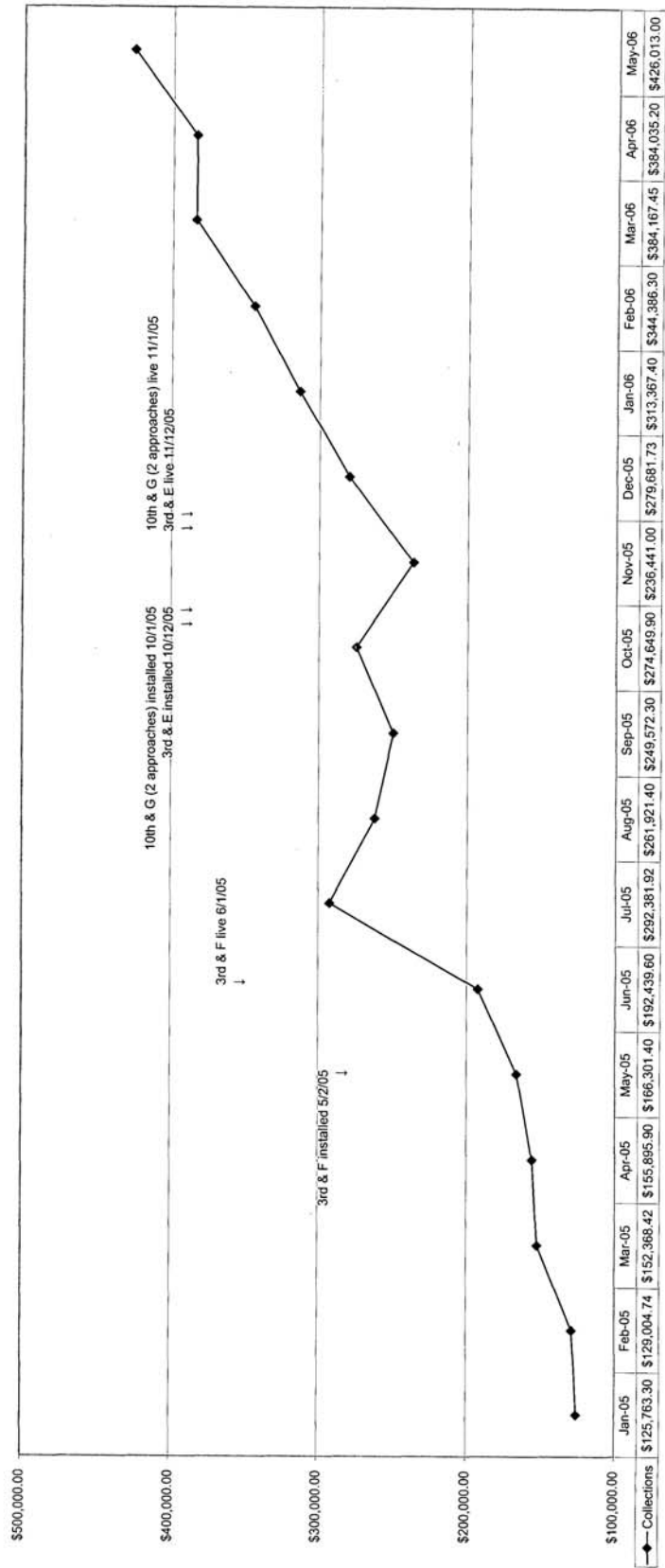
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2005-2006 FILINGS



Attachment 1A

2005-2006 COLLECTIONS (Does Not Include Trust Account Deposits)



Attachment 1B

**DISTRIBUTION OF FINE
RUNNING RED LIGHT IN MARYSVILLE
(Based on \$350 fine
and \$20 security fee)
May 16, 2006**

Description	Distribution Amount	Distributed to
MSVL PC1463.11 30%	102.90	City of Marysville
MSVL PC 1463.001	61.60	City of Marysville
CO GENERAL FUND	3.01	County of Yuba
ROAD FUND	7.49	County of Yuba
EMS TRUST .2857 GC 76104	16.59	County of Yuba
CRIM JUS FUND .1429 GC 76101	8.26	County of Yuba
COUNTY (30%) PC 1464	24.01	County of Yuba
CRTHOUSE CONST .5714 GC 76100	33.10	County of Yuba
20% PC1465.7/AB 3000	14.00	State of California
DNA INDENT GC 76104.6	8.02	State of California
STATE (70%) PC 1464	56.00	State of California
GC 70372(A) CT CONSTR	8.02	State of California
AB1759/PC 1465.8 SEC	20.00	State of California
TCTF GC 68090.8	7.00	State of California
	370.00	

Legend	Distribution Total
City	164.50
County	92.46
State	113.04
	370.00

Attachment 2

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 3 (Page 1)

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 3 (Page 2)

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.

Attachment 4 (Page 1)

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.

Attachment 4 (Page 2)

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.

Attachment 4 (Page 3)

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.)

6. 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

Attachment 4 (Page 4)

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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

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

SEP 23 2005

FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY *[Signature]*
COURT CLERK

RE: RESPONSE TO 2004/05 GRAND JURY FINAL REPORT

Dear Judge Buckley:

Provided pursuant to Penal Code Section 933(c) are the comments of the Board of Supervisors related to the findings and recommendations contained in the 2004/05 Grand Jury Final Report. Consistent with Section 933(c), responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and then our response is consistent with provisions of Penal Code Section 933.05(c). Therefore, we incorporate the responses of the various departments with our responses.

YUBA COUNTY ECONOMIC DEVELOPMENT

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.

1)Response (BOS): Disagree. Economic Development efforts are pursued on the basis of a plan adopted annually by the Board of Supervisors consistent with the availability of funds which must be allocated among numerous important, but competing priorities.

YUBA COUNTY BOARD OF SUPERVISORS

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)Response (BOS and Economic Development): Disagree. Each year, the Board, as a whole, adopts an annual plan setting economic development goals for the unincorporated areas of the county during that fiscal year.

Findings #2: The Yuba County Board of Supervisors does not sufficiently fund the Economic Development Office to enable it to effectively attract new consumer services,

SUPERVISORS

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

Attachment 5 (Page 1)

retail business or to attract new industries and commerce to the Yuba County Rancho Road Industrial and Commercial Park.

3)Response (BOS): Disagree. Economic development efforts are budgeted annually in the context of numerous important competing priorities.

Findings #3: Poor communication has lead to the hiring of outside attorneys at additional cost to Yuba County.

4)Response (BOS): Comment. There is insufficient specificity as to how this conclusion was reached and therefore no basis on which to frame a response. We look forward to meeting with the 2005/2006 Grand Jury to further explore this issue.

Findings #4: Documentation indicates that the Yuba County Board of Supervisors received legally questionable advise on budgetary matters (see letter to BOS, Attachment 11).

5)Response (BOS): Comment. See the BOS response **4)** above.

Findings #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 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 monies to supplant the Sheriffs current year budget (Attachments 13 and 14).

6)Response (BOS): Agree and disagree. The agreement is out of date. The General Fund was to have received 35.5 % of the revenue, but it went to pay jail expenses instead. Rather than supplanting Sheriff's revenues, General Fund subsidies to the Jail expenses have increased from \$1.67 million in 93/94 fiscal year to \$7.1 million in 03/04 fiscal year (more than 300%) while the General Fund discretionary revenues increased from \$12.5 million to \$18.2 million (46%). We look forward to meeting with the 2005/2006 Grand Jury to further explore this issue.

Recommendation #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.

7)Response (BOS and Economic Development): Agree. Economic development efforts are undertaken in the context of the economic development plan adopted for the year and the available funds.

Attachment 5 (Page 2)

Recommendation #2: The Board of Supervisors should fund additional officers for Sheriff's Department to provide traffic patrols.

8)Response (BOS): Comment. The Board of Supervisors has consistently increased the General Fund Contribution to the Sheriff's Patrol Division for the past ten years; from \$3 million in 93/94 to more than \$7.3 million in 03/04, an increase of 143%. State law forbids the Supervisors from mandating to the Sheriff how that allocation will be spent once the appropriation is made. The Sheriff has stated on numerous occasions, that traffic enforcement is the responsibility of the Highway Patrol in the unincorporated areas.

Recommendation #4: The Board of Supervisors needs to review and update the INS Jail Bed Revenue Sharing MOU.

9)Response (BOS): Agree.

Recommendation #5: The Board of Supervisors needs to review the annual budget to ensure that monies budgeted are from and for the current year.

10)Response (BOS): Agree. The annual budget process insures this is accomplished prior to the adoption of the annual budget.

Recommendation #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)

11)Response (BOS): Agree. See the BOS response 10 above.

YUBA COUNTY SHERIFF/CORONER

Findings #1: Communication between the Board of Supervisors, Yuba County Administrator and Sheriff needs to be improved.

12)Response (BOS): Agree.

Findings #2: Yuba County Administrator's budget advisement authority needs to be reviewed by the Yuba County Board of Supervisors (Attachment 36).

13)Response (BOS): Comment. See the BOS response 4 above.

Findings #3: The INS Jail Bed Revenue Sharing agreement is out of date and needs to be reviewed.

14)Response (BOS): Agree.

Attachment 5 (Page 3)

Findings #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.

15)Response (BOS): Agree and Disagree. See the BOS response 5 above.

Recommendation #1: The Board of Supervisors needs to review and update the Jail Bed Revenue Sharing Agreement.

16)Response (BOS): Agree.

Recommendation #2: The Board of Supervisors needs to review the annual budget to ensure that budgeted monies are from and for the year of use.

17)Response (BOS): Agree. See the BOS response 10 above

Recommendation #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.

18)Response (BOS): Agree. This is done as part of the annual budget process. Rather than supplanting the Sheriff's budget, the General Fund subsidy of the Sheriff and Jail budgets has grown from \$4.7 million in 93/94 to \$14.4 million in 03/04 an increase of more than \$9.7million (more than 206%). In addition, the General Fund has not received jail bed revenues as proscribed by the agreement cited in BOS response 6 above.

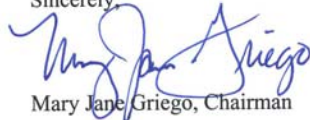
YUBA COUNTY GRAND JURY 2004/2005 YOUTH PROJECT
YUBA COUNTY RESPONSE TO RUNAWAY YOUTH

Recommendation #6: The Grand Jury recommends that a countywide policy be developed concerning at-risk youth.

19)Response (CAO): Agree.

The Board of Supervisors would like to express their gratitude to the members of the 2004/05 Grand Jury for their dedication and commitment to improving government in Yuba County. Citizens such as you, who are willing to devote their time to community efforts, help make Yuba County a better place for us all.

Sincerely,



Mary Jane Griego, Chairman

Attachment 5 (Page 4)

YUBA COUNTY JAIL

ORDER #31.20

INTAKE MEDICAL SCREENING FORM

INMATE'S NAME _____ DATE _____

INTERVIEWING OFFICER _____ TIME _____

OFFICER / EXAMINER OBSERVATIONS

1. Is inmate having difficulty breathing? ☐ YES ☐ NO
2. Does inmate have visible signs of illness/injury? ☐ YES ☐ NO
3. Does inmate appear mentally retarded? ☐ YES ☐ NO
4. Does inmate's behavior suggest a danger to self or others? ☐ YES ☐ NO
5. Does inmate appear to have psychiatric problems? ☐ YES ☐ NO
6. Does inmate appear to be developmentally disabled? ☐ YES ☐ NO
7. Was inmate brought via hospital by arresting officer? ☐ YES ☐ NO
- A. Is there a medical release from the Hospital? ☐ YES ☐ NO
8. Does inmate appear to be under the influence? ☐ YES ☐ NO

INMATE QUESTIONNAIRE

1. Do you currently have or have you been exposed to the following?
Hepatitis (last 6 weeks) ☐ Aids ☐
Non Visible Injuries ☐ Withdrawals ☐
Vision Problems ☐ Breathing Problems ☐
Tuberculosis ☐
2. Have you any significant health problems which the jail staff should be aware of?
☐ YES ☐ NO If yes, explain: _____
3. Are you a Diabetic in need of medication? ☐ YES ☐ NO
4. Are you currently taking any type of medication? ☐ YES ☐ NO
5. Do you have a history of:
Heart Problems ☐ Seizure Disorder ☐
6. Are you pregnant or recently delivered a child? ☐ YES ☐ NO
7. Are you seeing or hearing things other than me talking to you? ☐ YES ☐ NO
8. Have you been or are you currently a patient at Mental Health? ☐ YES ☐ NO

Attachment 6

Sobriety Assessment Form

Inmate Name _____ **Booking #:** _____
Date: _____ **Time Admitted to detoxification cell:** _____ **Cell:** _____

ODOR OF ALCOHOL:

Officers Initials/ #	Strong	Moderate	Weak	Absent	Recovering
Initial Assessment					
Hour 2 Assessment					
Hour 4 Assessment					
Hour 6 Assessment					

SPEECH:

Officers Initials/ #	Slurred	Slowed	Normal	Recovering	Other
Initial Assessment					
Hour 2 Assessment					
Hour 4 Assessment					
Hour 6 Assessment					

ATTITUDE:

Officers Initials/ #	Hallucinating	Difficult to awaken	Confused	Belligerent	Boisterous	Cooperative	Recovering
Initial Assessment							
Hour 2 Assessment							
Hour 4 Assessment							
Hour 6 Assessment							

WALKING:

Officers Initials/ #	Falling	Staggering	Unsteady	Swaying	Slow	Deliberate	Normal	Recovering
Initial Assessment								
Hour 2 Assessment								
Hour 4 Assessment								
Hour 6 Assessment								

ORIENTATION:

Officers Initials/ #	Unaware of location	Easily Distracted but not confused	Able to provide booking info	Recovering
Initial Assessment				
Hour 2 Assessment				
Hour 4 Assessment				
Hour 6 Assessment				

TREMOR:

Officers Initials/ #	Severe	Moderate	Weak	Absent	Recovering
Initial Assessment					
Hour 2 Assessment					
Hour 4 Assessment					
Hour 6 Assessment					

Evidence of Physical Injury: ☐ Yes ☐ No Describe: _____
 Any Medical Complaints: ☐ Yes ☐ No Describe: _____
 Medication Taken Regularly: ☐ Yes ☐ No Describe: _____
 Cleared By Jail Supervisor/Medical Staff: ☐ Yes ☐ No Signature: _____ Time: _____

Disposition: ☐ Released from Custody/Booked on Other Charges ☐ Transported/Released to Medical /Mental Health Facility

Officers Signature: _____

Attachment 7.



Attachment 8A



Attachment 8B



Attachment 8C



Attachment 9A



Attachment 9B



Attachment 10



Attachment 11

NOTE TO RESPONDENTS

The legal requirements affecting respondents and responses to grand jury findings and recommendations are contained in California Penal Code § 933.05. The full text of the law is included herein.

Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all respondents, California Penal Code § 933.05 is summarized as follows:

How to Respond to the Findings

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

How to Report Action in Response to Recommendations

Recommendations by the grand jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires that a detailed explanation of the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Budgetary or Personnel Recommendations

If either a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the grand jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings or recommendations.

Appearance Before the Grand Jury

Prior to the publication or release of the grand jury findings, the grand jury may request a personal appearance by the person or entity to discuss the proposed findings.

Time to Respond, Where and to Whom to Respond

Depending upon the type of respondent, California Penal Code § 933.05 sets forth the response times and to whom the response must be made:

1. **Public Agency.** The governing body of any public agency must respond within (90) days. The response must be addressed to the grand jury presiding judge. For fiscal year 2004/05, responses should be forward to:

The Honorable James L. Curry
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

2. **Elected Official or Agency Head.** All elected officers or heads of agencies which are required to respond must do so within sixty (60) days. The response must be address to the grand jury presiding judge, James L. Curry (address above), with a copy provided to the Board of Supervisors.

California Penal Code § 933.05

- (a) For purposes of subdivision (b) of Section **933**, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section **933**, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.