

**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Administrative Services  
Information Technology Division:**

**Early Warning System  
Geographical Information System/Wide Area Rapid Notification System**

# 2006-2007 Yuba County Grand Jury Final Report

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## Subject of Investigation

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**Yuba County Administrative Services – Information Technology Division:**

**Early Warning System  
Geographical Information System / Wide Area Rapid Notification System**

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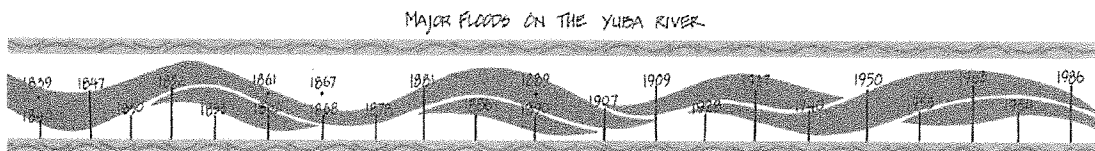
## Background

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Yuba County, bounded by the Feather and Bear Rivers and bisected by the Yuba River, has a long history of flooding. As early as the winter of 1825-26 we hear of floods from Indian Peter. The early settlers also report flooding in the winter of 1846-47, and the winter of 1849 was a “wet one” as well. During the winter of 1852, the City of Marysville was visited with four floods and “the surrounding county was more or less under water the whole season.” Every few years thereafter the water “rose pretty high,” but there were no real disasters until December 7, 1861. The condition of the county at that time was well described by the Appeal Newspaper on December 10, 1861:

Westward one vast water level stretched to Yuba City and beyond this to the foothills of the coast range there appeared to be no dry land. Northward the plains were cut up into broad streams of running water which were swiftly coursing towards the sheet of water stretching between the Yuba and Feather rivers. Southward the whole plain towards Eliza was one sheet of water.

One month later, the water rose again, this time six inches higher than before. The next flood came on December 9, 1866, but none of these compare to the “Great Flood of 1875”. (History of Yuba County, California, Thompson & West, 1979, Chapter XXI.)



The twentieth century brought ten major floods on the Yuba River alone. In 1950, the Yuba broke through its banks at Hammonton and inundated southern Yuba County, causing millions of dollars in damage. Then in 1955, the river came within inches of flooding Marysville, while wreaking havoc in Yuba City. In February 1986, a levee holding back the storm-swollen river broke and flooding water covered 7,000 acres of land, killing 12 and forcing 50,000 residents to evacuate their homes. "Historically," according to former Yuba County Supervisor Brent Hastey's witness testimony to the Committee on Resources, "This area has been subject to massive flood flows about every ten years."

On March 10, 1997, KCRA TV aired a program entitled "When a Flooding Disaster Strikes:"

When massive winter floods threaten Northern California, those who live in Yuba County hope the levee system will hold. They hope that government agencies are monitoring water levels in the Yuba, Feather and Bear Rivers and they hope the officials in charge will warn people as soon as there is danger. That is not what happened January 2, 1997. That evening shortly before 8:00 p.m. the river measured 78 feet and the levees showed signs of erosion and no emergency evacuation warnings had been made. Officials misread the rising river and they predicted wrongly the direction of the flooding water.

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### **Reason for Investigation**

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This history, coupled with realization that the tenth anniversary of the 1997 flood was imminent, the Grand Jury thought it was appropriate to review what, if any, progress Yuba County has made since that time. Some preliminary research, including a review of Disaster Council records, revealed that government officials have been concerned about the safety of this county's residents and their property. Jurors identified improvements like the Telephone Emergency Notification (TEN) system and the relocation of the Emergency Operations Center (EOC) from the courthouse to the newly remodeled Government Center. Jurors were informed that Yuba County possesses technology that could forecast the direction and flow of water if or when a flood event should occur. Each member of the Grand Jury agreed this was significant and wanted to learn more.

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### **Method of Investigation**

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All interviews were conducted by two or more Jury members and all documents were obtained in the same fashion or by written request of the Grand Jury Foreperson. Jurors reviewed all materials provided by the County Administrator's office, interviewed Information Technology (IT) Division personnel, and participated in a demonstration of the Geographical Information System (GIS) and the

Wide Area Rapid Notification (WARN) system. Members spoke to personnel in the Hazard Mitigation Division of the Office of Emergency Services, and participated in the Multi-Hazard Mitigation Seminar. In addition, the Grand Jury met with personnel in the County Administrators / Emergency Services Office, Yuba County Sheriff's Office, the Office of Health and Human Services, and a member of the Yuba County Board of Supervisors, all of which are specified in County Code 4.20.060 (Director of Emergency Services and Line of Succession). Jurors also attended the dedication of Yuba County's Mobile Incident Command Vehicle.

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### **Facts and Observations**

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The Information Technology Division is responsible for the coordination, standardization, purchase recommendation, installation, maintenance and inventory of Yuba County's technological infrastructure including personal computers, printers, network wiring, servers, network devices, operating systems and applications, telephones and telephone switches, radios, telecommunications journaling, training, as well as data and system security, disaster recovery and planning. IT also coordinates the GIS and the County website. IT provides technical assistance with map generation, custom programming, data research, report generation and external connection to outside agencies and other systems.

GIS is computer technology that combines geographical data (e.g., natural and man-made features of the Earth's surface) and other types of information (e.g., names, addresses, classifications, etc.) generating visual and interactive models and maps. Using this technology and information from other county agencies, the IT Division has developed a flood plain analysis map and a model of the Yuba, Feather, and Bear River systems. Although this model cannot actually simulate a flood event or forecast the actual direction and flow of flood water, it is a quick and accurate way of identifying potential problems and "high risk" areas during a specific flood, fire, or other emergency incident.

During the course of its investigation, the Grand Jury identified another high-tech improvement the IT Division has made to the county's early warning system. They have upgraded and relocated Yuba County's Telephone Emergency Notification system, once located in the courthouse basement, to the off-site Wide Area Rapid Notification system. This system is larger and more efficient than the TEN system. It is continuously updated and contains information that identifies handicapped, non-ambulatory, and special needs residents within the county.

When an emergency situation occurs and the decision is made to notify residents of potential danger, trained county personnel will log on to the server that hosts the WARN system and open the GIS interface. Next, the operator will zoom into the general area of the event and, using GIS information and tools, will identify and map any high risk areas. Then, using this map, the operator will turn to the telephone layer and, again using GIS tools, will draw a notification boundary. Once the boundaries have been identified, the address and telephone numbers will be extracted and placed in a database that can be viewed and verified by the operator. Finally, using a secure password, this telephone database and an event specific message will be uploaded to the WARN broadcast menu. Once these steps are completed and verified, the start button is clicked and the WARN system instantly starts making calls.

Both the GIS and WARN systems are fully operational and ready to notify county residents of impending flood, fire, or other life-threatening emergency situations. Indeed, the Office of Emergency Services (OES), along with the IT Division, had the opportunity to utilize this technology during the Marysville/Dobbins wildfire of August 16, 2006. That afternoon, the GIS identified and extracted six hundred telephone numbers and in just 15 minutes the WARN system made 2,800 emergency notification calls. (See Attachment A.)

Over the past year, the IT Division worked with other county agencies to build Yuba County's Mobile Incident Command Vehicle. Their efforts have made all the GIS/WARN technology accessible and quickly transferable to Yuba County's new self-sufficient mobile command and communication post. (See Attachment B.)

Considering the changes Yuba County has made to its early warning system, the Grand Jury thought it was necessary and appropriate to question the government officials who could ultimately be responsible for directing the activation of this system. All the departments, agencies and individuals interviewed were well-versed and had a clear understanding of the GIS/WARN system, including how and when it will be used. All were comfortable with their level of training and seemed prepared to take charge should the need arise.

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## **Findings and Recommendations**

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### **Finding 1**

Administrative Services IT Division has implemented and coordinates Yuba County's Early Warning System including the GIS/WARN technology.

### **Recommendation**

Administrative Services IT Division should continue to evaluate current operations and develop additional ways to improve the usefulness of its GIS technology.

### **Finding 2**

Administrative Services IT Division provides technical assistance and GIS/WARN system training to all agencies of Yuba County's government.

### **Recommendation**

IT Division should continue its bi-annual training of county employees.

### **Finding 3**

There is a remarkable level of cooperation and sharing of information between the Administrative Services IT Division and all the other various governmental departments and agencies.

### **Commendation**

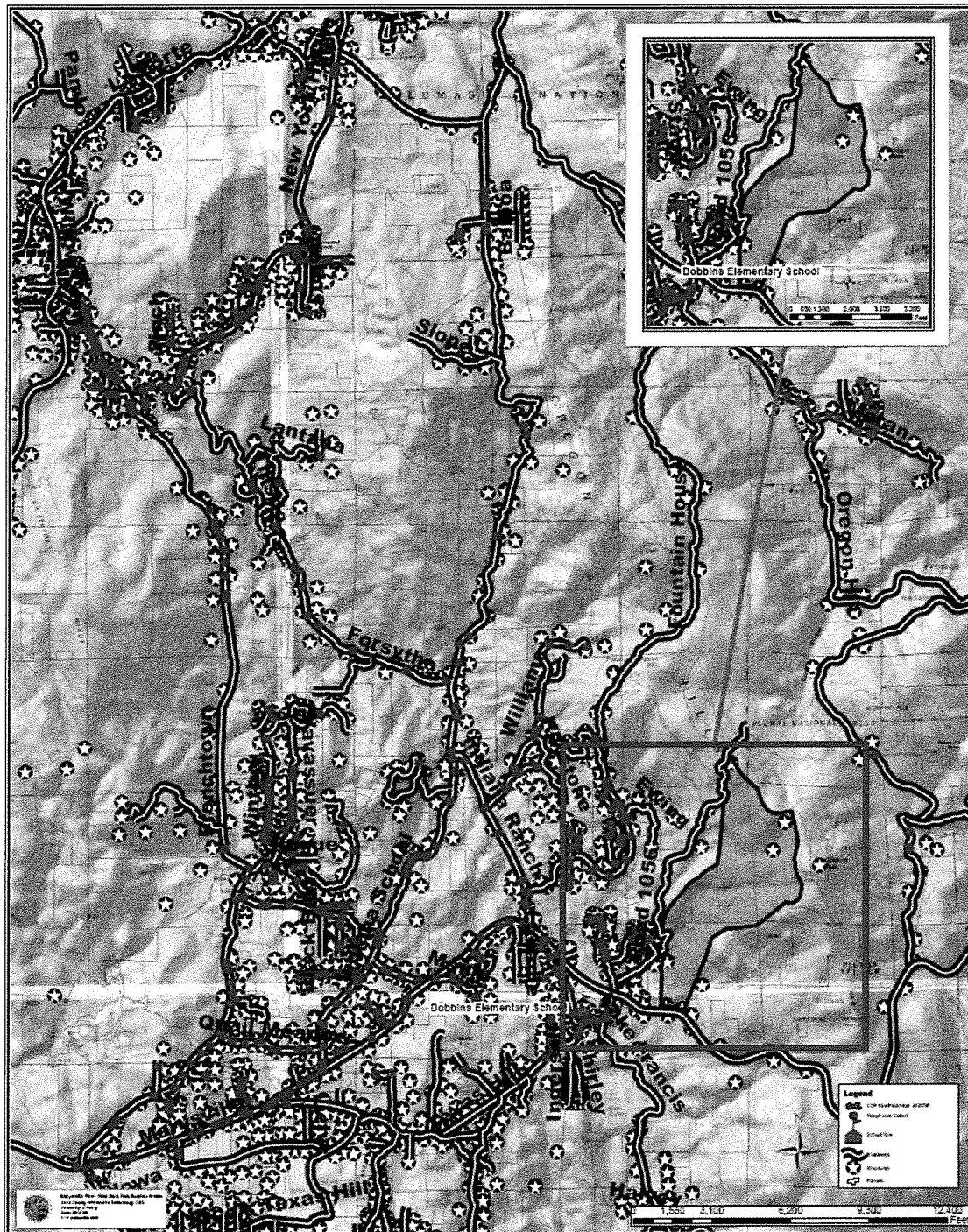
It is a pleasure to find a component of service to be so superior that such service requires special recognition. Such is the level of service rendered by Yuba County's Administrative Services IT Division. Their dedication and hard work has earned the respect and support of all the departments and agencies of Yuba County's Government.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 19<sup>th</sup> day of December, 2006.**

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## Attachment A



### Marysville Fire – Resident Notification Areas August 16, 2006

## Attachment B



**Yuba County Mobile Incident Command**  
**December 12, 2006**





**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Office of the Clerk/Recorder & Registrar of Voters:  
Sequoia Direct Record Electronic Voting System**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**Yuba County Office of the Clerk/Recorder & Registrar of Voters:  
Sequoia Direct Record Electronic Voting System**

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### **Reason for Investigation**

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In response to the many concerns expressed over the integrity and security of the electronic voting equipment used by Yuba County in the November 7, 2006 election, the Grand Jury felt it was appropriate and important to learn more about this controversial voting method. Every effort was made to investigate and address the voters' concerns related to the Sequoia Direct Record Electronic (DRE) Voting System. The Grand Jury's preliminary investigation revealed that most voters' apparent concerns were accuracy, reliability, and security of the equipment upon which they cast their votes. This was brought to the Grand Jury's attention by published reports in local media. Therefore, the purpose of this investigation was to review the means and measures this county has taken to ensure this method of voting was in fact accurate, reliable, and secure.

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### **Background**

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In an effort to prevent a recurrence of the difficulties experienced in the 2000 presidential election, the federal government enacted the Help America Vote Act of 2002. At the same time, the voters in California passed the Voting Modernization Act of 2002. Both of these measures provided funds to upgrade voting equipment. These laws created incentives for Yuba County to move away from outdated voting systems such as paper ballots and mechanical voting units, and to purchase new electronic voting equipment. This has led some members of the public to raise concerns in printed media and elsewhere regarding the security of this voting method, and thus the integrity of the election itself.

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### **Method of Investigation**

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All interviews and investigative activities were conducted by two or more jury members and all documents were obtained in the same fashion. One grand jury member did not participate in the investigation due to conflict. Jurors reviewed the Help America Vote Act, the California Voting Modernization Act, the California Secretary of State's "Approval of Use of the Sequoia Voting

Systems, Inc. DRE ... Voting System” (approved in March 2006), and California’s Uniform Vote Counting Standards (effective March 2006). Jury members interviewed personnel in the Office of the Clerk/Recorder, toured the county’s secure storage area, and participated in the poll worker’s training seminar which included a hands-on demonstration of the DRE voting system. Grand Jurors visited with representatives from Sequoia Voting Systems, Inc. and Forefront Electronic Solutions, LLC. Members consulted with staff from the county’s Administrative Services Information Technology (IT) Division, personnel in the County Administrators Office, and a member of the Yuba County Board of Supervisors. Jurors reviewed HBO’s television documentary “Hacking Democracy” which aired on November 2, 2006. Additionally jurors observed many of the other activities associated with the November 7, 2006 election including absentee ballot tabulation, Election Day opening and closing of the polls, vote tabulation on election night and the mandatory one percent (1%) recount during the final canvass.

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## **Facts and Observations**

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### **Accuracy**

Yuba County election officials believe the DRE voting equipment is free from error. In June 2006, the county had the opportunity to perform a hand recount of a close race. This recount was witnessed by the affected candidates, their attorneys, and members of the public. The result of this hand count, using the Voter Verified Paper Audit Trail, was exactly the same as the results reported by the touch screen systems.

### **Reliability**

County officials are confident that the November 7, 2006 election results are reliable. The DRE voting equipment is designed to prevent the casting of an invalid, over-voted ballot, i.e., one that has more than the maximum number of votes allowed in a particular race. The machine also identifies and warns the voter about an under-voted ballot, i.e., one with less than the maximum number of votes. The DRE voting system gives the voter the opportunity to review the ballot screen in a private and independent manner, and allows them to change or correct any errors before the ballot is cast. This includes the opportunity to correct the error through the issuance of a replacement electronic ballot if the voter is otherwise unable to change or correct an error. After voting, a person may request verification that their vote was cast.

The DRE voting equipment produces a permanent paper record, the Voter Verified Paper Audit Trail (VVPAT), with a manual audit capacity that allows the voter to review the ballot and correct any errors before the permanent record is produced. This record will be available as an official record for any recount that may be conducted.

In addition, all county poll workers undergo a training program consisting of a four-hour seminar. At the seminar, the poll worker’s handbook was reviewed and workers were trained in all aspects of opening and closing the polls, use of the DRE machines, assisting the handicapped and other related activities. The poll workers left the training seminar well-informed and ready for Election Day.

However, on November 7, 2006 some poll workers became anxious when opening and closing the polls, both critical periods in the election process. In their haste some important steps were performed out of sequence. These events however did not compromise the integrity of the voting equipment.

## Security

The county's storage of pre- and post-election materials and equipment is based on a system of limited access. All staff wear coded badges that limit access to secure locations, and all visitors must have a staff escort and wear an orange visitor lanyard. All doors have combination locks that identify and record personnel entering and exiting the location. All material and equipment transactions are performed and witnessed by a sworn member of the staff. At no time does the vendor or manufacturer have access to the electronic equipment. No component of the DRE voting system is ever networked or connected to the Internet. No official results are received or transmitted through the public telephone system or through wireless communications of any type.

Once each DRE unit has passed logic and accuracy testing, the vote counters are zeroed and the "polls open/polls closed" cover is secured with a red tamper-evident seal. Next, a numbered result cartridge is programmed and immediately inserted into a numbered DRE unit. The port is then closed and covered with blue tamper-evident tape. A written chain-of-custody log records which result cartridge and which tamper-evident seals are assigned to which DRE voting unit. This log and the DRE units are then placed in different secured storage areas until Election Day when the DRE units are identified. All seals are verified and recorded in the chain-of-custody log and the precinct's accountability sheets before they are delivered to polling places. DRE units are delivered to the polling places while accountability sheets and other election materials are picked up individually by the precinct inspectors. All of these procedures are performed and witnessed by deputized election officials.

On Election Day, prior to any ballot being cast, the integrity of all the tamper-evident seals and tapes are checked and the serial numbers of the seals are verified against the written accountability sheet. If a seal has been broken or there is a discrepancy between the log and the serial number, the condition is confirmed by one or more precinct officers. The problem is documented and the unit is immediately taken out of service and reported to county election officials. The machine will then undergo a full manual reconciliation of the electronic votes cast and captured on the result cartridge against the VVPAT.

Next, each red "polls open/polls closed" seal is broken, the cover is lifted, and the "polls open" switch is activated. The cover is closed and secured with a black tamper-evident seal. This number is then recorded on the accountability sheet. Lastly, the public vote counters are checked to make sure they are at zero and voting can begin. All of these procedures are preformed by the sworn precinct inspector and another precinct officer.

At the end of the day, the integrity of all the tamper-evident seals and tapes are again checked and the serial numbers of the seals are verified against the written accountability log. The black "polls open/polls closed" seal is broken, the cover is lifted and the "polls closed" switch is activated. The public vote counters are verified, and the result cartridge is removed. The cartridge and the seals are placed in a clear zip-type bag which is then sealed with a red tamper-evident seal and returned to the Elections office by volunteers with the Sheriff's Team of Active Retired Seniors or precinct inspectors. Each result cartridge is inserted into a reader which transfers the data to the stand-alone server where the votes are tabulated. For additional security the VVPAT is returned to the elections office separately by deputized rovers, or the precinct inspectors.

## **Accessibility**

During the course of its investigation, the Grand Jury identified an additional concern, that of access to the machines by voters with special needs. The DRE machines can be easily adjusted to be wheelchair accessible with the assistance of a poll worker. Options for visually impaired voters include devices that ensure the ability to privately and independently cast a vote. Voters with visual or reading comprehension disabilities may have all necessary information read aloud by the machine.

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## **Findings and Recommendations**

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### **Finding 1**

Yuba County has implemented in-depth security measures to protect and ensure the integrity of their voting equipment.

### **Recommendation 1**

None.

### **Finding 2**

Poll workers are well-trained, but became anxious and tended to rush through the various processes which resulted in delays in the opening and closing of the polls on Election Day 2006.

### **Recommendation 2**

The Yuba County Office of the Clerk/Recorder should develop a checklist to assist the poll workers with the correct steps for opening and closing the polls.

### **Finding 3**

The policies and procedures adopted by the county, and the redundancy built into the DRE machines, ensured that every vote cast was accurately and reliably counted.

### **Commendation**

The Clerk/Registrar of Voters and her Elections staff are to be commended for their commitment to the citizens of this county and for their interest and professionalism in carrying out the necessary procedures that ensured the vote was accurately counted in Yuba County. It is through this type of performance that county employees and precinct volunteers can maintain the respect of the citizens they serve.

**Penal Code sections 933 and 933.05 require a response to all findings and recommendations.**

PASSED and ADOPTED by the Yuba County Grand Jury on the 21st day of November 2006.



**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Probation Department:  
Yuba-Sutter Juvenile Hall  
Maxine Singer Youth Guidance Center**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**Yuba County Probation Department:  
Yuba-Sutter Juvenile Hall  
Maxine Singer Youth Guidance Center**

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### **Reason for Investigation**

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“Children are the living messages we send to a time we will not see.”  
John W. Whitehead, *The Stealing of America*, 1983

California Penal Code section 919(b) mandates that the Grand Jury annually inquire into the state of all prisons and jails located in the county and issue comments based on the findings of the inquiries. It has been the custom of the Yuba County Grand Jury to include all juvenile detention facilities as well.

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### **Background**

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The Yuba-Sutter Juvenile Hall and Maxine Singer Youth Guidance Center (Camp Singer) located in Marysville was established in 1976 under a joint powers agreement between Yuba and Sutter Counties, with the Yuba County Probation Department acting as the administrative agency.

The main “Hall” is a “lock-down,” 60-bed detention facility that houses both male and female minors. The length of stay varies, depending on Juvenile Court actions and/or transfers to other jurisdictions or agencies. (See, e.g., Cal. Welf. & Inst. Code secs. 601, 602, 654, and 707.) This self-contained facility is comprised of three wings: a common area, classrooms and an outdoor recreation area. The detainees are housed according to gender and only intermingle during school hours and at meal time.

The Juvenile Hall also includes a separate 15-bed Secure Housing Unit for the detention of serious and violent juvenile offenders. This Secure Housing Unit, commonly referred to as the “SHU,” is a single building with its own outdoor recreation area, classroom, shower and bathrooms.



Camp Singer is located on the same grounds as the Hall but is separated by high fencing. It was constructed to house 48 males and 12 females. Unlike the Hall, there are no cells. The minors are still separated by gender but are housed in a dormitory setting with individual cubicles. Camp Singer has its own classrooms in addition to indoor and outdoor recreational areas. Minors are sentenced to Camp Singer by the Juvenile Court. The average length of stay is three to six months depending on behavior, offense, and other related factors.

The dining hall located between Juvenile Hall and Camp Singer provides three hot meals a day. Menus are routinely reviewed for nutritional content and quality. (See Cal. Code of Regs., Title 15, sec. 1460.) Since the Hall and the Camp have separate mealtimes, the residents do not come in contact with each other.

Upon entering Juvenile Hall, medical, psychological, and educational profiles are performed. Thereafter, the minors at both facilities are offered counseling provided by staff, contract personnel, and volunteers on substance abuse, commitment to change, and values clarification. All minors under the age of 18 must receive 240 minutes of classroom instruction daily. (See Cal. Ed. Code sec. 48645.3 and Cal. Code of Regs., Title 15, sec. 1370.) Those having a high school diploma and choosing not to attend school remain locked down.

Minors in the Camp are encouraged to participate in community projects outside the facility.

Camp Singer and the Juvenile Hall both utilize a point system. Points are used as a medium of exchange to gain privileges. Points are awarded by teachers and staff for positive and desirable behavior.

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### **Method of Investigation**

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Two weeks prior to a scheduled site visit the Grand Jury interviewed the administrative staff of Yuba-Sutter Juvenile Hall/Camp Singer. The interview focused on the history, philosophy, operation, objectives, and procedures of both facilities. A review of the Yuba-Sutter Juvenile Hall and Maxine Singer Youth Guidance Center Policy and Procedures Manual, California Welfare and Institutions Code, and the California Code of Regulations was performed.

Members of the Grand Jury Law Enforcement Committee inspected the Juvenile Hall and Camp Singer on three different occasions. The first visit was a scheduled afternoon tour of both facilities that was led by a senior staff member. The tour included the intake office, general housing units [male and female], secure housing unit, kitchen, classrooms, and the indoor recreation area. During this inspection, grand jurors observed classroom instruction in session.

The second visit, conducted in the evening, was unannounced. During this visit, private interviews with staff and residents were held and a close inspection of the holding cells was

conducted. The second part of this visit focused on Camp Singer. A staff member assigned to Camp Singer led this part of the tour. In addition to revisiting classrooms, indoor recreation area, and housing areas, part of this tour included private interviews with staff and minors.

The third tour by the Grand Jurors was conducted in three parts:

- a. Re-inspection of the general housing area of Juvenile Hall.
- b. Re-interview staff and a senior staff member.
- c. Observation of the dining hall and kitchen when lunch was served.

Grand Jurors toured the Solano County Juvenile Hall in Fairfield and the Contra Costa County Juvenile Hall in Martinez. The purpose was to compare both facilities and operational procedures with Yuba-Sutter Juvenile Hall.

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### Facts and Observations

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“The Juvenile Hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be, nor treated as, a penal institution. It shall be conducted in all respects as nearly as a home as possible.” (Cal. Welf. & Inst. Code sec. 841.)

At first glance, the Juvenile Hall facility and grounds appear to be well maintained and secure. Closer observation reveals dim lighting in the holding cells, making it difficult for residents to read or study. The inner sides of the cell doors are covered with graffiti. Due to age and usage, some cell doors do not operate correctly. Some of the cell walls are painted with various themes that are faded and marred. The day room carpet is stained and worn. There are no covered outdoor recreation areas for the minors to use during bad weather. (Cal. Code of Regs., Title 15, sec. 1371.)

Younger males that are referred to Juvenile Hall are housed in the female unit. In order to provide privacy, staff will cover the windows in the doors of the female minors.

The Security Housing Unit, opened in 2001, is a modern, clean, self-contained single story building with 15 single cells. A single counselor maintains security. In the last twenty-four months no minor has been housed in this unit.

The Camp Singer male housing unit is a clean well-organized dormitory. This type of arrangement helps teach the minors how to interact in a social setting.

The female housing unit is in the older building of Camp Singer. The drinking fountain doesn't work and is dirty. The reading material available in this unit is outdated. There is no area in the unit set aside for quiet study or writing.

The indoor recreation area, two classrooms, woodshop, and laundry at Camp Singer are located in one building. The key feature of this facility is the enclosed sports arena. The arena is large enough to meet the needs of the Camp. The floor of the arena is covered with carpet. The carpet is dirty and not well secured to the floor, allowing for exposed seams to develop. There is no special equipment available on site for cleaning and maintenance of the carpet. The glass basketball backboards are dirty and the protective pads are torn and hanging. Because of the height and construction of the enclosure surrounding the arena, there are many blind spots in the building, which makes security a concern.

The woodshop is located in an open space in the corner of the building. The wood working equipment that was visible appears to be adequate, and all hand tools were locked away. Because of limited storage space in the wood shop, building material on hand is limited and stored in another part of the building. Because the wood working area is open, concern must be given to the noise level and how it affects other activities in the building.

Classrooms in the building have blackboards, bulletin boards, and desks for teachers, counselors, and students. Teachers, learning materials, books, etc. are provided by the Yuba County Office of Education. Students are divided by academic ability and not by age. Because of changing trends in education and the various skill levels of the minors, it is hard to determine if the subject matter and study material are relevant.

Counselors in the classroom are there to help maintain order and at times will assist the minors with their class work. During our visit the students were involved in their studies and well behaved. The teachers related to the students well and were eager to help.

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## **Findings and Recommendations**

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### **Finding 1**

The name, Severe Habitual Housing Unit/Secure Housing Unit/SHU, is a term traditionally used in adult detention facilities.

### **Recommendation**

Rename the building after a person or idea that encourages a positive life style.

### **Finding 2**

The interior walls of the entire Juvenile Hall are faded and dull. Cell lighting is poor. Cell doors do not close correctly and are covered with graffiti. The carpet in the day room is stained and worn out.

### **Recommendation**

Repaint the interior of the Juvenile Hall. Replace all cell doors, and old carpet. Replace all light bulbs and fixtures to provide sufficient light for reading and studying.

### **Finding 3**

There is no video monitoring system in any outdoor or indoor recreation areas, and the height and construction of the walls surrounding the indoor arena make security questionable.

### **Recommendation**

A video monitoring system should be installed in all indoor and outdoor recreation areas.

### **Finding 4**

For the last two years no one has been confined to the Secure Housing Unit.

### **Recommendation**

Use the Secure Housing Unit as alternative housing while repairing Juvenile Hall.

### **Finding 5**

There is no covered outdoor recreation area at the Juvenile Hall.

**Recommendation**

Find a solution that allows minors in Juvenile Hall to exercise outdoors in bad weather.

**Finding 6**

Counselors are assigned to classrooms to maintain behavior while classes are in session, however, at times they help with instruction.

**Recommendation**

The Yuba County Office of Education should assure adequate provision of teacher's aides to help with instruction.

**Finding 7**

The location of the woodshop limits expansion and storage availability for materials.

**Recommendation**

This area should be expanded or relocated in order to maximize its full vocational and educational benefits.

**Finding 8**

The indoor carpet in the Camp Singer recreation area is dirty and has unsecured seams. The glass basketball backboards are dirty and the protection pads are not secured.

**Recommendation**

Consider having the arena carpet cleaned professionally and inspected for damage annually. Clean the glass backboards and reattach protective pads.

**Finding 9**

Minors who have graduated from high school and elect not to attend school are locked down.

**Recommendation**

Assign duties within the facility that would keep these minors productively occupied and out of their cells during school periods.

### **Finding 10**

There is no criminal background check on volunteers and contract personnel having contact with the minors during counseling sessions.

### **Recommendation**

All volunteers and contract personnel having contact with minors of Yuba-Sutter Juvenile Hall and Maxine Singer Youth Guidance Center must have a criminal background check completed before counseling minors. (Cal. Code of Regs., Title 15, sec. 1320c.)

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 17th day of April 2007.**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Grand Jury Presiding Judge of the Yuba County Superior Court (The Hon. Debra L. Givens) within 90 days from:**

**Yuba County Probation Department**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

##### **Chapter 3. Powers and Duties of Grand Jury**

##### **Article 2. Investigation of County, City, and District Affairs**

##### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.



### **§933.05. Responses to findings**

(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.

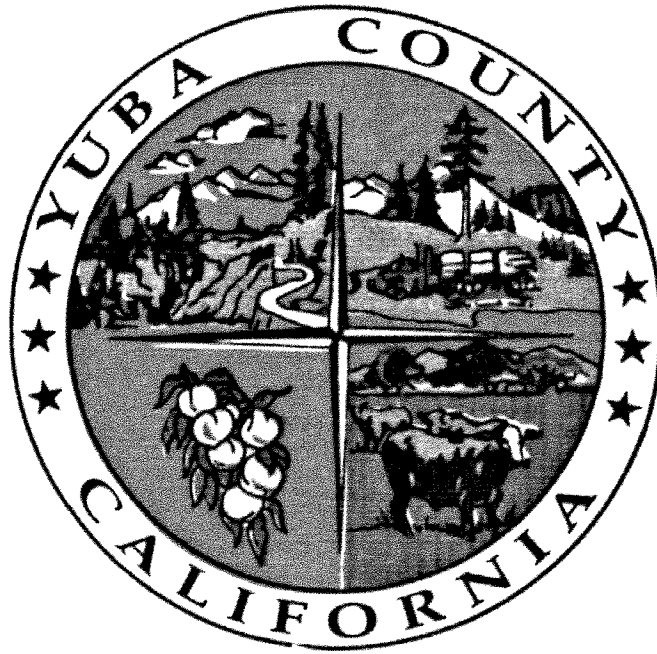
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(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.



**2006-2007 Yuba County Grand Jury  
Final Report**

**Smartsville Fire Protection District**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**Smartsville Fire Protection District**

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### **Reason for Investigation**

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Continuing investigation of the Smartsville Fire Protection District was recommended by the 2005-2006 Grand Jury. Three citizen complaints had been received in 2005 alleging improper Board activity, improper financial controls, and various violations of the Brown Act. A major Brown Act concern was in regard to efforts to either consolidate the District with another or to form a joint powers agreement with the Olivehurst Public Utility District for administration and operational assistance.

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### **Background**

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The Smartsville Fire Protection District was formed in 1952 for the fire protection of 70 square miles of Yuba County, including the unincorporated communities of Smartsville, Browns Valley, and Gold Village. The District has since grown in experience and capacity to provide first response protection for fire, accident, and medical aid incidents. Much of its assistance today is for vehicle accidents on Highway 20 and calls for medical aid.

Incident responses in 2006 included:

Structural fires .....	7
Smoke investigation ...	7
Wildland Fires .....	37
Emergency Medical ....	89
Vehicle accidents .....	50
Public assistance .....	11
Strike team .....	1
Other .....	5
Mutual aid .....	60

The District operates out of a modern, well-equipped office and fire station located in Smartsville. A three member elected board directs District policy and governance. The Board meets monthly on the second Thursday at 7:00 p.m. in the Smartsville Fire Protection District fire station.

Services of a Board Clerk are contracted at \$250 per month for up to 15 hours of work. Board minutes include expenditure detail for the previous month.

There are four paid part-time and seven volunteer firefighters. The station is staffed 9:00 a.m. to 5:00 p.m. seven days a week by paid firefighters. Weekend and evening response is also handled by volunteer firefighters. Volunteers are paid five dollars per call and per training drill. The Assistant Fire Chief, currently an acting position, works in the area and is available for most responses. The Fire Chief position, which was vacant for over six months, was filled by Board action on February 8, 2007.

The District operated with a budget of \$91,000 in 2006. Of that, \$70,000 was from tax revenue and the balance from reserves. A Station Log, Run Reports, and Medical Aid reports are kept for each incident. A Weekly Work Schedule and a Daily Shift Routine are posted to guide station operation and attention to all maintenance tasks. Vehicle and emergency equipment maintenance is checked periodically by either the station Captain or the Assistant Chief.

Firefighter training is conducted each Monday at the Smartsville fire station. Smartsville fire personnel also participate in additional training with adjacent fire protection districts. All volunteer fire personnel are currently working toward certification in the State Fire Marshal's curriculum for Fire Fighter I. The training plan is to have all volunteer personnel certified as Fire Fighter II. Paid personnel have varied and extensive certification in fire and emergency medical areas. All personnel are CPR certified.

Dispatch for all emergency response is through 911 calls to the Yuba County Sheriff's Office. Foothill incidents that need additional aid are relayed to the California Department of Forestry (CDF) station in Grass Valley for Automatic Aid dispatch. The Smartsville Fire Protection District is a participant in Automatic Aid, has a Mutual Aid agreement with Beale Air Force Base, and Automatic Dispatch Agreements with Penn Valley, Browns Valley and Loma Rica Fire Protection Districts.

Fire District personnel are also involved in community service projects, such as repair of the Red School House, including administration of its repair fund. Another area of District responsibility is providing fire safety input in the Yuba County tentative plan approval process for parcel development.

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### **Method of Investigation**

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Members of the Grand Jury went to the Smartsville Fire Protection District station in Smartsville on five occasions to interview board members and paid firefighters, to review

records, and to observe a Board meeting. Follow-up interviews with Board members were conducted by phone. Administrative staff at the Linda Fire Protection District were interviewed regarding interdepartmental communication. Yuba County Department of Public Works staff were interviewed regarding tentative parcel map review process as concerns Fire District input. A telephone interview was conducted with Yuba County Counsel. Yuba County administrative personnel were interviewed by phone. A dispatch agreement document was requested from California Department of Forestry.

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### **Facts and Observations**

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The Smartsville Fire Protection District operates at the direction of a three-member board. Meetings are announced by posting the upcoming agenda on the front of the office/station building and by public meeting notice in the *Appeal-Democrat* and *Grass Valley/Nevada City Union* newspapers. Board meetings are conducted allowing for public comment and in accord with the Brown Act. The current Board has a vision of “improved service to the community” as its primary goal.

Earlier Board inquiry into District consolidation or joint powers operation has been abandoned. The District has successfully increased staffing with the addition of paid firefighters and new volunteers, and until recently, lacked a Fire Chief. Fire operations during the interim have been generally under the command of the Assistant Fire Chief. Training is conducted regularly on site, and also in cooperation with adjacent fire departments.

The Smartsville Fire Protection District office/station is in good condition and has been recently upgraded with remodel projects. All fire and medical equipment is well maintained and organized for effective response to fire, vehicle accident and medical aid incidents. Volunteer firefighters have contributed to accomplishing the upgrade and maintenance work, as well as to community projects.

Operational and financial records are current. Earlier Run Reports and Medical Aid Reports were incomplete. A switch to newer Run Report and Medical Aid Report forms has resulted in better incident information.

Addition of paid part-time firefighters has improved service, particularly in response availability for daytime incidents. Regular daytime staffing also makes District personnel available to community residents for information and for response to new volunteer interest.

A relatively small “no man’s land” exists which is neither in the Smartsville nor the Linda Fire Protection Districts. Operational communications have broken down when both Districts respond to incidents within this area. The communications breakdown occurs as Smartsville is dispatched by California Department of Forestry, and Linda is dispatched by Yuba County Sheriff’s Office, each operating on different frequencies.

The tentative parcel map approval process in Yuba County requires public input and review by various agencies such as the Smartsville Fire Protection District. Events that might cause changes in design after the initial review are usually identified in the public hearing. For example, one tentative parcel map for the McGanny Road area involved a change not resubmitted to the Fire District for further input. This change involved a road closure at McGanny Road and Highway 20 in response to both California Department of Transportation and local resident concerns.

County staff have since adopted a new protocol for tentative parcel map approval that includes required signoff by the new Yuba County Fire Planner, a CDF employee working in conjunction with the county Planning Department and working out of the county Building Department office. The Fire Planner is responsible for assuring inclusion of Fire District input.

Separate accounting is made of Fire District and Red School House restoration funds though some blurring of fund use has occurred.

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## **Findings and Recommendations**

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### **Finding 1**

Board meetings are announced, conducted appropriately, and in accord with the Brown Act.

### **Recommendation**

The Fire District explore the possibility of constructing and managing use of a community bulletin board in locally heavily used locations to improve communication with each community served.

### **Finding 2**

New personnel, paid and volunteer, have been added and are participating in ongoing training.

### **Recommendation**

None.

### **Finding 3**

Facility and equipment are well maintained and are improved as opportunities appear.

### **Recommendation**

None.

### **Finding 4**

Recent records are complete and useful.

### **Recommendation**

Establish a schedule of audits of all financial accounts handled by the District.

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### **Finding 5**

There is a legal question pending as to whether or not refunds and miscellaneous other Fire District receipts can be deposited to the Red School House remodel fund. Red School House funds were used for some of the fire station remodel.

### **Recommendation**

Establish procedures to assure strict separation of Red School House and Smartsville Fire Protection District funds and their use.

### **Finding 6**

Reimbursement of a District insurance premium personally paid by a board member, though correctly done, is not clearly documented in the Board minutes.

### **Recommendation**

Clarify expenditures in the Board minutes with clear description of the what and why of any District payment or reimbursement to a board member.

### **Finding 7**

Credit card expenditure can be found in the accounting record but is not public in the Board minutes.

### **Recommendation**

Itemize monthly credit card expenditures in the Board minutes, or as an attachment to the monthly Board minutes.

### **Finding 8**

Direct communication breaks down between responding units of Linda Fire Protection District and Smartsville Fire Protection District when both are dispatched to incidents occurring in the “no man’s land” between district boundaries.

### **Recommendation A**

Administration of both the Linda Fire Protection District and the Smartsville Fire Protection District collaborate in adopting procedures that assure on-incident communication within the “no man’s land” between districts.

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## **Recommendation B**

Administration of both the Linda Fire Protection District and the Smartsville Fire Protection District work collaboratively to eliminate the “no man’s land” currently existing between districts.

## **Finding 9**

Yuba County Department of Public Works may not resubmit tentative parcel map plans to any agency for additional input when plan changes have occurred.

## **Recommendation**

Smartsville Fire Protection District administrative personnel develop a working relationship with the new county position of Yuba County Fire Planner to assure a desired level of input in the tentative parcel map approval process.

## **Finding 10**

The California Department of Forestry notified Yuba County that it would no longer provide dispatch services for Smartsville Fire Protection District as of 5:00 p.m. on February 15, 2007. At Yuba County’s request that deadline was extended to March 15, 2007.

## **Recommendation**

The Smartsville Fire Protection District Board act quickly to assure availability of adequate and continuous incident dispatching.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 6th day of March 2007.**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Judge of the Yuba County Superior Court within 90 days from:**

**Smartsville Fire Protection District Board of Directors**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

##### **Chapter 3. Powers and Duties of Grand Jury**

###### **Article 2. Investigation of County, City, and District Affairs**

###### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(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 decisionmaking 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.

## **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.

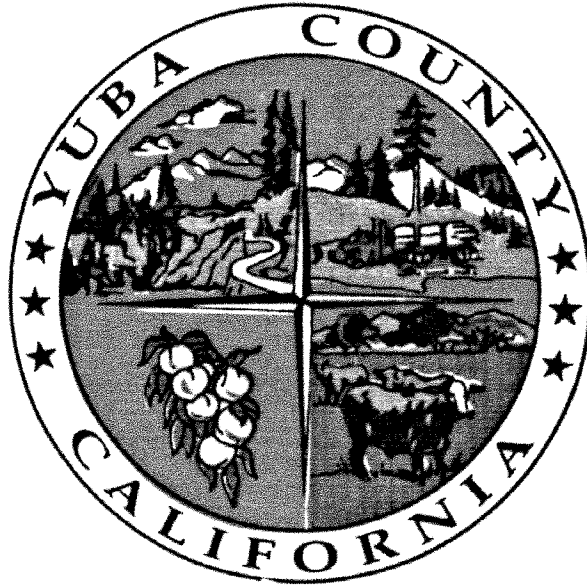
### **Time to Respond, Where and to Whom to Respond**

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 2006/07, responses should be forward to:

The Honorable Debra L. Givens  
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, Debra L. Givens (address above), with a copy provided to the Board of Supervisors.



**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Sheriff's Department:  
Jail Division**



## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**Yuba County Sheriff's Department:  
Jail Division**

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### **Reason for Investigation**

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The inspection of the Yuba County Jail, which is run by the Yuba County Sheriff's Department, is mandated by Penal Code 919(b), which states: "The grand jury shall annually inquire into the condition and management of the public prisons within the county."

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### **Background**

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Jails are required to operate under Title 15 and Title 24 of the California Code of Regulations (CCR) and are guided by the California Correction Standards Authority.

Yuba County's Jail, constructed at 215 Fifth Street, Marysville, was finished in 1962 and built to house approximately 135 inmates. Due to the changing social climate and the growth of the county, the jail became over-crowded and was expanded to its present capacity of 430 in 1995. With the increase in size, the county has been able to rent excess bed space to other counties and Immigration and Customs Enforcement (I.C.E.). This allows the jail to operate more economically, plus generate income for operations and for county government. At the present time, the jail has an average population of 374 inmates, 214 county and 160 I.C.E. Each year the jail books approximately 10,000 inmates.

Staffing the jail has been difficult in the past due to pay scale competition with surrounding counties. Staff is lured by better paying jobs at other facilities and some continue on to other jobs within the Sheriff's Department.

Many of the operations have been computerized. The Sheriff's Department has instituted an ingenious system to ensure complete coverage in their rounds of the jail. Each officer carries a data collection device known as a "pipe," made by Guard 1 Plus. The "pipe" is inserted into a receptacle in the back of the cells, hallways, etc. during rounds and then plugged into a computer in the booking area to create a record of the time and place that rounds were made.

Upon arrival, there is a procedure for the intake of persons through the sallyport, or through the release corridor from the court rooms. The arresting or transport officer must fill out and submit a pre-booking form (see Exhibit A). If the inmate appears to be intoxicated, the admitting deputy must fill out a Sobriety Assessment Form (see Exhibit B). All inmates must be interviewed by the intake deputy and the Intake Medical/Classification Screening Form must be completed to assess their condition. A decision is then made as to whether they will be held or returned to the arresting officer to be taken to Rideout Hospital or Sutter-Yuba Mental Health (see Exhibit C). The inmate is searched and personal items are collected, packaged, and secured.

Once the entry procedure is completed, the arresting or transport officer is excused. If the inmate is intoxicated, they are placed in a detox cell or transferred to a holding or safety cell. Exhibit D is the check sheet for the holding cells, listing the inmate's name, what type of cell they are in, how often they must be checked and whether there are restraints in use. If the inmate is sober and cooperative, they are allowed to watch television or use the telephone in a holding area in front of the booking station until they can be processed.

The booking process is computerized through the JALAN AUTOMATED SYSTEM. Staff is also able to converse with inmates in over 70 languages through a Language Line interpreter on the telephone. Detainees are checked for prior incarceration locally or in other facilities, gang affiliation, aliases, tattoos, medical conditions, employment and family status. They are then fingerprinted and photographed. Inmates must be given the opportunity to make three telephone calls within three hours of their arrest.

If the inmate is not released or bailed, a deputy of the same gender will conduct a strip search, instruct the inmate to shower and issue them a clean set of jail clothing, a towel, footwear, comb, shaving implement, and tooth brush.

In order to protect the rights of inmates and staff, all inmates are given a copy of the jail's Information Booklet that outlines strict rules of conduct, grievance procedures, visitation, commissary, mail, meals, barber, arm bands, welfare, etc. They must understand and agree to abide by the rules, and are required to sign an acknowledgement.

Detainees are then issued linen, a blanket and a mattress and placed in a pre-classification unit. They are held in lock-down status until interviewed by a classification officer for permanent housing assignments. The purpose of classification is to ensure the safety of inmates and staff and identify inmate's special needs, problems and skills. They are given a color coded wrist band with their first, last, and middle name, and their identification number. The color of the wrist band denotes the classification of the inmate.

Depending upon their classification, such as; predator, prey, sex offender, gang member, I.C.E., etc., the inmates are housed in different areas of the jail. Females and males are housed in separate areas and have their own recreation and training facilities.

There are three control rooms within the jail. Two of the control rooms monitor the interior areas and control interior doors and elevators. The third control room monitors the entrances, exits, booking area, visiting lobby and the outside perimeter.

Meals are prepared in a clean, modern, and well-equipped kitchen. A dietician plans balanced and nutritious meals. Most of the kitchen staff is selected from the I.C.E. inmates. The meals are loaded on to closed carts and delivered to the inmates in their cells. The jail serves three hot meals per day, and bag lunches are made available to inmates in transit or working outside as trustees. The jail staff has been able to keep the cost per meal down to approximately 72 cents per serving by good planning and buying in large quantity. Meals are planned on a six week cycle ensuring diversity. Special therapeutic diet options are available.

The medical unit at the jail includes office space, treatment rooms and single occupancy observation cells which can accommodate medical isolation inmates. The basic charge for each inmate-initiated medical or dental visit is \$3.00. However, inmates may receive private care at their own expense and indigent inmates cannot be refused care. Medical services are available 24 hours per day and emergency services are provided at Rideout Hospital. The jail medical staff consists of a physician (County Medical Officer), a psychologist and a dentist. They examine each inmate, review their medical history and determine what, if any, prescription medication or treatments are necessary. Under the direction of the medical staff, a Registered Nurse or Medical Technician administers the prescribed medication or treatments. Inmates may purchase additional non-prescription medications such as Aspirin or Tylenol for fifty cents a dose.

Inmates who comply with behavior standards are offered classroom instruction within the jail by instructors provided by Yuba County Office of Education. They can earn their GED and receive certificates for vocational skills such as construction, electrical, janitorial and food service. They are offered counseling in domestic violence, parenting, sexual harassment, substance abuse and victim awareness. Women are also offered life skills, and computer training.

The jail maintains an extensive law library of books and materials for the inmates. If an inmate requests a book not in the library, the recreational officer will attempt to borrow the book from the county law library. A sampling of the books in the library includes; West's Annotated California Penal Code, U.S. Code annotated: Constitution, including amendments, The U.S. Law Week or the Criminal Reporter, West's Federal Rules of Criminal Procedure, Cases and Materials on the Law of Correction and Inmate's Right, California Administrative Code, Title 15.

Exercise is offered for two hours, four days per week. Inmates can play basketball or ping pong and have access to free weights.

Visitation is offered to all inmates unless they are on disciplinary lock-down. Visiting hours vary depending upon the day of the week. Special hours can also be arranged to be convenient for family members if needed.

Indigent inmates are allowed two letters per week without charge. Other inmates can send as much mail as they desire. Mail is inspected for contraband and selectively read. No packages may be received. Mail to attorneys is unlimited and will not be read, but will be inspected for contraband in the inmate's presence.

There are phones in the housing areas for inmate use. The calls are either collect or made by way of a prepaid calling card which can be purchased through the jail commissary. Rate limits are determined by the Public Utilities Commission. Calls to attorneys are privileged and are not monitored. All other calls may be recorded and monitored.

Religious services are held regularly by volunteer pastors, rabbis, clerics, etc. There is a list of 62 religious volunteers. If an inmate has a need for spiritual counseling, the jail sergeant will arrange a visit. There are Bible study classes held regularly with up to 50 inmates attending.

There are two classes of rule violations, minor and major, and all rules are listed in the information booklet which is issued to each inmate. Disciplinary measures are also stated in the information booklet.

As stated in the information booklet:

Inmates shall not be subject to cruel, corporal or unusual punishment or lack of care which injures or impairs health. You cannot be punished by deprivation of clothing, bedding, or normal hygienic items. You will not receive less than two meals a day as punishment. If any punishment other than reprimand is imposed, the deputy shall make a written report within 49 hours of the incident.

Any inmate can file a grievance. The grievance procedure form (see exhibit E), lists all pertinent information with dates and times. The routine for filing and appealing is referenced in the information pamphlet acknowledged by the inmate on entry into the jail. The floor deputy first attempts to solve the grievance informally. If the deputy is unable to solve the problem, a grievance form is supplied within 24 hours and filled out and signed by the inmate or inmates.

When the inmate has completed the form, including signature, date and time, it is given to jail staff. The person accepting the grievance should note the date, time and their number in the upper right hand corner of the form. The shift supervisor shall next attempt to resolve the grievance at his level within 48 hours of receiving the grievance. If the grievance has been satisfactorily resolved, the form will be filed in the monthly grievance file. If the shift supervisor is unable to satisfactorily resolve the complaint, the grievance form will be forwarded to the Jail Supervisor.

The Jail Supervisor will review the grievance and if unable to resolve the matter, will immediately forward the grievance to the Jail Commander for review. The Jail Commander shall conduct a grievance hearing within 72 hours of receipt of the grievance, excluding weekends and holidays. During the Jail Commander's hearing, the inmate and any witnesses will be heard and all pertinent information reviewed. The inmate may be assisted by another inmate or a member of the Sheriff's Department willing to act as the inmate's representative.

If the inmate is not satisfied with the disposition by the Jail Commander, the inmate may appeal to a Grievance Board. Within seven days of receiving the form entitled "REQUEST FOR HEARING BEFORE GRIEVANCE APPEAL BOARD", the board will be convened and the hearing conducted. The inmate shall be given an opportunity to meet with the board in person

and given an opportunity to provide testimony. The Appeal Board shall submit a written disposition of the appeal and a brief explanation of its findings within 72 hours of the completion of the appeal hearing. The decision of the Appeal Board is final and cannot be appealed further.

The jail has its own laundry. This facility not only does the jail's laundry, but has a contract to do outside laundry as well. Inmates can have clean clothing and towels three times per week and clean bedding twice per month. The laundry is done by female inmates who are paid and issued clean clothing every day.

An inmate welfare fund is generated by sales from the commissary and fees from phone calls initiated by inmates. This fund provides basic necessities for indigent inmates, pays related staff and purchases entertainment equipment such as televisions and digital video recorders.

In addition to the Yuba County Grand Jury's annual inspection of the jail, the County Health Department under Health and Safety Code section 10145 also conducts a yearly inspection. Bi-annually, the State Fire Marshal under Health and Safety Code section 13146.1, and the State Board of Corrections under California Penal Code section 6031 are required to inspect the jail.

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### **Method of Investigation**

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The Grand Jury inspected the jail on four occasions. On the tours, all areas of the facility were inspected. A route was chosen to follow a perspective inmate from arrival to release.

Prior to the inspection, the Grand Jury met with Sheriff's Department and Jail staff to discuss procedures, operation, and the actual tour of the facility. Staff were cooperative, gracious and patient.

Prior to the first investigation, the jail manual and the Board of Corrections inspection report were reviewed. Interviews were conducted with the Sheriff's Department and Jail Staff to determine the objectives and operation of the County Jail. At all tours and interviews there were at least two or more members of the Grand Jury in attendance. After the initial tour, members returned to verify facts and inspect the jail at various times of the day and evening. On the tours, staff in different areas were interviewed to gain a complete picture of jail operation.

Inmate complaint letters received during this Grand Jury's tenure were also investigated.

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## Facts and Observations

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Laundry is done within the jail proper. Female inmates are trained to operate the machinery and are directed by a female staff member. There is an intercom to the main control room and a common door key to facilitate removal of the workers in case of emergency. A Class A fire extinguisher was present, but no extinguisher for electrical fires. On a later tour, an ABC rated extinguisher had also been supplied.

The kitchen is clean, well organized, efficient, and all utensils and foods are secure. In order to get a fair sampling of the meals served to inmates, several trays were pulled from different carts to appraise quality and quantity. All meals were appetizing and portions were equal in size.

The commissary is extremely small but still carries a wide variety of products. Inventory includes basic toiletry items, sweets, Top Ramen, chili, writing supplies, footwear, and writing material.

Grievances must follow a set procedure. Any inmate may file a grievance.

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## **Findings and Recommendations**

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### **Finding 1**

Disciplinary rules are strict, necessary, and enforced in accordance with the information booklet provided to every inmate.

### **Recommendation**

None.

### **Finding 2**

Grievances are on file, numerous and handled according to written policy

### **Recommendation**

None.

### **Finding 3**

Grievance appeal process is thorough and fair.

### **Recommendation**

None.

### **Finding 4**

The stock in the commissary is adequate and not out of date.

### **Recommendation**

None.

### **Finding 5**

Meals are planned by a dietician on a six-week cycle to ensure variety and with provision for special diets and religious requirements.

### **Recommendation**

None.

## **Finding 6**

Jail operations are well organized and efficient. Staff is attentive to inmate safety and welfare.

## **Commendation**

The Yuba County Grand Jury commends the Sheriff's Department and the Jail Staff for exemplary behavior and procedure in operating the Yuba County Jail.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 15th day of May 2007.**

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## Exhibit A

### YUBA COUNTY SHERIFF'S DEPARTMENT PRE-BOOKING FORM

DATE \_\_\_\_\_ TIME \_\_\_\_\_

PLACE \_\_\_\_\_

NAME \_\_\_\_\_

CHARGES \_\_\_\_\_

\_\_\_\_\_  
(To include subsection and value of property,  
if applicable.)

LOCATION OF VEHICLE \_\_\_\_\_

\_\_\_\_\_  
ARRESTING OFFICER \_\_\_\_\_

(OR CITIZEN'S ARREST) \_\_\_\_\_

TRANSPORT OFFICER \_\_\_\_\_

## Exhibit B

### 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: \_\_\_\_\_

## Exhibit C

### YUBA COUNTY JAIL INTAKE MEDICAL/CLASSIFICATION SCREENING FORM

INMATE'S NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

INTERVIEWING OFFICER: \_\_\_\_\_ TIME: \_\_\_\_\_

#### OFFICER/EXAMINER OBSERVATION

- |   |  |         |        |
|---|--|---------|--------|
| 1 | Is the inmate having difficulty breathing?                     | ( ) Yes | ( ) No |
| 2 | Does inmate have visible signs of illness/injury?              | ( ) Yes | ( ) No |
| 3 | Does inmate appear to be mentally or developmentally disabled? | ( ) Yes | ( ) No |
| 4 | Does inmate's behavior suggest a danger to self or others      | ( ) Yes | ( ) No |
| 5 | Does inmate appear to have psychiatric problem                 | ( ) Yes | ( ) No |
| 6 | Was inmate brought via hospital by arresting officer?          | ( ) Yes | ( ) No |
|   | A. Is there a medical release form from the hospital?          | ( ) Yes | ( ) No |
| 7 | 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)  | ( ) Yes ( ) No | Aids ( ) Yes ( ) No               |
|   | Non Visible Injuries  | ( ) Yes ( ) No | Withdrawals ( ) Yes ( ) No        |
|   | Vision Problems   | ( ) Yes ( ) No | Breathing Problems ( ) Yes ( ) No |
|   | Tuberculosis  | ( ) Yes ( ) No | Diabetic ( ) Yes ( ) No           |
|   | Heart Problems  | ( ) Yes ( ) No | Seizure Disorder ( ) Yes ( ) No   |
| 2 | Do you have any open wounds or sores?   | ( ) Yes        | ( ) No                            |
| 3 | Have you any significant health problems which the jail staff should be aware of? |                |                                   |
|   | ( ) Yes ( ) No If yes, explain: _____   |                |                                   |
|   | Cleared by Nurse: _____   |                |                                   |
| 4 | Are you currently taking any type of medication?                                  | ( ) Yes        | ( ) No                            |
| 5 | Are you pregnant or recently delivered a baby?                                    | ( ) Yes        | ( ) No                            |
| 6 | Have you been or are you currently a patient at Mental Health?                    | ( ) Yes        | ( ) No                            |
| 7 | Do you feel like hurting yourself right now?                                      | ( ) Yes        | ( ) No                            |
| 8 | Are you currently or ever been in a gang or have any gang affiliation?            |                |                                   |
|   | ( ) Yes ( ) No If yes, what gang and active/non-active: _____                     |                |                                   |
| 9 | Have any enemies or keep aways we should know about?                              | ( ) Yes        | ( ) No                            |
|   | If yes, who? _____  |                |                                   |

Revised 01-26-06

## Exhibit D

## Yuba County Jail Inmate Check Sheet

INMATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Title 15 Requirements: 16 ref

<u>Checks/Reviews</u>	<u>Detox. Cell</u>	<u>Isolation Cell</u>	<u>Restraints Use</u>
Intermittent Checks	Minimum 30 Minutes	Twice in 30 Minutes	Twice in 30 Minutes
Retention Reviews	Minimum 2 Hours	Minimum 8 Hours	Minimum 2 Hours
Medical Assessment	Minimum 6 Hours	12 Hours/Sick Call	Minimum 4 Hours
Medical Retention	Minimum 6 Hours	Within 24 Hours	Every 6 Hours
Mental Health	*****	Within 24 Hours	Within 8 Hours

**Check Log:**

[illegible]

Additional Comments: \_\_\_\_\_

43

YUBA COUNTY

[illegible]

**IF THE INMATE IS SATISFIED WITH THE PROPOSED SOLUTION, HE OR SHE MAY INDICATE THE GRIEVANCE HAS BEEN SATISFACTORILY RESOVLED BY SIGNING BELOW**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Grand Jury Presiding Judge of the Yuba County Superior Court (Hon. Debra L. Givens) within 90 days from:**

**Yuba County Sheriff's Department**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

#### **Chapter 3. Powers and Duties of Grand Jury**

#### **Article 2. Investigation of County, City, and District Affairs**

#### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(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 decisionmaking 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.



**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Water District**

# **2006-2007 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Yuba County Water District**

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## **Reason for Investigation**

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This investigation was undertaken to evaluate and resolve longstanding issues still in question from the 2004-2005 and 2005-2006 Yuba County Grand Jury investigative reports pertaining to the Yuba County Water District, headquartered in Brownsville.

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## **Background**

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Yuba County Grand Jury investigation of the Yuba County Water District (YCWD) began in 2004. Citizen complaints were filed at that time and the investigation grew to include allegations of Brown Act violations, misuse of district equipment, district funds, overtime, annexation irregularities, and violations of YCWD citizens' voting rights. The 2004-2005 Grand Jury recommended the investigation continue and the 2005-2006 Grand Jury pursued many of the same issues. These previous investigations discovered mismanagement, YCWD Board of Directors infighting, lack of general procedural standards, and lack of civility at public meetings. It is against this background that the present Grand Jury began its investigation of the YCWD.

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## **Method of Investigation**

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One priority for the Grand Jury was to assess the response of the two previous Grand Jury investigations and determine whether the Yuba County Water District had addressed and corrected issues as identified by those juries. The 2005-2006 Grand Jury recommended that this year's jury continue the investigation as the 2004-2005 jury had done for its successor. Consequently, the investigation began with an exhaustive review of previously generated reports. The Grand Jury also met with the District Attorney's office to establish if they had taken any action with regard to the recommendation made in the 2005-2006 Grand Jury final report relating to Brown Act violations. With that information in hand, the Grand Jury studied the current structure of the organization and observed monthly Board of Directors meetings.

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## Facts and Observations

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With the employment of a new general manager for operations and legal counsel attending every Board of Directors meeting, things have changed for the better. As a result, Board of Directors meetings have become more professional and citizens are allowed ample time to speak and be heard.

The YCWD provided monthly information to the Grand Jury detailing its budgets and finances. YCWD also provided agendas for upcoming meetings, and minutes of Board of Directors meetings.

The District Attorney's office has not pursued an investigation of the YCWD for potential wrongdoing related to violations of the Brown Act as detailed in the 2005-2006 Grand Jury Final Report.

Annexation of new customers into the water district has been a major issue for several years. In the fall of 2006, the YCWD Board approved new annexation procedures and also approved the annexation of a large group of customers. These annexations are expected to take place in the near future. According to the General Manager of the District there were only two customers who had previously paid for annexation and did not receive services, and these two customers would be annexed with the first group. The General Manager stated that any customer wanting water service through the YCWD would be annexed and receive service. The YCWD is not a mandatory service. Many area residents choose to supply their own water through the use of private water wells.

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## **Findings and Recommendations**

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### **Finding 1**

New annexation procedures have been established to resolve long-standing water delivery issues within the district.

### **Recommendation**

Prompt implementation of annexation rules by the YCWD Board of Directors is recommended, including a proposed timeline and plan for funding and completion of this phase.

### **Finding 2**

Professional management and legal guidance at the district are contributing to system maintenance and procedural and organizational improvements.

### **Recommendation**

That the YCWD maintain strong professional management throughout the organization, and legal counsel at all Board of Directors meetings.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 6th day of March 2007.**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Grand Jury Judge of the Yuba County Superior Court within 90 days from:**

**Yuba County Water District Board of Directors**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

#### **Chapter 3. Powers and Duties of Grand Jury**

#### **Article 2. Investigation of County, City, and District Affairs**

#### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(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.

## **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.

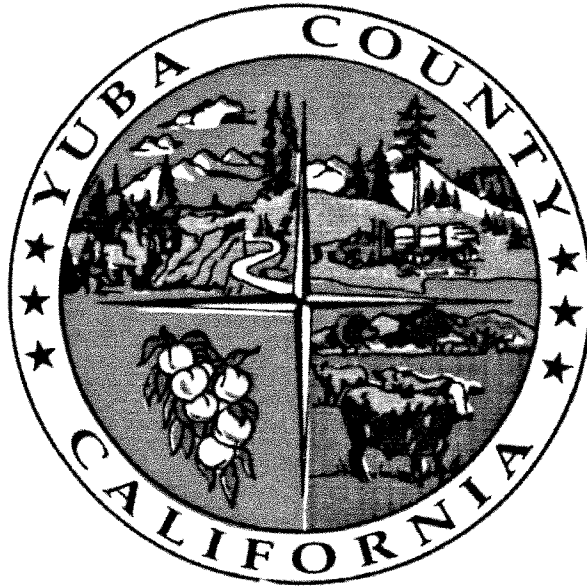
### **Time to Respond, Where and to Whom to Respond**

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 2006/07, responses should be forward to:

The Honorable Debra L. Givens  
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, Debra L. Givens (address above), with a copy provided to the Board of Supervisors.



**2006-2007 Yuba County Grand Jury  
Final Report**

**County of Yuba:  
Department of Health and Human Services, Adult Services Division**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**County of Yuba:  
Department of Health and Human Services, Adult Services Division**

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### **Reason for Investigation**

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The Yuba County Department of Health and Human Services, Adult Services Division is charged with operating a variety of programs established by the State and Federal governments, including the Adult Protective Services (APS), In-Home Supportive Services (IHSS), IHSS Public Authority (PA), Senior Nutrition Access Card (SNAC), and Multipurpose Senior Services Program (MSSP).

The members of the Grand Jury discovered the Adult Services Division and its program have not been investigated in three years. It was agreed that the Grand Jury investigate the county program to ensure our elderly and dependent adults are being protected in accordance with the laws established in 1998.

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### **Background**

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In 1998, the Legislature passed and the Governor signed Senate Bill 2199 establishing a comprehensive statewide system of response to reports of elder and dependent adult abuse and neglect. Prior to this law, response to abuse and neglect victims was inconsistent and varied by county. This department is responsible for administering mandated programs that are intended to provide financial or social services to eligible residents of Yuba County. The staff is required to be aware of all laws and Welfare and Institutions Code (hereinafter W&I Code) sections governing these programs to assure strict compliance with the law. They are to determine eligibility, provide assistance, monitor programs, and maintain a high standard of performance.

#### **Adult Protective Services**

This division of the Health and Human Services Department provides a support system of protective services to elderly and dependent adults who are unable to protect their own interests. The staff consists of two dedicated APS social workers who conduct investigations of reported elder abuse. The adult population protected under the law are seniors (65 or more years of age) and dependent adults (between 18 and 64 years). The types of abuse cases consist of: physical, sexual, emotional, psychological, neglect, abandonment, financial or material exploitation, and self-neglect.

### **Multipurpose Team**

It is mandated by W&I Code section 15761 and Senate Bill 2199 that each Adult Protective Services Department have a multidisciplinary team to develop interagency treatment strategies, ensure maximum coordination with community resources, ensure maximum access on behalf of elders and dependent adults and avoid duplication of efforts. Yuba County established its multidisciplinary team (Senior Adult Action Team) in 1998 and its members include representatives from: Yuba County Adult Protective Services, Yuba Sutter Legal Center for Seniors, Yuba County Sheriff Department, Marysville Police Department, District Attorney, Victim/Witness, In-Home Support Services, Multipurpose Senior Services Program, Probation, Public Guardian/Conservator, FREED Center for Independent Living, Alta Regional, Social Security Administration, Sutter Yuba Mental Health, Home Health Agencies, Fremont/Rideout Hospital, DaVita Dialysis Center, State Ombudsman's Office, State of California Community Care Licensing, and a bank/financial institution representative.

This team meets once a month to discuss serious cases that overlap into the respective areas that participate in the team in order to maximize collaboration in treatment and coordinate prosecutorial response to alleged criminal acts of elder and dependent abuse. In addition to the skills the team possesses, team members are encouraged to enhance their knowledge by attending APS training classes at UC Davis, such as Financial Abuse, Elder and Dependent Adult Abuse Investigations, Aging and Mental Health, and Self Neglect: Limits and Responsibilities of Intervention.

Members of the Grand Jury attended a Senior Adult Action Team meeting and were impressed with how well the team functioned as a whole and how each member was intimately knowledgeable of the details involving each case that was discussed. As explained by one of the committee members, any member of the team can bring in a case that they feel needs the attention of multiple services or interagency interaction in order to efficiently help the abused elder or dependent adult. Each member is an expert in his or her field and brings much experience to the table. While their sessions are open to the public, a portion of the meeting where they discuss specific cases is closed to the public and is subject to confidentiality laws.

### **In-Home Support Services (IHSS)**

The IHSS is a state-mandated program that ensures elderly, blind, or disabled persons who require assistance of a Registry Provider are provided services in the client's home. IHSS social workers are responsible for assessing the needs of consumers and determining eligibility. Once this is determined, the social worker helps the client manage the services provided by the Registry Provider by determining their duties and hours. Duties of Registry Providers include cleaning, grooming, cooking, feeding, bathing, and dressing.

### **IHSS Public Authority (PA)**

Each county is required by the state to have an IHSS Public Authority (IHSS PA) to establish a Registry of screened and trained Home Care Workers (Registry Providers) and match them with IHSS consumers.

The role of the IHSS PA is to provide a list of screened Registry Providers for IHSS Consumers to interview, orientate new Registry Providers, train consumers to be employers and assist in interviews, offer information and training for consumers and Registry Providers, and act as employer of record for all Registry Providers for collective bargaining purposes.

### **Senior Nutrition Access Card (SNAC)**

During interviews with the Yuba County Department of Health and Human Services staff, the jurors learned of a program that currently assists low-income seniors. The SNAC program was created to provide qualified low-income seniors residing in communities of Marysville, Linda and Olivehurst with voucher coupons. The coupons are in packs of 20 and each coupon has a value of six dollars. These coupons are accepted towards the purchase of a meal at ten local participating restaurants: China Moon, Cisco's Mexican Restaurant, Duke's Diner, Peach Tree Restaurant, Primetime Pizza, Taqueria Cuevas, Teriyaki House, Wonderful Buffet, B & M Jr's Café, and Lazy Dayz Café.

The goal of the SNAC program is to improve the nutritional condition of older people by creating a meal option whereby seniors would have access to regular and nutritious meals in a relaxed and social atmosphere. The staff went on to explain that this is an important contribution to the senior's ongoing physical and emotional well-being. Through this program, participants will be helped to develop positive attitudes toward good nutrition.

The County staff explained that this program is currently funded by Yuba County and the City of Marysville. However, the City of Marysville has announced that it will no longer provide funding.

### **Multipurpose Senior Services Program (MSSP)**

The MSSP provides social and health case management services for frail elderly clients who are eligible for placement in a nursing facility but who wish to remain in their own home. The APS social workers arrange for and monitor the use of community services to prevent or delay premature institutionalism of its frail clients. The services must be provided at a cost lower than that of a nursing facility. The Medi-Cal program funds MSSP, so all clients must meet the same qualifications as Medi-Cal. Services that are offered by the MSSP are care management, adult social day care, personal adult care, assisted living devices, respite care, transportation, and communication services.

### **Transportation**

Dial-A-Ride is a low-cost, on-demand response service that is available to senior passengers age 62 and over and persons with qualifying disabilities who are unable to use Yuba-Sutter Transit's local fixed route service. Passengers who live in the designated service areas of Yuba City, Marysville, Linda, and Olivehurst (see Attachment A) can call the Dial-A-Ride number and make arrangements to be picked up and driven directly to their destination.

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## Method of Investigation

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Members of the Grand Jury reviewed the Adult Protective Services Policies and Procedures handbook provided by the Yuba County Health and Human Services Department, Adult Services Division. The members also interviewed the Director of Human Services, the Deputy Director of Human Services, the Chairperson and Secretary of the Senior Adult Action Team. The members also toured the Health and Human Services facilities, attended a Senior Adult Action Team meeting and reviewed the Board of Supervisors meeting minutes to see if Chapter 12, Protective Placements and Custody of Endangered Adults, Sections 15700 through 15705.40 of the W&I Codes were discussed and/or adopted.

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## Facts and Observations

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### **Adult Protective Services Policies and Procedures Handbook**

The Adult Services Division operates under the guidance of state-mandated W&I Codes and senate bills. A handbook is provided to each employee and a copy of the handbook was provided to the members of the Grand Jury. While reviewing the handbook, it was very apparent that it is in a draft format. ("Draft" is either stamped on each page or is printed in the footnote.) When the Director and Deputy Director of Health and Human Services were interviewed, they stated that the policies and procedures handbook was in draft format because it was being re-written to reflect the policies and procedures that Yuba County has included with the federal and state-mandated W&I Codes. The estimated date of completion for the handbook is May 31, 2007. The Grand Jury again asked for the current approved or signed handbook that the organization is operating under and were not provided this information.

### **24-hour Emergency Response System**

The state mandates that if two counties share the responsibilities of a 24-hour emergency response system, there must be a letter of agreement between the two counties. In the Yuba County Policies and Procedures handbook, it states that Yuba and Sutter counties share a 24-hour emergency response system. The Grand Jury was told that there is no written agreement between the two counties.

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### **Budget for APS**

In July of 1999, when the statewide APS Program was implemented, the State initially allocated \$45 million in State General Funds to start the program, and estimated at that time that \$78 million would be needed to support full implementation. However, the budget for APS has remained constant since 1999. Conservative estimates indicate that the true cost of operating a statewide APS program is \$115.2 million, leaving a deficit of \$70.2 million statewide. Each year the portion allocated to Yuba County has varied. The portion allocated by the County has remained constant (see graph below). The flat lines of both budgetary allocations have caused fiscal constraints on services provided to the elderly and dependent adults.

<b>Fiscal Year</b>	<b>State General Fund (SGF) and County Services Block Grant (CSBG) Allocation for Yuba County APS</b>	<b>Yuba County share</b>
1999/2000	\$ 121,194	\$ 11,899
2000/2001	\$ 147,684	\$ 11,899
2001/2002	\$ 166,210	\$ 11,899
2002/2003	\$ 150,989	\$ 11,899
2003/2004	\$ 151,928	\$ 11,899
2004/2005	\$ 147,939	\$ 11,899
2005/2006	\$ 148,793	\$ 11,899
2006/2007	\$ 146,446	\$ 11,899

### **Growth of Elderly Population and Abuse Cases**

Using the information from the 2000 Census for Yuba County (see graph entitled Yuba County Age Distribution), there were 60,219 people living in the county and 10 percent of the population, or 6,022 people, were reported to be 65 or older. In recent news it was estimated that the county is expected to increase its population by 90,000 people within the next 10-15 years. Using the same percentage for calculation, 9,000 people moving into the area may fall into this category.

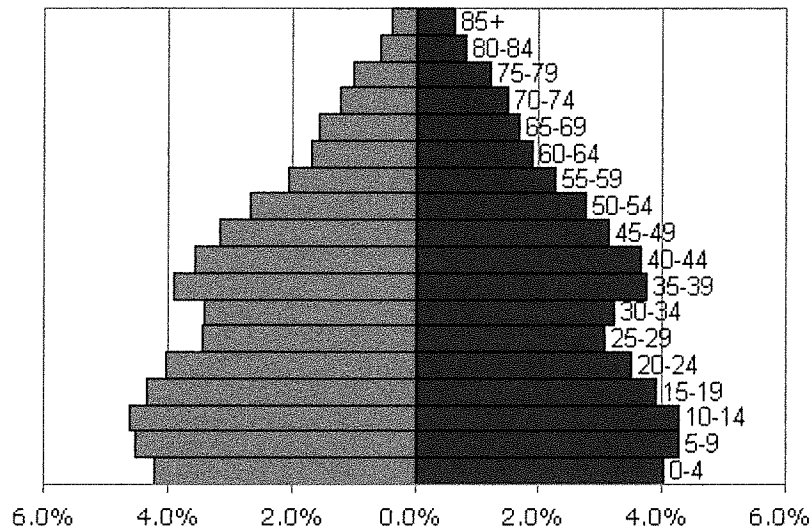
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## Yuba County Age Distribution

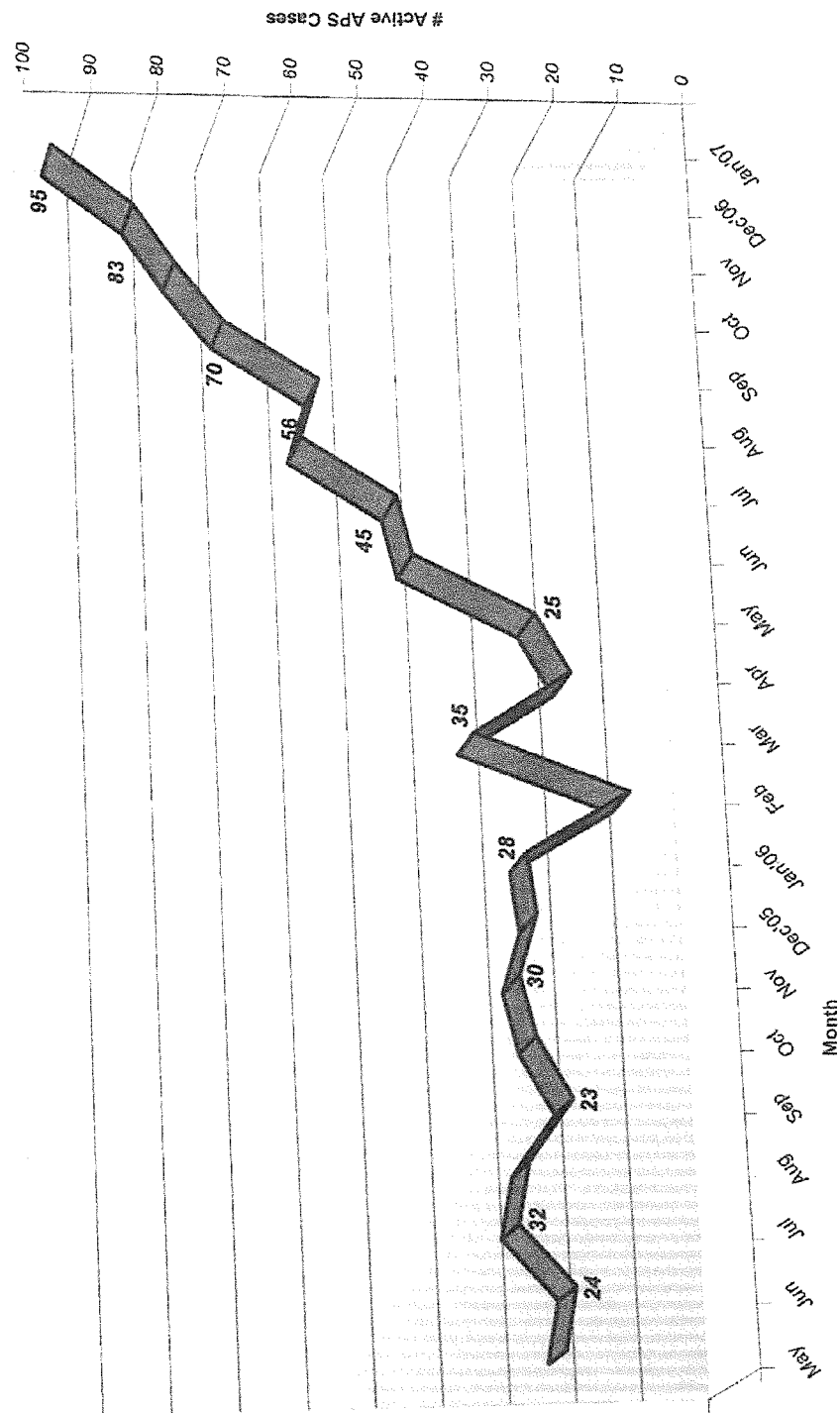
### Age Distribution, 2000



When drawn as a “population pyramid,” age distribution can hint at patterns of growth. A bottom-heavy pyramid, like Yuba County’s, suggests high birthrates, falling or stable death rates, and the potential for rapid population growth.

From January 2006 to January 2007, Adult Protective Services elder abuse caseload has more than tripled, as exhibited in the *Yuba County APS Active Investigations – total by month* chart. Part of the contribution to this increase in reported cases is the growing population of the elderly. The other part that may contribute to the increase of reported cases is education on elder abuse. The Health and Human Services Department has launched a campaign to educate the citizens of the county about elder abuse. There are posters concerning this topic in the Health and Human Services Department in the three primary spoken languages in the county: English, Spanish, and Hmong. Additionally, a member of APS hosts a weekly radio talk show *Senior Talk* on KUBA, where discussions concerning different types of senior topics include elderly abuse and how to report suspected cases.

# Yuba County APS Active Investigations - total by month May 2005 - January 2007



Yuba County Health and Human Services Department - Adult Protective Services

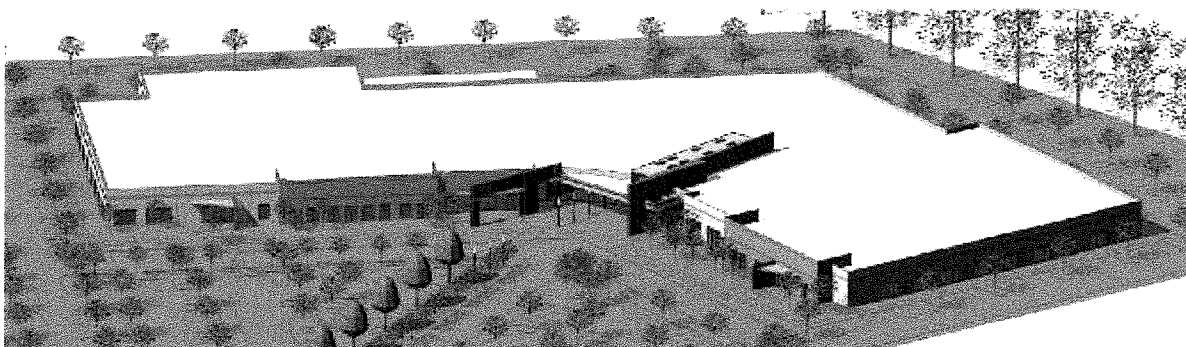
## **Chapter 12 of the W&I Code – Protective Placements and Custody of Endangered Adults**

This chapter of the W&I Code, sections 15700-15705.40, states that if local law enforcement or a designated employee of the county department of social services or mental health determines that an adult is an endangered adult, the person may take the endangered adult into temporary emergency protective custody and initiate adult protective proceedings. Endangered adults are placed in an “appropriate temporary residence” which may include: a residence belonging to a family member or next of kin, an adult residential care facility designated by the county as an emergency shelter that is licensed by the State of California, or a 24-hour health facility. It was found by the Grand Jury that the Yuba County Department of Health and Human Services utilizes the aforementioned means of appropriate temporary residence in addition to providing 72 hours of emergency shelter in selected hotels in the Yuba-Sutter area.

This chapter shall be operative in a county only if the county board of supervisors has adopted a resolution to make the chapter operative. Review of the Yuba County Board of Supervisors meeting minutes from 1998 to present show that this resolution has not been adopted. The Board of Supervisors confirmed that it had not adopted the resolution.

### **Health and Human Services Facilities**

The Health and Human Services Department is currently operating out of the old Peach Tree Mall located in Linda on North Beale Road. The mall was remodeled to accommodate the different organizations that fall under Health and Human Services. The department has been able to obtain funding to build a new consolidated facility that has a distinctive main entrance and contains one grand foyer where a help desk will be located in order to facilitate customers’ needs. This building is currently under construction.



**5730 PACKARD AVENUE**

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## Findings and Recommendations

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### Finding 1

The Board of Supervisors has not adopted as a resolution nor made operative Chapter 12, *Protective Placements and Custody of Endangered Adults*, of the Welfare and Institution Code (15701.05-15705.40) in Yuba County.

### Recommendation

The Board of Supervisors respond as to why the County has not adopted nor noted any discussion of this resolution, even though Senate Bill 2199 was enacted in 1998.

### Finding 2

Abuse case investigations have more than tripled from 2006 to 2007. The county's population is increasing significantly, with an assumed increase in caseload investigations. The county's allocation from the state general fund declined annually since 2002.

### Recommendation

The Board of Supervisors develop a plan to assure continuation of services at a level at least equivalent to today's.

### Finding 3

The SNAC program is a valuable and productive effort to provide physical and emotional assistance to senior citizens. The City of Marysville has announced termination of funding.

### Recommendation

Funding for this program should be pursued by the City of Marysville.

### Finding 4

The Adult Protective Services Policies and Procedures handbook is in draft form.

### Recommendation

The Department of Health and Human Services, Adult Services Division provide a process and timeline for completing and adopting the handbook.

**Finding 5**

Yuba-Sutter does have a 24-hour response system but does not have a letter of agreement as mandated by the state.

**Recommendation**

Yuba County should take the lead and draft a letter of agreement with Sutter County concerning responsibilities of the 24-hour response system and incorporate it in their policy and procedure manual.

**Finding 6**

A new facility is under construction for the Health and Human Services department with an estimated completion in the summer of 2007.

**Commendation**

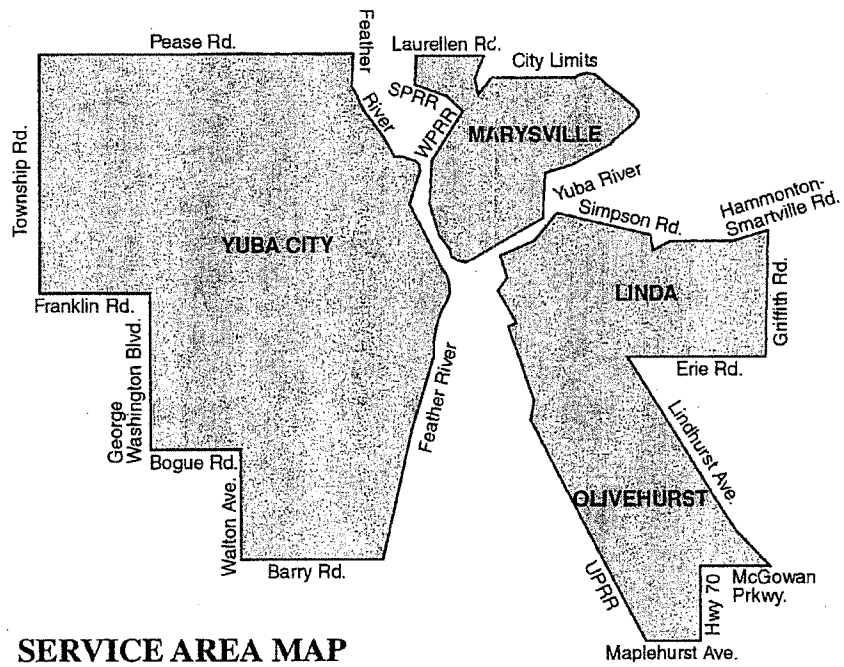
The Yuba County Grand Jury commends the Board of Supervisors for attention to the needs of seniors and dependent adults as evidenced by the construction of the new facility.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 1st day of May 2007.**

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## Attachment A



**SERVICE AREA MAP**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Grand Jury Presiding Judge (Hon. Debra L. Givens) of the Yuba County Superior Court within 90 days from:**

**Board of Supervisors**

**Department of Health and Human Services, Adult Services Division**

**City of Marysville**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

##### **Chapter 3. Powers and Duties of Grand Jury**

###### **Article 2. Investigation of County, City, and District Affairs**

###### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.



### **§933.05. Responses to findings**

(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.

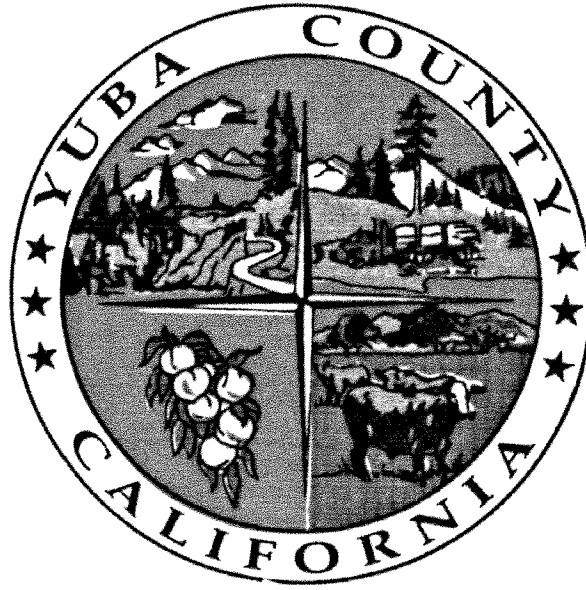
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(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 decisionmaking 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.



**2006-2007 Yuba County Grand Jury  
Final Report**

**City of Marysville:  
Business Improvement District**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**City of Marysville:  
Business Improvement District**

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### **Reason for Investigation**

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Pursuant to California Penal Code 925(a), the Grand Jury is mandated to review the operation and procedures of the municipalities within the county on a periodic basis. Since the Downtown Marysville Business Improvement District (BID) has never been investigated, the 2006-2007 Grand Jury chose to inquire into the structure and operations of the BID. This review was done in order to determine if the association is actually performing its stated mission and what role the members play in its activities.

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### **Background**

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On April 7, 1998 the City of Marysville, authorized by the California Streets and Highways Code section 36500 et. seq., introduced Resolution 98-11 declaring its intention to form a business improvement district, for the purpose of promoting economic revitalization and physical maintenance of the downtown area, create jobs, attract new business, and prevent erosion of the business district. On April 21, 1998, the City Council adopted Ordinance 1233, approved a levy of funds on all businesses in the district and set its boundaries. These are as follows: "North Seventh Street to the toe of the levee and East E Street to East C Street."

There are two "Zones of Benefit" in the BID, with Zone A being the immediate downtown core district including the three blocks of D Street from Third to Sixth streets while Zone B is made up of non-zone A businesses that are located between First and Seventh Streets and from C Street to the east side of E Street.

On June 14, 2005 the Board of Directors of the Downtown Marysville BID adopted bylaws and created a California Mutual Benefit Corporation. These bylaws were created under the provisions of Streets and Highways Code section 36500 et. seq., commonly known as the Parking and Business Improvement Area Law of 1989 ("1989 Law") and they identify the BID as a non-profit organization.

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## **Method of Investigation**

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The Grand Jury studied California Streets and Highways Code sections 36500 through 36504, Resolution 98-11, City Ordinance 1233 and the BID bylaws. Jurors interviewed current officers of the BID and attended BID monthly meetings. Members interviewed City of Marysville Administrative Services Department personnel, Yuba County Counsel, and staff from the Territorial Dispatch newspaper. Jurors reviewed the Marysville Economic Strategic Plan, documents from the Yuba Sutter Chamber of Commerce and the 2005-2006 BID annual report, which includes their mission statement. Additionally the jurors examined the BID's profit and loss statements, projected budget amounts, and the cash flow statements provided by the association. After mailing questionnaires to 127 current BID members, the panel working in groups of two collected the surveys and listened to the concerns of many of the business members.

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## **Facts and Observations**

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Considerable time was spent by the jurors reviewing the BID documents which were confusing. In interviews, elected officers of the BID stated they were not aware of the contents of the governing documents. The membership questionnaires revealed that 76 percent of the respondents were unaware of the bylaws, and only a few understood them.

While interviewing the BID officers, the jurors noted that the participation of the BID members is very limited. Members are only allowed to vote for the election of the Board Officers and not in matters affecting their BID. The membership questionnaire revealed that 67 percent of the respondents feel they have no voice in the decisions made by the BID. This method of operation is contradictory to both Ordinance 1233 and the BID bylaws. Section 4.04.040 of Ordinance 1233 clearly states:

All voting within the District regarding election of Board Members and any actions regarding the normal and routine conducting of District Business shall be based on one (1) vote per assessed dollar, and said business must be current in payment of their District assignment(s) to participate in such votes.

The bylaws, under Section 3.3, add, in part:

All regular members in good standing shall have the right to vote, as set forth in Section 3.1 and 3.2 of these bylaws on the election of directors, on the disposition of all or substantially all of the assets of the Association, on any merger and its principal terms and any amendment of those terms and on any election to dissolve the Association.... [Note: Section 3.1 defines regular and

voluntary members; section 3.2 specifies the rights of regular and voluntary members.]

One area of confusion is the dissolution of the BID mentioned above. The bylaws state a simple majority vote of members present at any given meeting can dissolve the district. However, Ordinance 1233 Section 4.04.150 takes precedence and states:

Proceedings to disestablish the District shall be initiated by the City Council following the presentation of a petition to the City Council signed by business owners paying 50 percent or more of the assessments levied in the District. Proceedings to disestablish the District shall follow the procedures set forth in Section 36550. The City Council shall disestablish the District if, following the public hearing prescribed in Section 36556(b), written protests are not withdrawn as to reduce the protests below the 50 percent level.

The rules regarding membership termination are drafted by the board and are not specified in any of the districts documents. Section 3.6 of the bylaws states that “in no event shall terminating a regular membership result in the termination of the obligation to pay assessment.” Sections 3.5 (termination), 3.7 (suspension), and 3.8 (procedures for expulsion or suspension) all state that a member may be penalized for not conforming to the BID rules of conduct. Therefore, by definition, any member can lose their “member in good standing status” for any alleged reason and will still be required to pay fees to support an organization that does not want their participation.

In the area of finances, review of 2006-2007 projected budget reveals BID annual revenue of \$37,910.00. Of this total, \$18,955.00 is generated from BID membership assessment fees and another \$18,955.00 is to be donated by the City of Marysville as matching funds. According to the City of Marysville Administrative Service Department personnel, the city council decides annually if matching funds are available. If so, these funds are donated to the BID to be spent at their discretion.

All expenses are approved by the Board and two signatures are required on all checks written. The accounting program used by BID is *Quickbooks* by Intuit. Planned expenditures are as follows:

- 43% advertising
- 12% scheduled events
- 20% new events
- 15% promotions
- 10% operating expenses

The Grand Jury noted that most of the BID budget will be spent on advertising. Most notable are the BID tri-fold and the experimental “Downtown Marysville” section included monthly in the Territorial Dispatch. Other advertising venues include the *Appeal-Democrat*, Beale’s “High Flyer,” Gold Sox baseball, and signage.

The “Downtown Marysville” insert, included in the Territorial Dispatch, has advertising paid for by individual business. The articles in the insert consistently favor the same few establishments.

A large portion of the budget (32 percent) will be spent on downtown events such as the Christmas Parade, the Veterans Day Parade, the Peach Festival and Bok Kai, although the community benefits from these events, 67 percent of the respondents to the BID membership questionnaire reported that they do not benefit from these events.

Another 15 percent of the budget will be spent on promotions, which includes an improved website, decorations to empty storefronts, colorful planters, and flags throughout the downtown area. Although the BID has a savings account in excess of \$12,000, 70 percent of the BID survey respondents stated that they did not see their levied funds being spent in a visible way.

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## **Findings and Recommendations**

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### **Finding 1**

The BID bylaws are vague and confusing.

### **Recommendation**

Review and revise the bylaws to clarify their content.

### **Finding 2**

Many BID members are not aware of the bylaws.

### **Recommendation**

Ensure that all BID members receive a copy of the revised bylaws.

### **Finding 3**

A majority of the BID members are not aware of their right to vote on the decisions made by the BID.

### **Recommendation**

Inform members of their right to vote on decisions by the BID and encourage their participation.

### **Finding 4**

BID has a savings account balance roughly equivalent to one-third of their budget.

### **Recommendation**

Decide best use of the funds in the savings account with the full membership.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 15th day of May 2007.**

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### **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Grand Jury Presiding Judge of the Yuba County Superior Court (Hon. Debra L. Givens) within 90 days from:**

**City of Marysville: Business Improvement District**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

##### **Chapter 3. Powers and Duties of Grand Jury**

###### **Article 2. Investigation of County, City, and District Affairs**

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(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(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:

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- (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.

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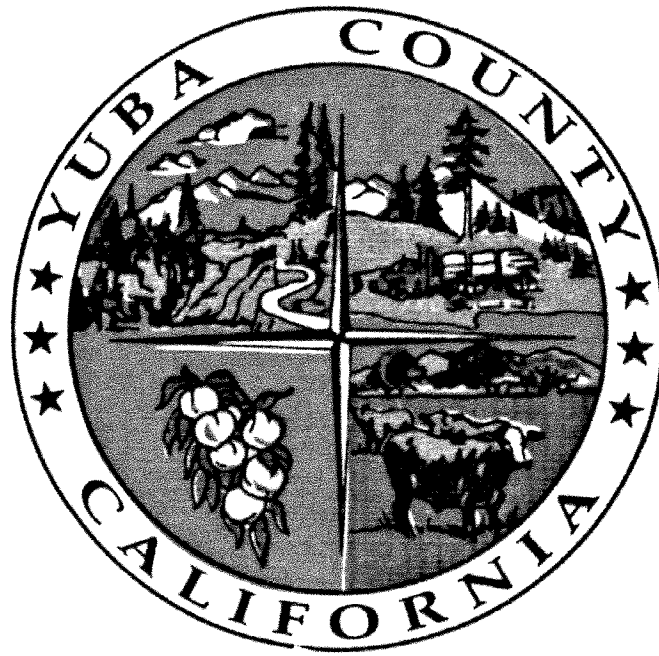
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and 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 decisionmaking 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.



**2006-2007 Yuba County Grand Jury  
Final Report**

**Marysville Joint Unified School District  
Dobbins Elementary School**

## **2006-2007 Yuba County Grand Jury Final Report**

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### **Subject of Investigation**

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**Marysville Joint Unified School District  
Dobbins Elementary School**

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### **Reason for Investigation**

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All schools and school districts within Yuba County fall under the jurisdiction of the Grand Jury for periodic examination. It was noted that Dobbins Elementary School had not been investigated within the last 10 years.

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### **Background**

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The Dobbins Elementary School was investigated by the Grand Jury in accordance with Penal Code section 925 to ensure the school was receiving sufficient support from the Marysville Joint Unified School District (MJUSD) despite its distant location from the focal point of the district. With the vast increase in development in the Plumas Lake and East Linda areas of the school district, the Grand Jury wanted to make certain that curriculum improvement programs of well-established schools were still being supported.

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### **Method of Investigation**

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The Grand Jury toured the Dobbins Elementary School facilities and interviewed the faculty, staff, students, and MJUSD Superintendent.

The Grand Jury reviewed the following documents:

- Dobbins Elementary School website, <http://www.dobbins.mjUSD.k12.ca.us/>
- Marysville Joint Unified School District Emergency Action Plans

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## Facts and Observations

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### School Programs

The Dobbins Elementary School provides education for approximately 100 students in the grades of Pre-K through 5<sup>th</sup>. The school is located in a rural setting on a five-acre plot of land distant from the more populated areas of the MJUSD. The school utilizes innovative educational computer programs to teach fundamental skills of communication, mathematics, and critical thinking, in addition to conventional classroom instruction. These programs include, but are not limited to:

- *Open Court* reading
- *Waterford* K-1<sup>st</sup> reading
- *Accelerated Reading*
- *Harcourt Math*
- *Fast Facts Math*

Each classroom has computers with the *Waterford* reading and *Fast Facts Math* programs on them so students can practice their skills at their own pace and at their own level. The district uses these programs at all their schools and has purchased the copyright over the past seven years. To date, the district does not plan to switch to other programs and will secure upgrades as necessary.

Dobbins Elementary also offers a multitude of special programs to its students to enhance their learning capabilities which include:

- Fine Arts
- Physical Education
- Healthy Start
- English Language Development
- Resource Specialist Program
- Speech and Language
- Primary Intervention Program
- Second Step Violence Prevention Program
- American Indian Education Program sponsored by the MJUSD

The school functions exceptionally well with limited staffing, which consists of five full-time teachers and one part-time teacher (the school principal), one secretary, one library clerk, four instructional assistants, one cafeteria clerk, and one custodian. Each member of the staff that was interviewed was pleased to be working at the school and is dedicated to providing the best for their students.

Review of the school's academic data, the Standardized Testing and Reporting and California Standards Tests, shows that the students are performing average and above average

amongst their peers within the district and state. These results reflect the positive effort made by the teachers at Dobbins Elementary School.

Special mention should be made of one of the teachers who started an informal music program three years ago in the teacher's class of 3<sup>rd</sup> and 4<sup>th</sup> grade students. Elementary schools within the district are not provided funding or approval for formal music arts programs. A local music shop loaned the school the violins the students need in order to have music lessons.

The American Indian Education Program sponsored by the district has been generous in providing the school with additional instructional assistants, computer equipment and tutoring programs. The instructional assistants help students with their speech and language lessons and contribute greatly to providing tutorial services for all the school's students. The pupils who are enrolled in the Indian Education/Cultural program are withdrawn from their normal class twice a week (Tuesdays and Thursdays) to learn American Indian-specific lessons. The members of the Grand Jury were able to observe a few groups in class where the students were learning about indigenous plants and their many uses, such as medicinal or nutritional. In addition, a class was observed in the library's computer lab where students were being taught how to conduct research concerning Indian topics. All nine computers in the library were donated by the American Indian Education Program.

The faculty mentioned that the school is in need of before-school and after-school programs. Many of the families whose children attend the school commute to neighboring counties for employment and there are no child care programs in the local area. Many faculty members stated that they would be willing to take part in such programs and would offer tutoring to students who desired help with their studies. The MJUSD Superintendent stated that additional funding would be required in order to pay teachers who would be involved in the programs. However, the minimum student to teacher ratio for such programs is 15:1. It was not believed that Dobbins Elementary had the minimum student population to meet the requirement. If the school does, then the principal should submit funding requests for before-school and after-school programs to the district office.

### **Facilities**

The facility itself is limited in space. There are three classrooms in the main campus building, two portable buildings which are used for its pre-kindergarten, kindergarten, and 1<sup>st</sup> grade programs, and for 2<sup>nd</sup> through 4<sup>th</sup> grades. Most of the classes have combined grades, with the exception of one class consisting of 2<sup>nd</sup> graders exclusively due to the large student population for that grade. The pre-kindergarten and kindergarten students attend half the day from 8:30 a.m. to 12:15 p.m. This allows the 1<sup>st</sup> graders exclusive instruction time in the afternoon.

The school library is located in a separate building which has been recently condemned. The library will be moved into the main part of the building once the forefront classroom facing the street is renovated to accommodate the administrative offices and the new library. While the school itself is rather old, the school custodian has done an outstanding job maintaining the



school by acquiring the necessary equipment needed and performing a variety of tasks that were previously contracted to outside custodial agencies.

The school is in the planning stages of building a needed multi-purpose room and kitchen for the students to use as a cafeteria and assembly room. The new construction will be large enough to accommodate the entire school population. Currently the students eat in a small hallway where two portable tables are set up for lunch and outside under a covered patio. The patio area has seven picnic tables to accommodate outside dining, which is used year round due to lack of space in the hallway. During adverse weather, multiple lunch periods are added in an effort to accommodate inside dining for the entire school.

Currently there are 30 to 35 students who participate in the federal school breakfast program and 75 in the lunch program. As there are no full kitchen facilities at Dobbins Elementary, meals are prepared and brought in from Brownsville Elementary. The construction of the multi-purpose room is a reflection of hard work made by the school staff and the MJUSD staff who applied for and were awarded the Certificates of Participation Grant and the Dobbins community which raised \$12,000 towards construction costs.

The library/media center's contents are broader than comparable schools. They have a computer laboratory that consists of the nine computers that were donated by the Indian Education Program and can be used for research and learning programs. The students have access to the Internet via a high-speed connection which also connects the schools computers to the district's network. The district utilizes firewalls and filters that block access to websites based on key words. The library structure itself will be dismantled once the contents are relocated and the district acquires money to tear it down.

Playground equipment is in good state of repair. The school would like to purchase a smaller playground set for the pre-school students as the one they have is too big for that age group. This purchase has to be made with categorical money which is stretched to the limit with higher prioritized needs. The MJUSD Superintendent stated that this would be a great fundraising topic for the Parent Teacher Club and the local community.

The school is located on a five-acre plot of land and is in the process of obtaining legal documentation on an additional five acres that were donated to the district. Currently, the school has a large area of grass in front of the school which is utilized as a soccer field, a baseball diamond and an area for planting a garden. One of the 4<sup>th</sup>/5<sup>th</sup> grade combined classes was interviewed as a whole and they voiced their desires for the grounds to be outlined for the appropriate seasonal sport and for additional playing areas such as a volleyball court, handball wall, and a tether ball pole. With the additional acreage, this request may be achievable.

Another area of concern regarding the additional land is the maintenance. Presently, there is only one custodian at the school and she is not equipped to clear the newly-acquired five acres or to manage 10 acres of landscaping. The MJUSD Superintendent said that this would be an area of interest for the district, as it has acquired funding for an additional two to three grounds personnel. In the past, these positions were not filled due to budget cuts. As a result, school custodians took on the additional responsibilities.

The school facilities were inspected by the district January 10, 2006 and the following chart shows the results:

Interim Evaluation Instrument Part	Facility in Good Repair		Deficiency and Remedial Actions Taken or Planned
	Yes	No	
Gas Leaks	X		
Mechanical Systems	X		
Windows/Doors/Gates (interior and exterior)		X	Replace windows - summer 2006
Interior Surfaces (walls, floors, and ceilings)	X		
Hazardous Materials (interior and exterior)	X		
Structural Damage	X		
Fire Safety	X		
Electrical (interior and exterior)	X		
Pest/Vermin Infestation	X		
Drinking Fountains (inside and outside)	X		
Restrooms	X		
Sewer	X		
Playgrounds/School Grounds		X	Replace asphalt - 2006-07

Construction for the multi-purpose room will start in the beginning of 2007, and will be built over the area where the asphalt needs to be replaced. The windows had been replaced prior to the inspection conducted by the Grand Jury in October 2006.

### **Safety**

Procedures for visitors include checking in with the administrative offices and then having someone escort the visitor to the area where he or she wishes to go. During the time of the tour, the administrative offices were located at the back of the main building and the foremost classroom of the building was in the process of being prepped for renovation to house the administrative offices and the library. Three windows were going to be added to the front wall for better visibility of the approaching road to the school in order to monitor visitor traffic and student activity during recess. Each student has an Emergency Form on file which contains all the contact names and numbers of up to seven people who are authorized to pick up the student. Cell phones are allowed on the campus, but cannot be used during school hours and must be turned off.

The playground is located in the front of the school and there are hazards concerning the playing fields. The fence is low and balls get kicked or hit outside the fence and are chased into the street by the children. The three backstops for the soccer goals do not have nets.

Copies of the district's Emergency Action Plans were obtained and reviewed. The plans include emergency procedures for fire, civil defense, bomb threats, chemical accident, earthquake, explosion, air raids, intruders on campus, fallen aircraft, flood, hostage alert, windstorm, and war. The action plans were dated March 2003 and were reviewed and approved by the district's attorneys. The plans are reviewed on an annual basis in the fall before school

starts. The next scheduled review is in the fall of 2007. District staff operates the Emergency Operations Center and training is held when there is a turnover of personnel (about every two to three years). Dobbins Elementary conducts random fire drills monthly and earthquake exercises quarterly as scheduled by the district. The principal may conduct additional exercises and drills at her discretion.

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## **Findings and Recommendations**

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### **Finding 1**

Before-school and after-school programs are needed.

### **Recommendation**

Determine population of students who are in need of such programs. If Dobbins Elementary meets the 15 students per teacher requirement, submit funding request to district. If not, the school should submit a funding request with a waiver.

### **Finding 2**

Majority of computer equipment is three years old or older and considered obsolete by district standards.

### **Recommendation**

Make a list of equipment that needs to be replaced in order of utility and age. Provide list to district so it can project replacement schedule with the rest of the district.

### **Finding 3**

With the addition of five acres, a landscaping contract and/or additional custodians and equipment are needed.

### **Recommendation**

Develop plan for maintenance of additional five acres.

### **Finding 4**

Asphalt play area will be excavated in 2007, leaving the children without a play area for handball and basketball.

### **Recommendation**

Develop plan for creation of suitable play area.

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**Finding 5**

Balls go outside the fenced playground into the street during recess.

**Recommendation**

Devise and implement a plan to correct child safety concern.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 6th day of February 2007.**

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**Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Yuba County Superior Court from:**

Marysville Joint Unified School District  
1919 B Street  
Marysville, CA 95901

**California Penal Code  
Part 2 of Criminal Procedure**

**Title 4. Grand Jury Proceedings**

**Chapter 3. Powers and Duties of Grand Jury**

**Article 2. Investigation of County, City, and District Affairs**

**§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(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 decisionmaking 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.