

*Yuba County
Grand Jury*

2007 - 2008

Final Report

“The only way to make sure people you agree with can speak, is to support the rights of people you don’t agree with.”

**E.H. Norton
Representative
U.S. Congress**

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The County of Yuba

GRAND JURY



June 26, 2008

The Honorable Julia L. Scrogin
Judge of the Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

Dear Judge Scrogin:

This report is the result of numerous investigations, meetings, research, and interviews by twelve jurors who, on July 1, 2008, took an oath and kept their word. It was a privilege to serve as foreperson for such a dedicated and hard-working group.

On their behalf, and in accordance with California Penal Code section 993, I am honored to submit to you the 2007-2008 Yuba County Civil Grand Jury Final Report.

Your Honor, I would like to thank you for the opportunity to serve my community, and for your guidance, availability, and counseling through some very trying times. I would also like to acknowledge Grand Jury Administrator Evelyn Allis for her patience and advice. This jury could not have functioned properly without the support of the Court IT analysts Mike Pugh and Bob Burrell and the Superior Court staff, specifically Renee Danielson and Beverley Osbourn. Thank you!

During my tenure as foreperson, I had the opportunity to travel and interview various officials and citizens of Yuba County. The cooperation extended to this Grand Jury by the Yuba County Sheriff's Department, Marysville Police Department, City of Marysville, and the staff of the Yuba-Sutter Bi-County Juvenile Hall was appreciated. To the students of Lindhurst High School, I will always remember the respect shown to members of the Grand Jury during our presentations at your school.

In closing, it is the hope of the 2007-2008 Yuba County Civil Grand Jury that this report will enlighten and inform the citizens of the functions of its local government.

Sincerely,


Grant P. Garcia
Foreperson

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2007-2008 YUBA COUNTY GRAND JURORS

Kathleen “Kathie” H. Anderson	Wheatland
Robert “Bob” A. Carpenter, Foreperson Pro Tem	Camptonville
Howard C. Coffey	Browns Valley
Franklin “Frank” De Board, Sgt. At Arms	Marysville
Don Elliott	Marysville
Richard “Rick” L. Fagan	Marysville
Grant P. Garcia, Foreperson	Marysville
Pamela J. Roberts, Secretary	Marysville
Meldine L. Rodda, Librarian	Marysville
Charles W. Schumacher	Marysville
Olive A. Sultzbaugh	Oregon House
Richard “Rick” K. Sumner	Browns Valley
Lillian R. Vazquez, Treasurer	Oregon House

History of the Grand Jury

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

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

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

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

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

In the early 1600s, colonial representatives of the English monarchs made laws and prosecuted violators. The first grand juries recommended civil charges against those crown agents, thus establishing themselves as representatives of the governed, similar to grand juries today. The first grand juries also looked into government, misconduct or neglect. For example, the first colonial grand jury, established in Massachusetts in 1635, “presented” town officials for neglecting to repair stocks, and also considered cases of murder, robbery, and spousal abuse.

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

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

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

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

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

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

Today, all states except Connecticut and Pennsylvania, and the District of Columbia may use grand juries to indict and bring criminal to trial. Twenty-three states and the District of Columbia require that grand jury indictments be used for certain more serious crimes. California and twenty-four other states make use of grand jury indictments optional. All states and the District of Columbia use grand juries for investigative purposes.

Currently, the California grand jury has three basic functions:

1. To weigh criminal charges and determine whether indictments should be returned.
2. To weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office.

3. To act as the public's "watchdog" by investigating and reporting upon the affairs of local government.

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

Reports and Investigations

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

City of Marysville

Reason for Investigation

The City of Marysville was selected for review under California Penal Code Section 925a, which states:

“The Grand Jury may at any time examine the books and records of any incorporated City or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the Grand Jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such City or joint powers agency and make such recommendations as it may deem proper and fit.”

The City Committee of the Grand Jury determined to investigate and review the City of Marysville’s budget and associated financial statements, as they represent one of the primary methods used to monitor the performance of the city’s management.

Background to the Investigation

The City of Marysville (hereafter referred to as “the City”) is located along Highway 70 approximately 40 miles north of Sacramento in Yuba County. Marysville was incorporated on February 5, 1851 under the laws and regulations of the State of California. The population was estimated to be 12,530 in 2005 by the U.S. Census Bureau. The fiscal year period is July 1 through June 30.

The City operates under a city manager-council form of government. The City provides the following services: police, fire, wastewater treatment and collection, storm drainage, street maintenance, street light maintenance, and park maintenance. Solid waste collection is provided by a franchise vendor and water service is provided by an independent company.

In addition to the City, the Fire Department also services the District 10 and Hallwood communities.

Method of the Investigation

The City Committee of the Grand Jury conducted interviews with city management, a city council member, and the mayor. These interviews were conducted with no less than two committee members present.

Documents reviewed include the annual operating budget for Fiscal Year 2007-2008, Independent Auditor's Reports for 2005-2006 and 2006-2007, Baseball Facilities Use Agreement, and City of Marysville Public Financing Certificate-B Street Project. Interview questions were developed during review of these documents.

Facts and Observations

The City budget process is initiated by the city manager. Department heads are requested to submit estimated revenues and expenses for the upcoming year. The city manager reviews the department head requests and makes a recommendation to the City's budget committee. The budget committee consists of two city council members and the administrative services manager, and is responsible to review the estimates, discuss with department heads as needed, revise the estimates as it believes appropriate, and forward the proposed budget to the city council.

The city council reviews the budget at publicly held study sessions and revises as it deems advisable. After this initial review, copies of the proposed budget are made available to the public, and a date is set for a final public hearing. At the conclusion of the public hearing, the city council makes the final revisions and adopts the budget. Copies of the city budget can be obtained by contacting City Hall.

Budgetary control is maintained through monthly reports on all revenue and expenditure accounts, as well as special reports summarizing the financial position of the City.

At any public hearing after the adoption of the budget, the city council may amend or supplement the budget by motion adopted by a majority vote of the city council.

The financial statements of the City reflect detail for the general fund, special funds, and agency funds. The general fund expenses are categorized between 16 different departments or divisions. Within each department, costs are itemized by over 30 various cost classifications (labor, parts, gas, etc.) Revenues of the City are detailed by over 100 sources of income. The financial statements are well organized and offer more than sufficient detail to monitor and control the revenues and expenses of the City.

Page 6 of the 2007/2008 budget states that:

"Internal controls exist within the accounting system to insure safety of assets from misappropriation, unauthorized use or disposition and to maintain the accuracy of financial record keeping."

The City Municipal Code and Generally Accepted Accounting Principles as established by the Governmental Accounting Standard Board form the guidelines under which the City operates its accounting and financial reporting functions. The City has very few written internal policies and procedures with regards to these functions. Each year an independent certified public accountant is contracted to examine the financial statements in accordance with government auditing standards. The Grand Jury City Committee reviewed the audits for the years ending 6/30/06 and 6/30/07. It was the opinion of the auditing firm that the City financial statements present fairly, in all material respects, the respective financial position of the City. No material weakness of internal controls was identified during the course of the audit. Also, the results of these audits did not disclose any instance of noncompliance that would be required to be reported under government auditing standards.

The Marysville general fund budget for the 2007/2008 fiscal year was approved for a total of \$8.53 million. The police department budget is \$3.52 million and the fire department budget is \$1.51 million. Together, these departments account for 59% of the total expenditures. The fire department changed from a city-operated fire department to a contract fire department operated by California Department of Forestry (CDF) in November of 1997. It was determined at the time that the change offered the City the best financial advantage. During fiscal year 1999/2000, staffing was reduced from 4 personnel 24-hours a day to 3 personnel 24-hours a day to reduce costs. In 1999/2000, the contract cost was \$691,000, as compared to the 2007/2008 budget of \$1.34 million. The contract with CDF is an annual contract. No in-depth study has been performed since 1997 to determine if operating with a CDF contract continues to be advantageous to the City.

The City maintains a baseball operations fund to segregate costs assumed by the City in its Baseball Facilities Use Agreement with the Yuba-Sutter Community Baseball, Inc. (YSCBI). YSCBI currently manages the Goldsox baseball team and leases what is commonly known as "Bryant Field" from the City. Goldsox baseball started in the 2000 season after major improvements to Bryant Field. The owners subsequently filed bankruptcy and the City became the owners of a baseball team. The 2001 baseball season was cancelled while legal issues were resolved. The City ran the team during the 2002 season, and finished the year with a \$221,300 deficit. Members of the Grand Jury City Committee observed that in an Appeal-Democrat article dated October 15, 2002, one city councilman estimated that the City had absorbed \$2 million dollars in losses associated with baseball, and therefore decided to review the issue further. In February 2003, the City signed the current agreement with YSCBI, and substantially cut their annual losses. The agreement is a three-year rolling agreement, with a 5% annual increase in fees paid by YSCBI to the City. In accordance with the agreement, the City will receive \$51,050 for the fiscal year 2007-2008. However, total expenses absorbed by the City for its responsibilities under the agreement are budgeted to be \$90,531. Therefore, net cost to the City in the baseball operations fund is budgeted at \$39,500. Net cost to the City for the 2005/2006 year was \$77,385 and was estimated to be \$63,582 in 2006/2007. Positive aspects of the baseball operations include community entertainment, a small sales tax base, summer employment, and the use of Bryant Field, which represents a major investment. The stadium currently is named All Seasons RV Stadium.

The City has budgeted for 63.5 employees, excluding the fire department and including two grant-funded positions. The cost to the general fund for salaries, wages, and benefits is \$4.9 million, which is 57% of the total budget. The police department accounts for 36 of the total employees and \$3.2 million of employee costs. As stated above, the contracted employee cost for the fire department is budgeted at \$1.34 million. Therefore, total employee cost is \$6.2

million and is 73% of the City budget. Employees are budgeted to be reduced by 2 during the 2007/2008 fiscal year, 1 position in administrative and 1 position in the police department. Over the last eight years, employees were at a high of 73 in the 2001/2002 fiscal year and at a low of 62 in the 2003/2004 fiscal year. City management is keenly aware of the impact of employee costs. Reorganization/reduction of staff is considered whenever possible, but must be balanced with the services required by the community. Hiring new employees must be approved by the city council.

General fund revenues for the 2007/2008 year are budgeted at \$8.2 million. Sales tax and property tax in lieu of sales tax account for \$2.3 million which is 28.5% of the budget. In the City, a sales tax rate of 7.25% is applied to taxable sales. The City receives 1% applied to taxable sales. Taxable sales reported by the state for the 2005/2006 year totaled \$205 million. Several of the City's larger sales tax generators have been gas stations as the cost of fuel continues to increase. Property tax is the next largest revenue source at \$950,000 (11.5%). Property tax is levied based on 1% of assessed valuation, and the City receives a little under \$.19 of every property tax dollar billed. The City also receives \$935,000 in Motor Vehicle License Fees, \$680,000 in Yuba Sutter Disposal tipping fees, and \$335,000 of Franchise Taxes (fees charged to gas, electric, cable television, and solid waste collection companies for using City streets.) In June of 2005, the City began installing red light violation cameras at various locations. Presently there are four red light cameras, recording an average of 1,000 red light violations per month. The 2007/2008 budget includes \$1.1 million of revenues for red light violations. There is an annual cost of \$295,000 to operate and maintain the red light cameras. Additional revenues of \$130,000 are received for fire department services to the District 10/Hallwood communities. The above income sources equal 78% of the general fund budget.

In the City there are limited opportunities for residential growth, which restricts increases in property tax revenues. However, there has been continued interest in commercial/industrial projects within the City. Two developments, one on the North and one on the South side of Ninth at B Streets are evidence of this interest. The City is also reviewing the possibility of selling certain parts of Washington Park for development. During 2006, the City issued \$4.9 million of Taxable Certificates of Participation. This borrowing is being used to acquire and improve a 5-acre site on the East side of B Street, South of 14th Street. The City intends to lease the parcel for commercial purposes, or sell the parcel for future development. All these projects offer the advantage of increasing both sales tax and property tax revenues.

It is projected the general fund will have an unreserved fund balance of \$1.3 million on June 30, 2008. The budget states:

“Spending from reserves and using one-time revenues generated from the sales of property and other activities will be kept at a minimum in order to slow down the rate of erosion of the City’s reserve.”

These reserves will be of major importance to the City if revenues decline resulting from the current downtrend in the economy. The Grand Jury was informed there are no restrictions imposed on the city council with regards to spending funds gained from the sale of city property.

Findings and Recommendations

Finding 1

There are no restrictions imposed on the city council with regards to spending funds gained from the sale of city property.

Recommendation 1 Draft an ordinance requiring funds received from the sale of city property to be deposited in a reserve account. The funds would be limited to use on capital improvement projects.

Finding 2

Although losses have been decreased substantially, Goldsox baseball continues to cost the City of Marysville. Net costs to the City for the 2005/2006 year were \$77,385, estimated to be \$63,582 in 2006/2007, and budgeted to be \$39,500 in 2007/2008.

Recommendation 2 Enter into discussions with Yuba-Sutter Community Baseball, Inc, to explore the potential for negotiating a new agreement. Any new agreement should move the City to a minimum of a breakeven cost.

Finding 3

The fire department changed from a city-operated fire department to a contract fire department operated by California Department of Forestry (CDF) in November of 1997. No in-depth study has been performed since 1997 to determine if operating with a CDF contract continues to be advantageous to the City.

Recommendation 3 Conduct a study to verify that operating the fire department through a contract with CDF continues to be advantageous to the City.

PASSED and ADOPTED by the Yuba County Grand Jury on the 17th day of May, 2008.

Response Required

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:

**City Administrator, City of Marysville
City Council, City of Marysville**

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Juvenile Hall / Maxine Singer Youth Guidance Center

Reason for Investigation

California Penal Code Section 919 (b) states:

"The grand jury shall inquire into the condition and management of the public prisons within the county."

Background to the Investigation

The Yuba-Sutter Bi-County juvenile center is located in the City of Marysville. The center consists of the Juvenile Hall (Hall), the Maxine Singer Youth Guidance Center (Camp) and the Secure Housing Unit (SHU). The center is a Yuba-Sutter bi-county facility located at 1023 14th Street, Marysville, California. Present capacity is 60 in the Hall, 60 in the Camp and 15 in the SHU. The units are capable of housing both male and female minors.

The Hall has separate male and female wings. The cubicles in the Hall are 7 by 11 feet. Three of the cubicles have double bunks with the remainder single beds. Each cubicle in the Hall has an intercom that connects with the control area that is manned 24/7. The female wing in the Hall was part of the old county hospital built in 1916 and remodeled in 1976. There are two classrooms in the Hall and a common area between the wings. The common area serves as a study area and library. The common area also has a television and video tapes for viewing. The Hall has an outside area for recreation.

The Camp has a female dorm with 12 beds and a male dorm with 48 beds. The dorms are in separate buildings. Each dorm has half walls separating the sleeping areas, and also has a common area. There are two classrooms in the Camp. The Camp has an outside area for recreation.

The SHU is a high-walled structure with an outside common area covered on top with chain link. The enclosed area of the SHU has seven double-bunk cells and one cell for disabled. There is a common area within the enclosed area of the SHU.

The three units, Hall, Camp and SHU, are adjacent but are separated by security fencing. They have monitored entrance and exit points. There is a dining facility located between the Hall and the Camp.

The staff members have a minimum of an associate's degree and peace officer training which requires a full background investigation. In addition there are two full-time therapists, one for the Hall and one for the Camp.

The center has operated under a joint powers agreement between Yuba and Sutter counties since 1976. Yuba County Probation Department (YCPD) is the administrative agent and all employees are Yuba County employees. Oversight of the center is by a panel, two from the board of supervisors of each county, the county administrators and the chief probation officer. The panel meets quarterly. The operation of the facility is in accordance with the guidelines of the California Code of Regulations Title 15 and Title 24.

Method of the Investigation

Interviews were held by the Yuba County Grand Jury Law Committee with a minimum of two members. There were a total of four visits. Interviews were conducted with the staff of the YCPD as well as staff at the juvenile hall. Residents of the Hall and the Camp were also interviewed.

During the tours, members of the law committee were able to interact with both staff and residents, as a group and individually. On one occasion, members of the Law Committee ate lunch with the minors of the Juvenile hall.

Facts and Observations

Currently there are 43 residents in the Hall and 45 residents in the Camp. The goal of the YCPD is to have a ten-to-one inmate-to-staff ratio at the Hall and Camp (California Code of Regulations Title 15 Section 1321.) At the current time, the SHU is not utilized and has not been for the last two years. If money becomes available for a retrofit of the Hall, it is planned to use the SHU as temporary housing during the work.

The recent realignment of the California Youth Authority (CYA) resulted in the release of some offenders back to county facilities. There was only one minor released from the CYA that would have been eligible to return to the Yuba County bi-county facility. The individual was on probation so did not return to the county. It is expected that the state will be releasing money to the counties because of the realignment of the CYA. If this occurs, there will be money to improve and modernize the Hall.

The YCPD has become proactive in an attempt to control the number of juvenile offenders. Officers are placed in the local schools to counsel students. Tough truancy enforcement actions are an effort in controlling the number of residents.

The YCPD will only accept juveniles from another county if that county's probation department shares the treatment philosophy. Presently there is a contractual agreement with Sutter, Placer and Colusa counties to house their juvenile offenders. Residents come into the Hall and are held for trial while they go through the court process, usually a period of 5 days. There is no separation by gang affiliation in either the Hall or Camp.

The tour of the facility began with the SHU. Except for some dust in the outside recreation area, the SHU was neat and clean. It has not been utilized for some time; however, the staff periodically inspects the area and checks the operation of the utilities, lights, plumbing and communications.

The floor of the entrance corridor of the Hall was covered with carpet which was well-worn and badly stained. The control room for the Hall is manned 24/7 and has views of the corridor and common area, as well as monitors for other areas of the Hall. There is a medical unit just off the entrance area. Upon arrival, residents are given a physical by a county medical doctor and a TB skin test and are interviewed for any medication they require. Medications are kept in a locked cabinet within the medical unit, which is also locked.

The classrooms of the Hall are in portable buildings located within the Hall grounds. The Law Committee, accompanied by staff, visited one of the classrooms in the Hall. The short visit did result in some disruption to the class in session, but order was quickly restored.

The female wing of the Hall is to one side of the common area. Not all the cubicles were occupied and one of the unoccupied cubicles had a leaky faucet which caused a small puddle of water to accumulate on the floor. There was also a shower area in the female wing. The remodel of the Hall in 1976 resulted in the addition of 28,000 sq. ft. addition to a 2,000 sq. ft. building along with redundancy in the wiring and plumbing, making additional modifications easier. The addition includes the male wing.

The male wing of the Hall is located on the opposite side of the common area from the female wing. There was a shower area in the male wing. This area was in need of maintenance. There was paper on the windows and some of the doors did not fit. The staff indicated that any remodel of the Hall would include replacement of the doors and windows of the cubicles.

The kitchen area in the dining facility was neat and clean. The dining area seats sixty-four persons, four to a table. The table units with attached seats are affixed to the floor. The units were manufactured by the Prison Industry Authority (PIA). Meal times for the Hall and Camp do not coincide. If there are juvenile offenders in the SHU, meal trays are transported in a "hot cart" from the dining facility to the SHU. The Law Committee was served and dined with the Hall residents. The hot lunch was more than adequate. Residents that are on "room confinement" and not allowed to eat in the dining facility have meal trays delivered to their rooms. Meals are varied and menus are posted several days in advance in accordance with California Code of Regulations Title 15 Article 12.

The dorms in the Camp have a large, open area with half walls. The furniture in the common area was built by the PIA. The dorms were neat and clean. The residents are responsible for the cleanup and appearance, which is encouraged by the staff. The furniture in the common area is over 5 years old, with no scratches or indications of misuse apparent.

There is a large building within the Camp enclosure which originally was a vehicle maintenance building for the county public works department. In this building there is a large open space that

is utilized as a gymnasium with a basketball court with a basket at each end. There is a well-equipped wood shop area in the southeast area of the building and some teaching aids for electrical wiring assembly in the northwest area. There is a laundry area in the separate room where all the laundry for the entire facility is done. The laundry equipment is industrial quality and is run by the residents.

There are two classrooms in the building. The Law Committee observed a math class in progress in one of the rooms. The class was beginning algebra and all the students had a text book and appeared to be paying attention to the instructor. The teachers in the Hall and Camp are from Yuba County Office of Education. Education is ongoing, as required by California Code of Regulations Title 15 Section 1370, with an emphasis on science, literature and mathematics.

In a separate building between the dorms and the gymnasium is a fully-equipped kitchen facility which could be used for teaching cooking skills. The facility was neat and clean. At the time of the tour, it was unused and had not been used for some time.

Following the tour of the facility, the Law Committee interviewed a member of the staff. It was mentioned that if a juvenile comes to the facility with a drug or alcohol problem, there is no avenue to help the individual through Bi-County Mental Health. Recently, the YCPD has designated funds to hire a drug and alcohol counselor.

Findings and Recommendations

Finding 1

The carpet in the entrance corridor area of the Hall is badly stained.

Recommendation 1 Replace or remove as necessary.

Finding 2

Several cubicle doors in the Hall wings do not close properly and some windows will not open.

Recommendation 2 Replace or repair as necessary.

Finding 3

The fully-equipped kitchen area in the Camp is not utilized.

Recommendation 3 Develop a program to teach cooking skills to residents. This is a life skill that is beneficial in any family environment.

PASSED and ADOPTED by the Yuba County Grand Jury on the 3rd day of June, 2008.

Response Required

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:

Yuba County Chief Probation Officer

2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Marysville Levee District

Reason for Investigation

The Marysville Levee District was selected for review under California Penal Code section 933.5, which states that *the Grand Jury may at any time examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.*

Background to the Investigation

The Cities Committee of the Yuba County Grand Jury chose to investigate the Marysville Levee District due to strong community interest concerning levee conditions. The Marysville Levee District has one full time employee, the District Superintendent, who has been with the district for twenty-six (26) years. The Marysville Levee Commission is composed of three (3) elected officials with an average tenure of five and one half (5½) years.

Method of the Investigation

The Yuba County Grand Jury Cities Committee had three meetings with the Marysville Levee Commission and the Marysville Levee District Superintendent to discuss the current condition, funding, maintenance, and future requirements that have been recently mandated by the State of California and the US Army Corps of Engineers regarding the levees protecting the City of Marysville. These meetings were conducted with no less than two committee members present.

Facts and Observations

The Cities Committee from the Yuba County Grand Jury interviewed the three members of the Commission plus the District Superintendent of the Marysville Levee District. A follow up meeting was held with the chairman of the commission to clarify several points.

The levees protecting Marysville were built after the 1875 flood. [See Exhibit A - Levee Map.] Marysville proper has not flooded since 1875; however Linda, Olivehurst and surrounding areas have flooded several times.

Commission members stated the Marysville Levee System is in good condition with most areas currently at or close to the 100 year flood protection level. A study is currently underway to check for under-seepage and the composition of the levees. Test drilling is being performed to a depth of 140 feet below the base of the levees in over one hundred forty (140) locations on the Marysville Levee System. This study is being funded by the State of California. At this time the requirement for 200 year flood protection has not been defined by the United States Army Corps of Engineers. Until the current under-seepage study and the 200 year protection requirements are defined, the cost for additional work is unknown. The Federal Emergency Management Agency (FEMA) requirement for flood insurance is 100 year flood protection. [See Exhibit B - Appeal-Democrat column dated August 31, 2007.]

An inspection performed by the U. S. Army Corps of Engineers found that maintenance on a section of levee between Hallwood Boulevard and Walnut Avenue was unacceptable. That discrepancy was corrected and re-inspected in mid November. [See Exhibit C - Memorandum Department of Water Resources 29 November 2007; and Exhibit D – Appeal-Democrat column dated December 11, 2007.]

Additional repairs may be needed upon completion of the under-seepage study. Commissioners anticipate funding for additional repairs to come from the California State Bond issue that was passed November 2006. The major source of funding for the Marysville Levee District is derived from a property tax assessment of twenty (\$20.00) dollars for each residential parcel and twenty-five (\$25.00) dollars for each commercial parcel. Although these assessments are sufficient for normal operation, any unforeseen emergency will require the levee district to remove funds from their reserve account. If additional local funds are needed, a rate increase would need to be considered. A rate increase must be approved by a vote of sixty-six (66%) percent the people. Prior to placing a measure on the ballot for approval, a study would be completed by an independent agency to assess the district's needs. Such a study is currently underway. [See Exhibit E - Appeal-Democrat column dated February 27, 2008 (stating that some seepage areas have been located and will require repairs); see also Exhibit F - Appeal-Democrat column dated October 30, 2007.]

The Commissioners expressed concern that the current budget is insufficient to hire additional personnel who could be trained in levee procedures. However, the Levee Commissioners are planning a training drill in the near future, which will include the City of Marysville, Marysville Fire Department, Marysville Police Department and California Division of Forestry-Cal Fire Camp Crews. The Commissioners stated this training will enhance coordination between agencies in the event of a levee failure. Also, if the above mentioned rate increase were to pass, funding would be available to acquire additional personnel.

The Marysville Levee District has a very detailed action plan that is driven by water depth. The plan calls for voluntary evacuation when the water rises to seventy (70) feet and a mandatory evacuation at seventy seven (77) feet. The levels of the Yuba and Feather Rivers are measured by Staff Markers at the E Street Bridge, Simpson Lane Bridge, Buchanan Street, Yuba Sutter Disposal site, Jack Slough, 14th Street and four (4) at the 5th Street Bridge. These Staff Markers are supplemented by four (4) electronic markers provided by the State of California, two (2) on the Yuba River and two (2) on the Feather River. The Staff Markers are preferred as the electronic markers are inoperative if electrical power is not available. If a breach occurred, the City of Marysville would be underwater in approximately forty-five (45) minutes. Based on previous experiences, not all citizens will follow the voluntary/mandatory evacuation requirements, and the Levee District, Police and Fire Department will be unable to fully enforce these requirements. The last evacuation was in 1997.

Findings and Recommendations

Finding 1

The Yuba County Grand Jury Cities Committee finds that the Marysville Levee District is doing an excellent job.

Recommendation 1 None

Finding 2

The Marysville Levee District budget is not sufficient. Current tax assessment has been in effect since the mid 1990's (see Exhibit G – Budget.)

Recommendation 2 Place a measure on a future ballot to increase the tax assessment for the Marysville Levee District.

Finding 3

Marysville Levee District operations are dependent on one extremely experienced employee.

Recommendation 3 Develop contingency plan for hiring and training additional individual(s) in the operation of the Levee District.

PASSED and ADOPTED by the Yuba County Grand Jury on the 25th day of March, 2008.

Response Required

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:

Findings and Recommendations 2 – 3: Marysville Levee Commissioners

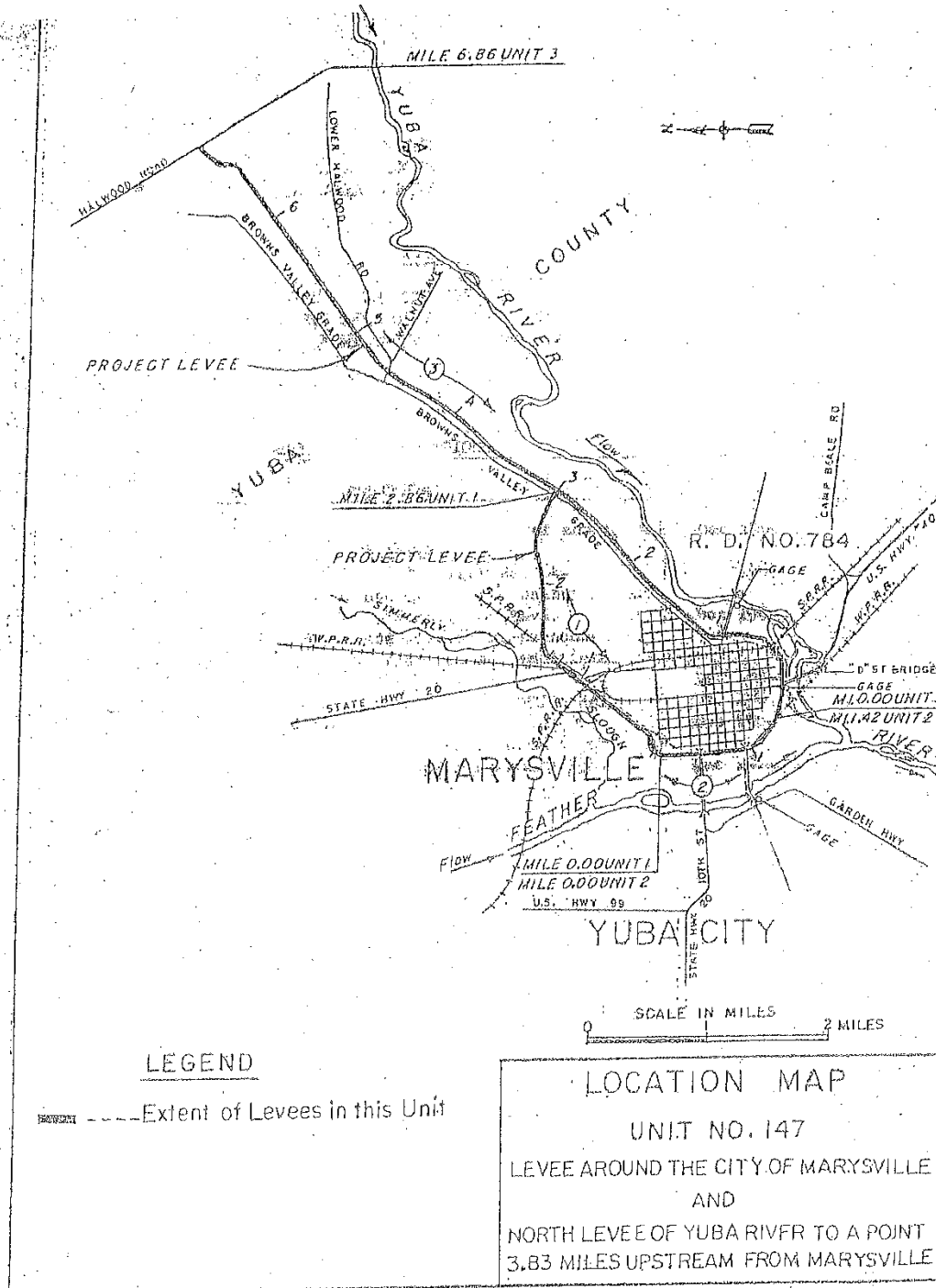


EXHIBIT A

EXHIBIT A-1 REVISED

Ring of levees appears sound

By John Dickey/*Appeal-Democrat*

August 31, 2007 - 12:24AM

While studies are continuing, an investigation of Marysville levees has turned up no major problems yet, a team of engineers told the Marysville Levee Commission.

Engineers gave a preliminary geotechnical evaluation report Thursday to the commission. They noted that the studies have to be finished before making any judgments.

"Based on this information we have right now, we don't find any problems yet, but we'll hold off until we get the additional investigation completed to do the analysis," said Claudio Avila, engineering geologist with the state Department of Water Resources, after the meeting.

At least some work is likely to be needed to strengthen Marysville's levees against a 1-in-200 flood, one engineer noted.

Engineers and geologists are looking at the city's entire levee system, including the 7.6-mile ring levee that protects Marysville from the Feather and Yuba rivers and a 3.9-mile spur levee that runs out to Hallwood Boulevard.

The Marysville levee investigation that started in November 2006 is part of a \$35 million Department of Water Resources project that is evaluating 350 miles of Central Valley levees.

Engineers will be looking at materials taken from levee borings, historical information, and data gathered from electronic devices implanted in the levees. So far, 61 borings have been taken every 1,000 feet.

Thursday's briefing noted only two historical trouble spots for seepage — one near Binney Junction, and one near the retail complex that houses Longs Drug Store. In both cases, water from boils flowed clear, which is a good sign because it shows that dirt is not being moved from inside or underneath the levee. That could undermine the embankment and cause it to fail.

The past 10 months have been spent searching for evidence of seepage, which is the flow of water underneath or through the levee. Engineers are also checking whether the levees are stable, and are even trying to determine whether the embankments can hold up to an earthquake. Violent shaking can liquefy some types of soils, causing a levee to collapse.

Next month, crews will start another round of work including core drilling into levee toe areas, and a closer look at spots that need more study before any engineering judgments can be made. Drillings will be augmented with electromagnetic surveys made by helicopter.

Plans are to wrap up the work by March 2008, with a report issued to the DWR.

Some of the officials at Thursday's meeting found the lack of bad news encouraging even though it was preliminary.

"That's good to hear you're not running into areas," said Marysville Levee Commissioner Pat Ajuria.

Appeal-Democrat reporter John Dickey can be reached at 749-4711. You may e-mail him at jdickey@appealdemocrat.com

EXHIBIT B

Memorandum

Date: November 29, 2007

To: Jeremy Arrich

From: Jim Eckman, Chief
Flood Project Inspection Section
Division of Flood Management
Department of Water Resources



Subject: CITY OF MARYSVILLE PATROL ROAD, WALNUT AVENUE TO HALWOOD BOULEVARD

On November 15, 2007 I accompanied Clay Thomas on his inspection of the City of Marysville's levees. We were accompanied by Mr. Frank Miller of the City of Marysville/Marysville Levee District. This district is doing a good job maintaining its system and will most likely receive an Acceptable rating overall and for all three units (overall rating criteria are not finalized yet).

This memo specifically addresses the condition of the patrol road between Walnut Avenue and Hallwood Boulevard that was found to be unacceptable by the Corps of Engineers during its November 4, 2004 QA inspection. The Corps found the system to be in good condition, except for the levee between Hallwood Blvd and Walnut Avenue which was only fair.

Our inspection determined that the levee crown road between Hallwood Blvd and Walnut Avenue is Acceptable and is being maintained acceptably as a patrol road, as required by the Supplement to Standard Operation and Maintenance Manual for Sacramento River Flood Control Project Unit No. 147 (see attached). Vegetation is present on both levee slopes up to the shoulders of the levee but there is adequate clearance on both sides and above the crown road for a large vehicle to pass. Very short grass grows on the levee crown so no gravel is visible there. However, the crown roadway is stable, there are no potholes or ruts, and gravel can be heard crunching beneath the tires of the truck.

This levee system is at the least minimally acceptable and should be returned to full active status under PL 84-99.

EXHIBIT C

DWR 9045 (Rev. 4/02)

Marysville levee OK after mow

By John Dickey/Appeal-Democrat

December 11, 2007 - 11:42PM

A section of levee near Marysville that was flagged by the U.S. Army Corps of Engineers for too much vegetation passed a state inspection last month.

While the Army Corps has the final say about whether the section is taken off a list of unacceptable levees, the Marysville Levee Commission hopes the inspection results would do just that.

The commission is waiting to see if it will be reinstated for full Army Corps funding, Commission President Pat Ajuria told other commissioners Tuesday.

The state Department of Water Resources will notify the Army Corps once an official maintenance rating is assigned to the levee, according to an e-mail sent to the city.

"They said it looked good, met their standards," said Ajuria, about the Nov. 15 state inspection.

Earlier this year, the spur levee between Walnut Avenue and Hallwood Boulevard made it on the Army Corps list of 122 levees that had unacceptable maintenance.

The Army Corps designated it only "fair," but the inspection occurred between mowings of the patrol road, said Ajuria.

Being on the list could make it difficult to get some grants for levee improvements. The spur levee was given to the state Reclamation Board in 1964, according to Army Corps records, and is not the ring levee that protects Marysville from flooding.

After a week of weed trimming by Superintendent Frank Miller and another worker, state inspectors found the Hallwood levee was acceptable and was being maintained "acceptably as a patrol road," with adequate clearance for a vehicle to pass, according to a department memo.

The trimming was described as normal maintenance, accomplished with hand tools and chainsaws.

Appeal-Democrat reporter John Dickey can be reached at 749-4711. You may e-mail him at jdickey@appealdemocrat.com.

EXHIBIT D

Seepage found in levees

By John Dickey/Appeal-Democrat

February 27, 2008 - 12:17AM

The state is finding some leaky spots in the ring of embankments that protect Marysville from flooding, the Marysville Levee Commission heard Tuesday.

Potential for underseepage — the flow of water under a levee — has been found at nearly all the locations the state Department of Water Resources evaluated, said Larry Dacus, an engineer with MBK Engineers, of Sacramento. He gave a report of the preliminary results from the state study.

"There are some underseepage issues out there," said Dacus.

Seepage refers to the flow of water through or under a levee. Too much of it can undermine the earthen embankment and cause it to fail during a flood.

In an interview, Dacus said about 70 percent of the Marysville levees will probably need some kind of work to fix seepage problems.

While that does not mean the levees will fail — they have withstood a number of floods despite the problems — it does mean the trouble spots would have to be repaired to meet new standards for levees.

New slurry walls would be the most likely fix because development rules out other options that would require too much land to be purchased.

More information is coming out on Marysville and other areas as part of a \$35 million Department of Water Resources study of levees protecting urban areas.

Contractors for the DWR have drilled 61 holes in the top of Marysville levees and taken core samples in what is possibly the most extensive study to date. Eight electronic devices, called piezometers, have been installed to monitor water flow.

The next phase of work has started in which crews are taking core samples from the levee toe to verify the early results. A final report is expected by September or October of this year.

There are no estimates yet of how much it would cost to fix Marysville's levees to bring them up to the goal of protection against a 200-year flood, which has a 0.5 percent chance of occurring in any given year.

"It does give us some better preliminary information on the scope of work so we can start looking at some of the dollars," said David Lamon, the city services director.

The issues that have been found so far may not be new — a previous examination of the levees as part of an earlier Yuba Basin Project found about the same magnitude of problems in the 7.6-mile ring of levees surrounding the city.

State studies have also been examining Marysville levees for stability, erosion, settling and seismic analysis. The most serious problems so far, aside from seepage, are from possible erosion along the section that borders the Yuba River.

An examination of the patrol road to Hallwood, or spur levee, has found it is not high enough to block a 200-year flood, is not well maintained, and has seepage problems.

Contact Appeal-Democrat reporter John Dickey at 749-4711 or jdickey@appealdemocrat.com.

EXHIBIT E

Marysville levees want off 'bad boy' list

By Nancy Pasternack/Appeal-Democrat

October 30, 2007 - 11:59PM

The Marysville Levee District's 20-year-old benefit assessment has cleared the first hurdle toward an update.

A new assessment would likely mean that previously exempt property owners adjacent to levees would receive a tax bill in the 2009-10 tax year.

At a special meeting Tuesday, commissioners voted to hire consultants to reassess the tax value of properties in the commission area.

The consultants also would be responsible for estimating costs associated with levee upgrades and maintenance, and for preparing a ballot measure for voters to ratify terms of the assessment.

"Nobody wants to raise taxes," said District Superintendent Frank Miller, "but we don't have enough funds or manpower."

In March, a U.S. Army Corps of Engineers survey found that the district had an "unacceptable" maintenance deficiency.

The primary issue, Miller said, is a section of levee overgrown with invasive trees. The corps requires that the trees be removed, or that steps be taken to eradicate the problem.

Earlier this month, Miller received notice from the corps that Marysville is one of five levee districts ineligible for post-disaster financial assistance because of its failure to correct or to submit correction plans to fix the source of the "deficiency" rating.

The district is eligible to receive flood fighting assistance to protect life and property, "in the event state and local resources are overwhelmed," in an emergency, according to the corps letter.

Commission President Pat Ajuria said he hopes the move toward a new benefit assessment - and its potential to increase district funding - will help "get us off the bad boy list."

The assessment plan is expected to cost between \$100,000 and \$200,000, and will go out to bid early in November.

District officials hope to have the new assessment completed in time to run on November 2008 ballots.

Appeal-Democrat reporter Nancy Pasternack can be reached at 749-4712. You may e-mail her at npasternack@appealdemocrat.com.

EXHIBIT F

BUDGET TO ACTUAL AND ESTIMATED ACTUAL FOR FISCAL 2006-2007, AND ADOPTED BUDGET
FOR THE FISCAL YEAR 2007-2008

	Actual 05-06	Actual To 05-31-07 06-07	Amended Budget To 05-31-07 06-07	Pct Activity To 05-31-07 06-07	Estimated Actual 2006-2007	Adopted Budget 2007-2008
736 Levee Commission Fund						
4736-001 Secured Property Tax - Current	32,584	36,382	34,000	107.01%	38,000	34,000
4736-002 Unsecured Property Tax - Current	2,151	1,668	2,500	66.72%	2,200	2,000
4736-003 Supplemental Property Tax	5,492		49	0.00%		2,000
4736-004 Special Assessments	78,424	75,363	76,300	98.77%	78,500	78,500
4736-005 Homeowners Property Tax Relief	4,172	321	3,800	8.45%	400	400
4736-006 Miscellaneous Revenue	8,373					
4736-007 Sale of Property		392			392	
				0.00%		
440 Interest Earnings	10,397	15,077	9,000	167.52%	20,000	12,000
Total Revenue	141,593	129,203	125,649	102.83%	139,492	128,900
601 Salaries, Permanent	41,040	34,200	41,861	81.70%	41,861	43,503
602 Salaries, Temporary	986	800	5,000	16.00%	5,000	5,000
606 Salaries, Annual Leave	3,631	3,631	3,600	100.86%	3,631	3,600
609 Employee Benefits	17,385	16,944	19,110	88.67%	19,110	20,500
611 Uniforms/ Gear			200	0.00%	200	200
612 Training & Travel			200		200	200
621 Water	207	191	400	47.75%	400	400
622 Electricity & Gas	329	211	800	26.38%	800	800
623 Telephone	770	730	800	91.25%	800	800
631 Materials & Supplies	987	3,653	4,100	89.10%	4,100	5,300
633 Gas & Oil	2,076	1,525	3,000	50.83%	3,000	3,000
634 Repairs & Maintenance, Rolling	1,192	1,271	1,150	110.52%	1,150	1,300
635 Repairs & Maintenance, Other	454	56	700	8.00%	700	950
641 Rents & Leases	315	11	1,000	1.10%	1,000	1,000
642 Property Taxes			50	0.00%	50	50
643 Insurance Premium	24,831	20,491	30,000	68.30%	30,000	26,000
651 Postage	12	16	50	32.00%	50	50
652 Advertising						
661 Outside Services	2,387	3,015	5,000	60.30%	5,000	5,000
663 Legal Fees	1,500	1,500	1,500	100.00%	1,500	1,500
664 Property Tax Admin Cost	1,594	1,305	1,700	76.76%	1,700	1,700
680 Capital Equipment			1,000		1,000	4,000
697 Interest Expense						
Total Expense	99,696	89,550	121,221	73.87%	121,252	124,853
Net Revenue (Expense)	41,897	39,653	4,428		18,240	4,047
Fund Balance/Working Capital	475,387	515,040	479,815		493,627	497,674

EXHIBIT G

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Marysville Police Department (MPD)

MARYSVILLE POLICE DEPARTMENT'S VISION STATEMENT:

“The Marysville Police Department will be the role model in law enforcement in the Yuba-Sutter area, and will set the standards for the delivery of professional police service by which all other law enforcement agencies will be measured.”

Reason for Investigation

Section 925a of the California Penal Code provides that the Grand Jury may at any time examine the books and records of any incorporated city located in the county and may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city and make such recommendations as it may deem proper and fit.

Background to the Investigation

The Marysville Police Department is adjacent to Marysville City Hall and located at 316 6th Street, Marysville, California. The Police Department budget for fiscal year 2006-2007 was \$3.43 million. Currently the MPD is fully staffed at twenty-two sworn officers, twenty reserves, six dispatchers, and approximately twenty volunteers, including support staff. Five sworn positions have been lost over the past year and, as vacancies arise, attempts are made to fill them from the reserves.

The City of Marysville is 3.6 square miles with a population of approximately 13,000 residents. Two major California highways, State Route 20 and State Route 70, intersect within the city limits, resulting in heavy traffic of private and commercial vehicles. The last official traffic count was conducted in 2003, and it was estimated that 180,000 vehicles travel through downtown Marysville each day.

Method of the Investigation

Interviews were held by the Yuba County Grand Jury Law Committee with a minimum of two members present. Interviews were conducted with members of the Marysville City Council, Marysville City Administration, Marysville Police Department, current and past employees of the Marysville Police Department and the Marysville Police Officers' Association.

The Law Committee was given tours of the Marysville Police Department facilities and the police vehicle maintenance facility located at the Marysville City Maintenance yard. The committee reviewed Police Department Procedures, the 2006 Annual Review, the 2006-2007 Marysville City Budget and the Peace Officer Standards and Training (POST) July, 2007 Report.

Facts and Observations

Overview:

The Marysville Police Department has been in a state of transition since 2006 when the previous Chief left the department. An interim chief was hired, and he served until September 2007, when a new Chief was hired.

The department is currently authorized to have twenty-two sworn positions. Presently, all of these positions are filled. Salaries within the department are lower than salaries of surrounding communities resulting in the department being considered as a 'training ground' for higher paying positions elsewhere. The department has experienced some turnover, as several officers have sought employment in other jurisdictions.

Marysville Police Department is continually seeking grant monies from the federal government or the state to start new programs or continue old ones. If the grant money runs out and there are no other funds available, programs will end and officers could be released. However, decisions must be made on which successful programs will continue. Police department senior staff stated that two sworn positions were released in 2007 due to grant funds no longer being available.

The MPD has several job descriptions which are currently being rewritten because these job descriptions do not accurately describe what the employees are doing in the performance of their duties. For example, the primary crime scene investigator for the MPD is classified as a clerk. When the job descriptions are rewritten, they will be reviewed by the city staff for approval.

Dispatch:

The dispatch center is located on the ground floor in the MPD building and manages calls for the Marysville Police Department, Marysville Fire Department, Hallwood Fire Department and the District 10 Fire Department. The dispatch center is manned 9 AM to 7 PM, Monday through Friday, by two dispatchers. Part time dispatchers fill some of the gaps but not on a continuous

basis. From 7 PM to 9 AM and on weekends, dispatch is manned by one individual plus volunteers, if available. The department has a response time of two to three minutes on emergency calls within the City of Marysville.

Vehicles:

The Marysville Police Department has eleven patrol units; all except one have been purchased as used vehicles from the California Highway Patrol (CHP). These vehicles have approximately 100,000 miles when purchased, and are generally in good mechanical condition. The last new patrol vehicle purchased was in 2003, and the cost was covered by a donation from a private citizen. The Marysville City budget does not include monies for any new police vehicles. Senior staff stated that the City is working on agreements with several other cities to obtain fully equipped and better maintained used patrol vehicles at a reasonable price. These vehicles have fewer miles and are better maintained than those from the CHP.

Currently, the vehicle maintenance for the police department is being performed by a City of Marysville employee at the city yards. The Police Chief stated that minimal preventive maintenance is being performed on the police patrol vehicles.

Computer:

The Marysville Police Department (MPD) Computer System consists of ten servers, most being obsolete; only two are still under warranty. The router is more than seven years old and is not upgradeable. The majority of the computer equipment is from different manufacturers. The MPD computer system does not have any redundancy. The complete system appears to be running at maximum levels and cannot be expanded.

The computer equipment is located in a very small room with no ventilation. The equipment is currently being cooled by several standing fans that are maintaining the temperature at a reasonable level. During the summer, the temperature in the computer room can reach levels considered dangerous for computing equipment. A failure in one of the servers will result in a loss of data, as well as considerable down time for some portion of the system and the expense to procure new hardware. The individuals in charge of the MPD computer system stated that a complete upgrade of the system could cost \$80,000 dollars.

The server software is Microsoft Server 2000, which is no longer supported by Microsoft.

The computer system has no offsite storage for data should there be an equipment failure. There are fiber optic lines running from the MPD to the Marysville City Maintenance Yard. With the proper hardware and software, that location could be utilized for offsite data storage.

The MPD does have a backup power generator on the roof, which worked well during the January 2008 storms.

Traffic Control:

A REDFLEX Photo system has been installed and is used to monitor red light violations at 3rd and E Streets, 3rd and F Streets, and 10th and G Streets. The red light camera system is managed by the MPD and fully supports itself.

Traffic Safety Fund:

California Vehicle Code, Section 42200, states that California cities shall deposit funds, collected from any person charged with a misdemeanor under California Penal Code Section 1463, into a Traffic Safety Fund. The funds in said account shall be used exclusively for "official traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention, and for the maintenance, improvement, or construction of public streets, bridges, and culverts within the city" (see attached Vehicle Code Section 42200.)

The county courts can identify that portion of the fines represented by misdemeanors that go to the City under California Penal Code Section 1463. The City of Marysville does not have an account designated "Traffic Safety Fund."

Findings and Recommendations

Finding 1

Some police department job descriptions do not accurately describe what the employees are actually doing in the performance of their duties.

Recommendation 1 Job descriptions should be reviewed and rewritten as necessary to reflect the work being done.

Finding 2

There is no "Traffic Safety Fund" in the Marysville City Budget as required by California Vehicle Code Section 42200.

Recommendation 2 The City should establish a Traffic Safety Fund in the budget, and expend the monies according to California Vehicle Code Section 42200.

Finding 3

The computer system is inadequate, obsolete and lacks offsite backup.

Recommendation 3 Upgrade the Marysville Police Department computer system and install backup at the City Maintenance Yard.

Finding 4

Dispatch Center is not staffed 24/7.

Recommendation 4 Hire sufficient personnel to fully staff the Dispatch Center.

Finding 5

Police Vehicle Maintenance is performed by the City of Marysville at the city yard.

Recommendation 5 The MPD should have a dedicated mechanic for better control of repairs and preventive maintenance.

PASSED and ADOPTED by the Yuba County Grand Jury on the 27th day of May, 2008.

Response Required

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:

**Chief, Marysville Police Department
City Administrator, City of Marysville**

CALIFORNIA VEHICLE CODE

42200.

(a) Of the total amount of fines and forfeitures received by a city under Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by an officer employed by a city, shall be paid into the treasury of the city and deposited in a special fund to be known as the "Traffic Safety Fund," and shall be used exclusively for official traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention, and for the maintenance, improvement, or construction of public streets, bridges, and culverts within the city, but the fund shall not be used to pay the compensation of traffic or other police officers. The fund may be used to pay the compensation of school crossing guards who are not regular full-time members of the police department of the city.

(b) For purposes of this section, "city" includes any city, city and county, district, including any enterprise special district, community service district, or county service area engaged in police protection activities as reported to the Controller for inclusion in the 1989-90 edition of the Financial Transactions Report Concerning Special Districts under the heading of Police Protection and Public Safety, authority, or other local agency (other than a county) which employs persons authorized to make arrests or to issue notices to appear or notices of violation which may be filed in court.

BUDGET TO ACTUAL & PROPOSED BUDGET
FOR THE FISCAL YEAR 2006-2007

	Audited 04-05	Actual To 05-31-06 05-06	Amended Budget To 06-30-06 05-06	Pct Activity To 06-30-06 05-06	Estimated Actual 2005-2006	Adopted Budget 2006-2007
101 General Fund						
Police Department						
601 Salaries, Permanent	1,210,986	1,197,208	1,327,041	90.22%	1,300,000	1,380,504
602 Salaries, Temporary	154,352	111,355	124,750	89.26%	122,000	125,000
603 Salaries, Overtime	149,000	166,161	127,350	130.48%	182,000	145,000
606 Salaries, Annual Leave	66,537	74,214	49,601	149.62%	80,000	70,000
609 Employee Benefits	925,552	1,111,380	1,202,544	92.42%	1,195,000	1,399,810
Personnel	2,506,427	2,660,318	2,831,286	93.96%	2,879,000	3,120,314
611 Uniforms/ Gear	45,813	44,077	36,845	119.63%	47,000	45,000
612 Training & Travel			997	0.00%	997	
613 Vehicle Allowance				0.00%		0
614 Special Events Stipends	3,330	4,260	2,500	170.40%	5,100	3,500
621 Water	498	490	500	98.00%	600	500
623 Telephone	16,083	20,132	15,000	134.21%	25,200	25,200
630 Asset Forfeiture Expense	17,489	2,066	10,000	20.66%	10,000	10,000
631 Materials & Supplies	66,219	69,834	59,683	117.01%	70,000	59,000
633 Gas & Oil	40,637	51,633	35,050	147.31%	56,000	50,000
635 Repairs & Maintenance, Other	7,728	9,538	30,745	31.02%	15,000	15,000
641 Rents & Leases	15,129	12,263	16,000	76.64%	16,000	16,000
651 Postage	184	106	500	21.20%	500	500
652 Advertising	3,889	195	1,850	10.54%	1,000	1,850
653 Dues & Memberships	4,022	3,356	6,880	48.78%	4,500	6,880
661 Outside Services	41,582	50,637	62,500	81.02%	50,000	47,000
662 Booking Fees	29,928	23,142	36,000	64.28%	31,000	31,000
Operations & Maintenance	292,531	291,729	315,050	92.60%	332,897	311,430
680 Capital Equipment	55,025	21,205	39,600	53.55%	24,600	
Total Police Department	2,853,983	2,973,252	3,185,936	93.32%	3,236,497	3,431,744

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

River Highlands Community Service District

Reason for Investigation

The Grand Jury received a complaint from a resident of Gold Village regarding the River Highlands Community Service District, hereinafter referred to as "RHCS D". The complaint was a verbal description made to the Grand Jury's Special Districts Committee questioning the failed sewage system and the lack of sufficient potable water within the district. The Committee was also requested to investigate the bond monies the RHCS D had distributed over the years.

Background to the Investigation

In 1976 or 1977, private developers started the processes required to form a community service district (CSD) within the boundaries of Yuba County. In November of 1979, the Local Agency Formation Commission (LAFCO) received from the Yuba County Planning Department their final approval: "It is the finding of this department that the proposed project and the Community Service District, required to provide selected services as requested, are in conformity with the Yuba County General Plan." Formation of a CSD requires LAFCO approval. The application, as approved by the County, encompassed approximately 425 acres.

The Yuba County Board of Supervisor's official record of July 9, 1980, declared RHCS D duly organized. RHCS D was approved by LAFCO and formed on August 5, 1980, as an independent special district. The district was formed to provide water, wastewater, solid waste, police and fire protection, street maintenance, garbage collection/disposal and other services to the planned development. Another 147 acres of planned development, called Gold Village, was approved for annexation to the RHCS D by LAFCO in 1990.

The boundary area for RHCS D consists of three noncontiguous areas along Hammonton-Smartsville Road just west of its intersection with Highway 20. There have been no subsequent boundary changes. The district provides water and wastewater services to only the 84 homes in Gold Village, as the original River Highlands planned development did not occur.

RHCS D issued a series of bonds for two distinct projects: Gold Village subdivision and the development River Highlands, which is now known as Yuba Highlands. The bonds issued were

to finance the construction of roads, sewer lines, a wastewater treatment plant, and a public water system for Gold Village. For River Highlands, the bonds were issued to finance the development of the River Highlands Community Plan, and to develop other studies, preliminary engineering and facility plans.

Method of the Investigation

The Special District Committee began the investigation into RHCS D by interviewing residents of Gold Village. After the interview, committee members attended two separate RHCS D board meetings. Committee members also attended a special bond training meeting presented by the RHCS D attorney. In total, the Committee conducted thirteen interviews. All interviews were held with two or more committee members present. Individuals interviewed included county officials, a LAFCO official, Gold Village residents and members of RHCS D board of directors. The Special District Committee requested documentation from RHCS D, Yuba County and LAFCO, and subpoenaed financial documentation from the official bank of record. Documents reviewed included audit reports, financial statements, bond information, and a handout from the bond training session.

Facts and Observations

In the early 1990's, RHCS D issued a series of bonds that were eventually refinanced under one bond in August 1993, for a total amount of \$2,780,000. The bonds were to finance the construction of roads, sewer lines, a wastewater treatment plant, and a public water system for the Gold Village subdivision. This bond is commonly referred to as the "1993R Bond". Payments were to commence in 1995. The amount of the bond was spread over the Gold Village Assessment District and based on an optimistic land value. The Gold Village Assessment District consisted of 147 acres of Gold Village containing 85 finished lots and a single unfinished parcel, Lot 86. Lot 86 was proposed for subdivision into an additional 113 parcels. The bond was allocated per parcel, \$18,185 for each finished parcel and \$1,234,000 for Lot 86. The bonds were not the general or special obligations of RHCS D. The bonds were secured solely by assessments on the 86 lots. RHCS D is the agent for collecting assessments, forwarding collections to the bank for payment to bondholders, and initiating foreclosure proceedings if needed.

After the bonds were issued, the developers, Whitney Financial Group, substantially completed roads, lot pads, water and sewer systems for the 85 lots. Whitney Financial used the majority of the bond funds. They generated a preliminary subdivision map for the remaining 113 planned parcels for Lot 86, but never completed the improvements necessary to record the final map. Lot 86 remains a single, undivided and unimproved parcel.

In 1996, Whitney Financial Group declared bankruptcy, leaving RHCS D with the legal responsibility to provide services to 12 occupied homes. RHCS D managed, with monthly fees, to get the water and wastewater treatment systems up and functioning so that limited service could be provided.

No payments were made on the bonds except on the original 12 lots, and the 1993R Bond went into default. A local contractor negotiated with bondholders to purchase the bonds for the remaining finished parcels at a discount. The contractor proceeded to build houses on 72 parcels. Payments were not made on the \$1,234,000 assessment on Lot 86. In 1997, RHCS D received a court judgment for non-payment of assessments on Lot 86. In 1998, RHCS D proceeded to foreclose on Lot 86 and sell it at public auction; however, the lot now had a \$2.5 million obligation to the bondholders, which was far in excess of the property value, so there were no bids.

A Gold Village resident questioned why RHCS D was not moving forward to collect the court judgment on Lot 86. Members of the Special Districts Committee reviewed the court foreclosure documents, and observed that a judgment for lien was levied on Lot 86. RHCS D had the legal responsibility to foreclose on the property in default, but not to collect on the foreclosure. Any monies received would be for the benefit of the bondholders and not RHCS D. Therefore, RHCS D had nothing to gain by attempting to collect.

The main issue was the disbursement of the \$2.78 million in bond funds refinanced in 1993. In interviews with the district's board members, questions were asked about how this money was spent. There are also letters on file from a Yuba County supervisor questioning how monies were spent. In 1995, correspondence between bond attorneys and RHCS D discussed accounting for the bond expenditures. The 2003/2004 Yuba County Grand Jury investigated the bond expenditures.

The Special Districts Committee requested all bond accounting records from RHCS D. In a letter dated November 5, 2007 from the RHCS D attorney, the Special Districts Committee was advised that the RHCS D did not have these records. The 2003-2004 Grand Jury report also made the following comment:

"It was noted that a 2003 audit finding revealed that establishing the cost of fixed assets and improvements was difficult because of a lack of records. Committee members were informed that a past district accountant had unexpectedly left the area and many records could not be located."

A draft report dated October 2007 from LAFCO also had comments on the lost records.

The 2007/2008 special districts committee subpoenaed records from the bank handling the bond funds. The Committee was hopeful that such records could form the basis for a detailed accounting of the \$2.78 million. Records received did not help to identify detailed costs. The bank's release of funds was based on requests in the form of resolutions passed by the RHCS D board, and signed off by the district engineer. Few invoices were available.

In the early 1990's, RHCS D issued bonds to finance the development of Yuba Highlands. In July and August of 1995, the bonds were refinanced into two bonds, the 1991-B Improvement Assessment District Bonds, Phase 1C, Series A and B in amounts of \$1,065,000 and \$970,000. These bonds pertain to the 4,770 acres of the assessment district. The Special Districts Committee noted that payment on these bonds was current, so no further review was performed.

The Special Districts Committee reviewed copies of RHCS D audits from 2002 thru 2006. It was revealed that there were no audits for the years 1997, 1998 and 1999; however, the audit of 2000 expressed the following:

“Reportable conditions involve matters coming to my attention relating to significant deficiencies in the design or operation of the internal control structure that, in my judgment, could adversely affect River Highlands Community Service District’s ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements.”

Audit reports for the years 2003, 2004, and 2005 recommended approval by an appropriate member of management to review and sign invoices prior to payment. The 2005 audit made reference to the water and sewer funds losing money and recommended RHCS D should study the fee structure. The 2006 audit indicated that the approval process recommendation had been corrected. The Special Districts Committee also reviewed copies of the general ledger detail report for 2006 and 2007. Although not trained auditors, the Committee’s review of audits and general ledgers did not reveal any substantial problems. The current board of directors is focused on cost controls and improving operations.

A Gold Village resident questioned the policy of RHCS D paying bills relating to the 1993R bond default. The bank of record is responsible for these costs. RHCS D has been paying certain professional expenses and then billing the bank of record. The Special Districts Committee was informed that the last billing was for \$43,000 covering a three-year period. The billing also includes a certain percentage that the district is due for bond management. A subsequent billing was forwarded to the bank of record on January 9, 2008 in the amount of \$45,370 covering the period from 7/13/06 through 6/3/07. The RHCS D board of directors has discontinued this procedure, and the charges are now being billed direct to the bank of record.

Documents reviewed and interviews conducted by the Special Districts Committee point to the fact that RHCS D has had problems for several years. As early as 1996, RHCS D requested emergency funds for repairs and improvements for the wastewater treatment plant from Yuba County and the California Regional Water Quality Control Board (CRWQCB). The request stated that, “Without additional funding from some source, 18 families will be left with no water and sewer service to their homes and 65 lot owners will have lots that cannot be built on.”

The wastewater treatment plant has not complied with regulatory requirements since 2002. In March 2005, the California Department of Health Services detected unacceptable coliform levels in the district’s water system. In the summer of 2006, there were water shortages due to a pump failure. In October 2006, as a result of the failure of the aeration tank, financial reserves of the district were depleted. Past audits report that the district is operating at a loss for the water delivery and wastewater treatment services.

The RHCS D board of directors has continually consisted of only 3 members, while LAFCO regulations require 5 members. A LAFCO official stated that under the current standards, RHCS D would not have been approved as a special service district.

On October 19, 2006, RHCS D notified the CRWQCB that the treatment plant aeration tank had cracked, causing the entire treatment plant to fail. Raw sewage entering the facility was bypassing the treatment units and being pumped into the effluent holding pond after being treated with chlorine tablets. On October 23, 2006, the CRWQCB inspected the facility and found that the facility was poorly operated and maintained. There were violations of the National Pollutant Discharge Elimination permit and there was an ongoing Cease and Desist Order from June 2002. At the same time, RHCS D adopted Resolution 2006-08, declaring a state of emergency for the wastewater service area, advising homeowners to minimize flows to

the plant. RHCSO requested the CRWQCB to provide an emergency loan or a grant to fund repairs. In December 2006, RHCSO received a \$100,000 loan from the CRWQCB. RHCSO also received a \$250,000 settlement from the district's insurance company.

On November 17, 2006 the CRWQCB issued a cleanup and abatement order. This order required the district to cease irrigating the land with improperly treated wastewater, prevent all discharges to surface waters, properly dispose of the untreated wastewater already in the pond, and come into compliance with specified requirements of the National Pollutant Discharge Elimination System (NPDES) permit. The district failed to comply, and the CRWQCB adopted a resolution to refer the violations to the Attorney General on March 15, 2007. The Superior Court of California, County of Yuba appointed the Deputy County Administrator of Yuba County Office of Emergency Services as the receiver of RHCSO until May of 2009. His responsibility was to oversee, approve, and implement the cleanup and abatement. The Court also ordered Yuba County to oversee repairs of the wastewater facility and bring it into compliance with state and federal laws. It has since been determined that the plant cannot be repaired.

The estimated cost for a new wastewater treatment plant is \$1.7 million. The CRWQCB may give a grant in the amount of \$850,000 (50% of cost), provided that Yuba County secure an additional \$850,000 in matching funds, and further provided that Yuba County and RHCSO have an agreement stating that Yuba County will be responsible for wastewater treatment. The county has applied to the United States Department of Agriculture for an \$850,000 grant. The grant review process is expected to take 30 to 60 days. Yuba County is hopeful that this grant will be approved, which will meet the requirement for matching funds. As of April 29, 2008, Yuba County and RHCSO are in negotiations to draft the agreement as required by the CRWQCB.

Other questions and concerns expressed by Gold Village residents during the special district committee investigation are:

- Why were homes permitted, constructed, and occupied, when a Cease and Desist order had been issued by the CRWQCB for violations of the wastewater treatment permit?
- Is it possible to resolve the water shortage issues?
- Were the construction and permitting of the original wastewater treatment plant and subsequent inspections handled properly?
- Have the collection of bond assessments, through property tax billing, and subsequent payments to the bank of record been accounted for accurately?
- Have the 84 lots in Gold Village been completely relieved of bond indebtedness?

Findings and Recommendations

Finding 1

Concerns on how the \$2.78 million in Gold Village bond funds were disbursed have been around for several years. Unfortunately, it may not be possible to locate 15-year old records which would be used to prepare an accounting of the funds. If records are located, professional services will be needed to audit the records.

Recommendation 1

Yuba County should facilitate the organization of an ad-hoc committee to discuss the degree of interest in pursuing an audit on the disbursement of \$2.78 million in Gold Village bond funds. The committee should determine if such an audit could prove beneficial to Gold Village residents and if the costs justify the effort. Members of the committee should include top county management, RHCS D board members, Gold Village residents, and others as deemed appropriate.

Finding 2

RHCS D, as a special service district, is a legal identity separate from any city or county. As Gold Village was the only development within this district, the RHCS D's primary responsibility was to provide water delivery, wastewater treatment and collections to the 84 homes. However, with the failure of the wastewater treatment plant, the Superior Court of California, County of Yuba has ordered Yuba County to become responsible for overseeing the RHCS D. Therefore, Yuba County could ultimately be held accountable for any community service district within its borders.

Recommendation 2

Yuba County should develop training, education and support services for the service districts within its borders. Yuba County government should be pro-active with the community service districts in an effort to avoid a repeat of RHCS D.

Finding 3

Members of the current RHCS D board of directors and county officials in the Office of Emergency Services have worked extremely hard to resolve the problems of RHCS D.

Recommendation 3

None.

Finding 4

As described in the last paragraph of the "Facts and Observations," there are other issues which were not investigated.

Recommendation 4

The 2008/2009 Grand Jury should consider further review of the RHCS D issues.

PASSED and ADOPTED by the Yuba County Grand Jury on the 5th day of June, 2008.

Response Required

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:

Findings 1 and 2 – The Yuba County Board of Supervisors

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

**Wheatland Elementary School District Building
Located at 711 Olive Street, Wheatland, California**

Reason for Investigation

The 2007-2008 Yuba County Grand Jury received a complaint regarding renovations to a Wheatland School District building without apparent plans, permits or inspections. The Schools Committee decided to research the remodeling of 711 Olive Street, which was changed from an administrative office into a preschool.

Background to the Investigation

School construction is governed by California state law through the Division of State Architect (DSA). When a school district determines that new facilities and/or remodeling are needed, they have plans drawn up and submitted to DSA. DSA operates in a manner similar to the local building department in that they review and approve plans, as well as coordinate with other related departments to insure that school construction is completed safely according to applicable codes.

At one time, the Wheatland Elementary School administrative offices were located at 711 Olive Street. With the construction of the Bear River School, the administrative offices were moved to 111 Main Street, allowing 711 Olive to be remodeled into a preschool.

Method of the Investigation

The Schools Committee of the 2007-2008 Yuba County Grand Jury began its investigation by interviewing the complainant to determine if there was indeed a valid reason for an investigation. After the initial interview, the Schools Committee reviewed state, county, local and school law. All interviews were conducted by two or more grand jury members. Documents were either obtained through interviews or by a letter of request signed by the Grand Jury foreperson.

The Yuba County Grand Jury Schools Committee also interviewed personnel from six agencies in order to obtain regulatory information regarding the construction, remodeling, and/or renovation of buildings in California school districts.

The interviews were conducted with personnel from the Yuba County Office of Education, Yuba County Building Department, California State Division of State Architect, Wheatland Elementary School District, Wheatland City Officials, Wheatland Fire Department, and Yuba County Fire Planner. Subsequently, four telephone interviews were conducted to clarify several items that had been discussed during the personal interviews.

Facts and Observations

California Education Code Section 48200 defines students as children of ages 6 through 18 years, corresponding to grades K-12. Section 8235 defines preschoolers as being 3 through 5 years of age. Because preschool children are outside the age of mandatory education, they are not considered to be students.

Yuba County Office of Education

The Office of Education has very limited jurisdiction over new construction, remodeling and/or renovation projects. Plans for new school buildings are developed by a school architect and submitted for approval to DSA. New school construction must comply with the Field Act, which mandates a higher design and construction requirement for California's public schools after a severe earthquake in 1933.

Division of State Architect (DSA)

DSA requires plans to be submitted for any construction or remodel that structurally modifies a building which houses students or faculty. DSA coordinates construction progress with the Office of State Fire Marshall so that school buildings receive the required fire inspections as they are completed. When a remodel is not managed by DSA, the school district administration is responsible for notifying the local fire inspection authority to inspect the building.

Under California Education Code (refer to California Education Code Section 48200 which defines students and Section 8235 which defines preschoolers), preschool children are not considered to be students. Preschool staff does not require the same certification as K-12 teachers and are not considered to be faculty.

Wheatland Building Department

The Wheatland Building Department is not involved in any school construction, re-construction or renovation projects (see attached Building Code Section 101.17.14, which states that school construction is outside of the jurisdiction of the local building authority.)

Wheatland Fire Department

Senior members of the Wheatland Fire Department stated that they had never received a request to inspect the building at 711 Olive Street. They knew that the administrative offices had been moved to 111 Main Street, as they inspect that address regularly, but disclaimed knowledge of any renovation to 711 Olive Street or its intended use.

Wheatland Elementary School District

The Yuba County Grand Jury Schools Committee had two meetings with Wheatland Elementary supervisory personnel. In the first meeting (September 14, 2007), the Committee received a tour of the Wheatland Elementary School District office, the new junior high school, and the preschool at 711 Olive Street. Supervisory personnel indicated that the Olive Street address had been completely gutted and remodeled from the district office into a preschool.

Wheatland Elementary personnel stated that they had conferred with DSA about the 711 Olive Street remodel. Since no structural changes were being made to the building and the remodeled building would not house students or faculty, drawings were not required.

The renovation of the 711 Olive Street site was completed by Wheatland Elementary District maintenance personnel who are not licensed contractors. Despite the lack of oversight, and because of the way that the current laws are written, the construction was entirely legal. However, the Wheatland Elementary School District personnel were obligated to advise the Wheatland Fire Department that changes were being made to the building and that it would need inspection. According to a fire department supervisor, no request was made.

Supervisory personnel for Wheatland Elementary stated that 711 Olive St. had undergone fire inspection in September 2007. Fire Department records indicate that the building was not inspected until November 12, 2007, which was after the initial interviews by Grand Jury committee members. The inspectors found several items requiring correction, and when the building was re-inspected on December 31, 2007, all corrections had been completed.

County Fire Planner

The Yuba County Fire Planner confirmed that the California Fire Code requires that preschools undergo fire inspection. In addition, Section 1006.2.4 of the California Fire Code requires that an approved fire alarm system be installed in the building.

Findings and Recommendations

Finding 1

The Yuba County Office of Education has very limited responsibility over school construction projects and renovations.

Recommendation 1 The Yuba County Office of Education should review and remind school districts of their responsibilities regarding state policies on construction, renovation, and inspections.

Finding 2

The California state school construction and renovation codes are not clearly defined in one document.

Recommendation 2 The Yuba County Office of Education needs to create and publish a procedures manual outlining existing codes related to school construction and renovation projects and distribute them to all Yuba County school districts.

Finding 3

To safeguard residents and office workers, it is required that buildings undergo rigorous inspections to meet building codes. For similar reasons, the Division of State Architect regulates school construction. The laws under which DSA operates allow certain school construction to escape their examination. If it is a school property, it is outside the jurisdiction of local building authorities. For construction to avoid oversight requires that certain conditions exist, and those conditions existed at 711 Olive Street. Despite the lack of oversight, because of the way that the current laws are written, the construction would have been legal had the school personnel scheduled the required fire inspections.

Recommendation 3 The Yuba County Superintendent of Schools should address this issue of inspection authority with the State Superintendent of Schools and help propose revised school construction legislation that will require inspection for any building that will house children, regardless of whether they are students.

Finding 4

According to the Wheatland Fire Department, 711 Olive Street was not fire inspected until November 12, 2007, after the School Committee met with the Wheatland Fire Department.

Recommendation 4 The school district needs to maintain a log of all fire inspections of all district buildings to record all inspections and corrections.

PASSED and ADOPTED by the Yuba County Grand Jury on the 3rd day of June, 2008.

Response Required

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 as indicated as follows:

Findings and Recommendations 1 – 3: **Yuba County Superintendent of Schools**

Finding and Recommendation 4: **Superintendent, Wheatland Elementary
School District**

colleges and state-owned or state-leased essential service buildings.

The Division of the State Architect, in the performance of its duties, coordinates with other state offices as follows:

- 2.1 California Building Standards Commission
- 2.2 Office of Statewide Health Planning and Development
- 2.3 Office of the State Fire Marshal
- 2.4 Real Estate Services Division
- 2.5 Office of Public School Construction

101.17.13 OSHPD—Office of Statewide Health Planning and Development.

1. OSHPD 1

Application—General acute-care hospitals and acute psychiatric hospitals, excluding distinct part units or distinct part free-standing buildings providing skilled nursing or intermediate-care services. For Structural Regulations: Skilled nursing facilities and/or intermediate care facilities except those skilled nursing facilities and intermediate care facilities of single-story, Type V, wood or light steel-frame construction.

Enforcing Agency—OSHPD. The office shall enforce the Division of the State Architect access compliance regulations and the regulations of the Office of the State Fire Marshal for the above stated facility types.

Authority Cited—H&SC §127010, 127015, 1275 and 129850.
Reference—H&SC §127010, 127015, 1275 and 129675 through 129990, H&SC §19958 and H&SC §129680.

2. OSHPD 2

Application—Skilled nursing facilities, and intermediate-care facilities, including distinct part skilled nursing and intermediate-care services on a general acute-care or acute psychiatric hospital license, provided either in a separate unit or a freestanding building. For structural regulations: Single-story, Type V skilled nursing and/or intermediate-care facilities utilizing wood or light steel-frame construction.

Enforcing Agency—OSHPD. The office shall also enforce the Division of the State Architect access compliance regulations and the regulations of the Office of the State Fire Marshal for the above stated facility type.

Authority Cited—H&SC §127010, 127015, 1275 and 129850.
Reference—H&SC §127010, 127015, 1275 and 129680.

3. OSHPD 3

Application—Licensed Clinics.

Enforcing Agency—Local building department.

Authority Cited—H&SC §127010, 127015 and 1226.

Reference—H&SC §127010, 127015 and 1226, GC §54350, H&SC §129885 and State Constitution Article 11 §7.

4. OSHPD 4

Application—Correctional Treatment Centers.

Enforcing Agency—Office of Statewide Health Planning and Development. The Office shall also enforce the Division of the State Architect access compliance regulations and the regulations of the Office of the State Fire Marshal for the above stated facility types.

Authority Cited—H&SC §127010, 127015 and 1226.

Reference—H&SC §127010, 127015, 1275 and 129675 through 129990.

101.17.14 SFM—Office of the State Fire Marshal.

Any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity.

Any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assembly where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Authority Cited—Health and Safety Code Section 13143 and 18949.2(b), (c).

Reference—Health and Safety Code Sections 13143, 1566.45, 1531.3, and 1568.0832.

Small Family Day-care Homes

Authority Cited—Health and Safety Code Sections 1597.45, 1597.54, 13143 and 17921.

Reference—Health and Safety Code Section 13143.

Large Family Day-care Homes

Authority Cited—Health and Safety Code Sections 1597.46, 1597.54 and 17921.

Reference—Health and Safety Code Section 13143.

Residential Facilities and Residential Facilities for the Elderly

Authority Cited—Health and Safety Code Sections 13113, 13131.5 and 13133.

Reference—Health and Safety Code Section 13143 and 1569.72.

Any state institution or other state-owned or state-occupied building.

Authority Cited—Health and Safety Code Section 13108.

Reference—Health and Safety Code Section 13143.

High-rise Structures

Authority Cited—Health and Safety Code Section 13211.

Reference—Health and Safety Code Section 13143.

Motion Picture Production Studios

Authority Cited—Health and Safety Code Section 13143.1.

Reference—Health and Safety Code Section 13143.

(Text continues on page 1-6.1.)

three minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended station.

1006.2.2.3 Emergency power. Voice communication systems shall be provided with an approved emergency power source.

1006.2.3 Group B Occupancies. See Section 1006.2.12.

1006.2.13 [For SFM] Group C Occupancies. Every building and structure used or intended for sleeping purposes shall be provided with an automatic smoke-detector system.

EXCEPTION: Buildings and structures in existence and in operation prior to January 11, 1985.

1006.2.14 [For SFM] Automatic Smoke Detection system egress control devices. Smoke detectors shall be installed in accordance with this section when required for use with special egress-control devices.

1006.2.14.1 [For SFM] In other than Group I Occupancies, for single-story buildings smoke detectors shall be installed at ceilings throughout all occupied areas and mechanical/electrical spaces. For multiple-story buildings smoke detectors shall be installed throughout all occupied areas and mechanical/electrical spaces for the story where special egress-control devices are installed. Additional detectors are required on adjacent stories where occupants of those stories utilize the same exit egress.

1006.2.14.2 [For SFM] For Group I Occupancies, smoke detectors shall be installed at ceilings throughout all occupied areas and mechanical/electrical spaces of smoke-compartments where special egress-control devices are installed. Additional detectors are required in adjacent smoke-compartments where occupants of those compartments utilize the same exit egress.

1006.2.4 Group E Occupancies.

1006.2.4.1 General. Group E Occupancies shall be provided with fire alarm systems in accordance with Section 1006.2.4. Group E, Division 1 Occupancies and Group E, Division 3 Occupancies having an occupant load of 50 or more shall be provided with an approved manual fire alarm system. When automatic sprinkler systems or smoke detectors provided in accordance with Section 1006.2.4.2 are installed, such systems or detectors shall be connected to the building fire alarm system, and the building fire alarm system shall be both automatic and manual. See also Section 1006.2.12.

1006.2.4.1.1 [For SFM] When more than one fire alarm control unit is used at the school campus, they shall be interconnected and shall operate all indicating devices.

EXCEPTION: Interconnection of fire alarm control units is not required when:

1. Buildings that are separated a minimum of 20 feet (6096 mm) and in accordance with the California Building Code,
2. There is a method of communication between each classroom and the school administrative office approved by the fire authority having jurisdiction.

1006.2.4.1.2 [For SFM] School Fire Alarms. Except as provided in Section 1006.2.4.1, every building used for educational purposes, regardless of occupancy classification, shall be provided with an approved fire alarm system. This provision shall apply to, but shall not necessarily be limited to, every elementary school, high school, community college and university.

EXCEPTION: Privately owned trade or vocational schools or any firm or company which provides educational facilities and instructions for its employees.

1006.2.4.2 Smoke detectors.

1006.2.4.2.1 Increased travel distance. Smoke detectors shall be installed when required by the Building Code for increases in travel distance to exits.

1006.2.4.2.2 Travel through adjoining rooms. Smoke detectors shall be installed when required by the Building Code to allow the only means of egress from a room to be through adjoining or intervening rooms.

1006.2.4.3 Exterior alarm-signaling device. An alarm [For SFM] notification appliance shall be mounted on the exterior of the building.

1006.2.5 Group F Occupancies. See Section 1006.2.12.

1006.2.6 Group H Occupancies.

1006.2.6.1 General. Group H Occupancies shall be provided with fire alarm systems in accordance with Section 1006.2.6. See also Section 1006.2.12.

1006.2.6.2 Organic coatings. Organic coating manufacturing uses shall be provided with a manual fire alarm system. See Article 50.

1006.2.6.3 Group H, Semiconductor Fabrication Facilities. Semiconductor fabrication facilities classified as Group H Occupancies shall be provided with a manual fire alarm system. See Article 51.

1006.2.6.4 Rooms used for storage, dispensing, use and handling of hazardous materials. When required by Article 80, rooms or areas used for storage, dispensing, use or handling of highly toxic compressed gases, liquid and solid oxidizers, and Class I, II, III or IV organic peroxides shall be provided with an automatic smoke-detection system.

1006.2.7 Group I Occupancies.

1006.2.7.1 Divisions 1.1, 1.2 and 2 Occupancies.

1006.2.7.1.1 System requirements. Group I, Divisions 1.1, 1.2 and 2 Occupancies shall be provided with an approved manual and automatic fire alarm system in accordance with Section 1006.2.7.1. See also Section 1006.2.12. Smoke detectors shall be provided in accordance with the Building Code as follows:

1. At automatic-closing doors in smoke barriers and one-hour fire-resistive occupancy separations. (See UBC Sections 308.2.2.1 and 308.8).
2. In waiting areas which are open to corridors. (See UBC Sections 1007.5).
3. In patient sleeping rooms. (See California Building Code Section 308.10a.)

When actuated, alarm-initiating devices shall activate an alarm signal which is audible throughout the building.

EXCEPTION: Visual alarm-signaling devices are allowed to substitute for audible devices in patient use areas.

1006.2.7.1.2 Patient room smoke detectors. Smoke detectors shall be installed in patient sleeping rooms of hospital and nursing homes. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located and shall cause an audible and visual alarm at the respective nurses' station. [For SFM] Operation of the smoke detector shall not include any alarm verification feature.

EXCEPTION: In rooms equipped with automatic door closers having integral smoke detectors on the room side, the integral detector may substitute for the room smoke detector, provided it performs the required alerting functions.

Division 1. A building or portion of a building having an assembly room with an occupant load of 1,000 or more and a legitimate stage.

Division 2. A building or portion of a building having an assembly room with an occupant load of less than 1,000 and a legitimate stage.

Division 2.1. A building or portion of a building having an assembly room with an occupant load of 300 or more without a legitimate stage, including such buildings used for educational purposes and not classed as Group B or E Occupancies.

Division 3. A building or portion of a building having an assembly room with an occupant load of less than 300 without a legitimate stage, including such buildings used for educational purposes and not classed as Group B or E Occupancies.

Division 4. Stadiums, reviewing stands and amusement park structures not included within other Group A Occupancies.

Group B Occupancies:

Group B Occupancies shall include buildings, structures, or portions thereof, for office, professional or service-type transactions, which are not classified as Group H Occupancies. Such occupancies include occupancies for the storage of records and accounts, and eating and drinking establishments with an occupant load of less than 50. Business occupancies shall include, but not be limited to, the following:

1. Animal hospitals, kennels, pounds.
2. Automobile and other motor vehicle showrooms.
3. Banks.
4. Barber shops.
5. Beauty shops.
6. Car washes.
7. Civic administration.
8. Outpatient clinic and medical offices (where five or less patients in a tenant space are incapable of unassisted self-preservation).
9. Dry cleaning pick-up and delivery stations and self-service.
10. Educational occupancies above the 12th grade.
11. Electronic data processing.
12. Fire stations.
13. Florists and nurseries.
14. Laboratories—testing and research.
15. Laundry pick-up and delivery stations and self-service.
16. Police stations.
17. Post offices.
18. Print shops.
19. Professional services such as attorney, dentist, physician, engineer.
20. Radio and television stations.
21. Telephone exchanges.

Group E Occupancies:

Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building or portion thereof used for day-care purposes for more than six persons.

Group F Occupancies:

Group F Occupancies shall include the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as Group H Occupancies. Factory and industrial occupancies shall include the following:

Division 1. Moderate-hazard factory and industrial occupancies shall include factory and industrial uses which are not classified as Group F, Division 2 Occupancies, but are not limited to facilities producing the following:

1. Aircraft.
2. Appliances.
3. Athletic equipment.
4. Automobiles and other motor vehicles.
5. Bakeries.
6. Alcoholic beverages.
7. Bicycles.
8. Boats.
9. Brooms and brushes.
10. Business machines.
11. Canvas or similar fabric.
12. Cameras and photo equipment.
13. Carpets and rugs, including cleaning.
14. Clothing.
15. Construction and agricultural machinery.
16. Dry cleaning and dyeing.
17. Electronics assembly.
18. Engines, including rebuilding.
19. Photographic film.
20. Food processing.
21. Furniture.
22. Hemp products.
23. Jute products.
24. Laundries.
25. Leather products.
26. Machinery.
27. Metal.
28. Motion pictures and television filming and videotaping.
29. Musical instruments.
30. Optical goods.
31. Paper mills or products.
32. Plastic products.
33. Printing or publishing.
34. Recreational vehicles.
35. Refuse incineration.
36. Shoes.

resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

106.3.3.1 [For SFM] Public schools. Plans and specifications for the construction, alteration or addition to any building owned, leased or rented by any public school district shall be submitted to the Division of the State Architect, Office of Regulation Services for review and approval.

EXCEPTION: Upon the annual submission of a written request by the chief of any city, county, or city and county fire department or fire protection district to the Division of the State Architect, Office of Regulation Services, approvals required by this subsection shall be obtained from the appropriate chief or his or her authorized representative. In such instances plans and specifications may be submitted to the state fire marshal for relay to the appropriate local authority or may be submitted directly to such local authority.

106.3.3.2 [For SFM] Movable walls and partitions. Plans or diagrams shall be submitted to the enforcing agency for approval before the installation of, or rearrangement of, any movable wall or partition in any occupancy. Approval shall be granted only if there is no increase in the fire hazard.

106.3.3.3 [For SFM] New construction high-rise buildings. 1. Complete plans or specifications, or both, shall be prepared covering all work required to comply with new construction high-rise buildings. Such plans and specifications shall be submitted to the enforcing agency having jurisdiction.

2. All plans and specifications shall be prepared under the responsible charge of an architect or a civil or structural engineer authorized by law to develop construction plans and specifications, or by both such architect and engineer. Plans and specifications shall be prepared by an engineer duly qualified in that branch of engineering necessary to perform such services. Administration of the work of construction shall be under the charge of the responsible architect or engineer except that where plans and specifications involve alterations or repairs, such work of construction may be administered by an engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 (commencing with Section 65700) of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications and estimates and work of construction are applicable.

This section shall not be construed as preventing the design of fire-extinguishing systems by persons holding a C-16 license issued pursuant to Division 3, Chapter 9, Business and Professions Code. In such instances, however, the responsibility charge of this section shall prevail.

106.3.3.4 [For SFM] Existing high-rise buildings. 1. Complete plans or specifications, or both, shall be prepared covering all work required by Sections 403.11 through 403.23, Title 24, California Code of Regulations, or existing high-rise buildings. Such plans or specifications shall be submitted to the enforcing agency having jurisdiction.

2. When new construction is required to conform with the provisions of these regulations, complete plans or specifications, or both, shall be prepared in accordance with the provisions of this subsection. As used in this section "new construction" is not intended to include repairs, replacements or minor alterations which do not disrupt or appreciably add to or affect the structural aspects of the building.

106.3.4 Architect or engineer of record.

106.3.4.1 General. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application

an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

106.3.5 Inspection and observation program. When special inspection is required by Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection, and the name or names of the individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 1702, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

106.4 Permits Issuance.

106.4.1 Issuance. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may [for SFM] shall be reviewed by other departments of this jurisdiction in accordance with state law, Health and Safety Code Section 13146, in occupancies regulated by the State Fire Marshal in order to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in Section 107 have been paid, the building official shall issue a permit therefor to the applicant.

When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without

OCTOBER 1, 2002 ERRATA

Page 3

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Wheatland Police Department (WPD)

Reason for Investigation

Section 925a of the California Penal Code provides that the Grand Jury may at any time examine the books and records of any incorporated city located in the county and may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city and make such recommendations as it may deem proper and fit.

The last Grand Jury investigation of the Wheatland Police Department was included in the City of Wheatland report in the Cities section of the 2003-2004 Grand Jury report. Because the city has experienced rapid growth recently, the 2007-2008 Grand Jury decided to investigate the Wheatland Police Department.

Background to the Investigation

The City of Wheatland, located in Yuba County, has a population of approximately 4,200 individuals in a 0.8 square mile area. The Wheatland Police Department is located at 413 Second Street, Wheatland, California. The total budget for the Wheatland Police Department is \$720,000, which includes a supplemental Law Enforcement Fund of \$100,000.

The Wheatland Police Department presently has 6 officers, no reserve or volunteers. It is in the process of hiring 2 full time people for the police force.

Currently, the Wheatland Police Department is located in several temporary buildings which have been recently renovated and repainted. The City of Wheatland has no holding facilities.

Method of the Investigation

Interviews were conducted by the Yuba County Grand Jury Law Committee with a minimum of two members present. Members of the Yuba County Grand Jury Law Committee visited the Wheatland Police Department and interviewed police department staff, as well as the senior staff at the Wheatland City Hall.

Facts and Observations

The tax revenues from the growth and development of the City of Wheatland will provide additional funding to expand the Wheatland Police Department to meet the future growth requirements of the city.

911 calls are dispatched through the Yuba County Sheriff's Department. The Yuba County Sheriff assists the Wheatland Police Department when necessary. Detainees are transported to Yuba County Jail for booking and holding.

Police Department vehicles are purchased in used condition from other law enforcement agencies. Presently there is an item in the city budget for a Police Department vehicle replacement fund to eventually have new vehicles purchased on a periodic basis. New vehicles, fully equipped, cost approximately \$47,000. They presently have 3 fully-equipped police cars and 2 unmarked cars. They use one of the unmarked cars for transporting prisoners to Yuba County jail and courts. The Police Department is looking into grant money from the Air Quality Resource Board to help pay for hybrid vehicles.

The Wheatland City Council and police department have a good working relationship.

Findings and Recommendations

Finding 1

The Wheatland Police Department is run efficiently and is working for the future of Wheatland. During this investigation, the Law Committee was impressed with the overall organization and cooperation of city management and police department.

Recommendation 1 None.

PASSED and ADOPTED by the Yuba County Grand Jury on the 25th day of March, 2008.

Response Required

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 as follows:

None required.

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Yuba County Airport

Reason for Investigation

The Grand Jury County Committee was concerned about security measures at the airport.

Background to the Investigation

In the community of Olivehurst, California, the United States Army Air Corp built an airfield in 1940 and used it during World War II. After the war, it was commissioned as a public use airport and the federal government deeded it, in a special agreement, to the City of Marysville. At the time Marysville already had an airport; therefore, the city gave it to the county. Yuba County Airport was licensed as an approved airport on September 30, 1949 by the State of California. "The airport is a general aviation facility with over 1,000+ acres of land which includes 265 acres available for industrial development within 8 industrial parks and improved sites of from 2.5 to 5 acres each..." according to an airport brochure.

The Yuba County Airport (MYV) is a non-controlled airport. Unlike a controlled airport, non-controlled airports do not have an operating control tower.

MYV has 2 runways. The primary runway length is 6,006 feet and it is 150 feet wide. The crosswind runway is 3,280 feet long. The airport has aircraft t-hangars that are 100 percent occupied.

Method of the Investigation

A minimum of two members of the Grand Jury County Committee visited the Yuba County Airport manager's office to inquire about the status of the perimeter fence and security fence and its need for repairs and upkeep.

Facts and Observations

Yuba County is looking for ways to use the airport to attract large corporations. The county airport, with its large runway, ample parking ramps and easy access, could be a great draw for those same corporations that use their flight departments to do business domestically and internationally. The airport is a hub within an industrial/commercial area of opportunity. Although the airport has been designated as a Free Enterprise Zone, few businesses have purchased sites around the airport. The airport generates income from hangar rentals and business space leases.

The Department of Transportation gave the Federal Aviation Authority (FAA) the responsibility to govern and police all aspects of aviation, air, ground, buildings, personnel and the licensing thereof for the safety of the public.

The FAA, through Homeland Security, mandated that all controlled airports were to install perimeter fencing and security fencing. Perimeter fencing separates airport property from non-airport property, while security fencing separates the general public from the air transport area, aircraft parking ramps, taxiways, runways and aircraft hangars.

The Federal Aviation Authority (FAA) security officer at the regional Office in Sacramento, California told the County Committee, "The Yuba County Airport, not being a controlled airport, is not required to have perimeter or security fencing in place according to Advisory Circular (AC) 107-1, and FAA Certified Flight Rules (CFR) regulations 139."

Although not required, the Yuba County Airport Management has already repaired and added a complete perimeter fence and has begun constructing a security fence with automatic gates. When the security fence is completed, badges will be issued to business employees, as well as the owners of private airplanes who rent airport space. Badge applicants will undergo a background check by the Yuba County Sheriff's Department.

As of May 2008, the county:

- Has completed and repaired the perimeter fence to include fence along the railroad on the west side.
- Has installed a new security fence to separate the public from the secure areas, hangars, taxiways, runways and parking ramps for airplanes.
- Will issue magnetic security card badges for personnel who have passed the background checks with the Yuba County Sheriff's Department.

Findings and Recommendations

Finding 1

Both fences are currently being installed.

Recommendation 1

Continue work on fences until completion.

PASSED and ADOPTED by the Yuba County Grand Jury on the 3rd day of June, 2008.

Response Required

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:

Airport Manager

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

**Yuba County Community Development and Services Agency
Building Department.**

Reason for Investigation

The 2007 – 2008 County Committee of the Yuba County Grand Jury decided to investigate the building department because of numerous voiced complaints and the fact that the building department had not been investigated since 1995 -1996.

Background to the Investigation

The building department is part of the Community Development and Services Agency located at Suite 123 of the Yuba County Government Center on 8th Street in Marysville. They published the following mission statement on their web page:

“The Community Development & Services Agency coordinates the orderly growth and development of the County while ensuring proper housing, circulation and public health and safety of its residents. The Agency provides direction, coordination, and administrative support for the Building, Environmental Health, Planning, and Public Works Departments. The four Departments within the Agency and the Divisions within the Departments which include Code Enforcement, CUPA, Housing & Community Services, and the County Surveyor encompass all services necessary for the County to provide land use, building, housing, circulation and code compliance information in an efficient, courteous, professional and cost-effective manner to the residents of Yuba County.”

According to the above mission statement, personnel behind the counter in Suite 123 represent the human interface for all land use issues within the county. As part of the Community Development & Services Agencies, the building department derives its mission statement from

that of its parent organization to address its specific concerns. The building department mission statement states:

“The mission of this Building Department is to safeguard life, limb, health, property and public welfare while providing the highest level of customer service attainable. We work diligently on our mission providing comprehensive plan review and field inspection of all residential, commercial and industrial construction, alteration, moving, demolition, repair, maintenance and use of buildings and structures within the County of Yuba.”

Previously located on 14th Street in Marysville, the Yuba County Community Development Departments were consolidated into the current Government Center location in March of 2003. At that time and since, the processes to obtain a building permit have undergone redesign and streamlining. According to interviewees, an applicant for a building permit at the 14th Street building department would have to present plans at separate counters for code enforcement, environmental health and planning, sometimes several times, before obtaining a building permit. Today that process has been simplified into a single stop at one counter where plan packages are checked to determine completeness before submission. When plan packages are complete, the associated data entered into the computer system allows fees to be calculated on the spot and a permit number assigned immediately. Using the assigned permit number, the applicant can follow the progress of the plans through plan check by querying the permit number on the county web site. The permit will not be issued until the plans have been carefully checked.

Method of the Investigation

The County Committee interviewed people who had buildings in various stages of completion as well as buildings that had been recently completed. The Committee developed a set of general questions as talking points to help the interviewees relate their building department experiences.

Follow-up interviews were conducted with senior staff of the Yuba County Community Development and Services Agency including Building, Environmental Health, Planning Department and Surveyor, as well as with building inspectors. All interviews were attended by at least two members of the 2007-2008 Yuba County Grand Jury.

Facts and Observations

Permits

According to one senior building official, the recent housing market slump has allowed the building department the time necessary to review internal processes and to streamline the building permit process. One need only follow the steps below to obtain a building permit:

- Go to the building department and request an information packet detailing requirements to obtain a building permit (see attachment 1.)
- Draw up plans with detailed calculations according to the specifications in the information packet.
- Include a plot map of the property showing where the building will be constructed with the location of the building, driveway, well and septic system, if applicable.
- Submit all plans and drawings to the building department and pay the required fees. Await issuance of the permit. As stated by a senior building official, the goal of the department is to issue a permit within 2 weeks of receiving the completed package from either the landowner or interested contractor.
- Schedule and pass a CDF fire inspection.
- Attend a pre-construction meeting (not needed in all cases.)

Receipt of the permit only occurs after all necessary departments have approved the plans and assessments for the permit. Once the permit has been received, construction may commence.

Interviewees

A general observation by the Yuba County Grand Jury County Committee is that contractors and engineers, who deal with the building department regularly, had complaints about the department but were resigned to the situation. Because of fear of reprisals, it was necessary to promise secrecy and anonymity to contracting professionals prior to their interviews about the building department. Some contracting professionals refused the interview for fear that their identity might become known to the building department.

Owner builders, as well as property owners who hired building professionals, related stories of frustration with the building department; however, they were not as concerned with anonymity. They were more outspoken about their feelings.

Complaints

Considering all the complaints that were heard, the County Committee went to the building department to determine how complaints are handled. The County Committee learned that there is more than one type of complaint. The first is a complaint about how a building code is being interpreted, while the second deals with how a building inspector or plan checker is doing the job or treating the customer.

For a complaint about how a building code is being applied or interpreted, there is a formal appeals board. The board consists of members of the community and one representative from the building department. According to a senior building department representative, the appeals board has not met for at least 9 years, so either there are no complaints about application of building codes, or no one knows how to invoke the appeals board, or no one even knows that the board exists.

In the case of a complaint about an inspector or plan checker, the immediate supervisor will be the first to hear and manage the complaint. If there is no resolution at that level, the next level of management will be involved. If there is still no resolution, the process continues until the senior building official attempts to resolve the complaint. The County Committee learned that neither complaints nor resolutions are documented.

The senior building official whom the Grand Jury County Committee interviewed indicated that he had not been involved in a complaint in several years. Given the several complaints that were heard in the field and despite the senior building officials declared lack of involvement, the County Committee wondered how many complaints had been addressed by lower management and what the resolutions were. As a corollary, how many times was the same complaint solved because no record of the complaint and its accompanying resolution was documented? The County Committee received no evidence of any complaints being resolved.

Other Points

County Committee interviews uncovered the following points:

- Builders to whom the County Committee spoke told of inconsistencies in inspections.
- One customer had built an ag-barn in a different county before moving to Yuba. He told the Committee how the Yuba County plan checker did not tell him that a soils report was necessary. As the concrete truck arrived to pour the foundation, the Yuba County inspector requested the soils report. Fortunately, the customer had it ready. Without the soils report, construction would have been delayed.
- Due to the considerable number of housing starts, consultants were used to augment staff. Several contractors claimed that these consultants actually slowed the permit process.
- Newer construction techniques challenge the inspectors as well as the senior building officials.
- Building inspectors have weekly supervised meetings to discuss issues that affect inspections. The purpose is to share knowledge and make inspections more consistent.
- Building department personnel indicated that senior building officials are good at developing strategy and policy.
- Building inspectors approach their jobs very professionally.
- Project fees were not always known at permit issue time and impact fees were not always explained.
- Some residents in the foothills complained that they were required to install a sand filter. AdvanTex filters are widely used in some counties and considered better and cheaper than sand filters; however, Yuba County still views them as experimental.
- Some contractors stated that plan checkers do not feel that they are doing their job unless they find something wrong.
- The county surveyor is working to streamline the lot line adjustment process. According to the county surveyor, lot line adjustments used to take 2 or more years to complete. Now, a lot line adjustment can be completed within the same year when a check of the documentation shows that the adjustment does not create a new parcel and does not violate land use restrictions or zoning requirements.
- Senior building official's stated goal is to issue a permit within 2 weeks of the receipt of the plan package. The Grand Jury County Committee received information that in at least one case, a permit for a residence took over 9 months to be issued

AdvanTex Effluent Filters

Since AdvanTex filters were mentioned by at least one foothill resident and the County Committee had no knowledge of them, the County Committee decided to research the product. Here are major points that the Committee learned about AdvanTex filters:

- Both sand filters and AdvanTex filters are advanced effluent processors.
- AdvanTex are from 15 to 25% cheaper than sand filters.
- They have a significantly smaller footprint than sand filters.
- AdvanTex filters require a maintenance contract.
- Due to design, AdvanTex filters are much cheaper to repair than sand filters.
- Due to sparse experience with AdvanTex filters, environmental health is introducing them into the county as experimental systems.

Satisfaction Survey

During the same time frame that the County Committee was gathering information, the Community Development and Services Agency was conducting a satisfaction survey. The Grand Jury County Committee requested and received the detailed results of the survey for review, and the synopsis (copy attached) revealed the level of satisfaction that customers felt when dealing with community development agency departments.

Findings and Recommendations

Finding 1:

As mentioned above, every construction professional required a promise of anonymity and secrecy before agreeing to be interviewed about their experiences with the building department because of a fear of reprisals.

Recommendation 1: The building department needs to build a friendly approachable reputation, especially with construction professionals.

Finding 2:

One general finding, gleaned from a review of the County Committee's notes and the satisfaction survey, is that persons who had completed projects several years ago had more, as well as more severe, complaints than more recent customers. The Grand Jury County Committee concluded that the building department is maturing and that the current staff is more professional and customer-focused than the prior field and counter staff (4 plus years ago.)

Recommendation 2: None.

Finding 3:

Senior building officials have questioned, even rejected, engineered "stamped" plans for homes, especially those that employ more modern construction techniques.

Recommendation 3: Yuba County should retain the services of a licensed engineer to explain plans that employ new technology with which building officials are unfamiliar.

Finding 4:

Over the past few years the county has improved the quality of building inspection as reflected by the professional demeanor of the inspectors whom the County Committee interviewed.

Recommendation 4: Inspectors should continue their supervised weekly meetings. Field inspectors should also be allowed unsupervised meetings to compare field notes and educate themselves on new construction techniques.

Finding 5:

While the field interviews showed that newer projects suffered fewer complaints than older construction, there were still complaints and frustrations with the permit process.

Recommendation 5: The building department needs to formalize a complaint process. Complaints and their solutions should be documented. Community Development and Services management should periodically review the complaint / solution database to determine that complaints are being resolved. Customers of the building department need to be made aware that such a system exists and that there will be no reprisals for using it.

Finding 6:

AdvanTex filtration systems are currently being introduced as experimental systems in Yuba County in locations where sand filters were the only effluent processing means. The experimental program prudently allows the county Environmental Health Department to gather data from AdvanTex filter systems to compare with the large volume of available third party data. Once satisfied that AdvanTex systems process effluent as well or better than sand filtration, AdvanTex filters can become mainstream selections for homeowners, especially in the foothills.

Recommendation 6: None.

Finding 7:

The county surveyor has been working to simplify the lot line adjustment process. As a result of his work, a lot line adjustment is cheaper and easier than before.

Recommendation 7: None.

Finding 8:

During the housing boom, consultants were brought in to augment staff. Some of the contractors interviewed claimed that the consultants were actually slowing the permit process. Now that the housing boom has abated, consultants are still in use in at least one department.

Recommendation 8: Review the functions performed by the outside consultants and assess whether those activities could be accomplished more efficiently and cost effectively in-house.

PASSED and ADOPTED by the Yuba County Grand Jury on the 5th day of June, 2008.

Response Required

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, as follows:

Findings and Recommendations 1, 3, 5: Community Development and Services Agency Manager

Finding and Recommendation 4: Senior Building Official

Finding and Recommendation 8: Planning Department Manager



County of Yuba

Community Development and Services Agency

Building Department

915 8th Street, Suite 123
Marysville, Ca 95901

PHONE : (530) 749-5440

FAX: (530) 749-5434
www.co.yuba.ca.us

RESIDENTIAL PLAN SUBMITTAL REQUIREMENTS THREE (3) COMPLETE SETS OF PLANS THAT INCLUDE THE FOLLOWING

- ☐ PLOT PLAN NO LARGER THAN 11" X 17"
- ☐ SQUARE FOOTAGE LEGEND
- ☐ CODE ANALYSIS
- ☐ FOUNDATION PLAN
- ☐ FLOOR PLAN WITH ELECTRICAL LAYOUT
- ☐ ROOF FRAMING PLAN
- ☐ BUILDING ELEVATIONS (NORTH, SOUTH, EAST, AND WEST) AND ARROW POINTING NORTH.
- ☐ ENERGY CALCULATIONS (2 SETS) WET SIGNED.
- ☐ TRUSS CALCULATIONS (2 SETS WET STAMPED AND SIGNED BY REGISTERED CALIFORNIA ENGINEER) IF TRUSSES ARE USED.
- ☐ STRUCTURAL CALCULATIONS (2 SETS WET STAMPED AND SIGNED BY REGISTERED CALIFORNIA ENGINEER), IF REQUIRED.
- ☐ ELEVATION CERTIFICATE, (IF REQUIRED).

ADDITIONAL INFORMATION:

GRADING PERMITS: WILL BE REQUIRED IF MOVING 50 CUBIC YARDS OR MORE OF MATERIAL FOR YOUR HOUSE PAD. FOR REQUIREMENTS FOR PONDS AND DRIVEWAYS PLEASE CONTACT THE PUBLIC WORKS DEPARTMENT DIRECTLY.

INSPECTIONS: ALL INSPECTION REQUESTS MADE AFTER 7:00 A.M. WILL BE SCHEDULED FOR THE FOLLOWING **BUSINESS DAY**. ALL INSPECTIONS SHALL BE REQUESTED THROUGH THE I.V.R. AT 530-749-5640.

NOTE: THIS HANDOUT IS INTENDED FOR INFORMATIONAL PURPOSES ONLY, OTHER SUBMITTAL DOCUMENTS FEES OR REVIEWS MAY BE REQUIRED BY OTHER DEPARTMENTS.

Revised Date: 3/6/2008

Revision By: DRB

YCO



County of Yuba

Community Development and Services Department

Building Division

915 8th Street, Suite 123

Marysville, Ca 95901

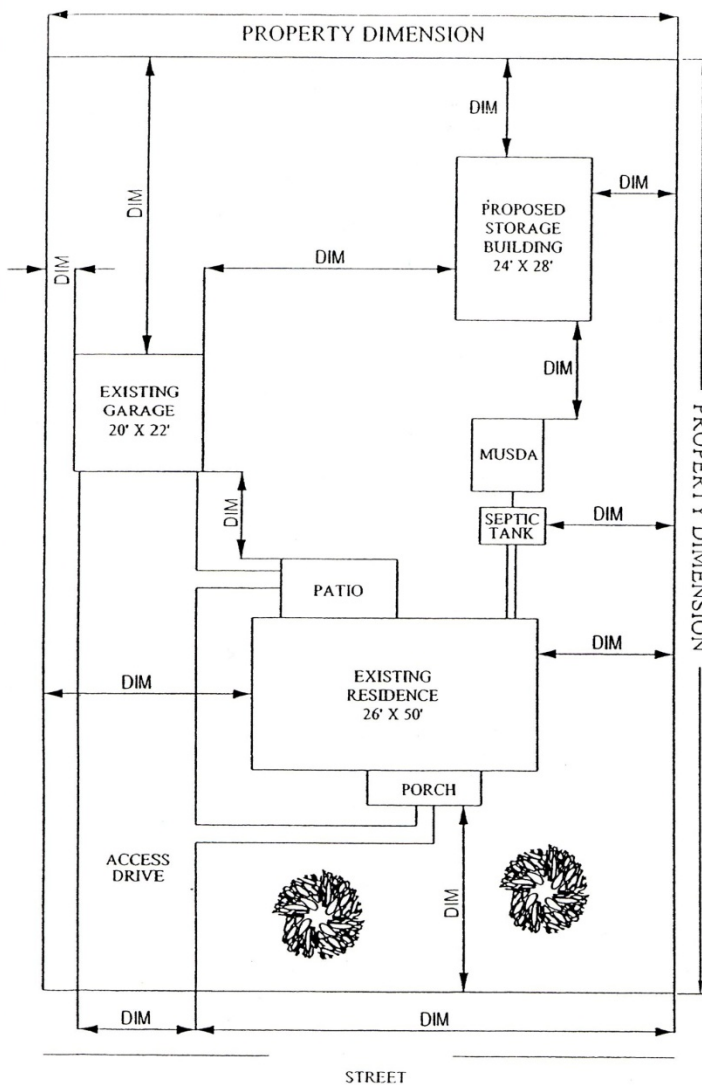
PHONE : (530) 749-5440

FAX: (530) 749-5434

www.co.yuba.ca.us

EXAMPLE AND MINIMUM REQUIREMENTS NEEDED ON A PLOT PLAN

DIMENSION LOCATIONS CAN VARY. IN SOME CASES DIMENSIONS ARE FROM PROPERTY LINES AND/OR BACK OF CURB. PLEASE VERIFY WITH THE PLANNING DEPARTMENT FOR YOUR PARTICULAR ZONING



- ☐ The following is required to be on your plot plan:
- ☐ North Arrow
- ☐ Property lines & Distances
- ☐ All roads adjacent to the property
- ☐ All existing structures on the property
- ☐ Proposed structures or additions, indicate size
- ☐ Distances from all property lines to all structures, existing and proposed
- ☐ Distances between all structures
- ☐ Driveway location and distance from driveway to property lines
- ☐ Type of driveway surface
- ☐ Existing or proposed well, septic tank and leach field locations
- ☐ Assessor's Parcel Number
- ☐ Owner's Name, Address & Telephone Number
- ☐ Project Address, If Known
- ☐ Landscaping per Landscaping Ordinance 1287
- ☐ Zoning
- ☐ Deeded Easements
- ☐ Name, Address & Phone Number of Applicant

Revised Date: 1/2008

Revision By: DRB

2007 CBC

Additional Information:

Grading Permit: If moving 50 cubic yards or more of material for your house pad, a grading permit will be required. Grading for ponds and driveway's contact Public Works.

Inspections: All inspection requests made after 7:00am will be scheduled for the following business day. All inspections are requested through the I.V.R. at 530-749-5640. See attached list for I.V.R. Codes.

Please contact these agencies for fee inquiries & requirements:

Planning Division: (530) 749-5470
Environmental Health Services: (530) 749-5450
Public Works Department: (530) 749-5420
Olivehurst Public Utility District: (530) 743-4657
Linda County Water District: (530) 743-2043
Marysville Joint Unified School District: (530) 749-6114
Wheatland School District: (530) 633-3100
Plumas School District: (530) 743-4428

***NOTE:** This handout is for informational purposes only, other fees or reviews may be required.

COMMUNITY DEVELOPMENT & SERVICES AGENCY
CUSTOMER SERVICE RESPONSES
TO QUESTIONNAIRE

DEPARTMENT	COURTEOUS & PROFESSIONAL		INFORMATION ADEQUATE & CLEAR			OVERALL EXPERIENCE		
BUILDING	YES NO	126 5	YES NO SOMEWHAT	121 1 9	GOOD OKAY BAD	115 12 4		
CODE ENFORCEMENT	YES NO	8 1	YES NO SOMEWHAT	8 1 1	GOOD OKAY BAD	7 1 2		
ENVIRONMENTAL HEALTH	YES NO	35 2	YES NO SOMEWHAT	32 1 5	GOOD OKAY BAD	31 6 1		
HOUSING & COMM. SVS.	YES NO	139 3	YES NO SOMEWHAT	136 2 9	GOOD OKAY BAD	135 8 4		
PLANNING	YES NO	31 2	YES NO SOMEWHAT	30 1 3	GOOD OKAY BAD	27 6 1		
PUBLIC WORKS	YES NO	45 1	YES NO SOMEWHAT	43 1 2	GOOD OKAY BAD	39 3 3		

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2007-2008 Yuba County Grand Jury Final Report

Subject of Investigation

Yuba County Sheriff's Department Jail Division

Reason for Investigation

California Penal Code 919 (b). The grand jury shall inquire into the condition and management of the public prisons within the county.

Background to the Investigation

The Yuba County Jail is located within the county courthouse in Marysville, California on Sixth Street between "B" Street and "C" Streets.

The original jail was built in 1962 and a major renovation and an addition were completed in the early 1990s. The county jail has capacity for 428 inmates. There are 85 to 90 beds for female inmates. The county inmate population consists of those who were sentenced to jail, those who are awaiting trial and those awaiting sentencing. When space is available, the county jail also holds Immigration and Customs Enforcement (ICE) inmates.

There are two police departments in Yuba County, one in Marysville and one in Wheatland. Neither has jail facilities and both utilize the Yuba County Jail for incarceration.

Method of the Investigation

Interviews were held by the Yuba County Grand Jury Law Committee with a minimum of two members present. Interviews were conducted with present members of the Yuba County Sheriff's Department and members of the Yuba County Jail Staff.

Documents reviewed by the Law Committee were:

- **Marysville Fire Department March 3, 2007 Fire/Life Safety Inspection Report** . (This report is mandated by Section 13146.1 of the California Health and Safety Code to be written every two years.)
- **Yuba County Environmental Health November 1, 2007 Report**. (This report is accomplished every year.)
- **Yuba County Sheriff's Department Information Booklet**. (Given to each inmate at the time of booking.)
- **Yuba County Jail Release Report**.
- **Yuba County Jail Commissary Statement**. (Listing of all commissary purchases by inmate.)
- **Yuba County Jail Inmate Property Form**. (Listing of inmate possessions at booking and returned upon release.)
- **Yuba County Jail Booking Report**. (Information collected during inmate booking.)
- **Yuba County Jail Classification Form**. (Inmate ranking by interviewing officer at time of booking.)
- **Yuba County Jail Intake Medical/Classification Screening Form**.
- **Yuba County Banking Deposit Slip**. (Accounting of inmate's funds available for commissary purchases.)
- **Jail Division Booking Check Sheet**. (Check sheet listing of items covered during inmate booking.)
- **Initial Custody Assessment Scale**. (Comprehensive numerical rating of inmate evaluation.)

Facts and Observations

Accompanied by Sheriff's staff, the Grand Jury Law Committee was given a complete tour of the jail facility on September 6, 2007. The tour followed the route that would be taken by an inmate upon arrival. It started at the intake area and continued through the booking process.

In 2006 the average daily jail population was 374 inmates. The average consisted of 214 county inmates and 160 Immigration and Customs Enforcement (ICE) contract inmates. The jail is staffed by 55 correction officers (Deputy I's). Daytime staffing averages 15 to 16 depending upon other duties, which include laundry, male and female programs, and transportation of inmates.

There are approximately 10,000 bookings per year, but the jail is not over-crowded. Twice a day, Monday through Friday, immigration busses ICE inmates between the jail and San Francisco. ICE is notified every day of available space in the jail. As space permits, ICE brings inmates from Reno and Sacramento to the Yuba County Jail. This is a well-organized operation and brings funds to the county.

Deputy training is on-going for successful control of the jail population. Training includes fire drills, fire arms, cell extractions and riot control.

During booking, deputies constantly observe inmates for any signs of problems that would require additional assistance. Incoming inmates are finger printed, palm printed and photographed. This information can be submitted to the Department of Justice (DOJ) in Sacramento for processing if necessary to check against criminal arrest records. Response time from the DOJ can be as low as 15 minutes. A DNA swab is also taken, bagged and sent to the DOJ laboratory in Sacramento. If the inmate refuses to submit to a DNA sample, a year can be added to the sentence. Most incoming individuals are compliant; however, there are facilities for handling those who are not compliant. There are several cells in the booking area that are utilized for temporary placement of inmates if necessary.

There is a classification interview with incoming inmates for the purpose of placement within the jail population. The time it takes to book an inmate varies depending upon circumstances, i.e. there may be data already in the booking system from a prior arrest that only needs to be reconfirmed. Inmates are separated to protect them from everything including themselves and others, whether gangs, race or ethnicity. No competing gang members are located together. Before the arresting officer leaves, the inmates are interviewed to evaluate their physical, mental or medical condition.

There is a medical unit within a controlled area of the jail complex. A doctor arrives at 6:30 a.m. Monday through Friday for sick call. Sick call slips from the inmates are reviewed and a treatment is developed. A physical examination is given to each inmate within 14 days of the time of booking, unless it is refused by the inmate. The doctor performs physical examinations and prescribes treatment as necessary. Drugs are stored in locked cabinets within the medical unit.

Any money the inmate has at the time of booking is put into an account in the inmate's name. There is a small commissary within the jail facility from which the inmate can purchase various items such as snacks and toiletries. Purchases are deducted from the inmate's account. Prices for commissary items are consistent with small stores in the area. An audit trail of the funds and purchases are printed and given to the inmate upon release.

Inmate complaints are handled by the jail staff, if possible. There are Grand Jury complaint forms available to the inmates. Compared with previous years, there has been a reduction of inmate complaints that have come before the Grand Jury.

The tour included the laundry and kitchen facility, which were both clean and neat. A female trustee/female program coordinator oversees the laundry. There is a list of rules posted for those working in the laundry.

Food service preparation is overseen by civilian employees and a food service manager. There is also a medical clearance examination by the doctor prior to an inmate being assigned to be a food service worker. Training videos are available for kitchen personnel. The meal portions are carefully measured to meet standards of the California Code of regulations Title 15 Section 1240 for nutrition. Meal trays are counted leaving and returning to the kitchen facility. Kitchen duty is considered a prime job for inmates.

The Grand Jury Law Committee had lunch at the facility. Random trays were taken from the meal cart and given to the Law Committee who dined in the library with several of the jail staff. The lunch meal was adequate with vegetables, fruit, tuna sandwich and drink.

The library was stocked with up-to-date volumes on the law and the California Penal Code. Prisoners may come into the library to do legal research and work on legal matters. The library also has material for recreational reading. Books are put on a cart for distribution to the prisoners.

Visual monitoring of the jail area is extensive. Cell inspections are performed on day and swing shifts in addition to hourly safety inspections. The Sheriff inspects quarterly; the captain and lieutenant inspect weekly. A sergeant and corporal inspect at least once a day. During hourly inspections, a data collection device called a "Pipe" is used to track the location and time during the rounds. The "Pipe" is inserted into compatible units located throughout the jail and the time and location data is recorded in the "Pipe". The data from the "Pipe" is downloaded to a computer and provides an audit trail. Inspections of the jail facility by various agencies, county, state and federal are frequent and ongoing annually.

One of the deputies working at the jail facility has created a computer program for the jail intranet that handles the majority of the forms used. This has reduced the amount of paperwork generated during the process of handling prisoner information. Data accumulated during booking and the inmate stay is recorded, archived and can be printed if necessary. In addition, other forms such as duty schedules, inmate handbooks, and visiting schedules are posted on the intranet for all deputies to view.

There is a secure elevator available to take inmates to the court area for any court proceedings they must attend.

Keys are controlled at a central location.

The jail was clean and no problems were observed during the tour.

Findings and Recommendations

Finding 1

The jail is not overcrowded and still accommodates offenders serving out their time on weekends.

Recommendation 1

Develop a program that will use the weekend offenders that are working off a sentence to do some service within the community.

Commendation:

The Grand Jury Law Committee has determined that the Yuba County Jail facility is run efficiently.

PASSED and ADOPTED by the Yuba County Grand Jury on the 3rd day of June, 2008.

Response Required

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:

Yuba County Sheriff

**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.