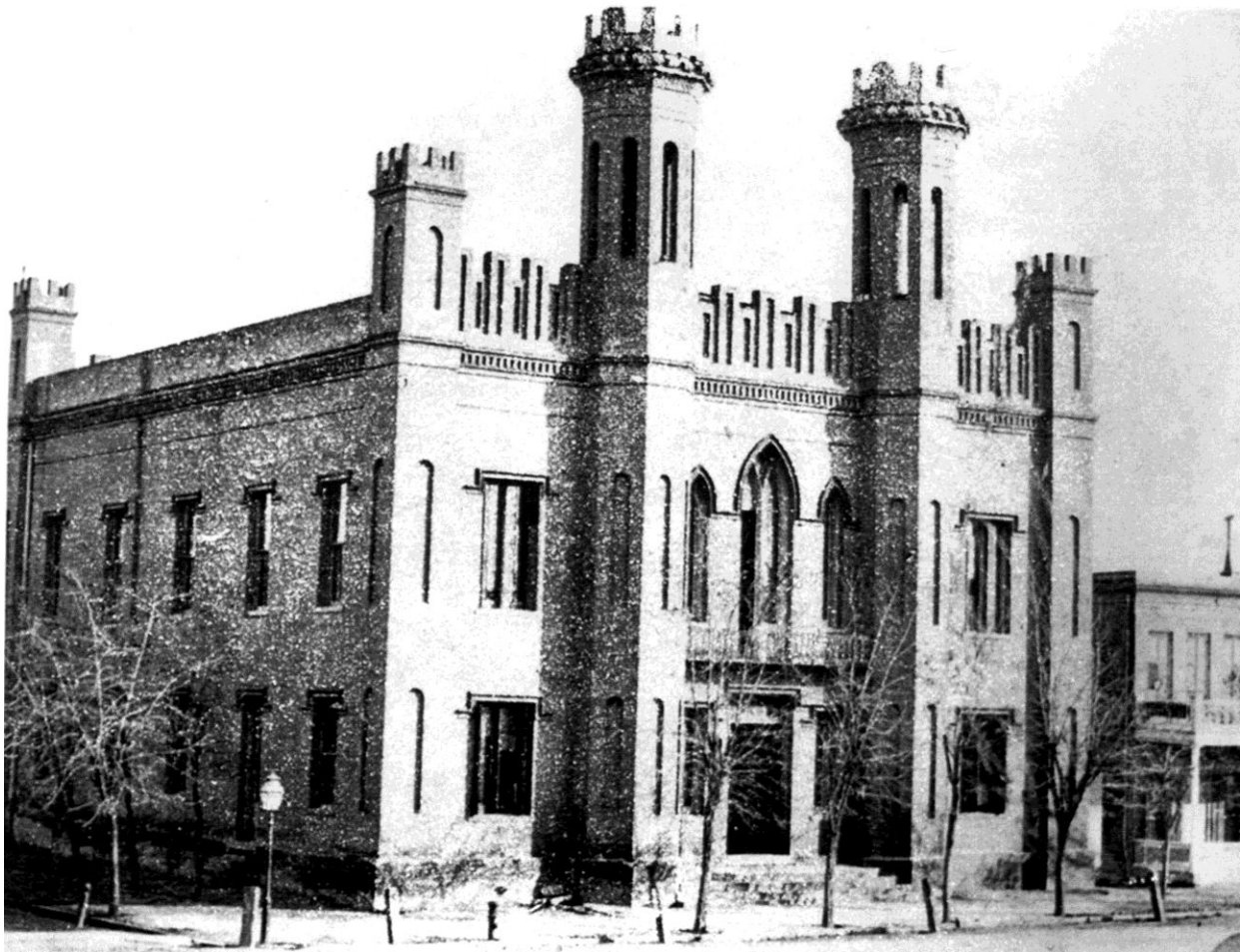


YUBA COUNTY  
**GRAND JURY**



FINAL REPORT  
2008-2009



"The care of human life and happiness, and not their destruction, is the first and only object of good government."

Thomas Jefferson

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# Table of Contents

<b>Foreperson's Letter .....</b>	<b>v</b>
<b>Members of the 2008-2009 Grand Jury .....</b>	<b>vii</b>
 <b><u>Reports and Investigations:</u></b>	
<b>Marysville Joint Unified School District .....</b>	<b>3</b>
<b>Yuba County Sheriff's Department     Animal Care Services .....</b>	<b>9</b>
<b>River Highlands Community Service District .....</b>	<b>23</b>
<b>Child Support Services .....</b>	<b>29</b>
<b>Yuba County Sheriff's Department     Yuba County Jail .....</b>	<b>33</b>
<b>Juvenile Hall / Maxine Singer Youth Guidance Center .....</b>	<b>41</b>
<b>Yuba County Health &amp; Human Services Department.....</b>	<b>47</b>
<b>Community Development and Services Agency .....</b>	<b>51</b>
<b>Yuba County Community Development and Services Agency     Code Enforcement Division .....</b>	<b>55</b>
<b>Olivehurst Public Utility District .....</b>	<b>61</b>
<b>Marysville Joint Unified School District     Loma Rica Elementary School.....</b>	<b>63</b>

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# *The County of Yuba*

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## GRAND JURY

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June 22, 2009

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

Dear Judge Scrogin,

I am pleased to submit the 2008-2009 Final Report of the Yuba County Grand Jury. This report constitutes a concerted effort by all Grand Jury members and represents many hours of inquiries, studies and interviews of areas the Grand Jury believed were important to the citizens of Yuba County. We know the report will be a beneficial contribution to the ongoing concerns that have been expressed by the people of the county for present and future needs and help it makes a difference in our communities. Moreover, we hope it will help county and city officials to deal with the prominent issues studied. Working with members of the Grand Jury was a pleasure and a privilege. We learned together, worked together, stormed together and proceeded to build a strong team with the same goals and intentions.

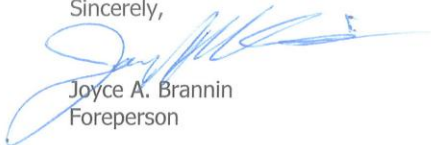
We also appreciated the advice and legal expertise from Patrick McGrath, District Attorney, who helped in critical areas of investigations. We also received advice from the County Counsel, Angil Morris-Jones, who helped steer us in the correct direction. I am impressed with the high caliber of the officials working in the county. We were welcomed in multiple areas of the county and treated with respect.

I would like to express a great deal of thanks for the guidance, patience and advice provided by the courthouse staff specifically Evelyn Allis, Grand Jury Administrator; Mike Pugh, Information Technology Analyst; Renee Danielson, Beverley Osbourn (now happily retired), and Robyn Hauck. Their dedication and thoughtfulness is a benefit to the court. Thank You!

I would like to thank you for your invaluable advice and support you have given our team as Presiding Judge throughout the year. Your candor with the Grand Jury when seeking advice was greatly appreciated. You have a practical approach to problem solving and helped the team through some stressful situations.

I would also like to thank each member of the Grand Jury for their diligence and dedication to the task of serving the citizens of Yuba County and putting a report together that is informative and enlightening.

Sincerely,



Joyce A. Brannin  
Foreperson

215 FIFTH STREET, SUITE 200 • COURTHOUSE • MARYSVILLE, CALIFORNIA 95901

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## **2008-2009 YUBA COUNTY GRAND JURORS**

Judith "Judy" Abernathy	Challenge
Michael "Mike" J. Bell, Sgt. At Arms	Marysville
Joyce A. Brannin, Foreperson	Marysville
Lorraine "Lori" Dutcher	Marysville
Nancy French, Secretary	Wheatland
Brian Godfrey	Hallwood
Marie Hughes	Smartsville
Jonathan Kinsman, Foreperson Pro Tem	Plumas Lake
Anna Nichols	Marysville
Darlene Odell	Oregon House
Cindi Petersbur	Wheatland
Helene "Pat" Pommerenck	Marysville
Meldine L. Rodda, Librarian	Marysville
Vance Snyder	Plumas Lake
Lillian R. Vazquez, Treasurer	Oregon House
Thomas "Tommy" Villalobos	Loma Rica
Susan Williams	Marysville

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## **Reports and Investigations**

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# 2008-2009 Yuba County Grand Jury Final Report

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## Subject of Investigation

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**Marysville Joint Unified School District**

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## Reason for Investigation

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The 2008-2009 Yuba County Grand Jury Schools Committee (Committee) received complaints and concerns from citizens of Yuba County regarding the Marysville Joint Unified School District's (MJUSD) procedures on lease-leaseback construction projects.

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## Background to the Investigation

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The MJUSD was established in 1922, formed from the Marysville Elementary School District created in 1871. The school district oversees 14 elementary schools, three middle schools and two high schools as well as charter schools, alternative and adult education, and preschool programs. The MJUSD has divided its current construction projects into three classificatory stages. The projects are either in design, in construction or complete.

The MJUSD began using the lease-leaseback procedures for the construction of schools approximately two years ago. The lease-leaseback laws are found in California Education Code (EC) §§ 17400 et seq. The EC § 17406 establishes the regulations for the no-bid, lease-leaseback contracting process for the construction and modernization of school buildings. It also states that a school district may contract for the construction of schools without competitive bidding or public notice.

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## Method of the Investigation

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The Committee conducted its investigation by interviewing MJUSD management responsible for the lease-leaseback program, personnel of the Yuba County Office of Education, members of the MJUSD School Board of Trustees (Board), members of the public (construction businesses based in Yuba and Sutter Counties) and employees of other government entities with a minimum of two committee members present. The Committee also reviewed California law with reference to the lease-leaseback contracting procedure, and attended meetings of the Board.

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## Facts and Observations

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The lease-leaseback procedure is codified in EC § 17406, which reads as follows:

**17406.** (a) *Notwithstanding Section 17417, the governing board of a school district, without advertising for bids, may let, for a minimum rental of one dollar (\$1) a year, to any person, firm, or corporation any real property that belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction*

*thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to that building shall vest in the school district at the expiration of that term. The instrument may provide for the means or methods by which that title shall vest in the school district prior to the expiration of that term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.*

*(b) Any rental of property that complies with subdivision (a) shall be deemed to have thereby required the payment of adequate consideration for purposes of Section 6 of Article XVI of the California Constitution.*

The code states that a school district may arrange for construction without advertising for bids. The language in the law is in general terms except for the \$1.00 a year lease provision. The general language of § 17406 allows the school board some breadth in contracting using the lease-leaseback process, particularly in regards to no-bid procedures.

The procedure for establishing the list of general contractors for lease-leaseback projects is involved and requires a Request for Qualification (RFQ). The RFQ requirements for becoming an approved general contractor are cumbersome and may not be easy to understand. Also, there are no set percentage requirements for the hiring of local sub-contractors. The list of pre-approved contractors is not updated on a regular basis.

The established contractors' list is put into a matrix format and is based on dollar value of the proposals. Although the MJUSD has added at least one local general contractor to their lease-leaseback listing in recent months, the list continues to be exclusive with pre-selected contractors. When management from the Facilities Department was asked about the method of adding new contractors he stated: "We're not currently soliciting any new contractors, they can – if they call the Facilities Department, they are instructed to go ahead and submit a letter or some other type of interest statement in which case they would be put in a file."

Included in the contractors' list is Roebbelen, a general contractor with which a member of the Facilities District was previously employed and, in fact, has family that still works for the company. During an interview, the employee stated that: "My duty is to recommend to management, who then turns around and recommends to the Board, approval for our recommended contractor for that project." In addition, it has been noted through interviews that BRCO Constructors has previous ties to a member of the Facilities Department. After additional interviews and review of subpoenaed documentation, the Committee found that the majority of the larger projects are awarded to a select few contractors located outside Yuba and Sutter Counties including Roebbelen of El Dorado Hills and BRCO Constructors of Loomis.

As of May 8, 2009, the Project Status Update shows that Roebbelen has been awarded approximately \$21 million in contracts, for 40.5 percent of the total value of the lease-leaseback contracts for the MJUSD, and BRCO Constructors has been awarded over \$19 million for 36.6 percent of the total lease-leaseback value. In addition, the majority of subcontractors for these projects are based outside the Yuba-Sutter County area. The MJUSD, unlike many school districts, does not have set percentage requirements for local subcontractors.

At an interview with the Facilities Department personnel, they stated there were no local general contractors who meet the criteria to build K-12 schools. Subsequently, the Committee

discovered that a local general contractor built schools in both Wheatland and Yuba City, and in fact, this contractor was not on the contractors' list provided by the Facilities Department. The contractor was on the General Contractor Contact List, as being part of the initial review process, but there is no information provided as to the reason they were not placed on the established Contractors' List.

Several contractors stated that if they oppose the procedures or process, regarding the method of awarding contracts, they are "blacklisted" and they will no longer receive proposals. The sub-contractors are treated in the same manner. It was also mentioned by a contractor that he heard about an upcoming proposal at a "pick-up" basketball game and that it was not available in a formal manner.

The Committee found that the manner by which MJUSD reviews and approves lease-leaseback contracts is subject to favoritism or abuse. The law allows the lease-leaseback option, but the fact remains that the MJUSD's procedures for larger projects are without public disclosure or announcement of the design or project specifics to potential contractors. Only those on the MJUSD select list are provided the information of new projects.

All public employees overseeing the monies of the people and making decisions for the people are required to do so with integrity and accountability based on the ethics laws of California. In regards to the awarding of contracts, the Committee questions if the persons establishing and reviewing the contracts are aware of the breach of their fiduciary duties.

The management for the MJUSD was asked about ethics training during an interview on April 22, 2009. In response, the attorney for the MJUSD asked the Committee the basis for the requirement that school officials participate in the training. On April 24, 2009, the attorney sent a letter to the Grand Jury stating that ethics training is not required for school officials; however, Senate Bill 106 would amend GC §§ 53234 and 53235.1. The letter proceeds to state: "Since the Senate feels it necessary to affirmatively amend the Government Code to add school district to the entities required to undergo ethics training, clearly then they are not currently bound by the provisions."

As ethics training is not provided to the school officials in positions of authority, with purchasing powers, they may not have a clear understanding of their responsibilities under the State's ethics laws and, therefore, be more likely to make errors involving ethical issues.

The procedure for approval of all contracts and project proposals is that they must be approved by the MJUSD Board. The Committee found that the method of approval by the Board is suspect. Based on an interview with management of the Facilities Department, the Board does not receive copies of the proposals besides the one submitted for approval. It was stated:

*"That's what we're hired to do, is provide that judgment and that expertise. The school board members are not supposed to engage in the day-to-day operations of the school district. They are trustees of the school district. They're elected officials. They hired a superintendent, and basically the superintendent is responsible for hiring the rest of us. And then it's our responsibility to do our job to the best ability that we can, which is what we do. So, no, we don't take the entire ten-inch-high guaranteed maximum price binder to the board."*

This means that all approvals of the proposals are based solely on the brief summary provided by the Facilities Department, with no comparative information.

In attending MJUSD Board meetings, the Committee observed that the majority of the Board approves all lease-leaseback projects without significant comment or question. The Committee attended several Board meetings and beginning in April 2009, after the Grand Jury began making inquiries of the Facilities Department, they began presenting the Board with more than one proposal for projects. Previously the Board was given no information to make comparisons of the pricing or of other contractor proposals.

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## **Findings and Recommendations**

---

### **Finding 1**

The select list of contractors employed by MJUSD for its lease-leaseback contracting is a closed pool of contractors with little or no competition. This has resulted in a closed and exclusive list of contractors, subject to favoritism or abuse, noted by the large percentage of contract dollars awarded to two general contractors with previous relationships to personnel in the Facilities Department.

### **Recommendation 1**

The MJUSD needs to establish an open and public list of contractors for lease-leaseback contracting or return to the low-bid process to ensure fairness in the awarding of contracts.

### **Finding 2**

The Facilities Department has no established criteria for the hiring of local subcontractors to enable the bond money to stay within the community and there are no established procedures for adding new contractors on a regular basis to ensure securing "best value" for the taxpayers.

### **Recommendation 2**

The MJUSD Board should establish goals to utilize a minimum percentage of local subcontractors in lease-leaseback projects in order to put the bond money voted by Yuba County residents back into Yuba County. They establish a procedure to update and add new contractors to the established list.

### **Finding 3**

The MJUSD needs to establish a method to ensure the ethics laws of California are being adhered to in the contracting of services. The staff at MJUSD is not provided ethics training at this time.

### **Recommendation 3**

Establish a requirement for all officials and all individuals required to purchase, contract or make decisions for the school district, to have ethics training every two years as recommended in Senate Bill 106.

### **Finding 4**

There is minimal review of lease-leaseback contracts by the MJUSD Board. The Board is given a listed contractor on a project by the Facilities Department. The Board does not have the



opportunity to review the full range of proposals to ensure equity, fairness and oversight in awarding contracts paid by public bond funds.

**Recommendation 4**

The Board should formulate a procedure for the reviewing of proposals for lease-leaseback contracts including additional time to examine the compiled list from which to select the most qualified proposal.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 12, 2009**

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**Response Required**

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Penal Code §§ 933 and 933.0 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Grand Jury Judge of the Yuba County Superior Court from:

Board of Trustees, Marysville Joint Unified School District  
Superintendent, Marysville Joint Unified School District

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Yuba County Sheriff's Department  
Animal Care Services  
<http://sheriff.co.yuba.ca.us/animalcare.html>**

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## **Reason for Investigation**

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The 2008-2009 Law Committee of the Yuba County Grand Jury decided to investigate the economic impact the recession has had on the Yuba County Sheriff's Animal Care Services (ACS).

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## **Background to the Investigation**

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The ACS provides services to Yuba County with limited assistance to the cities of Wheatland, Marysville, and Beale Air Force Base. A new 3,788 square foot shelter was built in 2004, designed to hold 36 total kennels, 24 general population kennels, 12 quarantine kennels, 68 total stainless steel cages and four livestock pens.

Approximately 11 years ago ACS came under the supervision of the Sheriff's Department. This move has increased the humanitarian care and safety to the animals. The change improved services and added support personnel and additional resources when needed.

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## **Method of the Investigation**

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Interviews were held by the Law Committee of the Yuba County Grand Jury with a minimum of two members present. A tour of the shelter and interviews of the staff were conducted in order to obtain an overview of the operations at ACS. The Committee reviewed ACS procedures, budget, and personnel.

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## **Facts and Observations**

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The ACS provides the following services that protect both the citizens and animals:

- Transporting stray injured animals to veterinarians for emergency care.
- Rescuing animals from locked vehicles and abusive or negligent conditions.
- Providing assistance locating services for wild animal removal.
- Impounding loose or stray animals.
- Administering a rabies control program.
- Helping citizens resolve nuisance problems such as complaints about barking dogs.
- Investigating dog bite complaints.
- Assisting other agencies such as the Sheriff's Department, Fire Department, and California Highway Patrol.
- Educating pet owners on the importance of spaying or neutering their cats and dogs.
- Addressing and responding with regard to animals in disaster situations.

The staff consists of the following:

- 1- Supervisor
- 2- Specialists (switchboard)
- 3- Officers
- 1- Kennel Technician
- 2-3- Trustee inmates (for feeding and cage cleaning)

In addition, ACS has 12 volunteers, seven of them being extremely active in the running of the ACS. The volunteers are required to go through a background check prior to working at the facility. Volunteers have helped by donating money and time to establish an area for prospective owners to walk and get to know the animals. One volunteer has set-up a continuous photo slideshow of the animals at the facility and the photos are also shown on the "petharbor.com" website.

The ACS receives donations from people and community businesses. A local national retailer donates food on a regular basis. In addition, the Sutter County ACS shares their excess donations, as they have a larger business base.

There are five trucks used by ACS, with three being fully equipped for the officers' use (cages, etc.) The ACS takes all types of animals (not just dogs and cats), including horses, goats, ferrets, chickens and even snakes. They do their best to place the various types of animals in good homes.

The ACS is funded through the General Fund and payments of fees and fines. In the 2007-2008 fiscal year, ACS was budgeted \$575,324; revenue from fees and fines estimated at \$150,000, with the remaining expenses being paid from the General Fund. The actual amount received in revenue was \$208,020, which reduced funds received to \$345,358, in part due to ACS being \$21,946 under budget (as seen below).

<b>2007-2008 BUDGET</b>		
	BUDGETED	ACTUAL
Revenue	\$150,000	\$208,020
Expenses	\$575,324	\$553,378
General Fund	\$425,324	\$345,358
Savings to the General Fund		<b>\$79,966</b>

The ACS sold 6,538 licenses in 2008 (up 1.5% over the 2007 total of 6,440) and during the same period, local veterinarians submitted information of 5,021 new rabies vaccination certifications. Nearly half of the dog owners did not respond to ACS' licensing requests resulting in the loss of approximately \$49,000 in revenue.

The ACS charges fees for impounding, boarding, rabies vaccinations (if required) and other services provided (please see Exhibit 1, Fee Schedule).

The ACS is currently networking with local animal care operations by sharing information, training and establishing a disaster preparedness plan. They are also developing a training program and video for all staff on interacting with animals. They want to ensure that all workers are trained to interpret animals' behavior.

The "posted" public hours are:

<b>Mon-Fri</b>	<b>10:00-4:00</b>
<b>Sat</b>	<b>9:00-12:00</b>
<b>Sun</b>	<b>Closed</b>

"Available 24 hours on-call for emergencies only (through Sheriff's Department)"

The building is new and well-maintained with areas designated for surgery and recovery, which are not in use. These areas could be used as a spaying and neutering clinic considering that the only local low-cost clinic is in Sutter County and has a long waiting list. The ability to provide this service is essential in decreasing the animal population and reducing the number of animals being put to death.

The maximum capacity at the ACS facility is approximately 60 dogs and 70 cats. The level in March was approximately 35 dogs and 45 cats with an anticipated increase in the spring.

In 2008, ACS took in 2,131 dogs, 2,114 cats and 187 "other" animals; for a total of 4,432 intakes for the year. It is a 25% increase over the 2007 total of 3,456. In the same year ACS responded to 5,774 calls for service compared to 5,289 in 2007, an increase of 8%.

On July 1, 1999 Senate Bill 1785 "Hayden Law" went into effect. The law establishes changes to the Civil, Food and Agriculture and Penal codes. The enacted law's intent is as follows:

**"SECTION 1.**

*(a) The Legislature finds and declares the following:*

*(1) Public and private shelters and humane organizations share a common purpose in saving animals' lives, preventing animal suffering, and eliminating animal abandonment.*

*(2) Public and private shelters and humane groups should work together to end euthanasia of adoptable and treatable animals by 2010.*

*(b) The Legislature finds and declares the following:*

*(1) Redemption of owned pets and adoption of lost or stray adoptable animals is preferable to incurring social and economic costs of euthanasia.*

*(2) Shelters should be open during hours that permit working pet owners to redeem pets during nonworking hours.*

*(3) Shelters should aggressively promote spay and neuter programs to reduce pet overpopulation.*

*(4) Shelters should not adopt out animals that are not spayed or neutered.*

*(5) Public shelters should work with humane animal adoption organizations to the fullest extent possible to promote the adoption of animals and to reduce the rate of killing."*

The ACS follows the County Ordinance 8.05.180, Duration of Impoundment, which requires animals wearing identification such as dog license or ID tags to be held a minimum of seven business days while unidentified animals must be held for a minimum of four business days.

The law under the Food and Agricultural Code is amended to read:

"31108

*(a) The required holding period for a stray dog impounded pursuant to this division shall be **six business days, not including the day of impoundment**, except as follows:*

*(1) If the pound or shelter has made the dog available for owner redemption on **one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.***

*(2) If the pound or shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the pound or shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment. Except as provided in Section 17006, stray dogs shall be held for **owner redemption during the first three days of the holding period, not including the day of impoundment**, and shall be available for owner redemption or adoption for the remainder of the holding period.*

*(b) Any stray dog that is impounded pursuant to this division shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released."*

Section 31752 of the Food and Agricultural Code reads the same for cats as stated above.

Currently, ACS schedules animal termination on Tuesdays through Thursdays. There were 2,848 animals euthanized in 2008. There has been an increase in cat and a decrease in dog euthanasia since 1999 (Exhibit 2, ACS' Activities and Services for the Year 2008). The number of animals being received by ACS can be overwhelming and they view them based on criteria of adoptability including (but not limited to):

- age
- popularity of breed
- behavior
- health

The ACS works hard at bringing pets and owners together through rescue organizations and public adoptions. All animals are scanned for micro-chips when they come into the shelter. People are encouraged by ACS to micro-chip their animals. For a fee ACS can provide the micro-chipping so they can "find their way home." It is very satisfying to the workers, seeing the faces of the animals and the owners when they are reunited.

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## Findings and Recommendations

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### Finding 1

The surgery and recovery room are not utilized as originally intended resulting in lost revenue to the county. In addition, not having a clinic in the county requires the community members to seek lower-cost services in overbooked out-of-county locations.

### Recommendation 1

Establish a contract with a veterinarian to be put on retainer or hire part-time staff. This would generate revenue for the county by administering vaccines, spaying and neutering animals and meet the new requirements outlined in the "Hayden Law".

### Finding 2

Food and Agriculture Code § 31108 requires an extended holding period for animals, above and beyond the current county ordinance requirements, with exception in the case of increased business hours (e.g. 7:00 p.m. one weekday).

### Recommendation 2

The hours need to be extended at least one weekday to 7:00 p.m. to meet the "Hayden Law's" intent that *"Shelters should be open during hours that permit working pet owners to redeem pets during nonworking hours"*. Further research would be required in order to find the best solution to meet the intent of the law.

### Finding 3

In the last year there have been more animals found abandoned due to foreclosures in the area, as well as people not being able to afford continued care for their animals.

### Recommendation 3

None.

### Finding 4

The county lost approximately \$49,000 in dog licensing revenue due to nearly half of the pet owners not responding to the ACS' letters.

### Recommendation 4

Establish a procedure to increase the payments for dog licenses, including but not limited to, visits from officers to the homes. The collection of the fees would help in the funding of a staff position for ACS.

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**PASSED and ADOPTED by the Yuba County Grand Jury on May 12, 2009**

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## Response Required

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

Yuba County Sheriff's Office  
Yuba County Board of Supervisors

YUBA COUNTY CARE SERVICES  
FEE SCHEDULE

IMPOUNDMENT/REDEMPTION		
DOGS		
ITEM CODE	FEE DESCRIPTION	ITEM PRICE
IMP 1 <sup>ST</sup> UL	IMPOUND FEE – UNLICENSED	33.00
IMP 1 <sup>ST</sup>	IMPOUND FEE – LICENSED	45.00
IMP 2 <sup>ND</sup>	SECOND IMPOUND WITHIN ONE YEAR	65.00
IMP 3 <sup>RD</sup>	THIRD AND SUBSEQUENT PICKUP WITHIN ONE YEAR	100.00
BOARD DOG	DAILY BOARD FEE	10.00
	RABIES VACCINATION IF REQUIRED	VET'S FEE
CATS		
IMP CAT	IMPOUND FEE, VACCINATED	10.00
IMP CAT NV	IMPOUND FEE, NOT VACCINATED	15.00
IMP CAT 2 <sup>ND</sup>	SECOND IMPOUND WITHIN ONE YEAR	55.00
IMP CAT 3 <sup>RD</sup>	THIRD IMPOUND WITHIN ONE YEAR	85.00
BOARD CAT	DAILY BOARD FEE	8.00
	RABIES VACCINATION IF REQUIRED	VET'S FEE
DOGS/CATS IMPOUNDED – NOT SPAYED OR NEUTERED FINES		
IMP 1 <sup>ST</sup> UA	FIRST IMPOUNDMENT	35.00
IMP 2 <sup>ND</sup> UA	SECOND IMPOUNDMENT	50.00
IMP 3 <sup>RD</sup> UA	THIRD OR SUBSEQUENT IMPOUND	100.00
LIVESTOCK		
IMP OTHER	HORSES, MULES BULLS, COWS, OXEN OR CALVES	75.00
IMP OTHER	SHEEP, LAMBS, GOATS, OR HOGS	45.00
IMP OTHER	CHICKENS, RABBITS, OR DUCKS	20.00
BOARD OTHER	DAILY BOARD FEE	10.00
MISC	HAULING	HAULER'S FEE
EXOTIC ANIMAL (LLAMAS, EMUS, RHEAS, ETC.)		
IMP OTHER	IMPOUND FEE	35.00
BOARD	DAILY BOARD FEE	5.00
DOG LICENSE FEES		
LIC SN	1 YEAR SPAYED/NEUTERED	10.00
LIC 2 SN	2 YEAR SPAYED/NEUTERED	16.00
LIC 3 SN	3 YEAR SPAYED/NEUTERED	24.00
LIC	1 YEAR NOT SPAYED/NEUTERED	24.00
LIC 2	2 YEAR NOT SPAYED/NEUTERED	48.00
LIC 3	3 YEAR NOT SPAYED/NEUTERED	72.00
PENALTY	PENALTY FOR FAILURE TO REGISTER DOG WITHIN PRESCRIBED TIME PERIOD	18.00
LIC DUP	REPLACEMENT TAG	6.00
LIC TRANS	TRANSFER OF OWNERSHIP	6.00
LIC SENIOR	SENIOR CITIZEN 65 YEARS OF AGE OR OLDER ONE DOG PER HOUSEHOLD	NO FEE
LIC GUIDE	GUIDE DOGS	NO FEE
LIC POLICE	POLICE DOGS	NO FEE

# EXHIBIT 1



**YUBA COUNTY CARE SERVICES**

**FEE SCHEDULE**

<b>ADOPTION FEES</b>		
<b>ITEM CODE</b>	<b>FEE DESCRIPTION</b>	<b>ITEM PRICE</b>
<b>ADOPT DOG</b>	DOGS FOUR (4) MONTHS OF AGE AND OLDER	14.00
<b>ADOPT CAT</b>	CATS FOUR (4) MONTHS OF AGE AND OLDER	14.00
<b>ADOPT PUPPY</b>	PUPPIES UNDER FOUR (4) MONTHS OF AGE	5.00
<b>ADOPT KITTEN</b>	KITTENS UNDER FOUR (4) MONTHS OF AGE	3.00
<b>ADOPT OTHER</b>	OTHER ANIMALS	FAIR MARKET VALUE
<b>SN DEPOSIT</b>	KITTENS PUPPIES UNDER FOUR (4) MONTHS	40.00
Adoption fees are in addition to any required rabies vaccination fees or fees associated with the spaying or neutering of an animal		
<b>OWNERS ANIMAL – EUTHANASIA/SURRENDER FEES</b>		
<b>EUTH REQ</b>	DOGS AND CATS	10.00
<b>OWNER SUR</b>	DOGS AND CATS, HELD FOR FOUR (4) BUSINESS DAYS	30.00
<b>EUTH REQ NR</b>	NON-RESIDENTS - DOGS AND CATS	35.00
<b>OWNER SUR NR</b>	NON-RESIDENTS - DOGS AND CATS , HELD FOR FOUR (4) BUSINESS DAYS	55.00
<b>CARCASS DISPOSAL</b>		
<b>DISPOSAL</b>	DEAD DOG AND CAT DISPOSAL	10.00
<b>DISPOSAL NR</b>	NON-RESIDENTS DEAD DOG AND CAT DISPOSAL	35.00
<b>MISCELLANEOUS FEES</b>		
<b>DONATION</b>	DONATIONS FROM PUBLIC	CUSTOMER
<b>COPIES</b>	COPIES OF REPORTS, ETC	.25/PAGE
<b>MISC</b>	HOURLY RATE- The county may charge an hourly rate for time spent on incidents beyond the scope of duties or services normally provided	\$25.00/HOUR



## YUBA COUNTY ANIMAL CARE SERVICES ACTIVITIES & SERVICES FOR THE YEAR 2008

I. Activities for the Year 2008		CATS	DOGS	OTHER	TOTAL
A. Dogs, Cats and Other on Hand in the Shelter January 1, 2008		32	51	1	84
B. Total Dogs, Cats and Other entering the Shelter	TOTAL	2,114	2,131	187	4,432
1. Captured by Animal Control Officers	BAFB	0	1	0	1
	COUNTY	545	833	98	1,476
	MARYSVILLE	14	33	5	52
	WHEATLAND	5	6	3	14
	SUTTER CO	0	3	0	3
	TOTAL	564	876	106	1,546
2. Surrendered by Owners	BAFB	6	10	0	16
	COUNTY	93	320	4	417
	MARYSVILLE	15	29	1	45
	SUTTER CO	0	2	0	2
	WHEATLAND	1	8	0	9
	TOTAL	115	369	5	489
3. Surrendered by the public (stray)	BAFB	8	26	0	34
	COUNTY	1116	504	49	1669
	MARYSVILLE	248	162	13	423
	SUTTER CO	1	1	1	3
	WHEATLAND	27	17	0	44
	TOTAL	1,400	710	63	2,173
4. Impounded for animal bite quarantines	BAFB	0	1	0	1
	COUNTY	26	157	10	193
	MARYSVILLE	9	18	3	30
	TOTAL	35	176	13	224
5. Transferred from another shelter	TOTAL	0	0	0	0
C. Disposition of Dogs, Cats & Other entering shelter	TOTAL	2,115	2,134	186	4,435
1. Reclaimed by owner	BAFB	0	14	0	14
	COUNTY	27	400	27	454
	MARYSVILLE	6	71	3	80
	WHEATLAND	0	14	0	14
	TOTAL	33	499	30	562
2. Adopted by new owners	BAFB	6	10	0	16
	COUNTY	126	378	28	532
	MARYSVILLE	24	53	0	77
	SUTTER CO	0	1	0	1
	WHEATLAND	8	4	3	15
	TOTAL	164	446	31	641

## EXHIBIT 2



## YUBA COUNTY ANIMAL CARE SERVICES ACTIVITIES & SERVICES FOR THE YEAR 2008

<b>I. Activities for the Year 2008</b>		<b>CATS</b>	<b>DOGS</b>	<b>OTHER</b>	<b>TOTAL</b>
3. Euthanized	BAFB	8	8	0	16
	COUNTY	1506	895	42	2443
	MARYSVILLE	237	102	11	350
	SUTTER CO	1	2	0	3
	WHEATLAND	24	12	0	36
	<b>TOTAL</b>	<b>1,776</b>	<b>1,019</b>	<b>53</b>	<b>2,848</b>
4. Died of other causes	COUNTY	50	16	2	68
	MARYSVILLE	11	2	3	16
	WHEATLAND	1	0	0	1
	<b>TOTAL</b>	<b>62</b>	<b>18</b>	<b>5</b>	<b>85</b>
5. Stolen, escaped, missing, etc.	COUNTY	9	0	1	10
	MARYSVILLE	6	0	0	6
	WHEATLAND	0	1	0	1
	<b>TOTAL</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>17</b>
6. Transferred to another shelter/breed rescues	<b>TOTAL</b>	<b>65</b>	<b>151</b>	<b>66</b>	<b>282</b>
D. Dogs, Cats & Other on hand in the Shelter January 1, 2009	<b>TOTAL</b>	<b>31</b>	<b>48</b>	<b>2</b>	<b>81</b>
E. Dead Animal Pickup	COUNTY	90	99	42	231
	MARYSVILLE	3	8	5	16
	WHEATLAND	0	2	2	4
	<b>TOTAL</b>	<b>93</b>	<b>109</b>	<b>49</b>	<b>251</b>

## II. ENFORCEMENT ACTIVITIES

- |   |   |
|---|---|
| <p>1) <b>Calls Responded to</b> – 5,774<br/>           *See attachment - Officers statistics by jurisdiction and Officer Results</p> <p>2) <b>Notice of Violations Issued</b> – 1,581</p> <p style="margin-left: 20px;">a. G. Breton – 354<br/>          b. L. Dowling – 404<br/>          c. D. Luis – 52<br/>          d. M. Woolery – 771</p> <p>3) <b>Fix-it Tickets Issued</b> – 177</p> <p style="margin-left: 20px;">a. G Breton – 105<br/>          b. L Dowling – 32<br/>          c. D. Luis – 4<br/>          d. M. Woolery – 36</p> | <p>4) <b>Citations Issued</b> – 164</p> <p style="margin-left: 20px;">a. G. Breton – 87<br/>          b. L. Dowling – 44<br/>          c. D. Luis – 2<br/>          d. M. Woolery – 31</p> <p>5) <b>Cases filed with Courts</b> – 2</p> <p style="margin-left: 20px;">a. G. Breton – 0<br/>          b. L. Dowling – 0<br/>          c. D. Luis – 0<br/>          d. M. Woolery – 2</p> <p>6) <b>Impoundment Notices Issued</b> – 306</p> |
|---|---|

# EXHIBIT 2

### III. ANIMAL BITE REPORTING

<b>ANIMAL BITES REPORTED, TOTAL</b>		364
	<b>DOGS</b>	<b>CATS</b>
<b>1. DOG AND CAT BITES REPORTED TOTAL:</b>	162	57
A. Licensed Dogs	53	0
B. Vaccinated Only	17	2
C. Neither Licensed or Vaccinated (but owned)	68	13
D. Strays	24	42
<b>2. OTHER ANIMAL BITES REPORTED TOTAL</b>		3
A. Other Domestic (excluding cats)		2
B. Wild		1
<b>3. EXPOSURES TO KNOWN OR SUSPECTED RABID ANIMALS</b>	<b>DOGS</b>	<b>CATS</b>
A. Number of 30 day quarantines for vaccinated dogs and cats exposed to potentially rabid animals	3	0
B. Number of 6-month quarantines for unvaccinated Dogs and cats exposed to potentially rabid animals.	2	0
C. Number of 6-month quarantines for domestic livestock herds (horses, cattle, etc.) exposed to potentially rabid animals.		0
D. Number of 30 or 6-month quarantines not completed because animals were euthanized.		1
<b>4. INVESTIGATION AND QUARANTINE FOR DOGS, CATS OR FERRETS BITTEN BY ANOTHER DOG, CAT OR FERRET</b>		142
A. Dog vs Dog	112	
B. Dog vs Cat	21	
C. Dog vs Livestock /Wildlife	9	
<b>5. ANIMALS TESTED FOR RABIES TOTAL:</b>		45
4 Dogs, 7 Skunks, 9 Cats, 18 Bats, 2 Raccoons, 1 Coyote, 1 Cow, 1 Opossum, tested negative for rabies. 2 Bats tested positive for rabies		

## EXHIBIT 2

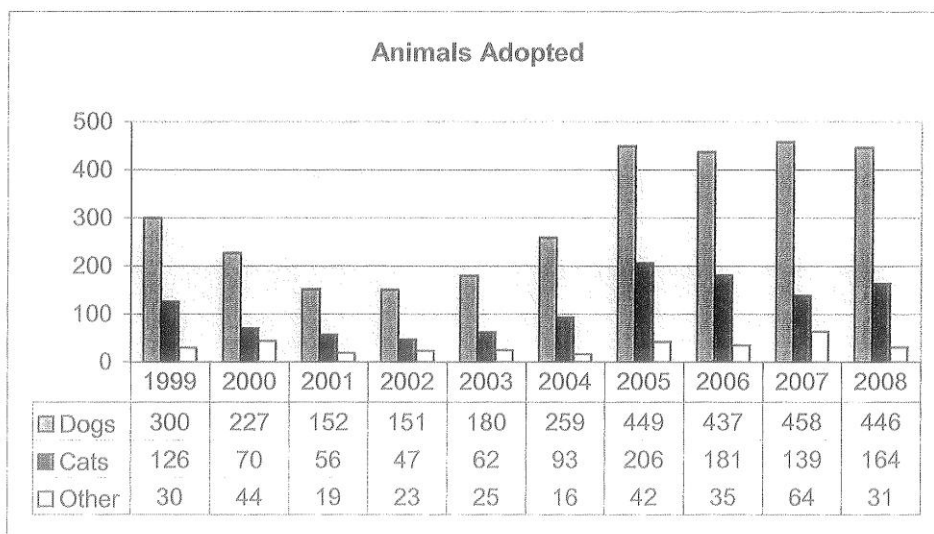
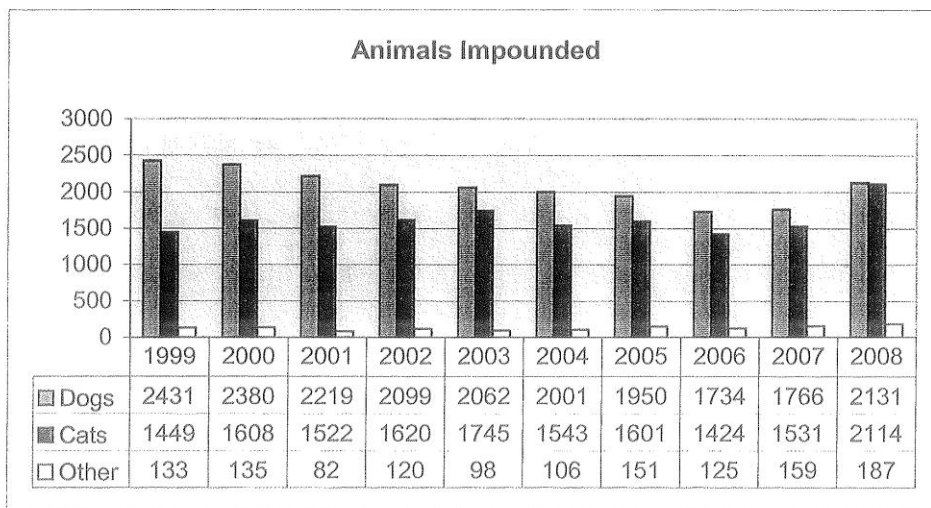
#### IV. DOG LICENSING PROGRAM 2008

1. During the year of 2008 10,780 renewals and notices to license were prepared and mailed for the 2008 licensing period.
2. Total number of Dog Licenses sold in 2008, **6,538**
3. **5,021** rabies vaccination certificates were received from veterinarians during the year 2008. **2,356 or 47%** did not license their dogs. Notices were prepared and mailed to dog owners advising them to license their dogs.

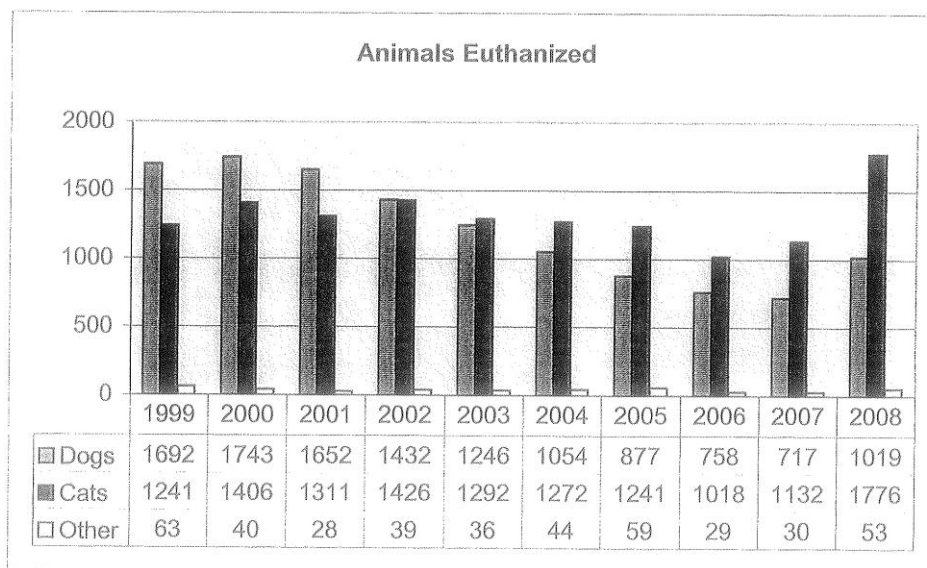
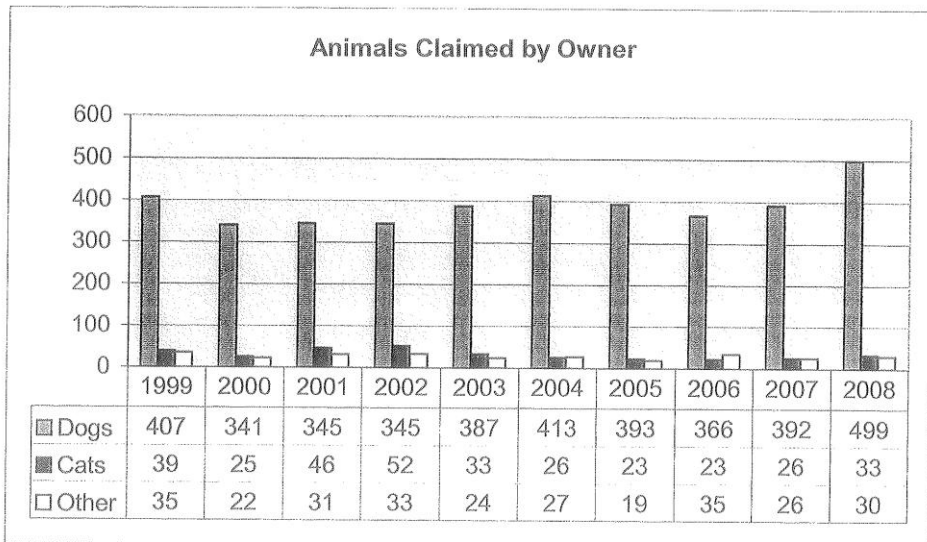
#### V. FUNDS COLLECTED:

YUBA COUNTY ANIMAL CARES SERVICES					
CERTIFICATE AND RECEIPT FOR DEPOSIT IN TREASURY 2008					
REVENUE ACCOUNT					
FUND	AUDITOR ONLY	BASE	ELEMENT OBJECT	DESCRIPTION	AMOUNT
101	0000	331	10-00	DOG LICENSE	\$136,060.95
101	0000	371	93-01	HUMANE SERVICES	\$49,352.00
101	0000	371	96-01	DONATIONS	\$1,528.90
291	0000	371	98-99	SPAY DEPOSITS	\$21,078.00
*****	*****	*****	TOTAL		\$208,019.85
EXPENSE REDUCTION ACCOUNT					
FUND	DEPT	BASE	ELEMENT OBJECT	DESCRIPTION	AMOUNT
101	4400	427	23-00	PROFESSIONAL SERVICES	\$571.18

## EXHIBIT 2



## EXHIBIT 2



## EXHIBIT 2

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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### **River Highlands Community Service District**

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## **Reason for Investigation**

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The 2008-2009 Yuba County Grand Jury Special Districts Committee (Committee) received complaints from homeowners and residents of River Highlands Community Service District (RHCS D). These complaints addressed the failed septic system, shortage of potable water, procedures by which current Board members operate and owed bond monies. Additionally, the 2007-2008 Grand Jury recommended a further review of the RHCS D in their final report.

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## **Background to the Investigation**

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The Yuba County Board of Supervisors approved the organization of the RHCS D on July 9, 1980. The RHCS D was approved by Yuba Local Agency Formation Commission (LAFCO) 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. The Gold Village community was approved as an annexation of the RHCS D by LAFCO in 1990. The RHCS D provides water and wastewater services, road and park maintenance to 84 homes in Gold Village at a flat rate to homeowners.

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## **Method of the Investigation**

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The Committee interviewed residents of Gold Village, members of the RHCS D Board of Directors, an official of the County of Yuba, LAFCO and in addition, members attended a public meeting of the RHCS D Board of Directors. Some of the 29 years of documents were reviewed by the Committee. All interviews and attendance at the meeting were conducted by no less than two committee members present.

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## **Facts and Observations**

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According to a Yuba County official, the County has been providing wastewater treatment services to RHCS D since March of 2007. While RHCS D is responsible for reimbursing the County for any charges associated with this service, the County has found appropriate contractors and made arrangements for the purchase of a new wastewater treatment facility. The new plant being purchased will be owned by the County and is expected to arrive in late July or early August of 2009. The County has signed a contract with City of Yuba City to operate the new wastewater treatment plant. At the present time, RHCS D has an agreement with a local well drilling company for drinking water operations.

In reviewing and researching the complaints regarding the operation of the current Board of Directors of the RHCS D, the Committee found multiple areas of concern:

### **Budget**

The current RHCS D Board of Directors has not produced a budget for either 2007-2008 or for the 2008-2009 years as required by California Government Code § 61110 as shown below:

**61110.** *(a) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors may adopt a preliminary budget that conforms to generally accepted accounting and budgeting procedures for special districts.*

*(b) The board of directors may divide the preliminary budget into categories, including, but not limited to, the following:*

*(1) Maintenance and operation.*

*(2) Services and supplies.*

*(3) Employee compensation.*

*(4) Capital outlay.*

*(5) Interest and redemption for indebtedness.*

*(6) Designated reserve for capital outlay.*

*(7) Designated reserve for contingencies.*

*(c) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall publish a notice stating all of the following:*

*(1) Either that it has adopted a preliminary budget or that the general manager has prepared a proposed final budget which is available for inspection at a time and place within the district specified in the notice.*

### **Financial Statements**

Financial Statements were reviewed and showed no payroll expenses including copies of IRS form W-2 (Wage and Tax Statement) and W-3 (Transmittal of Wage and Tax Statements). Outside contractors, hired by the RHCS D, did not receive their copies of IRS form 1099 (Miscellaneous Income) in a timely manner for years 2007 or 2008.

### **California Code Issues**

Multiple violations, according to California § 61047, were found when reviewing stipend payments to some board members. The code reads as follows:

**61047.** *(a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the board of directors shall not receive compensation for more than six days of service in a month.*

*(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the board of directors.*

*(c) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental*

*expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.*

*(d) A member of the board of directors may waive any or all of the payments permitted by this section.*

*(e) For the purposes of this section, a "day of service" means any of the following:*

*(1) A meeting conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.*

*(2) Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event.*

*(3) Representation of the district at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public meeting or public hearing.*

*(4) Representation of the district at a meeting of a public benefit nonprofit corporation on whose board the district has membership, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.*

*(5) Participation in a training program on a topic that is directly related to the district, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the member's participation at the next board of directors' meeting following the training program.*

The Committee determined that some board members were receiving stipends for purposes not permitted by law. Specifically, documents reviewed revealed stipend payments were distributed for visits and/or phone calls to residents, meetings (not under the Brown Act), hiring interviews, etc.

California Government Code §§ 53234 and 53235.1 require ethics training if the local agency provides any type of compensation, salary or stipend to those officials. Existing law defines "local agency," for these purposes, to include a special district. Only one member of the RHCSO board received ethics training and when the other members were asked about the requirement, the responses included:

- they were not aware they needed training;
- it was too costly (they were not aware of free on-line courses);
- they were not staying on as a board member.

## **County Involvement**

The Committee requested information from a Yuba County official regarding the current involvement of the County with the RHCSO. The County is currently assisting the RHCSO in creating a County Service Area (CSA). It is anticipated that the CSA will provide wastewater treatment and drinking water services to the residents of Gold Village. It has yet to be determined if the County will accept the responsibility of road maintenance and parks for the Gold Village subdivision.

The dissolution of the RHCSO is being considered by the County and LAFCO. The County is in the process of determining the status of the bonds for which the RHCSO has administrative responsibilities and will make a determination about the dissolution of RHCSO after the bond liability is resolved.

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## **Findings and Recommendations**

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### **Finding 1**

The current RHCSO Board of Directors has not produced a budget for either 2007-2008 or for the 2008-2009 years as required by California Government Code § 61110.

### **Recommendation 1**

The RHCSO Board of Directors must establish a budget for the coming year as required by California Government Code § 61110.

### **Finding 2**

Based on previous Financial Statements reviewed no payroll expenses were found. Therefore, it is assumed all "employees" of RHCSO are outside contractors. Outside contractors hired by the RHCSO did not receive their copies of IRS form 1099 in a timely manner for the years of 2007 and 2008. This lack of attention may have caused undue tax penalties to some contractors and for the RHCSO.

### **Recommendation 2**

Work with the RHCSO accounting firm to ensure timely distribution of IRS Form 1099 for contractors as required by law.

### **Finding 3**

Multiple violations, according to California Government Code § 61047, were found when reviewing stipend payments to some past and current board members. These stipend payments only added to the already overburdened costs to the RHCSO.

### **Recommendation 3**

Audit previous stipend payments and require reimbursement to RHCSO for those payments which did not meet the requirements of the law. Establish a procedure to review stipend requests for payment that will conform to the law.

### **Finding 4**

California Government Code §§ 53234 and 53235.1 require ethics training, if the local agency provides any type of compensation, salary or stipend to those officials.

**Recommendation 4**

Establish a procedure to review ethics training and ensure all board members have the training available per California Government Code §§ 53234 and 53235.1. There is an on-line course available at no charge through the State and classes are also available through other training agencies.

**Finding 5**

The dissolution of the RHCSO is being considered by the County and LAFCO. The County is in the process of determining the liability of the bonds for which the RHCSO has administrative responsibilities.

**Recommendation 5**

The Committee concurs with the County and LAFCO that RHCSO should be dissolved and its various contracts and obligations transferred to appropriate entities.

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**PASSED and ADOPTED by the Yuba County Grand Jury on May 26, 2009**

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**Response Required**

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

River Highlands Community Services Board of Directors

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Yuba County Department of Child Support Services**

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## **Reason for Investigation**

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The Yuba County Grand Jury Health and Human Services Committee (Committee) responded to a complaint regarding the methods and procedures employed by the Yuba County Department of Child Support Services (CSS).

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## **Background to the Investigation**

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The California Legislature established local county child support agencies through California Family Code (FC) §§ 17303 *et seq.* This law mandates that each county shall establish a county department of child support services.

The intention was to bring California law in line with the Federal requirements of the 1988 Family Law Act, specifically:

- Improve the accuracy of child support records
- Speed payment processing
- Streamline wage garnishment

In March of 2006, CSS implemented the California disbursement system, which aligns the county to the State system. This was to improve accuracy of records, expediency in recording payments, and streamline wage garnishment for employers.

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## **Method of the Investigation**

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The Committee held in-depth interviews with a minimum of two members present. Interviews were conducted with the complainant, complainant's employer and employees of CSS. Documents and applicable law were reviewed and the Committee obtained additional information.

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## **Facts and Observations**

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The basis of the complaint received by the Committee is that CSS is inaccurately recording child support payments forwarded by an employer of a non-custodial parent (NCP). A further concern is the manner in which CSS responds to NCPs' and employers' inquiries and requests. The method and manner of CSS' responses have created intimidation and fear in the complainant. Additional expenses have been incurred by the complainant for attorney fees (due to threats of loss of property and driving privileges), interest payments (later reversed), and time off from work.

The complainant stated that for nearly a year, the wage garnishment payments were sent to the local CSS office, because the employer had not been notified by CSS that the payments should be sent to the State disbursement unit in Sacramento. This change was part of the mandate of FC § 17303 that there be a single state agency for child support enforcement. Because CSS did not properly notify the employer of the correct method of submission, the complainant's timely payments of child support were continually recorded as being late and resulted in accumulation of interest fees.

During this period, the complainant's employer made numerous telephone calls to reconcile the errors. The CSS told the complainant's employer that CSS could not speak with the employer, only the employee, due to privacy issues. The complainant called to correct the situation and CSS informed the complainant that there had been yet another new case manager assigned to the case. The CSS then told the employee he would receive a return call, which he never received. The documents the Committee received clearly show that the complainant had at least five case managers in four years.

The Committee observed, through reviewing the documentation received, that the CSS practice of recording wage garnishment payments received at the end of the month and credited to the following month, results in the NCP's account being arrears. For example, the payment from an NCP's February 28<sup>th</sup> paycheck would be received and recorded for March, resulting in the February's payment to be in arrears. The CSS then adds interest to the existing support obligation. This inflexible systematic method of recording payment is not in the spirit or meaning of FC §§ 17303 and 17304.

Based on interviews with the complainant and the complainant's employer, the Committee was told that neither had received a current Child Support Handbook. They also stated that CSS did not inform them of the full due-process steps for resolving complaints as stated in the Child Support Handbook. Further, they were not told about the existence of an ombudsman's office to assist customers in resolving complaints.

The complainant and the complainant's employer stated that telephone calls were met with indifference and abruptness. The CSS personnel's behavior, at times, has not been conducive to maintaining healthy client relationships.

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## **Findings and Recommendations**

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### **Finding 1**

In 2006, the CSS implemented technological updates to the various recordkeeping and tracking systems to meet FC § 17304, requiring the accuracy of records, expediency in recording payment, and streamlining wage garnishment processes for employers. The Committee found that discrepancies of records exist in recording payments and wage garnishment from employers. It was also found that employers do not have access to CSS personnel in order to help in resolving garnishment issues.

### **Recommendation 1**

The CSS should establish a procedure to enhance communication in resolving wage garnishment issues. For example, create a form which authorizes the non-custodial parent's employer to work on his/her behalf in expediting resolution of wage garnishment issues.



**Finding 2**

Complainant and complainant's employer stated to the Committee that the CSS staff was abrupt and indifferent to wage garnishment concerns and unresponsive to telephone calls. In addition, the complainant had multiple case managers resulting in the complainant being unable to effectively discuss or to reconcile payment errors with CSS.

**Recommendation 2**

The CSS must follow and enforce established procedures with respect to customer service. The Management should require all case managers to be Customer Service Certified and agree to continuous training. In addition, CSS must improve the method of transferring cases between the case managers to avoid the ineffectiveness and inconsistency of customer service, as experienced by the complainant.

**Finding 3**

The Committee found that CSS only responds to those non-custodial parents persistent enough to seek fair and correct entries for their payments. The CSS' policy is inflexible and burdensome to both the employer and the employee. The employees who are paid at the end of the month, that have with no option to alter payment dates, will constantly be in arrears.

**Recommendation 3**

With a clear legislative mandate to ensure reasonable access, visibility and accountability to the public, the CSS must adapt to payroll policies of the public.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 2, 2009**

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**Response Required**

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

Director, Yuba County Department of Child Support Services

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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

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## **Reason for Investigation**

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California Penal Code § 919 (b) requires that *"the grand jury shall inquire into the condition and management of the public prisons within the county."*

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## **Background to the Investigation**

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The Yuba County Jail is located within the county courthouse in Marysville on Sixth Street between "B" and "C" Streets. The original Jail was built in 1962 with a major renovation and addition completed in the early 1990s. The Jail has capacity for 428 inmates with 85 to 90 beds for female inmates. The county inmate population consists of those who were sentenced to jail, awaiting trial and sentencing. When space is available, the Jail also holds Immigration and Customs Enforcement (ICE) inmates. The average daily population of jail inmates in 2008 was 376. The number of contracted ICE inmates was averaged at 175 for 2008 and the jail generated a total of \$4.7 million in revenue, which is an eight percent increase over 2007. There are two police departments in Yuba County, one in Marysville and one in Wheatland, both utilizing the Yuba County Jail for incarceration.

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## **Method of the Investigation**

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As required by statute, all interviews were conducted by the Yuba County Grand Jury Law Committee (Committee) with a minimum of two members present. Interviews were conducted with personnel and staff of the Yuba County Sheriff's Department County Jail.

### **Documents Reviewed:**

- a. 2008 Annual Report
- b. Inmate Incident Reports
- c. Environmental Health Report
- d. CompStat Project
- e. Inmate Welfare Fund Summary
- f. Screening forms for the kitchen and laundry facilities
- g. Communicable Diseases Policy
- h. Jail Medical Manual

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## **Facts and Observations**

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The Committee was given a tour of the jail facility by staff on September 10, 2008. The Jail's booking procedures were reviewed and found to be thorough and well-organized. The number

of bookings in 2008 totaled 10,120. Inmates, as well as staff, are familiar with the procedures and safety is of paramount concern.

### **Control Room**

The Jail uses an electronic control room to monitor inmates and their movements within the facility. The system is approximately 14 years old, but well-maintained. Software updates are incorporated whenever available to ensure continued accuracy within the system. The jail keys are also located in the control room. The staff requests keys as needed. The keys are accounted for by using a sign-in sheet to ensure accountability of all keys at all times.

### **Medical**

The Jail has implemented "telemedicine" technology, which saves time and money for the county. This technology enables jail staff to utilize video telecommunications and other information technology in serving inmates with clinical care. The doctor is able to see patients from other locations via the system. This enables the doctor to work in multiple facilities and still meet the health needs of the inmates.

It was noted that the staff may encounter exposure to Bloodborne Pathogens while performing duties in the medical area as well as other areas of the facility. The Committee requested copies of the Exposure Control Plan based upon the United States Department of Labor, Occupational Safety & Health Administration (OSHA) established regulations for bloodborne pathogens (29 Code of Federal Regulations (CFR), § 1910.1030). The Committee was given a copy with the date of September 2001. The regulations apply to all occupational exposure to blood or other potentially infectious materials that employees can be exposed to in the course of their duties. The code identifies specific jobs within the scope of the regulation, but it is not limited to only those employees. Jobs that are included in the list are: *"personnel in hospital laundries or commercial laundry that service healthcare or public safety, as well as, law enforcement personnel"*. Thus, the staff of the Jail and the inmates working in the laundry would fall under this category.

The requirement further states that *"each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize exposure."* (29 CFR, § 1910.1030(c)(1)(i)). In addition, § 1910.1030(c)(1)(iv) states that *"the Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary...."* The code specifies the elements to be addressed in the plan including "exposure determination" and the training requirements for staff.

Personal protective equipment is required to be provided when occupational exposure is determined to be present. *"[T]he employer shall ensure that the employee uses appropriate personal protective equipment."* (29 CFR, § 1910.1030(d)(3)(ii)). While touring the facility, the members of the Committee noted that the inmates were not wearing gloves while working in the laundry.

During the tour of the laundry, inmates were found to be eating in the laundry room. This is in direct violation of the federal OSHA requirement that *"eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure."* (29 CFR, § 1910.1030(d)(2)(ix)). The staff did

not seem to be aware of this requirement, nor did they attempt to stop this behavior from occurring.

The regulation also specifies that hepatitis B vaccination is offered to employees who fall under occupational exposure. In particular, it states that *"the employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident."* (29 CFR, § 1910.1030(f).) The vaccination is a three-shot series that the employer must provide to the workers at no cost. The jail staff is offered the vaccine but there are no supporting documents indicating the inmates working in the laundry are offered the same. If someone declines the vaccine, it is documented for review by OSHA, if needed.

Training and copies of the Exposure Control Plan are required for all staff. The training is to include the "whys" and "hows" of dealing with the possibility of contamination, adhering to safe procedures, taking universal precautions, and the reporting of incidents. Training for staff is being conducted but it is unclear whether training on universal precautions is provided to the inmates at the time of this report.

### **Vocational Training**

The inmates are provided training (in facility classrooms) to learn skills that would help them become productive citizens upon release. They are offered a General Education Development (GED) program; male inmates are offered electrical and carpentry courses; female inmates are offered life-skills training. There is no requirement for inmates to participate in the training that is offered by the county and there are no requirements for the county to offer the training. The Jail has a law library for inmate access and it is well-maintained with current books.

### **Kitchen**

The kitchen facility supplies all meals to the inmates. The kitchen consists of supervisors and male inmate workers. The supervisor is certified in the required food handling courses and the inmates are well-trained in food preparation. The Committee members were provided lunch and it was well-presented and of good quality.

The Jail also has a commissary with items available for purchase by the inmates. These items include some food products as well as personnel hygiene items. The area for the operation is small, but run very efficiently. The amount of turnaround for the inventory is impressive for the size of the area.

### **Laundry**

The jail's laundry facility is part of the original jail building. The laundry consists of two industrial-sized washers and dryers, and has three inmates assigned to work within the facility. At the time of the original tour one of the washers was down for maintenance and as of this writing, it has been replaced with a new machine. Considering the inmate population of the Jail, the laundry facility is small and requires extended shifts to keep up with demand.

The Committee noticed that throughout the Jail, the staff were involved and interacted well with the inmates. Guards enter cells periodically throughout their shift to ensure inmate safety. Each time a guard enters a cell his presence is noted and monitored by a device known as "the pipe." It consists of a wand that is plugged into a receptacle that is located in the far corner of

each cell. Each time it is "plugged in," the location, time and name of the guard are then logged into a computer.

The jail staff is well-trained and information is within easy access via a computer system. The system is used for training, information sharing for shift changes, and is available to all deputies. This system has streamlined staff training and has had a positive impact on the jail staff.

The Committee was thoroughly impressed with how well the Jail is managed and the respect shown throughout the Jail by staff and inmates.

### **General**

The Sheriff's Department establishes an annual strategic plan providing an overview of programs, projects and modifications to existing projects. Based on information provided in the 2008 Annual Report, the Yuba County Sheriff's Department completed 75% of the stated objectives, deferred 18% to the 2009 strategic plan and determined 7% to be infeasible or undesirable after further examination.

Included in the completed objectives were:

- The completion of emergency power upgrades within the Sheriff's Department to ensure that critical functions would be maintained during power outages.
- Developed 2009 strategic plan.
- A recruitment video.
- Completed quarterly divisional reports with statistical information and progress of the strategic plan and stated objectives to ensure on-going compliance to meet future goals.

### **Continuity**

The 2007-2008 Grand Jury recommended that the Sheriff's Department *"Develop a program that will use the weekend offenders that are working off a sentence to do some service within the community."* The response received on June 26, 2008 noted that further analysis was needed and had been initiated. In addition, it stated that the information would be compiled within the next two months. Exhibit 3 is the updated response from the Yuba County Sheriff. Based on the information provided, no other recommendations are needed.

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## **Findings and Recommendations**

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### **Finding 1**

The Exposure Control Plan is outdated with the last revision being completed in September 2001. The OSHA Regulation (29 CFR, § 1910.1030) requires that the Exposure Control Plan be reviewed on an annual basis.

### **Recommendation 1**

Update the Exposure Control Plan and establish a procedure to ensure the plan is reviewed on an annual basis.

## **Finding 2**

Proper procedures for personnel (staff and inmates) working in the laundry facility are not being followed. Training of inmates working in this area is not adequate.

- a. Laundry inmate workers were found to be eating in the laundry room.
- b. Laundry inmate workers were not wearing gloves or aprons (though they were available) while working in the laundry.
- c. Inmates were locked in the laundry room while working.
- d. Could not determine if inmates were offered hepatitis B vaccinations as required by OSHA Regulation (29 CFR, § 1910.1030) and Cal OSHA (Title 8, § 5193.)

## **Recommendation 2**

Provide training to inmate workers for exposure situations. The laundry personnel need to be offered hepatitis B vaccinations in accordance OSHA Regulation (29 CFR, § 1910.1030), Appendix A. If any inmate declines the vaccination, then a written record should be kept on file noting this.

## **Finding 3**

Female inmates are not offered vocational training in electrical or carpentry courses and the male inmates are not offered life-skills training.

## **Recommendation 3**

Establish a method to offer the same training to all inmates.

## **Finding 4**

The laundry area was built for a smaller jail. Though it meets CCR Title 15 requirements, it requires extended shifts to ensure clean laundry is provided to all inmates.

## **Recommendation 4**

Establish a plan to replace or increase the size of the laundry to maintain the CCR Title 15 requirements as well as the needs of the inmates.

## **Finding 5**

The computer system in the control room is approximately fourteen years old, but is currently working adequately. In terms of technology's exponential improvements over the past decade, this system is outdated but functional.

## **Recommendation 5**

The county needs to continue to upgrade software as available, but needs to plan ahead for replacement of the system within the next five years.

## **Commendation:**

The Sheriff's Department has developed a comprehensive strategic plan that has the ability to track past accomplishments and setbacks and for continuing to plan for and enact departmental improvements.

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**PASSED and ADOPTED by the Yuba County Grand Jury on May 19 2009**

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## **Response Required**

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

The Sheriff of Yuba County





# Yuba County Sheriff's Department

*Steven L. Durfor, Sheriff - Coroner*

**215 5th Street, Suite 150, Marysville, CA 95901**

**Ph: 530-749-7777 • Fax: 530-741-6445**

**COPY**

March 16, 2009

Joyce A. Brannin, Foreperson  
Yuba County Grand Jury  
215 5<sup>th</sup> Street, Suite 200  
Marysville, CA 95901

Dear Foreperson Brannin:

In response to your inquiry concerning the work release program for inmates sentenced to weekend commitments, I offer the following. During early 2008, we had a significant number of people coming to the jail on Friday evenings to report for weekend commitments. Our staff experienced a high workload demand as many were scheduled to report at the same time and statistically, Friday nights are one of our busier evenings. We explored three options in order to address this situation.

We discussed the issue at the bi-monthly Criminal Justice System Coordination meeting. This meeting was reinstituted shortly after I took office in 2007 in order to address issues affecting the criminal justice system in Yuba County. The meeting is chaired by the Presiding Superior Court Judge and is attended by myself, the District Attorney, the Public Defender, the Chief Probation Officer, the County Administrator and the President of the Yuba Sutter Bar Association. We asked that consideration be given to the number of people sentenced to weekend commitment and the simultaneous reporting times ordered by the court. Those present recognized the impact on the jail and took steps to allow weekend commitments to those defendants who may otherwise lose a job or have other significant impact that would require a weekend commitment. Further, those that could serve their sentence on consecutive days not including the weekend would be ordered to do so. Finally, the court agreed to discontinue the practice of having those with longer commitments begin serving sentences on Friday evenings. These steps have served to reduce the number of weekend commitments arriving at the jail at the same time.

Yuba County currently has a work release program authorized by the Board of Supervisors that is managed by the Probation Department. We met with staff from the Probation Department and the Court about increasing the capacity to handle certain types of inmates that have historically been sentenced to weekend jail commitments. The Probation Department is working near capacity in the Adult Offender Work Program but agreed to take steps to help alleviate the number of weekenders serving time in jail.

## EXHIBIT 3

Finally, we explored the possibility of implementing our own work release program. The law (§4024.2 of the California Penal Code) allows for such a program to be operated by the Sheriff. We conducted a survey of those inmates that were currently serving weekend sentences to gauge the interest in participating in such a program. The majority of those serving weekend sentences were in favor of performing work in lieu of serving jail time. We researched the availability of work that could be performed by this population of inmates (minor levee repair, landscaping at county facilities/airport etc.). We next examined staffing for such a program. Again, §4024.2 allows the board of supervisors to prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person according to his or her ability to pay. The program would require the purchase of at least one van, staff to evaluate the eligibility of inmates to participate in the program and staff to supervise the inmates. In these difficult economic times, adding staff and fixed assets was determined to be a dubious venture. We could not be certain that inmates would have the ability to pay the cost of administration which includes start-up costs, staffing costs, fixed asset costs and the cost of worker's compensation insurance. Further, the wisdom of operating two parallel programs by two departments in the county was questionable.

We appreciate the opportunity to respond to your question about work release. We have not removed this objective from our strategic planning efforts and intend to re-examine the issue when feasible.

Sincerely,



Steven L. Durfor  
Sheriff-Coroner

**EXHIBIT 3**

# 2008-2009 Yuba County Grand Jury Final Report

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## Subject of Investigation

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**Juvenile Hall / Maxine Singer Youth Guidance Center**

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## Reason for Investigation

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California Penal Code § 919 (b) states: "*The Grand Jury shall inquire into the condition and management of the public prisons within the county.*" All detention facilities are included in the term "public prisons," which include the Juvenile Hall and Maxine Singer Youth Guidance Center.

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## Background to the Investigation

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The Bi-County Juvenile Hall (Hall) and Maxine Singer Youth Guidance Center (Camp) are located in the City of Marysville, and are administered by the Yuba County Probation Department, with the daily operations directed by the Probation Program Manager. The facility consists of three areas: the Hall, the Secure Housing Unit (SHU) and the Camp.

The current capacity for the Hall is 45, the SHU is 15 and the Camp is 60 with the wards being under the age of 18. Both counties share the cost of the operation; at the end of the second quarter of 2008-2009, Yuba County paid 42% and Sutter County paid 58% based upon occupancy. The units are capable of housing both male and female wards.

The Hall has separate male and female wings with a common area separating them, which is used for family visits, studying, and has a library and two classrooms. The common area has a television, which also allows wards to watch movies and educational videos. There is an outside recreational area.

The SHU is for holding high risk wards with a propensity of violence to themselves and/or others. The SHU is self-contained and has seven double-bunk cells, one cell for disabled wards, and an outside common area enclosed with a chain link fence over the top used for recreation. Currently, the SHU is not being used due to a staffing shortage.

The Camp consists of two separate buildings with a 12-bed female dormitory and a 48-bed male dormitory. There are half walls separating the sleeping areas with a common area used for watching television or reading. The Camp has two classrooms as well as an outside recreation area.

The facilities are investigated annually by the Grand Juries of Yuba and Sutter Counties, Health Department of Yuba County, the State Board of Corrections, Marysville Fire Department and the Yuba-Sutter Juvenile Justice Commission. The operations of the facilities are in accordance with the guidelines of the California Code of Regulations (CCR), Title 15 and Title 24.

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### **Method of the Investigation**

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The Yuba County Grand Jury Law Committee (Committee) with a minimum of two members present held interviews and toured the facilities. Interviews were conducted with the staff and wards of the Hall and the Camp.

During the tours, members of the Committee were able to interact with the staff and wards of both the Hall and the Camp individually and as a group. On one occasion the Committee ate lunch with the wards from the Camp.

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### **Facts and Observations**

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As of early February there were 29 wards in the Hall and 23 wards in the Camp; however, the population continuously changes. There is a ten-to-one ward-to-staff ratio. At this time the SHU is not being utilized; however, there are plans to activate the unit when staffed.

Currently all wards are housed together at the Hall, so the maximum-security wards, which include those with a propensity for violence (i.e. murderers, rapists, gang members, etc.), are housed with the general population (i.e. truancy, shoplifting, etc.) wards. As an example, a juvenile found guilty of petty theft may be housed with another juvenile found guilty of manslaughter.

It was noted by Committee members that the carpet in the main corridor of the Hall was worn and badly stained. This information was relayed to the staff and upon a subsequent visit the carpeting had been replaced with new flooring. It was noted on the last visit that some of the ceiling tiles in the common area are damaged and need to be replaced. The control room is located near the main corridor and is manned 24 hours a day.

The medical unit is located off the main corridor near the entrance of the Hall. It recently received a donated tattoo removal machine. This allows those wards who wish to remove gang related tattoos to do so while still incarcerated.

The Committee noted that shower areas were clean and well-maintained. Some of the doors in the holding area are scratched and are difficult to lock. The carpet in the male dormitory is torn, which could result in injuries. The windows in the cells have paper stuffed into the holes around them and they are scratched with gang affiliations.

The kitchen and dining areas were sanitary and maintained in an orderly manner. Wards from the Hall and the Camp do not eat together, but share a common dining area. Wards from the Camp are assigned to help in the kitchen with the preparation and cleanup. The Committee was served lunch and dined with the wards from the Camp. All meals are prepared according to current standards.

There is a large building that was once used by county public works that is now used for two classrooms and a computer lab. The building is also used as a multi-purpose room for recreation and fundraisers. Vocational Training classes such as wood shop, electrical wiring and quilting are offered to wards of the Camp.

The laundry room is attached to the multi-purpose room and equipped with industrial washers and dryers. The Camp wards are assigned to work in the laundry facility. The laundry room was efficiently organized and clean with a sink available for hand washing. The linen is sorted into soiled and clean bins. Pillowcases and sheets are washed weekly, blankets are washed monthly, and undergarments are washed daily. The chemicals are in large buckets next to one of the washers and are not secured. The chemicals are used via an automatic delivery system in the washer, based on the type of laundry being processed. Each chemical is specific in laundry use and requires careful handling. Chemicals incorrectly mixed can be volatile and can cause serious injury. At present, the pump hoses can be switched and cause an incorrect chemical mix in the machines. In addition, the chemicals can be removed from the buckets and if used inappropriately can cause bodily harm.

The United States Department of Labor, Occupational Safety & Health Administration (OSHA) has established regulations for Bloodborne Pathogens (29 Code of Federal Regulations (CFR), § 1910.1030). The regulation applies to all occupational exposure to blood or other potentially infectious materials that employees can be exposed to in the course of their duties. The code identifies jobs that meet the scope, but not limited to only those employees. Jobs that are included within the list are: *"personnel in hospital laundries or commercial laundry that service healthcare or public safety, as well as, law enforcement personnel."*

Based on the regulation cited above the Committee requested a copy of the Exposure Control Plan for both the Hall and Camp. The Hall and the Camp provided a copy of the plan to the Committee dated 2001. The requirement states that *"each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize exposure"*, (§ 1910.1030(c)(1)(i)). In addition, § 1910.1030(c)(1)(iv) states that *"the Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary...."*

Personal protective equipment is required to be provided when occupational exposure is determined to be present as stated in the regulation. Personal protection equipment such as gloves are available for the laundry workers per § 1910.1030(d)(3)(ii) which states that *"the employer shall ensure that the employee uses appropriate personal protective equipment."*

The OSHA code also deals with hepatitis B vaccination requirements (§ 1910.1030(f)) for employees who fall under occupational exposure. The code states that *"the employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident."* The vaccination is a three-shot series that the employer must provide to the worker at no cost. The staff in the Hall and Camp and the wards working in the laundry should be offered the vaccine. If someone declines the vaccine it is to be documented for review by OSHA.

Training and copies of the Exposure Control Plan must be made available to all staff. The training is to include the "whys" and "hows" of dealing with the possibility of contamination, adhering to safe procedures, taking universal precautions and the reporting of incidents. It is unclear if training for staff and wards meets the OSHA requirements.

The wards of the Camp are provided either a 90-day or 210-day program also with Aftercare Support provided by the Yuba County Probation Department. The course can be completed in as little as 150 days, with exceptional behavior, but the average stay is seven months. The Camp has established a phase system where the wards can earn points, which in turn earns them special privileges. The points are earned for maintaining good attitudes, helping each other, volunteering for duties, etc. During the Committee's first tour many of the wards, who had earned the privilege, were on a hiking trip to Feather Falls.

Wards at the Camp were given the opportunity to participate in the "Coats for Kids" program in conjunction with the Lions Club. This was the first time the Camp was involved in the program. The "Coats for Kids" program was very successful with over 2,000 coats given away. The Committee spoke with a ward who was very excited to be part of the distribution program. He stated that "I am learning to think of others and see another side of life to share with my child."

The wards at the Camp also helped with the Marysville Rotary Club "bicycle donation" program. The wards assembled the bikes and helped with the distribution. Over 60 new bikes were given, and the Yuba County Health Department gave out helmets. In addition, the wards have the opportunity to participate in a quilting class with volunteers teaching them to quilt. They donate the projects to help others. All of these opportunities to participate must be earned by the wards.

The overall attitude of the Camp is exceptional in the way the wards and staff respect each other. Wards at the Camp are very positive and are proud of their accomplishments and their earned points. They learn lessons they can take with them when the program is over. They make their own choices, which show their maturity level.

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## **Findings and Recommendations**

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### **Finding 1**

The chemicals used in the laundry are in large buckets next to one of the washers and not secured.

### **Recommendation 1**

Establish a caged area to lock the chemicals out of reach and to restrict access to the dangerous chemicals.

### **Finding 2**

The wards working in the laundry are not trained in exposure control or offered hepatitis B vaccinations as required by OSHA Regulation (29 CFR, § 1910.1030).

### **Recommendation 2**

Offer the laundry workers hepatitis B vaccinations in accordance with OSHA Regulation (29 CFR, § 1910.1030), Appendix A. If any ward declines the vaccination, then there should be written documentation kept on file. Provide training to laundry workers for exposure situations.

**Finding 3**

Some of the holding area doors are scratched and are difficult to lock. The carpet is torn, which could result in injuries. The windows in the cells have paper stuffed into the holes around them and they are scratched with gang affiliations.

**Recommendation 3**

Replace and repair as necessary.

**Finding 4**

The Exposure Control Plan is outdated with the last revision being completed in September 2001. The OSHA Regulation (29 CFR, § 1910.1030) requires that the Exposure Control Plan be reviewed on an annual basis.

**Recommendation 4**

Update the Exposure Control Plan and establish a procedure to ensure the plan is reviewed on an annual basis.

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**PASSED and ADOPTED by the Yuba County Grand Jury on May 26, 2009**

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**Response Required**

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

Yuba County Probation Department  
Yuba County Board of Supervisors

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Yuba County Health & Human Services Department**

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## **Reason for Investigation**

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The 2008-2009 Yuba County Grand Jury Health & Human Services Committee (Committee) has decided to review the Yuba County Health & Human Services Department (HHSD) pursuant to California Penal Code § 925a.

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## **Background to the Investigation**

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The HHSD is one of the largest agencies in Yuba County dedicated to: "Working cooperatively to empower and support Yuba County's citizens to ensure they enjoy safe, healthy and self-sufficient lives." (From the Mission Statement.) The services provided by the agency include:

- CalWORKS cash benefits and employment services
- Food Stamps
- Medical Access Services including Medi-Cal
- Healthy Families and County Medical Services program benefits
- Adult Protective Services, Multipurpose Senior Services and In-Home Supportive Services
- Children's Services
- Public Health Services including Field Visits, Nursing Services, HIV/AIDS Testing, TB Testing, Maternal and Child Health, Abuse Treatment (FOR Families)
- Veteran's Services

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## **Method of the Investigation**

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The Committee met with HHSD management with a minimum of two members present. Documents were requested and provided by the HHSD including an updated version of the HHSD Strategic Plan, information on the C-IV Migration Project with a Migration Wave 3 Schedule, which includes Yuba County and also the 2007 Yuba County Children's Report Card.

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## **Facts and Observations**

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### **Strategic Plan**

The Committee requested an updated version of the Yuba County HHSD "Strategic Plan for 2005/2006 & 2006/2007" providing resolutions to strategies and outcomes of the Plan. The Plan was incomplete with many sections blank, further, some of the goals had no progress or information on action plans. The Plan included the following seven goals:

- Public Awareness Campaign
- Staff Development Opportunities
- Improve/Increase Immunization rates for all children in Yuba County

- Seek community commitment to fund prevention/early intervention to prevent abuse to children, elder and disabled adults
- Strengthen Health and Human Services employee awareness and knowledge of health and substance abuse issues with our clients
- Develop transitional housing for emancipated foster youth
- Community Outreach Activities

The Committee received the HHSD "Strategic Plan for 2007/2008 & 2008/2009" and noticed it went from seven goals to four listed. There is no information as to the accomplishments to the previous Plan or this Plan. The updated goals and objectives are:

- Substance Abuse Intervention
  - HHSD become involved in community initiatives related to substance abuse issues
- Disaster Planning and Training
  - To adequately plan for a disaster and train all employees how to respond in a declared disaster or an emergency situation
- Recognize employees and provide feedback
  - *No objective listed*
- Built Environment
  - HHSD play a role in planning and advocating for healthy neighborhoods and lifestyles for Yuba County citizens

In the current Plan, objectives or outcomes are missing and it is not complete or maintained. It is obvious from the missing objectives and outcomes that the Plan is not being addressed.

### **C-IV Migration Project**

The California Welfare and Institutions Code requires the State Department of Social Services to ensure the efficient, effective, and equitable administration of specified public assistance programs by implementing a statewide automated welfare system through no more than a four-county consortia. The counties of Merced, Riverside, San Bernardino and Stanislaus joined together to create a joint powers authority to develop and implement an automated welfare system referred to as the California Statewide Automated Welfare System Consortium C-IV (C-IV). Subsequently, when the C-IV system became fully operational, 35 other counties (including Yuba) that were using another automated welfare system (ISAWS) decided to join the joint powers authority and use the C-IV automated system.

The C-IV migration project is the name given to all of the activities and preparations necessary for 35 counties to move from ISAWS to C-IV. The C-IV system is web-based and more efficient than ISAWS, which will no longer be supported by the State after 2010. Yuba County is expected to implement C-IV in June 2010.

### **Yuba County Children's Report Card**

The 2007 Children's Report Card was prepared in association with the Yuba County Children's Council (YCCC). The purpose of the Children's Report Card is to create an annual report that informs the county about the status of its children and youth and to focus on the areas of Demographics, Safety, Children's Health, School Success, Emotional Well Being, and Positive Home and Environment. The Report Card can be found on the HHSD web site.

The intention of the report is to show data from past years up to the most recent data and recognize trends and outcomes for the purpose of guiding policy and informing community strategic planning for the benefit of Yuba County children and families. The report is also intended to inform the general public and local media about this important information.

Although the YCCC is not part of the HHSD, they have mutual members in common. The YCCC serves as a policy and advisory body to the Yuba County Board of Supervisors and simultaneously serves as the executive Child Abuse Prevention Council.

The YCCC did not produce a 2008 Children's Report Card. The 2007 version was published through the efforts of the YCCC and was intended to be an annual report as stated in the introduction letter: "It is the fondest hope of the YCCC that this Children's Report Card will be embraced as a source of information that provides annual insights and stimulates our collective ongoing efforts to enhance the lives of children in Yuba County."

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## **Findings and Recommendations**

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### **Finding 1**

The updated version of the Health and Human Services Department's Strategic Plan is incomplete. The Plan does not provide clear objectives and strategies to build an action plan for improvement.

### **Recommendation 1**

Establish a clear Strategic Plan with reachable objectives and strategies to implement an action plan, then implement the Plan.

### **Finding 2**

The C-IV system is web-based and more efficient than ISAWS, which will no longer be supported by the State after 2010. Yuba County is expected to implement C-IV in June 2010.

### **Recommendation 2**

None.

### **Finding 3**

The 2007 Children's Report Card was very informative and provided crucial information and positive insight of the children of Yuba County. The YCCC intended the report to be an annual publication but chose not to provide a report for 2008.

### **Recommendation 3**

The HHSD provided critical input to the Children's Report Card and if the YCCC does not continue to provide the report, the HHSD should establish a similar report annually or at least every other year.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 2, 2009**

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## **Response Required**

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

Director of Health and Human Services  
Yuba County Board of Supervisors

# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Community Development and Services Agency**

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## **Reason for Investigation**

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The 2008–2009 Cities and County Committee (Committee) of the Yuba County Grand Jury determined a follow up report to the 2007–2008 Grand Jury Final Report was appropriate.

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## **Background to the Investigation**

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The focus was on the areas discussed in the 2007–2008 report and the progress made on the recommendations issued by the 2007–2008 County Committee of the Yuba County Grand Jury. These areas include the Building Department as well as Environmental Health, Planning, and Public Works.

The 2007–2008 Grand Jury Final Report contained eight Findings with a total of five Recommendations. The Committee was interested in following up on the progress made on Recommendations 1 and 5.

Recommendation 1 from the Final Report reads as follows: "The building department needs to build a friendly approachable reputation, especially with construction professionals. "

Recommendation 5 from the Final Report reads as follows: "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."

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## **Method of the Investigation**

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The Committee requested information from the Community Development and Services Agency (CDSA), which included the agency's overall goals, budget goals, organizational information, and 2007-2008 accomplishments of the agency. The Committee reviewed the provided information. Interviews were held with the CDSA staff with a minimum of two members present.

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## **Facts and Observations**

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The CDSA is comprised of the county Building, Planning, Environmental Health, and Public Works departments. The agency posts its Mission Statement on the Yuba County website as follows:

*"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."*

During staff interviews, it was indicated that the complaint resolution process has been streamlined. The CDSA staff mentioned that, contrary to prior practice, one individual is now responsible for tracking and resolving complaints in the Building Department. The complaint process has been improved by providing this single point of contact. Once a complaint is received, the point of contact communicates with the Director throughout the resolution process.

The Committee was given the opportunity to review a draft of the Residential Construction Guide (Guide). When complete, this Guide will be available free of charge at the CDSA office as well as on the CDSA website. The Guide will present a large amount of information and will be useful for both the do-it-yourselfer and the professional builder. The Guide will also help those seeking to hire a contractor for either a remodeling job or new home construction. It will cover everything from building permits to fire and energy standards, including code enforcement requirements. The Guide will contain extensive material requirement lists for every phase of building from grading and drainage to roofing.

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## **Findings and Recommendations**

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### **Finding 1**

The complaint process has improved and follows a chain of command for greater accountability.

### **Recommendation 1**

The complaint form, process, and policy should be posted on the Community Development and Services Agency website. The staff is commended for streamlining the complaint process in the Building Department.

### **Finding 2**

The future Residential Construction Guide will be a useful and necessary tool for do-it-yourselfers and the professional builders in Yuba County.

### **Recommendation 2**

The Community Development and Services Agency needs to complete, post and publicize the Residential Construction Guide as soon as possible.

**Finding 3**

The Community Development and Services Agency continues to improve both customer relations and complaint resolution in the Building Department.

**Recommendation 3**

The Community Development and Services Agency should take the lessons learned with the streamlined complaint process in the Building Department and extend them throughout the Agency.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 2, 2009**

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**Response Required**

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

Director, Community Development and Services Agency  
Yuba County Board of Supervisors

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# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Yuba County Community Development and Services Agency  
Code Enforcement Division  
Email: [codenforcement@co.yuba.ca.us](mailto:codenforcement@co.yuba.ca.us)**

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## **Reason for Investigation**

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The 2008-2009 Cities and County Committee (Committee) decided to investigate the Code Enforcement Division (CED) after receiving numerous criticisms and inquiries as to their policies and procedures in resolving public nuisance complaints.

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## **Background to the Investigation**

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The CED is the enforcement arm for the county codes and regulations governing what constitutes a public nuisance and how that nuisance is to be abated. Citizens will register a complaint with the Community Development and Services Agency (CDSA) which will assign it to a Code Enforcement Officer (Officer) in the CED. A public nuisance is either abated by the owner of the property or the county contracts to have the nuisance removed. The property owner is then billed for the abatement cost, and if necessary, a lien is attached to the property until the abatement cost is paid in full.

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## **Method of the Investigation**

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Interviews were held by the Committee with a minimum of two members present. A tour of the CED and CDSA was conducted in order to inquire into and observe first-hand the working of the CED policies and procedures for public nuisance complaints. Interviews with the staff were also conducted.

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## **Facts and Observations**

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The CED stated mission is to *"eliminate environments that create or support public health and safety hazards as well as promote a minimum standard of living throughout Yuba County."* (From the CED Mission Statement.)

The controlling county regulation is Ordinance Code Chapter 7.34.440(a) which states: "It is unlawful for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest." Specific public nuisances can be found in Chapter 7.36 of the Yuba County Ordinance Code:

*Yuba County Code § 7.36.310(a)(1). Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or*

*suppression of fire, or significantly interferes with the provision of emergency services to the public.*

*Yuba County Code § 7.36.310(a)(2). The erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, use, occupancy or maintenance of any building or structure in violation of the provisions of the Uniform Building Code, Uniform Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, or Uniform Fire Code that apply to structures or property within Yuba County.*

*Yuba County Code § 7.36.310(a)(3). Any condition in violation of the weed and rubbish abatement laws defined at Government Code sections 39500 et seq. and 39560 et seq. as enacted or hereafter amended.*

*Yuba County Code § 7.36.310(a)(4). Any vacant, unoccupied or abandoned building that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a dangerous condition or is otherwise detrimental to the health, safety and welfare of the public.*

*Yuba County Code § 7.36.310(a)(5). The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law.*

*Yuba County Code § 7.36.310(a)(6). Except as exempted in section 7.36.320, subsection (d), property that is not kept free from accumulations of offensive matter including, but not limited to, dead animals, animal parts, and animal feces and urine.*

*Yuba County Code § 7.36.310(a)(7). Property which is likely to or does harbor rats or other vectors, feral cats, and other non-domesticated animal nuisances.*

*Yuba County Code § 7.36.310(a)(8). Failing or ceasing to satisfy or violating any condition associated with or imposed in connection with an approval relating to land, while making use of the special entitlement granted by such permit, including, but not limited to, variances, conditional use permits, subdivision and site plans.*

*Yuba County Code § 7.36.310(a)(9). Any violation of Chapter 7.05 of the Yuba County Ordinance Code relating to solid waste disposal.*

*Yuba County Code § 7.36.310(a)(10). Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of*

*the annoyance or damage inflicted upon individuals and/ or property may be unequal.*

*Yuba County Code § 7.36.310(a)(11). Any condition that constitutes a visual blight. For purposes of this Code, visual blight is any unreasonable or unlawful condition or use of real property, premises or building exteriors which by reason of its appearance, as viewed at ground level from a public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Regardless of the number of persons directly impacted by visual blight, visual blight in and of itself affects the entire community any time it occurs because it detrimentally impacts property values and limits economic growth. Visual blight includes, but is not limited to, the keeping, storing, deposition, scattering over or accumulation on the premises any of the following:*

- a. Junk, trash, debris, scrap metal, refuse, paper, demolition and construction wastes, rubbish, packing materials; and/or*
- b. Objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers that have been abandoned, discarded, or are no longer useful for their original intended purpose.*

*Yuba County Code § 7.36.310(a)(12). Property in non-agricultural residential zones that is used for the keeping, storage, deposition or accumulation of dirt, sand, gravel, concrete or other similar materials, for thirty days or more, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that such of the listed materials as are being used or to be used for a project of repair or renovation for which an unexpired building permit has been obtained may be stored for such period of time as is reasonably necessary to expeditiously complete the project.*

*Yuba County Code § 7.36.310(a)(13). Yard, garage or estate sales by persons who have not obtained a license pursuant to Chapter 6.35 or Chapter 6.38 of this Code or by persons who do not have an ownership or possessory interest in the real property upon which the sale is conducted or written permission to conduct such a sale from a person with an ownership or possessory interest in the real property upon which the sale is conducted, as well as continuous yard, garage or estate sales by persons who have not obtained a license pursuant to Chapter 6.35 or Chapter 6.38 of this Code. A sale is deemed to be continuous if it is conducted for more than one seventy-two hour period within any thirty day period.*

*Yuba County Code § 7.36.310(a)(14). Any building or structure, wall, fence, pavement or walkway upon which any graffiti, as viewed at ground level from a public right-of-way or from neighboring premises, is allowed to remain for more than ten (10) days after the Enforcement Official has delivered a notice to remove the graffiti.*

When a complaint is made to the CED, an Officer is assigned to that specific file until resolution. First, the Officer performs a site inspection to verify the claimed violation; second, the property owner and/or tenant is notified of the violation; and, third, enforcement of the specific county code is continued through one of three procedures:

- Voluntary compliance
- Judicial Process
- Administrative Process

Many of the public nuisance complaints are resolved through voluntary compliance. Once the property owner and/or tenant are made aware of the violation, the nuisance is abated and the case is closed. If the property owner fails to comply within the stated time, then the property owner will be billed for enforcement time at the county's current hourly rate (as of the date of this report it is \$105 per hour) and the CED proceeds to either the Judicial Process or the Administrative Process.

Initially, in the Judicial Process, the property owner refuses to comply and is issued a citation and summons to appear in court. If judgment is entered against the property owner and he or she does not comply with the judgment, incarceration, fines and penalties may be levied. Alternatively, the CED may seek abatement of the public nuisance through the Administrative Process. After a Notice of Violation and Order is issued, and the property owner fails to comply with the Order, then a Notice of Noncompliance is issued and administrative penalties begin to accrue. The CED may seek bids from contractors to carry out Notice and Order (abate the nuisance) and a lien will be recorded against the property.

Documentation and spreadsheets were reviewed by the Committee to determine the amount of complaints being made per week and per month as well as following the progression of some sample complaints over a six-month period. The number of public nuisance complaints average approximately 50 new filings per month but spike to around 80 during the late summer and early autumn months. Due to the large volume of new and continuing cases, and the small number of personnel available, the CED does not contact the complaint filer regarding the progress of his/her complaint. However, if the complaint filer contacts the CED an update will be given.

All complaints must have the name, address and phone number of the person making the complaint to the CED. The CED is scrupulous in keeping this information confidential.

The Committee observed the tracking of the complaint process on the CED's two year-old software program. The CED has recently had their caseload software upgraded by the vendor due to program glitches. The staff working the computer program is competent and knowledgeable about its functions.

The budget for operating the CED is determined by the Board of Supervisors from the General Fund and is based upon abatement fees. The major portion of the budget is for personnel costs of the one supervisor and five Officers.

Most of the public nuisance complaints involve many months and steps through the various processes before abatement can be realized. The small size of the CED staff, the large area of

county within its purview, and the fact that its Officers are “response driven” (a CED staff interview quote) severely restricts its ability to make headway in resolving most of the complaints.

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## **Findings and Recommendations**

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### **Finding 1**

Based on the review of documents the policies and procedures currently in place in the CED adequately manage and monitor each public nuisance complaint from inception to resolution.

### **Recommendation 1**

None.

### **Finding 2**

The nature of public nuisance abatement is ongoing and fluid. As existing complaints are resolved new complaints are being logged and tracked.

### **Recommendation 2**

None.

### **Finding 3**

The CED’s budget for code enforcement is from the General Fund and is based upon abatement fees. This restricts the number of personnel assigned to code enforcement and in turn restricts the ability of the Officers to resolve complaints during times of increased filings, and track complaints moving through the Judicial and Administrative Processes.

### **Recommendation 3**

The Board of Supervisors should revisit the operating budget for the CED in order to increase the number of Code Enforcement Officers. This will enhance the ability of the CED *“to eliminate environments that create or support public health or safety hazards as well as promote a minimum standard of living”* for the citizens of Yuba County. Further, augmenting the number of Code Enforcement Officers would lead to an increase in the number of abatements resolved and abatement fees collected.

### **Finding 4**

Code Enforcement is “response driven” as per the policy of the Board of Supervisors; there is no proactive approach to public nuisance abatement in Yuba County.

### **Recommendation 4**

“Response driven” public nuisance abatement may not be the best model for a sparsely populated, largely rural county such as Yuba. It is recommended that the Board of Supervisors revisit this policy for improving the purpose and mission effectiveness of the Code Enforcement Department.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 2, 2009**

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## **Response Required**

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

Director, Yuba County Community Development and Services Agency  
Yuba County Board of Supervisors

# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Olivehurst Public Utility District**

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## **Reason for Investigation**

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The Yuba County Grand Jury received information that was considered "confidential in nature" referring to employees of the Olivehurst Public Utilities District, herein referred to as "OPUD." The Grand Jury's Special Districts Committee determined to investigate the OPUD's policies concerning the dissemination of "confidential in nature" information.

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## **Background to the Investigation**

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The OPUD is located on 9<sup>th</sup> Avenue in Olivehurst and consists of a Public Works Department, Fire Department, Administration and a Board of Directors. The responsibilities are as follows:

The Public Works Department consists of four divisions including engineering, water, wastewater, and parks. They provide basic services for persons who live and/or work in Olivehurst and Plumas Lake area. Primarily, the department is responsible for the planning, maintenance of water and wastewater systems, and the district parks.

The Fire Department is a combination of full-time staff and volunteers, and provides emergency services to minimize property damage and ensure public health and safety.

Administration for OPUD is responsible for various business transactions, including receiving payments, processing vendor payments, answering questions and processing payroll for all departments.

The OPUD Board of Directors consists of five Board members and conducts regular meetings on the third Thursday of the month. The public is welcome to attend meetings and the agendas and minutes are available on-line or upon request.

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## **Method of the Investigation**

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The Yuba County Grand Jury Special Districts Committee met with a Board member and staff from the Administration Division to discuss a document received that was "confidential in nature," specifically, the listings of personal financial institution information of some employees of OPUD. The meeting was conducted with no less than two committee members present.

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## **Facts and Observations**

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The "confidential in nature" information contained personal financial institution details of several employees of OPUD. The information was inadvertently made available to multiple members of the public without knowledge or consent of the employees.

The office was well-organized and the staff was very cooperative with the members of the committee. The accounting area consists of three accounting clerks and is overseen by a Financial Manager.

The committee inquired about written policies on confidential information and was told that there was no written policy. Also, the employees are not trained in the handling of confidential information. The Job Description/Job Duty statements provided to the committee did not specify the requirements for the handling of confidential information, though the positions are considered non-safety, sensitive positions.

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### **Findings and Recommendations**

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#### **Finding 1**

Employee information, personal financial institution details, was disseminated inadvertently to the general public with no knowledge or consent of the employees. After the fact, OPUD management did inform the employees, in writing, of the dissemination of the information. The Grand Jury commends OPUD management for responding quickly to avert a potentially serious problem.

#### **Recommendation 1**

None.

#### **Finding 2**

The OPUD does not have written policies and procedures for handling, storage and distribution of confidential information.

#### **Recommendation 2**

The OPUD should develop and maintain written procedures for handling, storage and distribution of confidential information. The OPUD must ensure all employees are trained in these procedures and understand the applicability of these procedures to their respective job duties and responsibilities.

#### **Finding 3**

The accounting positions are considered sensitive positions; however, the employees are not required to sign agreements for the handling of confidential information.

#### **Recommendation 3**

Update Job Description/Job Duty statements with confidential information requirements. Employees with access to "sensitive" information should be bonded and/or sign an agreement acknowledging adherence to procedures of handling confidential information.

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**PASSED and ADOPTED by the Yuba County Grand Jury on May 5, 2009**

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### **Response Required**

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

OPUD Board of Directors



# **2008-2009 Yuba County Grand Jury Final Report**

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## **Subject of Investigation**

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**Marysville Joint Unified School District  
Loma Rica Elementary School**

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## **Reason for Investigation**

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The 2008-2009 Yuba County Grand Jury Schools Committee (Committee) reviewed the location of portable schoolrooms in close proximity to an intersection in Loma Rica pursuant to a letter of complaint.

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## **Background to the Investigation**

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Loma Rica Elementary School is located in Loma Rica, California, an unincorporated area of Yuba County. It is one of 23 schools in Marysville Joint Unified School District (MJUSD). It is a public school that serves 157 students from Kindergarten through the Fifth grade.

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## **Method of the Investigation**

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The Committee visited the Loma Rica Elementary School site located at 5150 Fruitland Road. Interviews with the management of MJUSD and Board Members were conducted with a minimum of two committee members present. Photographs were taken and distances between structures and roads were measured. The Committee also reviewed California law regarding the placement of schoolrooms and facilities.

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## **Facts and Observations**

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The management of MJUSD and members of the School Board of Trustees stated that the safety of schoolchildren is paramount. Considering this, the Committee relayed concerns for the safety of schoolchildren attending classes in portable buildings adjacent to and in extremely close proximity to three streets, two paved and one partially paved (Hoover Road).

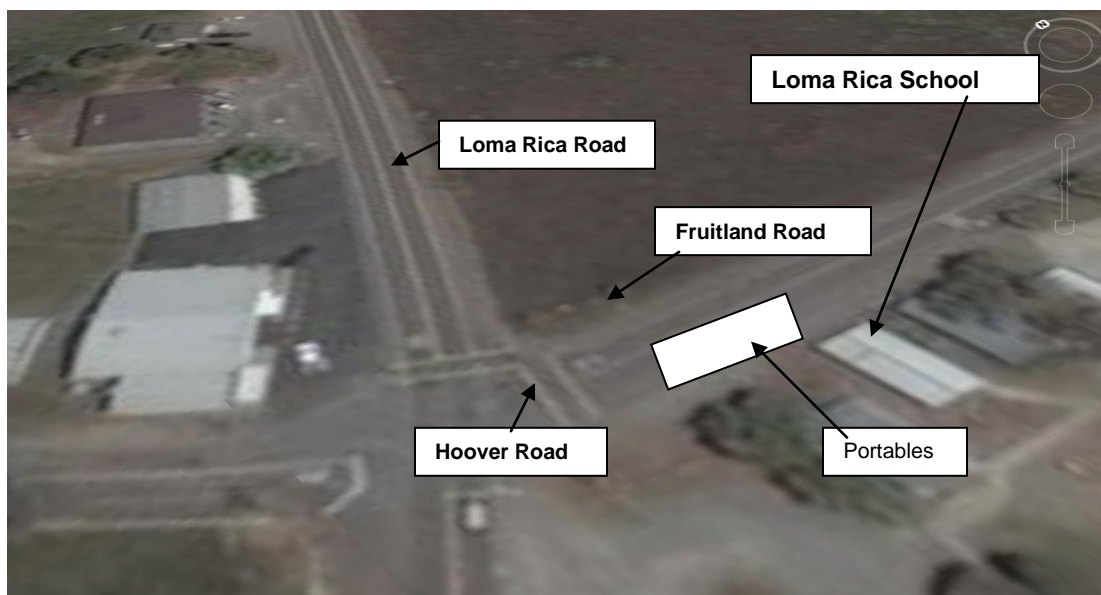
Specifically, the MJUSD, as part of its Phase I of the school renovation, has placed a portable classroom building adjacent to Fruitland, Loma Rica and Hoover Roads. The portable structure abuts Hoover and Loma Rica Roads on one side and Fruitland Road on the other. Hoover Road runs alongside the school property then merges with Loma Rica Road at a point that places that merger point within a few yards of the classroom building though it does have a protective concrete barrier and chain link fence around the building near the streets.

The California Code of Regulations (CCR) addresses school facilities construction. Title 5, CCR § 14001, entitled Minimum Standards, mandates, among other standards, that educational facilities planned by school districts be designed to meet federal, state, and local statutory requirements for structure, fire, and public safety. In § 14010 of the CCR, specific standards are stated, among them are minimum distances from power lines, traffic sound levels and

pipelines. The State has set minimum distance standards for schools with respect to the safety of students.

The Committee measured the distances from the corner edge of a portable structure occupied by children, to points it considers posing a real danger to the children. The portable classroom structure used in the measurements sits adjacent to the tri-street intersection. All distances are approximate.

1. Distance from the corner edge of the portable classroom structure to Hoover Road: 11 feet 10 inches. (See attached photographs Exhibits 4A/4B.)
2. Distance from the corner edge of the portable classroom structure to Loma Rica Road: 23 feet, 7 inches. (See attached photograph Exhibit 5.)
3. Distance from the corner edge of the portable classroom structure to Fruitland Road where said road runs adjacent to the classroom: 11 feet, 5 inches. (See attached photographs Exhibits 6A/6B.)
4. Distance from the corner edge of the portable classroom structure to a 35-foot high (approximately) wood telephone pole: 5 feet, 6 inches. (See attached photographs Exhibits 7A/7B.)



In addition, high voltage electrical lines run overhead and in close proximity to a row of portable and permanent school structures along Fruitland Road. These power lines are approximately 40 to 50 feet above the portables. In photograph 7A, a telephone pole adjacent to Hoover Road can be seen leaning toward the portables.

While the area may be rural, the fact remains that when traffic goes by, it is the same traffic found on any heavily travelled street in an urban location. Besides speeding vehicles, heavy vehicles such as delivery trucks regularly traverse the intersection, as well as a number of vehicles carrying heavy equipment. Some of these larger vehicles are trucks carrying massive bulldozers, excavators and/or logs. Anything falling off a flat bed truck, at the right angle, could easily go over the temporary and unconnected barriers MJUSD has placed as a protective

measure. The damage could result in equipment or logs smashing into the portable building, possibly injuring, maiming or causing fatalities to students and/or staff.

Recently, two vehicles in two different accidents failed to negotiate curves within one-half mile of the school, both crashing into and destroying property. A death resulted from one of the accidents and one occurred during daylight hours.

The management of MJUSD stated that all safety procedures were taken and proper approvals from State agencies were obtained including approval from the Division of State Architect (DSA). The Committee found through interviews that the DSA may only review plans on paper and may not have visited the site due to the large number of projects that the DSA reviews.

The Committee asked MJUSD management when the portable buildings would be removed from that intersection, and they stated that the portables would be removed after the Phase II construction is completed. When asked for a specific date or window of dates, no definite or approximate date was provided.

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### **Findings and Recommendations**

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#### **Finding 1**

While proper review and approval by the DSA of the location of the portables may have been obtained, the Committee has safety concerns. An on-site visit to the location made evident that there is probable risk that a speeding vehicle or heavy equipment hauler could collide with the classroom buildings. The close proximity of these portables to three avenues of traffic increases those odds and the possibility of injuries or death makes this risk unacceptable.

#### **Recommendation 1**

Consider placing the portable classrooms in a safer location.

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**PASSED and ADOPTED by the Yuba County Grand Jury on June 12, 2009**

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### **Response Required**

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Penal Code §§ 933 and 933.0 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Grand Jury Judge of the Yuba County Superior Court from:

Board of Trustees, Marysville Joint Unified School District  
Superintendent, Marysville Joint Unified School District



**EXHIBIT 4A**



**EXHIBIT 4B**





**EXHIBIT 5**



**EXHIBIT 6A**



**EXHIBIT 6B**



**EXHIBIT 7A**





**EXHIBIT 7B**

**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.