

County of Yuba

Grand Jury Final Report



2009 - 2010

GRAND JURY FINAL REPORT

2009/2010

Yuba County

YUBA COUNTY GRAND JURY
2009/2010 Final Report

Yuba County Grand Jury
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History of the Grand Jury

Before American Development

Some historians believe that the earliest versions of the grand jury existed in Athens, where the Greeks used citizen groups to develop accusations. Others find traces of the concept in all the Teutonic peoples, including early Anglo-Saxons. For example, the concept was employed in the early Scandinavian countries. Evidence also exists that the early French developed the "King's Audit" involving citizens who were sworn and required to provide fiscal information related to the operation of the kingdom.

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

The Magna Carta, signed by King John in 1215, did not mention the grand jury specifically, but did establish various procedures to ensure fairness in the dispensation of justice. Thereafter, until the mid-1300's, the 12-men juries served both to present indictments and also to rule on the validity of charges. During Edward III's reign, from 1312-1377, the 12 individuals were replaced by 24 knights, called "le grande inquest," and the 12 became a "petit jury" responsible only for declaring innocent or guilty verdicts.

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

Early American Development

The use of juries in earliest colonial history was limited. In the New Haven colony, for example, religious beliefs resulted in the residents eliminating trial by jury because there was no reference to juries in the laws of Moses. However, procedures similar to grand juries were used to hear criminal charges of larceny (Boston, 1644), holding a disorderly meeting (Plymouth, 1651), and witchcraft (Pennsylvania, 1683.) In the early 1600's, colonial representatives of the English monarchs made laws and prosecuted violators. The first grand juries recommended civil charges against those crown agents, thus establishing themselves as representatives of the governed, similar to grand juries today. The first grand juries also looked into government misconduct or neglect. For example, the first colonial grand jury, established in Massachusetts in 1635, "presented" town officials for neglecting to repair stocks, as well as considering cases of murder, robbery and spousal abuse.

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

In the Colonies, grand juries were considering criminal accusations and investigating government officials and activities, but with a populist view. Grand jurors included popular leaders such as Paul Revere and John Hancock's brother. These grand juries played a critical role in the pre-Revolutionary period: for example, three grand juries refused to indict John Peter Zenger, whose newspaper criticized the royal governor's actions in New York (he ultimately was prosecuted by the provincial attorney, defended by Alexander Hamilton, and acquitted.) Grand juries also denounced arbitrary royal intrusions on citizens' rights, refused to indict the leaders against the Stamp Act of 1765, and refused to bring libel charges against the editors of the Boston Gazette in 1766.

After the Revolutionary War ended, the new federal constitution did not include a grand jury. Early American leaders such as John Hancock and James Madison objected. Thereafter, the grand jury was included in the Bill of Rights, as part of the Fifth Amendment, which states, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger..."

From then, until today, the federal grand jury remains an integral part of the justice system, used by federal prosecutors for a variety of potential crimes. In 1801, a federal grand jury indicted Colonel Aaron Burr for treason. Most recently, federal grand juries considered allegations related to the Oklahoma City and New York Trade Center bombings, President Clinton's conduct both before and during his term of office, and the recent claims of wrong-doing by former California Insurance Commissioner Chuck Quackenbush and some associates.

Adaptation by the States

As the various states were admitted to the Union and adopted their legal and operating procedures, almost every one initially included some reliance on grand juries for either (or both) review of criminal indictments or inquiries into government activities. Some states' grand juries were very active in administrative affairs, even including recommending new laws. Others carried out investigations of government officials; one Tennessee grand jury indicted the entire state court of appeals and another opposed a judge's reappointment on the grounds of "mental imbecility."

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

Since the mid-1800's, grand juries have been criticized as ineffective or out-of-date by a number of reformers because they were slow, lacked expertise, and on other grounds. Others criticized the "star chamber" atmosphere of secret hearings without customary due process rights. However, these complaints were offset by effective grand jury investigations, including those of the Boss Tweed ring in New York City (1871) and racketeering charges brought by a grand jury assisted by Thomas Dewey in the 1930's. Since the nineteenth century, various minor and major changes have been made in grand jury selection, procedures, and qualifications, often resulting in fairer and more efficient jury operations.

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

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Jury List

Judith Abernathy	Challenge
Joyce Brannin	Marysville
Christopher Chen	Plumas Lake
Ella Eastman	Marysville
Nancy French	Wheatland
Bruce Fricker	Marysville
Richard Frost	Dobbins
Jo Ann Gehrke	Marysville
Barbara Jacobsen	Plumas Lake
Nancy McBeen	Brownsville
Judith McLeod	Marysville
Steven Sanders	Olivehurst
Patrick Thiesing	Smartsville
Debra Michelle Walters	Plumas Lake
Susan Williams	Marysville

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The County of Yuba

GRAND JURY



June 21, 2010

Honorable Judge O'Connor
Supervising Judge of the Grand Jury
State of California, County of Yuba

Dear Judge O'Connor:

In accordance with the California Penal Code Section 933, the 2009-2010 Yuba County Grand Jury has completed its duties, with the release of the Final Report to the Court and to the citizens of Yuba County. This Jury was impaneled on June 25, 2009, and charged to serve the general public as a "watchdog" for the County and the municipal agencies.

As with any new Grand Jury year, 19 independent individuals with distinctive talents and skills tried to form a cohesive effort to make their contribution to the citizens of this county. While there are many divergent views on issues, all were resolved with cooperation and teamwork. The goal has always been to do our part in making this County, a place we call home, a better place to live. Members of this Jury have dedicated countless hours of hard work investigating, compiling, debating and writing these reports. I am proud of my fellow jurors and what they have accomplished.

We wish to express our sincere appreciation to you as our advisor and for your support and clear guidance throughout our term.

This Jury would also like to extend its personal thanks to County Counsel Angil Morris-Jones and Grand Jury Coordinator Evelyn Allis. Without their assistance, our task would be more difficult. I want also to express my personal gratitude for the families of my fellow juror in their unwavering support.

Respectfully,

Christopher Chen,
Grand Jury Foreperson

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Marysville Website

Report 1

Marysville, the county seat of **Yuba County**, is one of California's historic cities. Its history as a community goes back to the Gold Rush days. The city is strategically located 40 miles north of the state capitol of Sacramento where Highways 70 and 20 intersect.

Location: <http://www.marysville.ca.us/>

Cities Committee

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**2009-2010 Yuba County Grand Jury
Final Report**

Subject of Investigation

City of Marysville Website

Reason for Investigation

The Yuba County Grand Jury received a complaint about the website not providing up-to-date information or minutes to the City Council meetings and links to the City Council members were not available to the public. A review of the website resulted in additional information not included in the original complaint.

Background to the Investigation

The City of Marysville's (City) website was originally established in the early 1990's and was redesigned in 2005. The website was designed with the idea that a website can be an avenue to provide vital and helpful information to the community, especially for a small city, without expenditure of a significant amount of money.

The City's vision statement, as stated on the website: "Marysville will be known as a community that exemplifies growth, harmony and a safe, clean, small-town atmosphere with the development of business and industry associated with tourism for the creation of a unique environment."

Method of the Investigation

Interviews were held by the Cities Committee (Committee) with City personnel, website development businesses and other interested persons. Additional information was gathered by reviewing similarly populated cities' websites for content, costs and website maintenance. All interviews were conducted with a minimum of two members present.

Facts and Observations

On April 18, 2006, Marysville's City Council approved an agreement, Resolution Number 2006-34 (Resolution), between Lighthouse Infomatics (located in Yuba City) and the City of Marysville. The agreement provides technical and professional services for the maintaining of the City's website. Under the terms of agreement, services shall be retroactive from the date services were first established on May 15, 2005. In other words, the Resolution was approved April 2006, but the services and billing began in May 2005. In 2006-2007, Lighthouse Infomatics was sold and renamed "River City Networks."

The City of Marysville website contract stated: "The City's website is an essential tool for dissemination of information about the City to the public, an important tool for City economic development activities and a tool for daily use by City staff in coordinating public projects."

In reviewing the Resolution between the City and Lighthouse Infomatics, referred as "Contractor" in the Resolution, it states under Section 2 Scope of Service, Subsection (e) Services Already Performed: "CLIENT and CONTRACTOR both recognize that production of the CLIENT'S Web site, which was collaboratively developed between CONTRACTOR'S and CLIENT'S staff, involved significant CONTRACTOR resources. Such resources were donated to the CLIENT and are not considered work performed under this Agreement. CLIENT and CONTRACTOR also both acknowledge that CONTRACTOR has already trained CLIENT'S staff on how to update the CLIENT'S Web site and that additional training constitutes an Additional Service, as specified in Exhibit A."

The Resolution states that the amount for basic services is not to exceed \$250 per month. The Contractor informed the Committee that this is, "probably \$100 too high," but according to the Contractor, this extra money was to go towards the resource costs of website development, which the Contractor estimated to be between \$10,000 and \$12,000. The Resolution clearly states that the resources were "**donated**" to the Client and not considered work performed under this agreement.

During the Committee's interview with City of Marysville personnel regarding the City's website, it was stated that the website is out-of-date and is not being maintained. Personnel also stated that due to poor financial times, the cost to replace or update the website is not feasible and is estimated at \$100,000.

Based on the information provided by the Contractor, the City appears to be paying \$100 a month for "donated" services since May 2005 and will continue to do so each month under its present contract unless/until the contract is amended.

The Resolution also states under Section 2, Scope of Service, Subsection (d): "...CONTRACTOR shall maintain a City of Marysville business license. CONTRACTOR shall at all times during the term of this Agreement and for one year thereafter, provide written proof of such licenses...." The City of Marysville does not keep copies of business licenses, so it is unclear whether the original company or the current company ever owned a business license in Marysville. The Contractor and a City official have both stated that the current Contractor does not have a current Marysville business license. They also said it is an oversight on their part, but the Contractor will be contacted and will be paying for a business license shortly.

The City's website design is in a Web Content Management System (WCMS.) It is user-friendly to non-computer people. With the continued budget difficulties in Marysville, the City is unable to hire an internet technician to maintain information on the website. The upkeep of the website is not included in any employee's job description. In addition, there is no policy or procedure to manage the website.

In an effort to look at other options, the Committee met with the Yuba Community College Information Systems Department and discussed the resources required to build a City website. The Committee discussed having students receive work-study credits by helping the City with their website. The college staff stated that the updating of the website would be a great class project for the school and the division head would be happy to oversee this type of project.

The Committee reviewed multiple city websites, similar in size to Marysville, and found that many provided a wealth of information regarding their cities and events and the following information that this Committee believes would be helpful to viewers of the City website:

- Event or community calendar
- Some current City forms
- Contact information for City officials (direct access to emails)
- Support documents for City Council meeting agendas
- City Council meeting minutes
- Current news and events

There are many events taking place in the City, sponsored and not sponsored by the City, not listed on the calendar. Listing these events could bring visitors to the City and to the local businesses. In addition, the City website has outdated and/or missing information and links.

Findings and Recommendations

Finding 1

The City of Marysville appears to be paying the Contractor an amount for basic services that is "probably \$100 too high" by the admission of the Contractor. Based on the further admissions of the Contractor that the excess amounts are really to "go toward the resource costs of website development," it appears that the City may be paying for the "resources" identified in the body of the contract as "donated." Another concern of this Committee is that the terms of the contract require that the Contractor hold a Marysville business license and both the City and the Contractor admit that the Contractor does not have the required license.

Recommendation 1

To ensure that the City is receiving sufficient value for the monies it is expending, the City needs to amend the contract terms that relate to the payment for basic services to ensure that they are not too high.

Finding 2

The residents of the City of Marysville would likely benefit from the opportunity to access more information and /documents from the City 's website.

Recommendation 2

The City needs to explore resources for updating and expanding the information that it provides through its website. If/when resources are available, the entire agenda packet

should be posted on the website. To ensure that the viewers of the website have the maximum opportunity to learn of City events, the City should consider offering to promote these events for a fee that would offset the cost to the City of updating the site to include the event information.

PASSED and ADOPTED by the Yuba County Grand Jury on the 18th day of March, 2010.

Response Required

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

Marysville City Council

First Five | Report 2

The **First Five Yuba Commission** (formerly Yuba County Children and Families Commission) was formed in January 1999 to implement the 1998 Proposition 10 California Children and Families Act. Since its inception, the First Five Yuba has been committed to improving the status of Yuba County children aged zero to five years old, and their families.

Location: 1114 Yuba Street, Suite 121, Marysville, CA 95901
<http://www.first5yuba.org/>

Health & Human Services Committee

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2009-2010 Yuba County Grand Jury Final Report

Subject of Investigation

First Five Yuba Commission
Proposition 10 California Children and Families Act

Reason for Investigation

First Five Yuba (FFY) spends approximately \$1 million on Yuba County local children and their families each year since its inception. Health care, dental care, parks and playgrounds, behavioral health, school readiness, literacy projects are just a few of the many funded programs FFY has made available. The FFY also provides funding for Harmony Health, six family resource centers, and a dental van. All of these programs and others are made available to all children 0-5 years and their families in Yuba County. Without this funding, these programs would likely struggle to stay in existence.

Background to the Investigation

The FFY was created in November 1998, when California voters passed Proposition 10, the "Children and Families Act of 1998" effective on January 1, 1999. The Act levies a tax on cigarettes and other tobacco products to provide funding for early childhood development programs. The ultimate goal is to enhance the early growth experiences of children, enabling them to be more successful in school and ultimately to give them an equal opportunity to succeed in life.

The State Commission (First Five California) collects and distributes the funds received from the tax on cigarettes and other tobacco products. They oversee statewide projects and provide technical assistance to the 58 county commissions. The FFY oversees the use of these distributed funds in Yuba County.

Method of the Investigation

The Committee held in-depth interviews with the officers, commissioners and grantees of the programs and attended commission and budget meetings. A minimum of two members were present at all times.

Facts and Observations

Tobacco tax revenues of approximately \$600 million are accumulated in a designated trust fund to meet the needs of children ages prenatal to 5 throughout the state. The funds are separated with 80% allocated to the state's 58 counties, based on the live birth rate of each county. The remaining 20% of the money is directed to statewide programs, research, and media campaigns.

The county commission requires the FFY to use Proposition 10 funds to increase the level of services and/or establish new programs. The funds are not to be used to replace existing funding for programs and services. The duties of FFY include:

- Evaluating the current and projected needs of young children and their families
- Developing a strategic plan that promotes a comprehensive and integrated system of early childhood development services that addresses community needs
- Determining how to expend local monies available from the California Children and Families Trust Fund
- Evaluating the effectiveness of programs and activities funded in accordance with the strategic plan

The FFY published the original Yuba County Children and Families Commission Strategic Plan in July of 2000, after researching and doing a community assessment during 1999 and 2000. The strategic plan has been revised on a regular basis and currently has the following goals:

- Improve systems for families
- Improve family functioning; strong families
- Improve child development to prepare children for school
- Improve school readiness to prepare children for Kindergarten
- Improve child health; healthy through regular checkups

State law governing county commissions requires that administration budget costs not exceed 20% of the commission's annual budget. Fiscal year 2008-2009, FFY administrative costs were 11.47% of the established budget. Program costs were 84.73% and their evaluation costs were 3.8%. The FFY adopted a 5-year financial plan to address future fiscal requirements. The plan is updated each year to ensure the needs of the community are addressed. Ten percent of tax revenues received is deposited in a reserve fund that is invested to ensure long-term program continuation.

An audit and written report are prepared each year on the activities of the commission. Included is the manner in which funds were expended, progress towards the achievement of program goals and objectives. The Committee reviewed the past two years' audit reports which are sent to the state commission. The audits stated FFY has complied with laws and regulations of the California Children and Families Program.

Each year, FFY requests proposals for major grant funding from qualified nonprofit, public agency, for-profit companies or organizations in Yuba County. The FFY reviews and approves proposals and makes all funding decisions. Funds must be used to expand (increase participation), enhance (improve or enrich) or provide new services, in compliance with Proposition 10 guidelines. Applicants must be familiar with FFY's strategic plan and explain how their proposal supports its goals. Each year, FFY lists priorities for specific community needs which the proposals must address. The FFY limits individual grants to a maximum of \$100,000, which can be spread out over a three-year period. Commission funds shall not be used to replace state or local general fund money.

The other type of grant FFY offers is called a "mini-grant," which is provided to further FFY's Strategic Plan. These are funded at FFY discretion, as long as funds are available, and can be for amounts \$1,000 to \$2,500 depending on the number of children served. Anyone providing services in Yuba County to children 0-5 years of age and families can apply for a mini-grant.

First Five California requires the following information from county commissions related to funded programs:

- Number of families served
- Ethnicity of those served
- Primary language spoken

The FFY has implemented a Data Collection and Evaluation program. The purpose of this program is to collect all relevant data pertaining to grants. An evaluation plan must be developed by a team including FFY staff, grantees and a hired evaluation consultant prior to start of the proposed program. This plan is broken down into a set of Achievement Milestones and on a quarterly basis, achievement notes must be submitted. The FFY reviews the achievement notes to verify the program is following the grantee's written proposal and possibly make needed recommendations. The Committee reviewed records and found them to be detailed and meeting the established milestones.

The FFY is using information gathered from the Data Collection and Evaluation program to help:

- Improve their programs
- Prioritize future programs
- Assist new grantees
- Build partnership among different programs
- Ensure community needs are being met
- Improve community awareness

Two important aspects of the established achievement milestones are the requirements for collaboration and sustainability. It is up to the grantees to find alternative funding sources to continue their program. The FFY has put together a sustainability program, "10 Steps to Sustainability," which highlights and helps grant recipients find additional funding to continue. In addition, FFY offered a two-day sustainability training seminar. The FFY expanded the evaluation requirements to beyond the state's requirements to ensure the success of the funded programs. The FFY should be commended for this effort.

Findings and Recommendations

Finding 1

The First Five Yuba needs to continue developing ways to advertise and promote available programs, so all eligible children and families can benefit.

Recommendation 1

None

PASSED and ADOPTED by the Yuba County Grand Jury on the 18th day of March, 2010.

Response Required

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

**Yuba County Board of Supervisors
Yuba County Health and Human Services Department**

Juvenile Hall

Report 3

The **Yuba-Sutter Juvenile Hall** is a 45-bed detention facility for offenders under 18 years of age. Comprehensive correctional service programs, educational and mental health services are provided to residents. The **Maxine Singer Youth Guidance Center** is a 12 bed Boot Camp program for male offenders. Comprehensive services and substance abuse counseling is provided to residents.

Law Committee

Location: **1023 14th Street, Marysville, CA 95901**
<http://www.co.yuba.ca.us/Departments/Probation/detention.aspx>

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2009-2010 Yuba County Grand Jury Final Report

Subject of Investigation

Juvenile Hall/Maxine Singer Youth Guidance Center/Secured Housing Unit

Reason for Investigation

California Penal Code § 919(b) states, "The grand jury shall inquire into the condition and management of the public prisons within the county." The term "public prisons," includes the Bi-County Juvenile Hall (Hall), Maxine Singer Youth Guidance Center (Camp) and the Secured Housing Unit (SHU.)

Background to the Investigation

The Hall, Camp and the SHU are located in the City of Marysville and are administered by the Yuba County Probation Department, with the daily operations directed by the Superintendent of Institutions. The current capacity for the Hall is 45, the SHU 15 and the Camp 60, with all of the wards being under the age of 18.

The Camp consists of two buildings, separating male and female wards. There is an outside recreation area that is co-ed. In the buildings, there are half walls separating the sleeping areas, with a common area used for watching television or reading. The laundry facility is located in the Camp and run by Camp wards. The laundry chemicals are secured within a locked wooden crate.

The Hall is split into three wings and segregated into boys and girls quarters. The Hall is mostly a short-term holding facility for wards with pending court dates, although some may be serving sentences. The wings are separated by a common area; this area includes a library, two classrooms and a television for watching movies and educational videos. The wards also use this area for family visits and studying.

Method of the Investigation

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 Camp during the tours.

Facts and Observations

The population of the Camp, Hall and SHU are continuously changing. The Committee toured the facility on October 21, 2009, and as of that date, there were 39 wards in the Hall, 16 wards in the Camp, and 6 wards in the SHU. The staff-to-ward ratio is 1-10 in the Hall, 1-15 in the Camp and 1-3 in the SHU. The California State ratio requirement is 1 staff to 15 wards.

Yuba and Sutter Counties share the cost of the operations based on a percentage of the number of wards from each county; currently it is 75% Sutter County and 25% Yuba County. In addition, the counties have contracted to house wards from other counties. The Hall has a contract with Colusa County and the Camp has contracts with Calaveras and Placer Counties. The above-mentioned counties pay approximately \$3,500 per month/ward.

The Camp and Hall staff consists of 3 shifts with a shift supervisor having overall responsibility for the shift. The staffing consists of peace officers, group counselors and general operation staff. The group counselors have the most interaction with the wards. There is a central control room that is staffed 24-hours-a-day 7-days-a-week. This staff answers the intercoms and monitors the security of all buildings.

Staff training is critical. Peace officer training consists of a core juvenile training program that is seven-weeks long. The program is required for all peace officers prior to being hired or being promoted. In addition, all officers are required to have annual training in CPR, pepper spray usage, and tactical functions. The counselors are required to have 20 hours of training yearly. All supervisors are given 40 hours of annual training, such as first aid, CPR, and tactical training.

The facility is very concerned about fire safety. A 3-year contract provides monthly inspections and maintenance of the fire equipment. Fire drills are conducted quarterly per the State requirement. In addition, evacuation procedures are posted for all types of emergencies.

The SHU holds high risk wards with a propensity for violence. The locked control room has tinted glass so the guard can watch the wards without being easily seen. The SHU is a self-contained unit with 7 double-bunk beds, 1 cell for a disabled ward, and an outside common area that is fully enclosed for recreational uses. The common area consists of tables, stools, and a television. Staff monitors the wards. The Committee was allowed to tour a cell of a ward, which consisted of family photos, books, paper, pencils, and a neatly-made bed.

There is minimal monitoring of the wards due to the limited availability of cameras. The staff explained that this issue is being addressed when funding becomes available. There were some concerns noted regarding maintenance in the facility that could become a safety issue, including the following:

1. Cell windows have paper stuffed between the glass
2. Missing shower curtains in the female unit
3. Scratches on the cell doors and windows
4. Puddles of water on the floor in the shower area in the SHU
5. Drywall damage in the multi-purpose room

The tour followed the process of ward intake. All wards are brought into a holding cell prior to booking. This booking facility has a new computer system called "Youth Track." It is a comprehensive system that includes a photograph, a physical description, and criminal

history of the ward. During booking, a search is completed; if no records are found, a new file is created. The Committee was given a demonstration of the system's capabilities and reviewed information that had been input. The system has saved time and has enabled the facility to go paperless, which helps to save money.

During the intake process the wards are checked for parasites, lice and scabies. The ward is then offered a shower. The staff evaluates each ward for medical needs and places the ward in an appropriate area of the facility. If staff feels the ward is in need of immediate care, medical staff is notified. Each ward is given a self-appraisal test to check for behavior problems, such as depressive or suicidal tendencies, with the results being forwarded to a therapist. The ward is then allowed up to two phone calls; one to a parent/guardian and the second to a lawyer.

The primary objective of the Camp is community protection and the redirection of delinquent behaviors. The philosophy of the Camp program is to assist each juvenile and their family in developing a sense of achievement and personal responsibility through exposure and mastery of a wide variety of experiences. Comprehensive services are provided to both residents and their families.

The Camp provides a 90-day or 210-day program, along with aftercare support provided by Yuba and Sutter Probation Departments. The 210-day program includes a furlough period allowing the minor and their family to adjust to and prepare for the minor's return home. Both programs require a 30-day review hearing before the Juvenile Court Judge. Non-compliance can result in termination from the program, extending the stay, or returning to the Juvenile Hall Facility. Exceptional behavior may allow a minor to complete the extended program in as little as 150 days.

The Camp includes specialized programs with elements to help the wards become a better individual. These programs include:

- Anger management
- Negotiating and resolving conflict
- Drug awareness/recovery
- Life skills
- Victim awareness
- Building assets
- Physical training
- Family services
- Mental health counseling
- Education and construction technology

The camp also participated in 37 community service work projects in 2009, a total of 1830 hours, including the Peach Festival, Ellis Lake Clean-Up, Old Fire House, as well as many other civic activities.

In addition, the wards at both the Hall and the Camp are taught by positive reinforcement using a point system. Each day begins with 0 points and each ward can earn up to 100

points per day. The wards in the Hall can earn privileges to include being housed in higher privileged areas of the Hall or earn the ability to go to the Camp. The Camp wards earn the points to receive special privileges to include outings or work assignments. Methods to earn points include:

1. Class attendance
2. Daily job assignments
 - a. Performance
 - b. Self control
 - c. Positive communication
3. Cooperation
4. Room/self care
5. Following rules

The Camp has two classrooms and a computer lab, with teachers and aides staffed by the Yuba County Board of Education. The wards are taught the same curriculum as a regular school, though sometimes the teachers have to adjust the curriculum to focus on the student's knowledge level. The credits earned are transferable to local high schools.

There is a large building that was once used by the Department of Public Works, which is now used as a multipurpose room/gymnasium for indoor sports including: ping-pong, weight-lifting and basketball. There is an area in this building for co-ed vocational work, such as wood shop, framing walls, drywall and electrical wiring, which is all supervised by a certified instructor. The Committee noted that the wards were not wearing safety glasses while doing woodworking. Quilting classes are also available to the wards. Many of the supplies and equipment used for these activities are donated by the public.

The wards in the Camp participate in flag football, softball and basketball. All sports are co-ed. The Junior Giants, a local softball team, plays a big part in the athletics of the Camp. The weekend prior to the Committee visit, the wards engaged in a softball tournament with local softball clubs.

Last year a garden was planted in the Camp area, and the garden continues to thrive and expand in size. It is worked by the Hall and Camp wards. The fruits and vegetables are used to supplement their meals. The wards are excited about gardening and say that it has a calming effect on them. The day of the visit, most of the wards were on a two-day outing to a 4H camp located in Dobbins. The 4H camp was built by the Works Project Administration under the New Deal program in 1935. The wards must earn the privilege to participate in the outing.

The Committee commends the efforts of the staff and the wards for a well-run operation. It is an encouraging sign that the staff and wards are proud of what they are accomplishing. The reinforcement and continued programming after release has proven to have a positive effect on the lives of the wards and their families.

Findings and Recommendations

Finding 1

The Committee found some maintenance issues that may result in safety concerns including: water on the floor in the SHU, inadequate camera coverage, and wards not wearing safety goggles while doing woodworking.

Recommendation 1

Review maintenance concerns and safety requirements and establish a method to resolve issues promptly.

PASSED and ADOPTED by the Yuba County Grand Jury on the 7th day of April, 2010.

Response Required

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

Yuba County Probation Department

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County Jail

Report 4

The **Jail Division** of the Sheriff's Department is responsible for the administration and operation of the county jail. The staff of Yuba County Jail is charged with maintaining the safe and secure confinement of persons placed in their custody. In addition, the jail houses **Immigration and Customs Enforcement (ICE)** detainees on a contract basis to generate revenue for Yuba County. The jail provides programs for inmates to facilitate their rehabilitation and successful reintegration into the community upon release.

Law Committee

Location: **215 5th Street, Suite 150, Marysville, CA 95901**
<http://sheriff.co.yuba.ca.us/jailoverview.html>

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2009-2010 Yuba County Grand Jury Final Report

Subject of Investigation

Yuba County Sheriff's Department Yuba County Jail

Reason for Investigation

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

Background to the Investigation

The Yuba County Jail (Jail) is located within the county courthouse in Marysville on Fifth Street between "B" and "C" Streets. The original Jail was built in 1962 with a major renovation and addition completed in the early 1990's.

The Jail has capacity for 420 inmates, with 85 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 population of Jail inmates in 2009 was 393. There are two police departments in Yuba County, one in Marysville and one in Wheatland, both utilizing the Jail for incarceration. The California Highway Patrol also utilizes the Jail.

Method of the Investigation

As required by statute, all interviews were conducted by the Yuba County Grand Jury Law Committee (Committee) with a minimum of two members present. During the tours, interviews were conducted with inmates and staff of the Jail.

Facts and Observations

The Committee was given a tour of the Jail facility by staff on September 2, 2009. In addition, the Committee toured the facility two additional times, once unannounced. The Jail's booking procedures were reviewed and found to be thorough and well-organized.

The Jail uses an electronic control room to monitor inmates and their movements within the facility. Some portions of the system appear to be in need of updating. The ceiling tiles in Control Room A appear to be discolored indicating possible water damage, which could be a concern with the computerized system.

During the two tours that were scheduled during the day shift, the Committee noticed the Detoxification Holding Cells were dirty. There was a plastic bag in the toilet, garbage and a used mattress on the floor. The Committee made one unscheduled tour during an evening

shift and discovered the Detoxification Holding Cells were in excellent condition and ready for use.

The Committee requested copies of the Exposure Control Plan as required by State Regulation, Title 8, § 5193(c)(1) as last year's Grand Jury noted that it was not up-to-date. The Yuba County Sheriff stated that the plan had been updated (Jail Policy D-209) to conform to the guidelines.

In addition, Title 8, § 5193(d)(J)(2) states, "The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment." It is considered important that all soiled laundry be considered to be "contaminated" and Universal Precautions should always be used. While touring the facility, the members of the Committee noted that the inmates were not wearing gloves while processing soiled and clean laundry.

During the tour of the laundry, inmates were found to be eating and drinking in the laundry room in direct violation of the federal 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).) In addition, the laundry workers may still not be receiving Hepatitis B vaccinations as recommended by the 2008-2009 Grand Jury Final Report. Although the Sheriff's response to the 2008-2009 Grand Jury Report stated that the County Health Officer was in the process of getting Hepatitis B/Hepatitis A vaccine for all inmates, this Committee did not see any documentation that this had been accomplished.

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 first tour, one of the washers was down for maintenance and as of this report, 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. It was also noted during the tour that there is exposed ductwork and electrical wiring in the ceiling.

Inside the Jail, inmates are offered training to learn skills that can help them become productive citizens after they are released. The male inmates are offered participation in hands-on-training in several areas. These areas include construction, basic wiring, and carpentry. The male inmates are able to work in the kitchen preparing the daily meals under supervision. The female inmates are offered training in basic life-skills and sewing. The female inmates are allowed to work in the laundry room, which is a 24-hour-a-day 7-day-a-week operation with minor supervision. All inmates are given an opportunity to participate in a General Education Development (GED) program. The inmates are not required to participate in any educational classes that the county offers. There is a law library inside the Jail to which all inmates have access.

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 personal hygiene items. The area for the operation is small, but it is run very efficiently. The amount of turnaround for the inventory is impressive for the size of the area.

Throughout the Jail, the staff interacted well with the inmates. Staff periodically enters the cells to make certain inmates are safe and secure. Each time a guard enters a cell, his presence is announced. The visit is tracked by a device known as "the pipe." The pipe consists of a tubular instrument that is inserted into an outlet that is located in the far corner of each cell. Each time it is inserted, the location, time and name of the staff are then input into a computer. The information is easily accessed via their computer system. This system assists the staff to relay information between shifts.

Findings and Recommendations

Finding 1

The Detoxification Holding Cells were not clean and ready for use during 2 of the 3 visits to the Jail.

Recommendation 1

Clean cells as they become vacant.

Finding 2

It appears that the procedures for the personnel (staff and inmates) working in the laundry facility are not being followed. Training for inmates working in this area needs to be improved. The following problems were observed by this committee:

- a. Laundry inmate workers were observed eating in the laundry room.
- b. Laundry inmate workers were not wearing gloves or aprons (though they were available) while processing the laundry.
- c. Inmates were locked in the laundry room while working.
- d. Inmates are still not offered Hepatitis B vaccinations as required by OSHA Regulation (29 CFR, § 1910.1030) and Cal OSHA (Title 8, § 5193.)

These issues were raised by the 2008-2009 Grand Jury who received the following response from the Sheriff: "The County Health Officer was already in the process of getting free Hepatitis B/Hepatitis A vaccine for all of our inmates." This Grand Jury believes that the same conditions appear to still exist and still present safety concerns.

Recommendation 2

Provide training to inmate workers for exposure situations and provide an area for eating and drinking. The Jail must document that laundry personnel were offered Hepatitis B vaccinations in accordance with OSHA Regulation (29 CFR, § 1910.1030), Appendix A. If

any inmate declines the vaccination, then a written record of the declination should be kept on file.

Finding 3

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. These issues were raised by the 2008-2009 Grand Jury with the following response ~~by~~ received from the Sheriff, "We partially disagree with this finding. The laundry area was moved to its current location during the jail expansion in 1994/1995. The laundry was previously located in the part of the space currently occupied by the jail kitchen, which was also expanded in 1994/1995." It is noted that the duct work in the laundry room has large holes, which could result in chemical inhalation by inmate workers. The laundry room also has exposed electrical wiring, an unsafe condition. These conditions raise safety concerns that need to be addressed.

Recommendation 3

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. Repair duct work in the laundry room and cover exposed electrical wiring.

Finding 4

Female inmates are not offered vocational training in electrical or carpentry, nor are they offered to work in the kitchen. The male inmates are not offered life-skills training or offered to work in the laundry area. These issues were raised by the 2008-2009 Grand Jury with the following response received from the Sheriff: "Part of the Jail's mission is to prepare prisoners mentally and physically for their successful reintegration into the community. Optional vocational training is offered to inmates. It is not feasible operationally or financially to expand programs and offer equal training to both male and female inmates. There is no requirement to do so." These issues still remain and are a concern to the 2009-2010 Grand Jury.

Recommendation 4

Make all training and job duties available to all inmates.

PASSED and ADOPTED by the Yuba County Grand Jury on the 7th day of April, 2010.

Response Required

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

Yuba County Sheriff's Department

Canine (K9) Unit

Report 5

Canines and their handlers are a valuable resource for the Sheriff's Department. They assist in criminal apprehension, building searches, search and rescue, crowd control, community events, and personal protection for the handler or other Sheriff's personnel.

**Law
Committee**

Location: with Deputy /Handler

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**2009-2010 Yuba County Grand Jury
Final Report**

Subject of Investigation

Yuba County Sheriff's Department Canine (K9) Unit

Reason for Investigation

The Yuba County Grand Jury Law Committee (Committee) had an interest in the Yuba County K9 Unit due to public concern of the crime rate in the Yuba County and the innovative approach to law enforcement.

Background to the Investigation

The Yuba County K9 Unit was established in 1964. The first canine (K9) "Jet," and his deputy/handler served the County from 1964-1974. The K9 unit was established to support patrol with a variety of functions including building searches, drug searches, crowd control, public demonstrations, deputy/handler protection, as well as suspect apprehension. The K9 program allows for a higher level of safety for officers under certain conditions.

Method of the Investigation

The Committee, with a minimum of two members present, observed a demonstration of the K9 Unit and received information from the deputy/handlers and trainer.

Facts and Observations

During its meeting with members of the K9 Unit, the Committee learned that the K9 Unit consists of three specially trained K9s. Each K9 has a dedicated deputy/handler. "Rory" is a seven-year-old, eighty-one pound, non-neutered male Dutch Sheppard that was born in Placerville, California. Rory is the only K9 owned by Yuba County. The other K9s were purchased by the deputy/handlers. "Barricade" (aka "Bear") is a three-year-old, sixty-six pound, neutered male Malinois, born in Holland. "Spike" is a five-year-old, sixty-two pound, non-neutered male Malinois, also born in Holland. Spike, who was certified in September 2009, is the only K9 certified for narcotic detection.

According to information provided by the Sheriff's Department, the K9 Unit assisted in twenty-one vehicle searches and three resident searches in 2009, in addition to open field searches or apprehensions. Spike has reportedly located 66.1 grams of marijuana and 1.11 grams of methamphetamine, resulting in six arrests.

Each deputy/handler and their respective K9 partner receive four hours of training each week as recommended by the California Peace Officer's Standards and Training. This training is supplemented with additional training during the deputy/handlers' assigned shift when they are not handling calls for service or attending to other duties as assigned.

Each K9 lives with their deputy/handler, with Yuba County providing the daily maintenance and veterinary needs. The average monthly cost for upkeep of the three K9s in the program is approximately \$670 and includes training, veterinary bills and food. The K9 program has established itself as a non-profit organization and can accept donations from the community to assist in offsetting the costs of veterinary bills and to supplement the vehicle equipment modifications for K9 use.

The K9 vehicles are equipped with special window vents for air flow. Each vehicle has a remote that alarms the deputy/handler when the temperature in the vehicle is too warm. The deputy/handler can start the air conditioning unit by remote to keep the K9s comfortable. The cost to alter each vehicle is approximately \$3,000. The cost includes the cage area, electronic door releases and ventilation.

The Law Committee observed a demonstration of the K9 training, as well as a demonstration of a drug search on a vehicle. In the suspect apprehension demonstration, the K9 was instructed to stop the suspect and was called off quickly by the deputy/handler. When the suspect attacked the deputy/handler, the K9 responded by attacking the suspect in defense of his deputy/handler. In the drug search demonstration, two types of drugs were placed in unknown areas by an officer; Spike was released and was able to quickly locate the drugs. When a controlled substance is found, Spike responds by sitting and concentrating on the area of concern. Spike is then rewarded by playing with his favorite chew toy. He is not given any treats or special treatment.

The K9s are considered an extension of the deputy/handler. During a vehicle stop, the K9 can be used to assist the deputy in searching for illegal drugs when/where legally permitted.

The K9 Unit promotes positive community relations with the following activities:

- a. Conducts educational presentations for schools, social and other community organizations;
- b. Attends K9 competitions involving other law enforcement agencies.

The Law Committee was impressed with the presentation of the dogs and visited the Yuba County Sheriff's Department website to find additional information. However, the website does not currently include any information on the K9 Unit.

Findings and Recommendations

Commendation 1

The Committee commends the Yuba County K9 Unit on its effective and efficient management, training and deployment. The handlers/deputies and K9 Unit are very enthusiastic, knowledgeable and dedicated to this community.

PASSED and ADOPTED by the Yuba County Grand Jury on the 7th day of April, 2010.

Response Required

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

No Response Required

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Bonds Oversight Committee

Report 6

The State of California Assembly Bill (AB) 1908 formalizes Proposition 39, which was approved in the state-wide election of November 2000. This allows school districts to issue bonds by winning a 55% majority of voters within the issuing district, but only for school renovation and construction. In return for reducing the requirement of 67% to 55%, the issuing district's Board of Trustees is required to appoint a **Citizens Bond Oversight Committee (BOC)** within 60 days of confirming the election results.

Schools Committee

Meeting Location: MJUSD conference room, 1919 B Street, Marysville, CA
<http://www.mjUSD.k12.ca.us/education/components/docmgr/default.php?sectiondetailid=1333&linkid=nav-menu-container-4-321>

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2009-2010 Yuba County Grand Jury Final Report

Subject of Investigation

Marysville Joint Unified School District
Citizen's Bond Oversight Committee

Reason for Investigation

If you own property in the Marysville Joint Unified School District (MJUSD), you may have noticed the increase in your property tax assessments in the past few years. The Yuba County Grand Jury Schools Committee (Committee) noticed the increase in the Marysville Joint Unified School District (MJUSD) school bond assessments. This prompted this year's Grand Jury to inquire into the bond usage requirements and the oversight process.

Background to the Investigation

Proposition 39, approved in the state-wide election of November 2000, allows school districts to issue bonds for school renovation and construction if a 55% majority of voters within the issuing district approve. The issuing district's Board of Trustees (Board) is mandated to appoint a Citizens Bond Oversight Committee (BOC) within 60 days of confirming the election results.

In 2006, the voters in the MJUSD passed Measure H by 57.46% of the vote, allowing the issuance of school bonds totaling \$37 million. In 2008, the voters of MJUSD passed Measure P by 62.44% of the vote for an additional \$47 million. Both measures list similar projects for utilization of bond monies, including, repairing, replacing or updating fire alarm systems, worn-out roofs, outdated classrooms and science labs, plumbing and heating/air conditioning systems. The bonds also help the school district qualify for state matching funds for school modernization and construction. The full text of Measure H can be viewed at http://clerk-recorder.buttecounty.net/election/archives/el12/measure_h.pdf. Measure P can be viewed at www.co.yuba.ca.us/departments/clerk/documents/nov08/mp.pdf.

California Constitution, Article XIII A, Section 1, Subdivision (b)(3)(A) provides that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3) and **not for any other purpose**, including teacher and administrator salaries and other school operating expenses.

California Education Code (EC) § 15264 provides:

- (a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision.*
- (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.*

- (b) Taxpayers directly participate in the oversight of bond expenditures.*
- (c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.*
- (d) That unauthorized expenditures of school construction bond revenues are vigorously investigated prosecuted, and that the courts act swiftly to restrain any improper expenditures.*

EC § 15278, Subdivision (b), provides in pertinent part:

The purpose of the citizen's oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The full text of the EC can be viewed at www.leginfo.ca.gov under California Law/Education Code.

According to the voting pamphlet for Measure P: *"The board is bound to conduct financial and performance audits annually to account for the bond funds and **ensure that funds have only been expended on the specific projects authorized.**"* (Emphasis added.)

Method of the Investigation

The Committee interviewed members or employees representing the following:

- Yuba County Office of Education
- MJUSD BOC
- MJUSD Trustees
- MJUSD personnel
- Perry Smith LLP (accounting/audit firm)

The Committee reviewed multiple websites including, but not limited to:

- | | |
|------------------------------------------------------------------|--------------------------------------------------------------|
| • Office of Public School Construction
State Allocation Board | www.opsc.dgs.ca.gov |
| • Association of California School Administrators | www.acsa.org |
| • Little Hoover Commission | www.lhc.ca.gov |
| • MJUSD | www.mjUSD.k12.ca.us |
| • MJUSD BOC | see above |
| • And various other school districts | |

In addition, the Committee attended BOC, Board and County Board of Education meetings. All interviews and meetings were attended with a minimum of two grand jury members present.

Facts and Observations

Proposition 39 mandates that the Board establish an independent BOC to oversee bond expenditures. The BOC's primary responsibility is to ensure that the school district is spending the bond money as allowed by the voters and to also report the bond expenditure information to the public. Proposition 39 explicitly grants the BOC authority to:

- Review annual audits of Proposition 39 expenditures that are provided by the Board and the school district
- Inspect school facilities
- Review deferred maintenance proposals
- Review cost-saving proposals

Interviews with the BOC members identified areas of concern. Specifically, this Committee is concerned as it appears that the BOC may not be acting independent of the District. The majority of members admitted that the MJUSD provided the only information each received regarding their responsibilities. The Grand Jury found no evidence that the BOC members reviewed pertinent portions of the Education Code themselves, contacted organizations providing BOC support, or other district BOC's.

As a result of its review, this Committee is concerned that the BOC may not be engaging in required activities other than attending meetings. At these meetings, the BOC reviews the Project and Funding Status Report prepared by the District. The BOC has not elected officers and, in fact, most members interviewed thought that one of the District employees was the Chairperson. Thus, the information obtained from the Grand Jury suggests that the BOC does not independently conduct its own meetings and has not had any meetings independent of those scheduled by the District. In addition, the members of the BOC have not taken advantage of available training to assist them in understanding their responsibilities.

All reports are written by the District and provided to the BOC for review. The committee is concerned as it appears that the following EC requirements are not being met:

- Vigorously investigated and reported the expenditures of the bonds to the school district residents as stated in the bond measures
- Investigated or analyzed data by inspecting projects, except on a cursory basis set up and managed by the District
- Reported information directly to Board; all information is filtered through the District

The District is responsible for providing administrative support, technical assistance and required reports to enable the BOC to meet their responsibilities. During the investigation, this Committee learned that the District may be overly involved in: determining the agenda, directing the meetings, preparing all the reports.

The Board reviews potential members' qualifications for BOC membership. It also may veto any potential BOC candidate. The EC mandates no less than seven BOC members.

Additional members may be appointed at the discretion of the Board, and no school district employee or official may be appointed to the BOC. Five of the members must fall into the following specific categories with the last two members of the BOC chosen from the community at large:

- One must be an **active** member in a taxpayers' organization
- One must be **active** in a seniors' organization
- One must be an **active** member of a business association
- One must be the parent or guardian of a child attending school within the district
- One must not only be the parent or guardian of a student in the district but also active in a school organization such as the Parent Teacher Organization

The purpose of this structure is to provide taxpayers within the community an opportunity to be heard and have their views represented. However, when the Committee interviewed the various District officials and Board members, the Grand Jury was given to believe that members may have joined specific organizations after becoming members of the BOC. It was not verifiable that the BOC members are currently **active** members of the organizations they are identified with.

The Grand Jury discovered that two BOC members were filled by people who joined a required organization at approximately the same time or shortly after being appointed to the BOC. When the Committee asked a District employee why there were only seven members, it was stated *"because that is the minimum."* This response suggests that the Board may not entertain the notion of additional representatives.

From interviews with BOC members, it appears that all appointments were suggested to or recommended by the District officials with Board approval. The Board itself did not review the potential members' qualifications and skills necessary to meet their obligations as members of the BOC. The BOC has no chairperson, officers or bylaws. Based on existing minutes, many of the meetings have had less than half of the BOC members in attendance. The only training provided to the BOC was from District officials in the form of handouts.

After reviewing other school districts' BOC websites, the Committee learned that most have a process of soliciting applications from community groups and taxpayers. Some had links to an application process on their websites, and others also included specific skill sets they sought. While the local BOC has the minimum-required number of members, it does not appear that the District sought qualified candidates not previously connected with or known by the District.

The MJUSD BOC was established in 2006 with the passage of Measure H. Following the passage of Measure P in 2008, the District received legal advice that the BOC formed pursuant to Measure H could serve as the oversight committee for both measures.

The EC requires that the BOC members serve a two-year term. The term may be extended an additional two years. The committee received legal advice regarding extending the term of the original Measure H BOC members and combining oversight of the two measures. The legal advice provided to BOC referenced EC § 15282(a) which specifically states, *"The*

citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms." Based on this statute, five members (on BOC since established in 2006) will complete their service in July 2010 and will need replacement.

The sole report that has been provided to the community is the Measure H Citizen Oversight Committee's annual flyer sent out by the District with their projects list. The projects list includes projects not requiring bond oversight. The most recent was sent in October 2009. After reviewing the EC requirements and the report, the following was documented:

- The report must be sent to all households in the District.
 - After speaking with community members and post offices within the county, it was found that the report was only sent to residents of Olivehurst, Linda and Marysville and was not received by residents in the outlying areas, such as Brownsville and Loma Rica. In addition, the flyer is **not** available on the BOC website as required by the EC.
- The flyer listed projects at various stages of completion but no financial information was provided.
 - No mention was made of front-funding of Measure H projects using Measure P bond funds. Front-funding is an accepted practice where the first sale of Measure P bonds was used to fund Measure H projects.
 - No mention was made of delays in matching funds from the State.
 - The breakdown of which funds were utilized from which bond issue (Measures H or P) was not clear.
- The EC requires the BOC to report on their activities; no information was provided.
- Independent audits are required on an annual basis, but limited information was provided in the report to the public.
 - The BOC was not involved in working with the auditor to develop a report that would allow them to provide specific information apart from other portions of the audit on bond expenditures.
 - The Auditor and District official were asked why information was limited on the annual financial audit; the answer was that the BOC had not asked for it.

An example of the type of issue that should be questioned by the BOC is the bond expenditures for projects not listed in the voter pamphlets. The demolition of W.T. Ellis School at a cost of \$242,443 was clearly **not** listed on Measure H or P for approval by the voters. The District Project Summary Report in March, 2010 noted the funding source was Measure H. It is yet to be determined whether this constitutes a misuse of the bond funds. The Committee asked a District employee about this discrepancy and was told they didn't know anything about it. A second time the employee strongly disagreed that it was an inappropriate use of funding.

It should be noted that after this interview, the District's Project Summary Report was updated without stating the funding sources. The District now only reports the total of a particular fund source (i.e., 21=first Measure H bond sales, 22=second Measure H bond sales.) The practical effect is that members of the community are not easily able to identify what projects are being funded by bonds.

The BOC website does not provide contact information for committee members. Recently, after Grand Jury inquiry, a District telephone number was added as a contact phone. There has been no outside source of information on the BOC besides the two flyers sent out by the District under the BOC's header. This is a concern since the BOC is established by the Board to oversee the District's expenditures and must establish its independence from the District.

Even though future BOC meeting dates are decided at the end of each meeting, this information is not readily available on the website or in the newspaper until immediately before the next meeting. A review of previous minutes found that only once did a member of the public attend a meeting; most BOC members could not recall this happening. It appeared that this member of the public was actually related to one of the BOC members.

Findings and Recommendations

Finding 1

The Bond Oversight Committee has not fully assumed all aspects of its oversight authority and responsibilities.

Recommendation 1

The members of the Bond Oversight Committee should assume full responsibility for bond oversight, independent of influence from the Marysville Joint Unified School District. In addition, the BOC should:

- Establish a training program from an outside source
- Require the auditor to provide specific summations that enables it to ensure that funds have only been expended for projects specifically authorized by voter approval
- Issue annual reports on their activities and findings, including a review of each project approved by the voters
- Ensure that taxpayers are timely informed of meetings and provide contact information, including phone numbers and email addresses of Committee members
- Ensure that the annual report is available on the Bond Oversight Committee's website as required in the EC

Finding 2

California EC § 15278(a) requires that the Bond Oversight Committee act independently to actively monitor the expenditures of the bond funds by the District and advise the public of the information examined. Based on interviews and information, the Marysville Joint Unified School District Bond Oversight Committee does **not** appear to be acting independently of

the District. Most members of the Bond Oversight Committee have erroneously indicated that a District employee is the Chairperson.

Recommendation 2

The Bond Oversight Committee should ensure they are acting independently of the Marysville Joint Unified School District and limit the involvement of District employees to only being available for comment and clarification. In addition, the Committee should:

- Appoint a Chairperson from the Committee to facilitate the meetings
- Establish bylaws, possibly consulting bylaws from other BOC committees for ideas
- Set its own agenda
- Run its own meetings
- Issue its own reports

Finding 3

The Bond Oversight Committee was established in July 2006, with five of the current members appointed at that time. Based on EC § 15282(a), the term limit is two years with one extension; therefore, those five members will complete their terms in July 2010. A written process for replacing members of the Bond Oversight Committee should be timely established.

Recommendation 3

The Board of Trustees needs to establish a process for recruiting and replacing members of the Bond Oversight Committee. The criteria should include an application process with the following:

- **Active** members of the required organizations
- Desired skill sets
- Persons that are willing to actively represent the interests of taxpayers

Grand Jury Recommendation:

The 2010-2011 Grand Jury should perform a follow-up investigation to ensure replacement of the Bond Oversight Committee members have been appropriately completed.

PASSED and ADOPTED by the Yuba County Grand Jury on the 18th day of May, 2010.

Response Required

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

**Marysville Joint Unified School District, Board of Trustees
Bond Oversight Committee**

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Marysville Cemetery

Report 7

This **Gold Rush cemetery** is located on the east side of Highway 70 at the north end of Marysville city limits (outside the levee.) The oldest city-owned cemetery west of the Mississippi River, burial place of some 10,000 people, is a state site of historical interest. The earliest burials here are Harriet Murphy Pike (Mrs. Michael Nye), who, at age 21, was a member of the ill-fated Donner Party and walked for 32 days from Lake Tahoe to Wheatland to seek aid for her family and co-travelers; **Edward Duplex**, the first African-American mayor (elected in Wheatland, 1868) of a city on the Pacific Coast; former Japanese Minister Charles DeLong; Marysville founder Charles Covillaud; and Wells Fargo driver George Hackett, who once bounced buckshot off the scalp of renowned stagecoach robber Black Bart.

Special Districts Committee

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2009-2010 Yuba County Grand Jury Final Report

Subject of Investigation

The Marysville City Cemetery

Reason for Investigation

The Yuba County Grand Jury received a complaint regarding destruction of, removal of, and irreversible damage to personal and public property at the Marysville City Cemetery.

Background to the Investigation

According to many people interviewed, serious and potentially irreversible damage has been done to our historic Cemetery over the years; damage due to neglect, flooding, vandalism and theft. Numbered metal markers that identify the grave sites have been moved and/or removed. In recent years, many historic landmarks and monuments have been damaged, removed and even destroyed.

The "burying ground," as Marysville City Cemetery (Cemetery) was first known, was established in 1849. It is one of very few, truly historic sites left in Marysville. War heroes, going as far back as the Civil War, are resting there. Pioneers from around the world, settlers, gold miners, members of the Donner Party and infants, all suffering the harsh reality of life in early California, are buried there.

Cemeteries are cultural institutions that show a community's basic beliefs and values. The members of our community are best served when we ensure that our ancestors are not forgotten and their resting place is left in peace. As a society, we need to teach our children to respect this rich source of California history. The condition of this Cemetery reflects directly on the people who live in Marysville.

Method of the Investigation

The Yuba County Grand Jury Special Districts Committee (Committee) interviewed a member of the Marysville City Council (Council), Marysville City Cemetery Commission (Commission) and Marysville City (City) employees regarding the Cemetery. In addition, members of Marysville's community and local historic preservation organizations were interviewed.

The Committee reviewed police reports, historic documents, and the Commission's meeting minutes. A tour of the Cemetery was conducted by members of the Committee. All interviews, meetings and tours were attended by two or more members of the Committee.

Facts and Observations

The historic Cemetery is in grave disrepair. It appears that for many years, it has been neglected. Flooding over the years has caused irreparable damage. Vandalism, theft and grave robbing has likely taken place as indicated by reports made to the Marysville Police Department.

Effective measures, such as security cameras, have not been implemented to protect the Cemetery.

In December 2001, the Marysville Police Department received a report that a crypt had been entered and a child's skull and jewelry were removed from a casket. It is believed that the skull was returned to the crypt but the location of the jewelry apparently has not been determined. While the police report indicated that no action was taken in this matter and while the report identified reasons given for the removals, that such actions can occur remains concerning.

The gate at the Cemetery is locked most of the time. There is a sign with phone numbers and instructions to call and have the gate opened. The Committee made arrangements with City employees to tour the Cemetery on a certain date. The Committee arrived to find the gate locked, called a phone number on the sign and waited for the gate to be opened; it was approximately 15 minutes before someone arrived to open the gate. Many community citizens have expressed the desire to be able to honor their relatives without having to make an appointment to get into the Cemetery.

During the tour of the Cemetery, members of the Committee found a picnic table and cement slab had been placed on the grave of James McCullen, marker #B340, buried in 1901. Many people interviewed expressed their belief that this was disrespectful.

Many schools have incorporated "Cemetery Studies" in their state history courses that include day-long field trips. This not only exposes the children to the unique history of their community but also a respectful way to treat the cemeteries.

In 1992, the Council formed the Commission to oversee the Cemetery. The functions of the Commission are as follows:

- Develop and maintain a comprehensive plan for the maintenance and protection of the Cemetery
- Investigate and make recommendations to the Council on reasonable and practical means for putting the plan into effect and to the efficient expenditures of funds relating to the Cemetery
- Periodically review the improvement program for the Cemetery
- Perform such other functions as the City Council may authorize

An excerpt from the Municipal Code § 2.70.060 states ".... the Commission shall adopt rules and regulations pertaining to its meetings and transaction of its business." The Committee requested a copy of the comprehensive plan, rules and regulations (policies and procedures) and was told the Commission is working on the plan this year; therefore, no documentation was provided. The Council recently approved "Policies Regarding Activities in the Historic Marysville Cemetery." After a review of the policies, it is noted that they only cover the activities done by volunteers.

It has been stated by members of the Commission and local historic organizations that no Chinese pioneers or settlers are buried at the Cemetery. The Committee learned during their interviews that in the 1850's, a Chinese immigrant known as the "bone cleaner" followed a tradition to exhume the human remains after 5 years and return them to their families in China. Upon his death and with the growing popularity of the Communist Party in China in the 1920's,

this practice ended. It appears that many Chinese American remains are still buried at the Cemetery. Members of the Chinese community said they would like to continue to have the opportunity to burn incense at the Cemetery, to honor their ancestors.

The Council has budgeted \$5,000 from the City's general fund for maintenance and restoration of the Cemetery. The following problems remain:

- Many of the marble monuments appear to be suffering from gross damage
- Historic landmarks have been torn down
- The Cemetery grounds still look like a barren wasteland
- The irrigation system is in a state of disrepair
- Grounds appear to have sustained damage that appears to be the result of the use of oversized mowers and heavy equipment
- Rodent infestation remains uncontrolled

When asked about consulting an expert, City personnel stated, "There are none." A quick search of the internet revealed thousands of sites throughout California and across the country with experienced persons in the preservation and restoration of historic cemeteries.

The Commission and a local historic organization are planning a re-mapping project to record all of the people resting in the Cemetery. They would like to develop a computer database containing burial records, photos, newspaper articles and general information. The project would begin with volunteers. Grant funding would be required to complete the project. There are many federal, state and private grants available to the Commission and volunteer organizations for specific repairs, capital improvements and security. None have been applied for.

City employees and members of the Commission expressed concerns for the safety of people visiting and working at the Cemetery. A small area of the Cemetery has electrical wiring and water irrigation lines buried in the same trench, and it could not be determined if it was up to code. The workers expressed concerns that repairing these lines could be life threatening. In addition, people express concerns that the Cemetery exit lacks visibility of oncoming traffic.

According to financial statements from the City auditor, utility bills average \$200 to \$300 a month; one month it was over \$400. The cost seems high, as currently there are only two pumps and one light working at the Cemetery.

Findings and Recommendations

Finding 1

Human remains and personal property reportedly have been removed from Marysville City Cemetery.

Recommendation 1

Improve the oversight procedures for the Marysville City Cemetery.

Finding 2

The Marysville Cemetery Commission, established in 1992, is required to have a comprehensive plan for the maintenance and protection of the Cemetery and rules and regulations for transaction of business, per Marysville Municipal Code (2.70.)

Recommendation 2

The Marysville City Council should establish a deadline for the completion of the plan and rules and regulations. The plan should include the following:

- Capital improvements
- Low growing ground cover throughout the grounds to eliminate the need for mowing
- Improved security to allow the public to come and go at will

Finding 3

Cemeteries contain unique local history and exposure to the local history can enhance the educational experiences and community pride for youth of our community and potentially increase respect for our cemeteries and lessen incidents of vandalism.

Recommendation 3

The City Council should establish a program to work with local schools incorporating "Cemetery Studies" into school lessons.

Finding 4

A budgeted amount of \$5,000 a year does not allow for any capital improvements required at the Marysville City Cemetery.

Recommendation 4

The Marysville Cemetery Commission should form alliances with local organizations to write grants for capital improvements. Also, more community outreach is needed to allow interested individuals, organizations and business owners in Marysville to donate tax-deductible materials, services and time to this worthy project.

Finding 5

A picnic table and concrete slab has been inappropriately placed over an individual's grave.

Recommendation 5

Remove picnic table and concrete slab.

Finding 6

The Cemetery has electrical wires and water irrigation lines within the same trench.

Recommendation 6

Have a licensed electrician review and determine the legal requirements and advise the City what work is needed to bring the cemetery grounds to code.

Finding 7

Utility bills for the Marysville City Cemetery appear high, considering the limited usage.

Recommendation 7

The City of Marysville should request the Maintenance Department investigate the utility bill issues.

PASSED and ADOPTED by the Yuba County Grand Jury on the 28th day of April, 2010.

Response Required

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

**Marysville City Council
Marysville Cemetery Commission**

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Appendix

The Grand Jury Process

Applications for service are received by the Jury Commissioner and reviewed by the Presiding Judge. Effort is made to impanel an ideal jury of qualified men and women of diverse socio-economic, ethnic, educational backgrounds, representative geographical areas of the county, as well as age groups. By court policy, and at the discretion of the Presiding Judge, up to 10 members of the previous year's jury may serve a second term to provide continuity. A total of 19 people serve on the Grand Jury. From the remaining candidates, a drawing is held to provide for alternates.

Yuba County jurors are sworn in and begin their one-year term commencing the first day of July. The Presiding Judge appoints a foreperson to preside at meetings. The jury then chooses the remaining officers and organizes itself into committees. Each committee sets its own program of committees, investigations and interviews. The committee then investigates various departments and functions of local government as it chooses and reviews compliance with previous Civil Grand Jury recommendations. Department heads are interviewed, on-site visits are made and departments' strengths and weaknesses are investigated.

Some subjects to be investigated are brought about by letters from citizens regarding complaints of alleged mistreatment by officials, suspicion of misconduct or governmental inefficiencies. Such complaints are kept confidential. If the situation warrants, and after investigation, the Grand Jury may make appropriate recommendations for action.

A large portion of the public mistakenly believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year. This entails having public officials appear before the jury to provide information to the jury relative to their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered as officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge, the District Attorney, the County Counsel, and the State Attorney General act as advisors, but cannot limit actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury's work, much of it must be done in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner. No one may be present during sessions of the Grand Jury except those specified by law (Penal Code 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror or the manner in which a grand juror may have voted on a matter. By law it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings inevitably will impair or even destroy the effectiveness of Grand Jury efforts.

Mid-year and final reports are prepared that describe problems and contain findings and recommendations. Responses are required within 90 days from any public agency, and 60 days from any elective county officer or agency head.

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GRAND JURY APPLICATION FORM

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF YUBA**

GRAND JURY APPLICATION
(Please attach additional sheets if necessary)

I. PERSONAL INFORMATION

Name: _____
(Last) (First) (Middle)

Other Names Used: _____

Residence Address: _____ City _____ Zip _____

Mailing Address: _____ City _____ Zip _____
(If Different)

Home Telephone: _____ Work Telephone: _____

Cell Telephone: _____ Pager: _____

Email Address: _____ Supervisorial District: _____

Social Security Number: _____ Drivers Lic. Number: _____

Date of Birth: _____ Place of Birth: _____

Marital Status: Married Single Divorced Widowed

Spouse's Name: _____

Spouse's Occupation: _____

Spouse's Employer: _____

II. EDUCATION

Circle your highest level of education: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Other: _____

High School _____ City & State _____

College/University _____ City & State _____

Graduate Level _____ City & State _____

Degrees _____ Honors _____

III. OCCUPATION(S)

Are you retired? Yes No

If yes, what was your occupation? _____

Employer(s) or company name(s): _____

Business address: _____ Business Phone: _____

Highest position held and job title: _____

Are you currently working? Yes No

If yes, what is your occupation? _____

Employer(s) or company name(s): _____

Business address: _____

Highest position held or job title: _____

Former Occupation: _____

IV. ABILITIES AND EXPERIENCE

Do you have any ability and experience in writing, editing, and collating correspondence, minutes of meetings, reports, etc?

Yes No

If "yes," please describe: _____

Do you have ability and experience in gathering facts and analyzing data?

Yes No

If "yes," please describe: _____

Please list the computer programs with which you are familiar: _____

V. QUALIFICATIONS

1. Are you a citizen of the United States? Yes No
2. Are you eighteen years or older? Yes No
3. On July 1, 2010, will you have been a continuous resident of Yuba County for one year? Yes No
4. Are you in possession of your natural faculties, of ordinary intelligence, of sound judgment and of fair character? Yes No
5. Do you speak, write and understand English? Yes No
6. Have you been discharged as a Grand Juror in any court of this State within the last year? Yes No
7. Have you ever served as a Grand Juror?
If so, what county and when? _____ Yes No
8. Have you applied for the Grand Jury in the past?
If so, what year(s)? _____ Yes No
9. Are you a registered voter? Yes No
10. Are you able and willing to define and evaluate issues without expressing personal bias? Yes No
11. If you are employed, does your employer know that you are interested in serving on the grand jury, and does he/she understand the nature and extent of the duties of a grand juror? Yes No
12. Are you capable of and willing to conduct detailed investigations of city and county governmental issues and prepare reports on those issues? Yes No
13. Are you currently serving as an elected public official or do you plan to run for public office within the next eighteen months? Yes No
14. Are you related to and closely associated with any of the following:
- Yuba County Superior Court judge? Yes No
- Current or former elected or appointed public official? Yes No
- Current or former employee of any local governmental entity? Yes No
- If yes, please explain: _____
-

15. As a member of any profession or organization or as a holder of any office, have you ever been suspended, disbarred or otherwise disqualified?

Yes No

Have you been charged with any of the following:

Malfeasance in office Yes No

Felony Yes No

Misdemeanor (including driving under the influence and reckless driving)

Yes No

If you answered "yes" to any of the above, please provide details below:

Offense	City/State	Date	Penalty

Please note that a misdemeanor conviction is not an automatic bar to acceptance of your application. Each case is considered individually and confidentially.

VI. CLUBS & ORGANIZATIONS

(List any fraternal, civic, professional, service or social organizations to which you have belonged.)

VII. GENERAL

Other interests, experience, comments or suggestions:

Is there anything you would specifically like to accomplish during your tenure on the grand jury?

Would you be willing to be the Jury Foreperson? Yes No

I hereby certify that the foregoing information is true and correct to the best of my knowledge and belief and is submitted in support of my application for selection as a member of the Yuba County Grand Jury.


Executed under penalty of perjury this _____ day of _____, 20-
_____ at _____, California.

Signature of Applicant

NOTE
All applications to serve as a member of the Yuba County Grand Jury will be subject to investigation by an appropriate law enforcement agency relative to the statutory qualifications for service and any other information that may bear on the prospective Grand Juror's ability and suitability for service.

PLEASE RETURN COMPLETED APPLICATION TO:

YUBA COUNTY JURY SERVICES
215 Fifth Street, Suite 200
Marysville, CA 95901
(530) 749-7601
Website: www.yubacourts.org



Pursuant to California Rules of Court, rule 989.3 and the Americans with Disabilities Act (ADA), the Superior Court of California, County of Yuba does not discriminate against persons with disabilities. Please advise Jury Services (530) 749-7601 if you will require special accommodations to participate in this application process.

RECRUITMENT SURVEY INFORMATION

Pursuant to California Rules of Court, Rule 10.625, the Jury Commissioner must capture and maintain in a database the following information on prospective grand jurors:

Your age range:

- 18 – 25 26 – 34 35 – 44 45 – 54 55 – 64 65 – 74
 75 and over

Your Gender: Male Female

Your race or ethnicity (you may select more than one category):

- American Indian or Alaska Native Asian
 Black or African American Hispanic/Latino
 Native Hawaiian or other Pacific Islander White
 Other race or ethnicity (please state): _____
 Decline to answer

How did you learn about becoming a candidate for grand jury service:

- Random draw Community Organization
 Newspaper Received application in the mail
 Public Meeting Television/radio
 Other: _____
 Nominated by: _____

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Complaint Form & Instructions

COMPLAINT PROCESS

- Present your complaint as soon as possible. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.
 - Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
 - Mail or deliver your complaint in a sealed envelope to:

Yuba County Grand Jury
c/o Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, Ca 95901

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints investigated by the Grand Jury are published in its final report in which the residents of the county are made aware of its investigations, findings and recommendations and the entities reported on are required by statute to respond.

GENERAL INFORMATION

A major function of the Yuba County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
 - May investigate any charges of willful misconduct in office by public officials;
 - Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions. It is important to note that the Grand Jury may not investigate a matter that is currently being litigated in the court system.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations and issues it chooses to address are published in its final report.



YUBA COUNTY GRAND JURY

COMPLAINT FORM

GRAND JURY COMPLAINT FORM

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

GRAND JURY USE ONLY:

Date Received: _____

Number: _____

Subject: _____

NATURE OF COMPLAINT (Describe events in the order they occurred as clearly and concisely as possible. Use extra Sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Yuba County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Results

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

Your Name: _____

Address: _____

Telephone No: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Complainant's Signature

Date

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Past Investigations

Special Reports	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Board of Supervisor - Salary												X									
Capital Improvement				X																	
Consent Agendas				X																	
Mail Carrier Safty				X																	
Physical Security in Schools														X							
School Meals Program													X								
Sewege Appeals Board							X			X											
Tire Waste Program									X												
Youth Project - Runaway Youth																X					
Yuba County - 1997 Flood								X													
Yuba County - Budget Procedures				X																	
Yuba County - Office Hours										X											
Yuba County - Ordinances													X								
Yuba Goldfields				X																	
Yuba Park									X												
Yuba River Access				X				X													

Health & Human Services	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Adult Services					X							X			X			X			
CAL Works																	X				
Child Protective Services				X	X	X				X	X	X		X						X	
Day Care																					
Environmental Health	X	X				X										X					
- EH Personnel							X														
- Onsite Sewage							X														
- YSDI																X					
First Five Yuba Commision																					X
Fraud Investigations																X					
Health & Human Services	X	X	X	X	X	X	X										X				X
Health Department	X	X	X			X							X	X							
- Mental Health Services	X	X																			
- Peach Tree Clinic			X	X	X	X															
Public Guardian	X										X					X					

Special Districts	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Browns Valley Irrigation District										X											
Camp Far West Irrigation District		X																			
Cemetery District													X								X
Cemetery District - Peoria														X							
Foothill Fire Protection						X															
Levee District 817			X																		
Linda Fire District							X														
Marysville Levee District			X																		
Olivehurst PUD - Water			X					X													
Olivehurst PUD - Fire											X					X					
Olivehurst PUD - Sewer			X										X								
Reclamation District 10			X																		
Reclamation District 2103			X																		
Reclamation District 817			X																		
Reclamation District 784	X	X	X						X		X				X		X				
River Highlands Community Services																			X	X	
Smartsville Fire Department																		X			
Yuba County Water Agency	X	X				X		X					X					X			
Yuba County Water District						X									X	X					

Law	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Child Support Services	X						X			X	X										
Municipal Court	X	X	X																		
District Attorney		X	X					X													
Grand Jury			X	X									X								
Juvenile Traffic Court	X																				
- Victim Witness										X		X									
Juvenile Hall	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Probation	X	X	X			X									X	X					
Public Defender						X															
Sheriff	X	X	X		X			X	X						X	X					X
- Animal Care Services	X		X	X			X		X	X					X						
- Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
- Canine																					X
Police Department																				X	
- Wheatland Police Department																				X	

County	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Administrative Services	X		X	X						X											
- Airport Enterprise Zone	X									X											
- Print Shop		X																			
- Information Services																		X			
Agriculture	X	X																			
- Weight & Measures						X															
Assessor	X	X																			
Auditor/ Controller	X																				
Board of Supervisors	X	X	X	X					X												
- Clerk of the Board	X	X		X																	
Community Development	X	X	X	X	X			X												X	X
- Building																				X	
- Code Enforcement																					X
Clerk/Recorder/Elections	X	X		X														X			
County Administrator	X	X					X														
County Counsel	X		X				X														
- Public Administrator										X											
Emergency Services	X		X					X													X
Library	X					X															X
Yuba County Airport																					X
Personnel Risk Management	X	X	X					X													
Public Works	X	X	X	X							X										
Treasurer/Tax collector	X																				
Veteran Services	X	X																			

Cities	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
City of Marysville	X	X								X			X	X	X					X	
- Better Improvement District										X								X			
- City Administrator/Clerk						X															
- City Council			X		X																
- Emergency Services			X																		
- Levee District																				X	
- Fire Department	X	X	X								X					X					
- Police Department	X	X		X									X	X							
- Public Works, Park & Recreations	X	X					X								X						
- Redevelopment Agency				X	X																
- Red Light Camera System																	X				
- Website												X									X
City of Wheatland	X	X										X			X	X	X				
- City Council				X		X	X	X	X												
- City Treasure				X	X																
- Police Department	X	X	X	X			X														

Schools Committee	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Abraham Lincoln (home) School									X												
Anna Mckenney Intermediate																X					
Browns Valley Elementary																X					
Camptonville Union School District	X	X																			
Charter School									X												
Dobbins Elementary School																		X			
Lindhurst High															X						
Mary Covillaud Elementary																	X				
Marysville High																					
Marysville Joint Unified School District	X	X	X	X	X	X		X			X				X	X				X	
- Alternative Educational Program										X											
- Citizen Bonds Oversight Committee																					X
- Loma Rioca Elementary																				X	
Office of Education																			X		
Olivehurst Elementary																X					
Plumas Elementary	X	X																			
Regional Career Center - JPTA	X								X							X					
Wheatland High	X	X	X														X				
Wheatland School District	X	X	X					X												X	
- Elementary School District Building																					
Yuba College			X								X										
Yuba County Office of Education	X	X								X					X						

Yuba County Grand Jury
Courthouse 215 Fifth Street, Suite 200
Marysville, CA 95901
Phone (520) 749-7341 • Fax (530) 749-7304
Email yubagrandjury@yubacourts.org