

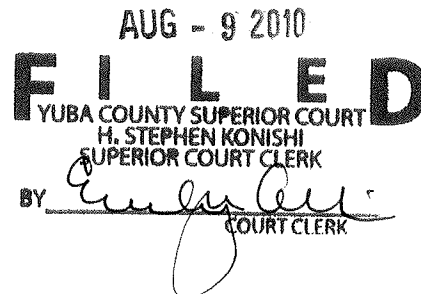
YUBA-SUTTER JUVENILE HALL
CAMP SINGER YOUTH GUIDANCE CENTER

FRANK D. SORGEA
Superintendent of Institutions



August 3, 2010

The Honorable Kathleen R. O'Connor
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901



RE: Response to 2009-2010 Grand Jury Findings and Recommendations

Dear Judge O'Connor:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Probation Departments response to 2009/2010 Grand Jury Final Report – Findings and Recommendations concerning the annual investigation into the operation of the Bi-County Juvenile Hall and Camp Singer Youth Guidance Center.

First of all, I wish to express my gratitude to the Grand Jury for conducting a thorough and well orchestrated inspection. I enjoyed meeting with the panel and discussing our facility operations as well as our program components. I felt the panel demonstrated a commitment to their purpose and were always well prepared when they visited our facilities.

Please accept the following response to the 2009/2010 Grand Jury Findings and Recommendations:

Finding 1

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

We agree with this finding. Water on the SHU floor is produced when wards shower. It is our policy to have the floors mopped following showers.

In response to the issue of inadequate camera coverage throughout the facilities: while we would certainly benefit from an increased capacity to monitor facility activity through video monitors, there is no legal requirement to do so. Our current camera system was installed when the facility was constructed in 1976, and while it has undergone some upgrades as equipment failed, no comprehensive modernization/replacement of the system has been accomplished. Our existing system provides us the capacity to monitor all hallways, day rooms, the interior of the SHU and the entrance to the Camp kiosk area from our Central Control Room. As funding becomes

available we intend to upgrade both the video and audio monitoring systems. A significant upgrade to the system would include the ability to record video and audio signals as a means to maintain a digital record of activities within the facilities.

Minors participating in the Construction Tech. program offered by ROP at Camp Singer have not utilized safety goggles while operating stationary jig saws.

Recommendation 1

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

Issues identified have been implemented.

SHU shower procedures have been evaluated and staff directed to ensure the adequacy of the after shower cleanup.

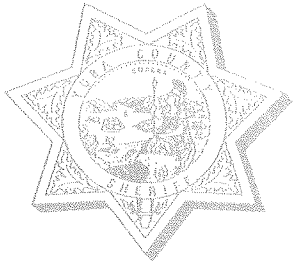
The video monitoring systems have been reviewed and while not at the standard we would like to see, they are functional. We have undertaken a review of the system and anticipate having a consultant evaluate the system and provide input into the costs of bringing the system up to current standards.

ROP instructors have been informed of the concerns regarding protective eyewear and will ensure that minors using tools will wear goggles while operating equipment.

Respectfully Submitted

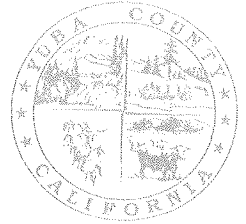
A handwritten signature in black ink, appearing to read "Frank D. Sorgea". The signature is fluid and cursive, with the first name "Frank" and last name "Sorgea" clearly distinguishable.

Frank D. Sorgea
Superintendent of Institutions



Yuba County Sheriff's Department

Steven L. Durfor, Sheriff - Coroner

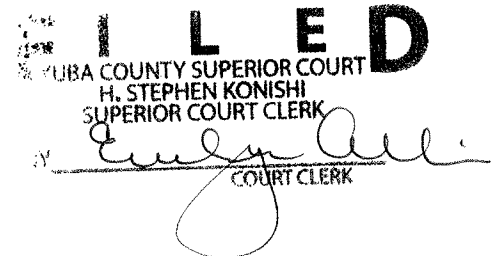


215 5th Street, Suite 150, Marysville, CA 95901
Ph: 530-749-7777 • Fax: 530-741-6445

August 10, 2010

AUG 10 2010

The Honorable Kathleen R. O'Connor
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901



RE: Response to 2009/2010 Grand Jury Findings and Recommendations

Dear Judge O'Connor:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Sheriff's Department's response to the 2009/2010 Grand Jury Final Report – Findings and Recommendations concerning the investigation into the Yuba County Sheriff's Department – Yuba County Jail and Yuba County Sheriff's Department – Canine (K-9) Unit.

We would like to express our thanks to the 2009/2010 Yuba County Grand Jury for their dedication and professional approach to their duties. It was a pleasure meeting with them and discussing our operations.

We appreciate the Grand Jury recognizing our Canine (K-9) program with a commendation for its effective and efficient management, training and deployment. Though not a finding, the report on the Canine Unit indicated that the Law Committee visited the Department website and was unable to find additional information on the program. We would like to note that there was, and is information on our website about the K-9 program.

We would also like to point out that we do an exemplary job in our jail operation and we believe the report was scant with recognition of the hard work performed by jail staff on a daily basis. There are many accomplishments that we are proud of and highlighted during the Grand Jury's visits and we believe that positive findings should be included in Grand Jury reports.

Please accept the following response to the 2009/2010 Grand Jury Findings and Recommendations:

YUBA COUNTY JAIL

Finding 1

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

YCSO Grand Jury Response

Response to Finding 1: Disagree. The sobering cells had been used by inmates prior to the grand jury visits. The inmates were fed a meal in the cells and had left some trash on the floor and in the toilet. These cells are cleaned and sanitized daily and as needed.

Recommendation 1: *Clean cells as they become vacant.*

Response to Recommendation 1: The recommendation is the current practice. There is an adequate cleaning practice in place. Cells are sanitized daily or more frequently if required. Cells that are unsanitary are not used until they are cleaned.

Finding 2

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

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

These issues were raised in 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 exist and still present safety concerns.

Response to Finding 2: Disagree in part. The laundry is efficient, effective and safe. Some delays were experienced in the vaccination program that have since been remedied.

- a. Inmates are not authorized to eat in the laundry.
- b. Laundry workers are required to wear gloves when they handle dirty laundry. They are not required to wear gloves when they handle clean laundry.
- c. Jail, by definition, is a place for the secure detention of prisoners. It is a security requirement that the laundry remain locked to prevent escapes.
- d. During the week of July 26, 2010, all laundry workers were offered Hepatitis B vaccinations.

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, Section 1910.1030), Appendix A. If any inmate declines the vaccination, then a written record of the declination should be kept on file.

Response to Recommendation 2: The recommendation has been implemented. Inmates are provided training for the safe operation of the laundry. Laundry workers are provided gloves and are required to wear gloves when they handle dirty laundry. There is a hand washing station in the laundry. We have

YCSO Grand Jury Response

offered Hepatitis B inoculations to all laundry workers and have a record of acceptance or declination 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 inmates. These issues were raised by the 2008-2009 Grand Jury with the following response received from the Sheriff, "We partially disagree with 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 space currently occupied by the jail kitchen, which was also expanded in 1994/1995." It is noted that the ductwork 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 concern that need to be addressed.

Response to Finding 3: Disagree. The response to the size of the laundry area remains the same. The size of the laundry meets Title 24 requirements, it was built at the time the jail was expanded and renovated, and has adequately served the needs of the jail in its present location for more than 15 years. Further, we found no exposed electrical wiring in the laundry and found no breaches in the laundry duct work. There are no chemicals exhausted through the ventilation or duct systems. No one on the Grand Jury committee pointed out these deficiencies during the inspection as one would expect if it were thought to be a matter of safety.

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.

Response to Recommendation 3

The recommendation will not be implemented. The laundry has been able to serve the needs of the facility in the current location with the existing configuration of machines. There is no necessity to expand or relocate the laundry. There is no available or viable space to relocate the laundry within the security perimeter of the jail. There is no duct work or electrical wiring in the laundry in need of repair. The recent inspection by the State Fire Marshall found no deficiencies in the laundry.

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 by the Sheriff: "Part of the Jail's mission is to prepare prisoners mentally and physically for their successful reintegration in to 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.

Response to Finding 4: Agree. The finding is accurate in that females are not offered training in carpentry and electrical nor work in the kitchen; males are not offered life skills training or work in the

YCSO Grand Jury Response

laundry. However, due to the current fiscal crisis, the vocational education programs have been eliminated, and with them, most of this finding.

Recommendation 4

Make all training and job duties available to all inmates.

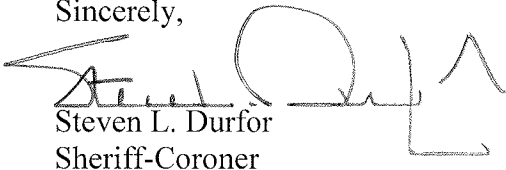
Response to Recommendation 4

The recommendation will not be implemented. The recommendation is not feasible for multiple reasons. Vocational training programs have been eliminated (carpentry, electrical, janitorial, and life skills) so further discussion is moot. As for job assignments, there are more than 9,000 persons booked into the jail each year. Some stay one day, some stay for months. Many prisoners are gang affiliated, have extensive criminal histories and are security risks, making them ineligible to hold jobs in the facility. Males and females cannot be mixed in job assignments and there are not enough females inmates meeting the proper classification to staff a kitchen crew. While the recommendation sounds like a simple task of job assignment, the logistical intricacies associated with running a jail make implementing this recommendation impractical, if not impossible.

Conclusion

Again, I would like to thank the 2009/2010 Yuba County Grand Jury for their service and for the opportunity to respond to the findings and recommendations. I look forward to working with the 2010/2011 Grand Jury. If you have any questions, please feel free to contact me at 749-7779.

Sincerely,



Steven L. Durfor
Sheriff-Coroner



Marysville Joint Unified School District

1919 B Street Marysville, CA 95901

(530) 741-6000 • FAX (530) 742-0573

August 12, 2010

Honorable Judge O'Connor
Supervising Judge of the Grand Jury
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

AUG 13 2010

FILED

YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK

BY

[Signature]
COURT CLERK

RE: Response of Marysville Joint Unified School District, Board of Trustees to the Final Report of the Yuba County Grand Jury 2009-2010 pp. 33-41.

The Honorable Judge O'Connor:

Pursuant to California Penal Code sections 933 and 933.05, the Marysville Joint Unified School District ("District"), and the Board of Trustees ("Board") hereby submits its formal response to the 2009-2010 Grand Jury Final Report ("Report") on the Bond Oversight Committee as follows:

INTRODUCTION

I. Measure H

In June of 2006, Marysville voters passed Measure H, a \$37 million school facilities bond for repairing and modernizing District schools; constructing, acquiring, converting, furnishing, and equipping school facilities; and to help the District qualify for State modernization and construction matching funds.

The bond also called for an independent Citizens Oversight Committee (also known as the Bond Oversight Committee ("BOC")). The BOC has a broad-based membership to monitor facilities projects progress, and to ensure that no bond funds are spent on school district salaries or operating expenses. Measure H projects are reviewed by the BOC to ensure the money is spent only for authorized purposes, as defined by the bond text approved by the voters. In addition, the BOC is given reports regarding all District facilities projects, not only those funded by Measure H, but also those funded by state funding, developer fees, and any combination thereof. Thus, the information provided to the BOC exceeds that which is required they be given.

On August 8, 2006, pursuant to California Education Code section 15274,¹ the Board confirmed the Measure H election results in its minutes by way of Resolution 2006-07/09. Subsequent to that time, for approximately eight months, the District utilized

¹ All further statutory references are to the California Education Code, unless otherwise noted.

developer's fees to prepare Site Master Plans of the District's facilities projects. The District had previously made a conscious decision to wait to expend the time, staff and resources to conduct such detailed master planning until after the bond was approved. As a result of the focus on this process, coupled with some unforeseen difficulty in finding qualified members from the necessary demographics, as defined in Section 15282, the BOC was not formed until May 21, 2007. At its inaugural meeting on May 21, 2007, BOC members were officially appointed and their terms began.

On May 21, 2007, Government Financial Strategies provided training to the BOC members regarding the funding and financing of school facilities in California. On that date, Mark Allgire provided the BOC with a training packet [Attachment 1], prepared by Kronick Moskovitz Tiedemann & Girard, that addressed the purposes for the establishment of the BOC, and the duties and responsibilities of the BOC members.

II. Measure P

In November of 2008, Marysville voters passed Measure P, a \$47 million school facilities bond for the same general purposes as Measure H. As with Measure H, the Measure P bond also called for an independent BOC. Measure P projects are reviewed by the BOC to ensure the money is spent only for authorized purposes, as defined by the bond text approved by the voters. In addition, the BOC is given reports regarding all District facilities projects; not only those funded by Measure P, but also those funded by state funding, developer fees, and any combination thereof. Thus, the information provided to the BOC exceeds that which is required.

On January 13, 2009, pursuant to Section 15274, the Board confirmed the election results in its minutes by way of Resolution 2008-09/39. On the same date, the BOC for Measure P was established by way of Resolution 2008-09/40. Consistent with legal advice provided to the District by P. Addison Covert at Kronick Moscovitz Tiederman & Girard, the BOC for Measure P is comprised of the same members as the BOC for Measure H.

III. Bond Oversight Committee, Generally

The BOC meets approximately every three months to perform its functions. Its meetings are open to the public and must comply with the requirements of the Brown Act. The BOC prepares an annual report to the community that provides a summary of all projects that are funded with contributions of bond funds, State matching funds, and developer fees. The annual report is distributed to District taxpayers by the United States Postal Service and is generally² available on the District website:

² In the Fall of 2009, the District's website underwent a reconstruction. During that technological overhaul, links to the Annual Reports for 2007/08 and 2008/09 were inadvertently omitted. Those links were restored on August 3, 2010 immediately upon discovery of the omission.

www.mjUSD.k12.ca.us/education/components/docmgr/default.php?sectiondetailid=1333&linkid=nav-menu-container-4-5006

While the District provides the BOC with necessary technical and administrative assistance as required by Section 15280, the BOC is independent from the Board and the District.

REQUIRED RESPONSES TO FINDINGS AND RECOMMENDATIONS

- I. **Finding 1, Finding 2, Recommendation 1 and Recommendation 2:** The Board defers to the response of the Bond Oversight Committee for responses to Findings 1 and 2, and Recommendations 1 and 2, as they are directed to the responsibilities of an independent body (*i.e.* the Bond Oversight Committee).
- II. **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."*

- **Response to Finding 3: Agree in part; Disagree in part.**

Term Limits: The Board agrees with the Grand Jury's finding that term limits for Bond Oversight Committee members are limited to two, two-year terms. The Board disagrees with the finding that five of the current members will complete their terms in July 2010.

As discussed in the Introduction, the five current BOC members with the longest tenure began their terms when the BOC held its first meeting on May 21, 2007. Accordingly, those five members' terms will expire on May 21, 2011.

Written Process: The Board disagrees with Finding 3 to the extent that it implies that the District does not have a process for replacing members of the BOC. The District maintains a written Board Policy and Administrative Regulation that address, among other things, the criteria for the selection of initial Bond Oversight Committee members. [Board Policy 1220, Administrative Regulations 1220 and 7214; Attachments 2, 3 and 4.]

With respect to recruitment and selection of new BOC members following a member's resignation from the BOC, or the expiration of a member's or members' term limits, the District has an informal policy whereby it queries the remaining Committee members to obtain a list of potential replacements, thus appropriately leaving the control of filling vacancies within the purview of the

BOC.

The Board agrees with Finding 3 to the extent that it suggests that a written process for replacing members of the BOC should be considered by the BOC. Among other possibilities, the BOC may approve and adopt bylaws addressing recruitment and replacement of BOC members. Whether or not to do so, obviously, must be left up to the BOC.

III. 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"*

• **Response to Recommendation 3: Agree in Part; Disagree in Part.**

The Board disagrees with Recommendation 3 to the extent that it suggests the District does not currently have a written process for recruiting and replacing members of the BOC. As discussed in response to Finding 3, the District has an informal policy on recruitment and selection of new BOC members to replace members who have resigned or whose term limits have expired.

The Board further disagrees with Recommendation 3 to the extent that it suggests the Board of Trustees alone should establish a formal written process for recruiting and replacing members of the BOC. The Board believes that for the BOC to maintain its independence from the District, the recruitment and selection for the replacement of BOC members must be the responsibility of the BOC. The BOC will ultimately be responsible for recruiting and replacing its members.

The Board agrees with Recommendation 3 to the extent that it suggests that a formal written process *should be considered* by the BOC.

Further, although not legally required, an amendment to Administrative Regulation 7214 may be considered by the Board and may establish the following:

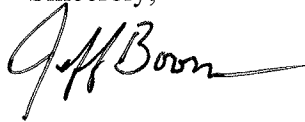
- (1) that the recruitment and selection for the replacement of BOC members is a responsibility of the BOC; and
- (2) that the BOC consider adopting bylaws.

Honorable Judge O'Connor
August 12, 2010
Page 5

CONCLUSION

The Board believes that the Bond Oversight Committee performs an important function in the transparency and accountability in the expenditure of bond funds. The Board will continue to monitor its policies and procedures to ensure that current and future Bond Oversight Committees are appropriately established and maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Boom", with a stylized, flowing script.

Jeff Boom
President, Board of Trustees

cc: Dr. Gay Todd, Superintendent
Mark Allgire, Assistant Superintendent, Business Services
Christopher Chen, Foreperson
Paul G. Thompson, Kingsley Bogard Thompson LLP
P. Addison Covert, Kronick Moskowitz Tiedemann & Girard
Jonathan Edwards, Government Financial Strategies

**ESTABLISHMENT AND OPERATION OF
THE CITIZENS' OVERSIGHT COMMITTEE
(Proposition 39 General Obligation Bond Elections)**

Establishment

The school district governing board must establish and appoint members to a citizens' oversight committee within 60 days after the governing board confirms the results of the election. The governing board may establish the committee by approving bylaws for its operation.

Members; Organizational Rules

Number of Members. The oversight committee is required to have at least seven members.

Group Representatives. The oversight committee shall include:

1. One member active in a business organization representing the business community located within the district;
2. One member active in a senior citizens' organization;
3. One member who is active in bona-fide taxpayers' organization;
4. One member who is a parent or guardian of a district student; and
5. One member who is a parent or guardian of a district student and active in a parent-teacher organization.

Prohibited Members. No school district official, employee, vendor, contractor, or consultant may serve on the oversight committee.

Term of Membership; Compensation. Members serve for a two-year term and may not serve more than two consecutive terms. Members serve without compensation.

Conflict rules. Members may not have a financial interest in any contract or sale of property involving the school district. Members may not engage in any employment or activity for compensation that is inconsistent, incompatible or in conflict with their service on the Oversight Committee.

Brown Act. Because it is a committee established by the district governing board, the meetings of the committee are subject to the rules of the Ralph M. Brown Act.

Other Organizational Rules. As the organizing authority for the committee, the school district governing board may establish such other rules for the operation of the committee as it deems appropriate, including rules for removal of members, filling vacancies, selecting officers, the frequency of committee meetings, the place and time for meetings, the number of members constituting a quorum, the number of votes required for committee action, etc.

Purpose

The purpose of the oversight committee, as stated in Education Code section 15278, is to “actively review and report” to the public as to whether the school district spends the bond proceeds only for construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Activities

Education Code section 15278 provides that the committee may engage in any of the following activities:

1. Receiving and reviewing copies of the district governing board’s annual, independent performance audit.
2. Receiving and reviewing copies of the district governing board’s annual, independent financial audit.
3. Inspecting school facilities and grounds to ensure that bond revenues are expended for authorized purposes.
4. Receiving and reviewing copies of deferred maintenance proposals, plans, or reports prepared by the school district.
5. Reviewing efforts by the school district to maximize bond revenues by implementing cost-saving measures, such as:
 - (a) mechanisms designed to reduce the costs of professional fees.
 - (b) mechanisms designed to reduce the costs of site preparation.
 - (c) recommendations regarding the joint use of core facilities.
 - (d) mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
 - (e) recommendations regarding the use of cost-effective and efficient reusable facility plans.

Reports and Publication of Information.

Education Code section 15280 provides that the committee shall issue regular reports on the results of its activities and shall issue a report at least once a year. The committee shall make available the minutes of its proceedings, all documents it receives, and all reports it issues on an Internet website maintained by the school district.

Other Functions

The committee’s duties under the Education Code are only to review information and report to the public concerning whether bond funds are spent properly. The Education Code does not require or authorize the committee to make any recommendations to the school district governing board. As the organizing authority for the committee, the district governing board has the power to add other oversight or advisory functions to the committee.

District Support

Education Code section 15280 provides that the school district shall provide the committee with technical and administrative assistance and sufficient resources to publicize the committee's conclusions. The school district may not use bond proceeds for these purposes.

Marysville Joint USD | 1000 | BP 1220 Community Relations

Citizen Advisory Committees

The Board of Education recognizes that citizen advisory committees enable the Board to better understand the interests and concerns of the community.

The Board shall establish citizen advisory committees when required by law, to strengthen the effectiveness of district and school operations, or to enhance student learning. The purpose of any such committees shall be clearly defined and aligned to the district's vision, mission, and goals. The Board may dissolve any advisory committee not required by law when the committee has fulfilled its duties or at any time the Board deems it necessary.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 2230 - Representative and Deliberative Groups)

(cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)

(cf. 5030 - Student Wellness)

(cf. 6020 - Parent Involvement)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

(cf. 9130 - Board Committees)

The Superintendent or designee may establish advisory committees which shall report to him/her in accordance with law, Board policy, and administrative regulation.

Citizen advisory committees shall serve in an advisory capacity; they may make recommendations, but their actions shall not be binding on the Board or Superintendent.

The membership of citizen advisory committees should reflect the diversity of the community and represent a diversity of viewpoints.

The Superintendent or designee shall provide training and information, as necessary, to enable committee members to understand the goals of the committee and to fulfill their role as committee members.

Within budget allocations, the Superintendent or designee may approve requests for committee travel and may reimburse committee members for expenses at the same rates and under the same conditions as those provided for district employees.

(cf. 3350 - Travel Expenses)

Legal Reference:

EDUCATION CODE

8070 Career technical education advisory committee

11503 Parent involvement program

15278-15282 Citizens' oversight committee

15359.3 School facilities improvement districts

17387-17391 Advisory committees for use of excess school facilities

35147 School site councils and advisory committees

41505-41508 Pupil Retention Block Grant

41570-41573 School and Library Improvement Block Grant

44032 Travel expense payment

52176 Advisory committees, limited-English proficient students program

52852 Site council, school-based program coordination

54425 Advisory committees, compensatory education

54444.1-54444.2 Parent advisory councils, services to migrant children

56190-56194 Community advisory committee, special education

62002.5 Continuing parent advisory committees

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 School site council

GOVERNMENT CODE

810.2 Tort claims act, definition employee

810.4 Tort claims act, definition employment

815.2 Injuries by employees within scope of employment

820.9 Members of local public boards not vicariously liable

6250-6270 California Public Records Act

54950-54963 Brown Act

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Community Leadership, 1996

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

Marysville Joint USD | 1000 | AR 1220 Community Relations

Citizen Advisory Committees

Committee Charge

When committees are appointed, committee members may receive written information including, but not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Members of advisory committees are not vicariously liable for injuries caused by the act or omission of the district or a committee and are not liable for injuries caused by an act or omission of a committee member acting within the scope of his/her role as a member of the committee. However, a member may be liable for injury caused by his/her own wrongful conduct. (Government Code 815.2, 820.9)

(cf. 3530 - Risk Management/Insurance)

Committees Subject to Brown Act Requirements

The following committees shall comply with Brown Act requirements pertaining to open meetings, notices, and public participation, pursuant to Government Code 54950-54963:

1. Advisory committees established pursuant to Education Code 56190-56194 related to special education

(cf. 0430 - Comprehensive Local Plan for Special Education)

2. Advisory committees established pursuant to Education Code 8070 related to career technical education

(cf. 6178 - Vocational Education)

3. Committees established to assist in development of a student wellness policy pursuant to 42 USC 1751 Note

(cf. 5030 - Student Wellness)

4. Committees established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property

(cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)

5. Citizens' oversight committees established to examine the expenditure of general obligation bond or schools facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

(cf. 7213 - School Facilities Improvement Districts)

(cf. 7214 - General Obligation Bonds)

6. Other committees created by formal Board of Education action

(cf. 9130 - Board Committees)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9323 - Meeting Conduct)

Committees Not Subject to Brown Act Requirements

The following committees are exempt from the Brown Act but must conform with procedural meeting requirements established in Education Code 35147:

1. School site councils established pursuant to Education Code 41507, 41572, or 52852 related to student retention, school or library improvement, or school-based program coordination

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

2. District or school advisory committees established pursuant to Education Code 52176 related to programs for students of limited English proficiency

(cf. 6174 - Education for English Language Learners)

3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education

(cf. 6171 - Title I Programs)

4. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs

(cf. 6175 - Migrant Education Program)

5. School site councils established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education

6. School committees established pursuant to Education Code 11503 related to parent involvement

(cf. 6020 - Parent Involvement)

Meetings of the above councils or committees shall be open to the public. Any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Councils or committees violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request pursuant to the California Public Records Act. (Education Code 35147; Government Code 6250-6270)

(cf. 1340 - Access to District Records)

Committees created by the Superintendent or designee to advise the administration and which do not report to the Board are not subject to the requirements of the Brown Act or Education Code 35147.

(cf. 2230 - Representative and Deliberative Groups)

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

approved: March 11, 2008 Marysville, California

Marysville Joint USD | 7000 | AR 7214 Facilities

General Obligation Bonds

Election Notice

The Superintendent or designee shall ensure that election notice and ballot requirements are satisfied in accordance with Education Code 15120-15126 and 15272.

Certificate of Results

If it appears from the certificate of election results that the appropriate majority of the voters are in favor of issuing the bonds, the Board of Education shall cause an entry of that fact to be made in its minutes. The Board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district all proceedings had in connection with the election results. (Education Code 15124, 15274)

(cf. 9324 - Board Minutes and Recordings)

Resolution Regarding Sale of Bonds

Following passage of the bond measure, the Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)

Prior to the sale of bonds, the Board shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)

1. Express approval of the method of sale
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance

After the sale, the Board shall be presented with the actual cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

Citizens' Oversight Committee

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The citizens' oversight committee shall consist of at least seven members including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the district
5. One member who is a parent/guardian of a child enrolled in the district and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)

(cf. 1230 - School-Connected Organizations)

No employee, official, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities

2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance audit required by Article 13A, Section 1(b)(3)(C) of the California Constitution

2. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b)(3)(D) of the California Constitution

3. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution

4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1

5. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:

- a. Mechanisms designed to reduce the costs of professional fees
- b. Mechanisms designed to reduce the costs of site preparation
- c. Recommendations regarding the joint use of core facilities
- d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
- e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The Board shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 1220 - Citizen Advisory Committees)

(cf. 9320 - Meetings and Notices)

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1340 - Access to District Records)

(cf. 9324 - Minutes and Recordings)

Members of the oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

Reports

Within 30 days after the end of each fiscal year, the Board shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

approved: March 11, 2008 Marysville, California



AUG 23 2010
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY Emily Arelano
COURT CLERK

FIRST 5 YUBA COMMISSION
1114 Yuba Street, SUITE 121
MARYSVILLE, CA 95901

TELEPHONE (530) 749-4877
FAX (530) 749-4840

Commissioners

Esperanza Arellano

Joseph W. Cassady, D.O.
Treasurer/Secretary

Tara D. Crim, MPH

Matthew John Floe, MAOM
Chair

Supervisor Mary Jane Griego

Suzanne Nobles
Vice-Chair

Cory O'Neal, MSC

Executive Director
Jenny Sharkey, MA

August 19, 2010

The Honorable Kathleen R. O'Connor
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

Re: 2009-2010 Yuba County Civil Grand Jury Report

Dear Honorable O'Connor:

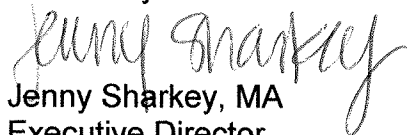
The 2009-2010 Yuba County Civil Grand Jury Report includes an investigation related to the First Five Yuba Commission. The investigation includes one finding and no recommendations.

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

In response to the above finding, the First Five Yuba Commission agrees. Although each year we have grown and expanded our advertising and promotional efforts, we are currently in the process of developing a formal Communications Plan. I anticipate that this document will be finalized this fall.

The Communications Plan includes four goals related to internal communications, community education, marketing, and public relations. Each goal has related objectives and strategies. Each year the Commission will prioritize specific objectives and strategies to advertise and promote available programs.

If you have any additional questions, please do not hesitate to contact me. Many thanks.


Jenny Sharkey, MA
Executive Director
First Five Yuba

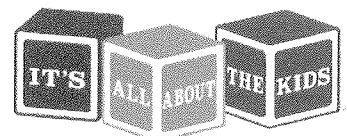
cc: Yuba County Board of Supervisors

Dental Disease is Communicable.

<http://www.first5oralhealth.org/>

Prevention starts during pregnancy.

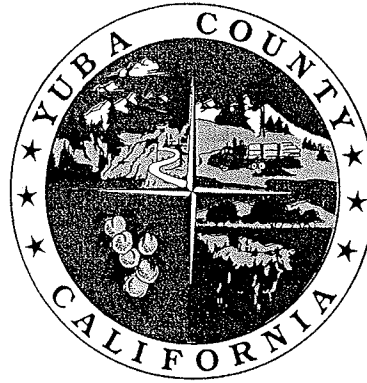
<http://www.first5yuba.org/>



The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS

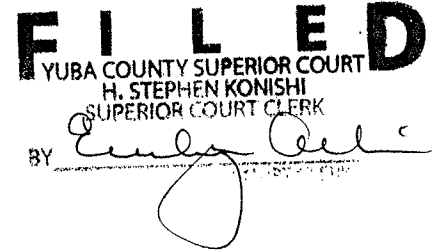
September 14, 2010



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

The Honorable Kathleen O'Connor
Grand Jury Supervising Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

SEP 17 2010



Re: RESPONSE TO 2009/10 GRAND JURY REPORT

Dear Judge O'Connor:

Provided pursuant to Penal Code Section 933(c) all comments from the Board of Supervisors related to the findings and recommendations contained in the 2009/10 Grand Jury Final Report. Consistent with Section 933(c), responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and our responses are consistent with provision of Penal Code Section 933.05(c). Therefore, we incorporate the responses of the various departments with our responses.

FIRST FIVE YUBA COMMISSION PROPOSITION 10 CALIFORNIA CHILDREN AND FAMILIES ACT

Finding 1:

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

Response to Finding 1:

In response to the above finding, the First Five Yuba Commission agrees. Although each year the Commission has grown and expanded advertising and promotional efforts, it is currently in the process of developing a formal Communications Plan. It is anticipated this document will be finalized this fall.

The Communications Plan includes four goals related to internal communications, community education, marketing, and public relations. Each goal has related objectives and strategies. Each year the Commission will prioritize specific objectives and strategies to advertise and promote available programs.

The Board of Supervisors concurs with the First Five Yuba Commission's response to Finding 1.

JUVENILE HALL/MAXINE SINGER YOUTH GUIDANCE CENTER
SECURED HOUSING UNIT

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.

Response to Finding 1:

We agree with this finding. Water on the SHU floor is produced when wards shower. It is our policy to have the floors mopped following showers.

In response to the issue of inadequate camera coverage throughout the facilities: while we would certainly benefit from an increased capacity to monitor facility activity through video monitors, there is no legal requirement to do so. Our current camera system was installed when the facility was constructed in 1976, and while it has undergone some upgrades as equipment failed, no comprehensive modernization/replacement of the system has been accomplished. Our existing system provides us the capacity to monitor all hallways, day rooms, the interior of the SHU and the entrance to the Camp kiosk area from our Central Control Room. As funding becomes available we intend to upgrade both the video and audio monitoring systems. A significant upgrade to the system would include the ability to record video and audio signals as a means to maintain a digital record of activities within the facilities.

Minors participating in the Construction Tech program offered by ROP at Camp Singer have not utilized safety goggles while operating stationary jig saws.

Recommendation 1:

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

Response to Recommendation 1:

Issues identified have been implemented.

SHU shower-procedures have been evaluated and staff directed to ensure the adequacy of the after shower cleanup.

The video monitoring systems have been reviewed and while not at the optimal standard, they are functional. Have undertaken a review of the system and anticipate having a consultant evaluate the system and provide input into the costs of bringing the system up to current standards.

ROP instructors have been informed of the concerns regarding protective eyewear and will ensure that minors using tools will wear goggles while operating equipment.

YUBA COUNTY SHERIFF'S DEPARTMENT/YUBA COUNTY JAIL

Finding 1:

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

Response to Finding 1:

Disagree. The sobering cells had been used by inmates prior to the grand jury visits. The inmates were fed a meal in the cells and had left some trash on the floor and in the toilet. These cells are cleaned and sanitized daily and as needed.

Recommendation 1:

Clean cells as they become vacant.

Response to Recommendation 1:

The recommendation is the current practice. There is an adequate cleaning practice in place. Cells are sanitized daily or more frequently, if required. Cells that are unsanitary are not used until they are cleaned.

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

Response to Finding 2:

Disagree in part. The laundry is efficient, effective and safe. Some delays were experienced in the vaccination program that have since been remedied.

- a. Inmates are not authorized to eat in the laundry.
- b. Laundry inmate workers are required to wear gloves when they handle dirty laundry. They are not required to wear gloves when they handle clean laundry.
- c. Jail, by definition, is a place for the secure detention of prisoners. It is a security requirement that the laundry remain locked to prevent escapes.
- d. During the week of July 26, 2010, all laundry workers were offered Hepatitis B vaccinations.

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.

Response to Recommendation 2:

The recommendation has been implemented. Inmates are provided training for the safe operation of the laundry. Laundry workers are provided gloves and are required to wear gloves when they handle dirty laundry. There is a hand washing station in the laundry. We have offered Hepatitis B inoculations to all laundry workers and have a record of acceptance or declination on file.

Finding 3:

The laundry area was built for a smaller jail. Though it meets CCT 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 received from the Sheriff: "We partially disagree with this finding. The laundry area was moved to its current location during the jail expansion in 1994/95. The laundry was previously located in the part of the space currently occupied by the jail kitchen, which was also expended in 1994/95." 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.

Response to Finding 3:

Disagree. The response to the size of the laundry area remains the same. The size of the laundry meets Title 24 requirements, it was built at the time the jail was expanded and renovated, and has adequately served the needs of the jail in its present location for more than 15 years. Further, we found no exposed electrical wiring in the laundry and found no breaches in the laundry duct work. There are no chemicals exhausted through the re-ventilation or duct systems. No one on the Grand Jury committee pointed out these deficiencies during the inspection as one would expect if it were thought to be a matter of safety.

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.

Response to Recommendation 3:

The recommendation will not be implemented. The laundry has been able to serve the needs of the facility in the current location with the existing configuration of machines. There is no necessity to expand or relocate the laundry. There is no available or viable

space to relocate the laundry within the security perimeter of the jail. There is no duct work or electrical wiring in the laundry in need of repair. The recent inspection by the State Fire Marshall found no deficiencies in the laundry.

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 areas. These issues were raised by the 20008-2009 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.

Response to Finding 4:

Agree. The finding is accurate in that females are not offered training in carpentry and electrical nor work in the kitchen; males are not offered life skills training or work in the laundry. However, due to the current fiscal crisis, the vocational education programs have been eliminated, and with them, most of this finding.

Recommendation 4:

Make all training and job duties available to all inmates.

Response to Recommendation 4:

The recommendation will not be implemented. The recommendation is not feasible for multiple reasons. Vocational training programs have been eliminated (carpentry, electrical, janitorial, and life skills) so further discussion is moot. As for job assignments, there are more than 9,000 persons booked into the jail each year. Some stay one day, some stay for months. Many prisoners are gang affiliated, have extensive criminal histories and are security risks, making them ineligible to hold jobs in the facility. Males and females cannot be mixed in job assignments and there are not enough females inmates meeting the proper classification to staff a kitchen crew. While the recommendation sounds like a simple task of job assignment, the logistical intricacies associated with running a jail make implementing this recommendation impractical, if not impossible.

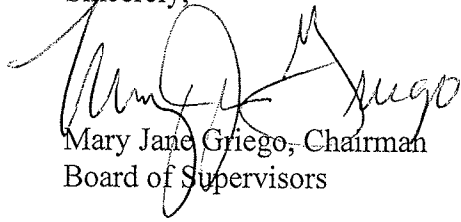
YUBA COUNTY SHERIFF'S DEPARTMENT CANINE (K9) UNIT

Commendation 1

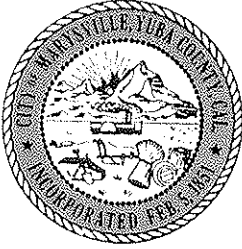
The Committee commends the Yuba County K9 Unit on its effective and efficient management, training, and deployment. The handlers/deputies and K9 Unit are very enthusiastic, knowledgeable, and dedicated to this community.

The Board of Supervisors would like to express their gratitude to the members of the 2009-2010 Grand Jury for their dedication and commitment to improving government in Yuba County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Jane Griego', written over the printed name and title.

Mary Jane Griego, Chairman
Board of Supervisors



CITY OF MARYSVILLE

526 "C" Street • P.O. Box 150 • Marysville, CA 95901 • (530)749-3901 • Fax (530)749-3992

NOV 8 2010

F I L L E D
YUBA COUNTY SUPERIOR COURT

H. STEPHEN KONISHI
SUPERIOR COURT CLERK

BY

COURT CLERK

November 4, 2010

The Honorable Kathleen R. O'Connor
Judge of the Superior Court
215 Fifth Street
Marysville, CA 95901

SUBJECT: Response to 2009-2010 Grand Jury Report

Dear Judge O'Connor:

I am writing on behalf of the Marysville City Council in response to findings made by the 2009-2010 Grand Jury regarding the City of Marysville's web site and the Historic Marysville Cemetery as outlined in the June 28, 2010, Grand Jury Final Report (See Pages 5, 47, 48 and 49).

FINDINGS AND RECOMMENDATIONS REGARDING THE CITY OF MARYSVILLE WEB SITE:

Finding 1:

The City of Marysville appears to be paying the Contractor an amount for basic service 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 the basic services to ensure that they are not too high.

Response to Recommendation 1:

The City has contacted the Contractor on this matter and the contractor has indicated that "Finding 1" above may have been a misunderstanding between himself and the Grand Jury. Additionally, the Contractor has indicated to City Staff that the monthly \$250.00 cost for website hosting and maintenance is a fair price. The City also contacted the Contractor regarding possession of a business license. The Contractor now has a current business license, whose annual cost to the Contractor is \$120.00.

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 services, 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.

Response to Recommendation 2:

The City agrees with the Grand Jury that when resources are available the entire agenda packet should be placed on the website. The City also appreciates the recommendation of the Grand Jury to charge a fee for event promoting on the website. Although we will look into this concept, we believe that the volume of hits on the website is so small that this is probably not a practical idea at this time.

FINDINGS AND RECOMMENDATIONS REGARDING THE HISTORIC MARYSVILLE CEMETERY**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.

Response to Recommendation 1:

Policies have been put into place which limits the activities of volunteers and other non-city employees within the cemetery to insure that remains and artifacts are not disturbed. Rules of conduct are explained to all volunteers.

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

Response to Recommendation 2:

The City Council recognizes the comments of the Grand Jury and will pursue the development of rules and regulations as the need arises. Maintenance of the cemetery is subject to severe budget limitations, and the Commission is encouraged to focus on items the City can afford to implement.

Finding 3:

Cemeteries contain unique local history and exposure to the local history can enhance the educational experiences and community pride for the 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.

Response to Recommendation 3:

The City Council agrees that a program with local schools would be desirable and is willing to work with interested volunteers to implement such programs. In the current budget circumstances, the limited staff time is focused on core city services.

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.

Response to Recommendation 4:

The City is always receptive to the donation of materials and services for the maintenance and restoration of the cemetery.

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.

Response to Recommendation 5:

The City will schedule relocation of the picnic table as needed to ensure such items do not intrude upon existing graves.

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.

Response to Recommendation 6:

The City Building Department has reviewed the installation and finds that it is in compliance with building codes.

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 to investigate the utility bill issues.

Response to Recommendation 7:

The City has and will continue to review the utility charges for possible economies. The electrical service at the cemetery powers security lighting and irrigation wells.

If you have any questions, or wish to speak with me, please call me at 530-749-3901. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dixon Coulter".

Dixon Coulter
Administrative Services Manager



CITY OF MARYSVILLE

526 "C" Street • P.O. Box 150 • Marysville, CA 95901

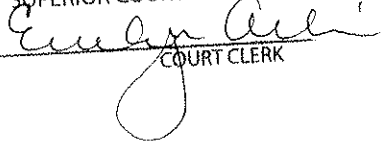
CITY SERVICES DEPARTMENT

David B. Lamon, P.E., Director
(530) 749-3902

Public Works	(530) 749-3902
Planning	(530) 749-3904
Building	(530) 749-3904
Fax	(530) 749-3991

NOV 19 2010

November 16, 2010

FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY 
COURT CLERK

Honorable Mayor and City Council
City of Marysville
P.O. Box 150
Marysville, CA 95901

Dear Honorable Mayor and City Council:

Re: 2009-10 Yuba County Grand Jury Report

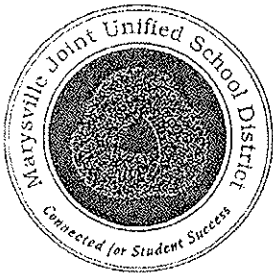
The Marysville Cemetery Commission has reviewed and concurs with the proposed response to the Yuba County Grand Jury 2009-10 Report regarding the functioning of the Marysville Cemetery and the Cemetery Commission.

Sincerely,



Roberta Shurtz
Chairman
Marysville Cemetery Commission

cc: Yuba County Grand Jury



Marysville Joint Unified School District

1919 B Street Marysville, CA 95901

(530) 741-6000 • FAX (530) 742-0573

August 16, 2010

Honorable Judge O'Connor
Supervising Judge of the Grand Jury
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

AUG 16 2010
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
COURT CLERK

RE: Response of Marysville Joint Unified School District, Bond Oversight Committee to the Final Report of the Yuba County Grand Jury 2009-2010, pp. 33-41.

To The Honorable Judge O'Connor:

Pursuant to California Penal Code sections 933 and 933.05, the Bond Oversight Committee ("Committee") for the Marysville Joint Unified School District ("District") hereby submits its formal response to the 2009-2010 Grand Jury Final Report ("Report") on the Bond Oversight Committee as follows:

INTRODUCTION

In May of 2007, the Committee was established for the oversight of Measure H funds. In January of 2009, the Committee's oversight was expanded to include Measure P bond funds. The Committee takes its role seriously and strives to protect the interests of taxpayers from the unauthorized use of bond funds.

The Committee is comprised of seven (7) members. Committee members serve a term of two (2) years and a maximum of two (2) consecutive terms. All Committee members are residents of the District who volunteer their time on an unpaid basis. Committee members may not be District officials, employees, vendors, contractors, or consultants. Current Committee members are:

1. Sally Sokoloski (Business Organization Member, Term Expires 5/21/11)
2. Roland D'Arcy (Senior Citizens' Organization Member, Term Expires 5/21/11)
3. John Nicoletti (Yuba County Board of Supervisors, Term Expires 5/14/13)
4. Leslie Cena (Parent of MCAA Student, Active in PTO, Term Expires 5/21/11)
5. Andrew Streng (Parent of MHS Student, Term Expires 5/21/11)
6. Lesley Harvell (Parent of MHS Student, Term Expires 5/21/11)
7. Margie Rollins (Taxpayers' Organization Member, Term Expires 10/7/12)

The purpose of the Committee is two fold:

- (1) To actively review District projects to ensure funds are utilized only for authorized purposes; and
- (2) To report to the public as to how the District is utilizing the bond funds, and whether those uses are authorized by the bond language.

Since 2007, the Committee has held twenty-two (22) meetings to review District projects. Committee meetings are held at the Marysville Joint Unified School District offices, located at 1919 "B" Street in Marysville.

All of the Committee's meetings are open to the public and comply with Brown Act requirements pertaining to open meetings, notices, and public participation. Subsequent Committee meetings are generally scheduled at the conclusion of each meeting and accommodate Committee members' availability to ensure a majority of the members are available for each meeting. Committee meeting agendas are posted at least seventy two (72) hours in advance of each meeting at the Superintendent's Office (in the same location as the Board of Trustee's meetings are posted) and on the District's website.

Since 2007, the Committee has issued two (2) annual reports:

- For the 2007/2008 fiscal year (October of 2008)
- For the 2008/2009 fiscal year (October of 2009)

It is anticipated that the annual report for the 2009/2010 fiscal year will be issued in October of 2010. The Committee's annual reports are available on the Committee's webpage on the District's website. However, the Committee has been informed that (due to a technological glitch) links to its annual reports were inadvertently omitted from the Committee's webpage for a period of time after the District revamped its website. Those links were immediately restored upon discovery of the omission. Additionally, upon their completion, annual reports are delivered to the United States Postal Service for mailing to every household within the District.

While the Committee acts independently from the District to review and report on projects, it does not have an independent funding source. As such, the Committee must rely on the District for administrative and technical assistance, including but not limited to:

- Providing information on bond expenditures;
- Providing draft annual reports;
- Providing facilities for Committee meetings;
- Coordinating the publishing and mailing of the Committee's annual report;

- Providing project status updates;
- Printing and publishing Committee meeting agendas and minutes; and
- Maintaining and publishing documents on the Committee's webpage.

The District routinely provides the Committee with information on projects and has always responded appropriately to Committee requests for clarification, further information and other assistance. The District's assistance is wholly consistent with the Education Code.

FACTS AND OBSERVATIONS IN THE GRAND JURY REPORT

Before the Committee provides its legally required responses to the Findings and Recommendations in the Grand Jury Report, the Committee points out the following mischaracterizations, misstatements of law, and/or inaccuracies in the "Facts and Observations" section of the Grand Jury Report:

- 1) On page 37 of the Report, the Grand Jury asserts that the Committee *"does not independently conduct its own meetings and has not had any meetings independent of those scheduled by the District."*
 - The first part of this statement completely mischaracterizes the conduct of Committee meetings. Open review of information and discussion by Committee members occurs at every Committee meeting. While the District provides the information (as, in fact, only the District can provide such information), it does not limit the Committee's ability to independently review and discuss that information. District representatives are available at every meeting to assist in the structure and presentation of voluminous information in an understandable fashion. However, District representatives in no way hinder the independent discussion and review of information.
 - The second part of this statement is simply inaccurate. As discussed in the Introduction, subsequent meetings are scheduled at the conclusion of each meeting. The schedule is determined by the availability and desire of Committee members. The only role the District plays in the scheduling of meetings is ensuring that proper facilities are available and that the meeting agendas are timely published.

- 2) On page 39 of the Report, the Grand Jury asserts that *"five members (on BOC since established in 2006) will complete their service in July 2010 and will need replacement."*
 - This statement inaccurately reports the expiration of terms limits. While five (5) members of the Committee are in the final year of their second term, their terms do not expire until May 21, 2011. Those five (5) members are original members of the Measure H Bond Oversight Committee and were officially appointed at its first meeting on May 21, 2007.
- 3) On page 39 of the Report, the Grand Jury asserts that *"The [annual] report must be sent to all households in the District . . . the report . . . was not received by residents in the outlying areas, such as Brownsville and Loma Rica."*
 - This statement implies that the Committee is legally required to mail and/or deliver a hard copy of its annual report to all households in the District. This is a misstatement of law. Education Code § 15280 requires that annual reports "shall be a matter of public record and be made available on an Internet website maintained by the governing board." There exists no requirement that the Committee's annual report be mailed and/or delivered to all households in the District.
 - While not legally required, the Committee provides a sufficient number of hard copies of its annual report to the United States Postal Service with instructions to deliver one copy to each household in the District. The Committee appropriately relies on the United States Postal Service to perform this function. As such, any failure in delivery is not due to a deficiency in any function of the Committee. The Committee had gone above and beyond in implementing this extra step as all citizens may not have computers and/or internet access.
- 4) On page 39 of the Report, the Grand Jury asserts that *"The [Education Code] requires the BOC to report on their activities; no information was provided."*
 - This statement is another misstatement of the law. Education Code 15280 requires the Committee to "issue regular reports on the results of its activities." There exists no requirement that the Committee "report on their activities" as stated by the Grand Jury.
 - Further, minutes from all Committee meetings are available on the Committee's webpage and contain reports on all activities taken by the Committee. The Grand Jury clearly reviewed the minutes of the Committee as it references them on page

38 of the Report. As such, the statement that no information was provided on the Committee's activities is completely inaccurate and disingenuous.

- 5) On page 39 of the Report, the Grand Jury asserts that the Committee failed to appropriately investigate an expenditure of Measure H funds for the demolition of W.T. Ellis School.
- As the District intends to construct new and replacement facilities on the site of the former W.T. Ellis School, its demolition was an appropriate use of bond proceeds. Clearly, there can be no reconstruction without demolition.
 - The District analyzed the situation and determined, appropriately, that modernization of the site would not be cost-effective. Subsequent to that determination, the District rightfully demolished the school, as to maintain it while not in use would have cost the taxpayers more money.
 - Given that: (1) the District plans to construct new facilities on the site; and (2) the District retains ownership of the site, the demolition was entirely appropriate, as was the Committee's conclusion.

GRAND JURY CONDUCT

As previously mentioned, Committee members volunteer their time, and have other jobs by which they earn their livelihood. On more than one occasion, Committee members showed up, during their usual work day and at the Grand Jury's request, to scheduled interviews, only to have Grand Jury members not show up at all, or show up late. On other occasions, Committee members adjusted their schedules at the Grand Jury's request, only to have the Grand Jury again change the dates and/or times, or not call back at all. In the course of the investigation, on more than one occasion, the Grand Jury denied these citizen volunteers basic common courtesy.

REQUIRED RESPONSES TO FINDINGS AND RECOMMENDATIONS

- I. **Finding 1:** *"The Bond Oversight Committee has not fully assumed all aspects of its oversight authority and responsibilities."*

- **Response to Finding 1: Disagree.**

The Committee has performed all **legally required** functions. Additionally, it has used its discretion to take on additional activities authorized by the Education Code. The Committee has used its authority in the manner it deems necessary to satisfy its legal responsibilities, including:

- Ensuring projects are appropriately funded, and
- Informing the public concerning the expenditure of bond funds in a comprehensible fashion.

As the Committee has reported in each and every annual report, the Committee's findings to date are that:

- The District has properly accounted for the expenditure of bond funds; and
- Bond funds have not been used for administrator salaries or other school operating expenditures.

To that end, the Committee has fully assumed all aspects of its responsibilities.

II. 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 by the EC"*

- **Response to Recommendation 1: Already Implemented in part; Will Not Be Implemented in part.**

As discussed herein, the Committee acted completely independently in performing its duties, relying on the District only to the extent authorized in the Education Code.

Training: The Committee has already received sufficient training from an outside source. On May 21, 2007, Jonathan Edwards and Michael Terry of Government

Financial Strategies (an independent public finance consulting firm) provided the Committee with an in-depth training on Funding & Financing School Facilities in California. Further, Committee members were also provided with a detailed training packet concerning the establishment and operation of a Bond Oversight Committee. That training packet was prepared by the law firm, Kronick Moskowitz Tiedemann & Girard. [Attachment 1].

Audit Summations: The Committee already annually receives and reviews a report prepared by Perry-Smith LLP (an independent audit, tax and consulting firm) specifically concerning the expenditures of Measure H and Measure P funds. The report includes specific summations on the procedures performed and the conclusions reached as well as information regarding the financial activity and balance of the bond fund for the fiscal year. The Committee reviews the report in conjunction with a multitude of other information concerning bond expenditures to reach its conclusions on whether bond funds have only been expended only for projects specifically authorized by voter approval. [Attachment 2].

Annual Reports: The Committee already issues annual reports, as discussed above. Each and every annual report includes a review of projects that have been completed, are in progress or are in design for which bond expenditures are being used. Each and every annual report includes a finding as to whether the District has properly accounted for the expenditures of bond funds, and whether bond funds have been used for administrator salaries or other operating expenditures. As discussed above, an annual report on the Committee's *activities* is not required. In any event, the Committee's activities are reported on a more frequent basis in the Committee meeting minutes which are available on the Committee's webpage:

(<http://www.mjUSD.com/education/components/docmgr/default.php?sectiondetailid=1333&catfilter=ALL#showDoc>).

Meetings and Contact Information: As discussed above, the Committee's open meeting and notice requirements are governed by the Brown Act. The Brown Act requires that the legislative body of a local agency post an agenda at least 72 hours before a regular meeting (Government Code 54954.2). This is the same requirement imposed on every other legislative body of local agencies in California. The Committee finds, as does the California Legislature, that compliance with the Brown Act is sufficient to notify the public of the time and place of upcoming meetings. In this regard, the Committee has already implemented a process to ensure taxpayers are timely notified of its meetings.

Regarding the Grand Jury's recommendation that the Committee members' personal phone numbers and email addresses be available on the Committee's website, this is an unreasonable request and invasion into the voluntary, uncompensated Committee members' personal lives. The public may, however, submit any inquires to the address and/or telephone number listed on the Committee's website. While this is the District's main address and telephone number, the Committee is confident that the District will relay any and all communications to the Committee.

Annual Reports on Website: As discussed above, the Committee's annual reports are available on the Committee's webpage located on the District's website. The Committee has been informed that (due to a technological glitch) links to its annual reports were inadvertently omitted from the Committee's webpage for a period of time after the District revamped its website. **Those links were restored immediately upon discovery of the omission.**

III. 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."*

• **Response to Finding 2: Agree in part; Disagree in part.**

The Committee agrees with the Grand Jury's finding that a Bond Oversight Committee established pursuant to Education Code § 15278(a) is required to independently monitor and report to the public on the expenditures of bond funds by the District.

However, the Grand Jury's finding that the Committee is not acting independently of the District is erroneous. As discussed above, the Committee is an independent body. However, as it does not have a funding source independent of the District, it must rely on the District for the provision of services and resources to perform its functions. This is consistent with the Education Code.

It may "appear" to the Grand Jury that the Committee is not independent from the District because the District provides information and resources to the Committee. However, as discussed above, the Committee's performance of its monitoring and reporting functions is carried out independent from District intrusion. Open

review of information and discussion by Committee members occurs at every Committee meeting. The District provides much of the information (as it is the custodian of such information), but that in no way limits the Committee's ability to independently review and discuss that information.

District representatives are available at every meeting to assist in the structure and presentation of information in a comprehensible fashion, and meet all Committee requests for additional information in a timely manner. However, District representatives in no way hinder the independent discussion and review of information.

IV. **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"*

- **Response to Recommendation 2: Already Implemented in part; Will Be, But Has Not Yet Been, Implemented in part.**

Ensure Independence: The Committee has already established its independence from the District.

Limited Involvement of District: As discussed at length above, District involvement in the Committee is inextricably intertwined. Without District resources and information, the Committee simply cannot function. The District's involvement cannot be limited to "being available for comment and clarification"; somebody has to provide the project information to the Committee. That said, once the pertinent information is received the Committee independently performs its monitoring and reporting functions. Findings of the Committee are made solely on the beliefs and understandings of Committee members without intervention, persuasion or coercion from District employees.

Appoint a Chairperson: While not legally required, the Committee will draft informal procedural guidelines which may, among other things, address the appointment of a Chairperson.

Bylaws: This is not legally required. However, the Committee will draft informal procedural guidelines.

Set its own agenda: While not legally required, the Committee will draft informal procedural guidelines, which may, among other things, address the process by which the Committee's agenda is created.

Run its own meetings: The Committee believes this recommendation is too vague to form a response. This recommendation appears to be repetitive in light of the prior recommendation to appoint a Chairperson to facilitate the meetings. On the other hand, if this recommendation suggests that the Committee should conduct its meetings without any support from the District, it is unreasonable as the Committee relies heavily on the District for its resources and information.

Issue its own reports: Like the previous recommendation, the Committee believes this recommendation is too vague to form a response. As discussed above, the Committee does not have a funding source independent of the District. As such, the Committee must rely on the District for administrative, financial, and technological support in the issuance of its reports. In that respect, the Committee cannot be wholly independent in the issuance of its annual reports. On the other hand, the Committee already issues its own annual reports which only contain information that is consistent with findings, beliefs, and understandings of the Committee members. In that regard, this particular recommendation has already been implemented.

- V. **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."*

- **Response to Finding 3: Agree in part; Disagree in part.**

Term Limits: The Committee agrees with the Grand Jury's finding that term limits for its members are limited to two consecutive, two-year terms. The Committee disagrees with the finding that five (5) of the current members will complete their terms in July 2010.

members are original members of the Measure H Bond Oversight Committee and were officially appointed at its first meeting on May 21, 2007.

Written Process: While **not legally required**, the Committee will draft informal procedural guidelines that may, among other things, establish a process for the recruitment and selection of future Committee members.

VI. **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"*

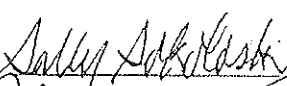



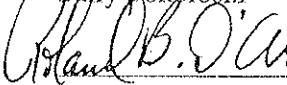
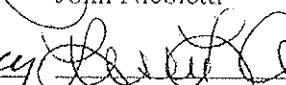
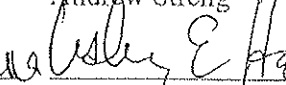
- **Response to Recommendation 3: Defer to Board of Trustees Response.**

CONCLUSION

The Bond Oversight Committee is comprised of members of the public who reside in the Marysville Joint Unified School District boundaries. Committee members perform their functions and duties voluntarily and are motivated solely by their mission to protect the interest of District taxpayers and ensure that bond funds are properly utilized. Other than receiving necessary information and support from the District, the Committee acts wholly independently.

Sincerely,

Marysville Joint Unified School District
Bond Oversight Committee

 Sally Sokoloski	 John Nicoletti	 Andrew Streng	 Margie Rollins
 Roland D'Arcy	 Leslie Cena	 Lesley Harvell	

Honorable Judge O'Connor
August 16, 2010
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cc: Marysville Joint Unified School District, Board of Trustees
Dr. Gay Todd, Superintendent
Mark Allgire, Assistant Superintendent, Business Services
Christopher Chen, Foreperson
Paul Thompson, Kingsley Bogard Thompson LLP
P. Addison Covert, Kronick Moskovitz Tiedemann & Girard
Jonathan Edwards, Governmental Financial Strategies
Matthew Nethaway, Perry-Smith LLP

ATTACHMENT 1

ESTABLISHMENT AND OPERATION OF
THE CITIZENS' OVERSIGHT COMMITTEE
(Proposition 39 General Obligation Bond Elections)

Establishment

The school district governing board must establish and appoint members to a citizens' oversight committee within 60 days after the governing board confirms the results of the election. The governing board may establish the committee by approving bylaws for its operation.

Members; Organizational Rules

Number of Members. The oversight committee is required to have at least seven members.

Group Representatives. The oversight committee shall include:

1. One member active in a business organization representing the business community located within the district;
2. One member active in a senior citizens' organization;
3. One member who is active in bona-fide taxpayers' organization;
4. One member who is a parent or guardian of a district student; and
5. One member who is a parent or guardian of a district student and active in a parent-teacher organization.

Prohibited Members. No school district official, employee, vendor, contractor, or consultant may serve on the oversight committee.

Term of Membership; Compensation. Members serve for a two-year term and may not serve more than two consecutive terms. Members serve without compensation.

Conflict rules. Members may not have a financial interest in any contract or sale of property involving the school district. Members may not engage in any employment or activity for compensation that is inconsistent, incompatible or in conflict with their service on the Oversight Committee.

Brown Act. Because it is a committee established by the district governing board, the meetings of the committee are subject to the rules of the Ralph M. Brown Act.

Other Organizational Rules. As the organizing authority for the committee, the school district governing board may establish such other rules for the operation of the committee as it deems appropriate, including rules for removal of members, filling vacancies, selecting officers, the frequency of committee meetings, the place and time for meetings, the number of members constituting a quorum, the number of votes required for committee action, etc.

Purpose

The purpose of the oversight committee, as stated in Education Code section 15278, is to "actively review and report" to the public as to whether the school district spends the bond proceeds only for construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Activities

Education Code section 15278 provides that the committee may engage in any of the following activities:

1. Receiving and reviewing copies of the district governing board's annual, independent performance audit.
2. Receiving and reviewing copies of the district governing board's annual, independent financial audit.
3. Inspecting school facilities and grounds to ensure that bond revenues are expended for authorized purposes.
4. Receiving and reviewing copies of deferred maintenance proposals, plans, or reports prepared by the school district.
5. Reviewing efforts by the school district to maximize bond revenues by implementing cost-saving measures, such as:
 - (a) mechanisms designed to reduce the costs of professional fees.
 - (b) mechanisms designed to reduce the costs of site preparation.
 - (c) recommendations regarding the joint use of core facilities.
 - (d) mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
 - (e) recommendations regarding the use of cost-effective and efficient reusable facility plans.

Reports and Publication of Information.

Education Code section 15280 provides that the committee shall issue regular reports on the results of its activities and shall issue a report at least once a year. The committee shall make available the minutes of its proceedings, all documents it receives, and all reports it issues on an Internet website maintained by the school district.

Other Functions

The committee's duties under the Education Code are only to review information and report to the public concerning whether bond funds are spent properly. The Education Code does not require or authorize the committee to make any recommendations to the school district governing board. As the organizing authority for the committee, the district governing board has the power to add other oversight or advisory functions to the committee.

District Support

Education Code section 15280 provides that the school district shall provide the committee with technical and administrative assistance and sufficient resources to publicize the committee's conclusions. The school district may not use bond proceeds for these purposes.

ATTACHMENT 2

**INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES**

Board of Trustees and
Measure H Oversight Committee
Marysville Joint Unified School District
Marysville, California

We have performed the procedures enumerated in Attachment II, which were agreed to by Marysville Joint Unified School District (the "District") and the Measure H Oversight Committee (the "Committee"), solely to assist the Committee in evaluating District management's assertions concerning disbursement of Measure H Bond funds for the fiscal year ended June 30, 2008. This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the District and the Committee. Consequently, we make no representation regarding the sufficiency of the procedures described in Attachment II either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and conclusions reached as a result of these procedures are identified in Attachment II. Attachment III provides information regarding the financial activity and balance of the bond fund for the year ended June 30, 2008.

We were not engaged to, and did not, perform an examination, the objective of which would be the expression of an opinion on management's assertions. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of Marysville Joint Unified School District and the Measure H Oversight Committee and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

Perry-Smith LLP

January 7, 2009

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
BACKGROUND INFORMATION

LEGISLATIVE HISTORY

On November 7, 2000, California voters approved Proposition 39, the Smaller Classes, Safer Schools, and Financial Accountability Act. Proposition 39 amended portions of the California Constitution to provide for the issuance of general obligation bonds by school districts, community college districts, or county offices of education, "for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of rental property for school facilities", upon approval by 55% of the electorate.

MARYSVILLE UNIFIED SCHOOL DISTRICT MEASURE H GENERAL OBLIGATION BONDS

On June 6, 2006, the electorate of the Marysville Joint Unified School District approved the \$37,000,000 Measure H general obligation bonds with greater than 55% of the votes in favor.

The Bond funds are to be used to improve the quality of education by repairing and modernizing worn-out local schools, such as repairing, upgrading or replacing roofs, heating/air conditioning and plumbing systems; constructing, acquiring, converting, furnishing and equipping school facilities; and to help qualify for State modernization and construction matching funds.

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
PROCEDURES PERFORMED AND CONCLUSIONS

PROCEDURES PERFORMED

Marysville Joint Unified School District provided to us a list of all Measure H project expenditures (the "List"). A total of 242 expenditures were identified representing \$3,101,689 in expenditures from July 1, 2007 to June 30, 2008. We performed the following procedures related to the List of Measure H bond expenditures:

- Verified the mathematical accuracy of the List.
- Selected 60 expenditures totaling \$2,133,763. The audit sample represented 25% of the total number of expenditures and 69% of the total expenditure value. Verified that funds were used for the construction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities and that funds were not spent for salaries or other administrative expenses.

CONCLUSIONS

- The List was mathematically accurate.
- Each of the expenditures tested represented valid Bond expenditures, were properly charged to the location indicated, were properly coded as to the nature of the expenditure, and were determined to represent construction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities and were not spent for salaries or other administrative expenses.

Board of Trustees and
Measure H Oversight Committee
Marysville Joint Unified School District
Marysville, California

We have compiled the accompanying Statement of Revenues, Expenditures and Change in Fund Balance – Building Fund (Measure H Bond Fund) for the fiscal year ended June 30, 2008 (Attachment III), in accordance with Statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying Statement of Revenues, Expenditures and Change in Fund Balance – Building Fund for the fiscal year ended June 30, 2008 and, accordingly, do not express an opinion or any other form of assurance on it.

Sacramento, California
January 7, 2009

Perry-Smith LLP

ATTACHMENT III

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE
BUILDING FUND

For the Fiscal Year Ended June 30, 2008

Revenues:	
Interest and investment income	<u>\$ 761,600</u>
Expenditures:	
Materials and supplies	134
Rentals and leases	55,000
Contract services and operating expenditures	158,088
Capital outlay	<u>2,888,467</u>
Total expenditures	<u>3,101,689</u>
Excess of expenditures over revenues	(2,340,089)
Fund balance:	
Beginning of year	<u>18,526,996</u>
End of year	<u>\$ 16,186,907</u>

See accountant's compilation report and
note to financial statements.



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**INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES**

Board of Trustees and
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We have performed the procedures enumerated in Attachment II, which were agreed to by Marysville Joint Unified School District (the "District") and the Measure H Oversight Committee (the "Committee"), solely to assist the Committee in evaluating District management's assertions concerning disbursement of Measure H Bond funds for the fiscal year ended June 30, 2009. This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the District and the Committee. Consequently, we make no representation regarding the sufficiency of the procedures described in Attachment II either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and conclusions reached as a result of these procedures are identified in Attachment II. Attachment III provides information regarding the financial activity and balance of the bond fund for the year ended June 30, 2009.

We were not engaged to, and did not, perform an examination, the objective of which would be the expression of an opinion on management's assertions. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of Marysville Joint Unified School District and the Measure H Oversight Committee and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

Perry-Smith LLP

December 15, 2009

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
BACKGROUND INFORMATION

LEGISLATIVE HISTORY

On November 7, 2000, California voters approved Proposition 39, the Smaller Classes, Safer Schools, and Financial Accountability Act. Proposition 39 amended portions of the California Constitution to provide for the issuance of general obligation bonds by school districts, community college districts, or county offices of education, "for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of rental property for school facilities", upon approval by 55% of the electorate.

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT MEASURE H GENERAL OBLIGATION
BONDS

On June 6, 2006, the electorate of the Marysville Joint Unified School District approved the \$37,000,000 Measure H general obligation bonds with greater than 55% of the votes in favor.

The Bond funds are to be used to improve the quality of education by repairing and modernizing worn-out local schools, such as repairing, upgrading or replacing roofs, heating/air conditioning and plumbing systems; constructing, acquiring, converting, furnishing and equipping school facilities; and to help qualify for State modernization and construction matching funds.

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
PROCEDURES PERFORMED AND CONCLUSIONS

PROCEDURES PERFORMED

Marysville Joint Unified School District provided to us a list of all Measure H project expenditures (the "List"). A total of 1,162 expenditures were identified representing \$22,205,743 in expenditures from July 1, 2008 to June 30, 2009. We performed the following procedures related to the List of Measure H bond expenditures:

- Verified the mathematical accuracy of the List.
- Selected 60 expenditures totaling \$16,938,505. The audit sample represented 5% of the total number of expenditures and 76% of the total expenditure value. Verified that funds were used for the construction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities and that funds were not spent for salaries or other administrative expenses.

CONCLUSIONS

- The List was mathematically accurate.
- Each of the expenditures tested represented valid Bond expenditures, were properly charged to the location indicated, were properly coded as to the nature of the expenditure, and were determined to represent construction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities and were not spent for salaries or other administrative expenses.

Board of Trustees and
Measure H Oversight Committee
Marysville Joint Unified School District
Marysville, California

We have compiled the accompanying Statement of Revenues, Expenditures and Change in Fund Balance -- Building Fund (Measure H Bond Fund) for the fiscal year ended June 30, 2009 (Attachment III), in accordance with Statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying Statement of Revenues, Expenditures and Change in Fund Balance -- Building Fund for the fiscal year ended June 30, 2009 and, accordingly, do not express an opinion or any other form of assurance on it.

Perry Smith UP

Sacramento, California
December 15, 2009

ATTACHMENT III

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE
BUILDING FUND

For the Fiscal Year Ended June 30, 2009

Revenues:	
Interest and investment income	\$ 422,953
Proceeds from the issuance of	
General Obligation Bonds	19,000,000
Operating transfers in	1,248,641
Other financing activities	<u>389,876</u>
Total revenues	<u>21,061,470</u>
Expenditures:	
Materials and supplies	25,056
Contract services and operating expenditures	511,559
Capital outlay	21,668,294
Other financing uses	<u>834</u>
Total expenditures	<u>22,205,743</u>
Excess of expenditures over revenues	(1,144,273)
Fund balance:	
Beginning of year	<u>16,186,907</u>
End of year	<u>\$ 15,042,634</u>

See accountant's compilation report and
note to financial statements.

The County of Yuba

GRAND JURY

