

Responses to

The 2011-2012 Grand Jury Report

Responses to

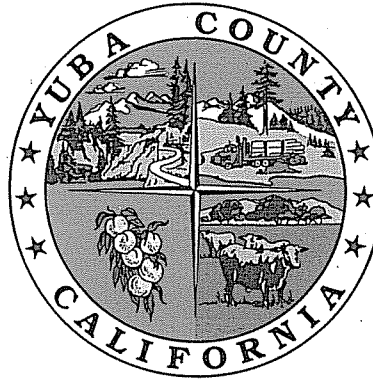
Unauthorized Changes in Building Permit Fees

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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Marysville, California 95901
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ENVIRONMENTAL HEALTH • CUPA
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HOUSING AND COMMUNITY SERVICES
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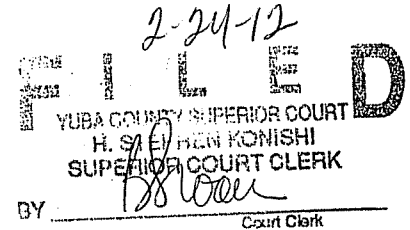
PLANNING
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PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

February 24, 2012

The Honorable Stephen Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901



Re: RESPONSE TO 2011-12 GRAND JURY
"UNAUTHORIZED CHANGES IN BUILDING PERMIT FEES"

Dear Judge Berrier,

This letter, provided pursuant to Penal Code Section 933.05, is the Community Development and Services Agency Director's response to the 2011-2012 Grand Jury Report – Findings and Recommendations concerning the investigation into the unauthorized changes in building permit fees.

FINDINGS

F1. Pursuant to Yuba County Policy and Procedures Manual, the Board of Supervisors is the only County entity that is authorized to establish, change and waive fees for County-provided services.

Disagree Partially. The Board of Supervisors is the entity to set fee policy through ordinances and resolutions. However, it depends on how each of the ordinances and resolutions are written as to whether the Board has granted any discretion to a Department Head to determine the amount of fee. For example, there are several instances within Chapter 13 of the Yuba County Ordinance Code where discretion is granted to the Department Head to charge a fee in the amount of the "Actual Cost" or "Calculated Cost" or "Direct Cost" or "Replacement Cost" or "Time and Materials".

F2. "Half fee" waivers were given to residential construction projects, where the work was performed by the owners themselves, between 2005 and 2008, without authority from the Board of Supervisors.

Disagree Partially. Based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation, building permits that were issued collecting a "half fee" included residential and non-residential projects constructed by both owners themselves as well as contractors. The County has retained a Third Party Investigator to thoroughly examine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon conclusion of the Third Party's investigation the County will have a more complete understanding of what occurred and by whom.

- F3. *"Half fee" waivers were given to a commercial home developer group in October 2006.*

Agree with this finding based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation.

- F4. *"Half fee" waivers were given to a commercial construction project in May 2008, which was and is owned by a former Yuba County Supervisor.*

Agree with this finding based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation.

- F5. *A similar commercial construction project to that of the former Supervisor did not receive the "half fee" waiver in May 2008, but rather paid full price.*

Agree with this finding based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation.

- F6. *The Chief Building Official did not and does not have the authority to establish, change and waive permit fees.*

Disagree Partially. The ordinances and resolutions in effect between 2006 and present provide the Chief Building Official discretion in certain circumstances as to the amount of fees collected, such as when a violation of the County's building ordinance occurs.

- F7. *The Chief Building Official appears to have exhibited favoritism by providing the "half fee" waiver to residential construction projects, where the work was performed by the owners themselves.*

Disagree Partially. Based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation, both residential and non-residential construction projects were given the "half fee" regardless of whether the owner was performing the work themselves or a contractor was performing the work. The County has retained a Third Party Investigator to thoroughly examine how the building permits receiving the "half fee" were selected, by whom, and under what

authority or direction. Upon conclusion of the Third Party's investigation the County will have a more complete understanding of what occurred and by whom.

- F8. *The Chief Building Official appears to have exhibited favoritism by granting the "half fee" waiver to one commercial home developer group.*

Disagree Partially. Based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation, both residential and non-residential construction projects were given the "half fee" regardless of whether the owner was performing the work themselves or a contractor was performing the work. The County has retained a Third Party Investigator to thoroughly examine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon conclusion of the Third Party's investigation the County will have a more complete understanding of what occurred and by whom.

- F9. *The Chief Building Official appears to have exhibited favoritism by granting the "half fee" waiver to a former Supervisor for his commercial construction project, while not granting the "half fee" waiver to a similar commercial construction project taking place during the same timeframe.*

Disagree Partially. Based on the report prepared by the Building Department and submitted to the Grand Jury during their investigation, both residential and non-residential construction projects were given the "half fee" regardless of whether the owner was performing the work themselves or a contractor was performing the work. The County has retained a Third Party Investigator to thoroughly examine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon conclusion of the Third Party's investigation the County will have a more complete understanding of what occurred and by whom.

RECOMMENDATIONS

- R1. *Increased oversight should be implemented to ensure that only fees authorized by the Board of Supervisors are changed.*

Recommendation has been implemented in part. The four Department Heads and Finance Manager within the Community Development and Services Agency were requested to each review the ordinances and resolutions adopted by the Board relative to the fees of their respective Departments. Then, review the procedures of their employees collecting fees to ensure they are consistent with the adopted ordinances and resolutions. The second part of implementing this recommendation will be to implement any process

control recommendations provided by the Third Party Investigator retained by the County.

- R2. *The Chief Building Official should be held accountable for failing to follow the County's Administrative Policy & Procedures Manual, Policy B-2, regarding the establishment of fees.*

Recommendation requires further analysis. The Third Party Investigator is currently conducting an investigation to determine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon completion of the investigation a report of the findings and recommendations will be presented to the Board of Supervisors for their consideration.

- R3. *The Chief Building Official should be held accountable for a perceived show of favoritism when providing the "half fee" to residential construction projects where the work is performed by the owner themselves, as well as to the tow commercial construction projects.*

Recommendation requires further analysis. The Third Party Investigator is currently conducting an investigation to determine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon completion of the investigation a report of the findings and recommendations will be presented to the Board of Supervisors for their consideration.

- R4. *The Chief Building Official should be held accountable for the loss of revenue to the Building Department.*

Recommendation requires further analysis. The Third Party Investigator is currently conducting an investigation to determine how the building permits receiving the "half fee" were selected, by whom, and under what authority or direction. Upon completion of the investigation a report of the findings and recommendations will be presented to the Board of Supervisors for their consideration.

I would like to thank the Grand Jury for their efforts and valuable time spent working to improve local government services and look forward to working with the Grand Jury in the future.

Sincerely,



Kevin Mallen
CDSA Director

cc: Yuba County Board of Supervisors
Robert Bendorf, CAO

The County of Yuba

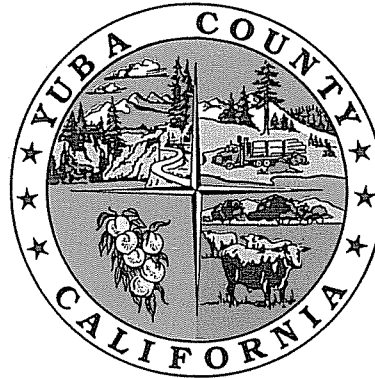
Community Development & Services Agency

Kevin Mallen, Director

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February 23, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901



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PUBLIC WORKS • SURVEYOR
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2-24-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

Re: RESPONSE TO 2011-12 GRAND JURY

Dear Judge Berrier,

This letter, provided pursuant to Penal Code Section 933.05, is the Chief Building Official's response to the 2011-2012 Grand Jury Final Report – Findings concerning the investigation into the unauthorized changes in building permit fees.

FINDINGS

F1. Pursuant to Yuba County Policy and Procedures Manual, the Board of Supervisors is the only County entity that is authorized to establish, change and waive fees for County-provided services.

Response; Agree

F2. "Half fee" waivers were given to residential construction projects, where the work was performed by the owners themselves, between 2005 and 2008, without authority from the Board of Supervisors.

Response; Disagree; Fee data was installed into the building permit tracking system utilizing the pricing levels established by the Board of Supervisors (Ordinance Number 1358-A) and contained in Title 13 of the Yuba County Ordinance Code pursuant to a fee study conducted during fiscal year 2004/2005 by the contracted consultant firm MAXIMUS. At the County Administrative

Officer's, (Kent McClain) and Interim Community Development Director's (Kent McClain's) direction I was required to administratively apply a "half fee" to permits.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

- F3.** *"Half fee" waivers were given to a commercial home developer group in October 2006.*

Response; Agree; On December 15, 2006 "Half Fee" waivers were applied to two permits to Reynen and Bardis Communities for a handicapped restroom in a model home and tenant improvement for a garage conversion into a sales office in a model home.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

- F4.** *"Half fee" waivers were given to a commercial construction project in May 2008, which was and is owned by a former Yuba County Supervisor.*

Response; Agree; "Half Fee" waivers were given to a former Yuba County Supervisor for seven buildings that were part of a mini storage project.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

- F5.** *A similar commercial construction project to that of the former Supervisor did not receive the "half fee" waiver in May 2008, but rather paid full price.*

Response; Agree; Building permit fees were assessed as described in F2 above.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

- F6. *The Chief Building Official did not and does not have the authority to establish, change and waive permit fees.***

Response; Agree

- F7. *The Chief Building Official appears to have exhibited favoritism by providing the "half fee" waiver to residential construction projects, where the work was performed by the owners themselves.***

Response; Disagree; Building permit fees were assessed as described in F2 above.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

- F8. *The Chief Building Official appears to have exhibited favoritism by granting the "half fee" waiver to one commercial home developer group.***

Response; Disagree; On December 15, 2006 "Half Fee" waivers were applied to two permits to Reynen and Bardis Communities for a handicapped restroom in a model home and tenant improvement for a garage conversion into a sales office in a model home.

Building permit fees were assessed as described in F2 above.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

F9. The Chief Building Official appears to have exhibited favoritism by granting the "half fee" waiver to a former Supervisor for his commercial construction project, while not granting the "half fee" waiver to a similar commercial construction project taking place during the same timeframe.

Response; Disagree; Building permit fees were assessed as described in F2 above.

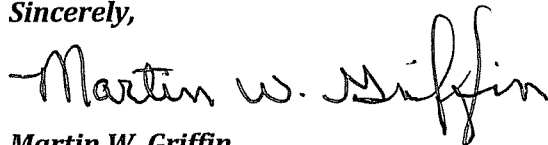
A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

F10. The Chief Building Official stated he was instructed by the Board of Supervisors to provide the "half fee" waiver, but the supervisors who were interviewed had no knowledge of such a waiver.

Response; Disagree; Building permit fees were assessed as described in F2 above.

A 3rd party investigation into the Grand Jury's allegations and audit of the building permit data will provide relevant information that will provide a more detailed report on how the "Half Fee" waivers were given and by whom and under what authority.

Sincerely,

A handwritten signature in black ink that reads "Martin W. Griffin". The signature is written in a cursive, flowing style.

**Martin W. Griffin
Chief Building Official**

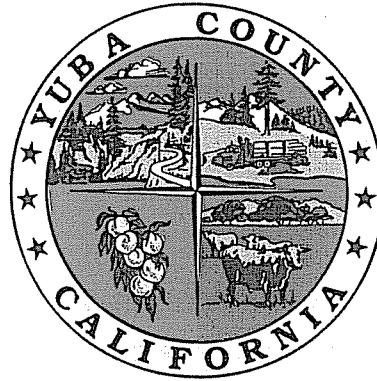
**CC: Board of Supervisors
CC: County Administrative Officer**

rcvd 2-27-12 4:07 pm

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

GOVERNMENT CENTER - 915 8TH STREET, SUITE 115
MARYSVILLE, CALIFORNIA 95901-5273
(530) 749-7575 FAX (530) 749-7312



ROBERT BENDORF
COUNTY ADMINISTRATOR

JOHN FLEMING
ECONOMIC DEVELOPMENT COORDINATOR

RUSS BROWN
COMMUNICATIONS & LEGISLATIVE
AFFAIRS COORDINATOR

GRACE M. MULL
MANAGEMENT ANALYST

TEENA CARLQUIST
EXECUTIVE ASSISTANT TO THE
COUNTY ADMINISTRATOR

February 27, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

2-27-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

Re: RESPONSE TO 2011-12 GRAND JURY REPORT

Dear Judge Berrier,

This letter, provided pursuant to Penal Code Section 933.05, is the County Administrator's response to the 2011-2012 Grand Jury Report – Findings and Recommendations concerning the investigation into the unauthorized changes in building permit fees.

In addition to my responses, I felt it was important to summarily expand on the information contained herein. With the limitations set forth by statute regarding information that cannot be shared outside of the Civil Grand Jury (such as interviews), it is necessary that allegations raised by the Civil Grand Jury be looked into further.

More importantly, there are obligations of public transparency and accountability, as well as fairness to those potentially involved. Anything short of a complete and thorough investigation is simply not acceptable. It is within this context that a complete investigation by someone independent from the County governance structure was recommended.

I recognize the dedication of all volunteer hours put forward by each member of the Civil Grand Jury and also the information gathering and coordination challenges they must overcome. I commend the Civil Grand Jury for completing their mid-year report; however the information presented is a starting point only and requires additional resources to investigate the allegations responsibly.

Finally I feel it is also important to share, that the scope of the investigation we initiated is broader and includes independent recommendations to ensure proper internal controls are in place to prevent instances, as mentioned in the Grand Jury report, from occurring in the future.

Thank you for the opportunity to respond to the following findings and recommendations.

FINDINGS

- F1. *Pursuant to Yuba County Policy and Procedures Manual, the Board of Supervisors is the only County entity that is authorized to establish, change and waive fees for County-provided services.***

Respondent agrees with this finding with respect to an entity.

- F2. *"Half fee" waivers were given to residential construction projects, where the work was performed by the owners themselves, between 2005 and 2008, without authority from the Board of Supervisors.***

Respondent disagrees, in part, with this finding. While there appears to be residential projects that were only charged half of the approved fee, there were also other projects that appeared to receive a reduced fee without Board of Supervisors authority.

- F3. *"Half fee" waivers were given to a commercial home developer group in October 2006.***

Respondent agrees with this finding based on records reviewed to date.

- F4. *"Half fee" waivers were given to a commercial construction project in May 2008, which was and is owned by a former Yuba County Supervisor.***

Respondent agrees with this finding based on records reviewed to date.

- F5. *A similar commercial construction project to that of the former Supervisor did not receive the "half fee" waiver in May 2008, but rather paid full price.***

Respondent agrees with this finding based on records reviewed to date.

- F6. *The Chief Building Official did not and does not have the authority to establish, change and waive permit fees.***

Respondent disagrees, in part, with this finding. The Chief Building Official does not have the authority to establish a permit fee. However the Chief Building Official does have the authority, in some circumstances, to change the amount / refund certain fees collected.

- F7. *The Chief Building Official appears to have exhibited favoritism by providing the “half fee” waiver to residential construction projects, where the work was performed by the owners themselves.***

Respondent disagrees, in part, with this finding. Based on preliminary information reviewed, it is inappropriate to respond to a speculative comment concerning favoritism until all permits during the time frame stated by the Grand Jury are reviewed and interviews conducted. Permit fees charged and collected are also being reviewed prior to and after the time frame identified by the Grand Jury. In addition, permit fees are collected by other persons besides the Chief Building Official.

- F8. *The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to one commercial home developer group.***

Respondent disagrees, in part, with this finding. Based on preliminary information reviewed, it is inappropriate to respond to a speculative comment concerning favoritism until all permits during the time frame stated by the Grand Jury are reviewed and interviews conducted. Permit fees charged and collected are also being reviewed prior to and after the time frame identified by the Grand Jury. In addition, permit fees are collected by other persons besides the Chief Building Official.

- F9. *The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to a former Supervisor for his commercial construction project, while not granting the “half fee” waiver to a similar commercial construction project taking place during the same timeframe.***

Respondent disagrees, in part, with this finding. Based on preliminary information reviewed, it is inappropriate to respond to a speculative comment concerning favoritism until all permits during the time frame stated by the Grand Jury are reviewed and interviews conducted. Permit fees charged and collected are also being reviewed prior to and after the time frame identified by the Grand Jury. In addition, permit fees are collected by other persons besides the Chief Building Official.

RECOMMENDATIONS

- R1. *Increased oversight should be implemented to ensure that only fees authorized by the Board of Supervisors are changed.***

The recommendation has been implemented in part. Direction from the County Administrator to the Community Development and Services Director (CDSA) has been provided to increase oversight with all departments within CDSA.

In addition, the County has engaged the services of an independent investigator related to this Grand Jury report, which will include independent recommendations to improve the accountability and oversight of fees collected. Consultation concerning increased oversight will also occur with County Auditor-Controller for development of internal control procedures.

R2. *The Chief Building Official should be held accountable for failing to follow the County's Administrative Policy & Procedures Manual, Policy B-2, regarding the establishment of fees.*

The recommendation requires further analysis. The County has engaged the services of an independent investigator related to this Grand Jury report. The information contained in the Grand Jury report is limited and provides contradictory information. It is necessary to examine any and all potential instances of similar allegations and investigate the matter thoroughly.

Due to the number of interviews that need to be conducted and review of policies and thousands of permits, it is estimated the investigation will be complete in three to four months from the point of engagement with the third party investigator.

Not referenced in the Grand Jury report is the County Ordinance Code where the implementing local statute resides and not referred to by the Grand Jury. In addition, comprehensive development of the Yuba County Policies and Procedure Manual began in 2006, and was not presented to the Board of Supervisors for approval until 2008.

R3. *The Chief Building Official should be held accountable for a perceived show of favoritism when providing the "half fee" to residential construction projects where the work is performed by the owner themselves, as well as to the two commercial construction projects.*

The recommendation requires further analysis. The County has engaged the services of an independent investigator related to this Grand Jury report. The information contained in the Grand Jury report is limited and provides contradictory information. It is necessary to examine any and all potential instances of similar allegations and investigate the matter thoroughly.

Due to the number of interviews that need to be conducted, review of policies and thousands of permits and analysis, it is estimated the investigation will be complete in three to four months from the point of engagement with the third party investigator.

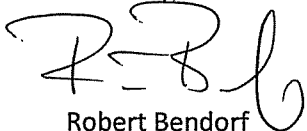
R4. The Chief Building Official should be held accountable for the loss of revenue to the Building Department.

The recommendation requires further analysis. The County has engaged the services of an independent investigator related to this Grand Jury report. The information contained in the Grand Jury report is limited and provides contradictory information. It is necessary to examine any and all potential instances of similar allegations and investigate the matter thoroughly.

Due to the number of interviews that need to be conducted, review of policies and thousands of permits and analysis, it is estimated the investigation will be complete in three to four months from the point of engagement with the third party investigator.

I would like to thank the Grand Jury for their efforts and valuable time spent working to improve local government services and look forward to working with the 2011-2012 Grand Jury.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bendorf', with a stylized flourish at the end.

Robert Bendorf
County Administrator

Cc: Board of Supervisors

rcvd 3-30-12 by
Grand Jury

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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

March 27, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

4-2-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

Re: RESPONSE TO 2011-12 GRAND JURY

Dear Judge Berrier,

Provided pursuant to Penal Code Section 933(c) are the comments from the Board of Supervisors related to the findings and recommendations contained in the 2011-12 Grand Jury Report – Unauthorized Changes in Building Permit Fees. 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 then our response is consistent with provisions of Penal Code Section 933.05(c).

The Board of Supervisors is responsible for upholding the public's trust and must abide by state and federal laws. It is within these parameters that the Board of Supervisors must proceed with a complete investigation into the matters raised by the Grand Jury, and upon its conclusion, take action as appropriate.

Our responses to the findings and recommendations are not intended to neglect our duty to be thorough nor fail to comply with established law on how responses shall be completed by a responding agency. As previously mentioned, an investigation is underway. Without having the issue thoroughly investigated and potentially taking action on items based on appearances as recommended by the Grand Jury, may not only jeopardize the integrity of the investigation, but lead to violations of employment law and expose the County to liability.

In summary, the Yuba County Board of Supervisors is committed to conducting a complete investigation, taking action as appropriate and implementing solutions to avoid the issue reported by the Grand Jury from reoccurring.

FINDINGS

F1. Pursuant to Yuba County Policy and Procedures Manual, the Board of Supervisors is the only County entity that is authorized to establish, change and waive fees for County-provided services.

The Board of Supervisors agrees with this finding with respect to the entity.

SUPERVISORS

Andy Vasquez – District 1 • John Nicoletti – District 2 • Mary Jane Griego – District 3 • Roger Abe – District 4 • Hal Stocker – District 5

- F2. *“Half fee” waivers were given to residential construction projects, where the work was performed by the owners themselves, between 2005 and 2008, without authority from the Board of Supervisors.***

The Board of Supervisors agrees based on information provided solely by the Grand Jury in their report. However, the Board of Supervisors did authorize, based on a recommendation from the County Administrator, a full investigation be conducted into this issue that will address this finding completely. The investigation has not yet been completed.

- F3. *“Half fee” waivers were given to a commercial home developer group in October 2006.***

The Board of Supervisors agrees based on information provided solely by the Grand Jury in their report. However, the Board of Supervisors did authorize, based on a recommendation from the County Administrator, a full investigation be conducted into this issue that will address this finding completely. The investigation has not yet been completed.

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The Board of Supervisors agrees based on information provided solely by the Grand Jury in their report. However, the Board of Supervisors did authorize, based on a recommendation from the County Administrator, a full investigation be conducted into this issue that will address this finding completely. The investigation has not yet been completed.

- F5. *A similar commercial construction project to that of the former Supervisor did not receive the “half fee” waiver in May 2008, but rather paid full price.***

The Board of Supervisors agrees based on information provided solely by the Grand Jury in their report. However, the Board of Supervisors did authorize, based on a recommendation from the County Administrator, a full investigation be conducted into this issue that will address this finding completely. The investigation has not yet been completed.

- F6. *The Chief Building Official did not and does not have the authority to establish, change and waive permit fees.***

The Board of Supervisors disagrees, in part, with this finding. The Chief Building Official does not have the authority to establish a permit fee. However the Chief Building Official does have the authority, in some circumstances, to change the amount and/or refund certain fees collected.

- F7. *The Chief Building Official appears to have exhibited favoritism by providing the “half fee” waiver to residential construction projects, where the work was performed by the owners themselves.***

The Board of Supervisors disagrees with this finding as it is not appropriate to speculate on an appearance of favoritism as cited by the Grand Jury. The Board of Supervisors has asked for a complete investigation into this matter and once completed, the Board of Supervisors will determine whether this finding has merit and not base a decision on a summary report where details are confidential and not available by law.

SUPERVISORS

- F8. *The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to one commercial home developer group.***

The Board of Supervisors disagrees with this finding as it is not appropriate to speculate on an appearance of favoritism as cited by the Grand Jury. The Board of Supervisors has asked for a complete investigation into this matter and once completed, the Board of Supervisors will determine whether this finding has merit and not base a decision on a summary report where details are confidential and not available by law.

- F9. *The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to a former Supervisor for his commercial construction project, while not granting the “half fee” waiver to a similar commercial construction project taking place during the same timeframe.***

The Board of Supervisors disagrees with this finding as it is not appropriate to speculate on an appearance of favoritism as cited by the Grand Jury. The Board of Supervisors has asked for a complete investigation into this matter and once completed, the Board of Supervisors will determine whether this finding has merit and not base a decision on a summary report where details are confidential and not available by law.

- F10. *The Chief Building Official stated he was instructed by the Board of Supervisors to provide the “half-fee” waiver, but the Supervisors who were interviewed had no knowledge of such a waiver.***

The Board of Supervisors agrees with the finding based on the Grand Jury report which cites interviews of the Chief Building Official and some Supervisors. However, it is with the understanding that the Board of Supervisors, as a responding agency, does not have access to what was said during a Grand Jury interview nor who was actually interviewed.

RECOMMENDATIONS

- R1. *Increased oversight should be implemented to ensure that only fees authorized by the Board of Supervisors are changed.***

The recommendation has been implemented, in part. Direction from the County Administrator to the Community Development Director has been provided to increase oversight with all departments within the Community Development & Services Agency (CDSA).

In addition, the County has engaged the services of an independent investigator related to this Grand Jury report, which will include independent recommendations to improve the accountability and oversight of fees collected. Consultation concerning increased oversight will also occur with the County Auditor-Controller for development of internal control procedures.

- R2. *The Chief Building Official should be held accountable for failing to follow the County’s Administrative Policy & Procedures Manual, Policy B-2, regarding the establishment of fees.***

The recommendation requires further analysis. The County has engaged the services of an independent investigator as recommended by the County Administrator. It is necessary to examine any and all potential instances of similar allegations and investigate the matter thoroughly. It is estimated that the investigation will be complete in three to four months from the point of engagement with the independent investigator.

SUPERVISORS

- R3. *The Chief Building Official should be held accountable for a perceived show of favoritism when providing the “half fee” to residential construction projects where the work is performed by the owner themselves, as well as to the tow commercial construction projects.***


The recommendation requires further analysis. The County has engaged the services of an independent investigator related to this Grand Jury report. The information contained in the Grand Jury report is limited and provides contradictory information. It is necessary to examine any and all potential instances of similar allegations and investigate the matter thoroughly. It is estimated that the investigation will be complete in three to four months from the point of engagement with the third party investigator.

- R4. *The Chief Building Official should be held accountable for the loss of revenue to the Building Department.***

The recommendation requires further analysis. The County has engaged the services of an independent investigator related to this Grand Jury report and it is estimated that the investigation will be complete in three to four months from the point of engagement with the third party investigator.

The Board of Supervisors thanks the 2011-12 Grand Jury for their dedication of time and commends each member for their valuable community service.

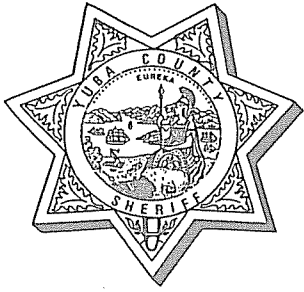
Sincerely,


Hal Stocker,
Chairman
Yuba County Board of Supervisors

SUPERVISORS

Responses to

JAIL INSPECTION



Yuba County Sheriff's Department

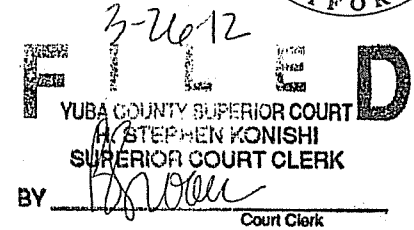
Steven L. Durfor, Sheriff-Coroner

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



March 23, 2012

The Honorable Debra L. Givens
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901



RE: Response to 2011/2012 Grand Jury Findings and Recommendations

Dear Judge Givens:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Sheriff's Department's response to the 2011/2012 Grand Jury Final Report – Findings and Recommendations concerning the investigation into the Yuba County Jail.

We would like to express our thanks to the 2011/2012 Yuba County Grand Jury for their dedication and professional approach to their duties. It was a pleasure meeting with them and discussing our operations. As we did last year, we want to recognize and applaud the fact that the panel made a point of highlighting the good work done by the men and women of the Sheriff's Department, particularly those assigned to the Jail Division.

Please accept the following response to the 2011/2012 Grand Jury Findings and Recommendations:

YUBA COUNTY JAIL

Recommendation 1: *The Yuba County Grand Jury recommends the Yuba County Sheriff commend the jail staff for their dedication and hard work.*

Response to Recommendation 1: We fully recognize the good work done by the Jail Division on a daily basis, but welcome the opportunity to officially thank them and make them aware that their good work is noticed by others. Their job is often seen as routine and not particularly glamorous; however, the importance of the work done in the jail cannot be overstated.

The recommendation has been implemented. On March 20, 2012, I posted a commendation to staff and will make a point to personally praise staff at upcoming department meetings.

YCSO Grand Jury Response

Page 2

Conclusion

I would like to extend my thanks to the 2011/2012 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 2012/2013 Grand Jury. If you have any questions, please feel free to contact me at 749-7779.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Durfor". The signature is stylized with a large, circular loop in the middle and a sharp, upward-pointing stroke at the end.

Steven L. Durfor
Sheriff-Coroner

Responses to

HEALTH AND HUMAN SERVICES HOME VISIT SAFETY

The County of Yuba

HEALTH & HUMAN SERVICES DEPARTMENT

Suzanne Nobles, Director

5730 Packard Ave., Suite 100, P.O. Box 2320, Marysville, California 95901
Phone: (530) 749-6311 Fax: (530) 749-6281

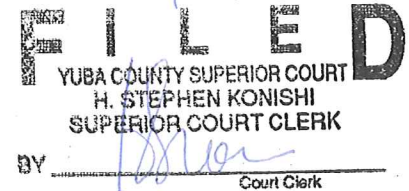


**Joseph W. Cassady, D.O.,
Health Officer**

Phone: (530) 749-6366

April 18, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, California 95901



Subject: Grand Jury Report: "Health and Human Services Home Visit Safety"

Dear Judge Berrier:

As required by Penal Code Section 933.05, the Department of Health and Human Services is responding to recommendations from the Fiscal Year (FY) 2011-2012 Yuba County Civil Grand Jury contained in a report released on Monday, March 5, 2012, entitled, "Health and Human Services Home Visit Safety." As Director of the Department, I was provided an advance copy of the report on March 1, 2012.

Findings from the report include:

- F1. The three most common areas of concern for Health and Human Services (HHS) Department field workers are dogs, unexpected or unknown persons in the home and poor cellular communication in the foothills.
- F2. HHS field workers were generally aware of personal safety procedures due to verbal reminders from Dispatch Center personnel.
- F3. None of the field workers interviewed said they knew about HHS Policy and Procedures manuals.
- F4. None of the field workers interviewed said they had received any safety training subsequent to their initial training.
- F5. Senior HHS personnel said that safety is emphasized by HHS and is something field workers practice routinely.
- F6. There is an inconsistency between the field workers' safety knowledge and training and what senior HHS personnel believe is provided.

The Department's response to recommendations from the Grand Jury follows:

- R1. HHS should develop and provide annual safety training for its field workers.

Response:

The recommendation has been implemented. The Department had been coordinating with the Human Resources Department for several months prior to the March 5, 2012, release of the Grand Jury report to arrange and schedule specific safety training for

workers who make home visits. On April 3, 2012, "Home Visitation Safety Training" was provided as a mandatory training to all employees in the Department who routinely make home visits as part of their regular work assignments.

R2. HHS should consider the feasibility of providing field workers with defensive tools for protection against aggressive or overly protective animals.

Response:

The recommendation has not yet been implemented, but will be implemented in the current fiscal year. At the request of the Department, the Risk Manager in the Yuba County Human Resources Department contacted Animal Care Services for assistance developing some defensive tools and/or training to protect field workers against aggressive animals. Recommendations from the Animal Care Officer were incorporated in the safety training course mentioned above. Additionally, we will consider purchasing some defensive tools for our workers to use on visits to homes with potentially aggressive animals.

R3. HHS administration should commend its Dispatch Center personnel for their ongoing personal safety-reminders to field workers.

Response:

The recommendation has been implemented.

We wish to thank the Grand Jury for focusing on this important area of concern and for providing some constructive recommendations. As discussed with Grand Jury members, home visits are an essential function of many positions within the Department and well-established Policies and Procedures are in place to protect employees while they are away from the office and in clients' homes. Our field workers make an average of 5,880 home visits per year, or approximately 490 per month. As noted in your report, ten injuries were reported during home visits over a five-year period of time.

In addition to the safety protocols mentioned above, all field workers have access to well-maintained vehicles and cell phones and have the option of taking another employee, or requesting back-up from law enforcement, when visiting homes or areas that are potentially unsafe. All managers and supervisors will reinforce the requirement for workers to routinely refer to, and follow, all applicable policies and procedures related to their job assignments, specifically as they apply to following safety rules when making home visits.

Thank you for your service to Yuba County.

Sincerely,



Suzanne Nobles, Director

CC: County of Yuba, Board of Supervisors
Robert Bendorf, Yuba County Administrative Officer
Angil Morris-Jones, County Counsel, Yuba County

Responses to

JUVENILE HALL REPORT

revd 4-18-12 BL

The County Of Yuba

PROBATION DEPARTMENT

JAMES L. ARNOLD
CHIEF PROBATION OFFICER



(530) 749-7550
FAX (530) 749-7364

April 12, 2012

The Honorable Stephen W. Berrier
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901

RE: Response to 2011-2012 Grand Jury Findings and Recommendations

Dear Judge Berrier;

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Probation Departments response to 2011/2012 Grand Jury Final Report – Findings and Recommendations concerning the annual investigation into the operation of the Bi-County Juvenile Hall.

Please accept the following response to the 2011/2012 Grand Jury Findings and Recommendations:

Finding 3

The surveillance system inside the Yuba-Sutter Juvenile Hall needs to be upgraded.

We agree with this finding.

Finding 4

Exposed and damaged insulation within Camp Singer's indoor recreation area is a safety and energy concern.

We agree with this finding in part.

The exposed insulation does create a safety concern; however, the arena area itself is not supported by any climate control equipment that would create energy waste.

Recommendation 1

Evaluate cost requirements needed to upgrade video surveillance equipment to ensure the continued safety and security in all areas of the Yuba-Sutter Juvenile Hall.

Plans are being developed to determine the system requirement costs for this project.

Recommendation 4

Secure funding for repair or replacement of the insulation in Camp Singer's indoor recreation area.

Partial funding for preliminary repairs has been secured through state monies received by the Yuba County Probation Department to contain the insulation on the most damaged wall sections of the arena. Cost efficient mesh screen is currently being inspected by the Fire Marshal for its fire retardant properties. If the use of the material is appropriate, it will be utilized to encapsulate the insulation and prevent any further damage from occurring.

Respectfully Submitted,



Brent Hungrige
Deputy Superintendent of Institutions
Yuba-Sutter/Bi-County Juvenile Hall



Michael Tablit
Deputy Superintendent of Institutions
Maxine Singer Youth Guidance Center



Glen E. Harris
Interim Superintendent of Institutions



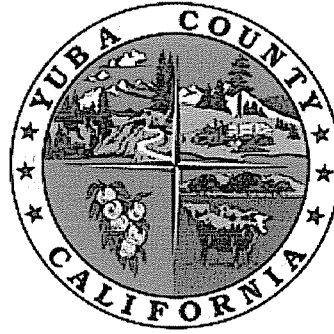
James L. Arnold
Yuba County Chief Probation Officer

cc: bos
cao

rcvd 5-10-12

The County of Yuba

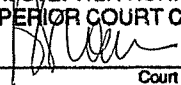
OFFICE OF THE BOARD OF SUPERVISORS



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

May 8, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

5-11-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY  Court Clerk

Re: **RESPONSE TO 2011-12 GRAND JURY**

Dear Judge Berrier,

Provided pursuant to Penal Code Section 933(c) are the comments from the Board of Supervisors related to the findings and recommendations contained in the 2011-12 Grand Jury Final Report – “Juvenile Hall 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 then our response is consistent with provisions of Penal Code Section 933.05(c).

FINDINGS

F3. The surveillance system inside the Yuba-Sutter Juvenile Hall needs to be upgraded.

The Board of Supervisors agrees with this finding.

F4. Exposed and damaged insulation within Camp Singer’s indoor recreation area is a safety and energy concern.

The Board of Supervisors agrees with this finding in part.

We concur with the opinion offered by the Chief Probation Officer in his response to the Grand Jury, that the indoor recreation area is not supported by climate control equipment that would create energy waste.

SUPERVISORS

Andy Vasquez – District 1 • John Nicoletti – District 2 • Mary Jane Griego – District 3 • Roger Abe – District 4 • Hal Stocker – District 5

RECOMMENDATIONS

- R1. Evaluate cost requirements needed to upgrade video surveillance equipment to ensure the continued safety and security in all areas of the Yuba-Sutter Juvenile Hall.***

The recommendation requires further analysis. The Chief Probation Officer is coordinating plans to determine the system requirements for enhanced video surveillance equipment. The estimated completion date should occur within the next several months.

- R2. Secure funding for replacement and upgrade of the video surveillance system in all areas of the Yuba-Sutter Juvenile Hall.***

The recommendation requires further analysis. The Chief Probation Officer is coordinating plans to determine the system requirements for enhanced video surveillance equipment. Costs will not be known until system requirements are determined, which should occur over the next several months.

- R3. Investigate the cost of energy loss caused by the missing/damaged insulation in Camp Singer's indoor recreation area.***

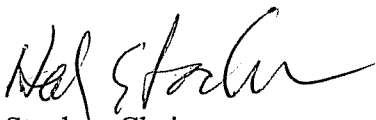
The recommendation is not warranted as the indoor recreation area does not have climate control equipment.

- R4. Secure funding for the repair or replacement of the insulation in Camp Singer's indoor recreation area.***

The recommendation has not yet been implemented, but will be implemented in the future. The Probation Department has secured partial funding available through State of California resources. Additional funding requirements will be discussed with Yuba and Sutter County representatives over the next few months to contribute adequate funding. Other funding opportunities will also be explored.

The Board of Supervisors thanks the 2011-12 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,



Hal Stocker, Chairman
Yuba County Board of Supervisors

SUPERVISORS

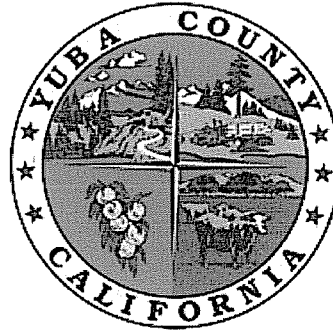
Responses to

CONCERN FOR OUR SENIORS

received 5-10-12

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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

May 8, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

5-11-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

Re: RESPONSE TO 2011-12 GRAND JURY

Dear Judge Berrier,

Provided pursuant to Penal Code Section 933(c) are the comments from the Board of Supervisors related to the recommendation contained in the 2011-12 Grand Jury Final Report – Concern for Our Seniors. 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 then our response is consistent with provisions of Penal Code Section 933.05(c).

RECOMMENDATIONS

R1. The Yuba County Board of Supervisors, as county leaders, should recognize the “Caring Calls” service and should develop a public awareness campaign using all available media to ensure the widest possible dissemination about this free service.

The recommendation has been implemented. The County Administrator has discussed this program with Sutter County representatives who allocate funding for this program through the Bi-County Mental Health Agency and encouraged dissemination through Yuba County venues such as the Yuba County Senior Center, Yuba County Public Guardian Office, and incorporated cities.

The Caring Calls program began in 2001-2002, and is funded through mental health realignment dollars, whereas it was initially funded through a grant. An extra-hire employee through Sutter-Yuba Mental Health administers the program with the assistance of volunteers. Calls to elderly who have asked for the services are made 365 days a year to both Sutter and Yuba County residents.

SUPERVISORS

Andy Vasquez – District 1 • John Nicoletti – District 2 • Mary Jane Griego – District 3 • Roger Abe – District 4 • Hal Stocker – District 5

As the Grand Jury is aware, through its contacts made with Yuba County Adult Protective Services representatives, referrals have been made on many occasions to the Caring Calls program based on a needs assessment. The Health and Human Services Director through the Program Manager of the Adult Services Division has informed staff to communicate to all In-Home Supportive Services and our Multipurpose Senior Services Program clients, to provide literature about the Caring Calls program. In addition, our front-line social workers are aware of the Caring Calls service and often refer clients to the program.

The Board of Supervisors thanks the 2011-12 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,

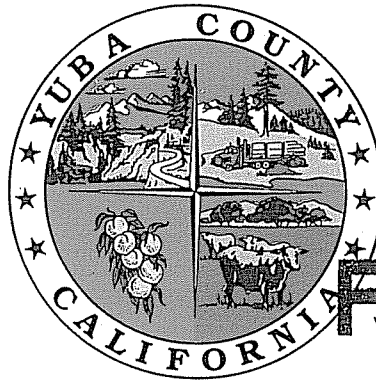

Hal Stocker, Chairman
Yuba County Board of Supervisors

SUPERVISORS

Andy Vasquez – District 1 • John Nicoletti – District 2 • Mary Jane Griego – District 3 • Roger Abe – District 4 • Hal Stocker – District 5

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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

March 27, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

6-7-12
FILED
YUBA COUNTY SUPERIOR COURT
H/STEPHEN KONISHI
SUPERIOR COURT CLERK
BY *[Signature]*
Court Clerk

Re: **RESPONSE TO 2011-2012 GRAND JURY**

Dear Judge Berrier:

Provided pursuant to Penal Code Section 933(c) are the comments from the Board of Supervisors related to the recommendation contained in the 2011-12 (Grand Jury Final Report – Jail Inspection, Yuba County Sheriff's Department. 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 then our response is consistent with provisions of Penal Code Section 933.05(c).

RECOMMENDATIONS

R1. The Yuba County Grand Jury recommends the Yuba County Board of Supervisors commend the Sheriff and the Sheriff's Department staff for their excellent work.

The recommendation has been implemented. On several instances annually, the Board of Supervisors recognizes the tremendous effort put forward by members of the Sheriff's Office. In addition, attached is a letter concurring with the Grand Jury in commending the Sheriff and the Sheriff's Department staff for their excellent work.

The Board of Supervisors thanks the 2011-12 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,

[Signature of Hal Stocker]
Hal Stocker, Chairman
Yuba County Board of Supervisors

SUPERVISORS

Responses to

**Has the County Made You a
Lawbreaker?
Conflict Exists between Two
County Ordinances**

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

GOVERNMENT CENTER - 915 8TH STREET, SUITE 115
MARYSVILLE, CALIFORNIA 95901-5273
(530) 749-7575 FAX (530) 749-7312

August 14, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901



ROBERT BENDORF
COUNTY ADMINISTRATOR

JOHN FLEMING
ECONOMIC DEVELOPMENT COORDINATOR

RUSS BROWN
COMMUNICATIONS & LEGISLATIVE
AFFAIRS COORDINATOR

GRACE M. MULL
MANAGEMENT ANALYST

TEENA CARLQUIST
EXECUTIVE ASSISTANT TO THE
COUNTY ADMINISTRATOR

8-16-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

Re: **RESPONSE TO 2011/12 GRAND JURY REPORT**
"Has the County made you a Lawbreaker? Conflict Exists between Two Yuba County Ordinances"

Dear Judge Berrier,

Please accept this letter as the official response of the County Administrator to issues raised in the Yuba County Grand Jury 2011-2012 Final Report, pages 57 through 63. This letter is also sent pursuant to Penal Code Sections 933 and 933.05 mandating our response and due you by August 14, 2012.

At my direction, Yuba County staff have reviewed this report and identified significant concerns. Of particular concern is the inflammatory report title chosen by the Grand Jury. Whatever reason the Grand Jury might have for this "glitziness" and especially since the County in no way placed anyone in the position of being a "lawbreaker", it seems apparent that a thoughtful review of the choice and intent of the message inherent in the title selection is warranted.

Also concerning are the invalid and unsupported assumptions and faulty analysis employed by the Grand Jury in sections of their report. As County Administrator, through this response letter, I am requesting a meeting between the Grand Jury foreman and the Grand Jury Presiding Judge to discuss my concerns regarding the investigation and analysis on which the findings contained in this report are based.

The County appreciates its opportunity to work with, and the efforts of, the Grand Juries, past and present. It has for the most part, been a positive experience. In light of those past positive experiences, this report, with inaccurate information and unfounded accusations, is particularly disappointing. The authoring and the releasing of this report accusing the County and staff of potentially engaging in criminal behavior, without providing a basis in the report to support such a serious accusation, is concerning.

FINDINGS

- F1. *The State of California requires cities and counties adopt updated construction codes that are adopted by the Building Standards Commission on a triennial basis.***

The County Administrator agrees with the finding.

- F2. *The Board of Supervisors adopted the 2010 California Building Code, Part 2, and the 2010 California Residential Code, Part 2.5, among others, as Title X, Chapter 10.05, Standards of Building Construction.***

The County Administrator disagrees partially with this finding as stated in 10.05 of the Ordinance Code.

- F3. *The California Residential Code, as adopted by Yuba County, exempts certain items from the building permit process if the changes, alterations or repairs are of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.***

The County Administrator agrees with the finding.

- F4. *Yuba County Consolidated Fee Schedule requires permits and fees for certain items specifically exempted in its Title X, Chapter 10.05, Standards of Building Construction.***

The County Administrator disagrees partially with the finding. The Consolidated Fee Schedule does not require permits for certain items. It does establish a fee for service.

- F5. *Neither the County Administrative Officer, the Director of the Community Development Services Agency, nor the interviewed members of the Board of Supervisors were aware that permits were being required for specifically exempted items within the county's building codes.***

The County Administrator disagrees partially with the finding. As the Grand Jury knows, the County Administrator has no access to the documents or the testimony relied on by the Grand Jury to support this finding and cannot agree or disagree regarding comments attributed to other participants in the investigation.

Specific to the County Administrative Officer not being aware that permits were being required for specifically exempted items within the County's building codes, the County Administrator agrees (if there were in fact permits issued for exempt items).

- F6. *Through conflicting county ordinances, the residents of Yuba County are required to pay for permits for items that are specifically exempted by the county's building codes.***

The County Administrator disagrees with this finding. It is assumed the Grand Jury is referring to the fee schedule and the local building code ordinance. A staff review has shown no permits were issued that are specifically exempted by the county's building codes.

- F7. *The residents of Yuba County, who have performed work that is specifically exempted from the permit process pursuant to the county's building code, have been put in a position of being in violation of the county's consolidated Fee Schedule and are subject to possible jail time, fines and/or both.***

The County Administrator disagrees with this finding. It is stated previously in this response that the Consolidated Fee Schedule is not a section requiring permits.

It is clear to County staff that:

- Title X (specifically 10.05 as referenced by the Grand Jury) and Title XIII are separate codes. One governs building permit requirements and the other establishes fees for a variety of countywide services.
- Title X, Section 10.05 does exempt certain building projects from needing a permit.
- Title X, Section 10.05 does state that failure to obtain a required permit carries a potential penalty of a misdemeanor.
- Title XIII, Section 13.20.200 does state a penalty of a lien being placed. ***In no section of the Consolidated Fee Ordinance is there a penalty referenced that makes someone a lawbreaker for failing to obtain a permit, nor does Section 13.20.200 require someone to obtain a permit.***
- Staff reviewed its permits issued for specific exempt building projects from December 2010 to current. None were found and no fees were collected for those types of exempted projects.
- There are a number of building projects that might (or might not) be exempt, depending on the scope of the project. The County Administrator agrees that the Consolidated Fee Ordinance needs to include "clarification" language so that persons seeking permits will know when the fees apply to their specific project.

RECOMMENDATIONS

- R1. The Board of Supervisors should direct the County Administrative Officer and the Community Development Services Agency Director to perform a thorough review of the building permits, identify those that do not affect structural features, egress, sanitation, safety or accessibility, as well as those specifically exempted in Section R105.2 of the California Residential Code, adopted by Yuba County as Title X, Chapter 10.05, Standards of Building Construction, and submit each permit items to the Board of Supervisors for official removal from the Consolidated Fee Schedule.***

Recommendation has not yet been implemented, however the County Administrator has directed staff to review supporting language of the referenced Ordinance Codes to ensure sections are clear about what is and is not required regarding building codes and their respective fees. Staff is estimating completion of their review by the end of this calendar year.

Sincerely,


Robert Bendorf
County Administrator

The County of Yuba

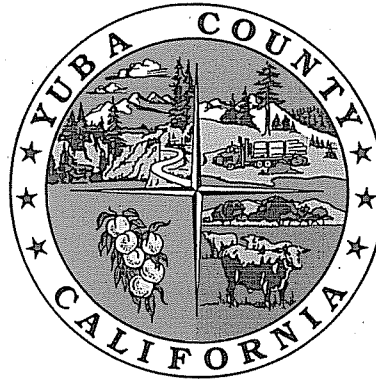
Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434

915 8th Street, Suite 123
Marysville, California 95901

www.co.yuba.ca.us



BUILDING
749-5440 • Fax 749-5616

CODE ENFORCEMENT
749-5455 • Fax 749-5454

ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES
749-5460 • Fax 749-5464

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

August 10, 2012

The Honorable Stephen Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

8-16-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY H. Stephen Konishi
Court Clerk

Re: RESPONSE TO 2011-12 GRAND JURY
'Conflict Exists between Two County Ordinances'

Dear Judge Berrier,

This letter, provided pursuant to Penal Code Section 933.05, is the Community Development and Services Agency Director's response to the 2011-2012 Grand Jury Report-Findings and Recommendations concerning the investigation into the perceived conflict between County Ordinances 10.05 and 13.20.

FINDINGS

F1. *The State of California requires cities and counties adopt updated construction codes that are adopted by the Building Standards Commission on a triennial basis.*

Agree.

F2. *The Board of Supervisors adopted the 2010 California Building Code, Part 2, and the 2010 California Residential Code, Part 2.5, among others, as Title X, Chapter 10.05, Standards of Building Construction.*

Disagree Partially. On page two, paragraph five of the Grand Jury's Report, the statement was made that the County adopted the California Building and Residential Codes "in their entirety". Upon review of Chapter 10.05, specifically Sections 10.05.025 and 10.05.030, it is clear that the County did not adopt these codes in their entirety.

- F3. *The California Residential Code, as adopted by Yuba County, exempts certain items from the building permit process if the changes, alterations or repairs are of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.*

Disagree. The Grand Jury has erroneously cited language from the wrong California Residential Building Code Administrative Division in this finding, which pertains to building construction requiring State issued building permits. The exemptions applicable to residential building in Yuba County are pursuant to Section 10.05.030 of the Yuba County Ordinance Code, which relies on the exemptions contained in the California Residential Building Code, Section R105.2.

- F4. *Yuba County Consolidated Fee Schedule requires permits and fees for certain items specifically exempted in its Title X, Chapter 10.05, Standards of Building Construction.*

Disagree. Nowhere in Title XIII, Consolidated Fee Ordinance, is there a requirement to obtain any building permits. All building permit requirements are contained in Title X, Chapter 10.05, Standards of Building Construction. All building permit fees listed in Section 13.20.200 of the Consolidated Fee Ordinance are there to aid in establishing a cost to provide the County services required when a building permit is required pursuant to Chapter 10.05.

- F5. *Neither the County Administrative Officer, the Director of the Community Development Services Agency, nor the interviewed members of the Board of Supervisors were aware that permits were being required for specifically exempted items within the county's building codes.*

Disagree Partially. To start, I am not aware of any information provided to the Grand Jury by other interviewees. However, I was asked by the Grand Jury in an interview if I was aware of any residential building permits being required that should be exempt pursuant to Chapter 10.05 that took effect on December 9, 2010. I told them I was not aware of any. The Grand Jury did not follow up with this question to have the building permits issued since the date the Ordinance took effect reviewed, however I took the initiative to do so and had the Chief Building Official review all residential building permits issued from December 9, 2010 to current reviewed against the exemptions listed in Section R105.2 of the California Residential Code. No permits were issued that would have fallen under the exemptions listed in R105.2.

- F6. *Through conflicting county ordinances, the residents of Yuba County are required to pay for permits for items that are specifically exempted by the county's building codes.*

Disagree. As stated in the responses to F4 and F5, there are no conflicting County Ordinances requiring building permits and the County has reviewed permits issued from

the effective date of the current Standards of Building Construction Ordinance through May, 2012 to ensure there have not been any building permits required for exempt work.

- F7. *The residents of Yuba County, who have performed work that is specifically exempted from the permit process pursuant to the county's building code, have been put in a position of being in violation of the county's consolidated Fee Schedule and are subject to possible jail time, fines and/or both.*

Disagree. Please refer to responses to F4, F5, and F6.

RECOMMENDATIONS

- R1. *The Board of Supervisors should direct the County Administrative Officer and the Community Development Services Agency Director to perform a thorough review of the building permits, identify those that do not affect structural features, egress, sanitation, safety or accessibility, as well as those specifically exempted in Section R105.2 of the California Residential Code, adopted by Yuba County as Title X, Chapter 10.05, Standards of Building Construction, and submit each permit items to the Board of Supervisors for official removal from the Consolidated Fee Schedule.*

Recommendation has not yet been implemented, but will be implemented in the future. Upon review of the Grand Jury's findings in their report, it is clear to me that additional clarifying language is needed in both Chapters 10.05 and 13.20 to reduce the potential for future misunderstandings of the County's building permit requirements and fees. As part of the clarifying language, I will also be looking to list the exemptions in the County Ordinance Code instead of relying on reference to the California Building and Residential Codes to further help create clarity. My goal is to have the clarifying language for these two Ordinances presented to the Board for their consideration within 120 days.

I would like to thank the Grand Jury for their efforts and valuable time spent working to improve local government services and look forward to working with the Grand Jury in the future.

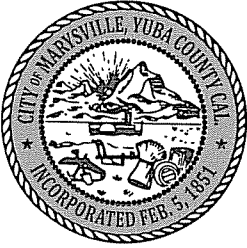
Sincerely,


Kevin Mallen
CDSA Director

cc: Yuba County Board of Supervisors
Robert Bendorf, CAO

Responses to

History of Flood and Flames: Emergency Preparedness of Yuba County



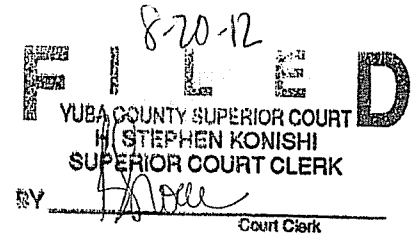
CITY OF MARYSVILLE

POLICE DEPARTMENT

316 6th Street • P.O. Box 670 • Marysville, CA 95901

Wallace C. Fullerton
Chief of Police

August 1, 2012



The Honorable Stephen M. Berrier
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901

Dear: Judge Berrier:

The purpose of this correspondence is to respond to 2011/2012 Yuba County Grand Jury finding, alleging inadequacies in emergency operations planning by the Marysville Police Department, Findings F3, F5, F-6 and F7. In addition, this response addresses the recommendations made by the Grand Jury as reflected in recommendations R1, R2 and R3.

FINDINGS

- F3: The City of Marysville is not NIMS compliant.

Response: Agree

While this finding is true, the manner in which the finding is offered for criticism is disingenuous. It is very difficult for any public agency to be completely NIMS compliant. Personnel turn-over and changing requirements make compliance very challenging. Additionally, some of the training classes required are not available on-line and are not available regionally. To complicate this, in many instances, training has been attended; however, certificates for the training were never issued by the training entity. In many instances the training was documented in training rosters, data bases, etc. Unfortunately, this manner of record keeping is not acceptable for County OES personnel, consequently, the training is not considered valid. Combined, these challenges make 100 % compliance with NIMS training requirements nearly impossible to achieve. In addition, some of the facts cited by the writer(s) of this report are not factual and pertinent information was not included in the report. The facts are that none of the law enforcement agencies in the County are 100% NIMS compliant at the writing of this response, this information directly contradicts this Grand Jury finding. Additionally, the writer(s) of the report entirely excluded one law enforcement agency from comment. It would appear that the writer(s) of the report had the specific agenda of pointing out the

NIMS training inadequacies of the Marysville Police Department and chose not to point out training inadequacies of other agencies.

- F5: The City of Marysville does not have a qualified Emergency Operations Plan.

Response: Disagree

The City of Marysville adopted the Yuba County Multi-Jurisdictional, Multi Hazard Plan in 2007 and adopted the Yuba County Emergency Operations Plan (EOP) in 2010. In addition, the City has worked cooperatively with its neighbors and the California Department Water Resources to establish a slow rise flood mitigation plan for the City and generally for use in the County. The writer(s) of the Grand Jury report were provided a copy of the flood plan on compact disc; however, they have not included it in their review and do not list this plan in their report of items reviewed. One can only guess why this report was not reviewed by the writer(s). In addition, the City is in the process of updating our City specific Multi-Hazard Mitigation Plan. The draft of this plan was provided to the Grand Jury based on their specific request. The Grand Jury made no request regarding information pertaining to our adoption of the County Emergency Operations Plan (EOP), they simply asked for "The Marysville Emergency Action Plan (or equivalent title)".

The City of Marysville has had its own Multi-Hazard Emergency Plan for years; however, it is somewhat outdated. In 2010 we made the decision to join cooperatively with our other partners in Yuba County and adopt the Yuba County EOP while we updated our City Plan. The goal was to update our City specific plan so it would complement the County's Regional EOP, which all agencies in Yuba County had adopted. During this entire process, we realized that the City needed an approved and qualified CalEMA Emergency Plan; consequently the regional County EOP was adopted by the City on June 15, 2010, to fulfill this responsibility (see attached Resolution # 2010-34, attached).

At no point in our discussions with the Grand Jury did they enquire about our adoption of any regional emergency plan(s).

- F6: The City of Marysville does not have an emergency operations plan that coordinates emergency response among other agencies.

Response: Disagree

This statement is completely false, as is referenced above, the City adopted two specific County Emergency mitigation and procedural plans, one in 2007, the other in 2010. The City Resolutions declaring these adoptions are attached to the response.

- F7: The Marysville Chief of Police has failed to take advantage of offers from OES to assist in achieving a compliant emergency operations plan.

Response: Disagree

This statement is once again completely false. It was the Marysville Police Department, under the command of the Chief of Police that initiated discussions with Yuba County OES to adopt the County's EOP. Also, it was members of the Marysville Police Department, at the direction of the Chief of Police, who made the presentation to the Marysville City Council, in June of 2010, requesting that the Yuba County EOP be adopted. The Chief of Police was present at this meeting and personally supervised the presentation of the resolution (see attached minutes from the June 15, 2010 Marysville City Council Meeting, attached).

Lastly, this topic was never broached by representatives of the Grand Jury in conversations they had with Police Department personnel.

RECOMMENDATIONS

- R1. The City of Marysville should complete an emergency operations plan, which is CalEMA qualified or adopt the OES Emergency Operations Plan.

Response: Disagree

Once again, this statement is completely false, as is referenced in our previous comments.

- R2. The City of Marysville should consider the negative effects on the community by its apparent unwillingness to work together with other emergency responders and other appropriate agencies.

Response: Disagree

This statement is baseless rhetoric at best. The facts support the opposite conclusion that the City of Marysville cooperates with other emergency responders and agencies. This statement has, in our opinion, been made in bad faith and is being done to erroneously impugn the reputation of City officials and City employees.

- R3. The City of Marysville should take advantage of the certified, no-cost training provided by OES.

Response: Disagree

In a continuing theme, this statement is again completely false. It provides the reader with the erroneous suggestion that the City of Marysville has not availed itself of free training provided

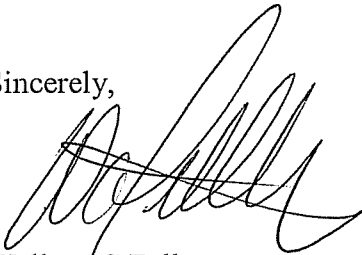
by Yuba County OES. This is simply not the case. The City has availed itself of OES training on multiple occasions, involving several of its employees, including the Chief of Police, the City Manager and other Department heads (attached to this response are copies of certificates verifying that the City has availed itself of training opportunities provided by County OES).

Unfortunately, the NIMS courses most needed by the City of Marysville are not, at this time, offered by Yuba County. The moment they become available, personnel will be detailed to take these courses. In the mean time, the City is doing its level best to send those employees who need advanced training to available venues, many times being hundreds of miles away from Yuba County.

Summary:

After reviewing the document produced by the members of the Grand Jury our response is that we disagree with the findings and recommendations made. Furthermore, the summary, discussion, findings and recommendations sections of this report are, in our opinion, erroneous and misleading. It is the intention of the City to continue with its process of preparing for emergencies and we are making great strides in this area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wallace C Fullerton', written over a horizontal line.

Wallace C Fullerton
Chief of Police
Marysville Police Department

Attachments:

- Marysville City Resolution # 2010-34
- Marysville City Council Meeting minutes, June 15, 2010 (Page 3)
- Copies of training certificates, Fullerton, Casey and Lamon

CC: Mayor, Council Members and City Manager, City of Marysville

RESOLUTION NO. 2010 - 34

RESOLUTION ADOPTING THE COUNTY OF YUBA'S OPERATIONAL AREA
EMERGENCY OPERATIONS PLAN (EOP)

At a regular meeting of the Council of the City of Marysville, State of California held on the 15th day of June, 2010.

WHEREAS, the City of Marysville is committed to ensuring the health, safety and protection of its citizens; and

WHEREAS, the City utilizes the Standardized Emergency Management (SEMS) and the National Incident Management System (NIMS) to manage large scale incidents; and

WHEREAS, the City is a part of the Yuba County Operational Area; and

WHEREAS, the County of Yuba Operational Area has developed an Emergency Operations Plan (EOP) to be used in preparing for, responding to and recovering from, any emergency and/or disaster.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Marysville as follows:

The City Council of the City of Marysville accepts and adopts the County of Yuba Operational Area EOP.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced and adopted by the Council of the City of Marysville, County of Yuba, State of California, held on the 15th day of June, 2010, by the following vote:

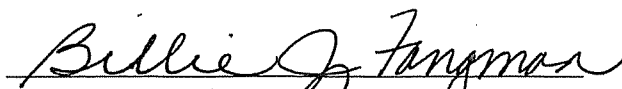
AYES: Benjamin Wirtschafter, Michael Selvidge, Jim Kitchen, Christina Billeci, and Bill Harris

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 15th day of June, 2010.


Billie J. Fangman
City Clerk

RESOLUTION NO. 2010-33

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE YUBA COUNTY TERRORISM TASK FORCE FOR THE USE OF THE MOBILE INCIDENT COMMAND VEHICLE (MICV)

Vice Mayor Billeci moved to authorize the Chief of Police to enter into a Memorandum of Understanding with the Yuba County Terrorism Task Force for the use of the Mobile Incident Command Vehicle (MICV).

Council Member Wirtschafter seconded the motion, which carried unanimously on the call of the roll.

RESOLUTION NO. 2010-34

RESOLUTION ADOPTING THE COUNTY OF YUBA'S OPERATIONAL AREA EMERGENCY OPERATIONS PLAN (EOP)

Council Member Kitchen moved to adopt the County of Yuba's Operational Area Emergency Operations Plan (EOP).

Council Member Selvidge seconded the motion, which carried unanimously on the call of the roll.

ACCEPT DONATION OF RESCUE EQUIPMENT (JAWS OF LIFE) FROM HALL WOOD DISTRICT 10 COMMUNITY SERVICES DISTRICT

Council Member Kitchen moved to accept the donation of rescue equipment (Jaws of Life) from Hallwood District 10 Community Services District.

Vice Mayor Billeci seconded the motion, which carried unanimously on the call of the roll.

RESOLUTION NO. 2010-35

RESOLUTION CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, AND REQUESTING CONSOLIDATION WITH GENERAL (STATEWIDE) ELECTION AND ESTABLISHING THE MANNER OF HOLDING SAID ELECTION

Council Member Wirtschafter moved to approve calling and giving notice of a General Municipal Election to be held on November 2, 2010, and requesting consolidation with General (Statewide) Election and establishing the manner of holding said election.

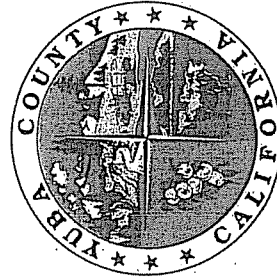
Yuba County Office of Emergency Services
Certificate of Training

This is to certify that on July 28, 2010

Wally Fullerton

Has successfully completed

Introduction to SEMS



A stylized signature of Scott Bryan, consisting of a large, flowing 'S' followed by a 'B'.

Scott Bryan - Instructor
Emergency Services Officer

Yuba County Office of Emergency Services

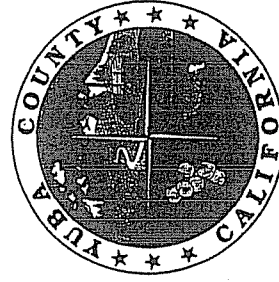
Certificate of Training

This is to certify that on May 3 & 4, 2010

Steve Casey

Has successfully completed

ICS100/200/SEMS/NIMS/NRIF



A handwritten signature in black ink, appearing to read "Scott Bryan".

Scott Bryan - Instructor
Emergency Services Officer

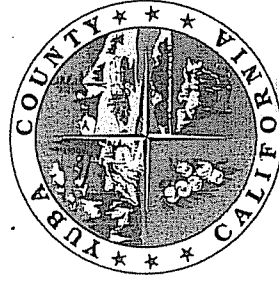
Yuba County Office of Emergency Services Certificate of Training

This is to certify that on July 28, 2010

David Lamon

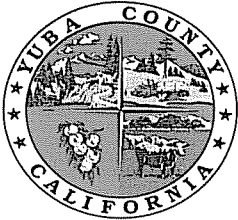
Has successfully completed

Introduction to SEMS



A handwritten signature in black ink, appearing to read "Scott Bryan", is written over a horizontal line.

Scott Bryan - Instructor
Emergency Services Officer



COUNTY OF YUBA

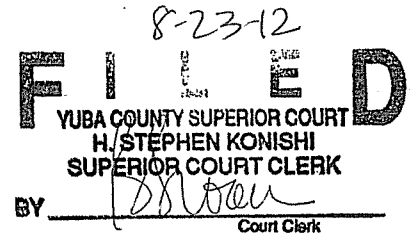
OFFICE OF EMERGENCY SERVICES

ROBERT BENDORF
COUNTY ADMINISTRATIVE OFFICER
DIRECTOR OF EMERGENCY SERVICES

SCOTT BRYAN
EMERGENCY OPERATIONS MANAGER

DATE: August 20, 2012

The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901



Re: **RESPONSE TO 2011/12 GRAND JURY REPORT**
"History of flood and Flames: Emergency Preparedness of Yuba County"

Dear Judge Berrier,

Provided pursuant to Penal Code Section 933.05, are the comments from the Yuba County Emergency Operations Manager related to the 2011/2012 Grand Jury Final Report – History of Flood and Flames: Emergency Preparedness of Yuba County – Findings and Recommendations, concerning the emergency preparedness of Yuba County,

FINDINGS

F7. The Marysville Chief of Police has failed to take advantage of offers from the OES to assist in achieving a compliant emergency operations plan.

The Emergency Operations Manager concurs with the above finding.

RECOMMENDATIONS

R3. The City of Marysville should take advantage of the certified, no-cost training provided by the OES.

The Emergency Operations Manager concurs with the above recommendation.

Thank you for your dedicated service to the County of Yuba.

Sincerely,

Scott Bryan
Emergency Operations Manager
Office of the County Administrator



915 8TH STREET, SUITE 117
MARYSVILLE, CA 95901



(530) 749-7520 OFFICE
(530) 749-7524 FAX



Responses to

**The City Of Marysville's
Display of the
U.S. Flag**



CITY OF MARYSVILLE

8-20-12
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

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

August 16, 2012

The Honorable Stephen M. Berrier
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

Subject: Response to 2011-2012 Grand Jury Report

Dear Judge Berrier:

This letter is in response to the findings and recommendations made by the 2011-2012 Grand Jury. Specifically, Findings F-1 through F-3 and Recommendation R-1 of that report will be addressed.

FINDINGS

- F1. U.S. Flags flown over the decorative arches along "D" Street are not being illuminated between sundown and sunrise.

Response: At the time the Grand Jury made this finding, that was correct. It appears that an electrical breaker was either inadvertently turned off or had failed.

- F2. Proper light fixtures are in place to light the U. S. Flags; however, they are not being used.

Response: Correct, See F1 response above.

- F3. The Marysville City Manager was unaware that the lights were off.

Response: Correct, within minutes of being informed of the problem, the Public Works Superintendent was contacted. The Public Works Superintendent started an investigation to find out why the lights were not working. The problem was located and corrected.

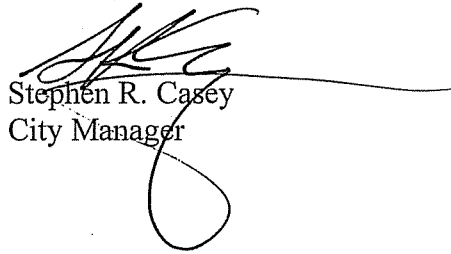
RECOMMENDATIONS

- R1. Ensure that proper respect is provided by keeping the flags atop the arches along "D" Street illuminated between sundown and sunrise.

Response: The City of Marysville does its best to follow the United States Flag Code. However, due to circumstances or events beyond our control, we cannot guarantee that we won't find ourselves in a similar situation again. The City of Marysville can assure the Grand Jury and the public that the lights on the flags were not intentionally turned off or that any disrespect was intended.

We would also like to thank the Grand Jury committee for bringing this matter to our attention. The members we met with were professional, courteous and understanding regarding the issues facing local government. While this may seem to be a small matter to some people, it underscores the need for all of us to work together to build a better community.

Sincerely,

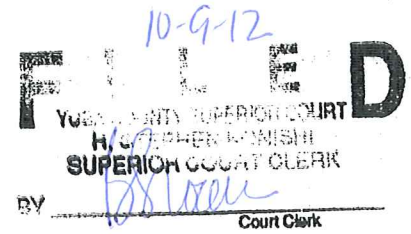


Stephen R. Casey
City Manager



CITY OF MARYSVILLE

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



August 15, 2012

The Honorable Stephen M. Berrier
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

Subject: Response to 2011-2012 Grand Jury Report

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Sincerely,


Stephen R. Casey
City Manager

10/5/12