

Responses to
The 2013-2014
Yuba County Grand Jury
Final Report



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



June 17, 2014

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

RE: Response to 2013/2014 Grand Jury Findings and Recommendations

Dear Judge Berrier:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Sheriff's Department's response to the 2013/2014 Grand Jury Final Report – Findings and Recommendations concerning the investigation into the Yuba County Jail.

We would like to express our thanks to the 2013/2014 Yuba County Grand Jury for their dedication and professional approach to their duties. It was a pleasure meeting with them and discussing our operations. Please accept the following response to the Grand Jury Findings and Recommendations:

YUBA COUNTY JAIL

Finding #1: The Yuba County Jail is operating efficiently with well trained staff

Response to Finding #1: Agree.

Finding #2: Additional funding is being provided for AB 109 requirements by the State of California.

Response to Finding #2: Agree.

Finding #3: The addition of a Registered Nurse is needed to meet additional medical needs.

Response to Finding #3: Agree. The Sheriff's Department is operating with 20 unfunded positions throughout the organization and one of those positions is a Correctional Facility Registered Nurse. As county revenues increase, we will be restoring unfunded positions and the Correctional Facility Registered Nurse is a priority position for restoration.

Finding #4: The jail staffing levels are currently increasing for active duty and reserve deputies

Response to Finding #2: Agree. We have been able to fund a previously unfunded Correctional Officer position (though others remain unfunded). We have also strengthened our Correctional Reserve program in order to cost effectively bolster staffing and reduce overtime costs.

YCSO Grand Jury Response

Page 2

Recommendation #1: *The Grand Jury recommends the Yuba County Jail be funded for the addition of a Registered Nurse to meet medical needs.*

Response to Recommendation 1: The recommendation has not yet been implemented but we hope to be able to restore funding to the position in the 2015-2016. The budget for 2014-2015 has been set and the position cannot be supported at this time. In the interim, we will identify funding for an extra-help nurse to ease the workload in jail medical.

Commendation #1: *The Grand Jury commends the Yuba County Sheriff, the Jail Commander, and the jail staff for their dedication to the citizens of Yuba County.*

Response to Commendation #1: Although a response is not required for commendations, I would like to thank the Grand Jury for recognizing the good work done by the men and women working in the Yuba County jail. They are a hard-working, dedicated group whose efforts often go unrecognized. Correctional work is one if done well, the general public is unaware, but done poorly it is known by all. I am thankful for the staff working in the Yuba County Jail and the credit goes to them.

Conclusion

I would like to extend my thanks to the 2013/2014 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 2014/2015 Grand Jury. If you have any questions, please feel free to contact me at 749-7779.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven L. Durfor".

Steven L. Durfor
Sheriff-Coroner

cc: Yuba County Board of Supervisors

The County Of Yuba

PROBATION DEPARTMENT

JAMES L. ARNOLD
CHIEF PROBATION OFFICER

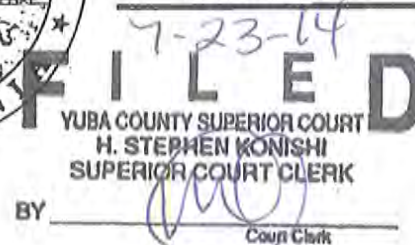


rcvd 7-23-14 8:00 AM

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

July 15, 2014

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



RE: Response to 2013-2014 Grand Jury Findings and Recommendations

Dear Judge Berrier;

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Probation Department's response to the 2013/2014 Grand Jury Final Report – Findings and Recommendations concerning the annual investigation into the operation of the Yuba-Sutter Juvenile Facilities.

Please accept the following response to the 2013/2014 Grand Jury Findings and Recommendations:

Finding 1

Staffing is minimally adequate to meet the needs of resident juveniles. Juvenile Hall has been authorized to hire two new staff members in the near future.

We agree with this finding.

Finding 2

Current camera monitoring system and its ability to record is not adequate for the current needs of the facility.

We agree with this finding.

Finding 3

Due to one on one, individually tailored policy changes, staff is instilling a sense of tolerance and respect in housed juvenile towards each other and members of the community.

We agree with this finding.

Finding 4

Staff volunteers within Juvenile Hall are well trained and show a level of care and concern towards the residents above what is expected.

We agree with this finding.

Finding 5

The needs of housed offenders are being met, including an internal grievance system.

We agree with this finding.

Recommendation 1

Yuba County Supervisors make additional funding available to the facility manager to maintain compliance with established State environmental health standards.

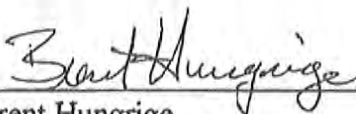
The Grand Jury requests responses to this inspection from the Yuba County Board of Supervisors.

Recommendation 2

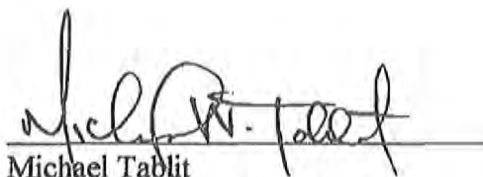
Yuba County Supervisors provide funding to upgrade the existing inadequate security camera system.

The Grand Jury requests responses to this inspection from the Yuba County Board of Supervisors.

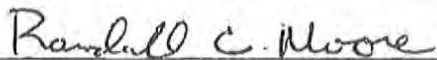
Respectfully Submitted,



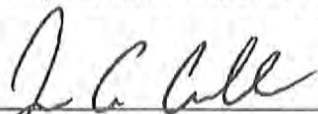
Brent Hungrige
Probation Program Manager
Yuba-Sutter/Bi-County Juvenile Hall



Michael Tablit
Probation Program Manager
Maxine Singer Youth Guidance Center



Randall C. Moore
Yuba County Assistant Chief Probation Officer



James L. Arnold
Yuba County Chief Probation Officer

WHEATLAND CEMETERY DISTRICT

P. O. Box 281

Wheatland, CA 95692

Telephone: (530) 633-2964

July 28, 2014

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

BY

Court Clerk

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

RE: 2013-2014 Grand Jury Final Report Findings & Recommendations

Dear Yuba County Grand Jury:

The Wheatland Cemetery District has reviewed the Yuba County 2013-2014 Grand Jury's Final Report and hereby responds as follows:

Findings:

- F1. There is no established mechanism among the Yuba County Cemetery Districts for exchanging information about their experiences operating the cemeteries. A Yuba County Cemetery District Association would facilitate the exchange of knowledge and experience about best practices.
- F2. The cost of the legally mandated annual audits has prevented many Yuba County Cemetery Districts from fully complying with this requirement. Nevertheless, it is in both the County government and the Public's best interest that tax supported agencies be financially accountable.
- F3. Cemetery Board of Trustees contact information is posted near the entrance at some cemeteries, but not all. In a few cases, prices and policies are posted at cemetery entrances, but this is the exception rather than the rule. None of this information is available online. All of this information should be readily available to the Public at all cemeteries and online.

Responses:

- F1. While no "official" Yuba County Cemetery District association exists, our management team is frequently contacted by the various Yuba County Cemetery Districts for assistance and/or advice on personnel actions, contract solicitation and development, resolutions, conflict of interest codes and Brown Act/Open Meeting compliance as well as the digitization of burial records and maps.

- F2. The Wheatland Cemetery District is in full compliance with all legally mandated audits. At the moment, our Auditing Firm, Jensen Smith, is wrapping up our Fiscal Year 2012 audit and will be undertaking our Fiscal Year 2013 audit as soon as the County disseminates financial year-end statements.
- F3. The Wheatland Cemetery District is the exception to the rule as our contact information and pricing appear in the marquee located on the outside of the Wheatland Cemetery District Office; additionally, our marquee also contains copies of upcoming meeting agendas, minutes, policies and resolutions. It is worth noting that our contact information also appears on signage affixed to our perimeter fencing and in the various phone books as well as in Google search results for Wheatland Cemetery District.

In addition, the City of Wheatland has our contact information as do the local funeral homes. However, in the spirit of cooperation, we will explore the cost(s) involved in developing and maintaining an active Wheatland Cemetery District website; dependent upon the expenditures involved, this may be a viable option for the future.

Recommendations:

- R1. The Yuba County Grand Jury recommends that the Yuba County Cemetery Districts form an association for the purpose of efficiently exchanging information about their experiences operating their respective cemeteries. A Cemetery District Association would facilitate the exchange of hard-won knowledge and experiences with best practices.
- R2. The Yuba County Grand Jury recommends that the County and the Districts explore ways that would permit the Districts to obtain the required annual audits at a reasonable and affordable cost.
- R3. The Yuba County Grand Jury recommends that the County create a webpage on its website for the Cemetery Districts, which present for easy public access, the information needed by the Public to use the District's resources. The information should include: hours of operation, contact information for members of the Board of Trustees, prices and fees for services and information about how members of the Public can support the missions of the Districts. Dates, times and location of Cemetery District's Board of Trustee meetings should also be included. Community outreach posting might also appear here.

Responses:

- R1. Dependent upon the time commitment involved with such an association, the Wheatland Cemetery District may be interested in membership. However, it should be noted that most of the Yuba County Cemetery Districts have membership in the Public Cemetery Alliance and the California Association of Public Cemeteries – both of which, facilitate free mentorships through numerous, learned, certified managers and board members.
- R2. The Wheatland Cemetery District is in full support of this recommendation and believes that County should develop and solicit a multi-year Request for Proposal (RFP) on behalf of all those Yuba County Special Districts that are currently unable to obtain the legally mandated audits. Bundling the audits

would allow those districts with little money to become compliant and might provide greater flexibility with quantity discounts.

Please note that the Wheatland Cemetery District is fully compliant as it relates to audits.

- R3. We are in full support of the recommendation that Yuba County create a webpage on its website for each cemetery district. However, it should be noted that the County as well as each Cemetery District would then be bound by the Brown/Open Meeting Acts. All would be required to post meeting agendas and all supporting documentation on line at least 72 prior to any regularly scheduled meeting; 24 hours prior to any special meeting; and as soon as possible for any emergency meeting. This level of compliance may tax the already meager resources of all parties and would actually require 24 hour access to the Yuba County Webmaster as most Cemetery Districts rely on volunteer or off-shift workers to keep operations running smoothly.

The Wheatland Cemetery District Board of Trustees would like to thank the Yuba County Jury for their Findings and Recommendations.

Should you have any additional questions or concerns, please feel free to contact our Manager, Holly Welch at (530) 633-2964 or at WheatlandCemetery@yahoo.com or Wheatlandcd@att.net.

Sincerely,



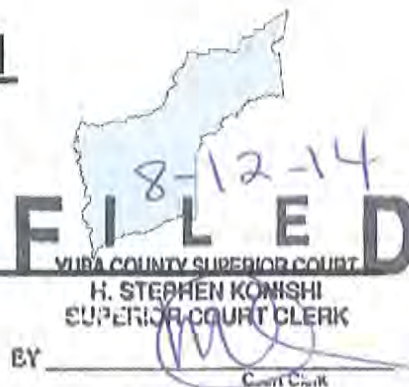
Robert C. Bradshaw, Chairman
Wheatland Cemetery District
Board of Trustees

YUBA COUNTY LOCAL AGENCY FORMATION COMMISSION

JOHN BENOIT, EXECUTIVE OFFICER

**526 C STREET
MARYSVILLE, CA 95901**

**Phone (530)749-5467
Fax (530)740-4836
URL www.yubalafco.org**



August 1, 2014

Honorable Stephen Berrier
Presiding Judge of the Yuba County Grand Jury
215 Fifth Street, Suite 200
Marysville, California 95901

RE: LAFCo Response to the FY 2013-2014 Grand Jury Report

Dear Judge Berrier,

Thank you for your review of the Yuba Local Agency Formation Commission. This response includes the responses from LAFCO Commissioners as well as the Executive Officer. Below are the Findings/Recommendations and the LAFCO Commission and Staff responses with respect to Report 13 commencing on page 161 (Yuba County Cemetery Districts section of the 2013-2014 Grand Jury report.

FINDINGS:

Finding F1 There is no established mechanism among Yuba County Cemetery Districts for exchanging information about their experiences operating the cemeteries. A Yuba County Cemetery District's Association would facilitate the exchange of knowledge and experience about best Practices.

LAFCo Response to F1 - While a Yuba County Cemetery District's Association would be helpful, a Special District's Association for all Independent Special Districts in Yuba County could prove more valuable. Many other types of Special Districts in Yuba County could benefit from educational opportunities as well as the exchange of information with one another.

Finding F2 The cost of the legally mandated annual audits has prevented many Yuba County cemetery districts from fully complying with this requirement. Nevertheless, it is in both the county government's and the public's interest that tax supported agencies be financially accountable.

LAFCo Response to Finding F2 LAFCo shares the concern that it is in the public's interest that public agencies be financially viable.

Finding F3 Cemetery boards of trustees contact information is posted near the entrance at some cemeteries, but not all. In a few cases, prices and policies are posted at cemetery entrances, but this is the exception rather than the rule. None of the information is available on-line.

LAFCo Response to Finding F3 LAFCo agrees with the statement that information should be made available to the public and development of a website would be very useful for the public.

RECOMMENDATIONS:

Recommendation R1 The Yuba County Grand Jury recommends that the Yuba County cemetery districts form an association for the purpose of efficiently exchanging information about their experiences operating their respective cemeteries. A cemetery district's association would facilitate the exchange of hard-won knowledge and experience with best practices.

LAFCo Response to Recommendation R1 LAFCo would recommend a County-wide Special District's association would be of more value so all districts in Yuba County could exchange best practice ideas.


Recommendation R2 The Yuba County Grand Jury recommends that the county and the districts explore ways that would permit the districts to obtain the required annual audits at a reasonable and affordable cost.

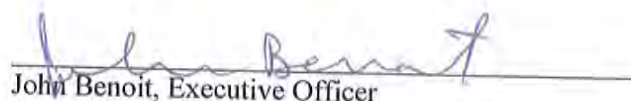
LAFCo Response to Recommendation R2. LAFCo agrees.

Recommendation R3 The Yuba County Grand Jury recommends that the county create a web page on its website for the cemetery districts, that presents for easy public access, the information needed by the public to use the districts' resources. The information should include: hours of operation, contact information about how members of the public can support the missions of the districts. Dates, times and location of cemetery district's Boards of Trustees meetings should also be included. Community outreach might also appear here.

LAFCo Response to Recommendation R3 The County's decision to create a webpage for Cemetery Districts rests with the County. LAFCo does not have any specific comments regarding this recommendation excepting the public has a right to have access to information.

The Commission and the Executive Officer, thank you for the opportunity to respond to the 2013-2014 Grand Jury Report. Should you have any questions, please do not hesitate to contact John Benoit, LAFCO's Executive Officer at (530) 749-5467 or by email at phensley@co.yuba.ca.us


Brent Hastey, Chair
Yuba Local Agency Formation Commission


John Benoit, Executive Officer
Yuba Local Agency Formation Commission

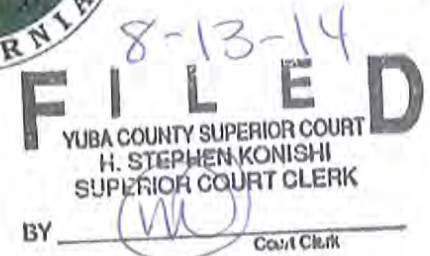
The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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

August 12, 2014



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

Re: RESPONSE TO 2013-14 GRAND JURY – “Yuba County Juvenile Facilities”

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 2013-14 Grand Jury Final Report – “Yuba County Juvenile Facilities.” 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

F1. Staffing is minimally adequate to meet the needs of resident juveniles. Juvenile hall has been authorized to hire two new staff members in the near future.

The Board of Supervisors agrees with this finding.

F2. Current camera monitoring system and its ability to record is not adequate for the current needs of the facility.

The Board of Supervisors agrees with this finding in part. According to the Chief Probation Officer, this item has been discussed internally however with the new Tri-County Juvenile Hall currently in its construction planning phase, having a new camera system engineered and installed most likely will not result in efficiencies and not be economical with the design and placement of new cameras in the new facility.

SUPERVISORS

- F3. *Due to one on one, individually tailored policy changes, staff is instilling a sense of tolerance and respect in housed juveniles towards each other and members of the community.***

The Board of Supervisors agrees with this finding.

- F4. *Staff and volunteers within Juvenile Hall are well trained and show a level of care and concern towards the residents above what is expected.***

The Board of Supervisors agrees with this finding.

- F5. *The needs of housed offenders are being met, including an internal grievance system.***

The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

- R1. *Yuba County Supervisors make additional funding available to the facility manager to maintain compliance with established State environmental standards.***

The recommendation has been implemented. As noted in the Grand Jury report, the painting of the facility was in progress. Funding was previously allocated by the Board of Supervisors for this project. The project has since been completed.

- R2. *Yuba County Supervisors provide funding to upgrade the existing inadequate security camera system.***

The recommendation has not been implemented, but will be implemented in the future. According to the Chief Probation Officer, this item has been discussed internally and the current system is meeting their needs. With the new Tri-County Juvenile Hall currently in its construction planning phase, having a new camera system engineered and installed, most likely will not result in efficiencies and not be economical with the design and placement of a new camera system in the new facility. The time frame for completion of the new facility is anticipated to be by 2016-2017.

The Board of Supervisors thanks the 2013-14 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,



John Nicoletti, Chairman
Yuba County Board of Supervisors

SUPERVISORS



CITY OF MARYSVILLE

RICKY A. SAMAYOA
MAYOR
COUNCIL MEMBERS
JAMES E. KITCHEN
CHRISTOPHER PEDIGO
MICHAEL SELVIDGE
DALE WHITMORE



526 C STREET
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August 6, 2014

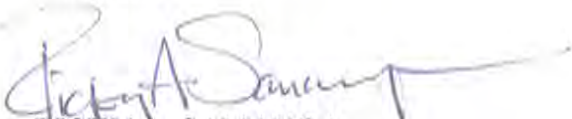
Hon. Stephen Berrier, Presiding Judge
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, California 95901

Dear Judge Berrier:

The City Council has reviewed the findings and recommendations contained in the Yuba County Grand Jury 2013-2014 Final Report. As required by Penal Code Section 933(c), the City Council considered its response to that Grand Jury report during its regular meeting of August 5, 2014, and has approved the response transmitted herewith. In addition, the City Council response serves also as the responses of the following named officials and employees, to the extent of their knowledge and responsibilities, as requested by the Grand Jury pursuant to Penal Code Section 933.05: City Manager, Police Chief, Senior Accountant, City Services Director.

The City Council commends the members of the Yuba County Grand Jury for their enthusiasm in carrying out their service to our community. We are prepared to discuss further any of the matters addressed in our response.

Sincerely,



RICKY A. SAMAYOA
Mayor

Enclosure: 17 pages

**Official Response
of
The Marysville City Council
to The 2014 Yuba County Grand Jury Report**

California Penal Code Sections 933 *et seq.* require the governing bodies of municipal governments to file a formal response whenever civil grand juries issue findings and recommendations addressing matters within the jurisdiction of the municipality.

On June 11, 2014, the Yuba County Grand Jury issued its annual report containing, among other matters, discussions relating to two municipal programs. Herewith, the response of the City Council to the findings and recommendations of the Grand Jury in respect of those two matters.

Red Light Camera Program

We appreciate the time and enthusiasm that members of the Grand Jury invested in pursuing this matter. Generally speaking, we found five broad categories of observations made in the report of the GJ on this matter.

The Grand Jury found that there were data reporting errors for some of the years studied.

The Grand Jury pointed to conflicting data in the Annual Reports issued by the Police Department in the years 2011 and 2012. We agree. The data for the years 2010 and 2011 were incorrectly reported in the 2011 Annual Report, but were caught by the department in time to be corrected for the 2012 Annual Report.

The collision data tabulated in the 2011 Annual Report for the year 2006 were incomplete, although the total number of collisions in that year was correctly reported at 698. This resulted from the practice at that time of outsourcing traffic investigation services during peak traffic hours to a contract vendor, whose data was coded differently from similar accident data controlled by the MPD itself. During the preparation of the 2011 Annual Report, 440 collision incidents coded by the contractor were inadvertently omitted from the data table (referred to as the top table in Figure 7 of the GJ report).

The data for the years 2007, 2008 and 2009 in the Annual Report of 2011 are, in fact, correct, but the data for those years were incorrectly totaled, being off by 1 incident in the year 2007, 4 incidents in 2008 and 1 incident in 2009. Here, too, these summing errors were all corrected in the 2012 Annual Report.

There are differences in the two traffic accident databases (SWITRS and TASAS) the Grand Jury relied on in its report. Those databases have different purposes and draw data from different sources.

The Statewide Integrated Traffic Records System (SWITRS) was implemented in 1972, requiring all law enforcement agencies in California to report every injury and fatality collision to the California Highway Patrol [California Vehicle Code Section 20008]. There is no requirement that non-injury accidents be reported and, by established

departmental policy, the Marysville Police Department does not report non-injury accidents to SWITRS. For that reason, SWITRS cannot be relied upon where a complete record of all traffic collisions is needed.

The Traffic Accident Surveillance and Analysis System (TASAS) is a database maintained not by the Highway Patrol, but by the California Department of Transportation. The Marysville Police Department does not submit any traffic collision data directly to TASAS; TASAS draws its data from SWITRS and, therefore, is no more a comprehensive record of all traffic accidents in Marysville than is SWITRS. Neither of these databases includes non-injury accident data and, therefore, neither one should have been relied upon by the Grand Jury in reaching conclusions nor in making recommendations that required a full understanding of all collisions. The only source of full and complete collision data is the Marysville Police Department itself. For that reason, differences between MPD data and SWITRS/TASAS data are to be expected, and findings and recommendations which the report characterizes as “discrepancies” suggest the GJ may have misunderstood the limitations of the data they were relying on.

Large-scale research studies to-date into the safety effects of photo red light enforcement come to mixed conclusions.

With the advent of photo red light enforcement technology, numerous research studies have been conducted to determine whether its effectiveness at promoting traffic safety can be established. The studies reach differing conclusions, although the general consensus is that certain types of the most serious collisions—right angle (also called T-bone) collisions, in particular—are reduced at monitored intersections, while rear-end collisions may sometimes go up.

A comprehensive traffic safety strategy for street intersections involves more than just enforcement.

We agree. Good traffic engineering practices contribute greatly. But engineering measures are dependent on the availability of right-of-way, cost and other constraints that cannot always be overcome. Where they can be, they should be part of the solution.

Financial data leave the impression that red light cameras are for the purpose of revenue generation and may also be intended to mislead the public.

The fines for red light violations are set by the state, not by the City. The City publishes the vehicle code fines it receives annually from the county as an aggregate amount of revenue, including fines for all types of vehicle code violations, not just red light camera violations. It is reported as an aggregate amount because the county cannot provide the City with an itemized breakdown of just red light camera violations. In short, the City reports its vehicle code violation revenues at the same level of detail that is provided to it by the county. No more, no less.

Responses to individual findings and recommendations follow. For ease of reading and clarity, the findings have been grouped together by common topics.

Findings—Safety

F1. Accident frequencies have not been the sole consideration for RLC usage.

We agree. The assessment of conditions which warrant placement of a red light camera is broader than simply the analysis of collision data. All of the following go into the process of determining camera locations: (1) collision data, identifying the frequency and severity of collision data in and around the subject intersection; (2) traffic volume and the flow of traffic through the subject intersection; (3) amount of pedestrian traffic through the subject intersection; and (4) frequency of red light violations other than those resulting in collisions for a specific approach through the subject intersection. This gives a more complete hazard assessment on which to base placement decisions than if collision data alone were employed.

F17. RLCs at 3rd and F and at 10th and Ramirez result in citations almost exclusively for right-turn-on-red violations, and safety would be better served by engineering countermeasures.

We disagree with the conclusion reached. Without a traffic engineering report, it is impossible to reach the conclusion that “safety would be better served by engineering countermeasures” at these locations, and the Grand Jury provided no foundation for reaching such a conclusion.

F18. RLCs at 3rd and E and at 9th and E result in approximately half of citations for right-turn-on-red violations, and safety would be better served by engineering countermeasures.

We disagree with the conclusion reached. Without a traffic engineering report, it is impossible to reach the conclusion that “safety would be better served by engineering countermeasures” at these locations, and the Grand Jury provided no foundation for reaching such a conclusion.

* * * *

F2. 2003 accident data used to justify initial RLC installations cannot be substantiated by the City of Marysville due to data purging.

We agree. As of August 2014, eleven year old data from the year 2003 are no longer maintained in the department’s database and, therefore, are not available. The records retention program of the Marysville Police Department operates in accordance with the California Secretary of State “Local Government Records Management Guidelines,” as well as best practices adopted by the League of California Cities and City Clerks Association of California. The Grand Jury was provided with copies of the signed and dated proof of destruction documents certifying that all but fatality traffic collision data from the years 2006 and older were destroyed in accordance with that records retention policy.

F3. 2003 accident data used to justify initial RLC installations conflict with TASAS collision data.

We disagree. The GJ gave no indication of what data it was relying on in reaching this conclusion; however, the use of TASAS data would necessarily lead to data “conflicts” when compared against source data maintained by the Marysville Police Department itself, for the reason explained earlier in our response.

F4. TASAS collision data did not justify RLC installation at 10th and G or at 3rd and E.

We disagree. Whether placement of cameras at a particular approach at a particular intersection is “justified” is a conclusion reached by more than simply traffic collision data, as explained in F1 above. Moreover, the TASAS database contains only an incomplete subset of traffic collisions to begin with, so reliance on only TASAS data would significantly understate the hazard profile of any intersection.

F5. TASAS collision data did not justify City of Marysville’s request for RLC installation at 12th and B.

We disagree, for the reasons explained in F4 above.

F6. TASAS collision data did not justify City of Marysville’s request for RLC installation at 9th and E.

We disagree, for the reasons explained in F4 above.

F7. The City of Marysville data do not justify RLC installation at 3rd and F or at 10th and Ramirez.

We disagree. The GJ gave no indication of what data it was relying on in reaching this conclusion; however, the justification for which intersections are suitable candidates for photo enforcement is the result a broad-based assessment of hazards, as explained earlier in F1 above.

F8. Statements by the City of Marysville officials to support claims of effects of RLCs on safety sometimes refer to citywide collision data and sometimes refer to collisions at RLC intersections.

We agree. Depending on what the officials were responding to, it is possible that citywide data might well have been cited as, for instance, if declining numbers of collisions citywide is thought to reflect the increased sense of awareness by motorists of intersection violation enforcement, sometimes called the “halo effect” of a photo enforcement program. In that circumstance, reference to citywide data would be necessary.

F9. Statements by the City of Marysville officials to support claims of effects of RLCs on safety cite data that cannot be substantiated.

We disagree. The GJ gave no indication of what statements it was relying on in reaching this conclusion; however, if it relates to data from the years 2003

through 2006 that was purged in the ordinary course of business, following the department's records management program for retention schedules, that issue was addressed earlier in F2 above.

F10. Statements by the City of Marysville officials to support claims of effects of RLCs on safety cite conflicting data.

We disagree. The GJ gave no indication of what statements it was relying on in reaching this conclusion; however, it appears this may be the result of a misunderstanding on the part of the GJ concerning the limitations of data captured by SWITRS and TASAS, versus the source data maintained by the Marysville Police Department itself, as explained earlier in our response.

F11. Statements by the City of Marysville officials to support claims of effects of RLCs on safety omit reference to data that do not support the assertion of safety improvement.

We neither agree nor disagree. The GJ gave no indication of what statements it was relying on in making this finding. The photo red light enforcement program has been written and spoken about on numerous occasions since its inception nearly 10 years ago. It is possible that on one or more of those occasions, the references the GJ speaks of were not included.

F16. There are broad discrepancies between the City of Marysville collision data and the State of California collision data through TASAS.

We agree that there is a difference between those two data sets, but disagree in their characterization as "discrepancies." We suspect that there was confusion on the part of the GJ concerning the limitations of the data maintained in TASAS, so that any comparison with City of Marysville collision data would predictably produce a difference, as explained earlier in our response.

* * * *

F12. During the time period 2007-2012, number of accidents at RLC intersections (the City of Marysville data) account for an increasing percentage of total accidents in Marysville.

We neither agree nor disagree. The report does not disclose the specific data for those years that the GJ was relying on in making this finding, so it is not possible to assess the accuracy of its finding. However, it seems likely that the conclusion is flawed in any case, because in the period 2007-2012, new cameras were added at additional locations that were not present at the start of that time period. Under the circumstances, it is reasonable to expect that additional accidents would be logged at RLC intersections over the course of those 6 years as more and more intersections became RLC intersections.

- F13. During the time period 2007-2012, number of accidents at non-RLC intersections (the City of Marysville data) account for a stable percentage of total accidents in Marysville.**

We neither agree nor disagree. The report does not disclose the specific data for those years that the GJ was relying on in making this finding, so it is not possible to assess the accuracy of its conclusion.

- F14. Number of accidents at RLC intersections account for a relatively small percentage of total accidents in Marysville, so that use of citywide collision data to justify safety effects of RLC usage appears to be inappropriate.**

We agree in part, but disagree with the conclusion of this finding. The report does not disclose the specific data the GJ was relying on in making this finding, so it is not possible to assess the accuracy of its conclusion. If the data are accurate, it is at least arguable that it suggests that the presence of RLCs at these intersections is having precisely the safety effect which the GJ questions. Moreover, this hypothesis becomes all the more plausible when one considers that many of the RLCs are on state highways that carry many hundreds of times the amount of traffic found elsewhere on city streets, and still they account for only a relatively small percentage of all the accidents. Without reference to citywide collision data, this difference in the incidence of collisions at RLC intersections, even at high-volume highway intersections, would not even be known. Citywide data must be considered to be able to discern this difference.

- F15. During the time period 2007-2012, there were no fatal accidents at RLC intersections.**

We agree.

Recommendations—Safety

- R1. Remove the RLC at 3rd and F and utilize engineering countermeasures to minimize right turn violations.**

Will not be implemented. When the east bound direction has a red light, the north-south directions have a green signal. In that situation, there is no opportunity to have a right-turn green arrow without creating a safety hazard. East bound traffic must stop on a red signal before proceeding with a right turn to insure that there is no conflicting traffic in the south bound direction. There do not appear to be any other sight distance problems. There is not sufficient right of way available to install a free right turn at that location.

- R2. Remove the RLC at 10th and Ramirez and utilize engineering countermeasures to minimize right turn violations.**

Will not be implemented. This intersection could accommodate improvements in the east bound right turn movement. A future project could add signals to allow a right turn on green during the phase for north bound movements. Other than

during that phase, right turns would still require a stop on red to insure it is safe to proceed.

R3. Utilize engineering countermeasures to minimize right-turn-on-red violations at 3rd and E and 9th and E.

Will not be implemented. This is a state highway intersection and would require action by Caltrans. Except during the relatively short west-bound phase, right turns would still require a stop on red to avoid potential traffic conflicts.

R4. Post a speed limit sign approaching the RLC at 10th and Ramirez Streets intersection.

Will not be implemented. The GJ made no finding of speeding approaching this intersection to support its recommendation. This direction does not have a history of speed-related problems that would require an additional speed limit sign. Moreover, the RLC violations logged at this location are not speed related, as they might be on an open highway or major arterial thoroughfare.

R5. Ensure that any traffic signal right turn arrows or left turn arrows utilized at RLC approaches have the same yellow light interval as straight-through yellow light intervals.

No action required, previously implemented. It has long been the City's standard practice to set the yellow phase timings for left and right turns the same duration as the straight-through timings.

R6. Increase yellow light intervals at all RLC intersections to at least one second longer than legally required minimums in order to minimize violations.

Will not be implemented. The GJ offered no foundation for reaching its conclusion that longer intervals would "minimize violations". The opposite may well be true. Until the body of traffic engineering opinion reaches the conclusion that longer intervals will improve compliance, the City will continue to adhere to the intervals set by Caltrans, in accordance with state law.

R7. Post complete statistical data for RLC approaches on the City of Marysville Police Department webpage. These data should include past and current accident statistics that are consistent with TASAS, including data for types of accidents. These data should also include number of citations issued for right turn violations, left turn violations and straight-through violations.

Will not be implemented. The Marysville Police Department does not report data to TASAS, and has neither a legal requirement to do so, nor the practical means to do so. The staffing and personnel hours for managing and posting reports online currently do not exist, nor is there any mandate to perform this function.

R8. Not install further RLCs without providing complete collision data for the intersection in question. These data should include traffic volumes, types of

collision, whether collisions were in the intersection or not, and any other material to provide information consistent with TASAS.

Will not be implemented. This is one of several recommendations predicated on consistency with TASAS as though that database contained a complete record of all collision incidents. It does not, as previously explained in our response. Rather, the City complies with all current regulatory requirements for the permitting and installation of RLCs on both state roads and City streets, and will continue to do so.

R9. Not install further RLCs without providing complete information about engineering countermeasures that have been used.

Will not be implemented. As written, this recommendation is unworkable, inasmuch as engineering countermeasures may not even be possible at intersections which would otherwise be suitable candidates for photo enforcement. Where appropriate traffic engineering measures can be included to improve traffic safety at controlled intersections, they will of course be considered for feasibility.

R10. Utilize volunteers to assist with the submission of all collision data on state highways with the City of Marysville to SWITRS, so that state databases accurately reflect accident volumes with the City of Marysville.

Will not be implemented. Unclear why the use of volunteers, specifically, is recommended, or why only state highway RLC data were included in the recommendation, but the Marysville Police Department is able to meet all of its mandated data reporting requirements with its existing professional records personnel.

R11. Ensure that SWITRS and the City of Marysville data, particularly for injury and fatal collisions, are concordant.

No action required, previously implemented. The Marysville Police Department has long reported injury and fatality accidents to SWITRS, as it is required to do pursuant to CVC Section 20008.

Findings—Accounting Practices

F1. The City of Marysville demonstrates a lack of transparency in accounting where revenues and expenses for RLC-related monies are concerned.

We disagree, and are puzzled why the GJ would make such a finding. The City sent Mr. Harvey Robinson, Sr., a member of the 2014 Grand Jury, a letter on November 11, 2013, along with several telephone conversations at about the same time, responding in detail to his request for information relating to numerous financial and budgetary accounting, tracking and reporting matters. The GJ was told, and the documentation supplied to it showed, exactly how RLC expenses were reported each month, and how the revenue received from Yuba County for vehicle code violations, including RLC violations, were accounted for and reported.

To reiterate, RLC expenses are not comingled with any other expenses, but are tracked separately in the City's financial accounting system and shown in the Adopted Budget as account 661 in the Traffic Safety budget (Budget Unit 45). In the FY 2013-14 Adopted Budget, that budget detail can be found at page 7.9 of the budget book.

Similarly, the vehicle code fine revenue received from Yuba County is reported as a separate revenue account in both the City's financial accounting system and in the Adopted Budget of the City. In the FY 2013-14 Adopted Budget, that revenue is reported to the public in Schedules 5A and 5B under revenue account 101-212. What is not presently possible is to separately itemize fines paid for RLC violations from fines paid for other vehicle code violations when that revenue is sent to the City by Yuba County. It would be useful if the County were able to provide such an itemization.

- F6. Accounting methods to resolve audit issues appear to leave prior year traffic fine revenues overstated. This may impact the ability to execute the cost-neutral clause of the Redflex contract, according to Redflex's interpretation of this clause.**

We disagree. The City's accounting methods conform to GAAP (Generally Accepted Accounting Procedures), and are annually audited by an independent external auditor, as is required by state law. This finding appears to arise from the GJ's failure to understand the substantial amounts of financial information supplied to it. As for the cost-neutrality provision of the City's contract with Redflex, this and other findings suggest that the GJ was confused as to the purpose and operation of the cost-neutrality provision. An explanation of that clause is given below in F2.

- F7. Because the City of Marysville is unable to specifically identify RLC-related revenues, it may be difficult for Marysville to execute the no-cost clause within the Redflex contract.**

We disagree, for the reasons explained in F2 below.

- F8. The City of Marysville appears to be in violation of the contract with Redflex requiring a specific account for Redflex revenues and expenses.**

We disagree, for the reasons explained in F1 above.

- F9. The current Redflex contract includes an annual gift provision. This gift was provided by Redflex to City of Marysville in 2012 but not in 2013.**

We agree. A full explanation was provided to the GJ in the letter addressed to Mr. Robinson, dated November 11, 2013.

* * * *

F2. The current contract with Redflex contains a cost-neutral clause, which may be questionable under CVC 21455.5.

We disagree. This and several other findings suggest that the GJ does not correctly understand the purpose or operation of the cost neutrality provision. The City's contract with Redflex does not provide for payment or compensation to Redflex based on the number of citations issued, or the percentage of revenue generated from those citations. If it did, it would be in violation of CVC sec. 21455.5.

Instead, Redflex compensation is based on the cost of leasing the equipment installed at controlled intersections. The cost-neutral clause simply ensures that the City does not incur equipment leasing expenses for situations that cause RLC outages due to third party service interruptions, such as those experienced as a result of the Caltrans highway 20/70 improvement project over the past 2 years.

F3. It appears that Reflex's interpretation of the cost-neutral clause is different than the City of Marysville's interpretation of the cost-neutral clause.

We agree. The City and Redflex are in negotiations concerning the amount of lease fees due the company for selected intersections which have experienced service interruptions due to the Caltrans highway 20/70 improvement project over the past two years. If a RLC is out of service due to the actions of a third party, the City does not incur the expense of leasing the equipment at that location for the duration of that outage. That is the City's interpretation. As a result, the City is not now paying monthly equipment lease fees for any RLC that is out of service due to Caltrans projects, and any lease charges already paid for those intersections are being recovered by withholding payment from current billing statements.

F4. The contract appears to contain multiple conflicting statements regarding cost neutrality and effect of roadway construction on revenues.

We agree. The one example cited by the GJ involving Business Assumption 17 and section 3.9 may be such a conflict, although in practice, the City has not been adversely affected by those provisions.

F5. The contract appears to contain conflicting statements regarding effect of citation decision making on cost neutrality.

We disagree. The GJ gave no indication of what statements it was relying on in making this finding, so it is not possible to assess the accuracy of its conclusion. If this is meant to address the internal procedure for verifying the legitimacy of individual RLC violations, we can find no conflicts. The contract is explicit in assigning the responsibility of making decisions in re: individual RLC violations to the Marysville Police Department. Redflex is expressly excluded from that role precisely to avoid the appearance or the reality of increasing its compensation under the contract. This is what CVC sec. 21455.5 prohibits.

Recommendations—Accounting Practices

R1. Provide clear naming of accounts for RLC revenues and expenses in the annual budget.

No action required, previously implemented. Revenues and expenses for RLC are in clearly-named accounts, to the extent that they can be itemized.

R2. Post monthly revenues and expenses for RLCs on the City of Marysville Police Department web page for RLC enforcement.

Will not be implemented. The City complies with all requirements for accounting and reporting of statistical and financial data relating to RLCs within the City, and will continue to do so. Maintaining ongoing reports on the website is labor-intensive, and cannot be handled by existing staffing.

R3. Obtain legal clarification regarding legality and use of the cost-neutral clause of the current contract.

No action required, previously implemented. The City Attorney is closely involved in the negotiations and contract discussions explained in F3 above.

R4. Obtain legal clarification to determine whether the current contract should have been approved given the cost-neutral clause, the gift provision, the requirement of the special account, and the vague interpretation possible for financial resolution when cameras are disabled due to state highway construction.

No action required, previously implemented. The City Attorney is closely involved in the negotiations and contract discussions explained in F3 above. Moreover, the contract which the City entered into with Redflex was reviewed by the City Attorney at the time it was executed, in 2005.

R5. Obtain legal clarification to determine whether the annual gift provision in the current contract is legal. If it is, then it should be provided annually as stipulated. If it is not, then any gifts received should be returned.

No action required, previously implemented. The City Attorney is closely involved in all contractual relations between the City and its contractors. We defer to the judgment and professional guidance of legal counsel in all such matters. In practice, the City does not accept “gifts” from its vendors and contractors, as explained in the letter to Mr. Harvey Robinson, Sr., dated November 11, 2013. The use of the term “gift” in the Redflex contract is unfortunate, but inapplicable for the reason explained in our letter to Mr. Robinson.

R6. Consider termination of business agreements with Redflex either immediately or upon completion of the current contract, and utilize more advanced engineering counter measures to enhance traffic safety within the City of Marysville.

Electronic traffic enforcement techniques are in widespread use throughout modern America, serving legitimate safety and regulatory purposes that either could not be performed in another manner, or as complementary to other

measures, including engineered solutions. But not every situation lends itself to only engineered solutions, as this recommendation pre-supposes. The City Council will always keep its options open to provide the best possible safety measures it can.

Maintenance of Ellis Lake

Water quality issues and measures to deal with water quality may not be fully understood by the Grand Jury.

As the signature amenity of Marysville, Ellis Lake is of high significance to the City. Discussions have taken place and are ongoing concerning how best to influence water quality, given the physical characteristics of the lake—shallow and very warm in summer—its flora and fauna, and its hydrologic system.

The paragraph on “Lake Hydrology” in the GJ report describes “eutrophication” and states that similar conditions have existing in the past in Ellis Lake. The statement is then made that “conditions involving eutrophication are not evident.” No authoritative support is offered for the implication of eutrophication existing in Ellis Lake or the opinion that conditions do or do not exist in the Lake, other than a reference to an article in Wikipedia. The same paragraph indicates that the Lake contained high levels of phosphorus and ammonia based on tests in 2012 in contrast to more recent tests conducted by the City, but does not reference a source of this conflicting information.

In the discussion of (avian) botulism, the Grand Jury Report references an article from Wikipedia and states that the bacterial level in the water leads to the avian botulism outbreaks. The Wikipedia article referenced addressed botulism, primarily in humans, and not the avian strain that has affected the ducks around Ellis Lake in the past. Avian botulism is not spread by toxins in the water, but by maggots feeding on infected dead birds, followed by other birds feeding on the infected maggots. The best response to such an outbreak is the quick removal of the bird carcasses. There is no effective treatment, and the city has never treated the lake with phosphorus or ammonia, either against avian botulism or for any other reason.

The report goes on to discuss the loss of water from Ellis Lake. The statement correctly points out that water flowing out from Ellis Lake is controlled by a weir, which also acts to set the normal water level in the lake. Ellis Lake is also a storm water detention basin. In normal winters, high levels of storm run off will flow into the lake, and flow back out of the lake after the passing of the storm. During other times of the year, the Lake loses water through evaporation and percolation.

The report incorrectly stated that the Yuba County Water Agency provides water to California Water Service Company. The California Water Service Company obtains all of the water supplies from wells. The City is not aware of records indicating that the current pump on the Ellis Lake well was donated by Cal Water, nor are we aware of any offer from Cal Water to donate another pump. The City Services Director did explain to

the Grand Jury members that there had been discussions with Yuba County Water Agency regarding funding for an additional well to feed the Lake, among other measures. However, the current limitation on the amount of water pumped into the Lake is not the lack of an additional pump, but funding for increased energy costs for increased operation of the pumps. The current pump runs 44 hours per week at a seasonal cost of \$11,000.

The Ellis Lake Restoration Project (ELRP) group has proposed the installation of floating islands in Ellis Lake to improve water quality. In December 2013, the City reviewed and approved the group's proposal to install a 70-square foot island as a pilot project. The installation of the first island by ELRP is pending. The floating islands the ELRP has proposed are designed and constructed by Floating Islands West, LLC. The City, along with proponents of the Ellis Lake Restoration Project, talked to an expert from Floating Islands West, Mr. Laddie Flock, about the applicability of the floating island to solve the type of problems in Ellis Lake. He felt that their product would be beneficial, but most of their experience had been with water bodies having somewhat different water quality problems than Ellis Lake. When asked to estimate the total floating island needed to adequately treat a lake the size of Ellis Lake, he indicated a need for approximately 6,000 square feet, including three circulating pump units, with an estimated cost of \$300,000.

In the final paragraph on page 130, the Grand Jury states that "Ellis Lake Restoration Project has been around for many years." To our knowledge, the current Ellis Lake Restoration Project is a recent creation. However, another group, Help Ellis Lake Prosper (HELP) has been around for about 14 years and has been an invaluable partner with the City to address some particular problems with Ellis Lake. The Grand Jury makes the statement, without any reference or supporting documentation that "In 2008 . . . the city and county took steps to make improvements that were *rudimentary and temporary remedies at best.*" The City did complete substantial work around 2008 to repair cobble banks, sidewalks and light posts, and the installation of the first phase of ramps providing access to the Lake. These repairs corrected a number of problems at the Lake, but were neither rudimentary nor temporary. Additional such improvements and renovations are part of the City's Capital Investment Plan for the period 2015-2019.

In the final paragraph of the report, the Grand Jury states that the City "will not allow further deployment of the islands until an expert can analyze the lake issues, and advise the city of its best options for remedy." This is not accurate. The City Services Director stated to the Grand Jury members that the cost of \$300,000 for the full implementation of the floating islands would likely require grant funding. A component of applying for grant funding of that large an amount would be a report by an engineer or water quality expert supporting the floating islands as the preferred solution for the Ellis Lake water quality problems. It is for that reason that City officials have ongoing discussions with the Yuba County Water Agency to determine how the two agencies can partner in the development of a science-based plan for the improvement of water quality in Ellis Lake.

City Council Response
2014 Yuba County Grand Jury Report

Before addressing individual findings and recommendations, we wish to make several corrections, clarifications and explanations to materials contained in the body of the GJ report.

On page 128: The first Marysville Municipal Code reference is incorrect. The sections referencing swimming or boating in Ellis Lake are more correctly 16.60.010 and 16.70.010 as follows:

16.60.010 Swimming in Ellis and East Lakes prohibited.

It is unlawful for any person to swim, ski, wade, or have body contact in the waters of Ellis and East Lakes, located in the city, except by special permission granted by the city council after a request in writing is officially filed in the office of the city clerk and approved by the council.

16.70.010 Boating prohibited—Exception.

It is unlawful for any person, firm, partnership, or corporation, except the city for maintenance purposes, to launch, place, or operate any motor-driven boat in the Ellis and East Lakes located in the city except by special permission granted by the city council after a request in writing is officially filed in the office of the city clerk and approved by the council.

Neither section includes any reference to the waters of Ellis Lake being polluted, as stated in the Grand Jury report.

On page 129: The paragraph entitled "Funding Sources" contains a number of inaccuracies. First, the correct department name is City Services Department, not public works. City Services is responsible for maintenance of Ellis Lake, North Ellis Lake, East Lake, Riverfront Park, and all of the neighborhood parks and miscellaneous park areas within the City. This distinction is important as the budget amounts noted for park maintenance cover all of the parks within the city, not just "Ellis Lake and all parks associated with the Lake." The actual parks maintenance budget for FY 2012-13 was \$264,075, and for FY 2013-14 was \$327,821. The FY 2013-14 budget included funding for the maintenance of Bryant Field, which had been in a separate fund and budget unit in previous years.

Findings

F1. The funds allocated towards lake care are inconsistent, and inadequate for providing basic upkeep of the lake, and the surrounding park facilities.

We agree in general. The funds allocated to parks maintenance have been consistent, but admittedly inadequate, for park maintenance at the level we all would prefer. The City budget for parks maintenance covers not only the 49 acres

of Ellis Lake, North Ellis Lake, and East Lake, but also the 59 acres of neighborhood, community, and regional parks maintained by the City.

- F2. Water enters Ellis Lake by pumping or by rainfall, and leaves the lake by evaporation or by spilling over a weir. Pollutants accumulate, because of limited flushing of the lake.**

We agree in part. Ellis Lake is primarily fed by winter storm runoff within the City. Pumping during the rest of the year is intended to offset evaporation and percolation in order to maintain the lake level. Given the recent drought years, there have been insufficient winter storms to flush algae and other organisms affecting water quality in the lake.

- F3. The periodic unpleasant appearance and odors of the lake are caused by biological processes that are exacerbated by the accumulated pollutants in the lake.**

We disagree in part. The City has not conducted any on-going testing to identify any pollutants in Ellis Lake. While the City agrees with the Grand Jury finding that algae and other organisms seriously affect appearance of the water in Ellis Lake during summers, no factual basis was provided by the Grand Jury to substantiate the finding of accumulated, unspecified pollutants in the Lake.

- F4. Solar panels installed at various locations by the City of Marysville might supply power economically for Ellis Lake pumps through net metering.**

We agree. Any solar panels installed by the City would serve to offset general city energy costs, including pumping costs for Ellis Lake. The initial installation cost of solar panels must be paid back, generally over a 7-10 year period. During the pay-back period, energy savings are used to pay back the capital costs, yielding no net savings to the City. The City concurs that installing solar panels in the City should be pursued, and has included that in its objectives for the current fiscal year.

- F5. ELRP has developed a plan for alleviating many of the adverse conditions plaguing the lake, and has received City permission to deploy one experimental floating island in the lake.**

We agree in part. ELRP has received approval to install one floating island of approximately 70 square feet as a test case. No proposal or plan has been put forth by ELRP to install any floating island beyond the initial one, and even the manufacturer of these islands estimates it would require up to 6,000 square feet of islands to make a noticeable improvement in water quality. So, while the City believes that islands of this sort that have plants which take up nutrients that can thereby help limit algae growth are based on sound science, it is a stretch to claim that this constitutes "a plan for alleviating many of the adverse conditions plaguing the lake" without more study.

Recommendations

R1. The Marysville Public Works Department be provided more funding for the maintenance of the lake.

We agree with the need. The City appreciates the recommendation for more funding to maintain Ellis Lake as well as the other parks within the City. However, the Grand Jury fails to identify a source of this additional funding and fails to identify what other city services should be reduced if this additional funding is to be redirected from current general fund budget commitments. Given the prolonged economic slump in the Yuba-Sutter region, and the current financial state of the City, there are more needs within the city than there are resources to fund them. Until additional resources are available, the City regularly recruits community-based organizations, service clubs and individuals to "adopt" park and lake clean-up, fix-up projects. Over the past year, every service club in Marysville, along with church groups, fraternal organizations, commercial businesses and untold individual residents have provided thousands of hours of valuable labor, often involving the grounds at Ellis Lake.

R2. The concentration of pollutants be mitigated by flushing the lake, by increased pumping, and by using the second pump offered by the California Water Service Company.

We agree in part. The GJ offered no basis for the claim of accumulated pollutants, and did not specify which pollutants it had in mind, but a significant increase in fresh water could help reduce algae proliferation, along with other organisms. Increasing the amount of fresh water pumped into the lake does not require an additional pump, but does require additional funding for the increased energy costs. This is part of the same condition the Grand Jury addressed in R1 above, and can be solved only through additional resources, or by redirecting current funding away from other city services. As explained earlier in our response, we are not aware of any offer by California Water Service Company to provide an additional pump.

R3. The lake be aerated by increased operation of the fountain, until an aeration system can be installed.

We agree in principle. As with the increased pumping, increasing the operation of the fountain will increase operating costs, and may not yield a comparable improvement in water quality. There are more effective aeration techniques available for that purpose.

R4. The Marysville Public Works Department consider constructing a solar panel array and apply net metering to offset the cost of power used to operate the pumps at Ellis Lake.

We agree in concept. The City has included pursuing options for developing alternate energy sources, particularly photovoltaic systems, in its workplan for the

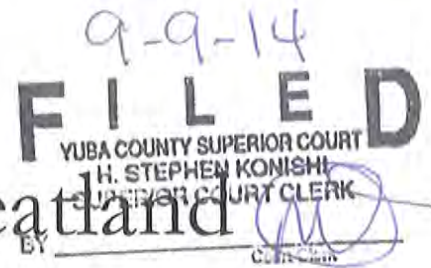
current year, and will be investigating the installation of solar panels this fiscal year. After the payback of the capital costs, any reduction in operating costs through energy savings will accrue to the City's general fund. The City Council will determine how and where those savings will affect services provided by the City.

R5. The floating island project be implemented, until a better solution is found that addresses the problems of the lake.

We neither agree nor disagree. At an estimated cost of \$300,000 for full implementation, this is not the sort of thing one does "until a better solution is found." However, the City will continue its ongoing discussions with the Yuba County Water Agency to partner in undertaking a thorough engineering evaluation of feasible options so that the expected large costs of improving water quality in the lake can be directed at the most promising techniques. That may include botanic solutions like the floating islands, or it may not. At this stage, we just do not yet know.



City of Wheatland



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Wheatland, California

95692

TELEPHONE (530) 633-2761

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August 1, 2014

Stephen M. Berrier
Grand Jury Presiding Judge
215 Fifth Street, Suite 200
Marysville, California 95901

Subject: Wheatland response to 2013-2014 County Grand Jury Final Report

Dear Judge Berrier and members of the Grand Jury,

Thank you for the recent Grand Jury visitation to Wheatland and your review of the Wheatland Police Department. Our City Council appreciates the time and effort that you put in to assure our citizens that government affairs have an oversight independent of our own day-to-day management. Specific to this most recent report, we agree with the findings provided.

The Wheatland City Council realizes that we are likely to experience growth in the future and with that growth will likely come the related increase in revenues and the need to commensurately increase law enforcement (and other) services to serve those new citizens. We will also work with our neighboring law enforcement agencies to monitor and react to the potential impacts that the passage of AB109 realignment may cause.

Again, we concur that the citizens of Wheatland are well served by the WPD and the dedicated employees that we sincerely appreciate.

Thank you for your continued oversight and comments.

Sincerely,

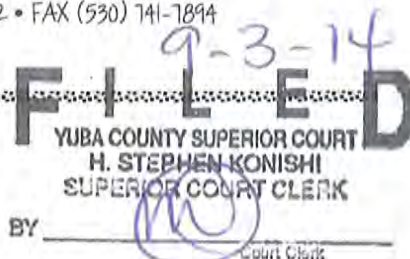
Rick West
Mayor



Marysville Joint Unified School District

Gay Todd, Ed.D. - Superintendent

1919 B Street • Marysville, CA • 95901 • (530) 749-6102 • FAX (530) 741-7894



September 2, 2014

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

RE: Responses to 2013-14 Yuba County Grand Jury Final Report

The Honorable Stephen W. Berrier:

Attached are the responses to the findings included in the 2013-14 Yuba County Grand Jury Final Report relating to the Marysville Joint Unified School District. The district has reviewed the findings and recommendations made by the Grand Jury.

I have directed Dr. Gay Todd, Superintendent of the Marysville Joint Unified School District, to submit the responses on behalf of the MJUSD Board of Trustees.

Should you need further information, please do not hesitate to contact the Superintendent at 749-6102.

Sincerely,

A handwritten signature in blue ink that reads 'Frank J. Crawford'.

Frank Crawford
President — Board of Trustees

— EDUCATING —

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MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

GAY TODD, SUPERINTENDENT

1919 B STREET—MARYSVILLE, CA 95901 (530) 749-6100 FAX (530) 741-7894

September 2, 2014

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

RE: Response by the Superintendent and on Behalf of the Marysville Joint Unified School District's Assistant Superintendent, Business Services, to the Final Report of the Yuba County Grand Jury 2013-14, Pages 9-18

The Honorable Stephen W. Berrier:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of myself and the Marysville Joint Unified School District's ("District") Assistant Superintendent, Business Services, I hereby submit the required formal response to the 2013-14 Yuba County Grand Jury Final Report ("Report") on "Continuity Report: Foothill Intermediate School" ("Foothill").

INTRODUCTION

The 2012-13 Yuba County Grand Jury Final Report included a number of commendations, findings, and recommendations related to Foothill. The District submitted its required response to the Report on or about August 22, 2013. We have reviewed the 2012-13 Report and the District's response and note many of the findings and recommendations from the 2013-14 Report are mere restatements of those from the 2012-13 Report. With regard to the restated findings and recommendations, the District generally restates its responses from 2012-13.

While the District may not agree with or implement all of the 2013-14 Grand Jury's findings and recommendations, the District appreciates the Grand Jury's effort to assess and critique the complex and nuanced areas of public school safety, facility construction, and maintenance. However, I would like to take this opportunity to remind the Grand Jury members that when they visit District property, they are required to adhere to the District Policy and state law concerning tobacco usage at or around public schools. For your reference, attached please

find Board Policy 3513.3.¹ The District appreciates the Grand Jury's future cooperation with this policy.

With the above in mind, the District sets forth its required responses to the Findings and Recommendations of the 2013-14 Grand Jury Final Report, pages 9-18, as follows:

REQUIRED RESPONSES TO FINDINGS

A. Finding 1: "There is a risk of intruders entering the campus grounds from the southeast side of the playground through the olive grove or students going into the olive grove without supervision. The olive grove is not maintained, and is thick with underbrush, providing perfect places for people to hide or to conceal objects."

Response to Finding 1:

The District disagrees with Finding 1. While the foliage in the olive grove may provide coverage for a person wishing to hide or conceal objects, as stated in its response to this finding in the 2012-13 Report, the District is not aware of any incident or threat where an intruder has entered or a student has exited the east side of the playground through the olive grove. Foothill has procedures in place to monitor and protect against such activity. Since at least 2011, Foothill has maintained strategically placed playground/campus supervisors during all lunch and recess periods. This includes one supervisor positioned at or near the border of the southeast side of campus to protect against ingress and egress to the olive grove. Again, the District disagrees because there is simply no factual basis to support this finding.

B. Finding 2: "There is no door, or outside exit route, from room 14, the sixth grade classroom, in the corner of the building at the end of the hall."

Response to Finding 2:

The District disagrees with Finding 2. Foothill has an established emergency exit route map. This is set forth as figure 2 on page 12 the Grand Jury's Report. The caption under figure 2 states the "emergency escape route from room 14 practiced during school drills is shown in red." As shown on figure 2 and acknowledged by the Grand Jury in its Report, Foothill has an established outside exit route from room 14. To the extent the Grand Jury finds there is no direct external access to room 14 from the outside, the District agrees with this statement. As with many, if not the majority, of classrooms in the District's school facilities, very few of the classrooms at Foothill have a door that opens directly to the outside.

C. Finding 3: "Sound damping panels are needed to reduce noise that affects student learning in classrooms."

Response to Finding 3:

¹ The District notes this Board Policy because while several Grand Jury members visited Foothill during this past school year, at least one member was observed smoking in the olive grove adjacent to the campus on the southeast boundary.

The District disagrees with Finding 3 and reasserts its response to the 2012-13 report, which states in pertinent part:

The Grand Jury's [finding] suggests that learning at Foothill has been affected by ambient noise in the classrooms. However, the facts and numbers simply do not bear out this finding. For the last three reported school years (i.e., 2009-10 through 2011-12) the Standardized Testing and Reporting ("STAR") scores for Foothill students have been tremendous. I am proud to report that for each of the last three reported school years, in each and every subject area, Foothill students far surpassed the state and District averages for students scoring proficient or advanced. Similarly, I am also proud to report that for the 2011-12 school year Foothill's Academic Performance Index increased by 32 points and ranks within the top 40 percent of schools statewide.

The numbers reflect the commitment from administration, staff, parents, students, and the community to student safety, success, and achievement at Foothill. Further, this empirical data simply does not support the Grand Jury's theory that student learning at Foothill has been affected by ambient noises.

The District further supplements this response by commending Foothill on another year (2012-13) where the Standardized Testing and Reporting ("STAR") scores for Foothill students far surpassed the state and District averages for students scoring proficient or advanced in each and every subject area. Similarly, I am proud to report that for the 2012-13 school year Foothill's Academic Performance Index ranks within the top 30 percent of schools statewide. Clearly, student learning has not been compromised.

D. Finding 4: "Funding is needed for a full-time principal at Foothill Intermediate School."

Response to Finding 4:

The District agrees with Finding 4 to the extent it asserts that if the District were to appoint a full-time principal at Foothill, additional funding would need to be allocated to that expense. The District disagrees with Finding 4 to the extent it asserts a full-time principal is needed at Foothill, and the District reasserts its response to the 2012-13 report, which states in pertinent part as follows:

[T]he students at Foothill are thriving. The Grand Jury notes in its [2012-13] report, more than once, that the Foothill Principal is doing a marvelous job with student discipline. Moreover, as discussed in response to Finding 4 [of the 2012-13 report], the Principal maintains scheduling flexibility to meet the needs of the school site on any given day. When the Principal is not physically present at Foothill, she is at most .62 miles away and can return to Foothill urgently if needed. At all times during the school day, either the Principal is at the school site or the Teacher-in-Charge is the Acting Administrator. There is no time when Foothill is without an administrator during the school day. The District finds that the Grand Jury's recommendation [in the 2012-13 report] that the District assign

one fulltime administrator to Foothill is unwarranted or alternatively has already been implemented.

The only factor that has changed since 2012-13 is that the student enrollment at Foothill has declined, as noted on page 16 of the Report. Accordingly, the District disagrees with Finding 4.

E. Finding 5: “A safe and high-quality learning environment at Foothill Intermediate School is compromised by the characteristics of the main building and its improvised walls and hallways.”

Response to Finding 5:

The District disagrees with Finding 5. As discussed in Response to Finding 3, the empirical data does not suggest that the learning environment at Foothill is compromised. Further, the District has not received any complaints from teachers or students about Foothill’s facilities. The District acknowledges that Foothill’s facilities are old and the District continues to search for a suitable location for a new school.

F. Finding 6: “Security cameras still have not been upgraded or replaced.”

Response to Finding 6:

The District agrees that security cameras have not been upgraded or replaced at Foothill. On July 22, 2014, the Board authorized the District to proceed with seeking bid proposals for the security systems at various school sites, including Foothill. The District expects installation of upgraded and replacement security cameras to be completed later this year.

REQUIRED RESPONSES TO RECOMMENDATIONS

A. Recommendation 1: “Provide funding for a fence to be erected on the southeast side of the campus between the olive orchard and the playground to reduce the potential for intruders entering the grounds or students exiting the grounds without permission.”

Response to Recommendation 1: Will not implement because it is unreasonable or unwarranted at the present time.

No incidents of either concern mentioned by the Grand Jury (i.e., intruders entering or students exiting campus) have been observed or reported. The District notes that during the 2013-14 school year, the only individuals observed to go between the olive grove and Foothill property during school hours were members of the Grand Jury. Further, since at least 2011, Foothill has implemented specific adult security supervision during recess and lunch breaks to secure the campus perimeter adjacent to the olive grove. This includes at least one adult positioned at or near the border with the olive grove for the duration of the break to ensure against unlawful ingress and egress. Accordingly, the District finds the Grand Jury’s recommendation to be unwarranted. Finally, the cost of a new fence is unreasonable without any evidence to justify the need for such an expenditure.

B. Recommendation 2: "Construct an alternative exit from room 14, the classroom at the end of the sixth grade hallway."

Response to Recommendation 2: Will not implement because it is unreasonable or unwarranted at the present time.

Foothill regularly conducts emergency drills. As part of these drills, the students and staff are required to use emergency exit routes to exit the facility in a simulated emergency and regroup on the ball field in the northwest quadrant of campus. No issues or incidents have been reported concerning the exit route from room 14. Accordingly, the District finds the Grand Jury's recommendation to be unwarranted.

C. Recommendation 3: "Install sound damping panels to reduce noise that affects student learning in classrooms."

Response to Recommendation 3: Will not implement because it is unreasonable or unwarranted at the present time.

As with the 2012-13 Grand Jury Final Report, this recommendation suggests that learning at Foothill has been affected by ambient noise in the classrooms. However, the facts and numbers simply do not bear out this finding. For the last four reported school years (i.e., 2009-10 through 2012-13), the Standardized Testing and Reporting ("STAR") scores for Foothill students have been tremendous. In each of the last four reported school years, Foothill students far surpassed the state and District averages for students scoring proficient or advanced, in each and every subject area. Similarly, for the 2012-13 school year, Foothill's Academic Performance Index ranks within the top 30 percent of schools statewide.

These numbers reflect the commitment from administration, staff, parents, students, and the community to student safety, success, and achievement at Foothill. Again, as stated by the District in response to the 2012-13 Report, this empirical data simply does not support the Grand Jury's theory that student learning at Foothill has been affected by ambient noises. The District finds the Grand Jury's recommendation to be unwarranted.

D. Recommendation 4: "Assign a full-time administrator when enrollment increases at Foothill School."

Response to Recommendation 4: Will not implement because it is unreasonable or unwarranted at the present time.

As discussed, the students at Foothill are thriving. Moreover, as discussed in the District's response to the 2012-13 Report, the Foothill Principal maintains scheduling flexibility to meet the needs of the school site on any given day. When the Principal is not physically present at Foothill, she is at most .62 miles away and can return to Foothill urgently if needed. At all times during the school day, either the Principal is at the school site or the Teacher-in-Charge is the Acting Administrator. There is no time when Foothill is without an administrator during the school day. The District finds the Grand Jury's recommendation that the District assign one full-time administrator to Foothill is unwarranted or alternatively has already been implemented. However, when or if the District determines it is in the best interests of the

District and its students to appoint a full-time administrator to Foothill, the District will make every effort to do so.

E. Recommendation 5: “Make alterations to the Foothill Intermediate School main building in order to provide and maintain a safe and high-quality learning environment at Foothill School while the district is looking for a new location for the school.”

Response to Recommendation 5: Will not implement because it is unreasonable or unwarranted at the present time.

Again, as set forth in the District’s responses to Finding 3 and Recommendations 3 and 4, there is no evidence or information to suggest the learning environment at Foothill is unsafe or low quality. Prudent fiscal practices do not permit the District to incur expenses to resolve non-issues. Accordingly, to the extent the Grand Jury recommends the District make additional alterations at Foothill, the District will not implement this recommendation because it is unwarranted. To the extent the Grand Jury recommends the District provide and maintain a safe and high-quality learning environment at Foothill, the District intends to continue to implement the current school safety plan for Foothill as well as the other measures that have permitted Foothill students to achieve tremendous academic success.

F. Recommendation 6: “Assign priority to the installation of the Foothill security cameras as soon as the DSA application is approved.”

Response to Recommendation 6: Will not implement because it is unreasonable or unwarranted at the present time.

The District is unclear what the Grand Jury is recommending. It is not clear whether there a particular District project that the Grand Jury believes deserves to be prioritized below Foothill security cameras, or whether the Grand Jury simply wants the District to prioritize the Foothill security cameras over every other District project. In any event, the District is currently devoting prudent resources and navigating the appropriate legal procedures to seek bids and award a contract for the installation of security cameras at several District schools, including Foothill. The District is hopeful this process will be completed and the security cameras installed at all locations later this year. The District finds the Grand Jury’s recommendation is unwarranted or alternatively has already been implemented.

CONCLUSION

We appreciate the Grand Jury for taking the time to review and observe Foothill. Thank you for your findings and recommendations. The District, administration, staff, parents, students, and community will strive to continue to provide exemplary education to the students of Foothill.

Sincerely,



Dr. Gay Todd, Superintendent

Attachment:

(1) Board Policy 3513.3, Tobacco-Free Schools

c: Board of Trustees, Marysville Joint Unified School District
Assistant Superintendent, Business Services
Principal of Foothill Intermediate School

00554-00108/628364.1

Marysville Joint USD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

PERB RULINGS

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC

23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

Policy MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California



MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
GAY TODD, SUPERINTENDENT
1919 B STREET—MARYSVILLE, CA 95901 (530) 749-6100 FAX (530) 741-7894

September 2, 2014

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

RE: Response by the Marysville Joint Unified School District's Superintendent and on Behalf of the Principal of Arboga Elementary School, the Principal of Mary Covillaud Elementary School, and the Principal of Cedar Lane Elementary School to the Final Report of the Yuba County Grand Jury 2013-14, Pages 25-35

The Honorable Stephen W. Berrier:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of myself and the Marysville Joint Unified School District's ("District") specified site Administrators (including the Principal of Arboga Elementary School, the Principal of Mary Covillaud Elementary School, and the Principal of Cedar Lane Elementary School), I hereby submit the required formal response to the 2013-14 Yuba County Grand Jury Final Report ("Report") on "Marysville Unified Elementary Schools Safety and Security."

INTRODUCTION

A fundamental tenet of the District's educational philosophy is that "[a] safe, nurturing environment is necessary for learning." (Board Policy 0100. Philosophy.) The District's number one goal is to "[m]aintain safe and orderly campuses which promote learning." (Board Policy 0200. Goals.) The District's Board of Trustees has clearly stated:

[S]tudents and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

(Board Policy 0450. Comprehensive Safety Plan.)

In accordance with Board Policy 0450, each school site annually reviews and revises its School Safety Plan in conjunction with the School Site Council. This necessarily involves detailed review and input from local stakeholders, including District and site administration,

teachers, classified staff members, parents, community members, and local law enforcement, all of whom have intimate institutional knowledge of the particular school site and local safety risks and concerns. These stakeholders walk and work their respective school site grounds and local community every day of every school year.

To ensure the compliance and effectiveness of the individual School Safety Plans, the District's Board of Trustees annually reviews and approves each and every plan at a properly noticed meeting. With that in mind, the District provides the following required responses to the Grand Jury's Findings and Recommendations concerning safety and security at three (3) District schools, including Arboga Elementary School ("Arboga School"), Mary Covillaud Elementary School ("Covillaud School"), and Cedar Lane Elementary School ("Cedar Lane School").

REQUIRED RESPONSES TO FINDINGS

Arboga Elementary School

A. Finding 1: "Arboga School is comprised mainly of portable buildings as a result of population growth in that area."

Response to Finding 1:

Agree. Arboga School maintains 25 total classrooms. Four of Arboga's classrooms are in permanent buildings, including two preschool classrooms. The administrative offices and cafeteria are also in permanent buildings. The remainder of the facilities and classrooms are in portable buildings, including two portable bathroom buildings. The use of portable buildings is due in part to increased enrollment that has nearly tripled in the past 20 years from 187 students in the 1993-94 school year to 506 in the 2013-14 school year.

B. Finding 2: "The cafeteria/multipurpose room has a capacity of 300 occupants and is too small for the enrollment of Arboga School."

Response to Finding 2:

Disagree. The cafeteria/multipurpose room has a capacity of 345. Further, despite Arboga School's enrollment of 506, the cafeteria capacity of 345 is more than sufficient, as the school utilizes seven staggered lunch periods which permit adequate space for students to eat lunch, as well as provide for proper supervision in the lunchroom and on the playgrounds:

11:00 AM – Kindergarten: 80 students (approx.)
11:10 AM – First Grade: 80 students (approx.)
11:15 AM – Second Grade: 80 students (approx.)
11:20 AM – Third Grade: 80 students (approx.)
11:40 AM – Fourth Grade: 70 students (approx.)
11:45 AM – Fifth Grade: 70 students (approx.)
11:50 AM – Sixth Grade: 70 students (approx.)

The District disagrees that the capacity of Arboga School's cafeteria/multipurpose room is too small.

C. Finding 3: "Bond funds are now depleted, so Arboga's projects that were on The MJUSD's Facilities Project summary for updates to the campus, are now on hold."

Response to Finding 3:

Agree. While the Measure P bond provides authorization for the District to fund facilities projects at Arboga School, it may only tax up to \$60 per \$100,000 of the Assessed Value of property in the District. Currently, there is not enough room under that cap to fund the remaining projects at Arboga School.

D. Finding 4: "The entire campus is not adequately fenced. There is only barbed wire fencing on the Southeast corner behind some portable classrooms."

Response to Finding 4:

Disagree. While the District acknowledges there is barbed wire fencing on a portion of the southeast perimeter of the Arboga School campus, the remainder of the campus is fenced with standard chain link fencing, except for a small 100 foot segment in the far northwest corner of campus that is the farthest point from main campus and not subject to student traffic. Additionally, the portion of the campus bordered by the barbed wire is not within close proximity to any playground or other student traffic area. In fact, students are prohibited on that portion of the campus. On all student play areas and foot traffic areas, the Arboga School campus is adequately fenced in by chain link fencing.

E. Finding 5: "There are no security cameras on campus."

Response to Finding 5:

Agree.

Mary Covillaud Elementary School

F. Finding 6: "There are no security cameras installed on the campus."

Response to Finding 6:

Agree.

G. Finding 7: "The Street blocked off from city traffic (7th Street) during school hours is in hazardous disrepair with numerous potholes, broken and sunken curbs, uneven sidewalks and trees pushing through the concrete. Children cross and play in this street for recess activities, and physical education class. When there is an evacuation drill, the meeting area is in the playground on the north side of the Street."

Response to Finding 7:

Agree. The District agrees that 7th Street is currently in need of substantial repair. However, 7th Street is not owned by the District. It is the property of the City of Marysville, and

the District has no authority to repair the condition of 7th Street. In fact, the District has made more than one request to the City of Marysville to make repairs to 7th Street. However, at present, the City has not responded and no repairs have not been made.

Regarding evacuation-meeting areas, the District notes that there are two evacuation-meeting areas. One is on the north side of 7th Street as stated in Finding 7. The other evacuation-meeting area is in the field on the south side of Covillaud School's campus near 6th and G Streets.

H. Finding 8: "There is inadequate parking for staff and parents."

Response to Finding 8:

Disagree. Currently, the District has approximately 46 employees assigned to Covillaud School. There are 26 parking spaces on the Covillaud School campus, including two spaces designated for disabled person or disable veteran parking. There are also approximately 40 parking spaces on the streets immediately adjacent to the perimeter of the campus on F, G, 6th, and 8th Streets. In total, there are approximately 66 parking spaces available for Covillaud School's 46 employees, which leaves approximately 20 spaces in the immediate vicinity for parents and other visitors. The available parking is adequate.

I. Finding 9: "Due to location, there is often police activity in the proximity of the school that has not been brought to the attention of the administrator so that proper action can be taken."

Response to Finding 9:

Disagree in part. Agree in part. The District disagrees with Finding 9 to the extent it asserts there is "often" police activity near Covillaud School. The District agrees that police activity has occurred periodically in the vicinity of Covillaud School. On occasion, the Marysville Police Department has not notified Covillaud School when such activity was in progress. In those circumstances, the administration was prevented from taking any reactive measures to protect further against any threats caused by such activity. However, on other occasions, the Marysville Police Department has notified Covillaud School and appropriate action was taken.

J. Finding 10: "The cafeteria/multipurpose room with a capacity of 300 is not large enough for a student body of over 500, and has inadequate cafeteria storage space."

Response to Finding 10:

Disagree in part. Agree in part. The cafeteria/multipurpose room has a capacity of 300. However, despite Covillaud School's enrollment of approximately 505, the cafeteria capacity of 300 is more than sufficient, as the school utilizes four staggered lunch periods which permit adequate space for students to eat lunch as well as provide for proper supervision in the lunchroom and on the playgrounds:

11:00 AM – Kindergarten: 100 students
11:30 AM – Fourth and Fifth Grades: 140 students
11:45 AM – Third Grade: 90 students
12:00 PM – First and Second Grades: 175 students

The District disagrees that the capacity of Covillaud School's cafeteria/multipurpose room is not large enough. Regarding cafeteria storage, the District agrees that currently there is insufficient dry storage space in Covillaud School's cafeteria. Fortunately, the Cafeteria Fund has monies allocated for the purchase and installation of additional dry and frozen storage containers. The District is in the process of acquiring quotes for the purchase and installation of this equipment.

Cedar Lane Elementary School:

K. Finding 11: "There are no security cameras on the campus."

Response to Finding 11:

Agree.

L. Finding 12: "There are no marked crosswalks or sidewalks near the bus pickup/drop off area, nor proper signage referring to school area crosswalks or designated bike paths. This poses a safety issue as there are many pedestrians and bicycle riders."

Response to Finding 12:

Disagree in part. Agree in part. Currently, there are five marked pedestrian crosswalks near Cedar Lane School's bus pickup/drop off area. Two are south of the bus pickup/drop off area at the intersection of Alicia Avenue and Cedar Lane. Two are north of the bus pickup/drop off area at the intersection of Poplar Avenue and Cedar Lane. The other is in the bus loop on Cedar Lane School's campus. Similarly, a sidewalk runs parallel to Cedar Lane School's bus pickup/drop off area. Further, there are school crossing signs identifying the crosswalks at the intersections of Alicia Avenue and Cedar Lane and Poplar Avenue and Cedar Lane. "SLOW--SCHOOL XING" is also painted on the Cedar Lane roadway near the bus pickup/drop off area. There are also at least seven other signs designating the bus pickup/drop off area, including:

- Four "Bus Parking Only" signs;
- Two "Do Not Enter" signs; and
- One "Exit Only" sign.

Thus, the District disagrees with Finding 12 to the extent it asserts there are no marked crosswalks, sidewalks, or signage near Cedar Lane School's bus pickup/drop off area, and that the asserted lack thereof creates a safety issue.

The District agrees there are no designated bike paths on Cedar Lane. However, there have been no reported incidents related to a lack of designated bike paths. Accordingly, while designated bike paths may be desirable, the District disagrees with the finding that the lack of

such bike paths poses a safety issue. Furthermore, the District does not have the control or authority to construct bike paths of public roads such as Cedar Lane.

REQUIRED RESPONSES TO RECOMMENDATIONS

Arboga School

A. Recommendation 1: “When bond funds become available, Arboga’s deferred projects, listed in the MJUSD Facilities Project Summary, receive priority consideration.”

Response to Recommendation 1: Will not implement because it is unreasonable or unwarranted at this time.

The District is unclear what the Grand Jury is recommending. Currently, there are seven Arboga School projects remaining on the Facilities Project Summary, including:

- Add additional administrative office area;
- Upgrade/replace septic system;
- Add toilet building near portables;
- Add covered walkway between portables and main campus;
- Replace old portables (e.g., library, computer lab, etc.);
- Replace fence at property line in areas where needed; and
- Increased paved area in front and for bus loop.

It is not clear whether there is a particular District project that the Grand Jury believes deserves to be prioritized below the remaining deferred projects at Arboga School, or whether the Grand Jury simply wants the District to prioritize all projects at Arboga over every other District project when bond funding becomes available. In any event, the District conducts ongoing assessments of District facility projects and available funding. The District prioritizes those projects based on the needs of the District and its students at the time of the assessment. The District will assign all due priority to the completion of the Arboga School projects when appropriate and when such funding becomes available. However, it is unreasonable and/or unwarranted to speculate as to what priority will be prudent for any given project at some unknown future date when/if bond funds become available. Accordingly, the District finds that the Grand Jury’s Recommendation 1 is unwarranted or alternatively has already been implemented.

B. Recommendation 2: “The District install adequate fencing around the entire campus.”

Response to Recommendation 2: Will not implement because it is unreasonable or unwarranted at this time.

As stated above in response to Finding 4, all Arboga School areas that are subject to student play or student traffic are enclosed by adequate fencing (i.e., chain link fencing). Further fencing is not necessary at the present time. Accordingly, the District finds that the Grand Jury’s Recommendation 2 is unwarranted or alternatively has already been implemented.

- C. Recommendation 3: “Security cameras be installed in strategic outside locations.”

Response to Recommendation 3: Will not implement because it is unreasonable or unwarranted at this time.

The Grand Jury provides no basis for this recommendation. Security cameras are commonly used to address the particular security concerns on the campus. Security cameras are a significant expenditure to purchase, install, and maintain. When such security concerns are identified, a cost-benefit analysis is generally conducted to determine whether security cameras are the most effective method to address the particular security concern(s). A circumstance where the benefit of security cameras might outweigh the cost is if there are security concerns that arise in locations that are difficult for staff to monitor, and other means of deterrence have not been successful. At Arboga School, as with most (if not all) elementary schools in the District, the types of security concerns that might necessitate security cameras have not occurred (or have not been reported). Accordingly, the District finds the Grand Jury’s Recommendation 3 unreasonable or unwarranted at this time.

Covillaud Elementary School

- D. Recommendation 4: “Security cameras be installed in strategic outside locations.”

Response to Recommendation 4: Will not implement because it is unreasonable or unwarranted at this time.

Similar to the Grand Jury’s Recommendation 3, there is no basis provided for this recommendation. Similar to Arboga School, Covillaud School has not experienced the types of security concerns that might necessitate security cameras. Accordingly, the District finds the Grand Jury’s Recommendation 4 unreasonable or unwarranted at this time.

- E. Recommendation 5: “The District comply with California Streets and Highway Code, Section 5610, to repair their portion of the sidewalks and curbs on the section of 7th Street blocked off for use by Covillaud School.”

Response to Recommendation 5: Will not implement because it is unreasonable or unwarranted at this time.

The City of Marysville is the owner of the street, sidewalks, curbs, and gutters on 7th Street, adjacent to Covillaud School. Thus, the City is the entity liable for maintaining the safe condition of these sidewalks, curbs, and gutters, and the City has the duty to repair these conditions—not the District. It is important to note that California Streets and Highways Code section 5610 sets forth a method and a specific process for the City to recover from property owners abutting sidewalks the costs to repair hazardous conditions on sidewalks, if the City chooses to do so. However, the property owner is not responsible for those costs or repairs unless, or until, the City serves the District with a proper Notice of Repair, as set forth in Streets and Highway Code section 5611. The District has not received such notice from the City. The District notes that it has requested the City make repairs to 7th Street; however, the City has not responded. If the City serves proper notice on the District, the District will assess the notice and its legal obligations and take all necessary action.

In sum, the District is not legally obligated to comply with Streets and Highway Code section 5610 because the City has not served the requisite Notice of Repair. At present, the City has the duty to repair 7th Street and its sidewalks, curbs, and gutters because the City is the owner of that property.

Accordingly, the District finds Recommendation 5 unreasonable because repair of the sidewalks and curbs is the duty of the City. Further, Recommendation 5 is unwarranted because the District is in compliance with Streets and Highway Code section 5610 as the City has not served a Notice of Repair on the District under Streets and Highway Code section 5611.

F. Recommendation 6: “The District complete the projects planned for Covillaud School listed in The District Project Summary.”

Response to Recommendation 6: Will not implement because it is unreasonable or unwarranted at this time.

Currently, there are nine Covillaud School projects remaining on the Facilities Project Summary, including:

- Construct bus loop;
- Construct new multi-purpose building;
- Construct preschool building;
- Demolish four portable buildings;
- Construct new fields;
- Modernize Building B, classrooms, library, and media center;
- Modernize Building A, classrooms, and administrative offices;
- Remove three portable buildings; and
- Complete hard courts.

The District notes that it is not clear whether the Grand Jury is recommending the District complete all projects now or at some point in the future. In any event, as stated above, the District conducts ongoing assessments of District facility projects and available funding. The District prioritizes those projects based on the needs of the District and its students at the time of the assessment. The District will assign all due priority to the completion of the Covillaud School projects when appropriate and when such funding becomes available. However, it is unreasonable and/or unwarranted to implement Recommendation 6 because such implementation is contingent on speculative funding at some unknown future date. Given the uncertainty as to time, it is entirely possible that any number of intervening events could occur to render these projects unnecessary or unfeasible in the future. Accordingly, the District finds the Grand Jury’s Recommendation 6 unreasonable and/or unwarranted at the present time.

G. Recommendation 7: “The Administrator discuss with the Marysville Police Department, at their monthly safety meetings, an appropriate notification plan for potentially dangerous activity within its neighborhood.”

Response to Recommendation 7: The recommendation has not yet been implemented, but will be implemented in the 2014-15 school year.

The Principal of Covillaud School has agreed to discuss with the Marysville Police Department the development of a process for notification in the event of potentially dangerous activity in the vicinity of Covillaud School.

H. Recommendation 8: "The District provide funding for the construction or purchase of adequate cafeteria storage."

Response to Recommendation 8: The recommendation has been implemented.

As discussed in Response to Finding 10, the District has allocated monies (i.e., provided funding) from the Cafeteria Fund for the purchase and installation of additional dry and frozen storage containers at Covillaud School. The District is in the process of acquiring quotes for the purchase and installation of this equipment.

Cedar Lane Elementary:

I. Recommendation 9: "Security cameras be installed in strategic outside locations."

Response to Recommendation 9: Will not implement because it is unreasonable or unwarranted at this time.

On page 31 of the Report, the Grand Jury suggests "[p]roblems of graffiti and bullying might be diminished by the use of security cameras." Bullying and graffiti are reasonable security concerns that might support the implementation of security cameras on campus. However, at present, the District and the school site have determined that security cameras are not the most effective method to address these particular security concerns at Cedar Lane. For instance, the school has identified and established a Positive Behavior Intervention Support ("PBIS") program as a proven and effective method to combat bullying and gang-related issues, such as vandalism and graffiti. Further, the Cedar Lane provides constant supervision of all students during school hours. Accordingly, the District has determined the cost of security cameras at Cedar Lane is unreasonable under the circumstances, as the noted security concerns are being addressed through the PBIS program and constant supervision. Accordingly, the District finds the Grand Jury's Recommendation 9 unreasonable or unwarranted at this time.

J. Recommendation 10: "The District consult with the Public Works Department and install proper signage, sidewalks and crosswalks in the bus pickup/drop off locations."

Response to Recommendation 10: Will not implement because it is unreasonable or unwarranted at this time.

As stated in Response to Finding 12, Cedar Lane currently has marked crosswalks, sidewalks, and signage near Cedar Lane School's bus pickup/drop off area. Accordingly, the District finds Recommendation 10 to be unwarranted. Further, the District finds Recommendation 10 unreasonable to the extent it recommends the District agree to actions that are entirely within the control of a third party agency, such as the Public Works Department,

over which the District has no authority. However, if the Public Works Department would like to consult with the District to make these improvements, the District is amenable.

CONCLUSION

I appreciate the Grand Jury for taking time to again review and observe the schools, facilities, and practices of the Marysville Joint Unified School District. Thank you for your findings and recommendations. The District will continue to implement its established philosophy and goals, in accordance with law, to keep all Marysville Joint Unified School District schools operating as a safe and nurturing environment as is necessary for learning.

Sincerely,



Dr. Gay Todd, Superintendent

c: Board of Trustees, Marysville Joint Unified School District
Assistant Superintendent, Business Services
Principal of Arboga Elementary School
Principal of Mary Covillaud Elementary School
Principal of Cedar Lane Elementary School

00554-00108/636332.1



MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

GAY TODD, SUPERINTENDENT

1919 B STREET—MARYSVILLE, CA 95901 (530) 749-6100 FAX (530) 741-7894

September 2, 2014

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

RE: Response by the Superintendent and on Behalf of the Marysville Joint Unified School District's Assistant Superintendent, Personnel Services, to the Final Report of the Yuba County Grand Jury 2013-14, Pages 37-43

The Honorable Stephen W. Berrier:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of myself and the Marysville Joint Unified School District's ("District") Assistant Superintendent, Personnel Services, I hereby submit the required formal response to the 2013-14 Yuba County Grand Jury Final Report ("Report") on "Conflict of Interest (Perceived) in Marysville Joint Unified School District."

INTRODUCTION

The primary responsibility of the Board of Trustees and the District Administration is to act in the best interests of the students in the District. The Board also has major commitments to parents/guardians, members of the community, employees, the State of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members and District administrators are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

With those principles in mind, the District sets forth its required responses to the Findings and Recommendations of the 2013-2014 Grand Jury Final Report, pages 37-43, as follows:

REQUIRED RESPONSES TO FINDINGS

A. Finding 1: “**Conflict of Interest**: The Grand Jury finds that the current MJUSD Facilities Manager was hired into a position established in 2007, to act as a contractual liaison with architectural firms, including one that received approximately sixty percent of the MJUSD’s architectural contracts and approximately 54% of all expenditures for architectural services. The MJUSD Facilities Manager has had a spousal relationship that is perceived as influential with the architectural firm since the date of hiring. Taken together, these facts manifest the appearance of a conflict of interest.”

Response to Finding 1:

Facilities Manager: The District does not currently employ a Facilities Manager. In April 2014, the Board eliminated that classification effective June 30, 2014, as part of departmental restructuring. The former Facilities Manager is no longer employed by the District. Accordingly, the District disagrees with Finding 1 to the extent it asserts the District currently employs a Facilities Manager.

Contractual Liaison: It is not clear how the Grand Jury defines “contractual liaison.” However, the District did not classify the duties of the former Facilities Manager or the Director of Planning and Design (the former Facilities Manager’s former classification) to include “contractual liaison.” In sum, the District disagrees with Finding 1 to the extent it asserts the District hired the former Facilities Manager to act as a contractual liaison with architectural firms. The former Facilities Manager was not hired as a “contractual liaison” with architectural firms. The former Facilities Manager was hired as the Director of Planning and Design to plan and design District facility projects. While the duties of that position involved working with architects, it was not in the capacity of a contractual liaison. Similarly, contact with architects was required of the former classification of Facilities Manager, and while the duties of that position involved “contract administration,” the former Facilities Manager was not a contractual liaison for District contracts with architectural firms. In fact, the former Facilities Manager was not the exclusive District contact with architects. Rather, contractual issues with architectural firms were generally addressed and resolved by the Assistant Superintendent of Business Services and not the former Facilities Manager.

Director of Planning and Design: The former Facilities Manager was hired initially in May 2007 as the Director of Planning and Design. The Director of Planning and Design was promoted to Facilities Manager in 2013, as part of a departmental restructuring following the resignation of the Director of Facilities. Accordingly, the District agrees with Finding 1 to the extent it asserts that the former Facilities Manager was hired initially in 2007 as the Director of Planning and Design.

Spousal Relationship: The former Facilities Manager was not married at the time of hire in 2007. The former Facilities Manager married more than two years later on or about September 19, 2009. The former Facilities Manager divorced in or around May 2014. The District disagrees with Finding 1 to the extent it asserts that the former Facilities Manager had a spousal relationship since the date of hire.

Appearance of a Conflict of Interest: The District disagrees with Finding 1 to the extent it asserts that there was an appearance of a conflict of interest based on the former Facilities Manager's spousal relationship.

More specifically, the former Facilities Manager was not responsible for, did not participate in, and did not have the authority to award architectural contracts. Rather, it was the responsibility of the Assistant Superintendent to make recommendations to the Board of Trustees concerning architectural contracts. The Board of Trustees made the decision on whether to enter into those contracts. (See Board Policy 7140, and Administrative Regulation 7140, attached.) In each and every architectural contract awarded by the District, the District and the Board complied with all mandatory processes and procedures set forth in Government Code section 4525 et seq., Board Policy 7140, and Administrative Regulation 7140 for the procurement of contracts with private architectural firms. Concomitantly, each and every contract awarded by the District was "on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required." (Gov. Code § 4526.)

The District has a longstanding relationship with the architectural firm that employs the former Facilities Manager's former spouse. The District's relationship with that firm predates the hiring of the former Facilities Manager by at least three years. The volume of work awarded to that firm is reflective of the high quality work consistently performed by that firm to develop the best possible facilities for the students of the District. For this reason, and no other, the District contracted with this particular firm to provide the majority of architectural services for the District.

B. Finding 2: **"Board By-Law Violations:** The Grand Jury finds that the MJUSD violated established board by-laws by hiring an employee with known affiliations or connections to district contractors and who therefore has a potential conflict of interest. (Board By-Laws 9270)"

Response to Finding 2:

The District disagrees with Finding 2. Board Bylaw 9270 sets forth the District's Conflicts of Interest Code applicable to Board members and designated employees. The Grand Jury's definition of "affiliations or connections" is not clear; however, mere "affiliation or connections" with District contractors do not create a potential conflict of interest, are not prohibited by Board Bylaw 9270, and do not preclude hiring of an employee.

To the extent the Grand Jury is suggesting that a potential conflict of interest existed when the District hired the former Facilities Manager in 2007 because the former Facilities Manager's former spouse was employed by an architectural firm that had a contract with the District, the District disagrees with this finding because it is simply not true. When hired by the District, the former Facilities Manager was not married. In sum, it is not clear how the Grand Jury defines "affiliations or connections." Nevertheless, the District disagrees with Finding 2 because Board Bylaw 9270 does not prohibit hiring an employee with known affiliations or connections to District contractors.

Finding 3: **"State Code Infractions:** The Grand Jury finds that the MJUSD violated State of California Government Code 1090, Contractual Conflicts of Interest; All Contracts."

Response to Finding 3:

The District disagrees with Finding 3 and unequivocally denies that it violated Government Code section 1090. In pertinent part, Government Code section 1090 states: “officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.” Accordingly, the District cannot violate Government Code section 1090 as alleged by the Grand Jury—only people, legislative bodies, or governing boards can violate Government Code section 1090, not entities. Nevertheless, the Grand Jury’s allegation/finding fails to set forth any facts or identify any individual that violated Government Code section 1090. Further, the allegation/finding fails to identify any “contract” that was allegedly the basis of the alleged violation.

To the extent the Grand Jury asserts the District violated Government Code section 1090 when it hired the former Facilities Manager as the Director of Planning and Design, the District disagrees with the finding. Simply put, no District Board member or employee had any personal financial interest in the employment of the former Facilities Manager. As such, there can be no violation of Government Code section 1090.

To the extent the Grand Jury asserts that the District violated Government Code section 1090 by maintaining or entering architectural contracts with the firm that employed the former spouse of the former Facilities Manager, the District disagrees with this finding. Government Code section 1090 prohibits officers and employees from being financially interested in contracts made by them in their official capacity or by any governing board or legislative body of which they are a member. Here, no one involved in the making of any contract with the architectural firm that employed former Facilities Manager’s former spouse had any financial interest in that contract. It is important to note again that the former Facilities Manager was not involved in awarding contracts to architectural firms. Further, even if the former Facilities Manager had a perceived conflict of interest, it was not an actual conflict of interest. Government Code section 1091 provides exceptions to Government Code section 1090’s prohibitions in cases of “remote interests” that are disclosed. Section 1091 further defines “remote interests” to include:

(11) That of an engineer, geologist, or architect employed by a consulting engineering or architectural firm. This paragraph applies only to an employee of a consulting firm who does not serve in a primary management capacity, and does not apply to an officer or director of a consulting firm.

Here, the former Facilities Manager’s former spouse was an architect, and did not serve in a primary management capacity or as an officer or director during the time that any contract was made by and between the District and the firm that employs the former Facilities Manager’s former spouse. Furthermore, the former Facilities Manager regularly reported this remote interest on a Form 700 following their marriage in or around September 19, 2009, and until their divorce in or around May 2014. Accordingly, any perceived interest identified by the Grand Jury was nothing more than a “remote interest” as defined by Government Code section 1091 and did not violate Government Code section 1090.

Additionally, the District took further measures to insulate the District and protect any perceived conflicts by mandating that the former Facilities Manager's spouse not be permitted to render any service or work on any District project. Accordingly, the former Facilities Manager's former spouse's employment in no way benefitted from any contract that the former spouse's employing firm had with the District.

In sum, the District is puzzled by the Grand Jury's bald allegation that it violated Government Code section 1090. The District took significant measures to ensure all laws were complied with, and the Grand Jury fails to state any fact or evidence to the contrary.

C. Finding 4: "**MJUSD Advertising Job Vacancies**: The Grand Jury finds that the MJUSD advertised the position of Director of Design in only a single professional trade magazine."

Response to Finding 4:

The District disagrees with Finding 4 to the extent it asserts one trade magazine was the District's sole source of advertising for the Director of Planning and Design job posting. The position of Director of Planning and Design was advertised in multiple publications including, the trade publication "American Institute of Architects," on the District's website, the Association of California School Administrators' website, and Edjoin.org (the primary online job posting website for all education jobs).

D. Finding 5: "**Contract Bidding**: The Grand Jury finds that the Facilities Manager of MJUSD (prior MJUSD Director of Design) is involved with all of the aspects of contract bidding; preliminary discussions, negotiations, compromises, reasoning or selection of project, and drawing of plans and specifications, with the exception of solicitation of contract bids. The Facilities Manager of MJUSD had a perceived influence with the contract bids."

Response to Finding 5:

The District disagrees with Finding 5. The former Facilities Manager had no decision making authority with respect to contract procurement with architectural firms. The duties and responsibilities identified in Finding 5 are primarily the responsibility of the Assistant Superintendent of Business Services. The former Facilities Manager may have been responsible for the physical receipt of bids and other logistical duties related to contract procurement; however, these were purely ministerial duty. The former Facilities Manager provided no influence over who was ultimately selected with respect to contract procurement with architectural firms.

E. Finding 6: "**Job Duties and Descriptions**: The Grand Jury finds that the Facilities Manager's position in MJUSD has no formal written or established job duties, job description or responsibilities."

Response to Finding 6:

The District disagrees in part with Finding 6. The District does not currently have a board approved Facilities Manager position description. To the extent this finding is exclusively referencing the former Facilities Manager position, the District will establish written job

duties, responsibilities, and a job description which will be presented to the board for consideration and approval at a future date. Draft description is attached.

REQUIRED RESPONSES TO RECOMMENDATIONS

A. Recommendation 1: “**Conflict of Interest**: The Grand Jury recommends that the MJUSD resolve the perceived conflict of interest between the Facilities Manager and the architectural firm.”

Response to Recommendation 1:

The recommendation will not be implemented because it is not warranted or is not reasonable. The District finds this recommendation unreasonable because the District does not have any authority to adjust the perception of the Grand Jury. Alternatively, this recommendation is unwarranted because the Facilities Manager referenced in this report is no longer employed by the District and that position has been eliminated.

B. Recommendation 2: “**Board By-Law Violations**: The Grand Jury recommends the MJUSD follow established Board By-Laws regarding district contractors and conflict of interest. (Board By-Laws 9270)”

Response to Recommendation 2:

Already implemented. The Board and District’s practice is to strictly comply with all laws and Board Bylaws. As stated above, the District disagrees with the Grand Jury’s finding that it violated Bylaw 9270 or any other conflict of interest laws.

C. Recommendation 3: “**State Code Infractions**: The Grand Jury recommends the MJUSD follow established State of California Government Code 1090, Contractual Conflicts of Interest; All Contracts.”

Response to Recommendation 3:

Already implemented. Same as response to Recommendation 2.

D. Recommendation 4: “**Contract Bidding**: The Grand Jury recommends that the Board of Trustees or designee of MJUSD not execute any contracts with a contractor perceived as having a conflict of interest.”

Response to Recommendation 4:

Already implemented in part. Will not implement in part because it is unreasonable or unwarranted. As stated, the District has and will comply with all Board Bylaws and other laws concerning conflicts of interest. To that end, the Board and the District have already implemented standards, policies, and procedures that prohibit the execution of any contracts that are prohibited by conflicts of interest laws. However, as with Recommendation 1, the District finds this recommendation unreasonable because the District cannot control the perception of the Grand Jury or any other member of the public.

E. Recommendation 5: "Job Duties and Descriptions: The Grand Jury recommends that the Superintendent of MJUSD establish formal job duties, descriptions and responsibilities for the position of Facilities Manager."

Response to Recommendation 5:

The recommendation will not be implemented because it is not warranted or is not reasonable. The District finds this recommendation is unwarranted because the Facilities Manager position has been eliminated and the former Facilities Manager referenced in this report is no longer employed by the District.

CONCLUSION

The District's Board and Administration continually strive to act in the best interest of the District, its students, employees, the community, and the taxpayers, and will continue to do so in accordance with all applicable laws, policies, rules, and regulations.

Sincerely,



Dr. Gay Todd, Superintendent

Attachments:

- (1) Board Policy 7140
- (2) Administrative Regulation 7140
- (3) Director of Facilities Job Description

c: Board of Trustees, Marysville Joint Unified School District
Assistant Superintendent, Personnel Services

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Marysville Joint USD

Board Policy

Architectural And Engineering Services

BP 7140

Facilities

In order to ensure safe construction and protect the investment of public funds, the Board of Education requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of district schools and other facilities.

The Superintendent or designee shall devise a competitive process for the selection of architects and structural engineers if no architect is used that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural or engineering firms to the Board. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

Legal Reference:

EDUCATION CODE

17070.50 Conditions for apportionment

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision re school district property

17371 Limitation on liability of governing board

GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials; financial interest

PUBLIC CONTRACT CODE

20111 School district contracts

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

adopted: March 11, 2008 Marysville, California

Marysville Joint USD

Administrative Regulation

Architectural And Engineering Services

AR 7140

Facilities

The Board of Education shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

(cf. 3312 - Contracts)

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

The selection process may also include: (Government Code 4527)

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
2. Discussion of alternative approaches for furnishing the services with at least three firms
3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the district. (Education Code 17316)

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT
approved: March 11, 2008 Marysville, California

**MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
DIRECTOR OF FACILITIES**

JOB SUMMARY: Under the direction of the Assistant Superintendent, Business Services coordinate the development, operation and implementation of the District's Facilities Department. Plan, organize, review and direct the design, and construction of new buildings and the rehabilitation, reconstruction, relocation and addition to existing school buildings and District facilities. Supervise assigned staff responsible for management of the Facilities Department, client demographics, and construction. Coordinate and direct the work of consultants, inspectors, vendors and contractors as appropriate. Analyze relevant data in order to make judgments related to all areas of job responsibility; develop record keeping procedures. The Director of Facilities must be a strong team builder, reflect positive, collaborative leadership skills, and show creativity and visionary capabilities.

ESSENTIAL FUNCTIONS (include but not limited to):

1. Supervise the construction and renovation of all District facilities including contract administration, dispute resolution and change order processing.
2. Coordinate the development of, review and revise the District Facilities Master Plan.
3. Plan new construction and modernization projects; monitor projects during construction in accordance with District guidelines.
4. Coordinate facilities development with the Director of Maintenance and other District staff.
5. Articulate effectively the professional needs of staff, instructional needs of students and the work of facilities staff providing services.
6. Translate community growth projections into appropriate facilities to accommodate present and future educational needs; perform planning duties including enrollment projections, boundary changes, monitoring of development plans and other related issues.
7. Work effectively with the Board of Trustees, Cabinet, community members, District staff, consultants, city and county officials, the Office of Public School Construction, the Division of the State Architect and other representatives of public or private agencies.

8. Communicate effectively with the public through various media both orally and in writing; serve as the District spokesperson for facilities matters.
9. Maintain appropriate records of the District's facilities program.
10. Participate, as needed, in land acquisition and negotiation with developer(s), including mitigation agreements.
11. Serve as the District's CEQA officer.
12. Act as liaison to other public or private agencies.
13. Supervise and evaluate the performance of assigned staff; interview and select employees and recommend transfers, reassignment, termination and disciplinary actions; plan, coordinate and arrange for appropriate training of staff.
14. Develop and prepare various budgets for the facilities management and planning function; analyze and review budgetary and financial data; monitor and authorize expenditures in accordance with established guidelines; utilize computer spreadsheet software programs.
15. Administer the expenditure of capital facilities funds.
16. Attend various meetings within the District and community.
17. Perform related duties as assigned.

EMPLOYMENT STANDARDS:

Required:

1. BA or BS from an accredited college or university in a relevant field.
2. Extensive progressive and responsible experience in related fields including management and supervisory experience.
3. Background as a design professional, architect, engineer or equivalent.
4. Possession of a valid California driver's license.

Knowledge of:

1. School construction eligibility, construction methods, design criteria related to California schools.
2. Public law related to land management, acquisition and sale.
3. Principles and practices of effective supervision and personnel management.
4. Ethical standards relevant to public school districts in California.

5. School district organizational patterns and operating procedures.
6. Construction practices in school districts and other public agencies.
7. Relevant State and Federal regulations and procedures; applicable laws, codes, regulations and policies.
8. Long-range planning methods.
9. Organization and direction of facilities management and planning activities.
10. Terms, practices and procedures used in the planning, design, construction, rehabilitation, remodeling, maintenance, and operation of school buildings and facilities.
11. School facility funding sources and application submission procedures and requirements.
12. City/County redevelopment and zoning policies, procedures and regulations.
13. Budget preparation and control.
14. Excellent oral and written communication skills.
15. Knowledge in CEQA.

Ability to:

1. Work cooperatively in a team or group setting.
2. Follow direction.
3. Communicate accurate and complete status reports.
4. Meet standards of professional attitude and personal conduct.
5. Analyze problems and develop effective action plans.
6. Determine priorities and supervision of construction programs, based on direction of Cabinet and/or the Board of Trustees.
7. Establish and maintain effective working relationships with District staff and others contracted in the course of work.
8. Prepare and present clear and concise comprehensive narrative and statistical reports.
9. Communicate with the public through various media both orally and in writing.
10. Plan, organize and administer the management of new and existing buildings and facilities.
11. Perform professional, administrative, advocacy and liaison duties involved in department functions.
12. Prepare bids.
13. Order and inventory supplies and equipment.
14. Maintain necessary records.
15. Read and interpret instruction, specifications, architectural drawings, diagrams, and schematics.
16. Travel throughout the District.
17. Interpret, apply and explain rules, regulations, policies and procedures.
18. Analyze situations accurately and adopt an effective course of action.
19. Meet schedules and time lines.
20. Work independently when necessary.

21. Plan and organize work.
22. Supervise and evaluate the performance of assigned staff.

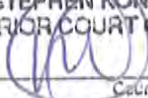
DRAFT



County of Yuba Board of Supervisors

District One ~ Andy Vasquez
District Two ~ John Nicoletti
District Three ~ Mary Jane Griego
District Four ~ Roger Abe
District Five ~ Hal Stocker

August 12, 2014

8-13-14
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY  Clerk

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

Re: **RESPONSE TO 2013-14 GRAND JURY – “Yuba County Airport”**

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 2013-14 Grand Jury Final Report – “Yuba County Airport”. 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

F1. *The Yuba County Airport has contracted with a local farmer to provide the equipment and labor to cut a perimeter fire break around the airport in exchange for agricultural use of some of the land.*

The Board of Supervisors agrees with this finding.

F2. *There is no formal accident response plan or planned airport related exercises with local emergency responders.*

The Board of Supervisors disagrees with this finding. Plans are on file with local emergency responders, particularly fire. In addition, Yuba County Emergency Services is planning an emergency response exercise for the Airport during the current fiscal year.

- F3. *Ultra-light operations increase the safety risk at the airport and endanger other aircraft operations.***

The Board of Supervisors agrees with this finding, however as coordinated through the Yuba County Airport, there are regulations set forth regarding the operation of ultra-light aircraft at the airport.

- F4. *The Airport Manager verbally approved the current ultra-light operating location.***

The Board of Supervisors agrees with this finding.

- F5. *The Grand Jury found section 2.110.240, Security Requirements (County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations, dated 16 December 2008) does not state clearly the specific requirements for security gate operations or requirements for perimeter fencing.***

The Board of Supervisors agrees with this finding and concurs with the explanation as provided by the department head.

- F6. *There is no daily log of inspections of all runways or taxiways for Foreign Object Debris (FOD), or lighting, windsocks, and airport general conditions.***

The Board of Supervisors agrees with this finding.

- F7. *There is no runway or taxiway sweeping schedule at the airport other than prior to special events. No proper sweeping equipment is available to the airport other than rental through Yuba County Public Works.***

The Board of Supervisors agrees with this finding.

- F8. *The airport is seriously lacking in airport building and hangar maintenance.***

The Board of Supervisors disagrees with this finding. While some of the buildings are aged, the hangars have long term occupants and while the County would like to see repairs occur more frequently, it is purely a resource challenge.

- F9. *There are many privately owned vehicles, trailers, and equipment that are stored near hangars without fees assessed or collected.***

The Board of Supervisors agrees with this finding.

- F10. *The Airport Manager Job Description is in need of updating to reflect the current responsibilities.***

The Board of Supervisors agrees with this finding.

- F11. *The airport does not have an oversight committee, or aviation group, that recommends improvements to the airport.***

The Board of Supervisors agrees with this finding.

- F12. *The airport lacks a well-documented complaint process. Currently, complaints are handled verbally by the Airport Manager.***

The Board of Supervisors agrees with this finding.

- F13. *Two airport employees have retired and there are no plans to replace them. The Airport Manager is the only airport employee and is responsible for the 24 hour operation of the airport.***

The Board of Supervisors disagrees in part with this finding. Both employees did separate employment with the County; however both did not retire. Regarding replacement of the employees, changes were made to consolidate efforts with airport maintenance and Buildings & Grounds staff has provided for more efficiencies.

- F14. *There are no scheduled inspections of the rental hangars or facilities.***

The Board of Supervisors disagrees with this finding as annual inspections do occur according to the Airport Manager.

- F15. *The Golden West Air Show has poor public attendance, is a loss to the county, and is not properly advertised in the local area. No local news media were used to advertise the air show.***

The Board of Supervisors disagrees in part with this finding. The Golden West Air Show has not had as good attendance as in past years; however the show is put on by Golden

West Aviation and not the County. The County is a sponsor. Ads were placed with local media.

- F16.** *The airport funding for improvements has been accomplished by Grants, federal funding, and very little by county funds.*

The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

- R1.** *The Airport Manager establishes an accident response plan and schedule regular airport related exercises with the local emergency service responders.*

The recommendation has not yet been implemented, but will be implemented in the future. County Emergency Services is anticipating an exercise towards the spring / summer of 2015. As stated by the department head, an accident response plan is in place.

- R2.** *The Airport Manager:*

- *Provide written authorization for ultra-light operations.*

This recommendation will not be implemented. Providing written authorization to each flyer is not feasible.

- *Establish written procedures for safe operations, to include established ultra-light traffic patterns and altitudes.*

This recommendation has already been implemented, in part. FAA rules and a County ordinance is in place. The Board of Supervisors may consider directing the Airport Manager to enhance communication of the rules governing ultra-light use.

- *Is encouraged to seek the assistance of knowledgeable local pilots at Yuba County Airport in establishing the new procedures.*

This recommendation has already been implemented and concurs with the efforts by the Airport Manager as stated in the department head response.

- *Inform all local and transient pilots of ultra-light operations and procedures at Yuba County Airport.*

This recommendation will not be implemented, in part. Due to the individual users of ultra-light aircraft, it is difficult to make contact with all of them. However, the

Board will suggest the Airport Manager immediately construct an outreach effort to provide operation and procedure information to ultra-light aircraft users.

- ***Require all ultra-light users comply with all aspects of Federal Aviation Regulations (FAR), Part 103 concerning the operation of ultra-lights.***

This recommendation will not be implemented, as it is already the law. Enforcement of federal rules is the authority of the FAA and reference will be included in outreach efforts.

- ***Require Ultra-light operations at Yuba County Airport comply with all aspects of this regulation, and all other FAA airspace regulations.***

This recommendation will not be implemented, as it is already the law. Enforcement of federal rules is the jurisdiction of the FAA and reference will be included in outreach efforts.

- R3. *Yuba County establishes liability insurance coverage agreements with these ultra-light users.***

This recommendation will not be implemented, in part. Due to the individual users of ultra-light aircraft, it is difficult to make contact with all of them. However the Board will suggest the Airport Manager immediately construct an outreach effort to encourage liability insurance coverage to ultra-light aircraft users.

- R4. *The ultra-lights be moved to the west side of runway 14/32 where safe operations with other aircraft at the airport would be improved. If this is not feasible, strong consideration be given to terminating ultra-light operations at Yuba County Airport.***

This recommendation will not be implemented. This would require ultralight flyers to relocate onto actual airport property which would cause greater potential for conflict with aircraft, and would also put them in conflict with County ordinance which prohibits their use on actual airport operational land. The Airport Manager cannot legally prohibit ultra-light operations. And the FAA is the sole authority to determine whether any flight regulations have been violated.

- R5. *The Airport Manager update section 2.110.240, Security Requirements to include specific requirements for security gate operations and requirements for perimeter fencing.***

This recommendation will not be implemented. The current airport perimeter fencing is in compliance with Federal (FAA and TSA) rules and regulations.

R6. *The Airport Manager and Administrative Services Director:*

- ***Develop and use a written daily inspection checklist for all runways and taxiways for FOD, lighting, windsocks, or airport general condition.***

This recommendation will be implemented per discussion with the department head and Airport Manager and is anticipated to be in place in August 2014.

- ***Conduct inspections on the weekends and holidays when increased usage occurs to ensure safe aircraft operations.***

This recommendation will not be implemented. Yuba County Airport is a non-commercial, general aviation airport and resource allocation does not allow for weekend staff without reducing budget appropriations elsewhere.

- ***Develop and use a sweeping schedule for all runways and taxiways at the airport.***

This recommendation will not be implemented. While there is an existing debris vacuum used at the airport, County staff will explore options that are not cost prohibitive.

R7. *The Airport Manager develop an annual preventative maintenance schedule for all airport hangars and buildings.*

This recommendation will be implemented. Airport buildings and hangars will be added to the regular review rotation of County buildings by Administrative Services staff.

R8. *The Airport Manager removes unauthorized privately owned vehicles, trailers, and equipment that are stored on county property, and that a written log of authorizations and fees collected be maintained for authorized privately owned vehicles, trailers, and equipment stored on airport property.*

This recommendation has not yet been implemented but will be implemented in part this fiscal year to address concerns raised by the Grand Jury and consistent with the department head and airport manager's responses.

R9. *The Administrative Services Director revise and update the Airport Manager Job Description to reflect current duties and responsibilities.*

This recommendation will be implemented by requesting a review of the job specifications immediately with the intent to complete the review by the end of the current fiscal year.

- R10. *Establish an oversight committee or aviation group that recommends improvements to the airport.***

This recommendation requires further analysis. Previous efforts by the Airport Manager to accomplish this have been unsuccessful; however as the Airport has evolved over time it may be beneficial for the Board to revisit aviation inclusive options.

- R11. *The Airport Manager establish a written complaint process that includes a record of all complaints, and the resolutions.***

This recommendation will be implemented. Per discussion with the Department Head, the Airport Manager will add a link to its webpage to take advantage of the existing complaint process.

- R12. *The Airport Manager fill the positions vacated by the two employees who retired, in order to maintain airport operations.***

The recommendation will not be implemented because it is not reasonable. Funding for these positions has not been allocated in the Fiscal Year 2014-2015 budget. Considering the funding resources available, accommodations have been made to provide adequate maintenance coverage for the airport.

- R13. *The Golden West Air Show improve publicity and marketing.***

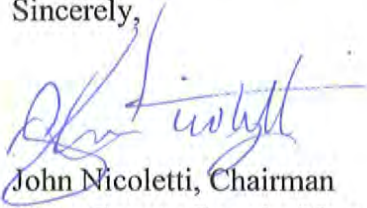
The recommendation will not be implemented because it is not warranted, as the Golden West Air Show is operated by Golden West Aviation who is responsible for publicity and marketing. The County will encourage them to improve and expand their marketing and will provide assistance where possible.

- R14. *Airport funding for improvements be obtained through a combination of grants, federal, state and county funds.***

This recommendation will be implemented in part. The airport is an enterprise fund and nearly all improvements are funded through state and federal grants. The use of County General Funds for the airport needs to have approval through the budgeting process and requires majority approval by the Board.

The Board of Supervisors thanks the 2013-14 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Nicoletti", with a stylized flourish extending from the end.

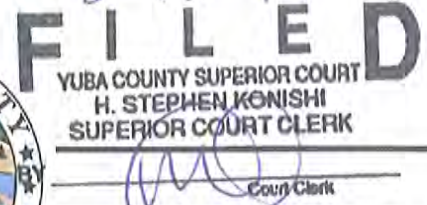
John Nicoletti, Chairman
Yuba County Board of Supervisors

The County of Yuba

HEALTH & HUMAN SERVICES DEPARTMENT

Jennifer Vasquez, Interim Director

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



Michael Kinnison, M.D.
Interim Health Officer
Phone: (530) 749-6366

July 15, 2014

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

RE: Response to 2013/2014 Grand Jury Findings and Recommendations

Dear Judge Berrier:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Health and Human Services Department response to the 2013/2014 Grand Jury Final Report – Findings and Recommendations concerning the investigation into Child Welfare Services.

Please accept the following response:

Findings

F1. There were State mandated criteria followed by CWS staff before the removal of a child.

Agree with this finding.

F2. CWS staff follows established guidelines for due process. CWS's procedural steps are designed to protect the welfare of children through due process.

Agree with this finding.

F3. CWS supervisors and staff receive ongoing training.

Agree with this finding.

F4. CWS staff is deputized by the Yuba County Sheriff's Department.

Agree with this finding.

F5. CWS successfully utilizes an intern program to mentor, train and employ future social workers.

Agree with this finding.

Recommendation

R1. The Grand Jury recommends CWS staff continue the use of the intern program to mentor, train, and employ future social workers.

The recommendation has been implemented. We intend on continuing the partnership with universities to provide a comprehensive intern program.

We would like to thank the Grand Jury for their recommendation and interest in operations at the Health and Human Services Department.

Sincerely,



Jennifer Vasquez
Interim Director
Yuba County Health & Human Services



Tony Roach
Program Manager, Child Welfare Services
Yuba County Health & Human Services

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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BUILDING
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CODE ENFORCEMENT
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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

July 21, 2014

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

8-13-14
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY 
Court Clerk

Re: RESPONSE TO 2013-14 GRAND JURY
"Yuba County Resurfacing Plumas Lake Streets"

Dear Judge Berrier,

This letter, provided pursuant to Penal Code Section 933.05, is the Public Works Director's response to the 2013-2014 Grand Jury Report – Findings and Recommendations concerning the resurfacing of Plumas Lake streets.

FINDINGS

F1. *The source of funding for the recent resurfacing of Plumas Lake came from approximately 90-95% CSA Assessment and 5-10% of Yuba County funds.*

Agree.

F2. *The contractor selected for the resurfacing was selected through the Public Bid Standard as required.*

Agree.

F3. *The Yuba County Public Works Department did not adequately educate, or communicate with the public about resurfacing requirements, nor did they provide an estimated completion time.*

Partially Disagree. While we agree it is desirous to meet with the public ahead of our work to educate them about different construction methodologies, this is not a legal requirement, nor do we necessarily have the available staff time to hold "town-hall"

meetings in advance of every County project. Also, every dollar spent on holding such meetings or printing additional notices, is a dollar less to spend on construction of the actual project itself. However, going forward, we intend to hold "town-hall" meetings in advance of construction for those projects that we anticipate may be contentious to some residents.

Additionally, notification of our projects is posted in the Appeal Democrat, and the plans and specifications are approved by the Board of Supervisors in open session prior to performing any work. This provides constructive notice to residents who may potentially be interested in learning more details about a particular project. The County's contractor met all legal notification requirements regarding placement of advance warning signs notifying residents of impending "No Parking" on streets to be resurfaced, with dates of construction.

F4. County residents as well as Plumas Lake residents are requested to report street maintenance needs to the Yuba County Public Works.

Agree.

RECOMMENDATIONS

R1. Yuba County Public Works maintain the source of funding for the future resurfacing of Plumas Lake streets.

The recommendation has been implemented. The County currently maintains a source of funding for road maintenance on Plumas Lake streets, and will continue to do so going forward.

R2. Yuba County Public Works maintain the process for contractor selection for the resurfacing through the Public Bid Standard as required.

The recommendation has been implemented. We currently follow and will continue to follow state and federal law, as applicable, for public bidding requirements and contractor selection.

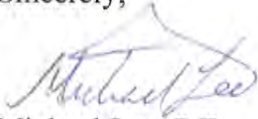
R3. The Yuba County Public Works Department better educate and inform the public through public meetings in Plumas Lake as well as throughout Yuba County regarding paving and resurfacing requirements, and provide an estimated project completion time.

The recommendation has been implemented. For certain projects in the past (primarily controversial projects), Public Works has held "town-hall" meetings, but not for all projects. We did not anticipate this particular project as being controversial, and as a result did not hold a meeting in advance of construction, but rather afterward in response to complaints. Going forward, we intend to continue holding "town-hall" meetings in

advance of construction for those projects that we anticipate may be contentious to some residents.

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,

A handwritten signature in blue ink, appearing to read "Michael Lee", with a stylized flourish at the end.

Michael Lee, P.E.
Public Works Director

cc: Yuba County Board of Supervisors
Robert Bendorf, CAO



The County of Yuba

Department of Administrative Services

Doug McCoy, Director

Suite 119, 915 8th St, Marysville, CA 95901

8-13-14
FILED

YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK

(530) 749-7880

(530) 749-7884 fax

August 12, 2014

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

Re: RESPONSE TO 2013-14 GRAND JURY – "Yuba County Airport"

Dear Judge Berrier,

Provided pursuant to Penal Code Section 933(c) are the comments from the Department of Administrative Services related to the findings and recommendations contained in the 2013-14 Grand Jury Final Report – "Yuba County Airport." 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). It's also important to note the 'Request for Responses' asked for responses from both the Director of Administrative Services and the Airport Manager. What follows are our combined responses.

FINDINGS

- F1. The Yuba County Airport has contracted with a local farmer to provide the equipment and labor to cut a perimeter fire break around the airport in exchange for agricultural use of some of the land.

Agree. The agreement allows the local farming operation to grow / harvest hay on our property in exchange for disking a fire perimeter around the airport.

- F2. There is no formal accident response plan or planned airport related exercises with local emergency responders.

Disagree. There is a posted 'in an emergency' placard in every hangar to call 911 in an emergency, and a plan filed with all emergency responders in the area (including the FAA and the Yuba County Sheriff).

The airport and the local jurisdictions (primarily fire) do conduct emergency response drills and exercises at the airport at various times of the year. And Administrative Services has been working with the Office of Emergency Services to schedule multi-jurisdictional emergency response exercises.

- F3. Ultra-light operations increase the safety risk at the airport and endanger other aircraft operations.

Conditionally agree. Ultralights can be a safety risk to an airport and its patrons when operated outside of established rules and regulations or on airport property. Ultralight aircraft are required to follow the normal operating procedures when operating *on* the Yuba County Airport runways; meaning they have to behave and operate like an aircraft. But because they don't fly like a regular aircraft, the County has agreed to allow the ultralights to operate on adjacent county property; outside of the airport boundaries

- F4. The Airport Manager verbally approved the current ultra-light operating location.

Agree. The Yuba County Airport Manager (with the support of her leadership) *has* approved the location for ultralight aircraft. It is important to note the approved area is *outside* of dedicated airport operational property and is *not* within the security fence. The *approved* area is located on adjacent county property (not dedicated to airport operations) in the vacant field to the east of the airport on property adjacent to Arboga Road. (See attached map)

This location was identified by a cross-functional group in response to numerous neighborhood complaints when these ultralights / powered parachutes were using local streets to take off and land and were causing distress and disruption among the residents.

However, at no time has the Airport Manager authorized or approved the use of ultralights *ON* the airport property, runways or surrounding airport areas to operate in a manner that is outside the normal aircraft operating procedures. This is in accordance with Yuba County Ordinance 2.110.130.

- F5. The Grand Jury found section 2.110.240, Security Requirements (County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations, dated 16 December 2008) does not state clearly the specific requirements for security gate operations or requirements for perimeter fencing.

Agree. The Yuba County Airport is an 'uncontrolled,' non-commercial, general aviation airport with no scheduled passenger service. As such it is not required under federal regulations to have a security fence, gates, or other security perimeter. The airport does maintain a perimeter fence for flight safety (i.e., keep out wild animals and general unauthorized access). But it is not an FAA or TSA requirement for us to have a perimeter fence.

- F6. There is no daily log of inspections of all runways or taxiways for Foreign Object Debris (FOD), or lighting, windsocks, and airport general conditions.

Agree. There is not a log maintained that documents the inspections that occur each weekday as performed by county maintenance personnel.

- F7. There is no runway or taxiway sweeping schedule at the airport other than prior to special events. No proper sweeping equipment is available to the airport other than rental through Yuba County Public Works.

Agree. There is not a scheduled sweeping program. Although we disagree that cleanup of runways only happens for special events.

- F8. The airport is seriously lacking in airport building and hangar maintenance.

Conditionally agree. There are not maintenance personnel solely dedicated to performing maintenance on the airport's buildings. The maintenance is performed by the County's Buildings and Grounds building maintenance team. This change made in July of 2013 has resulted in more frequent maintenance repair, faster response times, and improved quality of work. The Airport Manager has commented that the quality of maintenance has improved since the County's Buildings and Grounds Division has assumed responsibility for building maintenance at airport facilities.

And we agree the buildings are old and in need of constant care. Some date back to the 1940s, and as such need a lot of attention. At some point, they will need to be removed or replaced.

- F9. There are many privately owned vehicles, trailers, and equipment that are stored near hangars without fees assessed or collected.

Agreed, there are vehicles and trailers parked adjacent to hangars. These are located there at the ends of the hangar rows in conjunction with their hangar agreements which state hangars are for aircraft-only storage, that no vehicle may be stored in front of or in back of a hangar, and that any other vehicle storage must be at the end of the hangar row.

There is one exception to note, a trailer has been allowed to be placed to house the Reach Air Medical pilots that must be available on very short notice (this is the one pictured in the report).

- F10. The Airport Manager Job Description is in need of updating to reflect the current responsibilities.

Agreed. The Airport Manager job description was last reviewed in May of 1996.

- F11. The airport does not have an oversight committee, or aviation group, that recommends improvements to the airport.

Agreed. There is no oversight or pilot group committee to oversee or review recommendations at the airport.

The airport did attempt to have an airport committee a number of years ago, but it was disbanded due to lack of participation.

The Airport Manager does conduct workshops and other outreach mechanisms whenever large projects or major changes are contemplated at the airport.

- F12. The airport lacks a well-documented complaint process. Currently, complaints are handled verbally by the Airport Manager.

Agreed. There is no complaint process specifically for the airport. There is, however, an established complaint process employed county-wide available through the county website. Complaints / comments are routed by the webmaster to the appropriate department and that department is responsible for investigating / resolving the claim.

Complaints may also be submitted directly to the Board of Supervisors through the 'Board Comments' link. These comments are routed to each Board member, and then forwarded to the appropriate department for resolution.

- F13. Two airport employees have retired and there are no plans to replace them. The Airport Manager is the only airport employee and is responsible for the 24 hour operation of the airport.

Agreed. Two employees have left / retired from the airport that have not been replaced. Of the two former positions, one was administrative in nature, and one was a dedicated maintenance staff person.

The workload formerly performed by the administrative support person, has been significantly reduced and deemed no longer needed. When the Airport Manager supported the Enterprise Zone and the tax voucher processing, there was significantly more administrative work to be done. With that program 'sunsetting' this year, there is much less to do to support it.

The work performed by the maintenance coordinator has been absorbed by the County's building and grounds team. This has actually proven to be a benefit to the airport as building maintenance can now dispatch a specifically skilled individual to perform a given task rather than what could be done previously by the one 'generalist.'

- F14. There are no scheduled inspections of the rental hangars or facilities.

Disagree. An annual inspection of the hangar facilities is currently performed each year as the fire extinguishers in each hangar are serviced. While staff is in each hangar, it is checked and evaluated for any potential issues.

Further, under the terms of the lease the Airport Manager, or his/her designee may enter a hangar at any time.

- F15. The Golden West Air Show has poor public attendance, is a loss to the county, and is not properly advertised in the local area. No local news media were used to advertise the air show.

Agreed / disagree. We agree the air show had poor attendance for the last several

years. The reasons for this low attendance are numerous.

Although we disagree that there was no marketing. Ads were placed in the local paper (Appeal Democrat) and several press releases were issued to local media. The decisions to run stories based on a press release lies with the paper's Editorial Board and are beyond our control. But it was widely advertised in aviation publications, the local media, websites, and various social media outlets.

The most important point however, is the Air Show is not an event put on by the County or the Airport. It is presented by Golden West Aviation Association, Inc. Golden West is a 501(c)3 non-profit corporation and their air show effort is 100% volunteer. While the County is a sponsor, along with numerous other local businesses (Toyota, Recology, Pepsi, F M Booth, KUBA, and many more) it does not manage or present the airshow in any way.

- F16. The airport funding for improvements has been accomplished by Grants, federal funding, and very little by county funds.

Agreed. Grants and other federal and state funding are the primary mechanisms by which the County Airport delivers capital projects.

RECOMMENDATIONS

- R1. The Airport Manager establishes an accident response plan and schedule regular airport related exercises with the local emergency service responders.

This recommendation has already been implemented; and further analysis will be done.

An accident response plan is already in place at the airport. Placards are posted in each hangar for any emergency should be called in to 911. Calling 911 should be the first priority of any accident whether it is a plane, pilot, local business or even the Airport Manager. Plus, the airport has a 'call tree' in place with emergency responders to disperse the message to the appropriate authorities.

However, the Airport Manager and the Administrative Services Director will review the existing plan with the County's Emergency Operations Manager to obtain another perspective on what else may be lacking in the current plan.

- R2. The Airport Manager:
- Provide written authorization for ultra-light operations.
This recommendation will not be implemented.

The ultralight flight community is not an organized group. This community is a loose confederation of flyers who know of an available area from which to fly their equipment. The Airport Manager is familiar with some of the frequent users, and they have been very willing to work with the Airport Manager to comply with all rules. But it is difficult to find a way to contact all flyers. They prefer to fly early mornings and/or late afternoon to early evening to minimize wind interference (usually outside of business hours). To provide written authorization to each flyer is not feasible given their independent nature and lack of being an official or cohesive group.

- Establish written procedures for safe operations, to include established ultra-light traffic patterns and altitudes.

This recommendation has already been implemented.

There are written / published rules and regulations for the use of ultralights and powered parachutes under FAA rules (FAR 103), County ordinance (2.110.130 and others) just as there are for any normal aircraft. To fly an ultralight craft does not require any type of piloting licensing or even a medical evaluation. Ideally, each flyer will have received some training in the use of this equipment (which would include some description of what is and is not legal), but it is not required to use one.

- Is encouraged to seek the assistance of knowledgeable local pilots at Yuba County Airport in establishing the new procedures.

This recommendation has already been implemented.

The establishment of these procedures, and the identification / selection of the proper place for these flyers to use has been the result of a large group effort that has included many folks inside and outside county government.

- Inform all local and transient pilots of ultra-light operations and procedures at Yuba County Airport.

This recommendation will be partially implemented.

The Airport Manager and the Director of Administrative Services will put together a hand-out of guidelines and requirements of using an ultralight craft in this area adjacent to the airport within the next 60 days. We will attempt to pass it out among the frequent ultralight users when they are on our property. It is important to note, because of the independent nature of these individuals, it is difficult to reach all of them to inform them of all local rules. But like any member of society they must be informed of the laws, and ignorance of them is no excuse, it is incumbent on each flyer to know the permissible behaviors.

- Require all ultra-light users comply with all aspects of Federal Aviation Regulations (FAR), Part 103 concerning the operation of ultra-lights.

This recommendation will not be implemented, as it is already the law.

As part of their training (for those that choose to obtain such training) they are made aware of FAR 103 which are the federal guidelines for ultralight operation. Enforcement of federal rules is the authority of the FAA.

- Require Ultra-light operations at Yuba County Airport comply with all aspects of this regulation, and all other FAA airspace regulations.

This recommendation will not be implemented, as it is already the law.

When errant behavior is observed, law enforcement will be (and is) called to deal with any infractions, but given the lack of an 'oversight organization' it is difficult to communicate with all members in any

organized way. Again, enforcement of federal rules is the jurisdiction of the FAA.

- R3. Yuba County establishes liability insurance coverage agreements with these ultra-light users.

This recommendation will be partially implemented.

As discussed above, the Airport Manager and the Director of Administrative Services will put together a hand-out of guidelines and requirements for using an ultralight craft in this area. Included in this handout will be language that communicates to each flyer, that by using this identified property for their take-offs and landings, they affirm they possess adequate liability insurance and that they hold the County harmless in the event of any accident. Again, it's important to note, this is an unorganized, autonomous group of individuals all acting independently. Short of 24 hour staffing at the airport, to devise a way to obtain and track coverage of each user, and verify they have done so before flying, is not feasible.

- R4. The ultra-lights be moved to the west side of runway 14/32 where safe operations with other aircraft at the airport would be improved. If this is not feasible, strong consideration be given to terminating ultra-light operations at Yuba County Airport.

This recommendation will not be implemented.

This would require ultralight flyers to relocate onto actual airport property which would cause greater potential for conflict with aircraft, and would also put them in conflict with County ordinance which prohibits their use on actual airport operational land.

The Airport Manager cannot legally prohibit ultralight operations. And the FAA is the sole authority to determine whether any flight regulations have been violated.

- R5. The Airport Manager update section 2.110.240, Security Requirements to include specific requirements for security gate operations and requirements for perimeter fencing.

This recommendation will not be implemented.

The current airport perimeter fencing is in compliance with Federal (FAA and TSA) rules and regulations. The airport has continued to supplement the fencing beyond those requirements, to maintain the safety of pilots and their aircraft, as funding permits.

The current ordinance does address the use of security cards at the gates:

2.110.240. - Security requirements.

The Airport may establish secure areas that require the use of access systems. All individuals, clubs, and FBO's using the Airport for private or commercial operations will familiarize themselves with the Airport security requirements. Failure to comply with the stated Airport security requirements will be cause for the Airport Manager to deny use of the Airport facilities.

(1) Tampering with, interfering with, or disabling a lock or closing mechanism or breaching any other securing device at the Airport is prohibited.

(2) Persons who have been provided a security card or device for the purpose of obtaining access to the Airport Operations Area shall only use Airport issued card or device and shall not distribute same to any person unless the Airport Manager provides prior written permission.

(3) Vehicle operators shall ensure that no other vehicles or persons gain access to the Airport Operations Area while the gate is in the process of closing. Operators shall wait until the gate has fully closed before proceeding. If vehicle operator cannot prevent such access by others, the Airport Manager shall be immediately notified.

R6. The Airport Manager and Administrative Services Director:

- Develop and use a written daily inspection checklist for all runways and taxiways for FOD, lighting, windsocks, or airport general condition.
This recommendation will be implemented.

Administrative Services will develop a checklist and maintenance log to track the daily inspections of the runways, lighting, and surrounding areas; expected implementation by September 1, 2014.

- Conduct inspections on the weekends and holidays when increased usage occurs to ensure safe aircraft operations.
This recommendation will not be implemented.

Yuba County Airport is a non-commercial, general aviation airport. The vast majority of the flight activity is on weekdays, and weekend traffic is significantly less. For the County to pay overtime for an employee to conduct visual inspections on weekends and holidays, estimated to be approximately \$8000 a year, would be expensive and is not a good use of taxpayer funds. The operational areas and field lights are inspected each Friday to prepare for weekend operations and each Monday for each maintenance issues that arose on the weekend. If a problem occurs on the weekend, pilots typically advise the Federal Aviation Administration who then immediately contact the Airport Manager for direction.

- Develop and use a sweeping schedule for all runways and taxiways at the airport.
This recommendation will not be implemented.

The County airport does not own a sweeper unit. Preliminary research shows these units to be expensive (used units start at an average \$20,000 to \$30,000). A unit was owned many years ago but it was not needed regularly and thus deemed not worth the cost of maintenance.

The airport does own an FOD unit that vacuums up debris and is used occasionally 'as needed' to clean the runway.

With daily visual inspections and occasional use of the FOD unit, the addition of a sweeper unit does not seem to warrant the investment.

R7. The Airport Manager develop an annual preventative maintenance schedule for all airport hangars and buildings.
This recommendation will be implemented.

In addition to the annual inspection of the hangar facilities performed annually as the fire extinguishers in each hangar are serviced, we will add additional inspections to the schedule. The County's Administrative Services Director, Facilities Manager, and Building Maintenance Supervisor conduct periodic

physical reviews of County facilities on a regular basis to review building condition, safety issues, and other building-related issues. They will add the airport buildings and hangars to this regular rotation.

- R8. The Airport Manager removes unauthorized privately owned vehicles, trailers, and equipment that are stored on county property, and that a written log of authorizations and fees collected be maintained for authorized privately owned vehicles, trailers, and equipment stored on airport property.
This recommendation will be conditionally implemented.

The Airport Manager will regularly review the trailers and other vehicles parked adjacent to hangars and validate they are done so within the terms of the hangar rental agreements, and that no one is 'camping' in them. Any unauthorized vehicles or trailers will be removed.

- R9. The Administrative Services Director revise and update the Airport Manager Job Description to reflect current duties and responsibilities.
This recommendation will be implemented.

The Administrative Services Director will coordinate with the Director of Human Resources to review the class specification for the Airport Manager and determine if any updates are needed. This will be done within 30 days.

- R10. Establish an oversight committee or aviation group that recommends improvements to the airport.
This recommendation will not be implemented.

This has been tried and was unsuccessful. The Airport Manager will, however, continue her outreach efforts for large projects and major changes, and continue to be as inclusive of the airport and surrounding community as possible.

- R11. The Airport Manager establish a written complaint process that includes a record of all complaints, and the resolutions.
This recommendation will be implemented.

The airport will add a link on its web page to better take advantage of the County's established complaint process. Responses will be logged and tracked.

- R12. The Airport Manager fill the positions vacated by the two employees who retired, in order to maintain airport operations.
This recommendation will not be implemented.

The Airport is an 'enterprise fund' meaning it is financially supported through the rents it collects on leases and any revenue from sale of airport property. The funding does not support the replacement of these two individuals, nor does the workload warrant it.

- R13. The Golden West Air Show improve publicity and marketing.
This recommendation will not be implemented.

The Golden West Air Show is not a County event, and neither the publicity nor the marketing of the event is the responsibility of the County. The County is a sponsor of

the event, along with numerous other local businesses but has limited input into how the event is marketed.

- R14. Airport funding for improvements be obtained through a combination of grants, federal, state and county funds.

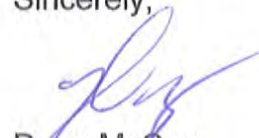
This recommendation will be implemented.

Again, the airport is an enterprise fund. It is not supported through the General Fund, property taxes or other assessments. Nearly all improvements are funded through grants from the federal and state governments.

The Airport Manager has proven very adept at seeking out potential funding sources, whether they are federal, state or otherwise. When grants are identified, it takes the efforts of the Manager, the Administrative Services Director, the County Administrator and the Board of Supervisors to facilitate the application process. The County will continue to support the airport in that effort in every way possible.

The Department of Administrative Services thanks the 2013-14 Grand Jury for their dedication of time and commends each member for their valuable community service.

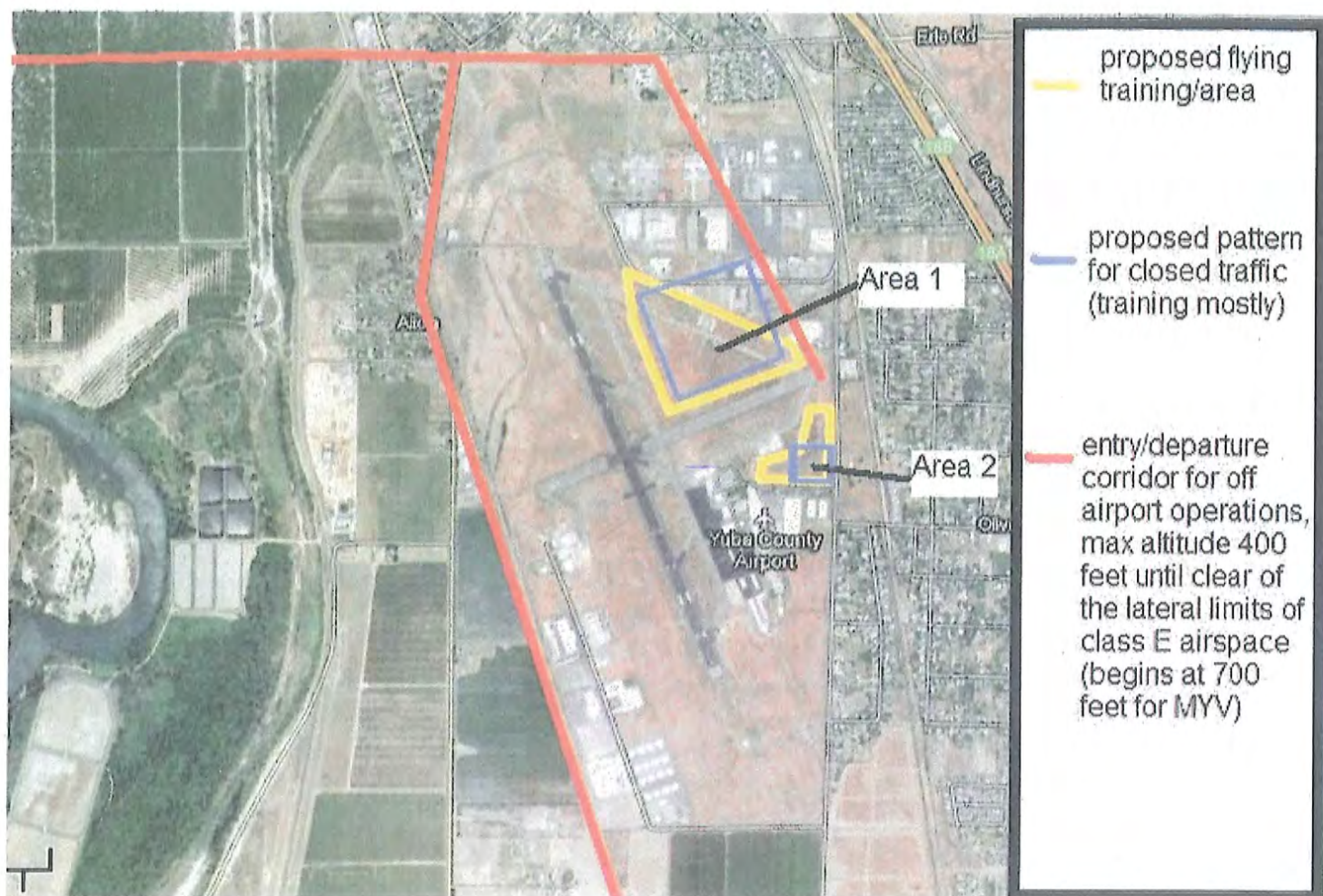
Sincerely,



Doug McCoy
Director,
Yuba County Administrative Services



Mary Hansen
Manager,
Yuba County Airport



The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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August 12, 2014

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



Re: RESPONSE TO 2013-14 GRAND JURY – “Yuba County Cemetery Districts”

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 2013-14 Grand Jury Final Report – “Yuba County Cemetery Districts.” 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

F1. There is no established mechanism among the Yuba County cemetery districts for exchanging information about their experiences operating the cemeteries. A Yuba County cemetery district's association would facilitate the exchange of knowledge and experience about best practices.

The Board of Supervisors agrees with this finding.

F2. The cost of the legally mandated annual audits has prevented many Yuba County cemetery districts from fully complying with this requirement. Nevertheless, it is in both the county government's and public's interest that tax supported agencies be financially accountable.

The Board of Supervisors agrees with this finding.

F3. Cemetery boards of trustees contact information is posted near the entrance at some cemeteries, but not all. In a few cases, prices and policies are posted at cemetery entrances, but this is the exception rather than the rule. None of this information is available online. All of this information should be readily available to the public at all cemeteries and online.

The Board of Supervisors agrees with this finding.

SUPERVISORS

RECOMMENDATIONS

- R1. *The Yuba County Grand Jury recommends that the Yuba County cemetery districts form an association for the purpose of efficiently exchanging information about their experiences operating their respective cemeteries. A cemetery district's association would facilitate the exchange of hard-won knowledge and experience with best practices.***

The recommendation requires further analysis. As independent districts in which the County has no oversight, with the exception of appointing Board members as necessary, the County encourages the districts to work together in a manner that would create a greater degree of efficiency and economies.

- R2. *The Yuba County Grand Jury recommends that the county and the districts explore ways that would permit the districts to obtain the required annual audits at a reasonable and affordable cost.***

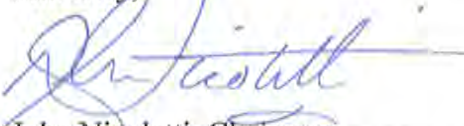
The recommendation requires further analysis. Similar to numerous districts within Yuba County, the County does not have oversight over independent districts. While the County enjoys collaborative relationships with districts and local agencies, resources at the County to coordinate district audits are not available. However; the Grand Jury raises a valid point in that coordination between the districts would be beneficial to possibly achieve audit cost saving.

- R3. *The Yuba County Grand Jury recommends that the county create a web page on its website for the cemetery districts that presents for easy public access, the information needed by the public to use the district's resources. The information should include: hours of operation, contact information for members of the board of trustees, prices and fees for services and information about how members of the public can support the missions of the districts. Dates, times and location of cemetery district's Boards of Trustees meetings should also be included. Community outreach posting might also appear here.***

The recommendation requires further analysis. As stated previously, the district receives limited funding to perform their necessary operations. The same is true with the County for its operations, albeit on a larger scale. Providing this service should be reimbursed to the County on a cost recovery basis. However; the County Administrator will work with the Clerk of the Board of Supervisors and the Chief Information Officer to determine what resources would be required to coordinate this ongoing operational issue for the district.

The Board of Supervisors thanks the 2013-14 Grand Jury for their dedication of time and commends each member for their valuable community service.

Sincerely,



John Nicoletti, Chairman
Yuba County Board of Supervisors

SUPERVISORS