

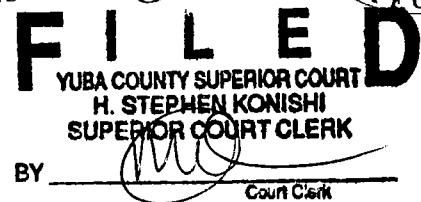
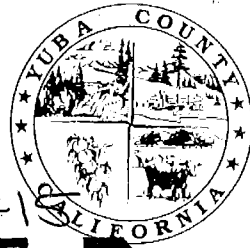
Responses to
The 2014-2014
Yuba County Grand Jury
Final Report



Yuba County Sheriff's Department

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June 16, 2015

The Honorable Julia Scrogin
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901

RE: Response to 2014/2015 Grand Jury Findings and Recommendations

Dear Judge Scrogin:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Sheriff's Department's response to the 2014/2015 Grand Jury Final Report – Findings and Recommendations concerning the investigation into the Yuba County Jail.

We would like to express our thanks to the 2014/2015 Yuba County Grand Jury for their dedication and professional approach to their duties. It was a pleasure meeting with them and discussing our operations. We were, however, surprised and disappointed to read the findings and recommendations since many of them are factually inaccurate. We had previously asked the Grand Jury as a group and the Law Committee members specifically to speak to us about any issues (positive or negative) before they were memorialized in print because we have found in past years that there is often information and processes that the jurors are unaware of, that result in findings that are not based on all information available. Grand Jurors cannot be expected to know all the history, rules, regulations, policies and practices of all departments in the county and our request was not intended to convince them not make critical findings, but to make accurate findings. Further, publishing a meaningful and factually accurate report brings credibility to the process.

The 2014/2015 Grand Jury stated that they appreciated our openness, transparency and responsiveness to their requests. We repeatedly assured them that we appreciate another set of eyes looking over our operation and further welcome constructive input. The final report is not indicative of the meetings we shared in that it appears one or more of the authors attempted to malign the operation with several of the findings and recommendations as opposed making meaningful recommendations to improve facility operations.

The report asked for responses from a number of individuals (Sheriff, Jail Commander and Executive Assistant). Accordingly, the Executive Assistant, Jail Commander and Sheriff are providing this combined response as their separate responses would be redundant and an unproductive use of time.

Prior to the required responses to Findings and Recommendations, we would like to point out inaccuracies contained in the body of the report (in addition to the factual errors and inaccuracies in the Findings and Recommendations). We do this not to discredit the Grand Jurors, but failing to highlight the errors then makes readers assume the information to be factual when it is not.

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In the last paragraph of the page numbered **Page 39 of 120**, the report says, "The medical unit, also located in this older structure ...". The fact is that the medical unit is in the newer part of the jail. In the same paragraph, the report says, "There are also four cells in the medical unit; two holding cells where inmates wait for treatment, and two used for the isolation of contagious diseases." The fact is that there are four additional cells in the medical area used for the housing of inmates with medical issues and inmates with classification issues that prevent housing in other areas of the jail.

In the first full paragraph of the page numbered **Page 40 of 120**, the report states, "The Consent Decree (1978) and the Human Resources Department of Yuba County (Class Specification: Correctional Facility Medical Assistant), both specify certification of the Medical Assistants." There is absolutely no mention of Medical Assistants in the Consent Decree, in fact, the position was not even established in Yuba County until 2001, 23 years after the Consent Decree was finalized (see Attachment A – Classification Specification for Correctional Medical Assistant and Attachment B – Consent Decree, (1978)).

The last paragraph of the page numbered **Page 40 of 120** states, "A physician comes to the medical unit six days per week for approximately two to four hours per day. The physician did not respond to the Grand Jury's letter requesting to set up a meeting date. Nor did he respond to messages left and attempts to contact him at the jail through the Undersheriff. While his input would have been welcomed, the Grand Jury felt rather than subpoenaing him to appear, the information supplied by the Medical Department employees was adequate enough to complete this report." The Undersheriff received two letters from the Grand Jury requesting that certain staff members be made available for interview. The first letter, dated October 28, 2014 (Attachment C) requests that Randy Inman, Kimberly Thompson, and Carlos Perez be made available and the second letter, dated November 18, 2014 (Attachment D) requested interviews with Julia Fontal-Caban, Kao Vang, Angela Lee and Connie Scott. The Sheriff's Office received no such request that the jail Physician (Dr. Joseph Cassady) be made available. Undersheriff Read also received several e-mails from the Grand Jury Secretary, requesting documents and other information (Attachments E, F and G). It is evident from the e-mails that the Sheriff's Office was more than responsive to the requests and provided all information without delay or question. Further, as noted in Attachment E, the Grand Jury Secretary asked for assistance as one of the Medical Assistants had not contacted them for an appointment. The Undersheriff responded the same day and assured that he would determine why the Medical Assistant had not arranged to speak to the Grand Jury. The Sheriff's Office received no such communication regarding the jail physician. We would like to add that one of the medical staff later reported that the interview turned into an interrogation and the staff member felt attacked more than interviewed.

Upon learning of the content of the Grand Jury Final Report, the Jail Physician reported that he received no requests for an interview from the Grand Jury. In fact, he was surprised to learn that almost all of the jail medical staff was contacted except him and he thought his input would be important.

In the fourth full paragraph on the page numbered **Page 41 of 120**, Sutter Yuba Mental Health is erroneously identified as Sutter Butte Mental Health. The report also states that the Crisis Counselor makes a point to walk throughout the female holding units to inquire about detainees' well-being and ask if any help is needed. It further states that no corresponding service is provided to the male inmates. This statement may have been true when the Crisis Counselor was interviewed, but is no longer the case and hasn't been for months.

Other discrepancies are noted in the following responses to Findings and Recommendations and where accurate and relevant findings are noted, the response identifies that fact. Please accept the following response to the Grand Jury Findings and Recommendations:

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YUBA COUNTY JAIL FINDINGS

Finding #1: *Longer periods of incarceration, due to the Realignment transfer of state prisons to local facilities (Public Safety Realignment, 2013:<http://www.cdcr.ca.gov/realignment/>) and the extended stay of ICE prisoners (Your Complete Guide to Obama's Immigration Executive Action, web site: <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/11/19/your-complete-guide-to-obamas-immigration-order/#economy>), have increased the medical and mental health needs of inmates. The Mental Health Professional (psychiatrist) although available by phone, is on site only one day per week mainly to evaluate incoming inmates and update prescriptions. There are no non-emergency or on-going mental health services available to the inmates. Inmates diagnosed as needing treatment at a state mental hospital wait months for transfer. Suicidal inmates can stay in padded cells, with little or no comforts, for weeks. The California Department of Corrections and Rehabilitation advised:*

"Where there are options, however, it is recommended that there be a limit to the length of time an inmate can be housed in a safety cell. Title 15 requires medical and mental health checks and regular review by a watch commander for retention in a safety cell. Additionally, several large counties have established internal policies in this regard, saying that after 24 hours, the person must be removed either through a 5150 process or by placement somewhere else in the jail. Of course, extensive housing in a safety cell or sobering cell should be avoided to the greatest extent possible for mentally ill inmates as well as for all others." (Jails and Mentally Ill: Issues and Analysis, a briefing paper developed by the Corrections Standards Authority (CSA), pg. 26.

http://www.cdcr.ca.gov/COMIO/docs/MENTALLY_ILL_IN_JAILS_PAPER.pdf

Additionally, a Human Rights Watch Report states:

"Yet most independent psychiatric experts, and even correctional mental health staff, believe that prolonged confinement in conditions of social isolation, idleness, and reduced mental stimulation is psychologically destructive. How destructive depends on each prisoner's prior psychological strengths and weaknesses, the extent of the social isolation imposed, the absence of activities and stimulation, and the duration of confinement." (Human Rights Watch report – Ill Equipped: U.S. Prisons and Offenders with Mental Illness, §VII paragraph <http://www.hrw.org/reports/2003/usa1003/1.htm>)

Female inmates have a higher rate of mental health problems than the males: 75% of female inmates v. 63% of male inmates (Mental Health Problems of Prison and Jail Inmates, Highlights, U.S. Department of Justice, Bureau of Justice Statistics Special Report, from: <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>)

Response to Finding #1: We partially disagree with this finding: The first area of disagreement is concerning mental health coverage. In addition to the Sutter Yuba Mental Health (SYMh) Psychiatrist, we have contracted (through SYMH) for a second psychiatrist; one sees inmates/detainees on Sundays; the other sees inmates on Wednesdays. The additional psychiatrist was added prior to the release of the final report. We have also contracted for the services of a clinical psychologist who sees inmates/detainees on Mondays. This is a temporary position that will be replaced by a full-time Mental Health Therapist. We have secured funding for the addition of a full-time mental health therapist who will begin in July or August and work 40 hours per week with inmate/detainees. We are surprised that this information was not included in the Grand

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Jury's Final Report inasmuch as there were three Grand Jurors in attendance (see Attachment H - sign-in sheet) at the February meeting of the Community Corrections Partnership when the matter to fund the position went to a vote (see Attachment I – CCP Meeting Agenda and Attachment J – CCP Meeting Minutes).

We disagree with the assertion that inmates/detainees are held in padded cells (safety cell) for weeks. This is simply not true.

While we agree with the finding concerning delays in transferring inmates to a state mental hospital, all California counties experience the same delays. The state mental hospitals are full and inmates are placed on waiting lists and taken in the order they are received. This is something the California State Sheriff's Association is attempting to remedy through legislation but currently the problem exists across the state.

Finally, the quoted information concerning the use of safety cells was not prepared or published by the California Department of Corrections and Rehabilitation (*"The California Department of Corrections and Rehabilitation advised"*), but instead was prepared and published by the Corrections Standards Authority.

Finding #2: *As reported by the substance abuse counselor, in-house support groups, which were beneficial to inmates' mental health, were suspended two years ago, and there are limited funds for referring inmates to recovery programs.*

Response to Finding #2: We partially disagree with this finding: As this finding is rather broad, we asked the substance abuse counselor about the support groups that were suspended two years ago. He explained that there had been some group meetings conducted by the substance abuse counselor, but the logistics of pulling those meetings together with the diverse classification of inmates was time consuming and cumbersome to the point that the consensus was to suspend the group sessions. The substance abuse counselor has found different ways to provide services that can be delivered consistently.

The funding that is being referenced as being limited has to do with the reduction of Proposition 36 (Substance Abuse and Crime Prevention Act of 2000) funding and far fewer eligible clients. Proposition 36 was an initiative to allow defendants in non-violent drug possession offenses to receive probation in lieu of jail time. Defendants are required to participate in and complete a licensed and/or certified community drug treatment program. If the defendant fails to complete this program or violates any other term or condition of their probation, then probation can be revoked and the defendant may be required to serve an additional sentence which may include incarceration. Proposition 36 programs and eligible clients have shown a recent and drastic decline because defendants have no incentive to participate in Proposition 36 programs since Proposition 47 reduced almost all drug offenses to misdemeanors.

Finding #3: *The consent decree (Consent Decree, 1978; Derril Hedrick, et al. v. James Grant, et. Al., US District Court for the Eastern District of California, CIVIL S-76-162 TJM) mandates a licensed Registered Nurse (RN) on site at least 15 hours per week; however, there is not an RN currently on staff. This is a violation of the Consent Decree §V A1, pg. 11. The need for a RN is even more vital with extended stays caused by Realignment (Realignment – The Bottom Line by Board of State and Community Corrections, 2013, http://www.bscc.ca.gov/s_californiapublicsafetyrealignment.php) as well as the change in housing the Immigration and Customs Enforcement (ICE) detainees (Your Complete Guide to Obama's Immigration Executive Action, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/11/19/your-complete-guide-to-obamas-immigration-order/#economy>).*

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The Executive Assistant in medical services advised that YCJ are considering several persons that have Physician Assistant (PA) credentials which will more than meet the requirement. However, a PA may not necessarily have nursing experience (A Patients Guide to the Physician Assistant, http://www.pg2pa.org/PA_NP.html); therefore, unless the PA also has RN certification, the PA will not satisfy the mandate listed in the Consent Decree for a RN. YCJ is also considering hiring a Nurse Practitioner, which would more than meet the requirements of the Consent Decree.

Response to Finding #3: We partially disagree with this finding: It is accurate that the Consent Decree requires an RN be on site 15 hours per week. We have recruited to fill this position on several occasions and did not receive any qualified applicants. Our inability to fill the RN position led us to pursue other options while at the same time, maintaining our commitment to keep four full-time Licensed Vocational Nurses on staff (all in excess of Consent Decree requirements). The Jail Medical Officer expressed the need for a mid-level practitioner: a Physician Assistant (PA) or Nurse Practitioner (NP) and in his learned medical opinion, either would more than satisfy the RN requirement.

On May 22, 2015, we began a recruitment for a flexibly staffed position of Physician Assistant/Family Nurse Practitioner, meaning candidates holding either certification can apply (see Attachment K – job flyer). Yuba County's Chief Deputy County Counsel has had a discussion with the Consent Decree monitor about this proposed change and the monitor determined that a PA or NP would exceed the intent and requirements of the consent decree. We have reviewed the document referenced by the Grand Jury (*A Patients Guide to the Physician Assistant*, http://www.pg2pa.org/PA_NP.html) and are unsure how they developed their *opinion* that a PA would not satisfy the requirements of the Consent Decree.

Finding #4: *Several of the Medical Assistants (MA) and one contracted crisis counselor do not have the appropriate credentials and is in violation of Yuba County Human Resources Job Classification for Medical Assistant.*

Response to Finding #4: We partially disagree with this finding: We completely disagree that the contracted crisis counselor does not have appropriate credentials. First, we do not contract for the Crisis Counselor. The Crisis Counselor is employed by Sutter Yuba Mental Health (SYMh) and is assigned to the Yuba County Jail. There is no contract for this service. Secondly, as part of the agreement between Yuba and Sutter Counties for the operation of Sutter Yuba Mental Health Services, Sutter County is responsible for the Human Resources function for SYMH employees. The Crisis Counselor was hired by Sutter County and meets all of the requirements of the Sutter County Human Resources job description (see Attachment L- Crisis Counselor Class Specification).

As for the Medical Assistant certification, our disagreement is with the characterization that *several* MA do not have appropriate credentials. To understand the issue, you have to understand the history and the process. We will first address the history of the jail medical personnel. For many years, all of the jail medical personnel were employees of the Yuba County Health and Human Services Agency (HHS) and were assigned to the jail. The entire group was hired and supervised by HHS. On July 1, 2012, the Sheriff's Office assumed responsibility for jail medical staff. All staff that were employed on that day were transferred to the Sheriff's Office. Three of the five current MAs were hired by HHS (MA #1 Hired 4/12/02, MA #2 Hired 7/1/11 and MA #3 Hired 12/4/11). The other two MAs were hired by the Sheriff's Office (MA #4 Hired 1/12/14 and MA #5 Hired 10/1/14).

The next issue that must be considered is the Class Specification that was in effect at the time of hire. Class Specifications are periodically updated; however, as they are updated, those already employed are not required to meet a higher standard than the one in effect at the time of their hire. We have attached the

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historical Class Specifications for Medical Assistant to this response (see Attachment M – 2003 Class Specification; Attachment N – 2005 Class Specification, Attachment O – 2009 Class Specification; Attachment P - 2013 Class Specification; and, Attachment Q – 2014 Class Specification).

MA #1, who was hired in 2002, falls under the 2003 Class Specification (Attachment M - reportedly the first class specification for the position). Pursuant to that class specification, MA #1 is required to satisfactorily complete a medical assisting training course. No ongoing certification is required resulting in MA #1 being in compliance.

MA #2 was hired in 2011 and would fall under the 2009 class specification (Attachment O). This employee was transferred to the Sheriff's Office from HHS. MA #2 is required to possess and maintain valid certification as a Medical Assistant pursuant to the Class Specification. It is worth noting that MA #2 did not meet the minimum qualifications (MQ) when she applied for the job (certification was/is not current) but was nonetheless certified by the Human Resources Department as meeting the MQs and subsequently hired.

MA 3# was hired in 2011 and would fall under the 2009 class specification (Attachment O) and is required to possess and maintain valid certification as a Medical Assistant. MA #3 meets that requirement.

MA #4 was hired in January of 2014 and would fall under the 2013 class specification (Attachment P). This employee was hired by the Sheriff's Department. Pursuant to the 2013 class specification, MA#4 is required to possess and maintain valid certification as a Medical Assistant. . It is worth noting that MA #4 did not meet the minimum qualifications (MQ) when she applied for the job (certification was/is not current) but was nonetheless certified by the Human Resources Department as meeting the MQs and subsequently hired.

MA #5 was hired in October 2014 (Attachment Q) by the Sheriff's Office and would fall under the 2014 class specification and is required to possess and maintain valid certification as a Medical Assistant. MA #5 meets that requirement.

In summary, two of the five MAs do not meet the class specification requirement to possess and maintain valid certification as a Medical Assistant (not several as noted in the finding). One of the two was hired by HHS and the other by the Sheriff's Department, but both were certified by the Human Resources Department as meeting the MQs at the time they applied although neither did. It is clear that all three departments were under the impression (although incorrect) that initial certification was the minimum requirement for all MAs.

We did some research and learned that the continuing certification for MAs is not an industry standard. Further, we searched the class specifications for MAs in surrounding counties. Only Placer County had a class specification for MA (we also sought information from Sutter, Butte, Colusa, Nevada and Yolo Counties) and the only requirement in Placer is possession of a Medical Assistant certificate (see Attachment R – Placer County Classification – Medical Assistant). The County has since changed the class specification for Medical Assistant and all MAs now meet the MQs of the position.

Finding #5: *The Executive Assistant in medical services does not have a degree, although his job description requires a two-year degree (Job Classification: Executive Assistant, Human Resources Department of Yuba County; <http://www.co.yuba.ca.us/Departments/Personnel/documents/Specifications/E/Executive%20Assistant%20December%202013.pdf>)*

There is a disparity between the Consent Decree (1978), the Yuba County Human Resources and the Yuba County Jail policies in regards to the licensing/credentialing requirements.

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Response to Finding #5: Disagree: There are two different issues in this matter that speak to the Grand Jury members' lack of awareness of processes, but also further illustrates the need for conducting a complete investigation where the agency being investigated is asked about discrepancies discovered during the investigation. The first issue is that the Executive Assistant class specification (see Attachment S – Executive Assistant Classification Specification; Revised 12/13) reads:

Education and Experience:

MINIMUM: Associate's degree from an accredited college with major course work in business or a related field; and three years of experience at a level equivalent to the County's classification of Office Specialist.

However, immediately below that paragraph it states:

Candidates with strong experience who lack the degree are encouraged to apply.

That means that a combination of education and experience can be substituted for the Associate's Degree. The incumbent Executive Assistant possesses the required combination of education and experience.

The second issue is that in order to ascertain if a person meets the minimum qualifications for a position, you have to know the history of the person in question as well as the history of the position. The incumbent Executive Assistant was promoted from Supervising Office Assistant to Administrative Assistant on 2/17/04. The Administrative Assistant position requires a high school diploma plus five years of progressively responsible administrative or secretarial experience (See Attachment T – Administrative Assistant class specification 10/01). In 2008, the Administrative Assistant position was retitled to Executive Assistant as part of a County-wide classification study. Anyone in the Administrative Assistant position at the time of the retitling would have been "grandfathered" in as eligible. In either event, the Grand Jury was in error in this finding.

The second part of the finding concerning the disparity between the Consent Decree, Human Resources and Jail Policies concerning licensing/credentialing of staff is somewhat of a mystery. Nowhere in the Consent Decree (1978) (Attachment B) is the Executive Assistant, the Crisis Counselor or Medical Assistant mentioned and nowhere in Jail policies is the licensing/credential of the Executive Assistant, Crisis Counselor or Medical Assistant documented, so to say there is a disparity is completely false.

Finding #6: *The medical staff does not participate in fire drills, nor understand the procedure for emergency evacuation. The supervisor conducting the tour was unable to explain the procedure to the Grand Jury members on the tour.*

Response to Finding #6: Agree. We agree with the finding that medical staff does not participate in fire drills or understand the procedure for emergency evacuation. It is the responsibility of the correctional staff to effect an evacuation, but agree that including medical staff in fire and evacuation planning and exercises is prudent and they will be included in such.

Finding #7: A copy of the Consent Decree has not been provided to the Grand Jury for an undetermined number of years, and was not provided to this year's Grand Jury until the Grand Jury discovered the omission through a news report. This is in violation of the Consent Decree, §VX, paragraph 4, pg. 49.

The Consent Decree §XV (1978) holds the Law Enforcement Committee of each Grand Jury as responsible for monitoring jail compliance of the Consent Decree. There has been a

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failure of the parties to the Consent Decree to provide the Grand Jury with a copy of the Consent Decree as mandated by the Consent Decree.

The Grand Jury was unable to find a recent record of prior Grand Juries having been informed of the Consent Decree.

“The members of the Yuba County Grand Jury who serve on the Court and Law Enforcement Committee shall be provided each year with a copy of the Consent Decree so that they will know the minimum legal standards for conditions of confinement in the Jail. The Grand Jury shall be requested to do an analysis of whether the Jail is in conformity with all provisions of the Consent Decree and include that analysis in its yearly report.” (Consent Decree, 1978; Derril Hedrick, et. Al. v. James Grant, et. Al., US District Court for the Eastern District of California, CIVIL S-76-162 TJM §XV, paragraph 4, pg. 49)

Response to Finding #7: Agree. It appears that a copy of the Consent Decree may not have been provided until a request was made by the Grand Jury. It could be argued that the Consent Decree does not direct how or by whom the copy be provided, but we believe it was likely the intent of the Court that the Sheriff's Office be the provider.

The 2014-2015 Grand Jury assumes that, because prior Grand Juries did not indicate that they received a copy of the Consent Decree, that none was provided. The Consent Decree simply states that the Grand Jury be provided a copy and that they be requested to do an analysis of whether the jail is in conformity. The Court cannot order the Grand Jury to conduct such an analysis and it should not be presumed that because an analysis was not conducted that there has been a failure by any of the parties.

Finding #8: *The medical unit is housed in cramped quarters below street level as observed during the Grand Jury YCJ tour. Until the upstairs administrative staff is moved to a remodeled facility expansion plans for the medical unit are on hold.*

Response to Finding #8: Agree. The medical unit is smaller than optimal, but is compliant with Title 24 building standards for adult detention facilities. Expansion space is not available until other areas of the building are made available (around the first of the year, 2016). We have been exploring adding a new medical wing as opposed to trying to expand the existing space, but in either event, Board of Supervisors approval must be secured, funding must be identified, plans and specifications developed and the process initiated pursuant to Title 24 of the California Code of Regulations as it pertains to building or remodeling adult detention facilities.

Finding #9: *As observed during the Grand Jury's tours of the jail, the physical layout of the jail raises safety issues for the staff and inmates, most notably the section built in 1962 known by staff and inmates as the "dungeon".*

Response to Finding #9: Disagree. We are not sure which "staff", if any, referred to parts of the jail as the "dungeon". All areas of the jail are inspected by the Board of State and Community Corrections, Yuba County Environmental Health, the State Fire Marshall or designee, the Nakamoto Group (contracted inspection firm hired by the Immigration and Customs Enforcement (ICE) Agency, ICE Inspectors, the Federal Bureau of Prisons and other inspections agencies. None have found compliance issues with the physical plant design of the 1962 portion of the jail.

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Finding #10: *A copy of a summary of the Consent Decree is provided to the inmates upon booking; however, it is not identified as a "Consent Decree", as a mandate for the jail to follow, nor does it explain that a full copy can be obtained in writing (Yuba County Inmate Handbook).*

The Consent Decree (1978) states it is to be posted in the "Libraries and the Women's Tank". The Undersheriff advised that the Consent Decree is posted in the 'Law Library' and that the information is available in the Inmate Handbook.

Response to Finding #10: Disagree. The Consent Decree requires that a summary of the Decree which accurately summarizes its provisions be provided to inmates at the time of booking. At the time of the Consent Decree, a small booklet was provided to inmates and the court stated that the booklet was an acceptable version. The Inmate Handbook has grown to 23 pages and is more detailed than previous versions. Nothing in the Consent Decree requires that it be identified as a mandate for the jail to follow nor does it require that notice be given that a copy can be obtained in writing.

The Undersheriff was not aware that the Grand Jury asked for all locations where the Consent Decree may be located. There is no area known as the Women's Tank, but a copy of the Consent Decree is kept in the female dormitory (R Tank). There may be other areas where the Consent Decree is located in the jail as it is either provided to inmates upon request.

YUBA COUNTY JAIL RECOMMENDATIONS

Recommendation #1 *The Yuba County Jail Commander request and the Board of Supervisors approve a budget for a full-time licensed mental health counselor, within the next budget cycle.*

Response to Recommendation #1: The recommendation has been implemented. The Sheriff, not the Jail Commander, makes funding requests of the Board of Supervisors. This recommendation is analogous to recommending that we "Keep doing what you are doing" as the Grand Jury was aware that we were working on adding a mental health therapist; they attended a meeting where the funding request was made and approved (See Response to Finding #1)..

Recommendation #2 *Reinstate and expand support groups. Support staff use creative means of financing to include grant applications for funds to support in-house groups and inmates in programs when they are released. (see F2)*

Response to Recommendation #2 The recommendation has been implemented. We provide a number of support groups in the jail. The jail offers Narcotics Anonymous groups, Alcoholics Anonymous groups, and the Addiction Chemical Treatment Series (ACTS). We are researching the best method for delivering some services in the larger housing units or designating a housing unit as a program unit where more intense services can be delivered.

As for applying for grants and other programs, including programs when inmates are released, the Sheriff's Office recently applied for a Mentally Ill Offender Crime Reduction Grant. The three-year grant would fund a Transitional Mental Health Treatment and Services program (sometimes called an Assertive Community Treatment program) that begins with services in the jail and assist released inmates in transitioning back into the community. The aim of the grant is to reduce recidivism in mentally ill offenders. The Sheriff's Office, Courts and Probation recently competed for and received a Pretrial Release Program grant through the Administrative Office of the Courts, Recidivism Reduction Fund. The Sheriff's Office took the lead in writing the grant which began on April 1, 2015. The program allows for the supervised release of pretrial detainees. The aim is to reduce recidivism and to save money by supervising qualified pretrial defendants in

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the community rather than housing them in jail. The clients are able (or may be ordered) to participate in programs at the County's Day Reporting Center. We review other opportunities as they come available and will continue to do so.

Recommendation #3 *Hire a full-time Registered Nurse or a full-time Nurse Practitioner for the medical unit to be on the job no later than October 15, 2015. This will bring the Jail into compliance with the Consent Decree (1978).*

Response to Recommendation #3 The recommendation has not yet been implemented but will be implemented in the future. This is another "Keep doing what you are doing" recommendation. On May 22, 2015 (prior to the release of Grand Jury report), we began a recruitment for a flexibly staffed position of Physician Assistant/Family Nurse Practitioner, meaning candidates holding either certification can apply (see Attachment K – job flyer). Yuba County's Chief Deputy County Counsel has had a discussion with the Consent Decree monitor about this proposed change and the monitor determined that a PA or NP would exceed the intent and requirements of the consent decree. Our goal is to have the position filled by July 1, 2015.

Recommendation #4 *The Sheriff shall uphold the mandates of the Yuba County Human Resources regulations in regards to job classification requirements by supporting and facilitating the Medical Assistants to obtain and maintain their MA credentials. Proper certification is to be in effect by June 30, 2016. (See F4)*

Response to Recommendation #4 This recommendation has already been implemented. As a means of providing clarity, the Human Resources Department does not issue mandates and class specifications are not regulations. Only the Board of Supervisors has the authority to issue mandates and set regulations, not individual departments. That said, without restating all of the information provided in the response to *Finding #4*, interpreting class specification is not as simple as the Grand Jury's cursory review. We agree that two of the five Medical Assistants lacked documentation required by the class specification but the class specification has since been changed to reflect the community standard and now all Medical Assistants meet the minimum requirements of the class specification.

Recommendation #5 *The Sheriff shall uphold the Yuba County Human Resources regulations in regards to job classification requirements of Executive Assistant and support the Executive Assistant in medical services to obtain the minimum two-year college degree by June 30, 2016. (See F5)*

Response to Recommendation #5 This recommendation will not be implemented because it is not warranted. Rather than cut and paste the information from *Finding #5*, it suffices to say that the Grand Jury was in error in their finding; the Executive Assistant meets the job classification requirements of his position. That isn't to say that we would not support the Executive Assistant if he were desirous of obtaining a college degree; however, the timing has not been right for him. Should he decide to pursue a degree, we would provide whatever support we could; not because the degree is required, but because we support our employees' self-development efforts.

Recommendation #6 *For the safety of all YCJ staff and personnel, an immediate review and implementation of all fire drill procedures, with an emphasis on making sure all staff members in the medical unit of the facility are well-informed about evacuation. (See F6)*

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Response to Recommendation #6 This recommendation has not yet been implemented, but will be implemented in the future. We have completed the first half of the recommendation in that we have reviewed fire drill procedures. The next step is implementation of new procedures. Our plan calls for meeting with medical staff to brief them on fire drills in general and the process of evacuations. They will be told what to expect and what is expected of them. Following that, they will be incorporated in the next scheduled fire drill and future fire drills.

Recommendation #7 *The Yuba County Board of Supervisors, the County Counsel and the Sheriff shall determine and name which agency will be responsible for delivering the consent decree to the Foreperson of the Grand Jury in the future. The Consent Decree will be provided to the new Grand Jury, along with a report as to how the Jail is complying with the conditions listed in the Consent Decree (1978). The Consent Decree and the report of compliance will be provided by July 30th of each year to the Grand Jury Foreperson. (See F7)*

Response to Recommendation #7 The first part of this recommendation has been implemented and the second part of the Recommendation will not be implemented because it is not warranted and is unreasonable. We believe that the intent of the Consent Decree was that the Sheriff deliver a copy of the Consent Decree to the Grand Jury. Much of the Consent Decree is no longer applicable and for years, no one was monitoring the Consent Decree except, self-monitoring by the Sheriff, there may have been years when the Consent Decree was not provided. There is currently an Appellant's Brief before the 9th District Court of Appeal to set aside the Consent Decree (See Attachment U – Appellant's Brief). As long as the Consent Decree is a valid document, the Sheriff will take the responsibility for delivering a copy to the Grand Jury Foreperson by July 30th of each year.

As for the second part of the recommendation, the Sheriff will not prepare or deliver a report as to how the Jail is complying with the conditions listed in the Consent Decree. There are no provisions in the Consent Decree requiring a compliance report. The Consent Decree states:

“The members of the Yuba County Grand Jury who serve on the Court and Law Enforcement Committee shall be provided each year with a copy of the Consent Decree so that they will know the minimum legal standards for conditions of confinement in the Jail. The Grand Jury shall be requested to do an analysis of whether the Jail is in conformity with all provisions of the Consent Decree and include that analysis in its yearly report.”

As stated above, the Grand Jury shall be requested to do an analysis of whether the jail is in conformity with all the provisions and include that analysis in its yearly report; however, there is no requirement that the Grand Jury conduct such an analysis. The Grand Jury's only requirement as it relates to the jail is found in Penal Code Section 919(b) which states, 'The grand jury shall inquire into the condition and management of the public prisons within the county'.

Recommendation #8 *Because the expansion of the medical unit quarters does not make use of any of the upstairs administrative space to be vacated, remodeling of the nearby storage area should be planned and completed by June 30, 2016. (See F8)*

Response to Recommendation #8 This recommendation requires further analysis. The Grand Jury seems to be under the impression that an existing storage area just needs to be remodeled and occupied and the jail medical unit expansion is accomplished. If it were only as simple as the Grand Jury makes it sound, it would have already been completed. We have developed draft plans for the medical area expansion and

YCSO Grand Jury Response

one of the scenarios calls for expanding into the parking garage of the courthouse. This may be the storage area that the Grand Jury refers to, but we cannot be certain. This area does need to be vacated prior to any expansion contrary to the Grand Jury's assessment of the situation. We have more recently considered expanding to the south side of the courthouse (front) with new construction. Building in this area may allow us to use grant funding for construction as opposed to county funds that would be required for the expanding the current space. All of this is in preliminary stages and again cannot be accomplished without Board of Supervisors approval, approval by the Board of State and Community Corrections, architectural plans and a number of other conditions that must be met. We will report to the Board of Supervisors as these options are further investigated and the best option identified.

Recommendation #9 *It is recommended that the Sheriff and the Board of Supervisors explore all available federal, state, county, and grant funding sources to build a new facility or upgrade the 1962 portion of the facility utilizing optimum architectural design for the safety and well-being of staff and inmates. This will assist the Correctional Officers in managing inmates and to meet the needs of the growing inmate population.*

Response to Recommendation #9 This recommendation has been implemented. The Sheriff and the County Administrator (on behalf of the Board of Supervisors) both receive grant solicitations and notifications of other funding opportunities as described.

Recommendation #10 *The Yuba County Inmate Handbook is to be immediately corrected by the Sheriff to identify the Consent Decree as a legally enforceable Judgment, and that a copy of which can be obtained upon request. The Sheriff shall order copies of the Consent Decree to be posted immediately in the 'Libraries and the Women's Tank'. (See F10)*

Response to Recommendation #10 This recommendation will not be implemented because it is not warranted or is unreasonable. The Consent Decree requires that a summary of the Consent Decree which accurately summarizes its provisions be provided to inmates at the time of booking. At the time of the Consent Decree, a small booklet was provided to inmates and the court stated that booklet was an acceptable version. The Inmate Handbook has grown to 23 pages and is more detailed than previous versions. Nothing in the Consent Decree requires that it be identified as a mandate for the jail to follow nor does it require that notice be given that a copy can be obtained in writing.

YUBA COUNTY JAIL COMMENDATIONS

We feel compelled to respond to the Commendations, although none was requested nor is it required.

Commendation #1 *The 2014-2015 Grand Jury commends the personnel involved in the daily activities of the Yuba County Jail and for their dedication and enthusiasm while working under trying conditions with limited resources. Additionally, the entire Yuba County Sheriff's Department is to be commended for their professionalism.*

Response to Commendation #1 We agree that the jail staff is a hard working group of professionals who endeavor each day to fulfill the jail mission to provide the safe, efficient, humane and secure custody of all persons incarcerated. We prepare prisoners mentally and physically for their successful reintegration into the community. We join the Grand Jury in their commendation of the staff.

YCSU Grand Jury Response

We also appreciate the recognition of professionalism exhibited by all staff. We sincerely find it useful to have others inspect the jail operation and make suggestions for improvement. We think the Grand Jury would agree that we were open, transparent and responsive to all of their requests. However, the reverse cannot be said. We had only one request of the Grand Jury (and they asked if we had any requests of them) and that was to conduct a complete investigation which includes coming full circle and asking us about any discrepancies they may have found. Instead, they kept secret their findings, many of which were erroneous, and printed them in the final report. One can only speculate the motivation for conducting an incomplete investigation.

Commendation #2 *The medical unit, in particular, is commended for the dedication and enthusiasm for their duties as exhibited by its members. They are working under trying conditions with limited resources, including the lack of a registered nurse, but manage to maintain an impressive passion for providing care.*

Response to Commendation #2 We agree that the medical staff performs in an exemplary fashion. We further agree that the unit would benefit from a mid-level practitioner (not necessarily a Registered Nurse) which is why we are adding that position effective July 1, 2015.

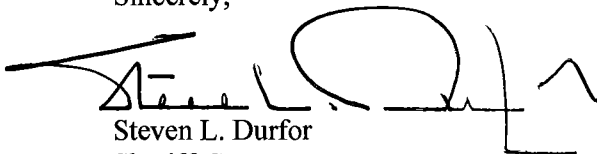
Commendation #3 *The substance abuse counselor is commended for the enthusiasm and dedication shown in helping not only the specific clients, but making contact with as many other inmates as possible.*

Response to Commendation #3 We agree that the substance abuse counselor truly cares about the clients he serves. We do not understand the part of the commendation concerning specific clients versus other inmates as all inmates are entitled to the services of the substance abuse counselor.

Conclusion

We would like to extend our thanks to the 2014/2015 Yuba County Grand Jury. The members of the Law Enforcement Committee were courteous and professional in their visits and communications. It is our impression that they were willing to conduct a complete investigation but didn't feel they had the full support of the Grand Jury as a whole to do so. We look forward to working with the 2015/2016 Grand Jury. If you have any questions, please feel free to contact me at 749-7779.

Sincerely,



Steven L. Durfor
Sheriff-Coroner

cc: Yuba County Board of Supervisors
 Yuba County Counsel
 Appeal Democrat – Eric Vodden

List of Attachments

Attachment A	2014 Correctional Facility Medical Assistant Classification Specification
Attachment B	Consent Decree
Attachment C	October 28, 2014 Letter from the Grand Jury to Undersheriff Read
Attachment D	November 18, 2014 Letter from the Grand Jury to Undersheriff Read
Attachment E	November 4, 2014 Email from the Grand Jury to Undersheriff Read
Attachment F	October 16, 2014 Email from the Grand Jury to Undersheriff Read
Attachment G	November 18, 2014 Email from the Grand Jury to Undersheriff Read
Attachment H	February 11, 2015 Community Corrections Partnership Meeting sign-in Sheet
Attachment I	February 11, 2015 Community Corrections Partnership Meeting Agenda
Attachment J	February 11, 2015 Community Corrections Partnership Meeting Minutes
Attachment K	Physician Assistant/Family Burse Practitioner Job Announcement
Attachment L	Crisis Counselor Classification Specification
Attachment M	2003 Correctional Facility Medical Assistant Classification Specification
Attachment N	2005 Correctional Facility Medical Assistant Classification Specification
Attachment O	2009 Correctional Facility Medical Assistant Classification Specification
Attachment P	2013 Correctional Facility Medical Assistant Classification Specification
Attachment Q	2014 Correctional Facility Medical Assistant Classification Specification
Attachment R	Placer County Medical Assistant Classification Specification
Attachment S	2013 Executive Assistant Classification Specification
Attachment T	2001 Administrative Assistant Classification Specification
Attachment U	Appellant's Brief (Consent Decree)

Attachment A

CLASSIFICATION SPECIFICATION



CLASSIFICATION: Correctional Facility Medical Assistant
ALLOCATION: Sheriff's Department
FLSA STATUS: Non-exempt
UNION AFFILIATION: YCEA

ESTABLISHED: July 2001
REVISED: April 2014

JOB SUMMARY:

Under general supervision provides medical assistance to inmates in a county correctional facility; assists physicians and/or nurses in inmate care and performs related work as assigned.

This is the entry-level in the correctional facility medical series.

CLASS CHARACTERISTICS:

This position reports directly to Sheriff's Captain, receives medical direction from Correctional Medical Officer and may receive lead direction from a Registered Nurse. This class is distinguished from the Correctional Facility Licensed Vocational Nurse in that the latter is a para-professional nurse, possessing appropriate licensure in the State of California and by the level and intensity of the nursing care provided.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct inmate check-in including reviewing forms and documents for completion and taking medical history of inmate issue.
- Perform health screening; take and chart vital signs, including blood pressure, pulse, temperature, height and weight; chart inmate status observations.
- Obtain sputum, urine and stool specimens for laboratory analysis; perform blood glucose tests and various screening tests.
- Explain medical procedures and medication usage to inmates as needed, under the supervision of a professional nurse or physician.
- Assist with physical examinations and inmate preparation for appropriate medical procedures.
- Carry out nurses' and physicians' orders within the scope of certification.
- Assist in clean-up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record-keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Provide good customer service through building and maintaining positive working relationships with staff, inmates and others.
- Assist with immunizations and physicals.
- Maintain security of the nursing office and controlled substances within the secured setting.
- Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); comply with all relevant laws and regulations regarding confidentiality.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Maintain examination and treatment rooms in an orderly and sterile condition.

EMPLOYMENT STANDARDS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Modern office practices, procedures and computer equipment.
- Principles and processes for providing customer and personal services. This includes inmates needs assessment, meeting quality standards for services and evaluation of customer satisfaction.
- Principles and practices of work safety, especially related to communicable diseases.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.
- Basic mathematical calculations.

- First aid and CPR methods and techniques.
- Applicable laws, codes and regulations.
- Medical terminology and charting practices.
- Use and care of specialized medical equipment and supplies.
- Relevant equipment, policies, procedures, and strategies to promote effective security operations for the protection of people, data, property and institutions.
- Effective techniques for dealing with the public, in person and over the telephone, occasionally where relations may be confrontational or strained.

Skill in:

- Identifying and resolving problems; nature and urgency of inmates needs.
- Interpreting work orders; explaining procedures to inmates.
- Understanding and accepting differences in attitudes about health problems.
- Prioritizing assigned duties and working effectively with interruptions.
- Operating, cleaning and adjusting office and medical equipment necessary for effective job performance.
- Maintaining accurate records and charts, including operating and maintaining automated inmate records.
- Organizing own work, setting priorities and meeting critical deadlines.
- Communicating clearly and effectively, both orally and in writing.
- Proper sterilization procedures and proper handling of human samples including human fluids and waste.
- Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
- Being aware of others' reactions and understanding why they react as they do.
- Interviewing and obtaining accurate information from a diverse client population.
- Dealing successfully with a variety of individuals from various socio-economic, ethnic and cultural backgrounds.

Ability to:

- Listen carefully to what other people are saying, take time to understand the points being made, and ask questions as appropriate for clarification.
- Apply institutional rules, policies and regulations to maintain safety.
- Use initiative and independent judgment within established procedural guidelines.
- Recognize when something is wrong or is likely to go wrong.
- Establish and maintain effective working relationships in a diverse work force and community.
- Take action on controversial issues that may conflict with personal values and interact with others in a non-judgmental manner.
- Maintain composure, keep emotions in check, control anger, and avoid aggressive behavior, even in very difficult situations.
- Deal effectively with manipulative, hostile or anti-social behavior.
- Accept criticism and deal calmly and effectively with high stress situations.
- Perform calmly, purposefully and appropriately in emergency and stressful situations.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group V) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- Work in a secured correctional facility.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment; maintain throughout employment.
- Possess and maintain a valid certification as a Medical Assistant.
- Possess or ability to obtain a valid First Aid and CPR Certifications within one (1) year of appointment to classification and maintain annually thereafter.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which includes Live Scan fingerprinting prior to hire.
- Rotational shift work to include nights, weekends and holidays.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Education and Experience:

MINIMUM: Graduation from high school, certification as a Medical Assistant and some experience in a physician's office, clinic, or similar setting.

PREFERRED: In addition to the minimum, experience as a Medical Assistant and two years of experience working in a correctional or lock-down facility.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Sheriff Approval: Jerry Read
Date:

EEOC: F
WC: 9410

Human Resources Approval: Iva Seaberg
Date:

Signature: _____

Signature: _____

Attachment B

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 ELLEN M. PETER
 DANIEL P. MURPHY
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 Marysville, California 95901

Telephone: (916) 742-5191

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA
 -oOo-

DARRIL HEDRICK, DALE ROBINSON,
 KATHY LINDSEY, MARTIN C. CANADA,
 DARRY TYRONE PARKER, individually
 and on behalf of all others
 similarly situated,

Plaintiffs,

vs.

JAMES GRANT, as Sheriff of Yuba
 County, Lieutenant FRED J. ASBY,
 as Yuba County Jailor, JAMES
 PHARRIS, ROY LANDERMAN, DOUG WALTZ,
 HAROLD J. "SAM" SPERBECK, JAMES
 MARTIN, as members of the Yuba
 COUNTY BOARD OF SUPERVISORS,

DEFENDANTS,

CIVIL S-76-162 TJM

CONSENT DECREE

I.

INTRODUCTION

On March 24, 1976 plaintiffs DERRIL HEDRICK, DALE ROBINSON, KATHY LINDSEY, MARTIN C. CANADA, and DARRY TYRONE PARKER filed the complaint herein on their own behalf and on behalf of all persons similarly situated alleging that the conditions of Confinement within the Yuba County Jail violated rights secured by the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States and the laws and Constitution of

the State of California. On April 14, 1976 defendants served their Answer denying material allegations of the Complaint.

On June 18, 1976 plaintiffs filed a motion for a preliminary injunction as to their First Claim For Relief - Lack of Exercise and Recreation, a motion for partial summary judgment as to their Seventh Claim for Relief - Access to Legal Materials, a motion for partial summary judgment as to that portion of their Ninth Claim For Relief dealing with female participation in the Yuba County Jail's trusty program, and a motion for class certification.

In accordance with Rule 23(b) (2) of the Federal Rules of Civil Procedure, a class was certified and defined to include all persons incarcerated within the Yuba County Jail during the pendency of this action. Pursuant to the Order of this court, filed on July 23, 1976, members of the class have received notice of this lawsuit.

On November 12, 1976 the Court signed and filed its Findings of Fact, Conclusions of Law, and Order granting plaintiffs' motion for a preliminary injunction and both of their motions for partial summary judgment. An Order particularizing portions of the relief for deep felony inmates was signed on January 19, 1977 and a second Order fully incorporating women prisoners into the Jail's trusty program was signed the following day. On May 19, 1977 the Court signed an Order requiring certain records to be kept so that compliance with all previously issued orders could be monitored.

In agreeing to the issuance of this Consent Decree defendants make no admission of the allegations of the Complaint and deny that the conditions of confinement within the Yuba County Jail are in any way illegal. Defendants enter into this Consent Decree in order to avoid the burdens of litigation and in order to re-affirm their commitment to full compliance with the law.

The parties, by agreeing to the issuance of this Consent Decree, waive a hearing and findings of fact and conclusions of law on all issues raised by the Complaint that are disposed of herein. The parties have mutually agreed to entry of the Consent Decree.

It is the intent of the parties that this Consent Decree be

binding among them immediately upon signature by the attorneys for all parties. Implementation of the Consent Decree shall begin immediately and shall be completed no later than December 2, 1978 except as otherwise specified herein. All previously issued Court orders herein shall remain in effect at least until this Consent Decree is approved by the Court. Where there is a conflict between the provisions of a Court order herein and the terms of this Consent Decree, the Court order shall govern until the Consent Decree is approved by the Court. In order that defendants may rely on a single document to establish the minimum legally permissible conditions of confinement within the Yuba County Jail, it is the intent of the parties that upon final court approval of this Consent Decree, all previously issued orders be subsumed herein.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

A. The defendants, JAMES GRANT, as Sheriff of Yuba County, Lieutenant FRED J. ASBY, as Yuba County Jailor, JAMES PHARRIS, ROY LANDERMAN, DOUG WALTZ, HAROLD J. "SAM" SPERBECK, and JAMES MARTIN, as members of the Yuba County Board of Supervisors, and their officers, agents, employees, successors, and all persons acting in concert with them or any of them in the performance of their official function, are subject to the terms of this Consent Decree and are hereby permanently enjoined from failing and refusing to immediately and fully implement the provisions of this Consent Decree.

B. This consent Decree shall constitute final and binding relief for all class allegations occurring prior to Court approval of this Consent Decree and shall be with prejudice to all claims of any class member, except the following:

1. The portion of plaintiffs' Fourth Claim for Relief alleging that pre-trial detainees in the Yuba County Jail are not permitted to have physical contact during visitation periods and that this practice constitutes a violation of rights secured by the Constitution of the United States and the laws and Constitution of the State of California; and

2. Plaintiff's prayer for the cost of this lawsuit and

reasonable attorney's fees.

C. The terms of this Consent Decree are the minimum legally permissible standards for the Jail and should not be construed to limit or restrict the defendants in any way from adopting procedures and practices which exceed the minimum standards contained herein.

II

DEFINITION OF TERMS

All terms used herein shall be interpreted liberally in order to reflect and effectuate the desire of all parties to operate the Yuba County Jail in full compliance with applicable state and federal law. All language shall be construed in its normal and customary usage. In addition, the following provisions shall govern the construction of the terms set forth herein.

1. Jail - The Yuba County Jail located in the County Courthouse, 215 5th Street, Marysville, California.

2. Deep Felony - The maximum security area of the Jail in which male inmates are housed in individual cells.

3. Exercise Yard - The fenced-in area on the roof of the County Courthouse designed as an inmate exercise facility.

4. Old Kitchen Trusty Tank - An area on the male side of the Jail at the extreme West end of the main corridor which formerly housed inmates who were trustys and worked in the Jail's kitchen and currently houses trustys who do not work in the kitchen.

5. Yuba County Welfare Medical Clinic - This facility is operated by Yuba County to provide medical care for indigents. In addition this clinic provides outpatient care for inmates.

6. Inmate - A person incarcerated within the Yuba County Jail.

7. Trusty - An inmate who is assigned a job either inside or outside the Jail and receives certain privileges thereby, including but not limited to, a reduction of sentence pursuant to California Penal Code Section 4019.

8. Jailor - An employee of Yuba County and the Yuba County Sheriff's Department, including a person funded through the

Comprehensive Employment and Training Act (CETA), assigned on a full time basis to the jail.

9. Jail Supervisor - The employee in the Sheriff's Department of Yuba County who is directly responsible for the administration of the Jail. At the time the parties enter into this agreement the Jail Supervisor is Lieutenant FRED J. ASBY.

10. Jail Commander - The Commander of the Special Services Division of the Sheriff's Department. At the time the parties enter into this agreement the Jail Commander is Captain Lee Pellett.

11. Mental Health Personnel - These persons include psychiatrists, psychologists, psychiatric nurses and social workers, therapists, and counselors.

12. Maintain - Make available now and in the future in a workable and usable condition, replace when broken or missing, repair when inoperative or malfunctioning, and continue in existence. Repairs and replacements shall be made as soon as possible after discovery of the condition requiring repair or replacement.

III

EXERCISE AND RECREATION

The Jail Supervisor shall establish a program that provides regularly scheduled periods of inmate exercise and recreation. All inmates of the Jail shall be offered the opportunity to use the exercise yard on the roof of the Jail at least four times a week for at least two hours each time exclusive of time spent in transit. When weather conditions preclude enjoyment and proper use of the exercise yard, exercise shall be made available within the Jail for identical time periods. This paragraph shall not be construed to require exercise periods for a full two hours if an inmate does not want to exercise for that length of time.

The defendants shall maintain an adequate amount of exercise and recreation equipment for suitable use of the exercise and recreation facilities of the Jail. This equipment shall include and shall not be limited to the following equipment for use by all

inmates: two basketball backboards with rims and nets, basketballs, a volleyball net and balls, jump ropes, a weight machine comparable to the one purchased by the Jail in 1976, a ping pong table with an appropriate number of paddles and balls, playing cards, board or parlor games, and a stationary exercise bicycle. Defendants shall also maintain the following additional equipment on the female side of the Jail: a stationary exercise bicycle, a ping pong table with an appropriate number of paddles and balls, a sewing machine, playing cards, and board or parlor games. At least two hundred dollars (\$200) shall be spent yearly to purchase and replace recreation and exercise equipment for use by inmates.

The equipment and supplies obtained as part of Grant Award Modification Request OCJP Project No. 2732-I-E shall be maintained for use by all inmates on a regular basis.

Recreational movies shall be obtained through the public libraries, the Tri-County Audiovisual Department of the Sutter County Office of Education, or other resources and shown on a regular basis.

Inmates shall be entitled to bring privately owned television sets into the Jail and use them therein. Electrical and television cable outlet installations shall be maintained in all day rooms and in the hallways in front of the individual cells on the female side of the Jail. Three television jacks and sufficient electrical outlets shall be maintained along each of the East and West walls of the deep felony section of the Jail, in front of the cells, and inmates shall be permitted to watch privately owned television sets while they are in their cells.

The deep felony section of the Jail shall maintain a day room. Said day room shall include a telephone, a television cable outlet, electrical outlets, and a bicycle exercise machine. Board games, cards, and other recreation equipment shall be maintained and available to deep felony inmates upon request. Inmates confined in the deep felony section of the Jail shall be allowed to use the day room in deep felony at least twelve hours weekly on at least five different days.

Each inmate within the deep felony area shall be allowed out of his cell for a minimum of three (3) hours each weekend. This out-of-cell time shall be made available to the inmates on Saturday and/or Sunday, at the option of the Jail Supervisor, and may be used for recreation in the day room, exercise on the roof, or visitation, at the option of the inmate. This three hour time period shall be in addition to the time required by the immediately preceding paragraph of this Consent Decree.

A Jail library of at least three hundred (300) volumes shall be maintained on the male side of the Jail and a second library of at least one hundred (100) volumes shall be maintained for use by female inmates. Both libraries shall be open from 8:00 a.m. to 3:30 p.m. daily. Inmates shall be allowed to visit the libraries and borrow books at least twice weekly.

On a yearly basis the Jail Supervisor shall request the County Librarian to determine whether there is a sufficient number of books in the Jail's libraries, and whether the books are appropriate for the educational and recreation needs of inmates. The County Librarian shall make such determinations and shall recommend an appropriate number and variety of books for rotation into and out of the Jail libraries. The Jail Supervisor, in conjunction with the County Librarian, shall ensure that said books are rotated into and out of the Jail libraries. A trusty shall be appointed as the Jail librarian. A sign shall be displayed in the libraries informing inmates that they can request specific books, not already available in the Jail, from the County Library. Appropriate forms for these requests shall be available, or the inmate may place an order for a book by telephone. Books requested by inmates but not available within the Jail shall be brought to the Jail by jailor or County Library personnel, providing that such books are available from the County Library.

Defendants shall maintain a telephone in each of the six day rooms and in the sentenced women's tank. An additional telephone shall be maintained in the hallway near the unsentenced women's cells and ready access to said telephone shall be provided to

unsentenced women inmates.

The equipment enumerated in this Section of the Consent Decree shall be the minimum permitted. Defendants shall make good faith attempts to provide and maintain additional exercise and recreational equipment. These good faith attempts shall include the use of funding available from state and federal sources.

IV

STAFFING

There shall be at least two jailor on duty at all times at the Jail. One jailor shall be immediately available and accessible to inmates in the event of an emergency. Said jailor shall not have any other duties which conflict with the supervision and care of inmates in the event of an emergency. Whenever one or more female inmates are in custody, there shall be at least one female jailor who shall in like manner be immediately available and accessible to the female inmates.

In order to insure that there is a sufficient number of personnel for the Jail, the Jail Supervisor shall prepare and retain a staffing plan indicating the personnel assigned to the Jail and their duties. That staffing plan shall be reviewed by the Board of Corrections on a yearly basis.

The Jail must be staffed at a level sufficient to fully comply with the terms of this Consent Decree. If the Board of Corrections recommends that the Jail have additional staffing to comply with the provisions of this Consent Decree or if it is otherwise determined that additional staffing is necessary to fully comply with this Consent Decree, a sufficient number of additional jailor positions shall be provided.

If the Board of Corrections recommends that the Jail have additional staffing for reasons other than compliance with this Consent Decree, the Sheriff shall so inform the Yuba County Board of Supervisors and shall request any additional funding which is necessary to carry out the staffing recommendations of the Board of Corrections. The Board of Supervisors shall make a good faith attempt to fund such recommended positions and shall utilize

available state and federal funding for that purpose.

After January 1, 1979, the Jail shall not be staffed with less than nineteen (19) jailor positions. Jailors funded through the Comprehensive Employment and Training Act (CETA) shall become permanent County employees at the expiration of their CETA eligibility. Jailor funded through CETA may only be terminated for good cause.

Jailors must be fully informed by the Jail Supervisor about the terms of this Consent Decree and must receive training in conformity with 15 California Administrative Code Sections 1020, 1022. No more than two jailor, at any time, may be away from the Jail for longer than five consecutive days in order to receive training.

Included in the nineteen (19) positions shall be a recreation Officer for the male side of the Jail. It shall be his responsibility to answer the questions of inmates, retrieve requested law and recreation books, respond to inmate complaints, supervise and insure compliance with required exercise, recreation, shower, and library periods, develop and implement appropriate recreation programs, supervise the maintenance of recreation equipment, assist inmates in obtaining their own television sets for use within the Jail, and provide recreation equipment for inmates who request it. The recreation officer position shall be filled on the male side of the Jail during the day shift every day. Said recreation officer may have responsibilities other than those noted above, provided they do not interfere with his ability to accomplish the duties outlined above.

Also included in the minimum nineteen (19) positions shall be a female matron assigned to the female side of the Jail. It shall be her responsibility to answer the questions of inmates, retrieve requested law and recreation books, respond to inmate complaints, supervise and insure compliance with required exercise, recreation, shower, and library periods, develop and implement appropriate recreation programs, supervise the maintenance of recreation and exercise equipment, assist female inmates in obtaining their own

television sets for use within the Jail, allow unsentenced female inmates ready access to a telephone, supervise and participate in the classification and processing of female inmates, participate in the female trusty program, and provide recreation equipment to inmates who request it. The female matron position shall be filled on the female side of the Jail during the day shift every day. Said female matron may have responsibilities other than those noted above, provided that they do not interfere with her ability to accomplish the duties outlined above.

V

MEDICAL AND HEALTH CARE

Although an inmate is entitled to all of the health and medical services contained herein, he or she may refuse to accept any or all of the offered services unless the care is necessary to treat a communicable disease or condition.

A. HEALTH PERSONNEL

The Yuba County Jail shall employ the following personnel, minimum qualifications as stated, for at least the number of hours each week as indicated. These personnel shall provide or will arrange to provide physical and mental health care as set forth, infra. The registered nurse and the licensed vocational nurse shall schedule their working hours at the Jail so as to provide daily health coverage. In order to facilitate communication between the nurses, their working hours must overlap at least once a week for at least three (3) hours. Both nurses shall be supervised by the Bi-County Health Department.

1. registered Nurse (R.N.). This individual must be a registered nurse and meet all the licensing requirements of the State of California. The nurse must be specifically trained in health assessment, must be trained and capable of delivering limited mental health services, including but not limited to assessment of mental health status, suicide prevention, drug and alcohol abuse counseling and individual counseling, and must be able to evaluate environmental health conditions. This nurse must

perform the duties as set forth herein and in addition, must supervise any licensed vocational nurse assigned to the Jail. The nurse must spend at least fifteen (15) hours per week divided among at least three (3) different days fulfilling the duties outlined in this Consent Decree.

2. Licensed Vocational Nurse (L.V.N.). This nurse must meet all licensing requirements of the State of California and must be able to perform duties in both the physical and mental health areas as assigned by the registered nurse and other health care personnel. This individual must be able to monitor and evaluate environmental health conditions. The L.V.N. must be a half-time employee, assigned twenty (20) hours per week to the Jail. These twenty (20) hours must be scheduled in a manner to assure that the L.V.N. is present every day that the R.N. is not.

3. Physicians, Mental Health Personnel, Physical Therapists, and Dentists. The Yuba County Welfare Medical Clinic doctors will provide outpatient physical health care during the normal business hours of the Clinic. The Sutter County Crisis Clinic and the Bi-County Mental Health Department will provide inpatient and outpatient mental health care as needed. Emergency care, hospitalization care, and physical therapy will be provided by physicians and therapists at the appropriate facility. Specialists, consultants, and dentists from the private sector shall be employed as needed. As set forth infra, Section V.C. of this Consent Decree, inmates may also employ, at their own expense, private physicians, dentists, and mental health personnel.

4. Mental Health Counselor. This individual must be a psychiatric social worker employed and supervised by the Bi-County Mental Health Department. The counselor must be able to assess the mental health of inmates, provide inpatient and outpatient treatment as indicated, and provide consultation to jailor and other health care personnel. The counselor must spend at least four (4) hours per week fulfilling the duties outlined in this Consent Decree. However, if in the professional judgment of the Director of the Bi-County Mental Health Department, these duties

can be performed in less than four (4) hours per week, this Consent Decree shall not be interpreted to require the counselor to spend four (4) hours per week rendering those services. The requirement to provide this counselor shall not be construed to require the funding of this position by the Yuba County Sheriff's Department.

Each inmate must also be advised that he or she may retain any physician, dentist, or mental health personnel at his or her own expense. The inmate shall reimburse the County for actual additional costs in the event the inmate must be transported to medical treatment out of the Yuba-Sutter Bi-County area. These private health care personnel may enter the Jail at any time without prior approval of the jailor or other health care personnel. Inmates must also be transported to private health care appointments if twenty-four hour notice is given to a jailor or immediately if medically necessary.

When health care personnel are present in the Jail, medical decisions shall be made by them. In the event no health care personnel are present, the jailors are responsible for contacting the appropriate health care person or facility as needed and for providing health care treatment as previously instructed by the health care personnel.

B. Medical Training for Jailors

Within six (6) months of the signing of this Consent Decree, all jailors will be given two (2) hours of instruction in physical health assessment and two (2) hours of instruction in mental health assessment by the Bi-County Health and Mental Health Departments. Jailors hired after the initial physical and mental training is given must also be provided equivalent training within three (3) months of their hiring. Four (4) hours of physical and mental health training for each jailor must be provided each year thereafter by the Bi-County Health and Mental Health Departments.

C. Medical Procedures for New Arrestees

Upon the arrival of each new arrestee, the booking officer will ask a series of medical questions and observe the physical and mental condition of the arrestee in order to complete the Booking

Health Form, attached as Exhibit A. The answers to the questions and the officer's observations will be noted on the Booking Health Form and transmitted to the Nurse the same or subsequent day.

Booking personnel shall not accept any inmate who is unconscious, unable to walk by himself or herself, in need of obvious medical attention, or in need of immediate mental health services. In these situations or if it is not obvious but there is a question as to the physical or mental state of the arrestee, the arresting officer must transport the arrestee to either Rideout Emergency Annex, Yuba County Welfare Medical Clinic or, in instances of mental illness, to the Sutter County Crisis Center. Only after the examining physician certifies that the new arrestee is fit for incarceration may the arrestee be incarcerated.

If medically indicated, a new arrestee found fit for incarceration by the examining physician, but requiring medical attention or care shall be located in an appropriate portion of the Jail such as in a separate cell. This individual shall be seen by the nurse at the next sick call. Any new arrestee with a communicable disease or condition must be located in a separate cell. This individual must be seen by the nurse at the next sick call.

If in the initial booking it is determined that the new arrestee regularly takes prescription drugs, the following procedures must be followed. All prescription medication shall be confiscated and noted on the Booking Health Form. The inmate shall be permitted to take the medication in the proper dosage until the next sick call if the medication is prescribed for regular ingestion, if the inmate's name is on the container, and if the medication matches the description in the Physician's Desk Reference. If there is a question, the nurse or other health personnel must be contacted before the prescription ingestion is denied. In addition, if the arrestee does not have certain medication in his or her possession at the time of arrest, but it is determined that this certain medication is necessary for his or her health, the arresting officer must either transport the

arrestee to an appropriate medical facility or arrange to get the proper medication. Any new arrestee who regularly takes prescription medication must be seen by the nurse at the next sick call.

Any woman arrestee who indicates that she is or may be pregnant must be seen by the nurse at the next sick call. Any person who states that he or she requires a special diet must be seen by the nurse at the next sick call.

D. Routine Reception Health Assessment

When first seen by the nurse at sick call in the Jail, the inmate must be given a routine reception health assessment. In situations outlined previously (i.e. inmate saw health care personnel before booking, needs a special diet, has a communicable disease, regularly ingests prescription medication, or is or possibly is pregnant) this assessment must be given at the sick call following the inmate's booking. The health assessment must be given to all inmates no later than fourteen (14) days after booking. A medical file must be opened for each inmate at the time of assessment.

All routine reception health assessments must include the following procedures, tests, and evaluations:

1. Booking Health Form. This form (Exhibit A) shall be reviewed and attached to the medical records;

2. Medical history interview. This interview shall include inquiries of the inmate such as regularly taken prescription medications, current dietary needs, chronic health problems, use of non-prescribed drugs, unusual bleeding or discharges, allergy to medications and other substances, ulcers, itchiness, lacerations, abscesses, high blood pressure, previous fractures, previous significant illnesses, and venereal disease. In addition, for women, inquiries must be made about their menstrual cycle and any unusual bleeding, current use of contraceptive medications, presence of an I.U.D., breast masses, and nipple discharges, and pregnancy.

3. Physical examination. This examination shall include

measurements of height, weight, blood pressure, pulse, temperature, and respiration. The inmate shall be also inspected to determine if there are signs of trauma, recent surgery, abscesses, open wounds, drug use, jaundice, and communicable diseases.

4. Screening. Inmates shall be screened for the following: Head (contusions, lacerations, and dried blood), ears (gross hearing loss, blood or other discharge), nose (discharge and recent injury), eyes (bruises, jaundice, gross movements, and pupil reactivity), chest (labored or unusual breathing and wounds), abdomen (tenderness, signs of blunt injury, and surgical scars), genitalia (discharge, lesions, and lice), extremities (signs of drug use, deformity, abscesses, and "tracks"). In addition women shall be given pelvic and breast examinations.

5. Tests. Tuberculosis skin test, urine tests, cultures and blood test for detection of venereal disease, and other tests shall be performed as medically indicated. Women shall be offered a Pap smear if they have not had one in the last year.

6. Dental assessment. Each inmate shall be inspected and questioned as to untreated cavities, broken teeth, dentures, color and condition of tissues, tumors or lesions of the soft and hard tissues, and state of oral hygiene.

7. Mental health assessment. If the inmate has allegedly committed a sex offense, allegedly committed a violent crime, or is inexperienced in the correctional system, a mental health assessment must be conducted by the mental health counselor. This assessment shall consist of (1) a personal history interview focusing on previous mental illness, mental health treatment, education, current and past family and sexual relations, and current and past drug and alcohol use; (2) an assessment of the inmate's mechanisms to cope with incarceration; and (3) an assessment of the inmate's need for and willingness to accept mental health treatment.

The health assessment must also include an oral explanation of the physical and mental health services available. The inmates shall be informed that detailed health education information is

available in pamphlet form.

Inmates must be advised at the commencement of the health assessment that they have a right to such an assessment but that they also have a right to refuse all or any portion of the assessment.

E. Recordkeeping

Jailor and health care personnel must maintain complete, current, and accurate records regarding an inmate's health care treatment and prescription drug use. An individual record (hereinafter referred to as the "Jail medical record") must be kept for each inmate, and a copy of this record must be kept in a separate file in the Jail. These records must be standardized so as to facilitate communication among staff. Provision in the records must be made to allow entry of the following information: history, complaints, treatment plan, and progress notes. All entries must be dated and the time noted. In addition, jailor and health care personnel must record the fact that a drug or other prescribed treatment was administered, at what time, in what dosage, and by whom on the form available for that purpose.

All contacts, diagnoses, and treatments by either the R.N., L.V.N., or any attending physician must be entered in the jail medical record.

Upon release from the Jail, an inmate's doctor must be provided, upon request, with a copy of all of the inmate's Jail medical records. The Jail medical records are confidential and, except for the drug dosage record, the custodial staff shall not review the records. When necessary or upon request of the attending physician, jailors shall transmit an inmate's medical record to the attending health care personnel.

F. Sick Call

Daily sick call must be provided to all inmates requesting medical attention. All inmates desiring to see a nurse must be permitted to fill out a sick call request form. Jailors shall have no discretion in transmitting these requests to the nurse. The nurse must see all inmates requesting attention. In certain

circumstances after consultation with a physician, the nurse may refuse to see an inmate whose complaint has been previously evaluated and found non-existent. However if such an inmate complains of a different malady, he or she must be seen at the next sick call. Any inmate who the nurse wishes to see for any purpose must be brought to the examining room during sick call unless the inmate refuses.

The nurse may distribute non-prescription medications or ointments as medically indicated. If non-prescription medication or treatments (such as soaking an extremity) should be periodically given, jailors must permit and arrange for such medication to be consumed and treatments to be given.

Before or during sick call the nurse shall review the Booking Health Forms which accumulated since the last sick call. If the inmate needed medical attention when booked, regularly takes prescription drugs, has a communicable disease, needs a special diet, or if a female indicates she is or may be pregnant, the nurse shall see the individual at that sick call. The nurse shall establish a system to assure that individuals needing follow-up care and evaluation are seen at the proper intervals.

If during sick call the nurse determines that the inmate should see a physician, a dentist, mental personnel, or other specialist, the nurse shall fill out a referral slip or x-ray permit. This slip shall indicate the maximum time which can elapse before the inmate is either transported to the proper person or facility or the proper person attends the inmate at the Jail. Jailor shall insure that the inmate is transported to the proper person or facility within the specified time interval.

After sick call the registered nurse, or the nurse's designate, is responsible for obtaining new or renewal prescriptions, transmitting these drugs to the jailor or L.V.N in charge of administering drugs, delivering lab specimens to the appropriate facility, and reviewing the charts of all those appearing at sick call with the physician in charge that day. At that time the doctor may request that certain inmates be brought to

the Yuba County Welfare Medical Clinic within a certain time frame, and the doctor will order necessary medications or treatments. If a physician believes that tests, evaluation, or treatment by a specialist is medically indicated, the physician shall fill out a referral slip indicating the maximum time which can elapse before the test, evaluation, or treatment. Jailors have the obligation to insure the referral is completed within the indicated time interval.

So as to facilitate medical care in the Jail, the examining room must have a toilet nearby and must be equipped with the following: examining table, light, blood pressure cuff, thermometer, stethoscope, ophthalmoscope, otoscope, reflex hammer, wheel chair, specula, culture plates, syringe, needles, scale, tongue depressors, dressing and other necessary equipment. Some of the above may be brought in daily by the R.N. or L.V.N. as convenience dictates.

G. Emergency Care

Emergency dental, medical, and psychiatric care must be available twenty-four hours per day. The health care personnel shall prepare for distribution and prominent display written procedures for medical emergencies, including mental health crises. Jailors must be familiar with these guidelines and also must be available to provide first-aid care and cardiopulmonary resuscitation. If an inmate requests emergency medical attention and a jailor does not believe such attention is necessary, the jailor must contact the nurse or Yuba County Welfare Medical Clinic physician who is on-call to receive an expert opinion on treatment or need to transport the inmate to an appropriate medical facility.

If a medical emergency develops, the inmate must be taken immediately by a jailor or other employee of the Sheriff's Department to the appropriate medical facility by patrol car or if necessary by ambulance. Security requirements and concerns cannot unreasonably delay the inmate's transportation. Medical emergencies shall be detected by inmates utilizing the available telephones, by the jailor viewing the visual monitors, and by the

jailors' regular patrols of the Jail at least hourly. The times of such hourly patrols are to be noted in the Jail log.

H. Women's Health Care

In addition to the procedures previously outlined, the following health care procedures must be followed for women inmates. Any women taking oral contraceptives must be permitted to continue taking them on a regular basis as prescribed. An I.U.D. in place may not be removed without the women's consent. Sanitary napkins and tampons must be available for every female inmate.

Family planning counseling and prescriptions must be offered no later than sixty (60) days before the scheduled release of sentenced inmates. Such counseling and medical prescriptions must be provided upon request. Family planning information and education shall also be furnished.

If a woman believes she is or may be pregnant, she is entitled to a pregnancy test. If she is pregnant she is entitled to regular pre-natal and post-natal care, a special diet, supplementary vitamins, and other care as prescribed by a physician. A female inmate has the right to summon and receive services in connection with a pregnancy from a private physician at her own expense. An indigent woman is entitled to receive medical services in connection with a pregnancy on the same basis as an indigent woman would be entitled to receive such services under the Medi-Cal program.

Counseling in connection with a pregnancy shall be offered upon request. All of the rights contained in this subsection (H) must be posted in the women's tank.

I. Dental Services

As outlined previously the routine health assessment will include an examination of the inmates' teeth and gum tissues. All inmates are entitled to emergency dental care to treat painful conditions, such as broken teeth, abscesses, and cavities. All inmates are entitled to immediate and continual pain medication until the condition is rectified. If needed, x-rays must be taken. If a simple filling would remedy a condition determined by a

dentist to be painful, if the inmate prefers this treatment to any other treatment, and if the inmate is indigent, a filling must be provided. The inmate has a right to his or her own dentist at his or her own expense.

If after emergency dental treatment while in the Jail, it is medically indicated that the inmate should be fitted with a prosthetic appliance, and the inmate cannot consume a nutritious diet without such an appliance, an indigent inmate is entitled to be fitted and provided with such an appliance.

J. Environmental Health Conditions

The Jail must be maintained in a safe and sanitary condition. Unless there is an equipment malfunction, the temperature of the Jail shall be maintained so that the maximum temperature does not exceed 80 degrees and the minimum temperature is not less than 63 degrees. If the heating or cooling equipment malfunctions, prompt action shall be taken to remedy the defect. Adequate lighting for reading without strain must be maintained during the day in the cells, tanks, and day rooms. Night lighting shall not be so bright so as to hinder sleep. Humidity and pollution must be controlled in the air. Professional pest, vermin, and mosquito control shall continue on a monthly basis. Fire equipment must be available and accessible to the jailors; personnel must be trained in its proper use. Drinking fountains must be kept in a sanitary fashion. Mattresses must be sterilized, as necessary, to prevent the spread of lice.

Each inmate shall have a mattress, sheet, pillow, and a blanket and shall have access to a reflective surface usable as a mirror. Each cell in deep felony shall have a table, chair, bed, sink, and light. Inmates shall have access to materials to clean their cell at least twice per week. Jailors shall respond promptly to requests for repairs or replacements, such as light bulbs. Upon request, coats and extra blankets shall be made available. The windows within the Jail shall remain uncovered by any material which prevents or impedes the passage of light.

Health personnel must regularly evaluate the environmental

health situation in the Jail. Their recommendations must be duly considered and, if reasonable, implemented.

K. Inmate's Personal Hygiene

Inmates shall be permitted to shower daily. Each inmate will be provided with clean socks and underwear three (3) times per week. Clean towels and other clothes will be provided two (2) times per week. If an inmate cannot afford personal hygiene items such as toothbrush, toothpaste, combs, shampoo, soap, tampons and sanitary napkins for women, and shaving equipment for men, these items will be provided to them.

L. Food

Nutritious and tasty food must be provided to inmates. The minimum nutritional standards set out in 15 California Administrative Code 1180 et seq., and as modified by a licensed or registered dietitian, must be achieved. Best efforts must be made to include more fresh fruit and milk than is presently offered. Meals must be provided three (3) times in each twenty-four hour period. If more than fourteen (14) hours elapse between meals, supplemental food in an amount of at least 500 calories must be served.

Menus shall be planned one (1) month in advance, and they must provide a variety of foods to prevent repetitive and monotonous meals. Food shall be served so that hot foods are served reasonably warm and cold foods are served reasonably cool. Sanitation and food storage shall comply to standards set forth in California Health and Safety Code 29520 et seq.

Provision shall be made to immediately comply with any special diet prescribed for an inmate by any health care person. A licensed or registered dietitian shall plan the following special diets for Jail inmates: 1) a low carbohydrate diet; 2) a low salt diet; 3) a pre-natal diet; 4) a post-natal diet; and 5) a low-fat diet. These special diets shall be provided to the inmates as prescribed by the Jail nurse or the treating physician.

M. Distribution and Storage of Prescription Drugs

Written procedures shall be established for the secure storage

and controlled administration of all prescription drugs. At a minimum these procedures must provide for: securely lockable cabinets and refrigeration units, means for a positive identification of the recipient of the prescribed medication, such as hospital arm bands or photographs, procedures for administering prescription drugs only in the dose prescribed and at the time prescribed, procedures for confirming that the recipient has ingested the medication, procedures for recording the fact that the prescribed dose has been administered and by whom, and procedures which prohibit the administration of drugs by inmates. Non-prescription medication may be dispensed to inmates according to specific, written rules.

N. Prosthetics, Eyeglasses, and Other Health Aid Devices

Inmates with prosthetic devices, eyeglasses, contacts, hearing aids, or other physical health aids shall be permitted to retain and use the devices while incarcerated. If it is medically indicated that such a device needs repair, the device must be repaired or restored; however, the Jail has the option of issuing proper corrective lenses instead of contacts to the inmates. Non-indigent inmates shall pay for the repair or replacement of the aforesaid devices.

If medically indicated, indigent inmates must be provided devices under the same criteria as other indigent persons in the community would receive such devices from Medi-Cal or other governmental programs.

O. Chronic Condition Treatment

If an inmate is found to be a chronic carrier of venereal disease or tuberculosis, he or she shall be immediately treated. If an inmate has a chronic condition such as diabetes, hypertension, high blood pressure, arthritis, or other painful or dangerous affliction, it shall be immediately treated.

P. Hospitalization

In an emergency situation or at the request of health care personnel, an inmate must be hospitalized for physical or mental reasons. An inmate has the right to request a certain hospital

within Yuba or Sutter Counties, certain accommodations, and his own attending medical personnel; however, the difference in cost of these additional services must be borne by the inmate. Upon return from hospital in-patient status or after emergency hospital care, and if medically indicated, the inmate shall be located in a single cell until evaluated and released from there by the Jail nurse.

No inmate shall be denied or unreasonably delayed emergency hospitalization which is medically indicated for security reasons.

Q. Substance Abusers

If there is reasonable cause to believe that the person is addicted to a controlled substance or alcohol, it is the duty of the jailor to contact the on-call health personnel or to transport the inmate immediately to the appropriate hospital facility. This medical aid must be directed to ease all symptoms of withdrawal.

R. Mental Health Services

Inmates with emergency crisis situations shall be able to receive care at Sutter General Hospital. Sentenced prisoners with drug-related offenses shall continue to have access to one of the counseling programs offered by the Bi-County Mental Health Department. Any inmate who was receiving out-patient care from the Bi-County Mental Health Department before incarceration will continue receive it. The location of such care will be determined by the Bi-County Mental Health Department in conjunction with the Jail Supervisor.

In addition to the drug counseling program for sentenced inmates, the mental health counselor will provide assessment and treatment services for at least four (4) hours each week, except as provided in Section V A (4) supra. The counselor shall assess persons incarcerated more than seven (7) days who allegedly committed sex offenses, who allegedly committed crimes of physical violence, or who are inexperienced with the correctional system. In addition, the counselor shall offer treatment as medically indicated to those assessed and to other inmates as time permits. Inmates are entitled to assessment and treatment, but they must be informed that they are also entitled to refuse such treatment.

On a weekly basis the mental health counselor shall consult with jailors and other health care personnel to exchange information with respect to the mental health of the inmates. The counselor must respect the confidential nature of communications to him or her, but the counselor has an obligation to take steps to assure the safety of an inmate who indicates that he or she may attempt to commit suicide or to harm another.

Follow-up mental health services shall be offered by the Bi-County Mental Health Department. An inmate's probation officer in conjunction with the mental health counselor is responsible for locating the proper community mental health program for a released inmate.

S. Inmate's Rights

Every inmate must be provided with complete information as to all medical procedures scheduled for him or her and possible dangers from such procedures. The procedures, tests, and examinations may only take place with the inmate's informed consent. Confidentiality must be maintained in recordkeeping and in communications among the health personnel so that unauthorized persons do not have knowledge of an inmate's medical condition or history. The doctor-patient privilege exists between the inmate and any health care personnel. Care cannot be conditioned on the waiver of any right guaranteed to the inmate by the Constitution, by statute, or by this Consent Decree. No inmate may be disciplined for seeking medical care. The inmates must be accorded a right to privacy within the reasonable requirements of adequate security.

T. Evaluation

The Jail should be inspected at least on a bimonthly basis. Jailors and health care personnel shall at least bimonthly evaluate the adequacy of the diet, all environmental health factors, and kitchen sanitation. The county health officer or his or her designate, at least annually, shall inspect the Jail for sanitation and the adequacy of food, clothing, and medical care. Reasonable recommendations by jailors or health care personnel shall be

implemented.

U. Implementation

Implementation of the provisions contained in Section V should begin immediately and be completed as soon as possible. In any event full implementation shall be completed no later than January 1, 1979.

VI

VISITATION

All inmates shall be given the opportunity to have visitors on two days per week, at least one of which shall be Saturday or Sunday. There shall be at least four (4) hours each week of visitation time. There shall be no age restriction placed on visitors, except that jailors may require that visitors under the age of eighteen (18) be accompanied by a parent, responsible relative, or guardian. A thirty (30) minute time limit may be imposed on visits if there are other visitors waiting to see inmates. However, a visitor who is asked to leave after thirty (30) minutes may wait his or her turn for such additional visits as time permits. Inmates may have more than one visitor at one time if space permits and no others are waiting to visit. A sign shall be posted in the lobby of the Sheriff's Department which lists visiting hours and explains visiting procedures.

VII

DUE PROCESS IN DISCIPLINE

Defendants shall maintain written rules and procedures governing the conduct of inmates within the Jail. Those rules and procedures shall explain in simple terms what inmates are not allowed to do while incarcerated, what punishments are possible for violating specific prohibitions, and what procedures must be followed in imposing discipline. An acceptable version of these rules and procedures is included in the "Inmates' Rights and Responsibilities", Exhibit B.

DISCIPLINE: The purpose of imposing discipline within the Jail is to maintain order and control. Disciplinary action is reserved for those inmates who refuse to conform to the aforesaid written rules

and procedures. It will be utilized when verbal communication with the inmate has failed to maintain order and control.

A. Major and Minor Violations

Rule violations may be classified as major if the inmate's behavior is likely to cause a direct danger to the health and safety of other inmates, the staff, or the institution. Other rule violations are minor.

1. Violations involving control of contraband, damaging County Property, escape attempts, incidents of physical violence, persistent creation of disturbances which interfere with the function of the Jail or welfare of other inmates, starting fires, assault, making a false report of an emergency, presence in an unauthorized area of the Jail, homosexual activity, or any violation of a criminal statute may be charged as a major or minor violation. Repeated minor violations or minor violations coupled with conduct or words reasonable indicating a risk to the safety or security of the Jail may be charged as a major violation
2. All other violations of the Jail rules and procedures are minor violations.
3. Repeated major violations shall be reported as new and separate violations.

B. Disciplinary Measures

1. Minor violations shall not affect the inmate's release date. Minor violations may be punished by one of the following sanctions:
 - a. Verbal reprimand.
 - b. Written reprimand.
 - c. Relocation to another cell of the same or similar classification.
 - d. Revocation of one or two of the following for up to one week: access to the exercise yard, movies, store call, visitation, the library, or the educational program. Individuals may be denied the

- opportunity to watch television for up to one week.
2. Major violations shall be punished by one or more of the following sanctions, in addition to any counseling of the inmate deemed necessary by the Jail Supervisor:
 - a. Any of the sanctions authorized for punishment of a minor violation.
 - b. Loss of access to the exercise yard, movies, store call, the recreation library, or visitation for up to thirty (30) days.
 - c. Placement in an isolation cell for a period not to exceed ten (10) days.
 - d. Loss of good-time credits if the inmate is sentenced. This loss shall not apply to accrued pre-sentence good-time.
 - e. Loss of trusty status.
 3. No inmate shall be subjected to cruel, corporal, or unusual punishment or lack of care which injures or impairs the health of the inmate. No inmate shall suffer any deprivation, as a punitive measure, of clothing, bedding, at least two meals a day, or normal hygienic implements required for basic sanitation.

C. Disciplinary Procedures

1. Whenever a jailor becomes aware of a possible rule violation he or she may report the situation in writing to the Jail Supervisor. If any discipline is to be imposed other than a reprimand this report must be in writing and must be received by the Jail Supervisor within forty-eight (48) hours, exclusive of Saturdays, Sundays, or holidays, of the alleged violation.
2. If a minor violation is charged, the Jail Supervisor may take action to evaluate the alleged violation. If the Jail Supervisor chooses to evaluate the alleged violation for possible imposition of punishment, he must give the inmate an opportunity to explain his or her side of the alleged violation. If the Jail Supervisor finds the

alleged violation did occur, he may institute punishment as authorized for minor violations. Such action must be taken within seventy-two (72) hours of the report of the violation.

3. If a major violation is charged, the Jail Supervisor shall review the incident within seventy-two (72) hours of receipt of the initial report, exclusive of Saturday, Sundays, and holidays, to determine whether:
 - a. the matter should be treated as a major violation;
 - b. the matter should be treated as a minor violation;
 - or
 - c. the matter should not be considered a violation.
4. In the event that the Jail Supervisor determines that it should be treated as a major violation, the inmate shall be entitled on request to a hearing before the Jail Commander. The inmate shall be provided with a copy of the initial report charging the alleged major violation and a copy of these disciplinary procedures at least twenty-four (24) hours prior to the time of the hearing, which shall be scheduled within seventy-two (72) hours of the request for hearing, unless time is waived by both the Sheriff's Department and the inmate. The hearing shall be held under the following rules:
 - a. The inmate has a right to be present and speak, submit signed statements or declarations, evidence, and witnesses, if available (not to exceed three (3) witnesses), consisting of all relevant information about the alleged offense, as determined by the Jail Commander.
 - b. The inmate may select another inmate or a member of staff as a counsel substitute to represent the inmate at the hearing.
 - c. The Jail Commander shall make a determination within twenty-four (24) hours of the hearing as to the truth of the charge and, if true, the nature of

the punishment to be imposed. The determination shall be made within ninety-six (96) hours of the request for hearing.

5. An appeal may be taken by an inmate of discipline imposed for a major violation if the punishment applied is:
 - a. Placement in an isolation cell for more than forty-eight (48) hours.
 - b. Loss of more than five (5) day good-time credit.
 - c. Loss of access to store call, the recreation library, the roof-top exercise yard, or visitation for a time exceeding one (1) week, or loss of trusty status for a time exceeding one (1) week.
6. An appeal must be presented to a jailor on a form which shall be available for that purpose within twenty-four (24) hours of the report of the Jail Commander being supplied to the inmate. The inmate, with the aid of counsel substitute, shall prepare a statement in writing of the grounds for appeal. The inmate may appear at the appeal hearing with counsel substitute to make a statement, not exceeding fifteen (15) minutes in length, but no other evidence may be presented at the appeal hearing. The report of the Jail Commander and all other evidence or items introduced at the hearing shall be before the appeal panel.

The appeal shall be heard by a panel consisting of the Undersheriff, an officer within the Sheriff's Department of the rank of Sergeant or higher (designated by the Sheriff), and a person designated to serve by the head of the Yuba County Probation Department. The appeal shall be conducted within three (3) days of the filing of the notice of appeal at a time set by the appeal panel. The decision of the appeal panel shall be final and shall be rendered within forty-eight (48) hours of the conclusion of the appeal.

D. Reporting of Disciplinary Actions

1. Action taken on minor violations other than verbal reprimands shall be reported on a form which contains the date of the offense, a brief factual description of the offense, together with a notation of the rule which is violated, and the nature of the punishment administered. A copy of this report shall be filed and retained in the Jail and a copy given to the inmate within twenty-four (24) hours after the Jail Supervisor's decision.
2. At the conclusion of any hearing or appeal on major violation a report shall be filed which contains the date of the offense, a brief factual description of the nature of the offense, the rule violated, a recitation of the evidence relied upon by the Jail Commander and/or appeal panel to support the charge violation, a list of the witnesses who presented evidence at the hearing, a list of any other evidence presented at the hearing, and the punishment administered. A copy of the report of a major violation shall be filed and retained within the Jail and a copy given to the inmate within twenty-four (24) hours of a decision at each level.

E. Special Consideration

1. In the event that any incident could also be subject to a criminal prosecution and the matter is referred to the District Attorney's Office, disciplinary proceedings shall be suspended until a determination has been made that the District Attorney will not prosecute the matter. No punishment on the incident referred shall be imposed during any such suspension, and the required time limits shall be tolled during that period.
2. No punishment shall be administered with conformance to the procedures herein, other than in the form of reprimand or warning. However, if it is necessary due to Jail security or the safety of persons within the Jail to relocate any inmate charged with an offense to a less

desirable location within the Jail, the hearing on the offense charged must be held within thirty-six (36) hours, exclusive of Saturdays, Sundays, and holidays, unless the Sheriff's Department and the inmate both waive, in writing, this time limit.

VIII.

DUE PROCESS OF LAW IN ASSIGNMENT
TO THE DEEP FELONY SECTION OF THE JAIL

At the time a male inmate accused of a felony is booked, the Jail Supervisor shall evaluate the individual to determine whether he should be housed in the deep felony area of the Jail. In the event that the Jail Supervisor is not present within the Jail, said evaluation shall be made by the person directly responsible for the Jail who shall preferably be of the rank of Sergeant or higher. (In this event, the determination shall be reviewed by the Jail Supervisor on the next day that the Jail Supervisor is on duty). An individual may be housed in deep felony upon initial evaluation if the inmate:

1. has been previously involved in escape attempts;
2. has exhibited traits which lead the Jail Supervisor to reasonably conclude that the inmate is a danger to other inmates;
3. is suffering from a physical ailment that requires isolation from other inmates;
4. must be kept apart from other inmates for compelling security reasons; or
5. cannot be housed elsewhere because the other housing units are filled to capacity or overcrowded.

An inmate who is not housed in deep felony upon initial evaluation may later be involuntarily transferred to deep felony from another portion of the Jail if he is involved in physical violence, repeated excessively disruptive conduct, continued destruction of Jail or other inmates' property, or other similar activity threatening the security of the Jail or the safety of the persons within the Jail.

Every assignment of a person to deep felony shall be based on a written report providing an explanation of the facts and circumstances requiring the segregation. This report shall be written as soon as possible and in no case later than forty-eight (48) hours after the initiation of the assignment to deep felony. Said reports shall be retained.

Assignment to deep felony shall not involve a deprivation of privileges other than those necessary to protect the welfare of inmates and staff.

An individual assigned to deep felony has the same hearing and appeal rights as an inmate accused of a major violation except that hearings may not be requested until forty-eight (48) hours after the inmate is booked. In instances in which the individual is initially assigned to deep felony and requests a hearing, the Jail Commander (or the appeal panel if an appeal is latter requested) shall determine whether or not the individual fits within any of the above five (5) enumerated reasons for initially assigning an inmate to deep felony. If an inmate requests a hearing or an appeal after being involuntarily transferred to deep felony, the Jail Commander or (appeal panel) shall determine whether such inmate fits within any of the above-enumerated criteria for involuntary transfer.

IX.

INMATE GRIEVANCE PROCEDURE

The provisions of an inmate grievance procedure shall be provided to inmates at booking and shall be posted in as many locations as is necessary for all inmates to be aware of the procedures. The inmate grievance procedures shall be in conformity with the following.

A. Purpose and Definitions

1. Statement of Purpose.

The purpose of the formal grievance procedure is to assure that inmate complaints are given full opportunity for fair hearing, consideration, and resolution. The procedure is intended to supplement, not to replace, informal methods of

dispute resolution.

2. Grievance Defined.

A grievance can be any complaint regarding Jail conditions, procedures, food, or compliance with any portion of this Consent Decree. If an inmate wishes to complain about discipline, he or she should do so utilizing the mechanisms described in Section VII above. If the inmate wishes to complain about an alleged failure to comply with the inmate discipline procedures, he or she may do so in a grievance.

If a grievance concerns an allegation of a violation of a Sheriff's Department policy or state or federal law by an employee of the Jail which could result in formal discipline (i.e., reprimand, suspension, termination), it shall be referred to the Internal Affairs Unit of the Sheriff's Department. Internal Affairs shall prepare a written report on its findings for the Undersheriff. The Undersheriff shall decide on a course of action, which must be put in writing with a copy going to the inmate. If the grievant is not satisfied with the disposition by the Undersheriff, he or she can then proceed with a normal grievance as hereinafter described.

B. Jail Grievance Procedure

1. Any inmate may file a grievance by submitting an inmate request to any jailor or to the Jail Supervisor on forms which shall be provided for that purpose. No reprisals will be taken against them for using the grievance procedure or against other inmates assisting in pursuing a solution to the grievance. Inmates shall be informed of this policy prohibiting such reprisals.
2. The Jail Supervisor shall obtain as much information as possible regarding the grievance and shall attempt to resolve it to the satisfaction of the grievant within forty-eight (48) hours. If the grievant is satisfied with the resolution proposed by the Jail Supervisor he or

she may sign a statement that the grievance has been satisfactorily resolved and the grievance shall proceed no further.

3. If the grievance has not been resolved within forty-eight (48) hours of receipt of the grievance, the Jail Commander shall conduct a grievance hearing within seventy-two (72) hours of receipt of the grievance.
 - a. A grievance hearing shall be conducted by the Jail Commander unless he or she is the subject of the grievance in which case the Sheriff shall appoint a replacement who has the rank of Captain or higher.
 - b. During the hearing the inmate and witnesses will be heard and all pertinent information will be reviewed. The inmate may be assisted by another inmate or a member of the Sheriff's Department willing to act as an inmate's representative. The representative shall be entitled to attend and participate in the grievance hearing as well as any informal conferences or reviews in which the grievant participates.
 - c. To provide a full opportunity for expression, the hearing must bring together the inmate and the person about whom he or she is complaining, or someone to speak for the policy or condition that is the subject of the grievance.
 - d. An inmate with an emergency grievance (i.e. one which requires immediate action to avoid injury or continued problems) shall be responded to on an expedited basis (i.e. immediately).
4. The Jail commander shall resolve the grievance. A written disposition shall be given to the grievant within seventy-two (72) hours of the completion of the hearing.

C. Grievance Appeals

If the inmate is not satisfied with the disposition of the Jail Commander, he or she may appeal to a Grievance Panel

consisting of the Undersheriff, an officer within the Sheriff's Department of the rank of Sergeant or higher (designated by the Sheriff), and a person designated to serve by the head of the Yuba County Probation Department. Such appeals must be presented on a form provided by the Sheriff's Department within seven (7) days of receiving the written disposition from the Jail Commander. Within seven (7) days thereafter a hearing shall be held at which the grievant and /or his or her representative shall be given the opportunity to explain the grievance and urge that appropriate action be taken. The Grievance Panel may request additional evidence or testimony from anyone it deems appropriate.

The Grievance Panel shall submit a written disposition of the appeal and a brief explanation of the reasons therefor to the inmate within seventy-two (72) hours after the completion of the grievance appeal hearing.

D. Records

Copies of all grievances, appeals, and the disposition thereof shall be retained by the Jail for at least one (1) year after their completion.

X.

Access to Legal Materials

- A. The following books shall be maintained within the Jail Supervisor's Office for inmate use;
1. West's Annotated California Penal Code;
 2. United States Code Annotated; Constitution, including amendments;
 3. United States Code Annotated; Title 42, Section 1891-2010
 4. United States Code Annotated; Title 18;
 5. United States Code Annotated; Title 28; Section 2241-2255; (Federal Rules of Appellate Procedure, Rules of Supreme Court);
 6. Rules of local federal district courts;
 7. Black's Law Dictionary;
 8. Cohen, Morris L., Legal Research in a Nutshell (2d ed.) St. Paul, West. 1971;

9. The United States Law Week or the Criminal Law Reporter;
 10. West's Federal Rules of Criminal Procedure;
 11. Israel, Jerold I. and Wayne R. LaFave, Criminal Procedure in a Nutshell, St. Paul; West 1971;
 12. Potts, James L., Prisoners' Self-Help Litigation Manual. The National Prison Project of the American Civil Liberties Union Foundation, 1976;
 13. Jailhouse Lawyers Manual: How to Bring a Federal Suit Against Abuses in Prison, San Francisco (558 Capp St., 94110); Prison Law Collective 1973;
 14. Krantz, Sheldon: Cases and Materials on the Law of Corrections and Prisoners' Rights, St. Paul, West. 1973;
 15. A Manual on Habeas Corpus for Jail and Prison Inmates; written and compiled by the Prison Law Project, Berkeley, California (P.O. Box 673, 94701); Legal Publications (1973);
 16. Prison Law Monitor; and
 17. How to Use a Law Library: A Short Course for Laymen. San Francisco. People's Law School (558 Capp St., 94110), 1973.
 18. California Administrative Code, Subchapter four (4) of Title 15, Minimum Standards for Local Detention Facilities, Sec. 1000 et seq.
- B. Each inmate confined within the Jail for more than forty-eight (48) hours shall be provided with a list of the books contained in Section A (above) and a complete inventory of the books contained within the Yuba County Law Library. These lists shall be accompanied by an informational sheet which informs inmates:
1. that the books on the list in Section A (above) are kept in the Jail Supervisor's Office for use by inmates and must be made available within twenty-four (24) hours, seven days per week, upon request for same;
 2. that the books on the inventory of the Yuba County Law Library are for use by inmates and must be made available

within twenty-four (24) hours upon request for same, except that such books need not be retrieved on weekends or on holidays;

3. that law books which are not available in either the Jail Supervisor's office or the Yuba County Law Library shall be ordered by phone by a jailor. Said telephone calls shall be made to the State Law Library by 5:00 p.m. on the day the book is requested by an inmate if the request is made before 4:00 p.m., or by 5:00 p.m. of the day after the request is made if the request is made after 4:00 p.m., provided that law book orders need not be made on weekends or on holidays;
4. that requests for law books must be made in writing, on forms provided for that purpose upon oral or written request of the inmates;
5. that the law books are subject to prior check out and that inmates will be placed on a waiting list if the desired book has already been checked out.

C. Jailors shall ensure compliance with the procedures described in the informational sheet provided to each inmate pursuant to Section B (above). The Sheriff's Department shall retain the forms described in subsection (4) of the preceding Section for one year after receipt thereof.

XI.

Access to Courts

Inmates shall be informed that they may correspond, confidentially, with State and Federal courts, any member of the State Bar or holder of public office, and the Board of Corrections, provided that the Jail may open and inspect such mail to search for contraband. Forms shall not be used which purport to authorize the Sheriff or anyone else to open, censor, and read incoming or outgoing mail to or from the above enumerated persons or institutions.

Inmates may correspond, confidentially, with the Jail Supervisor and the Jail Commander.

Inmates shall be allowed to receive incoming calls from out-of-town attorneys subject to reasonable verification that the attorney represents the inmate and only if it is not practical for the inmate to immediately call the attorney back on the inmate telephone.

There shall be two rooms regularly available to attorneys to interview their clients between the hours of 8:00 a.m. and 4:00 p.m. Rooms must be such that the confidentiality of the attorney/client relationship is protected.

Inmates shall be permitted to shave, bathe, and comb their hair prior to all court appearances, provided that the Jail Supervisor or a jailor has been informed of a court appearance at least twenty-four (24) hours in advance. Inmates shall be allowed to wear street clothes for court appearances, except arraignments and pre-trial motions, if provided by the inmate. An inmate's family and friends shall be permitted to bring street clothes to the jail for use by the inmate. Inmates shall be verbally informed of these procedures at the time of their booking.

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FEMALE TRUSTY PROGRAM

It shall be the responsibility of the Sheriff, the Jail Commander, and the Jail Supervisor to maintain the following trusty program for women inmates.

A. Selection Criteria

Females will be selected as trustys by the Jail Commander or the Jail Supervisor utilizing the same criteria as that used in the selection of male trusty's background, arrest record, custodial behavior, and the length of sentence imposed.

A conviction or arrest for prostitution or a prostitution-related offense shall not be used to categorically disqualify women from having jobs outside the Jail as part of the trusty program. However, the Jail Commander or the Jail Supervisor shall retain the discretion to consider a conviction or arrest for prostitution, along with all other relevant factors, in determining whether a particular unsupervised job outside the Jail consistent with the security of the Jail and the safety of the women.

The length of the sentence imposed shall not be used to disqualify women from full participation in the trusty program and may be considered only for the purpose of assigning a particular job to a particular individual. All females shall be entitled to participate in the trusty program and shall be selected as trustys provided that they fulfill the selection criteria.

B. Housing

The section of the Jail formerly used to house juveniles shall be maintained as a facility suitable for housing female trustys. The glass on the north side of the juvenile tank shall remain painted to ensure the privacy of women housed therein. The sentenced female tank will continue to house sentenced females who are not trustys. The housing facilities will be flexible so that either the former juvenile facility or the sentenced female tank may be used for housing the female trustys while the other is being used to house sentenced females, depending upon the respective numbers of each. The door to the trusty tank shall be open, permitting trustys to move around the female side of the jail, all day Monday

through Friday. It shall generally be open all day Saturday and Sunday as well, but may be closed on those two days on the same basis that the trusty dorm on the male side of the Jail is occasionally closed on weekends.

A ping pong table, an exercise bicycle, and a sewing machine shall be maintained in the sentenced female tank. If the female trustys desire to use the, they will be permitted to do so, while they are not engaged in their trusty jobs.

C. Trusty Privileges

All female trustys will have the same privileges as male trustys, with the exception that the female trustys will not have free access to areas located on the male side of the Jail. Female trustys who work at jobs outside the Jail shall be offered clean clothes on a daily basis. Those female trustys who work within the Jail shall have access to clean clothes as frequently as male trustys. Female trustys shall receive sandwiches with their lunch and such second helpings at their dinner as are available to male trustys. Female trustys shall be permitted to bring coffee pots into the trusty tank and shall have access to a telephone and a television jack within the trusty tank. The library on the female side of the Jail shall be accessible to female trustys on the same basis that the other library is available to male trustys.

D. Duties

Female trustys shall be assigned jobs both within and outside the Jail comparable to jobs available to male trustys, subject to reasonable strength ability requirements, provided that assessment of strength and ability is made on the basis of each individual's qualifications and not on the basis of sex.

Female trustys will be assigned to work in the female portion of the Jail and will have general responsibility of keeping the area clean. They will also be assigned to perform maintenance and cleaning chores within the infirmary area.

Provided that they are qualified for such jobs, there shall be a limited number of clerical and secretarial positions available, including on position as a clerical assistant in the civil

department of the Sheriff's Office. Additional jobs of this type shall be explored and shall become a part of this program if feasible.

Outside jobs performing gardening and maintenance duties shall be available for female trustys at the old Yuba County Hospital. These jobs shall be reserved for female trustys. Female trustys shall be permitted to perform work at Miller Day Hall.

The Sheriff, Jail Commander, and Jail Supervisor shall continue to explore additional job possibilities outside the Jail and shall incorporate such jobs into the female trusty program if possible.

The Jail shall allow female inmates to work both within and outside the Jail whenever possible and shall allow them to accrue work credits to reduce their commitment time in the Jail.

E. Notification of Trusty Program

All female inmates shall be advised by the matron of the existence of the trusty program and the criteria for their participation therein. Within two working days following the date of arraignment a matron shall individually counsel each female, explain her rights to apply for the trusty program, and answer any questions regarding the program. This individual counseling for females shall be continued as long as the number of females does not reach an amount which would preclude the matron from performing her other duties.

In addition, general information regarding the trusty program shall be available to all female inmates. Section XII of this Consent Decree shall be posted in the sentenced women's and trusty tanks. Jailors shall answer any specific questions that any individual female inmate may have regarding the program.

XIII.

INMATE EDUCATION AND VOCATIONAL TRAINING PROGRAM

A. Submission of a Plan

No later than December 15, 1978, the Sheriff's Department shall formulate and submit in writing to plaintiffs' attorneys an inmate education and vocational training program for inmates who

wish to participate. This plan shall describe in detail a program which fully complies with Section 1140 of Title 15 of the California Administrative Code and the terms of this Consent Decree as hereinafter set forth.

B. Minimum Requirements of the Inmate Education and Vocational Training Plan

The plan submitted by the Sheriff's Department must provide for a basic education and vocational training program to be implemented not later than February 1, 1979. This program shall be based on the educational needs of the inmates and shall include, at a minimum, the following components:

1. high school courses leading to a high school degree or its equivalent (providing that there are a sufficient number of inmates who wish to participate);
2. practical training in meeting the needs of everyday life (e.g., filling out employment applications, conduct of employment, interviews);
3. courses in basic arithmetic, reading, and spelling;
4. vocational training; and
5. Utilization of outside instructors and county personnel as instructors, where feasible and appropriate.

The program must also use audio-visual aids, including the projector obtained by the Jail as part of Grant Award Modification Request OCJP Project No. 27320- I-E. This projector must be maintained and used regularly to show recreational, educational, and vocational training films. These films shall be obtained from the Tri-County Audio Visual Department of the Sutter County Office of Education and other available sources.

On a yearly basis the Jail Commander shall consult with appropriate personnel from the Yuba Community College District, the Marysville Joint Unified School District, Gateways Projects, Inc., and the Board of Corrections about the availability of their resources and expertise for use in the Jail's education and vocational training program. The Sheriff's Department shall make a good faith attempt to incorporate these suggestions and

resources, as well as other available community resources, into the education and training program.

C. Approval of the Plan

If the parties agree that the aforesaid plan fully complies with 15 C.A.C. Sec. 1140 and the terms of this Consent Decree, it shall be submitted to the Court along with a stipulation that it be entered as a Court order.

In the event that the parties differ as to the adequacy of the plan they shall meet in a good faith attempt to resolve those differences. In the event that such differences are not resolved, plaintiffs' attorneys may notice a motion seeking adoption of a program which fully complies with 15 C.A.C. Sec. 1140 and the terms of this Consent Decree. Thereafter defendants shall have the burden of demonstrating to the Court that their plan, as modified through negotiation, fully satisfies the requirements of 15 C.A.C. Sec. 1140 and the terms of this consent Decree.

XIV.

COMPLIANCE WITH TITLE 15 OF THE CALIFORNIA ADMINISTRATIVE CODE

The defendants shall comply with all provisions of Title 15 of the California Administrative Code which specifies the minimum jail standards of the California Board of Corrections, Sec. 1000 et sec.

Unsentenced inmates shall be fully integrated into the Jail's trusty program, but unsentenced inmates will not be required to participate if they do not wish to do so.

XV.

MONITORING

All records and documents which relate to compliance with this Consent Decree or are otherwise required by law to be kept shall be available immediately upon request by plaintiffs' attorneys. Plaintiffs' attorneys shall be entitled to an inspection of the Jail upon written notice provided at least twenty-four (24) hours prior to said inspection. Any such inspections shall be comparable to that made by the Court on July 20, 1976. No more than three (3) such inspections may be performed in one (1) year without prior Court approval.

Plaintiffs' Attorneys shall be allowed to interview any inmate within the Jail about conditions within the Jail unless that particular inmate states that he or she does not want to speak to plaintiffs' attorneys.

Every six (6) months the Jail Supervisor shall take an inventory of recreation and exercise equipment. Said inventory shall state whether each item is present within the Jail and in working order. It shall also list items that have been ordered but not yet received. On a yearly basis the Jail Supervisor shall prepare an itemized list of recreation and exercise equipment purchased for use by inmates within the Jail. Additionally, the Jail Supervisor shall write a brief summary of any actions taken in response to the yearly recommendations of the County Librarian.

The members of the Yuba County Grand Jury who serve on the Court and Law Enforcement Committee shall be provided each year with a copy of the Consent Decree so that they will know the minimum legal standards for conditions of confinement in the Jail. The Grand Jury shall be requested to do an analysis of whether the Jail is in conformity with all provisions of the Consent Decree and include that analysis in its yearly report.

The Sheriff shall be responsible for reporting to plaintiffs' attorneys any variances between the procedures and practices in the Jail and the provisions of this Consent Decree. Such variances must be reported in writing within ten (10) days of their initial occurrence. However, if the Sheriff determines that a variance lessens in any way, directly or indirectly, an inmate's rights enumerated in this Consent Decree, he must report said variance to plaintiffs' attorneys in writing within forty-eight (48) hours of the initial occurrence of the variation. The provisions of this paragraph are binding on the defendants until the Court orders otherwise.

At the time of booking, each new arrestee shall be given a copy of a booklet which accurately summarizes the provisions of this Consent Decree. Exhibit B is an acceptable version of this booklet. Spanish translations of this booklet must be available.

If an individual cannot read the booklet, good faith efforts must be made to read or otherwise inform the inmate of the contents of the summary. Copies of this Consent Decree shall be available in the women's tank, the libraries, and on request by any inmate.

XVI.

JURISDICTION RETAINED

The duration of the Court's jurisdiction in this case shall be determined after final resolution of the issues not addressed by this Consent Decree.

Dated: November 2, 1978

WALTER I. COLBY

County Counsel for Yuba County

DENNIS A. BARLOW

Chief Deputy County Counsel

Attorneys for Defendants

By: _____

WALTER I. COLBY

Dated: November 2, 1978

CALIFORNIA RURAL LEGAL ASSISTANCE

Attorneys for Plaintiffs

By: _____

JOHN F. O'TOOLE

Attachment C

The County of Yuba

GRAND JURY



October 28, 2014

Undersheriff Jerry Read
215 5th Street, Suite 150
Marysville, CA 95901
Submitted electronically to jread@co.yuba.ca.us

Dear Undersheriff Read,

The Yuba County Grand Jury has sent letters requesting an interview to the following employees of the Yuba County Jail: Randy Inman; Kimberly Thompson; and, Carlos Perez. The interviews will be held on Thursday, November 13, 2014, at 3:00 p.m., 3:30 p.m., and 4:00 p.m. respectively.

Please make your best efforts to facilitate their availability during the scheduled interview period. Each interview should take less than 1 hour and will be conducted in the Grand Jury room on the second floor of the Courthouse, above the jail.

As you are well aware, Grand Jury proceedings are not public. This letter is sent to you in furtherance of the Grand Jury's statutory requirement to oversee the Yuba County Jail. You cannot discuss this request with anyone, other than for the purpose of facilitating the interviews, and I would ask that you sign, date, and return the enclosed admonition.

Thank you for your assistance and cooperation.

Sincerely,

Foreman Charles S. Poulos

Secretary Kimberly Stonebarger

Enclosure

Attachment D

The County of Yuba

GRAND JURY



November 18, 2014

Undersheriff Jerry Read
215 5th Street, Suite 150
Marysville, CA 95901
Submitted electronically to jread@co.yuba.ca.us

Dear Undersheriff Read,

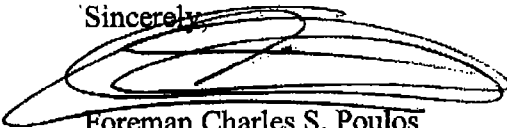
The Yuba County Grand Jury has sent letters requesting an interview to the following employees of the Yuba County Jail: Julia Fontal-Caban; Kao Vang; Angela Lee; and, Connie Scott. The interviews will be held on Tuesday, December 4, 2014, at 3:30 p.m., 3:45 p.m., 4:00 p.m., and 4:15 p.m. respectively.

Please make your best efforts to facilitate their availability during the scheduled interview period. Each interview should take less than 20 minutes and will be conducted in the Grand Jury room on the second floor of the Courthouse, above the jail.

As you are well aware, Grand Jury proceedings are not public. This letter is sent to you in furtherance of the Grand Jury's statutory requirement to oversee the Yuba County Jail. You cannot discuss this request with anyone, other than for the purpose of facilitating the interviews, and I would ask that you sign, date, and return the enclosed admonition.

Thank you for your assistance and cooperation.

Sincerely,



Foreman Charles S. Poulos



Secretary Kimberly Stonebarger

Enclosure

Attachment E

Read, Jerry

From: Kimberly Stonebarger <kimberlystonebarger@gmail.com>
Sent: Tuesday, November 04, 2014 12:33 PM
To: Read, Jerry
Subject: Re: Check In and Request

Thank you Jerry! I appreciate the information about the website. That will keep me from bothering you again :)

On Tue, Nov 4, 2014 at 12:23 PM, Read, Jerry <jread@co.yuba.ca.us> wrote:

I will find out what Kim's deal is. I have attached the job descriptions. Just an FY - all county job descriptions are posted to the public website at this address:

<http://www.co.yuba.ca.us/Departments/Personnel/specifications.aspx#e>

From: Kimberly Stonebarger [mailto:kimberlystonebarger@gmail.com]
Sent: Tuesday, November 04, 2014 12:04 PM
To: Read, Jerry
Subject: Check In and Request

Good morning Mr. Read,

The Law Enforcement committee has not yet heard from Kimberly Thompson. Has she requested coordination from you in order to attend her scheduled interview?

Additionally, the Law Enforcement committee would like to request the job descriptions for the positions of Substance Abuse Counselor, Medical Assistant, Executive Assistant - Medical Services, and LVN.

Thank you,

Secretary Kimberly Stonebarger

Attachment F

Read, Jerry

From: Read, Jerry
Sent: Thursday, October 16, 2014 11:58 AM
To: 'Kimberly Stonebarger'
Subject: RE: Request from the Grand Jury
Attachments: Jail Staff 10-14.xls

Here you go

From: Kimberly Stonebarger [<mailto:kimberlystonebarger@gmail.com>]
Sent: Thursday, October 16, 2014 9:33 AM
To: Read, Jerry
Subject: Re: Request from the Grand Jury

Ideally, we would like a list of names with titles as this would help us narrow down our list of who we are interested in speaking further with.

Thank you for your prompt email!

On Thu, Oct 16, 2014 at 9:30 AM, Read, Jerry <jread@co.yuba.ca.us> wrote:

Are you simply looking for a list of names?

From: Kimberly Stonebarger [<mailto:kimberlystonebarger@gmail.com>]
Sent: Thursday, October 16, 2014 9:27 AM
To: Read, Jerry
Subject: Request from the Grand Jury

Good morning Mr. Read,

The Law Enforcement Committee would like to request that you provide us with an employee directory of those individuals working within the jail.

Please let me know if you have any questions regarding this request.

Thank you,

Kimberly Stonebarger

Grand Jury Secretary and Law Enforcement Committee Member

Attachment G

Read, Jerry

From: Read, Jerry
Sent: Tuesday, November 18, 2014 6:41 AM
To: 'Kimberly Stonebarger'
Subject: RE: Request for Information

Kellie Baker is the main Mental Health worker. Kim Lucero comes in on weekends. Dr. Zil is the psychiatrist. They are all employed by Yuba-Sutter Mental Health.

Robert Leal is the most tenured LVN – you can either send him an e-mail rleal@CO.YUBA.CA.US or a letter or you can try calling medical (7745).

From: Kimberly Stonebarger [<mailto:kimberlystonebarger@gmail.com>]
Sent: Monday, November 17, 2014 11:32 AM
To: Read, Jerry
Subject: Request for Information

Good morning Jerry,

The Law Enforcement committee would like to interview some of the Yuba-Sutter Mental Health staff that work at the jail. Would it be possible for you to provide me with the names of those employees?

Additionally, we are interested in interviewing the LVN who has been with the jail the longest. Can you provide me the name of that individual?

Thank you for your assistance.

Secretary Kimberly Stonebarger.

Attachment H

MEETING ATTENDANCE

Yuba County Community Corrections Partnership
215 5th Street, Suite 154
Marysville, CA 95901

Meeting Description: Community Corrections PartnershipDate: February 11, 2015 Time: 12:00 p.m. Location: Probation Dept. Conference Room

	Name	Agency	E-mail Address (Please print clearly)
1 ✓	RANDALL MOORE	YUBA CO. PROBATION	rmoore@co.yuba.ca.us
2 ✓	Jerry Read	Yuba Co. S. O.	jread@co.yuba.ca.us
3 ✓	SHON HARRIS	CHP	shharris@chp.ca.gov
4 ✓	JASON ROOPER	PROBATION / VICTIM SERVICES	jrooper@co.yuba.ca.us
5	David Back	Y.C. Grand Jury	
6 ✓	Tony Hobson	SYMHS	thobson@co.yuba.ca.us
7 ✓	Aaron Easton	Marysville PD	aeaston@marysvillepd.org
8 ✓	Noem Wheat	Y.C. Grand Jury	
9 ✓	Linda Maquart	Y.C. Grand Jury	
10 ✓	Jim Arnold	Probation	
11 ✓	Debra Giveus	Courts	dgiveus@yubacourts.org
12 ✓	Ben Z...	court	
13 ✓	Janna Reeder	for Bernal County	
14 ✓	Jennifer Vasquez	Yuba County Health & Human	jvasquez@co.yuba.ca.us
15 ✓	Pat McErath	Yuba OIG	
16 ✓	Scotia Holmes Sanchez	YCO Office of Ed	scotia.sanchez@yubacoe.k12.ca.us
17 ✓	BRIAN J. DAVIS	YUBA PUBLIC DEFENDER	YUBAPD@GMAIL.COM
18 ✓	Nacy Bryan	HHSD	nbryan@co.yuba.ca.us
19			
20			

Attachment I

Community Corrections Partnership

AGENDA

Meeting Notice

Wednesday, February 11, 2015 – 12:00 p.m.

215 5th Street Marysville, CA 95901 First Floor Conference Room

The Community Correction Partnership of Yuba County is open to the public. Public participation and comment is invited relevant to each agenda item. If a member of the public has a comment on something other than an agenda item they may address the group during the public comment agenda item. If you would like to have an item placed on the agenda please contact the Chief Probation Officer @530-749-7551.

1. Call to Order

2. Roll Call

Jim Arnold, Chief Probation Officer
Steve Durfor, Sheriff
Judge Debra L. Givens, Presiding Judge of the Superior Court
Patrick McGrath, District Attorney
Brian Davis, Public Defender
Aaron Easton, Marysville Chief of Police
Bonnie Sloan, Criminal Division Manager
Jennifer Vasquez, Director Health and Human Services
John Nicoletti, Chair of the Board of Supervisors
Allyn Wightman, Wheatland Chief of Police
Tony Hobson, Yuba Sutter Mental Health
Tracy Bryan, Program Manager – Employment Services Division
Dr. Michael Kinnison, Public Health Officer
Scotia Holmes Sanchez, Superintendent Office of Education
Jason Roper, Program Manager Victim Services
Judge Ben Wirtschafter, Honorable Judge of the Superior Court

3. Approval of Minutes from prior meeting

4. Marysville Police Department funding request

5. Drug Court Eligibility

6. Traffic Court Procedures

7. Tony Hobson – Mental Health Clinician in Yuba County Jail

8. Members of the public are allowed to address the CCP with respect to any item listed on the agenda. The law requires business not appearing on the agenda may not be discussed at the special meeting.
9. Scheduling of next meeting: April 15, 2015

Attachment J

MINUTES
COMMUNITY CORRECTIONS PARTNERSHIP
Probation Department Conference Room
February 11, 2015

ROLL CALL:	Jim Arnold Randy Moore Jerry Read Pat McGrath Jennifer Vasquez Tracy Bryan Jason Roper Tony Hobson Honorable Debra Givens Honorable Ben Wirtshafter Donna Beeler Scotia Holmes Sanchez Aaron Easton Brian Davis Shon Harris Linda Marquart Norm Wheat Harold Becky	Yuba County Probation Yuba County Probation Yuba County Sheriff's Office Yuba County District Attorney YC Health & Human Services YC Health & Human Services Yuba County Victim Services Sutter Yuba Mental Health Yuba County Courts Yuba County Courts Yuba County Courts Yuba County Office of Education Marysville Police Department Yuba County Public Defender California Highway Patrol Yuba County Grand Jury Yuba County Grand Jury Yuba County Grand Jury
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Called to order at: 12:00 p.m. on February 11, 2015 by Jim Arnold - Chief Probation Officer.

APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Approval of October 15, 2014 minutes: M/S/P - Honorable Debra Givens, Yuba County Courts / Scotia Holmes Sanchez, Superintendent Yuba County Office of Education / Partnership.

MARYSVILLE POLICE DEPARTMENT FUNDING REQUEST:

Marysville Police Chief, Aaron Easton presented to the CCP a request for funding. Last year, Marysville Police Department requested funding from the CCP to help with a full time detective. This detective serves as a primary full time detective for the Marysville Police Department and investigates with an emphasis on crimes committed by post realignment offenders. He acts as a liaison between the City of Marysville and the Yuba County Sheriff and Probation Departments. Coordinates and assists with county wide probation checks and sweeps, assist with sex registrant compliance, and extensive work with NET5 and YSAGE. Last year the Executive committee agreed to provide funding of \$50,000.00 to Marysville Police Department to help fund what we call our "CCP" detective. This will be split between the Probation Department and the Sheriff's Department at \$25,000 each. Detective Bobby Cooper was placed in that role. Some highlights of last year's CCP detective work; 116 total cases, served 33 search warrants, kept detailed logs on his work with Yuba County Probation Department, Sheriff's Department, Yuba County District Attorney's Office. He also did extensive work with Net5 and YSAGE. This detective also did work with Butte County and Sutter County Sheriff Departments. There was an opportunity to do an education component as well. Detective Cooper went to Anna McKinney School and conducted some educational sessions with children there. Detective Cooper did very well in the role and received commendations from the District Attorney's office and from within the department. He took over duties as our sex, gang and arson registrant.

Detective Cooper retired from law enforcement and they have filled that position with Detective Lee. Chief Easton is requesting the funds continue on for this fiscal year.

M/S/P - Pat McGrath, Yuba County District Attorney / Jason Roper, Yuba County Victim Services / Partnership. The Courts abstained from voting. This request will be moved to the Executive Committee on meeting March 18, 2015.

DRUG COURT ELIGIBILITY:

The Honorable Debra Givens Judge of the Superior Court was asked to have this topic added to the CCP agenda by the Friends of Yuba County Drug Court. With the advent of Prop 47, we have had some trouble with candidates that are eligible for Drug Court. Our county appears to be more restrictive than other surrounding Counties. Yuba County was one of the first to set up Drug Court in 1995. It has been very effective in our community. Local Friends of Drug Court would like to see it similar to the restrictions of violent offenders be similar to the definition of no history of violence, firearm convictions, or sex offenses, no convictions of drug sales, present offense doesn't involve more than five grams of any controlled substances. The candidate must live locally and be able to commute to the drug court program. The Friends of Drug Court would like to expand the eligibility criteria or make the same as the guidelines for the violent offenders under the federal guidelines. If we do that it could open a door for others to be able to receive these services. It will also qualify the county to apply for grants. Yuba County District Attorney's office will have the veto rights in each specific case. Pat McGrath mentioned there were nine original guidelines in the beginning of Drug Court. With PRCS parolees it now has new factors. The District Attorney, Pat McGrath & Judge Givens will meet with the Probation staff that handles Drug Court and review the eligibility criteria.

TRAFFIC COURT PROCEDURES:

Then Honorable Benjamin Wirtschafter Judge of the Superior Court, has had concerns over the last couple months about the way Traffic Court is running, there is a couple issues. One is substantial walk in calendar to request fee waivers for trials or showing up on red light cameras citations; it's extremely cumbersome for the Courts. What Judge Wirtschafter would like to do, when law enforcement gives citation, it's an actual arraignment date in court. That will allow us to get time waivers from defendants and look at officer availability for when the trials are being set and hopefully minimize the number of cases that are dismissed because of officer unavailability. Also to help streamline the Red Flex process where right now when people take a right hand turn at a red light the standard offer is coasting, by putting these people under an actual arraignment calendar will hopefully minimize the amount of time that is invested in actual court trials on Red Flex tickets. Hopefully this will help reduce time in terms of law enforcement involvement. This should help keep law enforcement on the road.

MENTAL HEALTH CLINICIAN IN THE YUBA COUNTY JAIL:

Tony Hobson stated; at the request of the Sheriff's Department, we look at the continuum of mental healthcare in the jail and what could be done to strengthen that. It became evident that an addition of a Mental Health Therapist would be the best move to make to ensure that we had a complete continuum of care. From assessment of someone who may be in a crisis situation, assess someone with mental illness and/or referral to psychiatric care. Tony presented this to the CCP in October 2014. Tony is here to advocate for funding of a Mental Health Therapist in the Yuba County Jail full time to do screening assessments, include diagnosis, treatment planning and then referral to psychiatric services if needed. Tony Hobson is seeking \$115,000.00 for this position.

M/S/P - Pat McGrath, Yuba County District Attorney / Scotia Holmes Sanchez, Yuba County Office of Education / Partnership. The Courts abstained from voting. This item will move to the Executive Committee meeting on March 18, 2015.

ADJOURNED: 12:35 PM

SCHEDULING OF NEXT MEETING:

*Next Executive Committee Community Corrections Partnership meeting is scheduled for March 18, 2015 at 12:00 p.m.

*Next Community Corrections Partnership meeting is scheduled for April 15, 2015 at 12:00 p.m.

Respectfully submitted,

Christina Rhea
CCP Secretary

Attachment K



Physician's Assistant/Family Nurse Practitioner

Hiring Range: \$7,509-\$

Attachment K

Page 1 of 3

Official County Applications Available at: www.co.yuba.ca.us

View complete Class Specifications on the Human Resources & Organizational Services homepage

Final Filing Deadline:

Friday, June 5, 2015 @ 5:00 PM

The County of Yuba is currently recruiting for the position of **Physician's Assistant/Family Nurse Practitioner** in the **Sheriff's Department**. Under close supervision of a licensed physician, performs routine medical, behavioral, and social health assessments and examinations; diagnoses a wide variety of common chronic and acute conditions which may include medical, mental health, and psycho-social conditions; manages stable and reoccurring phases of illness; provides care coordination and health management; performs other duties to relieve the physician of routine health matters; and performs related duties as assigned. This position receives medical direction from a licensed physician. In the jail, direction is provided by the Correctional Medical Officer, and administrative direction from a Program Manager or Sheriff's Captain/Correctional officer, depending on area of assignment.

Examples of knowledge skills and abilities required for successful performance: knowledge of methods, techniques and procedures used in health services; medical and behavioral health terminology, procedures, equipment and facilities; common medical and behavioral conditions and the procedures involved in treatment and diagnosis of conditions; the uses and effects of medicine and narcotics. Skills in taking complete and accurate physical and behavioral health assessments and examinations; compiling complete and accurate medical, behavioral, and social histories of patients; diagnosing common medical and behavioral conditions. Ability to follow established protocols set up by physicians; consult with physicians, nursing staff, other members of staff and other agencies. Please refer to the class specifications for a detailed description of the class characteristics for this position.

EMPLOYMENT REQUIREMENTS

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Nurse Practitioner Minimum: Graduation from an approved school of Nursing and completion of a State approved Nurse Practitioner program that includes a clinical preceptorship. **Preferred:** In addition to the minimum, some experience in an acute care hospital, primary care health clinic, physician's office, psychiatric facility or outpatient services.

Physician's Assistant Minimum: Graduation from an accredited primary care Physician's Assistant program that includes a clinical preceptorship and training in all of the duties listed so that proficiency can be demonstrated to the Board of Medical Quality Assurance, Division of Allied Health Professions. **Preferred:** In addition to the minimum, some experience in an acute care hospital, a primary care health clinic, physician's office, psychiatric facility or psychiatric office/clinic.

Special Requirements: Must successfully complete an extensive and thorough background investigation which may include Live Scan fingerprinting prior to hire; must satisfy the Continuing Education Unit (CEU) requirements of a Family Nurse Practitioner or Physician's Assistant on a continuous basis; attend meetings outside of normal working hours; work on call and respond to emergency situations during weekends, holidays and other off-hours shifts; will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Working Conditions: Work in a secured correctional facility or in a clinical setting; potential exposure to contagious or infectious diseases or hazardous substances and chemicals; work with exposure to potentially difficult or dangerous individuals; work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

BENEFITS AND COMPENSATION

Please Note: Effective 1/1/2013 - Retirement Benefits have changed due to Pension Reform. Current PERS members may receive different benefits.

MERIT INCREASE:	Typically 5% each year for the first 7 years	HEALTH/DENTAL/VISION/LIFE:	The County pays 90% of the Basic Plan premium for employee only and 70% for dependent(s) / County provides \$50,000 in life insurance coverage
RETIREMENT:	Misc. See Pension Reform Link on Human Resources Webpage for additional information. Yuba County does not participate in Social Security.	DEFERRED COMPENSATION:	Voluntary Deferred Compensation plan(s) are available
VACATION:	12 days for first 5 yrs with incremental increases every 5 yrs thereafter, up to 20 yrs	EMPLOYEE ASSISTANCE PLAN:	County paid confidential family wellness plan
HOLIDAYS:	An average of 13 paid holidays per year, including 2 floating holidays	UNION AFFILIATION:	YCEA
SICK LEAVE:	Accrued every payroll period, up to 12 days per yr		

Submit Completed Official County Applications to:
Human Resources and Organizational Services, 915 Eighth Street, Suite 113, Marysville, CA 95901

Yuba County is located in the Northern Sacramento Valley, approximately 40 miles north of the State Capitol, Sacramento, and two hours away from San Francisco and Lake Tahoe. The boundaries stretch from the farms and orchards of the valley to the timberlands of the Sierras. With an estimated population of 70,000, Yuba County offers its residents the many advantages of a rural lifestyle, away from the pressures of the urban areas. The County's rivers, lakes and outdoor recreation areas provide excellent hunting, fishing, boating, and skiing opportunities.

Statement of Commitment—We are dedicated to providing responsive, innovative and sustainable services that enhance the quality of life and uphold the public trust and interest.

APPLICATION/SELECTION PROCEDURES

TO APPLY FOR PHYSICIAN'S ASSISTANT/FAMILY NURSE PRACTITIONER:

Submit an official Yuba County employment application, **copies of valid license(s), certificate(s) and college transcripts, diploma or grade reports** to County of Yuba – Human Resources and Organizational Services, 915 Eighth Street, Suite 113, Marysville, CA 95901. Official County applications and materials are available online at www.co.yuba.ca.us or at the Human Resources and Organizational Services Department. **Note: All diplomas or degrees must be from an accredited college or university. To obtain information regarding accreditation, refer to the US Department of Education Office of Post Secondary Education at: <http://ope.ed.gov/accreditation/search.aspx>**

APPLICATION SCREENING:

To begin the hiring process, an applicant must submit a completed County application prior to the final filing deadline. Applications must be completed legibly, all questions must be answered, and the required documentation must be provided. *Please be sure to use the current application located on the County website. Old applications cannot be accepted.* All applicants will be given written notice regarding the status of their application and selection procedures. The County prefers to communicate via email, if provided, to expedite communication. It is also recommended that applicants review their SPAM mail daily as to not miss any important communication from the County. Please refer to the Employment Application Instructions, which accompanies the County application, for additional details. Failure to provide the required documentation may result in rejection of your application.

Applicants must provide the following documents by the filing deadline:

- Yuba County Employment Application—complete & signed
- Diploma and Unofficial Transcripts
- Copies of Certifications
- Personal History Statement

LICENSES AND CERTIFICATIONS:

-Nurse Practitioner—Possession of a valid California license as a Registered Nurse and a certificate as a Nurse Practitioner issued by the California Board of Registered Nursing, some assignments may require specialized certification.

-Physician's Assistant—Possession of a valid certificate or letter of approval to practice as a Physician's Assistant issued by the California Board of Medical Examiners, or any other license or approval that may be required by law to practice as a Physician's Assistant.

-For assignments that include the ordering or furnishing of drugs, possession of, or ability to obtain within one year of appointment, a current Department of Drug Enforcement number to order schedule II, III, IV, V drugs.

-The ability to obtain a valid California Class C driver's license within ten (10) days of employment and maintain throughout employment.

TESTING ACCOMMODATION:

If special accommodations are required at any stage of the selection process, complete the Request for Reasonable Accommodation in the Examination Process Form and provide the required documentation by the final filing deadline. The form can be obtained by accessing the link on the Human Resources and Organizational Services homepage or by contacting Human Resources.

VETERAN'S CREDIT:

All applicants who have successfully completed the application/selection procedures and examination process may be eligible for veteran's credit. Applicants must have served on active duty for a period of not less than 90 days in the armed forces in time of war or national emergency, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States and who has been discharged or released under honorable conditions, and widows of such persons shall be allowed credit. Military Records Form DD214 must be submitted for further review and determination of appropriate credits.

WAIVER OF SELECTION PROCEDURES:

When selection procedures have been publicly announced and the number of applicants meeting the minimum qualifications for the position is five or less, the Human Resources Director may, at her/his discretion; a) Waive the competition entirely and submit the names of the applicants meeting the minimum qualifications to the appointing department, b) Revise the conditions of competition to a more practical basis under the circumstances.

EMPLOYMENT ELIGIBILITY LIST:

An employment eligibility list is established for those applicants who successfully pass all phases of the examination process. This list will be held for a maximum of **(6) Six months** from the date the list is certified. For each vacancy the top five (5) ranks on the list will be certified to the department for final selection, which will include a departmental interview.

DEPARTMENTAL INTERVIEW:

The **Sheriff's Department** will notify the applicant of the date and time of his/her interview. The applicant will be asked a series of questions about his/herself and his/her related experience, education and training that exhibit the knowledge, skills and abilities essential to the job. The applicant may also be asked questions about hypothetical situations to test his/her ability to make decisions and use sound judgment and common sense.

CONDITION OF EMPLOYMENT

All appointments to a position are contingent upon successful completion of the following items:

BACKGROUND INVESTIGATION:

Selected applicant(s) must undergo a background investigation. Certain positions are required to undergo fingerprinting for the purposes of criminal history information. Background investigations may include verification of education, professional licenses and/or certifications, credit history, driving history, previous work history, personal and professional references, and records of mandated drug and alcohol testing as required for safety sensitive transportation work by Department of Transportation.

PRE-EMPLOYMENT MEDICAL REVIEW/EXAMINATION:

Selected applicant(s) who successfully complete the background investigation and psychological exam **(if needed)** are required to complete a pre-employment medical review/examination, which may include drug screening, to assess his/her overall medical suitability for the position.

IMMIGRATION REFORM AND CONTROL ACT OF 1986:

Selected applicant(s) are required to submit documents verifying the applicant's identity and authorization to work in accordance with the Immigration Reform and Control Act of 1986.

LICENSING AND CERTIFICATIONS:

Some positions are mandated by law to possess and maintain specialized certificate(s), license(s) and/or registration(s) at the time of appointment. Certain positions are required to obtain such items within an established timeframe or be subject to dismissal.

AGENCY SHOP:

All new, regular employees, with the exception of supervisory position(s), shall be required to join the employee association or pay a 'Fair Share Fee' as a condition of employment.

DISASTER SERVICE WORKERS:

All Yuba County Employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the County requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

THE COUNTY OF YUBA IS A MERIT BASED EQUAL OPPORTUNITY EMPLOYER ENCOURAGING WORKFORCE DIVERSITY

Note: This announcement is intended as a general descriptive recruitment guide and is subject to change. It does not constitute either an expressed or implied contract.

Attachment L

County of Sutter
Established: 09/12/06
Salary Range: PRO38
FLSA: Non-Exempt

CRISIS COUNSELOR

DEFINITION

Under direction, develops therapeutic interventions, treatment recommendations, dispositions and referral services to groups or individuals with acute, severe or chronic problems related to emotional or mental crisis or substance abuse for the Human Services Department.

CLASS CHARACTERISTICS

Individuals in this classification work in Psychiatric Emergency Services and have responsibility for response to and management of individuals experiencing psychiatric emergencies, development and implementation of treatment plans, providing direct client services, client monitoring and evaluation. Positions require specialized knowledge, abilities, skills and experience and often the exercise of independent judgment in the performance of their duties. Work requires the development of recommendations consistent with client safety policies, regulations and directives. Work requires creativity and resourcefulness to accomplish goals and objectives, and in applying concepts, plans and strategies.

EXAMPLES OF ESSENTIAL DUTIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other related duties may be required and assigned

1. Evaluates and assesses individuals with acute/severe problems related to substance abuse, mental or emotional problems; clients may be suicidal, depressed, psychotic and/or potentially violent.
2. Develops and implements specialized individual plans for clients to assist in identifying, minimizing or resolving problems and to ensure safety.
3. Counsels and advises individuals, in person and by telephone, who are experiencing acute emotional or mental crisis.
4. Evaluates clients placed on 72-hour hold and makes recommendations to the medical staff regarding release or detainment.
5. Makes client referrals to community agencies; determines whether individuals meet involuntary detention standards; may place clients on 72-hour hold documenting and following the specific Welfare and Institutions Code 5150 criteria.

6. Consults with mental health and other medical professionals, supervisors, and other staff regarding the status and disposition of clients.
7. Works with client's family to assist them in understanding and dealing with the client's problems.
8. Monitors individual behavior and progress to ensure the disposition and referrals are appropriate; reports and documents observations of client behavior and progress.
9. Develops lines of communication between the County and the community by explaining programs; provides information and advice to law enforcement agencies, community organizations and the general public.
10. Attends meetings, seminars and training sessions as required.
11. Maintains various data used in the generation of reports; utilizes a computer to enter, store, and retrieve data; compiles and produces narrative reports; composes routine correspondence; disseminates information to others; reviews data to ensure accuracy; forwards data to applicable personnel.

EXAMPLES OF MARGINAL DUTIES

1. Provides transportation for clients to outside facilities as needed.
2. Answers the telephone, provides information, takes messages, and/or directs calls as appropriate.
3. Assists in training other staff members as assigned.

MINIMUM QUALIFICATIONS

Knowledge of: Methods and techniques of individual, group and family counseling; crisis intervention principles, methods and techniques; available community resources and sources of referral; effects of alcohol and drugs; knowledge of psychiatric disorders; laws and regulations affecting the detention, counseling or referral of clients; methods and types of short term coping skills; principles and practices of supporting individuals in crisis or dangerous situations.

Ability to: Assess and evaluate withdrawn, agitated, upset or threatening individuals; develop and implement specialized individual plans for clients; maintain confidentiality of patient/client information; establish and maintain effective interpersonal relations with clients, the general public and personnel at all organizational levels; work as a team member; communicate effectively both orally and in writing; maintain accurate records; work variable hours including holidays and weekends; maintain accurate records of client activity and progress; and utilize various software programs relevant to the position.

Education and Experience: Training and experience equivalent to completion of core college course work from an accredited college or university in counseling,

psychology or a closely related field and one year of related experience; or any equivalent combination of training and experience which provides the required skills, knowledge and abilities.

Special Requirements:

Essential Duties require the following physical skills and work requirements:

Ability to maintain mental capacity, which allows the capability to exercise sound judgment and rational thinking under varied circumstances; think and act quickly in emergencies; effectively deal with personal danger; requires the ability to exert physical effort in an emergency as well as sedentary to light work involving moving from one area of the office to another; ability to maintain effective audio-visual discrimination and perception required for making observation and judgment regarding client behavior; ability to hear and communicate orally; requires sufficient hand/eye coordination to perform semi-skilled repetitive movements, such as typing, data entry or use of other office equipment or supplies; involves VDT exposure; ability to operate a motor vehicle.

License or Certificate: Must possess and maintain an appropriate, valid driver's license.

The County of Sutter is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodation to qualified individuals with disabilities. Sutter County encourages both incumbents and individuals who have been offered employment to discuss potential accommodations with the employer.

Attachment M

CLASS SPECIFICAT

Yuba County

November 2003

CLASS TITLE: Correctional Facility Medical Assistant**FLSA STATUS:** Non-exempt

JOB SUMMARY:

Under general supervision provides medical assistance to patients in a county correctional facility; assists physicians and/or nurses in patient care; and performs other related work as required.

CLASS CHARACTERISTICS:

The classification assists Registered Nurses, Licensed Vocational Nurses, Public Health Nurses and Physicians in providing public health services to clients in the county correctional facilities. Functional and technical duties are performed at the direction of those being assisted.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct patient check-in including reviewing forms and documents for completion and take medical history of patient problem.
- Perform health screening; take and chart vital signs and other pertinent information.
- Conduct various screening tests and take samples such as blood and urine.
- Explain medical procedures and medication usage to patients as needed.
- Assist with physical examinations and patient preparation for appropriate medical procedures.
- Carry out nurses' and doctors' orders within the scope of certification.
- Assist in clean up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Build and maintain positive working relationships with staff, clients, and others to maintain good customer service.
- Assist with immunizations and physicals.

QUALIFICATIONS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Purpose and objective of public health organizations.

Correctional Facility Medical Assistant

Page Two

- Modern office practices, procedures and computer equipment.
- Principles and practices of work safety, especially related to communicable diseases.
- Proper English usage, spelling, grammar and punctuation and basic mathematical calculations.

QUALIFICATIONS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Purpose and objective of public health organizations.
- Modern office practices, procedures and computer equipment.
- Principles and practices of work safety, especially related to communicable diseases.
- Proper English usage, spelling, grammar and punctuation and basic mathematical calculations.

Skill in:

- Identifying and resolving problems; nature and urgency of clients needs.
- Interpreting work orders; explaining procedures to clients.
- Understanding and accepting differences in attitudes toward health problems; work tactfully and effectively with various cultural and ethnic groups; and establish and maintain effective working relationships.
- Prioritizing assigned duties and working effectively with interruptions.
- Communicating clearly and effectively both orally and in writing.
- Using various office equipment and medical equipment necessary for effective job performance.
- Proper sterilization procedures and proper handling of human samples including human fluids and wastes.
- Working with persons with communicable diseases.
- Acting quickly and calmly in emergency situations.

Physical Demands:

- Mobility to work in a correctional facility setting, use standard office equipment, and to drive a motor vehicle in order to visit work sites or attend meetings.
- Vision to read printed materials and a VDT screen.
- Hearing and speech to communicate in person and over the telephone.

Working Conditions:

- Pass a detailed background investigation.
- Work in a secured correctional facility.
- Work off-hours and weekend and holiday shifts.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

Licensing and Certification:

- Possess a valid California Drivers License.
- Satisfactory completion of a medical assisting training course

Correctional Facility Medical Assistant
Page Three

- Possess a valid California Drivers License.
- Satisfactory completion of a medical assisting training course.

Background:

Minimum: Certification as a Medical Assistant and two years of experience in a physician's office, clinic, correctional facility or similar setting.

Preferred: Certification as a Medical Assistant and five years of experience in a correctional facility setting.

This class specification lists the major duties and requirements of the job. Incumbent(s) may be expected to perform job-related duties other than those contained in this document.

Dept Initials: _____
Date: _____

M O'Rourke Page 3 11/20/2003

Personnel Initials: _____
Date: _____

Attachment N

CLASS SPECIFICATIC

Yuba County

July 2005

CLASS TITLE: Correctional Facility Medical Assistant**FLSA STATUS:** Non-exempt

JOB SUMMARY:

Under general supervision provides medical assistance to patients in a county correctional facility; assists physicians and/or nurses in patient care; and performs other related work as required.

CLASS CHARACTERISTICS:

The classification assists Registered Nurses, Licensed Vocational Nurses, Public Health Nurses and Physicians in providing public health services to clients in the county correctional facilities. Functional and technical duties are performed at the direction of those being assisted.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct patient check-in including reviewing forms and documents for completion and take medical history of patient problem.
- Perform health screening; take and chart vital signs and other pertinent information.
- Conduct various screening tests and take samples such as blood and urine.
- Explain medical procedures and medication usage to patients as needed.
- Assist with physical examinations and patient preparation for appropriate medical procedures.
- Carry out nurses' and doctors' orders within the scope of certification.
- Assist in clean up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Build and maintain positive working relationships with staff, clients, and others to maintain good customer service.
- Assist with immunizations and physicals.

QUALIFICATIONS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Purpose and objective of public health organizations.
- Modern office practices, procedures and computer equipment.
- Principles and practices of work safety, especially related to communicable diseases.
- Proper English usage, spelling, grammar and punctuation and basic mathematical calculations.

QUALIFICATIONS:

Knowledge of:

Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
Purpose and objective of public health organizations.
Modern office practices, procedures and computer equipment.
Principles and practices of work safety, especially related to communicable diseases.
Proper English usage, spelling, grammar and punctuation and basic mathematical calculations.

Skill in:

Identifying and resolving problems; nature and urgency of clients needs.
Interpreting work orders; explaining procedures to clients.
Understanding and accepting differences in attitudes toward health problems; work tactfully and effectively with various cultural and ethnic groups; and establish and maintain effective working relationships.
Prioritizing assigned duties and working effectively with interruptions.
Communicating clearly and effectively both orally and in writing.
Using various office equipment and medical equipment necessary for effective job performance.
Proper sterilization procedures and proper handling of human samples including human fluids and wastes.
Working with persons with communicable diseases.
Acting quickly and calmly in emergency situations.

Physical Demands:

- Mobility to work in a correctional facility setting, use standard office equipment, and to drive a motor vehicle in order to visit work sites or attend meetings.
- Vision to read printed materials and a computer screen for prolonged periods of time.
- Hearing and speech to communicate in person and over the telephone.

Working Conditions:

- Pass a detailed background investigation.
- Work in a secured correctional facility.
- Work off-hours and weekend and holiday shifts.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

Licensing and Certification:

- Possess a valid California Drivers License.
- Satisfactory completion of a medical assisting training course

Background:

Minimum: Equivalent to graduation from high school, certification as a Medical Assistant and one year of experience in a physician's office, clinic, correctional facility or similar setting.

Preferred: In addition to the minimum qualifications, five years of experience in a correctional facility setting.

This class specification lists the major duties and requirements of the job. Incumbent(s) may be expected to perform job-related duties other than those contained in this document.

Attachment O

CLASSIFICATION SPECIFICA

Page 1 of 3

CLASSIFICATION: Correctional Facility Medical Assistant
ALLOCATION: Health and Human Services Department
FLSA STATUS: Non-Exempt
UNION AFFILIATION: YCEA

ESTABLISHED: July 2001
REVISED: December 2009

**JOB SUMMARY:**

Under general supervision provides medical assistance to in-mates in a county correctional facility; assists physicians and/or nurses in in-mate care and performs related work as assigned.

This is the entry Paraprofessional level in the correctional facility nursing series.

CLASS CHARACTERISTICS:

This position reports directly to the County Health Officer, but may receive direction from a Registered Nurse. This class is distinguished from the Correctional Facility Licensed Vocational Nurse in that the latter is a para-professional-level nurse, possessing appropriate licensure in the State of California and by level and intensity of the nursing care provided.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct in-mate check-in including reviewing forms and documents for completion and take medical history of in-mate issue.
- Perform health screening; take and chart vital signs, including blood pressure, pulse, temperature, height and weight; charts in-mate status observations.
- Obtains sputum, urine and stool specimens for laboratory analysis; performs blood glucose tests and various screening tests.
- Explain medical procedures and medication usage to in-mates as needed, under the supervision of a professional nurse or physician.
- Assist with physical examinations and in-mate preparation for appropriate medical procedures.
- Carry out nurses' and physicians' orders within the scope of certification.
- Assist in clean up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Provide good customer service through building and maintaining positive working relationships with staff, in-mates and others.
- Assist with immunizations and physicals.
- Maintains security of the nursing office and controlled substances within the secured setting.
- Complies with all provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); complies with all relevant laws and regulations regarding confidentiality.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Maintains examination and treatment rooms in an orderly and sterile condition.

EMPLOYMENT STANDARDS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Modern office practices, procedures and computer equipment.
- Principles and processes for providing customer and personal services. This includes in-mates needs assessment, meeting quality standards for services, and evaluation of customer satisfaction.
- Principles and practices of work safety, especially related to communicable diseases.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.

- Basic mathematical calculations.
- First aid and CPR methods and techniques.
- Applicable laws, codes and regulations.
- Medical terminology and charting practices.
- Use and care of specialized medical equipment and supplies.
- Relevant equipment, policies, procedures, and strategies to promote effective security operations for the protection of people, data, property and institutions.
- Effective techniques for dealing with the public, in person and over the telephone, occasionally where relations may be confrontational or strained.

Skill in:

- Identifying and resolving problems; nature and urgency of in-mates needs.
- Interpreting work orders; explaining procedures to in-mates.
- Understanding and accepting differences in attitudes toward health problems
- Prioritizing assigned duties and working effectively with interruptions.
- Operating, cleaning and adjusting office and medical equipment necessary for effective job performance.
- Maintaining accurate records and charts, including operating and maintain automated in-mate records.
- Using initiative and independent judgment within established procedural guidelines.
- Organizing own work, setting priorities and meeting critical deadlines.
- Communicating clearly and effectively both orally and in writing.
- Proper sterilization procedures and proper handling of human samples including human fluids and waste.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.
- Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
- Being aware of others' reactions and understanding why they react as they do.
- Interviewing and obtaining accurate information from a diverse client population.
- Dealing successfully with a variety of individuals from various socioeconomic, ethnic and cultural backgrounds.

Ability to:

- Give full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate and not interrupting at inappropriate times.
- Apply institutional rules, policies and regulations to maintain safety.
- Recognize when something is wrong or is likely to go wrong.
- Establish and maintain effective working relationships in a diverse work force and community.
- Take action on controversial issues that may conflict with personal values and interact with others in a non-judgmental manner.
- Maintain composure, keep emotions in check, control anger, and avoid aggressive behavior, even in very difficult situations.
- Deal effectively with manipulative, hostile or antisocial behavior.
- Accept criticism and deal calmly and effectively with high stress situations.
- Perform calmly, purposefully and appropriately in emergency and stressful situations.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group V) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.

Accommodation may be made for some of these physical der
require and request such accommodation.

Work Environment:

- Work in a secured correctional facility.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications the County reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures:

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment.
- Possess and maintain a valid certification as a Medical Assistant.
- Possess or ability to obtain a valid First Aid and CPR Certifications within one (1) year of appointment to classification and maintain annually thereafter.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which includes Live Scan fingerprinting
- Rotational shift work to include nights, weekends and holidays.

Education and Experience:

MINIMUM: Graduation from high school, certification as a Medical Assistant and one year of experience as a Medical Assistant in a physician's office, clinic, or similar setting.

PREFERRED: In addition to the minimum, two years of experience working in a correctional or lock-down facility.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Dept Approval: Suzanne Nobles
Date:

Signature: _____

Personnel Approval: Iva Seaberg
Date:

Signature: _____

Attachment P

CLASSIFICATION SPECI

Page 1 of 3

CLASSIFICATION: Correctional Facility Medical Assistant
ALLOCATION: Sheriff's Department
FLSA STATUS: Non-exempt
UNION AFFILIATION: YCEA

ESTABLISHED: July 2001
REVISED: November 2013

**JOB SUMMARY:**

Under general supervision provides medical assistance to in-mates in a county correctional facility; assists physicians and/or nurses in in-mate care and performs related work as assigned.

This is the entry-level in the correctional facility medical series.

CLASS CHARACTERISTICS:

This position reports directly to Sheriff's Captain, receives medical direction from Correctional Medical Officer and may receive lead direction from a Registered Nurse. This class is distinguished from the Correctional Facility Licensed Vocational Nurse in that the latter is a para-professional nurse, possessing appropriate licensure in the State of California and by the level and intensity of the nursing care provided.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct in-mate check-in including reviewing forms and documents for completion and taking medical history of in-mate issue.
- Perform health screening; take and chart vital signs, including blood pressure, pulse, temperature, height and weight; chart in-mate status observations.
- Obtain sputum, urine and stool specimens for laboratory analysis; perform blood glucose tests and various screening tests.
- Explain medical procedures and medication usage to in-mates as needed, under the supervision of a professional nurse or physician.
- Assist with physical examinations and in-mate preparation for appropriate medical procedures.
- Carry out nurses' and physicians' orders within the scope of certification.
- Assist in clean-up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record-keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Provide good customer service through building and maintaining positive working relationships with staff, in-mates and others.
- Assist with immunizations and physicals.
- Maintain security of the nursing office and controlled substances within the secured setting.
- Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); comply with all relevant laws and regulations regarding confidentiality.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Maintain examination and treatment rooms in an orderly and sterile condition.

EMPLOYMENT STANDARDS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Modern office practices, procedures and computer equipment.
- Principles and processes for providing customer and personal services. This includes in-mates needs assessment, meeting quality standards for services and evaluation of customer satisfaction.
- Principles and practices of work safety, especially related to communicable diseases.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.
- Basic mathematical calculations.

- First aid and CPR methods and techniques.
- Applicable laws, codes and regulations.
- Medical terminology and charting practices.
- Use and care of specialized medical equipment and supplies.
- Relevant equipment, policies, procedures, and strategies to promote effective security operations for the protection of people, data, property and institutions.
- Effective techniques for dealing with the public, in person and over the telephone, occasionally where relations may be confrontational or strained.

Skill in:

- Identifying and resolving problems; nature and urgency of in-mates needs.
- Interpreting work orders; explaining procedures to in-mates.
- Understanding and accepting differences in attitudes about health problems.
- Prioritizing assigned duties and working effectively with interruptions.
- Operating, cleaning and adjusting office and medical equipment necessary for effective job performance.
- Maintaining accurate records and charts, including operating and maintaining automated in-mate records.
- Organizing own work, setting priorities and meeting critical deadlines.
- Communicating clearly and effectively, both orally and in writing.
- Proper sterilization procedures and proper handling of human samples including human fluids and waste.
- Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
- Being aware of others' reactions and understanding why they react as they do.
- Interviewing and obtaining accurate information from a diverse client population.
- Dealing successfully with a variety of individuals from various socio-economic, ethnic and cultural backgrounds.

Ability to:

- Listen carefully to what other people are saying, take time to understand the points being made, and ask questions as appropriate for clarification.
- Apply institutional rules, policies and regulations to maintain safety.
- Use initiative and independent judgment within established procedural guidelines.
- Recognize when something is wrong or is likely to go wrong.
- Establish and maintain effective working relationships in a diverse work force and community.
- Take action on controversial issues that may conflict with personal values and interact with others in a non-judgmental manner.
- Maintain composure, keep emotions in check, control anger, and avoid aggressive behavior, even in very difficult situations.
- Deal effectively with manipulative, hostile or anti-social behavior.
- Accept criticism and deal calmly and effectively with high stress situations.
- Perform calmly, purposefully and appropriately in emergency and stressful situations.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group V) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- Work in a secured correctional facility.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment; maintain throughout employment.
- Possess and maintain a valid certification as a Medical Assistant.
- Possess or ability to obtain a valid First Aid and CPR Certifications within one (1) year of appointment to classification and maintain annually thereafter.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which includes Live Scan fingerprinting prior to hire.
- Rotational shift work to include nights, weekends and holidays.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Education and Experience:

MINIMUM: Graduation from high school, certification as a Medical Assistant and one year of experience as a Medical Assistant in a physician's office, clinic, or similar setting.

PREFERRED: In addition to the minimum, two years of experience working in a correctional or lock-down facility.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Sheriff Approval: Jerry Read
Date:

EEOC: F
WC: 9410

Human Resources Approval: Iva Seaberg
Date:

Signature: _____

Signature:

Attachment Q

CLASSIFICATION SPECII

Page 1 of 3

CLASSIFICATION: Correctional Facility Medical Assistant
ALLOCATION: Sheriff's Department
FLSA STATUS: Non-exempt
UNION AFFILIATION: YCEA

ESTABLISHED: July 2001
REVISED: April 2014

**JOB SUMMARY:**

Under general supervision provides medical assistance to inmates in a county correctional facility; assists physicians and/or nurses in inmate care and performs related work as assigned.

This is the entry-level in the correctional facility medical series.

CLASS CHARACTERISTICS:

This position reports directly to Sheriff's Captain, receives medical direction from Correctional Medical Officer and may receive lead direction from a Registered Nurse. This class is distinguished from the Correctional Facility Licensed Vocational Nurse in that the latter is a para-professional nurse, possessing appropriate licensure in the State of California and by the level and intensity of the nursing care provided.

EXAMPLES OF DUTIES:**Essential:**

- Prepare rooms with appropriate and adequate supplies and equipment for examinations and treatment.
- Conduct inmate check-in including reviewing forms and documents for completion and taking medical history of inmate issue.
- Perform health screening; take and chart vital signs, including blood pressure, pulse, temperature, height and weight; chart inmate status observations.
- Obtain sputum, urine and stool specimens for laboratory analysis; perform blood glucose tests and various screening tests.
- Explain medical procedures and medication usage to inmates as needed, under the supervision of a professional nurse or physician.
- Assist with physical examinations and inmate preparation for appropriate medical procedures.
- Carry out nurses' and physicians' orders within the scope of certification.
- Assist in clean-up after appointments.
- Assist in planning and evaluating program activities and gathering statistics.
- Perform various office clerical duties including telephone and site reception, typing, filing, photocopying and record-keeping.
- Assist with various referral follow-up activities including lab requests and results.
- Provide good customer service through building and maintaining positive working relationships with staff, inmates and others.
- Assist with immunizations and physicals.
- Maintain security of the nursing office and controlled substances within the secured setting.
- Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); comply with all relevant laws and regulations regarding confidentiality.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Maintain examination and treatment rooms in an orderly and sterile condition.

EMPLOYMENT STANDARDS:**Knowledge of:**

- Medical assistance practices and procedures, including sterile techniques, emergency medical procedures, basic anatomy and physiology, possible complications from procedures, medical terminology and medical record confidentiality.
- Modern office practices, procedures and computer equipment.
- Principles and processes for providing customer and personal services. This includes inmates needs assessment, meeting quality standards for services and evaluation of customer satisfaction.
- Principles and practices of work safety, especially related to communicable diseases.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.
- Basic mathematical calculations.

- First aid and CPR methods and techniques.
- Applicable laws, codes and regulations.
- Medical terminology and charting practices.
- Use and care of specialized medical equipment and supplies.
- Relevant equipment, policies, procedures, and strategies to promote effective security operations for the protection of people, data, property and institutions.
- Effective techniques for dealing with the public, in person and over the telephone, occasionally where relations may be confrontational or strained.

Skill in:

- Identifying and resolving problems; nature and urgency of inmates needs.
- Interpreting work orders; explaining procedures to inmates.
- Understanding and accepting differences in attitudes about health problems.
- Prioritizing assigned duties and working effectively with interruptions.
- Operating, cleaning and adjusting office and medical equipment necessary for effective job performance.
- Maintaining accurate records and charts, including operating and maintaining automated inmate records.
- Organizing own work, setting priorities and meeting critical deadlines.
- Communicating clearly and effectively, both orally and in writing.
- Proper sterilization procedures and proper handling of human samples including human fluids and waste.
- Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
- Being aware of others' reactions and understanding why they react as they do.
- Interviewing and obtaining accurate information from a diverse client population.
- Dealing successfully with a variety of individuals from various socio-economic, ethnic and cultural backgrounds.

Ability to:

- Listen carefully to what other people are saying, take time to understand the points being made, and ask questions as appropriate for clarification.
- Apply institutional rules, policies and regulations to maintain safety.
- Use initiative and independent judgment within established procedural guidelines.
- Recognize when something is wrong or is likely to go wrong.
- Establish and maintain effective working relationships in a diverse work force and community.
- Take action on controversial issues that may conflict with personal values and interact with others in a non-judgmental manner.
- Maintain composure, keep emotions in check, control anger, and avoid aggressive behavior, even in very difficult situations.
- Deal effectively with manipulative, hostile or anti-social behavior.
- Accept criticism and deal calmly and effectively with high stress situations.
- Perform calmly, purposefully and appropriately in emergency and stressful situations.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group V) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- Work in a secured correctional facility.
- Work with exposure to individuals who may be hostile or place the incumbent in a potentially harmful situation.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment; maintain throughout employment.
- Possess and maintain a valid certification as a Medical Assistant.
- Possess or ability to obtain a valid First Aid and CPR Certifications within one (1) year of appointment to classification and maintain annually thereafter.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which includes Live Scan fingerprinting prior to hire.
- Rotational shift work to include nights, weekends and holidays.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Education and Experience:

MINIMUM: Graduation from high school, certification as a Medical Assistant and some experience in a physician's office, clinic, or similar setting.

PREFERRED: In addition to the minimum, experience as a Medical Assistant and two years of experience working in a correctional or lock-down facility.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Sheriff Approval: Jerry Read
Date:

EEOC: F
WC: 9410

Human Resources Approval: Iva Seaberg
Date:

Signature: _____

Signature: _____

Attachment R



\$20.48-\$24.90 hourly / \$3,550.20-\$4,315.36 monthly / \$42,602.35-\$51,784.30 yearly

Placer County Personnel Department

Medical Assistant (#15609)

Close
Print



Email Me when a Job Opens for the above position(s)

DEFINITION

To provide paraprofessional medical assistance services to patients in the County Primary Care Program; and to assist physicians and nurses in patient care.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a licensed physician or surgeon (within his/her scope of practice) who is physically present in the treatment facility during the performance of assigned duties or procedures. The supervising physician may provide written instructions to be followed by a medical assistant in the performance of tasks or supportive services. Such instructions may provide that a physician's assistant or registered nurse may assign and supervise tasks authorized by the physician.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Coordinate clinic arrangements, including checking equipment operation; select, pack and transport clinic equipment and supplies to clinic sites; set up stations; and prepare rooms with appropriate and adequate supplies and equipment for examination and treatment.
- Conduct patient check-in; review forms and documents for completion; take and record history of patient problem; assess nature and urgency of patient problem; maintain adequate patient flow; collect and receipt payments; and assist in gathering statistics.
- Perform health and diet screenings; take and chart vital signs and other pertinent information; perform ECG's peak flows and various other screening tests such as vision and hearing and take samples such as blood and urine; review and explain medical procedures and medication usage to patients as needed.
- Assist physicians and nurses in giving physical examinations; prepare patient appropriately for medical procedure; carry out physician orders within scope of certification; and assist in clean up after clinic is held.
- Maintain proper handling, recording, transporting, and documentation of biohazard wastes and laboratory specimens.
- Perform ear lavage; apply and remove bandages and dressings, apply orthopedic appliances, remove casts, splints and other external devices, select and adjust crutches. Administer oral, sublingual, topical, vaginal, or rectal medication by providing a single dose to a patient for immediate self-administration; verify the correct dosage, medication and client with another person authorized to do so.
- Administer single dose parenteral medications as per order using correct medication verification protocols.
- Explain various public health programs and available community resources to patients in person, by telephone, in writing or through community outreach activities; assist in preparing educational pamphlets and posters; and assist in planning and evaluating program activities, including adapting health education for various target groups.
- Perform various clerical duties related to program services, including telephone and site reception, typing, filing, copying and record keeping; establish and maintain medical records and other files.
- Build and maintain positive working relationships with co-workers, other County employees and the public using principles of good customer service.
- Maintain medical ethics and confidentiality, promote and acknowledge patient's rights.
- Use various nursing care supplies and equipment such as blood pressure cuff, audiometer, tonometer, syringes, and Snellen charts.
- Use sterilization procedures.
- Use a computer, calculator, typewriter, facsimile machine, postage meter, and photocopy machine.
- Communicate clearly and concisely both orally and in writing.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Experience and Training

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience and Training:

Experience and training obtained by on the job training for completion of a medical assisting program that results in an approved Medical Assistant Certificate.

License or Certificate:

- Possession of a Medical Assistant Certificate issued by a secondary, postsecondary or adult education program in a public school authorized by the Department of Education, in a community college program provided for in Part 48 of Division 7 of the Education Code or postsecondary institution approved by the Medical Board of California, Division of Licensing.
- May need to possess a valid driver's license as required by the position. Proof of adequate vehicle insurance and medical clearance may also be required.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Medical assistant practices and procedures.
- Modern office procedures, methods and computer equipment.
- Principles and practices of work safety, especially related to communicable diseases, including Universal Precautions, OSHA, CLIA, and Hazmat.
- English usage, spelling, grammar and punctuation; arithmetic and basic mathematical calculations.

Ability to:

- On a continuous basis, know and understand operations and observe safety rules. Intermittently identify and problem solve routine clinic operations; identify and locate supplies and equipment; interpret work orders; and explain operations and procedures to patients.
- Intermittently, sit while typing or preparing records and charts; walk, bend, squat, climb, kneel or twist when assisting patients, handling supplies/equipment or retrieving/returning files/charts; perform simple and power grasping, pushing, pulling and fine manipulation; write or use keyboard to communicate through written means; and lift heavy weight.
- Prioritize activities relative to assigned duties.
- Understand and accept differences in attitudes toward health problems.
- Work with various cultural and ethnic groups in a tactful and effective manner.
- Act quickly and calmly in emergency situations.
- Obtain information through interview; work effectively with interruption; and deal fairly and courteously with the public.
- Analyze situations quickly and objectively and determine proper course of action.
- Use a computer, calculator, typewriter, facsimile machine, postage meter and photocopy machine.
- Type at a speed necessary for successful job performance.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

CLASS: 15609**EST: 9/2/1995****REV: 7/1/2000**

Attachment S

CLASSIFICATION SPECIFIC.

CLASSIFICATION: Executive Assistant
ALLOCATION: County-Wide
FLSA STATUS: Non-exempt
UNION AFFILIATION: YCEA

ESTABLISHED: January 2008
REVISED: December 2013

**JOB SUMMARY:**

Under general supervision provide varied, complex and often sensitive administrative support to a department head requiring the frequent use of tact, discretion, initiative and independent judgment; compile a variety of statistical and informational data; may provide project or day-to-day direction to an office support staff, as required; attend meetings, often involving contact with government officials, the Board of Supervisors and Commissions, representatives of business or community organizations, the public, and all levels of County personnel to exchange information and explain administrative policies and procedures and perform other duties as assigned.

This is the advanced-journey level in the administrative series.

CLASS CHARACTERISTICS:

This position reports directly to an assigned Executive level position. This class is distinguished from the Executive Assistant to the County Administrator as the scope of responsibilities of the latter requires the incumbent to possess extensive knowledge of unique, diverse and complex issues and daily events of a highly sensitive nature. This class is further distinguished from the Executive Assistant to the Sheriff by the specialized knowledge of the latter of the legal environment of the County and State law enforcement community and exposure to sensitive information of a criminal nature.

EXAMPLES OF DUTIES:**Essential:**

- Receive and screen visitors and telephone calls which may involve contact with the media and/or public officials; provide information and resolve complaints which require the use of judgment and interpretation of policies and procedures.
- Make appointments and maintain calendar for the Director and managers; schedule and arrange for meetings.
- Research, compile and summarize a variety of informational or statistical materials; assist with compiling and reviewing budget figures; maintain budget and balance expenditures, purchasing and other financial and business records.
- Maintain inventory; orders office supplies; purchase equipment; receive, review and process invoices.
- Prepare drafts and a wide variety of finished documents from notes, brief instruction, or prior materials; input or retrieve data and prepare a variety of reports.
- Initiate specified correspondence independently for signature by appropriate management staff or the department director.
- Review finished materials for completeness, accuracy, format, appropriate English usage and compliance with policies and procedures.
- Develop and maintain a variety of administrative, reference, personnel and follow-up files and records; purge files as required; maintain various policies and procedural manuals.
- Organize meetings by notifying participants and making room arrangements; prepare agenda and meeting packets; attend meetings; take, transcribe and distribute meeting minutes.
- Prepare and coordinate agenda items for Board of Supervisors, commissions, councils and committees; ensure all supporting documentation is included.
- Process invoices and requests for payment; may accept and balance money and/or prepare and receipt bills for departmental services.
- Relieve department head, managers and supervisors of office administrative matters by following up on projects, transmitting information and keeping informed of pertinent activities.
- Receive, review and process department payroll.
- Track and process employee evaluations and personnel related activities for assigned department.
- Process travel requests; make travel arrangements; process travel reimbursements.
- Update department website information.
- Build and maintain positive working relationships with co-workers, County employees, and the public using principles of good customer service.
- Receive and process incoming mail.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Use standard office equipment, including a computer, in the course of the work.
- May organize, coordinate, direct and review the work of an associated office support staff; may direct staff in work procedures; may assist in selecting and evaluating the work of assigned staff.

EMPLOYMENT STANDARDS:**Knowledge of:**

- Standard office administrative support practices and procedures.
- Administrative and clerical procedures and systems such as word processing, managing files and records, designing forms, and other office procedures and terminology.
- Basic organization and function of public agencies, including the role of an elected Board of Supervisors and appointed boards and commissions.
- Basic budgetary and accounting practices and terminology.
- Record-keeping, report preparation, filing methods and records management techniques.
- Principles and processes for providing customer and personal services, including customer needs assessment, meeting quality standards for services, and evaluation of customer satisfaction.
- Modern office equipment, methods, procedures and computer hardware and software.
- Principles of business letter writing.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.
- Business arithmetic, algebra, statistics, and their applications.
- Techniques for dealing with a variety of individuals from various socio-economic, ethnic and cultural backgrounds, in person and over the telephone.
- Techniques for working successfully with other employees in a lead capacity.
- Principles and practices of technical and functional supervision and training.
- Pertinent laws, codes and regulations.

Skill in:

- Providing varied, responsible, and often sensitive secretarial and office administrative assistance to a department director and associated management, supervisory and professional staff.
- Analyzing and resolving office administrative situations and problems.
- Designing and managing databases or spreadsheet files and developing special report formats.
- Researching, compiling, and summarizing a variety of informational and statistical materials.
- Composing professional correspondence and letters, independently or from brief instructions.
- Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.
- Effectively using tact, patience, courtesy, discretion and prudence in dealing with those contacted in the course of the work.
- Maintaining accurate records and files.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.
- Directing, coordinating and reviewing the work of assigned staff and instructing staff in work procedures.

Ability to:

- Listen carefully to what other people are saying, take time to understand the points being made, and ask questions as appropriate for clarification.
- Perform complex clerical work rapidly and accurately.
- Accept criticism and deal calmly and effectively with high stress situations.
- Develop specific goals and plans to prioritize, organize, and reliably accomplish workload under limited supervision.
- Exercising appropriate judgment in answering questions, responding to requests and releasing information.
- Using initiative and independent judgment within general guidelines.
- Communicate effectively and efficiently verbally and in writing; follow and issue verbal and written instructions.
- Typing at a net rate of 40 words per minute from printed copy.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group IV) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- Generally a typical office environment.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment; maintain throughout employment.
- Typing Certificate: Minimum Net of 40 wpm. Typing Certificate must indicate results from a five (5) minute test with at least the minimum net wpm required.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which may include Live Scan fingerprinting prior to hire.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Education and Experience:

MINIMUM: Associate's degree from an accredited college with major course work in business or a related field; and three years of experience at a level equivalent to the County's classification of Office Specialist.

Candidates with strong experience who lack the degree are encouraged to apply.

PREFERRED: In addition to the minimum, secretarial or office administrative experience in a governmental agency; certain positions may prefer increased typing accuracy and speed.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Agency Approval: Martha K. Wilson
Date:

EEOC: F
WC: 8810.1

Human Resources Approval: Iva Seaberg
Date:

Signature: _____

Signature: _____

Attachment T

CLASS SPECIFICATION

Yuba County

October 2001
Attachment T

CLASS TITLE: Administrative Assistant

Page 1 of 3

FLSA STATUS: Non-exempt

JOB SUMMARY:

Performs paraprofessional level administrative, operational, procedural, programmatic and/or budgetary, cost accounting and related analysis and support for County departments or on a County-wide basis; performs related work as assigned.

CLASS CHARACTERISTICS: This administrative support class performs a variety of activities in such administrative areas such as personnel, budgeting, cost accounting, contract administration, operational research, dealing with and providing staff support to commissions, committees and/or other agencies. Although work assignments are diverse, all positions normally follow defined policies and procedures, have some responsibility for procedural changes and/or non-technical program oversight and have the availability of acting as a lead in non-routine circumstances.

EXAMPLES OF DUTIES:

Essential:

- Conducts administrative, operational, budgetary, accounting or other informational and research projects related to the activities or operational area to which assigned; may prepare standard legal documents such as contracts.
- Analyzes alternatives and makes recommendations regarding such matters as budget development, administrative policies, staffing, facilities, productivity, permitting processes and procedure development and implementation.
- Writes, prepares and coordinates agenda items for the Board of Supervisors, other commissions, councils or committees; ensures that all supporting documentation is included with such items; follows-up on governing or policy body actions as required.
- Attends to a variety of office administrative details, such as making travel arrangements, coordinating materials and supply orders, preparing agreements, arranging for equipment purchase and maintenance and attending meetings or serving on various task forces and committees.
- Prepares various funding, budget, and accounting reports and maintains records as necessary.
- Provides contract service oversight and support; coordinates purchasing activities; reviews requests for payment, ensures that work was performed and/or materials delivered and processes invoices.
- Assists with and performs specific administrative support activities such as reviewing and tracking proposed legislation, assisting with the implementation of departmental automated systems and representing the department or agency head and others as specified.
- Confers with and represents the department and the County or agency in meetings with staff from other departments, representatives of governmental, community, business, professional and public agencies and the public.
- Compiles figures for the preparation of the unit's budget; makes standard projections for payroll and other costs; researches capital improvement and equipment costs; inputs draft and final budget information and produces final budget documents.
- Coordinates and variety of departmental personnel activities; processes personnel and payroll forms; ensures that forms and requests are in conformance with rules and regulations.
- May have programmatic responsibility for non-technical activities related to the department to which assigned.

- Maintains accurate records and files related to the areas of assignment.
- Prepares a variety of technical, statistical and narrative reports, letters, memos and other written materials.

Important:

- May plan, assign, review and evaluate the work of technical or office support staff on a project or day-to-day basis.
- Uses standard office equipment including a computer, in the course of the work; may drive a motor vehicle to attend meetings and visit work sites.

QUALIFICATIONS:**Knowledge of:**

Basic principles and practices of public administration.
Basic data sampling and statistical analysis techniques.
Basic budgetary and accounting practices and terminology.
Basic principles and practices of directing the work of others.
Specific functions, terminology and concepts related to the functional area to which assigned.
Applicable laws, codes and regulations.
Computer applications related to the work.
Business arithmetic.
Standard office practices and procedures, including filing and the operation of standard office equipment.
Record keeping principles and practices.
Correct business English, including spelling, grammar and punctuation.
Techniques for dealing with the public, in person and over the telephone.

Skill in:

Performing paraprofessional level analytical and programmatic work in a variety of areas.
Interpreting, applying and explaining applicable laws, codes and regulations.
Maintaining accurate records and files.
Preparing clear and concise reports, correspondence and other written materials.
Using initiative and independent judgment within general policy guidelines.
Planning, directing and reviewing the work of others on a project or day-to-day basis.
Working without close supervision in standard work situations.
Establishing and maintaining effective working relationships with those contacted in the course of the work.
Using tact, discretion and prudence in dealing with those contacted in the course of the work.

Ability/Physical Requirements:

- Mobility to work in a typical office setting, use standard office equipment, and may require ability to drive a motor vehicle.
- Vision to read printed materials and a computer screen for prolonged periods of time.
- Hearing and speech to communicate in person or over the telephone.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Working Conditions:

- Generally a typical office environment.

Licensing and Certification:

- Specified positions may require the ability to obtain a valid California Class C driver's license within thirty (30) days of employment.

Background: The minimum and preferred requirements are listed below.

Minimum: Equivalent to graduation from high school and 5 years of progressively responsible administrative or secretarial experience.

Preferred: Possession of an Associate of Arts degree in an appropriate field and up to four additional years of advanced experience.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Dept Initials: _____
Date: _____

Michael O'Connor Page 3 5/28/2015

Personnel Initials: _____
Date: _____

Attachment U

No. 14-15866
UNITED STATES COURT OF APPEALS
NINTH CIRCUIT

DAVID HEDRICK; et al.,
Plaintiffs-Appellees,

v.

JAMES GRANT; et al.

Defendants-Appellants.

Appeal from the United States District Court
Eastern District of California
No. 2:76-CV-00162-GEB-EFB

**OPENING BRIEF OF APPELLANT SHERIFF OF YUBA
COUNTY**

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Chief Deputy County Counsel
Angil P. Morris-Jones, State Bar No. 82441
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STATEMENT OF JURISDICTION

This is an appeal from the denial of a motion to terminate an institutional consent decree. The denial of a motion to vacate a consent decree under Federal Rule of Civil Procedure 60(b) is final and appealable under 28 U.S.C. 1291. *Jeff D. v. Kempthorne*, 365 F.3d 844, 849-850 (9th Cir. 2004). The order from which the appeal is brought was entered by the District Court on April 2, 2014. A Notice of Appeal was timely filed on April 29, 2014. ER 001.

STATEMENT OF ISSUES PRESENTED FOR REVIEW

This appeal presents two issues for review:

1. Did the District Court err in failing to find that the provisions of the Prison Litigation Reform Act require that the Consent Decree involved in this case be terminated?; and
2. Did the District Court err in denying the County of Yuba's motion to terminate the Consent Decree without giving the County an opportunity for a hearing?

STATEMENT OF THE CASE

On March 24, 1976 a lawsuit was filed in the Eastern District of California on behalf of a number of plaintiffs incarcerated in the Yuba County Jail (the Jail).

The Jail is located in Marysville, California and is operated by the Yuba County Sheriff. The lawsuit had to do with the conditions of confinement in the Jail. The case was certified as a class action in July of 1976, with the plaintiff class being represented by California Rural Legal Assistance, Inc. (CRLA). The named defendants were the Yuba County Sheriff and the members of the Yuba County Board of Supervisors at the time. None of the named defendants are any longer involved in County administration; the defendants in this Brief will be referred to collectively as "the County of Yuba" or simply "the County". The County, on behalf of all defendants, answered the complaint. In November of 1978 the parties stipulated to the entry of a Consent Decree containing a comprehensive resolution (50 pages) of most of the Plaintiffs' claims. ER 161. The Court approved the stipulated Consent Decree in May of 1979 (ER 158) and that Consent Decree has been in place ever since. Under the terms of the Consent Decree, the Court was to retain jurisdiction until issues not addressed by the Consent Decree were resolved and the Court determined a duration for the Consent Decree. The only issues that remained to be resolved had to do with "contact visitation" and attorneys' fees. Those issues were resolved later in 1979 and in 1980. As best that present counsel for the County can determine, no further action of significance took place in the case, and a Consent Decree remained in place with no stated duration or "sunset provision". On October 6, 1987 the Court entered a minute

order administratively terminating the action without prejudice to the right of the parties to reopen the proceedings for the entry of any stipulation, motion, or order, or for any other purpose required to obtain an interim or final determination of the litigation. ER 157.

Under the terms of the Consent Decree, CRLA was to monitor compliance with its terms. Presumably they did so, but the available court records indicate that there was never any instance of non-compliance or problems with the Consent Decree sufficient for the Plaintiffs to request any kind of court action or intervention. In 1996 Congress passed Public Law 104-134 (ER 134) which, among other provisions, prohibited recipients of funding under the Legal Services Corporation Act of 1974 (of which CRLA is one) from representing persons in class action litigation (P.L. 104-134, sec. 504(a)(7)) and from representing persons in civil litigation challenging conditions of incarceration (P.L. 104-134, sec. 504(a)(15)). In August of 1996 CRLA informed the Yuba County Jail that they would no longer monitor the terms of the Consent Decree and that they would no longer take complaints from Jail inmates due to funding restraints and legal restrictions. (ER 152). CRLA did not request termination of the Consent Decree in 1996, apparently viewing the case as closed by the administrative closure by the District Court and by its own actions in ceasing to monitor the Consent Decree.

For the next seventeen years the Consent Decree lay forgotten, except by the agency bound by it, the Yuba County Sheriff. The Consent Decree remained posted in the jail and was referenced in the inmate handbook. CRLA was still listed as the monitoring agency in the information provided to inmates; it is unclear, however, whether any inmate complaints were made after 1996 and, if so, what CRLA did about them. In 2013 the Yuba County Sheriff formally moved for termination of the Consent Decree, under the terms of the Prison Litigation Reform Act, 18 USC §3626 (PLRA). ER 144. The Sheriff alleged in his motion that the provisions of the Consent Decree were antiquated and out of touch with modern penal administration and that the physical facility of the Jail had modified dramatically over the course of time (essentially tripling in size, capacity, and staff), making many of the provisions of the Consent Decree simply inapplicable. ER 146-147. The Plaintiff class still had CRLA as its attorney of record; the District Court (quite appropriately) allowed CRLA to withdraw as counsel and the UC Davis Civil Rights Clinic was substituted in as counsel for Plaintiffs. On behalf of Plaintiffs, the Law Clinic opposed the termination of the Consent Decree and sought authorization from the Court to conduct additional discovery in an effort to establish an ongoing Constitutional violation that would allow the Consent Decree to continue to exist over a PLRA challenge. Over the objections of the County, on September 26, 2013 the District Court allowed a period for discovery

by the Plaintiffs, following which the Court would take evidence on the County's motion to terminate the Consent Decree. ER 104-106; ER 215, ECF No. 119. Discovery was done; thousands of pages of documents were turned over to the Law Clinic by the County. Toward the end of the discovery period allowed, the Law Clinic sought an extension of time to do yet more discovery. ER 64. That motion was denied by the Court and the case remained on for evidentiary hearing on April 8, 2014. ER 66.

As the evidentiary hearing neared it became apparent that there were differences of opinion as to what factually could be presented at that hearing and who had the burden of proof. In a Joint Statement Regarding Yuba County's Motion to Terminate Consent Decree, filed March 19, 2014, (ER 33-60) it was evident that the Plaintiffs not only sought to avoid termination of the Consent Decree, they sought to expand it and substantially modify its terms beyond those in the original 1979 Consent Decree. The County sought to restrict the hearing to issues of "ongoing Federal constitutional violations" and insisted that the Plaintiffs delineate what alleged constitutional violations existed. Both parties, in that Joint Statement, suggested that the April 8, 2014 hearing be used to define the issues to be considered by the District Court—rather than a "messy disorganized affair" (ER 34, 39), both parties suggested suing the hearing to clarify and narrow the issues so that a coherent evidentiary hearing could be conducted. Apparently in response to

the Joint Statement, the District Court, by Order dated March 26, 2014 (ER 30), offered the parties the opportunity to brief the issue of whether the Consent Decree should be terminated or modified under Federal Rule of Civil Procedure 60(b). The County responded to that offer by filing a pleading indicating why 60(b) relief was allowed and was appropriate. (ER 5). The Plaintiffs initially moved for a continuance, then cursorily addressed the Rule 60(b) issue raised by the Court. ER 15. Plaintiffs did not respond to the Court's request to identify provisions in the Consent Decree they still thought had validity. On April 2, 2014, prior to the evidentiary hearing scheduled for April 8, 2014, the Court entered an Order (ER 2) summarily denying the County's Motion to Terminate Consent Decree. The evidentiary hearing originally scheduled was converted to a "Status Conference"; that status conference was summarily cancelled by Minute Order on April 7, 2014. ER 216, ECR No. 137.

It is from the April 2, 2015 Order Denying Motion to Terminate Consent Decree that the County of Yuba brings this appeal. The County contends that the District Court erred, as purely a legal matter, in denying the County's motion to terminate the Consent Decree under the terms of the Prison Litigation Reform Act. The County further contends that it was clearly error to deny the County its day in court by summarily denying the County's motion without an evidentiary hearing.

ARGUMENT

A. INTRODUCTION

In the Spring of 2014 a story was picked up by the wire services concerning an Indian guru, Shri Ahsutosh Maharaj, who had died in January and whose body had been placed in a freezer. See, eg. <http://www.smh.com.au/world/dead-or-meditating-a-guru-awaits-his-fate-in-the-freezer-20140614-zs7wl.html> . His family had asked the Punjab court to declare him dead and to allow the family to claim the body. The guru's followers insisted, however, that the holy man was simply in a deep meditative state and would return to earthly consciousness to lead their order. Those insisting on the guru's status as being in an intense yogic trance of course had a vested interest in the yogi's fortune and in the continued contributions to their order. The analogy, of course, is to the Consent Decree in the case before the Court. That Decree had originally been issued in 1979 and had, over the subsequent twenty years, run its course, basically dying well before CRLA quit monitoring it in 1996. In its motion to withdraw from representation of the Plaintiff class, filed in 2013, CRLA conceded that they thought the case was done and over. In 1996 CRLA sent a notice to the Yuba County Sheriff stating that CRLA was ceasing monitoring of the Consent Decree. That notice, along with the administrative closure of the case by the District Court in 1987, amounted to,

as CRLA essentially acknowledged, the Plaintiffs' attorneys basically saying "our work here is done". The Decree, however, remained just that—a court order to be complied with. Seventeen years after CRLA formally quit monitoring the case, the County of Yuba applied for an order officially terminating the Consent Decree. The newly appointed counsel for the Plaintiff class, however, has sprung forward claiming that the Consent Decree has continuing vitality. The District Court for the Eastern District of California apparently agreed, denying the County's motion to terminate the Consent Decree.

In this appeal the County of Yuba argues 1) no consent decree is intended to last forever and that the Prison Litigation Reform Act requires termination of the decree applying to the Yuba County Jail, and 2) that the District Court, in denying the County's motion without an evidentiary hearing, erred by denying the County the opportunity to present its case.

B. STANDARD OF REVIEW

This case involves the application of the Prison Litigation Reform Act, 18 USC §3626. The interpretation and construction of statutes are reviewed de novo. *Gilmore v. California*, 220 F.3d 987, 997 (9th Cir., 2000).

C. THE DISTRICT COURT ERRED IN FAILING TO FIND THAT THE PROVISIONS OF THE PRISON LITIGATION REFORM ACT REQUIRE THAT THE CONSENT DECREE IN THIS CASE BE TERMINATED

The litigation that resulted in the Consent Decree at issue in this case commenced in the mid-1970's. The Consent Decree itself was finalized in 1979. In 1996 the United States Congress passed the Prison Litigation Reform Act (PLRA), most of which is found in 18 USC §3626. Part of the PLRA consists of provisions authorizing the termination of previously granted prospective relief, such as the Consent Decree in this case. Indeed, the stated intention of the PLRA was to get the Federal Courts out of the day to day regulation of local jail and prison conditions. "Institutional consent decrees are 'not intended to operate in perpetuity' *Board of Education v. Dowell*, 498 U.S. 237, 248, 112 L. Ed. 2d 715, 111 S. Ct. 630 (1991). The PLRA thus strongly disfavored continuing relief through the Federal courts; indeed, its 'fundamental purpose' was to extricate them from managing state prisons." *Guajardo v. Texas Dept. of Criminal Justice* 363 F.3d. 392, 394 (5th Cir. 2004), citing *Cagle v. Hutto*, 177 F.3d 253, 257 (4th Cir. 1999), *cert. denied*, 530 U.S. 1264, 147 L. Ed. 2d 987, 120 S. Ct. 2723 (2000). The PLRA essentially establishes two methods under which a party may seek termination of a consent decree or other type of prospective relief. Under 18 USC §3626(b)(1) an order for prospective relief is terminable after the passage of a specified period of time:

(1) Termination of prospective relief.

(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

- (i) 2 years after the date the court granted or approved the prospective relief;
- (ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or
- (iii) In the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after the date of enactment.

Under 18 USC §3626(b)(2) prospective relief orders are immediately terminable where the court granting that relief had not included a specific finding that the relief ordered was narrowly drawn and the least intrusive means possible to correct the violation of Federal rights occasioning the relief ordered:

(2) Immediate termination of prospective relief. In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right and is the least intrusive means necessary to correct the violation of the Federal right.

The PLRA refers to “prison conditions”, but it is clear from the definitions section of the statute that the term “prison” includes local facilities, such as county jails, for purposes of the application of the statute. See 18 USC §3626(g)(5). The PLRA thus authorizes termination of previously granted prospective relief either after the passage of a certain amount of time, or where the order failed to make specific findings that the relief ordered was narrowly drawn and the least intrusive

means possible to remedy the violation of a Federal constitutional right. The PLRA has withstood various constitutional and procedural challenges. See, eg., *Miller v. French*, 530 U.S. 327, 120 S.Ct. 2246, 147 L.Ed.2d 326 (2000); *Hallett v. Morgan*, 296 F.3d 732, 742-743 (9th Cir., 2002); *Gilmore v. California*, supra, 220 F.3d 987, 1006 .

The County sought relief, termination of the Consent Decree, under both 18 USC §3626(b)(1) and 18 USC §3626(b)(2). Relief was appropriate under section (b)(1) as it had obviously been considerably more than two years since the Consent Decree was approved by the Court. Further, in reliance on section (b)(2), when one examines the terms of the Consent Decree, it is apparent that there were no specific findings of any Federal constitutional violations, that the relief was narrowly drawn, that the relief extended no further than necessary to correct violations of Federal rights, or that the relief ordered was the least intrusive means necessary to correct the violation of any Federal right. The purpose of the PLRA, as stated was to get the Federal courts out of the day to day administration of local penal facilities. To that end, the PLRA required, at minimum, specific findings of Federal constitutional violations and that the remedy being imposed was the least restrictive measure available to correct those violations. The Consent Decree in this case contains none of those required provisions. Further, a Court reviewing a previously entered consent decree, cannot, either legally or factually, go back or

“fill in” the order with findings that would be necessary to sustain the consent decree. “[T]he PLRA does not provide an avenue for district courts to make, *post hoc* and *nunc pro tunc*, the findings required by §3626(b)(2) in order to avoid termination of a consent decree.” *Cagle v. Hutto*, *supra*, 177 F.3d 253, 257.

A number of Federal jurisdictions interpreting the PLRA interpret it to mean what it appears to say—that consent decrees not containing the specific findings required by the PLRA are subject to automatic termination. See, eg., *Cagle v. Hutto*, *supra*, 177 F.3d 253, at 257. The County certainly acknowledges that the Ninth Circuit, along with a minority of other Federal jurisdictions, has taken a slightly different approach in applying the PLRA—that in the presence of a current and ongoing Federal constitutional violation, a provision of a consent decree that is narrowly drawn to address that provision may survive a challenge, even in the instance where the consent decree does not wholly comply with the express terms of the PLRA. *Gilmore v. California*, *supra*, 220 F.3d 987, at 1007. In the present case, the Consent Decree is completely silent as to the existence of any Federal constitutional violation as a basis for the remedies imposed. The very concept of a “current and ongoing Federal constitutional violation” presupposes that such a violation existed in the first place. But no such findings were ever made. The County suggests that, even under *Gilmore*, for a provision of a consent decree to survive a challenge based on the PLRA there has to have been a finding in the

original decree that some kind of Federal constitutional violation provided the basis for the remedies in the decree.

There are essentially three types of remedies typically seen in institutional consent decrees. The first type might be considered to be “immediately remedial” or “non-prospective”—either compensatory monetary damages or, conceivably, corrections that can be immediately made to address some kind of problem. Such remedial measures are not an issue in this case; those immediate issues were presumably corrected decades ago (or have been of such little concern that no one has complained about them in forty years). The second type of remedy is a prospective remedy designed to correct a Federal constitutional violation. A third type of relief in consent decrees has been characterized as “contractual surplusage” (*Gilmore v. California*, *supra*, 220 F.3d 987, at 1006); that is, recognizing that consent decrees are essentially contractual in nature (see, generally, *United States v. Asarco Inc.*, 430 F3d. 972, 980 (9th Cir. 2005)), the parties to an institutional consent decree may contract for remedial provisions beyond those required by constitutional minimums. Any such “contractual surplusage (relief the court had jurisdiction to enforce only by virtue of the parties’ consent) is rendered unenforceable by the termination provisions [of the PLRA]”. *Gilmore v. California*, *supra*, 220 F.3d 987, at 1006 (parentheses in original, footnote deleted). Violation of the specific terms of a prison-reform decree does not necessarily equal

a violation of a "Federal right" under section 3626. *Plyler v. Moore*, 100 F.3d 365, 370 (4th Cir. 1996)("we conclude that the term 'Federal right' as used in § 3626(b)(2) does not include rights conferred by consent decrees providing relief greater than that required by Federal law").

When a Federal constitutional violation has been identified, it is incumbent upon the District Court to examine the remedy in question to determine whether it meets muster under the PLRA. "The PLRA provides that such a judgment must terminate immediately unless the district court makes written findings demonstrating that prospective relief "remains necessary to correct a current and ongoing violation" and satisfies the need-narrowness-intrusiveness requirements." *Graves v. Arpaio*, 623 F.3d 1043, 1048 (9th Cir. 2010). The reference to the "need-narrowness-intrusiveness requirements" is shorthand for the requirement that the court find that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. See *Pierce v. County of Orange*, 526 F.3d 1190, 1205 (9th Cir. 2008). The problem is that when no constitutional violation is in any manner identified, the need-narrowness-intrusiveness inquiry is impossible to conduct; it leaves the District Court shooting in the dark. The failure to identify any constitutional violation in the original decree essentially allows the Plaintiffs to contend that everything is a constitutional violation; basically creating

“new” litigation, with the inmate/Plaintiff class arguing that the institution now has the burden of proof.

A motion to modify or set aside an existing consent decree, like other 60(b) motions, is essentially directed to the Court’s “equitable discretion”. See *Gilmore v. California*, supra, 220 F.3d at 1007. The County suggests that the Court should keep certain equitable principles in mind. A venerable maxim of equity states “equity rewards the vigilant, not those who slumber on their rights”. In this case the Consent Decree was put in place, presumably to protect the rights of incarcerated inmates at the Yuba County Jail. The Consent Decree was in place for years with no complaints of violations that required any kind of Court remedy—there is no substantive action noted on the District Court’s original docket sheet after 1983 and no effort to reopen the case after the administrative closure of the case in 1987. ER 156-157. After 1996, when CRLA quit monitoring the case, the Consent Decree lay completely forgotten by the Plaintiff class for the next seventeen years; what better example can there be of “slumbering on one’s rights”?

In ruling upon a request to terminate a consent decree, the court should look to whether the goals of the consent decree have been achieved. *Johnson v. Heffron*, 88 F.3d 404, 406 (6th Cir. 1996) [a case in which the 6th Circuit required the termination of a jail consent decree, overruling the District Court]; *Youngblood*

v. Dalzell, 925 F2d. 954, 961 (6th Cir., 1991). In making that determination, it is appropriate to consider a number of factors:

- (1) any specific terms providing for continued supervision and jurisdiction over the consent decree;
- (2) the consent decree's underlying goals;
- (3) whether there has been compliance with prior court orders;
- (4) whether defendants made a good faith effort to comply;
- (5) the length of time the consent decree has been in effect; and
- (6) the continuing efficacy of the consent decree's enforcement.

Heath v. DeCourcy, 992 F2d. 630, 633 (6th Cir., 1993), citing *Board of Education v. Dowell*, 498 U.S. 237 (1991); *Dyer-Neely v. City of Chicago*, 1997 U.S. Dist. LEXIS 7756 (N.D. Ill., 1997). Examining those factors, it should be apparent that the Court's equitable discretion would require the termination of the Consent Decree in this case. The Consent Decree has been in place for an incredibly long period of time, longer than any consent decree in the reported cases counsel cited in this brief, (factor 5); the County has at all times made good faith efforts to comply with it (factor 4); and there has been no history of non-compliance with the Consent Decree (factor 3). There is no record of any complaint made to the Court concerning non-compliance with the Consent Decree. An examination of the available court records shows that in 1987 the Court entered a minute order administratively terminating the action without prejudice to the right of the parties to reopen the proceedings for basically any purpose. ER 157. Thereafter the Consent Decree was supposed to be monitored by the Plaintiffs—in the quarter

century after the case was administratively closed Plaintiffs had not raised a single issue concerning any alleged violation of the Decree. The Consent Decree did not contain a provision for dealing with continued supervision or jurisdiction, address what might happen upon changed conditions, or even have a stated duration (factor 1). The County is not suggesting that the Consent Decree, in not containing any such provisions, was somehow poorly drafted. What is suggested is that none of the parties intended that the Decree continue in perpetuity. The County submits that the Consent Decree fulfilled its purpose for its time. The County further submits that the District Court erred in not formally terminating the Consent Decree.

D. THE DISTRICT COURT ERRED IN DENYING THE COUNTY'S MOTION TO TERMINATE THE CONSENT DECREE WITHOUT GIVING THE COUNTY AN OPPORTUNITY FOR A HEARING

The District Court, on September 26, 2013, set an evidentiary hearing on the County's Motion to Terminate Consent Decree for April 8, 2014. ER 106. The Law Clinic appointed to represent the Plaintiff class was given five months to conduct additional discovery, until February 26, 2014, in anticipation of that evidentiary hearing. As the discovery period closed, the Law Clinic sought additional time to conduct discovery and to continue the evidentiary hearing. ER 64. That application was denied by the District Court. ER 66. As the evidentiary

hearing approached it became evident that the Plaintiffs were seeking not only to prevent the termination of the Consent Decree, but to significantly expand its prospective application well beyond the requirements of the original Consent Decree. For example, the Plaintiff's submitted proposed findings of fact and conclusions of law in advance of the evidentiary hearing seeking to expand procedures and protections afforded inmates beyond those afforded in the Consent Decree. ER 41-60. Plaintiffs sought specific policies and procedures for immigration detainees; a subject never even mentioned in the Consent Decree. The litigation had thus expanded; the continuance of the Consent Decree in its original form was now not the only issue—the Plaintiffs were seeking to expand the decree well beyond its original terms. The parties found themselves in substantial disagreement as to the nature of evidence to be presented at the evidentiary hearing and who had the burden of proof (and as to what). Those differences of opinion were stated in a Joint Statement Regarding Defendants' Motion to Terminate Consent Decree filed with the Court on March 13, 2014. ER 33. In that Statement the County contended that the Plaintiff had the burden of proof with respect to any effort to expand the terms of the Consent Decree; the Plaintiffs were insistent that the complete burden was on the County. Both parties were in agreement, however, that the evidentiary hearing was likely to be a “messy, disorganized” affair without some direction from the Court as to what

evidence was expected or allowed and who had the burden of proof. Both parties suggested using the April 8, 2014 as a hearing to clarify and narrow the issues to be decided at an evidentiary hearing.

The District Court's response to the Joint Statement was to issue an Order on March 26, 2014 (ER 30) providing the parties an opportunity to brief whether the consent decree, or any portion thereof, should be modified and/or terminated under Federal Rule of Civil Procedure 60(b). In that Order the District Court noted that it appeared that Plaintiffs did not seek continued enforcement of all of the remedies granted in the consent decree and Plaintiffs were requested to identify those provisions of the consent decree they contend remained enforceable. The County responded to the offered opportunity with a memorandum addressed to the Court's authority to terminate or modify the Consent Decree under Civil Rule 60(b). ER 5. The Plaintiffs only cursorily responded to the Court's request with respect to the applicability of Rule 60(b) and did not respond at all to the request to identify provisions of the Consent Decree still felt to be enforceable, presumably those would be any in which there was alleged to exist a current and ongoing Federal constitutional violation. Plaintiffs' real response was another request for a continuance. ER 23.

Any reasonable reading of the Court's Order of March 26, 2013 would be that the Court was considering narrowing the issues, and declaring the clearly

outmoded provisions, or those not implicating an alleged constitutional violation, unenforceable. The District Court's Order of April 2, 2014 (ER 2), then, was quite a shock—the Court completely reversed field and summarily denied the County's motion to terminate the Consent Decree, without even hearing any evidence. The stated grounds in the Order were that the County had not met its burden of proof, but, assuming the County to have the burden, the District Court never even gave the County an opportunity to meet that burden.

In spite of language in *Gilmore* to the effect that the movant has the burden of proof in establishing that there are no ongoing Federal constitutional violations (*Gilmore v. California*, supra, 220 F.3d at 1007-1008), the County submits that the issue is not that clear. This Court noted in *Pierce v. County of Orange*, supra, 526 F.3d 1190, 1206 that a tension may exist in this circuit with regard to which party bears the burden to prove that grounds exist or not that justify continuing prospective relief under the PLRA. The *Pierce* court did not decide burden of proof issue; however, it identified the conflict between *Gilmore* and *Mayweathers v. Newland*, 258 F.3d 930, 936 (9th Cir. 2001). In *Mayweathers*, more recently decided than *Gilmore*, this Court upheld the district court's entry of consecutive preliminary injunctions and reasoned that the PLRA did not limit the number of injunctions, but imposed a burden on plaintiffs to continue to prove that preliminary relief was warranted. *Mayweathers* at 936. The following year in

another PLRA action, this Court placed the burden on prisoners (movants) who sought to extend time for a consent decree. *Hallett v. Morgan*, supra, 296 F.3d 732, 741–745. The court reasoned that the movants could only prevent the consent decree from expiring if they proved ongoing violations. The Court in *Skinner v. Lampert*, 457 F. Supp.2d 1269, 1276 (D. Wyo. 2006) adopted the rationale of *Hallett* and held that inmates had the burden under the PLRA to prevent termination of a plan incorporated in the prison reform decree. Most Courts in other jurisdictions addressing this issue have agreed with *Mayweathers*, *Hallett*, and *Skinner* and assign the burden of proof to the party opposing termination. See *Laaman v. Warden, N.H. State Prison*, 238 F.3d 14, 20 (1st Cir. 2001) (holding, to prevent termination, burden on prisoners under 18 U.S.C. § 3626(b)(3) to show ongoing violations); *Ruiz v. Johnson*, 154 F.Supp.2d 975, 984 n.12 (S.D. Tex. 2001) (observing that constitutional violations were found where prisoners met their burden of proof); and *Imprisoned Citizens Union v. Shapp*, 11 F.Supp.2d 586, 604 (E.D. Pa. 1998), aff'd sub nom. *Imprisoned Citizens Union v. Ridge*, 169 F.3d 178 (3d Cir. 1999) (holding PLRA not unconstitutional for placing on prisoners burden for proving ongoing violations). This particular case demonstrates the problem in assigning the burden of proof to the County; the Consent Decree did not identify any constitutional violations in the first instance, and the Plaintiffs declined, when called upon by the District Court to do so, to identify what would

amount to ongoing constitutional violations. This would place the County in the difficult position of proving a negative. The County submits that both logic and the terms of the PLRA assign the burden of proof to avoid termination of the Consent Decree on those thinking it still has some validity.

Even assuming the County to have the burden of proof in establishing the absence of current and ongoing Federal constitutional violations, the District Court summarily denied the County an opportunity to do so. In doing so the District Court violated both the terms of the PLRA and the teaching of virtually every court that has construed the PLRA. The PLRA includes the following provision:

“Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current and ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.” 18 U.S.C. §3626(b)(3). The District Court in this case made no written findings at all, much less findings addressing the required statutory criteria. Further, there is no “record” from which such findings might be inferred, because the District Court denied the County an opportunity to make a record. The case law uniformly holds that, where an existing decree does not meet PLRA standards, a reviewing court is required to specifically address each provision and issue written findings addressing the need-

narrowness-intrusiveness questions before the provision will have continuing prospective effect. “The PLRA provides that such a judgment must terminate immediately unless the district court makes written findings demonstrating that prospective relief ‘remains necessary to correct a current and ongoing violation’ and satisfies the need-narrowness-intrusiveness requirements. *Id.* at § 3626(b)(3).” *Graves v. Arpaio*, supra, 623 F.3d 1043, at 1048. A review of the need-narrowness, intrusiveness standards “requires an assessment of the circumstances--both legal and factual--at the time termination is sought.” *Pierce v. County of Orange*, supra, 526 F.3d 1190, at 1205 (emphasis added), citing *Gilmore v. California*, supra, 220 F.3d at 1010. *Gilmore*, itself, could not be more clear: “unless plaintiffs do not contest defendants' showing that there is no current and ongoing violation under § 3626(b)(3), the court must inquire into current conditions at a prison before ruling on a motion to terminate. If the existing relief qualifies for termination under § 3626(b)(2), but there is a current and ongoing violation, the district court will have to modify the relief to meet the Act's standards. It is plain that each of these steps requires real adjudication - the careful application of law to fact - not the wooden ratification of a legislatively prescribed conclusion.” *Gilmore*, id., 220 F.3d at 1009.

The District Court in this case did not even pretend to do any “real adjudication” or an actual assessment of the present conditions at the Yuba County

Jail and whether there existed any actual current and ongoing violations of Federal constitutional standards. It is uncontested in this case that the Consent decree met the standards for termination under the PLRA in that it met the “time since inception” standard (by an incredibly long margin) and that it did not contain the specific findings required by the PLRA. The only thing that would prevent termination of the prospective provisions of the decree would be an “assessment of the circumstances--both legal and factual--at the time termination is sought” by the Court and written findings documenting an actual adjudication of the need-narrowness-intrusiveness issues. The District Court was on the right track when it asked the Plaintiffs, in its Order of March 26, 2014, to identify which provisions of the Consent Decree they felt to still be enforceable. The Court went off the tracks when it summarily reversed direction and dismissed the County’s motion to terminate in its entirety.

The County submits that the District Court clearly erred when it denied the County a hearing on its substantive motion. At a minimum, the County is entitled to a remand to the District Court with instructions that the District Court conduct a hearing and adjudicate the issues that it required to address under the PLRA.

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CONCLUSION

The County of Yuba submits that the District Court was in error in denying the County's motion to officially terminate the Consent Decree in this case. Further, the County argues that the District Court erred in denying the County an opportunity to present evidence to prove the absence of any current and ongoing Federal constitutional violations in the administration and operation of the Yuba County Jail. The relief sought in this appeal is a declaration by the Ninth Circuit Court of Appeals terminating the prospective relief afforded under the Consent Decree. The County submits that the Consent Decree, for all intents and purposes, died in the mid-1990's when CRLA quit monitoring it. Returning to the analogy that the County used at the start of this argument, the County of Yuba requests that this Court sign the death certificate. Alternatively, if this Court does not terminate the Consent Decree, the County of Yuba seeks a remand to the District Court with instructions that evidence be heard as to the existence of any current and ongoing Federal constitutional violations. The County submits that, at a minimum, the District Court is required to address the "need-narrowness-intrusiveness" inquiry

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by taking evidence—the County requests the opportunity to present that evidence.

Dated this 07 day of August, 2014.

By: s/John R. Vacek
John R. Vacek, State Bar No. 241996
Chief Deputy County Counsel
County of Yuba
915 Eighth Street, Suite 111
Marysville, California 95901
Telephone: (530)749-7565
jvacek@co.yuba.ca.us

STATEMENT OF RELATED CASES

Pursuant to Circuit Rule 28–2.6 of the Rules of the United States Court of Appeals for the Ninth Circuit, Appellants state that they are unaware of any related cases.

Dated this 07 day of August, 2014.

By: s/John R. Vacek
John R. Vacek, State Bar No. 241996
Chief Deputy County Counsel
County of Yuba
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C) and Ninth Circuit Rule 32-1, the attached Brief of Appellant is proportionally spaced, has a typeface of 14 points or more and contains 8,033 words.

Dated this 07 day of August, 2014.

By: s/John R. Vacek
John R. Vacek, State Bar No. 241996
Chief Deputy County Counsel
County of Yuba
915 Eighth Street, Suite 111
Marysville, California 95901
Telephone: (530)749-7565
jvacek@co.yuba.ca.us

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Brief of Appellant with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. All parties to this appeal are registered CM/ECF users and will be served by the CM/ECF system.

Dated this 07 day of August, 2014.

By: s/John R. Vacek
John R. Vacek, State Bar No. 241996
Chief Deputy County Counsel
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Sutter-Yuba

Mosquito & Vector Control District

July 09, 2015

MANAGER

Michael R. Kimball

GENERAL FOREMAN

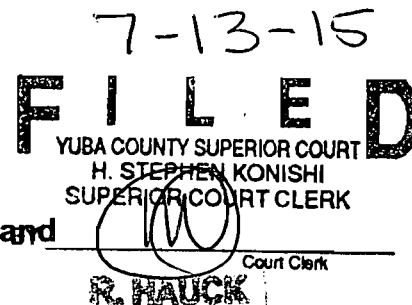
Stephen E. Abshier

ADMIN. MGR.

Cathy F. Burns

The Honorable Julia Scrogin
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901

**RE: Response to 2014-2015 Grand Jury Findings and
Recommendations**



Dear Judge Scrogin:

The Sutter-Yuba Mosquito & Vector Control District was a subject of review by the 2014-2015 Yuba County Grand Jury. I have reviewed the Final Report by the 2014-2015 Grand Jury and agree with the content and their findings with the exception of one point of fact. I would also like to add some additional information regarding their one recommendation.

In the section titled Discussion & Narrative and The Future of Mosquito Control it is mentioned that an example of the proactive nature of the District is that several members of the Board of Trustees and employees attend conferences held around the country sponsored by various mosquito abatement associations and districts. The Florida Mosquito Control Association's meeting in Palm Beach last November was mentioned twice in the report. District trustees and/or staff did not attend the Florida meeting that was mentioned.

In the last fifteen years, trustees and staff have attended two out of state conferences. One meeting was held in Reno, Nevada in 2006 which was sponsored by the Mosquito & Vector Control Association of California. The other meeting was held in Alexandria, VA in May of 2014 and was sponsored by the American Mosquito Control Association. One trustee attended this conference to voice the MVCAC's strong support for HR 935, the Reducing Regulatory Burdens Act of 2014. It would have repealed an interpretation of the Federal Clean Water Act that treats mosquito control insecticide applications as "point source" pollution of Waters of the US requiring an onerous and costly National Pollution Discharge Elimination System permit. However, the District continues to make it a priority to send trustees and staff to the annual conference of the MVCAC to stay up to date on research and new innovative operational control methods and technologies.

The Grand Jury recommended that the Sutter-Yuba Mosquito and Vector Control District not only continue furthering its current proactive approach to the control of mosquitoes; but explore next generation abatement techniques such as genetic modification of WNV transmitting mosquito species. Currently, the only species of mosquito that has been genetically modified for

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mosquito control is *Aedes aegypti* to fight Dengue fever. The company that engineered this mosquito is Oxitec and they have been working for several years to get FDA approval for a release in the Florida Keys. They are still awaiting approval at this time.

Oxitec has not genetically engineered the *Culex tarsalis* mosquito, which is the main vector for West Nile virus in the District. Additionally, this mosquito is a strong flyer and can travel up to ten miles in an evening. It would require a release of male mosquitoes far greater than the currently available laboratory rearing capabilities. The use of genetically modified mosquitoes is not feasible at this time and is years from being a viable solution. Be assured that the District will remain diligent in seeking out new technologies and materials in our fight against disease carrying mosquitoes.

The Board of Trustees of the Sutter-Yuba Mosquito & Vector Control District approved the 2014-2015 Yuba County Grand Jury Final Report, with the noted additions, at their July 9, 2015 meeting. We commend the Grand Jury in attaining their stated goal of enlightening the citizens of Yuba County about the District and highlighting the myriad of activities of the District that are required to successfully control mosquitoes and the diseases that they bring.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Harris", with a long horizontal flourish extending to the right.

Bill Harris
Board President



COUNTY OF YUBA

OFFICE OF EMERGENCY SERVICES

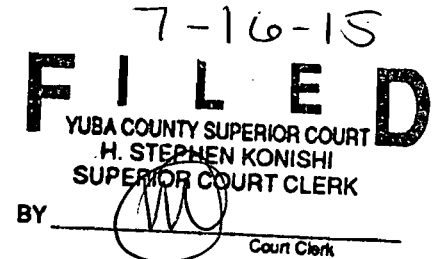
ROBERT BENDORF
COUNTY ADMINISTRATOR
DIRECTOR OF EMERGENCY SERVICES

SCOTT BRYAN
EMERGENCY OPERATIONS MANAGER

HOLLY POWERS
EMERGENCY OPERATIONS PLANNER

Date: June 22, 2015

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



Re: RESPONSE TO 2014/15 GRAND JURY REPORT
"Emergency Preparedness of Yuba County"

Dear Judge Scrogin,

Provided pursuant to Penal Code Section 933.05, are the comments from the Yuba County Emergency Operations Manager related to the 2014/15 Grand Jury Final Report – Emergency Preparedness of Yuba County – Findings and Recommendations, concerning the emergency preparedness of Yuba County,

FINDINGS

F3. The Emergency Operations Center located at the County Government Center, (915 8th Street, Marysville CA) is convenient for training given the number of county employees that participate in the training exercises. However, its physical location is at-risk due to its close proximity to an active railroad line, inter-regional State Highway 20, and within the confines of the Marysville levee system.

The Emergency Operations Manager concurs with the above finding in that there is an inherent level of risk associated with the location of the Emergency Operations Centers (EOC) current location. There is a certain level of inherent risk associated wherever an EOC may be located. However the EOC is located in the City of Marysville, which is the County Seat and in the County administrative building to foster coordination during an activation with the County Administrative Officer / Director of Emergency Services and the Board of Supervisors, along with the members of the EOC Management Team. The site of the EOC also allows OES staff to maintain the EOC in a constant state of readiness and the ability to stand up the EOC should an event occur.

The County has mitigated the risks associated with the location of the EOC through the existence of the Yuba County Mobile Incident Command Vehicle which replicates the EOC functions as well as a second functional EOC located out of the Marysville levee system.

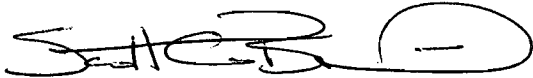
RECOMMENDATION

- R3. The Yuba County OES and the Board of Supervisors give careful consideration to relocating the Emergency Operations Center to a location with less exposure to disruptions impacting the ability to respond to a disastrous event, should one occur, on the adjacent railroad line, State Hwy 20, or breach in the Marysville levee system (See F3).**

The recommendation will not be implemented because it is not warranted. The Emergency Operations Manager agrees that consideration should be and has been given to the location of the current Emergency Operations Center (EOC) which is the genesis of the Yuba County Mobile Incident Command Vehicle and the 2nd functional EOC located in the County outside of the Marysville levee system.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bryan", followed by a large, stylized circular flourish.

Scott Bryan
Emergency Operations Manager
Yuba County OES
Office of the County Administrator

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

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

August 25, 2015

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



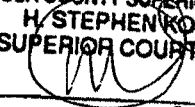
ROBERT BENDORF
COUNTY ADMINISTRATOR

JOHN FLEMING
ECONOMIC DEVELOPMENT COORDINATOR

RUSS BROWN
COMMUNICATIONS & LEGISLATIVE
AFFAIRS COORDINATOR

GRACE M. MULL
MANAGEMENT ANALYST

TEENA CARLQUIST
EXECUTIVE ASSISTANT TO THE
COUNTY ADMINISTRATOR

7-16-15
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY 
R. HAUCK Court Clerk

Re: RESPONSE TO 2014-15 GRAND JURY REPORT – “Emergency Preparedness Of Yuba County”

Dear Judge Scrogin:

Provided pursuant to Penal Code Section 933(c) are the comments from the County Administrator related to the findings and recommendations contained in the 2014-15 Grand Jury Final Report – “Emergency Preparedness of Yuba County”. Consistent with Section 933(c), responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and then our response is consistent with provisions of Penal Code Section 933.05(c).

FINDINGS

F3. *The Emergency Operations Center located at the County Government Center, (919 8th Street, Marysville, CA) is convenient for training given the number of county employees that participate in the training exercises. However, its physical location is at-risk due to its close proximity to an active railroad line, inter-regional State Highway 20, and within the confines of the Marysville levee system.*

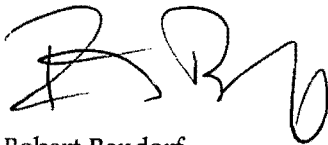
The County Administrator agrees with the finding.

RECOMMENDATIONS

- R3. *The Yuba County OES and the Board of Supervisors give careful consideration to relocating the Emergency Operations Center to a location with less exposure to disruption impacting the ability to respond to a disastrous event, should one occur, on the adjacent railroad line, State Highway 20, or breach in the Marysville levee system. (See F3).*

The recommendation will not be implemented because it is not warranted. Careful consideration has been given to the location of the current Emergency Operations Center and our back-up systems, particularly the Mobile Incident Command Vehicle, which is versatile and equipped to perform similar functions as the EOC, recognizing it is not as robust as a primary operational center. In addition, during planning of the new Sheriff's Facility on Yuba Street in Marysville, careful consideration was given to locating emergency dispatch to the second floor along with their Emergency Operations Center and back-up power. The Emergency Services Manager is constantly improving the state of readiness for Yuba County through technology, equipment, redundant systems and employee training.

Sincerely,

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

Robert Bendorf
County Administrator

The County Of Yuba

PROBATION DEPARTMENT

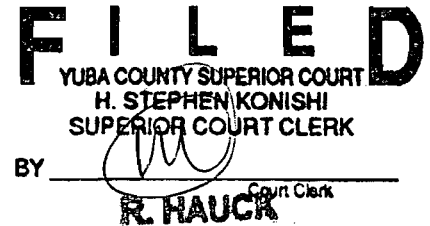
JAMES L. ARNOLD
CHIEF PROBATION OFFICER



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

June 24, 2015

The Honorable Julia Scrogin
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901



RE: Response to 2014-2015 Grand Jury Findings and Recommendations

Dear Judge Scrogin:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Probation Department's response to the 2014/2015 Grand Jury Final Report -- Findings and Recommendations concerning the annual investigation into the operation of the Tri County Juvenile Rehabilitation Facility / Maxine Singer Youth Guidance Center.

Please accept the following response to the 2014/2015 Grand Jury Findings and Recommendations:

Finding 1

The surveillance system is inadequate to handle the security for Juvenile Hall.

We agree with this finding.

Finding 2

Staffing levels remain low which can create problems in the supervision of the juveniles when staff members take time off due to vacation or illness, however, extra help employees are available to reduce overtime. The recommendation of the 2013-2014 Grand Jury has not been met.

We agree with this finding.

Finding 3

The 2014-2015 Grand Jury found insulation on a wall in the indoor recreation area continues to be in disrepair. No action has been taken to remedy this same finding from previous Grand Jury Reports.

We agree with the finding that the insulation continues to be in disrepair. We disagree with the finding that no action has been taken to remedy the finding from previous Grand Jury Reports.

An experimental solution was installed to a test section of the indoor recreation area by Wayne Neault Construction in 2013. The test section did not return positive long term results and has required repair during the assessment period.

Recommendation 1

The Yuba County Board of Supervisors approves funds to upgrade the presently inadequate surveillance cameras to provide broader security. Although funding has been allocated for a new facility, it is not expected to be occupied for a minimum of three years. For the safety of the juvenile inmates, this deficiency must be corrected immediately. Further recommend that the Chief Probation Officer immediately, upon approval of funding by the Board of Supervisors, should direct installation of needed cameras.

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

Recommendation 2

The Chief Probation Officer and the Facility Director immediately hire additional staff.

The Chief Probation Officer and the Superintendent of Institutions recently completed work with the Yuba County Human Resources and Organizational Services Department to implement changes to the educational requirements of the Juvenile Corrections Officer classification. It is hoped that the changes enacted will expand the applicant base and result in an increase of application submissions.

The recruitment for the Juvenile Corrections Officer I/II position is currently open until filled with two new full time candidates currently involved in the departmental background process for clearance to begin work.

Recommendation 3

Repair the insulation in the indoor recreation area.

In 2013 estimates in amounts ranging from fifteen thousand dollars to one hundred thousand dollars were received during an open bid process, offering varying solutions to the cosmetic issue of damaged insulation in the gym. One option to remedy the issue, that did not prove to be completely cost prohibitive, was tested for durability and suitability in 2013. That test section garnered a poor outcome.

The availability of “special project funding” through the county’s Administrative Services Department was recently discussed with Patrick Thomas, Yuba County Facilities Manager. He reported that special project funding for the end of fiscal year 2014-2015 has been designated to remove and trim the massive trees that surround the Yuba County Office of Education on 14th Street. The trees exhibit signs of disease and pose a threat to personal safety and property.

During the special project funding discussion with Patrick Thomas, he stated that the building code does not require the gym to be insulated and the county can remove the insulation if the department wishes. There is some concern about the heat load that would be added to the building if the insulation is removed. The Buildings and Grounds Division developed a quote on June 17, 2015 for the removal of the insulation along with two other options of constructing a cap over the insulation out of Oriented Strand Board (OSB).

One estimate will cap 2 bays high and the second will cover all the way to the ceiling. Both of the OSB options are pending approval from the Fire Marshall before they can be considered as a viable solution. He further stated that the county Building and Grounds Division is very busy and they would be unable to commence the project until September, 2015.

Respectfully Submitted,



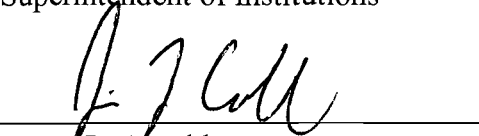
Brent Hungrige
Deputy Superintendent
Tri County Juvenile Rehabilitation Facility



Michael Tablit
Deputy Superintendent
Maxine Singer Youth Guidance Center



Theresa Dove Weber
Superintendent of Institutions

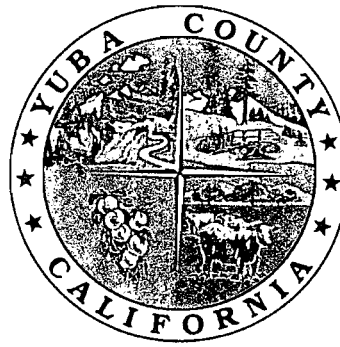


James L. Arnold
Yuba County Chief Probation Officer

The County Of Yuba

OFFICE OF THE COUNTY COUNSEL

915 8TH Street, Suite 111
Marysville, California 95901
(530)749-7565
FAX (530)749-7513



ANGIL P. MORRIS-JONES
COUNTY COUNSEL

JOHN R. VACEK
CHIEF DEPUTY

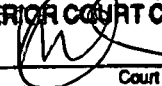
JOHN C. WHIDDEN
DEPUTY

BOBBIE ROSS TODD
DEPUTY

ERIKA J. STEDMAN
LEGAL SERVICES COORDINATOR

July 13, 2015

The Honorable Julia Scrogin, Superior Court Judge
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, California 95901

7-17-15
FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY 
R. HAUCK
Court Clerk

Re: Response to 2014/15 Grand Jury Findings and Recommendations

Dear Judge Scrogin,

This letter, provided pursuant to California Penal Code section 933, is the response of the Yuba County Counsel's Office to the 2014/15 Yuba County Grand Jury's Final Report—Findings and Recommendations, as it applies to County Counsel's Office.

In its Final Report the 2014/15 Yuba County Grand Jury made several findings and recommendations in a section entitled "County Counsel, Dual Representation". The gist of that report is that the role of County Counsel, in representing both the County of Yuba and the Grand Jury, presents the potential for a conflict of interest when the Grand Jury is investigating a department or agency of the County. County Counsel agrees that there may be occasions when such a potential conflict or appearance of a conflict could exist, however those situations are easily recognizable and easily resolved. County Counsel's primary role, not surprisingly, is the representation of the County of Yuba. County Counsel may, *at the request of the Grand Jury*, offer legal advice to the Grand Jury (Penal Code section 934(a)), but it should come as no surprise to anyone that County Counsel's primary loyalty is to the County. Actually, the only required statutory role for County Counsel with respect to the Grand Jury is to consult with the court to ensure that the Grand Jury has proper training in the performance of its duties regarding civil matters. (Penal Code section 914(b)). County Counsel does not pretend to represent the Grand Jury generally and only offers advice to the Grand Jury upon request. If County Counsel appears before the Grand Jury representing a department of the County, there simply is no question who County Counsel represents. If the Grand Jury, for whatever reason, does not have confidence in the Office of County Counsel, either with respect to an individual investigation or more generally, they have a very easy option: don't ask for advice from County Counsel. The applicable statutory provisions (Penal Code sections 934 and 935) would appear to suggest that the Grand Jury's primary legal advisor is the District Attorney, but the Grand Jury may also seek advice from the Court or the Attorney General. The Grand Jury is also apparently receiving legal advice from its foreman, who is an attorney. While there may be an aspect of "you get what you pay for" in that situation, the Grand Jury is apparently satisfied with that advice. The

Office of County Counsel thus suggests that there is no actual conflict of interest in County Counsel's representation of the County before the Grand Jury; County Counsel represents the County—the Grand Jury can avoid any appearance of a conflict simply by not seeking the advice of County Counsel.

RESPONSES TO FINDINGS AND RECOMMENDATIONS

Finding No. 1

“During an interview with the Yuba County Airport management, the Chief Deputy County Counsel appeared without an invitation and without any prior notice to the Grand Jury. The Chief Deputy County Counsel did not make the Grand Jury aware of his intended appearance. The Chief Deputy County Counsel was asked to leave the Grand Jury interview of the Yuba County Airport management. The Chief Deputy County Counsel immediately complied.

The grand Jury verified, via interviews that during the past several years the County Counsel has represented multiple departments regarding Grand Jury inquiries and investigations without Grand Jury invitation. The Office of County Counsel appears to be in violation of §934 of the California Penal Code.

California Penal Code §934 states, ‘Unless advice is requested . . . the county counsel . . . shall not be present during the sessions of the grand jury.’”

Response to Finding No. 1

The Office of County Counsel agrees that attorneys from the Office have appeared with County officials at meetings with Grand Jury members. County Counsel disagrees, however, that such meetings qualify as “sessions of the grand jury” within the meaning of California Penal Code §934. To the best of County Counsel's knowledge, the only Grand Jury meetings that County Counsel has attended have been informal meetings of various Grand Jury committees. Such meetings have never consisted of the full Grand Jury and have been informal information gathering meetings. No subpoenas were issued, witnesses were not sworn, there was no court reporter, and no record was made of the proceedings. The Grand Jury obviously controls those meetings (where, when, and who they want there) and they can decide whether they want County Counsel's presence or not. In the meeting referenced in Finding No. 1, the Grand Jury requested that County Counsel leave and the attorney from County Counsel's Office promptly did so. It is suggested that the proscription in California Penal Code §934 applies to County Counsel as a grand jury advisor, not when County Counsel is representing a department or agency of the County that is being investigated by the Grand Jury. Regardless, it is suggested that the informal information gathering meetings held by various Grand Jury committees are not “sessions of the grand jury” to which §934 applies. They are just informal meetings and if the Grand Jury members don't want County Counsel present, they should just say so.

Finding No. 2

“The County Counsel did not notify the 2013-2014 and current Grand Juries of its motion to terminate the Consent Decree of November, 1978. Such motion to terminate was filed by the County Counsel’s office in 2013. The Consent Decree requires the Grand Jury to do an annual analysis of whether the jail is in compliance with the provisions of the Consent Decree and include the results in its yearly report. The 2013 motion to terminate the Consent Decree was denied by the 9th District Court of Appeals. The County Counsel filed a Notice of Appeal April 29, 2014. The current Grand Jury was not made aware of this Notice of Appeal.”

Response to Finding No. 2

This Finding is inaccurate in its assertion that the motion to terminate the Consent Decree was denied by the “9th District Court of Appeals”. The motion was denied by the United States District Court for the Eastern District of California. The matter is currently on appeal to the Ninth Circuit Court of Appeals. To the extent that the Finding faults County Counsel for the Grand Jury being unaware of the Consent Decree, it should be noted that nothing in that Decree requires County Counsel to keep the Grand Jury aware of the terms of the Decree or litigation concerning the Decree. That Decree was largely forgotten by all but the Yuba County Sheriff, who was aware of it, had it posted in the jail, and was doing his best to comply with it. Attorneys representing the plaintiff class in the lawsuit, presumably the persons with the greatest interest in compliance with the Consent Decree, abandoned the case in 1996. The Grand Jury itself has an obligation to provide information to succeeding Grand Juries in order for the succeeding Grand Jury to perform its function (see California Penal Code §924.4). The existence of the Consent Decree, and the litigation surrounding the County’s efforts to terminate it, have not been a secret; it has been widely reported in the local and regional media. If, in fact, the Grand Jury was unaware of the Consent Decree, the fault for that should not be laid at the feet of County Counsel.

Finding No. 3

“The County Counsel’s office created an apparent conflict of interest to the Grand Jury by offering unsolicited comments during its interview of the Yuba County Airport management. The Chief Deputy County Counsel volunteered comment to a Grand Jury question asked of the Yuba County Airport management, a department of the county. The question was directed to the manager of the airport. It became clear to the Grand Jury that the Chief Deputy County Counsel voluntarily appeared in the interview to represent the interest of the Yuba County Airport; even though the Grand Jury was informed that his presence was to solely clear up any misunderstandings between the Yuba County Airport and the Grand Jury, that the County Counsel represents both the Airport and the Grand Jury.”

////

Response to Finding No. 3

There was no conflict of interest. As Finding No. 3 acknowledges, it was quite clear that the Chief Deputy County Counsel was representing the County in meeting with members of the Grand Jury in an informal setting.

Finding No. 4

“The Grand Jury was informed by the County Counsel that the County Counsel represents the Board of Supervisors, 28 county departments, 43 special districts, and the Grand Jury. The office of the County Counsel appears to be in violation of the State Bar of California; Rule 3-310.

Current Rules of the State Bar of California; Rule; 3-310—Avoiding the Representation of Adverse Interests. Rule 3-310(C) provides, in part: ‘A member shall not, without the informed and written consent of each client: (1) Accept representation of more than one client in a manner which the interest of the clients potentially conflict or (2) Accept or continue representation of more than one client in a manner in which the interest of the clients actually conflict . . .’

Explained in: *Walker v. Berkeley*, supra, 951 F.2d 182,184, ‘. . . (1) that an attorney for a governmental entity usually has only one client, namely, the client itself, which acts through constituent sub-entities and officials . . .’”

Response to Finding No. 4

County Counsel’s Office denies any violation of Bar Rule 3-310. County Counsel certainly agrees that the Office’s primary client is the County, and we have never suggested otherwise. In any case where an attorney from County Counsel’s Office has come to a meeting with Grand Jurors accompanying a County official it has always been perfectly clear that County Counsel represents the interests of the County. By statute (California Penal Code §934) , the Grand Jury may seek the advice of County Counsel, but only if the Grand Jury wants to. The Grand Jury also has available the District Attorney, the Court, and the Attorney General from whom it may seek advice. The 2014-15 Grand Jury sought the advice of County Counsel on exactly one occasion; on that occasion an opinion (on a topic unrelated to the present discussion) was promptly provided. If the Grand Jury ever requested advice that was somehow contrary to the County’s interests, the Grand Jury would be advised to seek separate counsel. That has not happened and there has not been a violation of Rule 3-310.

Recommendation No. 1

The Grand Jury recommends County Counsel follow California Penal Code §934 and Rule 3-310. County Counsel should be directed by the Yuba County Board of

Supervisors to budget from the existing County Counsel budget a retained attorney to be available to the Grand Jury and to any department of the County when a possible conflict of interest is created by following California Penal Code §936. (See F1, F3)

California Penal Code §936. Special counselors and investigators states: ‘When requested to do so by the grand jury of any county the Attorney General may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to such grand jury. The services of such special counsel and special investigators shall be a county charge of such county’.

Response to Recommendation No. 1

As indicated above, in the Response to Finding No. 4, County Counsel is not in violation of Bar Rule 3-310. Further, as noted above in Response to Finding No. 1, the meetings at which County Counsel has appeared with other County officials and employees are not “sessions of the grand jury” to which California Penal Code §934 applies. The provisions of California Penal Code §936 appear to apply to serious or complicated investigations by a Grand Jury where extraordinary assistance is required, not to routine inquiries by the Grand Jury. In any event, it would be Grand Jury function, if they thought they needed it, to request legal or investigative assistance from the Attorney General. In the normal course of events, assuming the Grand Jury does not wish to seek advice from County Counsel, their recourse, under California Penal Code §§934 and 935, is to seek advice from the District Attorney or Court. While the Board of Supervisors obviously determines the County budget, County Counsel will certainly not be recommending a budget allocation to the Grand Jury for routine legal advice.

Recommendation No. 2

“In accordance with the Consent Decree of 1978, the County Counsel, as well as the Yuba County Sheriff, shall ensure that all current Grand Juries are made aware of the yearly requirement for the Grand Jury to perform an annual assessment of the jail’s compliance with all provisions of the Consent Decree of November, 1978. (See F2)”

Response to Recommendation No. 2

As indicated in the Response to Finding No. 2, above, advising the Grand Jury of the existence of the Consent Decree has never been the responsibility of County Counsel. Nevertheless, County Counsel, along with the Yuba County Sheriff, will make sure that the Grand Jury is aware of the terms of the Consent Decree.

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////

Recommendation No. 3

“The County Counsel should seek an ethics opinion from the State Bar as to potential conflicts of interest in simultaneously representing the Yuba County Sheriff, the Yuba County Jail, and the Yuba County Grand Jury. (See F3)”

Response to Recommendation No. 3

As indicated above, in the Responses to Finding No. 4 and Recommendation No. 1, there have been no violations of the Rules of Professional Conduct. County Counsel’s Office declines to seek an ethics opinion from the California Bar Association.

Recommendation No. 4

“The County Counsel should abstain from representing the Grand Jury and other County departments if there is a potential conflict of interest. (See F4)

Current Rules of the State Bar of California; Rule; 3-310—Avoiding the Representation of Adverse Interests. Rule 3-310(C) provides, in part: ‘A member shall not, without the informed and written consent of each client: (1) Accept representation of more than one client in a manner which the interest of the clients potentially conflict or (2) Accept or continue representation of more than one client in a manner in which the interest of the clients actually conflict . . .’

Explained in: *Walker v. Berkeley*, supra, 951 F.2d 182,184, ‘. . . (1) that an attorney for a governmental entity usually has only one client, namely, the client itself, which acts through constituent sub-entities and officials . . .’

Response to Recommendation No. 4

County Counsel will, of course, refrain from representing entities where there is a legal conflict of interest. County Counsel’s position, however, is that there has been no such conflicting representation in the instances alleged by the Grand Jury. It is unclear what the Grand Jury means by the inclusion of the “other County departments” language in this Recommendation; if the Recommendation is intended to prohibit County Counsel from representing County departments in dealings with the Grand Jury, this Recommendation will not be followed—County Counsel represents the County of Yuba and its departments.

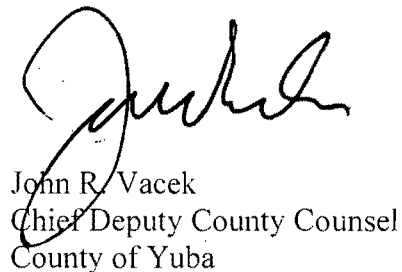
CONCLUSION

The civil Grand Jury obviously performs an important function in providing citizen oversight of governmental functions in Yuba County. The Office of County Counsel’s primary function is to provide legal advice and representation to the County, to its departments, and to its officials. By statute, County Counsel may provide legal advice to the Grand Jury, but only upon request of the

Grand Jury (California Penal Code §934(a)). That same statute authorizes the Grand Jury to seek legal advice from other sources; the District Attorney, the Court, and the Attorney General. In any dealings with the Grand Jury involving the County or a County department, County Counsel has always been clear that we represent the County. Certainly, when the Grand Jury has sought advice from County Counsel we have endeavored to give accurate, timely, and complete advice. If advice sought by the Grand Jury ever presented a conflict with County interests, the Grand Jury would be so advised. The short answer to the Grand Jury's concerns is that County Counsel only provides advice upon the Grand Jury's request; if the Grand Jury is dissatisfied with the advice given, they can simply not request legal advice from County Counsel.

Sincerely,


Angil Morris-Jones
County Counsel
County of Yuba


John R. Vacek
Chief Deputy County Counsel
County of Yuba

The County of Yuba

Department Of Administrative Services

DOUG McCOY - Director



7-27-15
FILED
YUBA COUNTY SUPERIOR COURT
STEPHEN KONISHI
SUPERIOR COURT CLERK
[Signature]
R. HAUCK

(530) 749-7880
FAX (530) 749-7884

Tuesday, July 20, 2015

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

Re: RESPONSE TO 2014-15 GRAND JURY REPORT – “Yuba County Airport Safety”

Dear Judge Scrogin:

Provided pursuant to Penal Code Section 933(c) are the comments from the County Administrator related to the findings and recommendations contained in the 2014-15 Grand Jury Final Report – “Yuba County Airport Safety”. Consistent with Section 933(c), responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and then our response is consistent with provisions of Penal Code Section 933.05(c).

FINDINGS

F3 *The Yuba County Administrative Services Director and the Yuba County Airport Manager responded to a 2013-14 finding that:*

“There is a posted ‘in an emergency’ placard in every hangar to call 911 in an emergency.”

The 2014-15 Grand Jury did locate the “in an emergency” checklist placard at the Yuba County Airport (provided as figure #1 in their report). The Grand Jury, however, found it contained deficiencies:

- *Phone numbers are not listed for the Airport Manager or Airport Lead Maintenance Worker.*
- *There is no date listed on the checklist to indicate when it was last reviewed or updated.*
- *There is no point of contact to notify if there are any issues with the checklist*

- *The checklist does not define the acronyms FAA, NOTAM, or ELT.*
- *The checklist does not identify who is to notify the FAA or how.*

Administrative Services Director partially disagrees with this finding. It has been updated. There has been some confusion about what's posted in the hangars of the airport. About a year ago, the attached placard (figure 1 below) was placed in the hangars of the airport printed on bright yellow card stock. It was a much simpler list of who to call and reduced any confusion about who should notify the FAA or other entity. Just a clear list of numbers to call.

IN CASE OF EMERGENCY CONTACT:	
EMERGENCY (FIRE, SHERIFF, ETC.)	911
OPUD FIRE DEPARTMENT (NONEMERGENCY)	743-7117
OFFICE OF EMERGENCY SERVICES (NONEMERGENCY)	749-7520
AIRPORT MANAGER	
OFFICE HOURS	741-6248
AFTER HOURS	682-9003

Figure 1

In addition to this placard being placed in each hangar, an Emergency Procedures checklist was updated based on the Grand Jury's feedback. It is also posted in common pilot areas, and has been redistributed to all public safety agencies supporting the airport. A similar document has previously been shared with all local agencies, and was resent on a regular basis, but this newly updated document has also been shared again with them.

F5 *The 2013-2014 Grand Jury recommended "The Administrative Services Director revise and update the Airport Manager Job Description to reflect current duties and responsibilities."*

The Yuba County Administrative Services Director and the Yuba County Airport Manager responded:

"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."

The Yuba County Board of Supervisors responded to the same finding:

"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."

The 2014-2015 Grand Jury conducted an interview with the Yuba County Administrative Services Director on March 26, 2015. The Airport Manager's class specification review (job description), as of that date, was still not complete. The Yuba County Administrative Services Director is in violation of Penal Code §933.05 (b)(2).

Administrative Services Director agrees with this finding. It has already been completed.

When I last met with the Grand Jury in March of 2015, I had already initiated contact with Human Resources to revise the job description. When a job description update is being requested by an employee it is a high priority but when it's not due to an employee request, it is a lesser priority. I had told them it was a low priority to be done as time and workload allowed. But the job description has been updated and is posted on the Human Resources effective April 2015.

<http://www.co.yuba.ca.us/Departments/Personnel/documents/Specifications/A/Airport%20Manager%20April%202015.pdf>

R3 *The Grand Jury recommends the Yuba County Airport Manager immediately update the "in an emergency" checklist posted at the airport to include: (See F3)*

- ***Phone numbers listed for the Airport Manager and the Airport Lead Maintenance worker.***
- ***A date listed to indicate when it was last reviewed and updated. A listed point of contact to notify if there are any issues with the checklist.***
- ***Spell out the acronyms FAA, NOTAM, and ELT.***
- ***Indicate who will notify the FAA.***

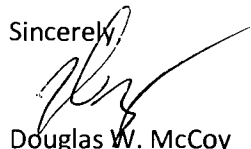
Administrative Services Director agrees with this finding. It has already been implemented. A revised Emergency Call List and an updated Emergency Procedures has been posted by the Airport Manager and shared with her large clients. A sample is attached.

R5 *The Grand Jury recommends the Yuba County Board of Supervisors directs the Yuba County Administrative Services Director to ensure the Yuba County Airport Manager's job specification review (job description) is complete, as represented, by the end of the 2014-2015 fiscal year. (See F5)*

Administrative Services Director agrees with this finding. It has already been completed. A sample is attached or you may also see the updated class specification at this link:

<http://www.co.yuba.ca.us/Departments/Personnel/documents/Specifications/A/Airport%20Manager%20April%202015.pdf>

Sincerely,



Douglas W. McCoy
Director, Administrative Services

The County of Yuba

Department Of Administrative Services

DOUG McCOY - Director



(530) 749-7880
FAX (530) 749-7884

Tuesday, July 21, 2015

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

Re: **RESPONSE TO 2014-15 GRAND JURY REPORT – “Safety Issues at Yuba County Airport”**

Dear Judge Scrogin:

Provided pursuant to Penal Code Section 933(c) are the comments from the County Administrator related to the findings and recommendations contained in the 2014-15 Grand Jury Final Report – “Emergency Preparedness of Yuba County”. Consistent with Section 933(c), responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and then our response is consistent with provisions of Penal Code Section 933.05(c).

FINDINGS

F3. The Yuba County Administrative Services Director and the Yuba County Airport Manager responded to a 2013-2014 finding that:

"There is a posted 'in an emergency' placard in every hangar to call 911 in an emergency."

The 2014-2015 Grand Jury did locate the "in an emergency" checklist placard at the Yuba County Airport. The Grand Jury, however, found it contained deficiencies:

- ***Phone numbers are not listed for the Airport Manager or the Airport Lead maintenance worker.***
- ***There is no date listed on the checklist to indicate when it was last reviewed or updated.***
- ***There is no point of contact to notify if there are any issues with the checklist.***
- ***The checklist does not define the acronyms FAA, NOTAM, or ELT.***
- ***The checklist does not identify who is to notify the FAA or how.***

The Airport Manager agrees with the finding. This finding has been implemented.

The checklist is not the same document as the "in an emergency" placard that is posted in every hangar.

A copy of the placard that is posted is attached and contains the telephone numbers and agencies to contact in case of an emergency. This is provided to each tenant as the Yuba County Airport is a General Aviation facility that does not have 24 hour services with individuals on the field. This placard was updated in January 2015 and the existing emergency placard was replaced in every hangar.

In addition, a copy of the emergency notification information is attached that is provided to the Federal Aviation Administration's flight advisory service provided by Lockheed Martin; the airport operators; with copies to agencies that may be

contacted due to an incident or accident at the Yuba County Airport. Although current, it has been updated with a current date and recirculated to each agency.

The Emergency Procedures Checklist referred by the Grand Jury as the "in an emergency" checklist is for use by airport personnel, airport operators, and first responders as a general guideline on what steps are taken in the event of an airport incident or emergency that occurs on the airport. In most cases, steps 1 and 2 are

typically all that the first responder or other individual would do and the Airport Manager and Airport Operators would handle the related steps. The Airport Manager has the responsibility to report to the Federal Aviation Administration and to get the airport operating areas in order as soon as possible. During an emergency, the Airport

Manager works directly with the Federal Aviation Administration and the National Transportation Security Board as directed.

RECOMMENDATIONS

R3. The Grand Jury recommends the Yuba County Airport Manager immediately update the "in an emergency" checklist posted at the airport to include: (See F3)

- ***Phone numbers listed for the Airport Manager and the Airport Lead maintenance worker.***
- ***A date listed to indicate when it was last reviewed and updated.***
- ***A listed point of contact to notify if there are any issues with the checklist.***
- ***Spell out the acronyms FAA, NOTAM, and ELT.***
- ***Indicate who will notify the FAA.***

The recommendation has already been implemented.

The Grand Jury's recommendations related to the Emergency Procedures Checklist have been implemented and make good sense to improve the quality of the checklist. The checklist has been updated and also recirculated to the agencies and operators necessary. A copy is posted in our primary operator's pilot lounge area. The modifications made include: the telephone number for the Airport Manager and Lead Maintenance Worker; the date the checklist was updated; a point of contact for any issues or problems with the checklist; definition of all acronyms; and reworded item 3 to reflect who contacts the Federal Aviation Administration.

Sincerely,

Mary Hansen
Airport Manager

IN CASE OF EMERGENCY CONTACT:

EMERGENCY

911

(FIRE, SHERIFF, ETC.)

OPUD FIRE DEPARTMENT

743-7117

(NONEMERGENCY)

OFFICE OF EMERGENCY SERVICES

749-7520

(NONEMERGENCY)

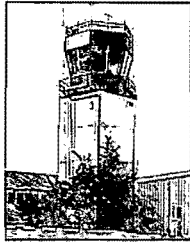
AIRPORT MANAGER

OFFICE HOURS

741-6248

AFTER HOURS

682-9003



YUBA COUNTY AIRPORT
1364 Sky Harbor Drive, Olivehurst, CA 95961
530/741-6248

Mary Hansen, CM, CAE
Airport Manager
mhansen@syix.com www.yubacoairport.com

June 1, 2015

TO: LOCKHEED MARTIN
HONEYCUTT AVIATION
KRUEGER AVIATION
YUBA SUTTER AVIATION
REACH AIR MEDICAL

FROM: Mary Hansen, Airport Manager

SUBJECT: EMERGENCY AND/OR OTHER CORRECTIVE ACTION CONTACTS AND
TELEPHONE NUMBERS FOR YUBA COUNTY AIRPORT (MYV)

Please be sure your information is correct. This is a routine update as the airport has had personnel retire recently.

In the event of an emergency or other corrective action to be taken due to an incident at the Yuba County Airport (MYV), the following emergency contact information is provided:

Administration Office (7 am to 4 pm, Monday-Friday with answering machine during all other hours and days or when office is unattended)	530/741-6248 530/741-6463
Mary Hansen, Airport Manager	530/682-9003 (cell/primary#) 530/682-8926 (home/cell)
County/Airport Maintenance After Hours or No Answer	530/682-8520 530/682-1472

Please circulate this letter to the appropriate people on your staff. Thank you for your continued cooperation and assistance in this and other airport matters.

copy: Doug McCoy, Admin. Service Director
Yuba County Sheriff's Dept.
County Office of Emergency Services
OPUD Fire Chief
Pat Thomas, County Facilities Manager

YUBA COUNTY AIRPORT (MYV) EMERGENCY PROCEDURES CHECKLIST

1. Call 911 and provide nature of fire/emergency, location, and number of injured
2. Notify Airport Manager at 530-682-9003
3. Airport Manager will contact the Federal Aviation Administration (FAA) to issue a Notice to Airman (NOTAM) at 1-877-487-6867 and advise local air traffic of conditions via UNICOM*
4. The Federal Aviation Administration will contact National Transportation Security Board (NTSB) to advise of accident
5. FAA/NTSB/Airport Manager will contact Dennis James, Plain Parts, 916-655-3100, for standby to remove aircraft if runway/taxiway is blocked; (NTSB is the controlling authority; the aircraft belongs to the NTSB when an accident occurs and will determine directions to proceed)
6. Notify Airport Lead maintenance worker, if necessary, for assistance, by first calling 530-682-8520 (or alternate number, if no answer, 530-682-1472, county after hours maintenance)
7. As necessary, record sky condition, visibility, temperature, barometric pressure, runway condition, time and any other pertinent information as possible; information also available by calling the Airport's Automated Surface Observation System (ASOS) at 530-742-0695 or by Aircraft Radio at radio frequency 118.475
8. Do **NOT** give any information to anyone other than Sheriff, Fire, Airport Personnel, FAA, or NTSB. Airport Manager or designated Public Information Officer to make statements to the press.
9. Do **NOT** allow the public to be within 100 feet of the scene, unless it is necessary to assist people who are in danger.
10. Have an Airport Mechanic or Operator locate and turn off the aircraft's ELT**, when safe to do so, which would normally be located in rear of fuselage.

*UNICOM refers to Universal Communications utilizing an air-to-ground radio system (radio frequency 123.05 at Yuba County Airport)

**ELT refers to Emergency Locator Transmitter that all aircraft must have in order to be registered by the FAA. It is designed to emit an audible radio signal on various radio frequencies if it experiences a certain amount of G forces. Once an ELT has been activated, a satellite receives the signal and it is sent to the Air Force Rescue and Coordination Center's Local User Terminals. Any time an ELT signal is transmitted, everyone must proceed as if there has been an accident or crash. It is important to locate and turn off the signal as soon as possible.

Checklist Point of Contact: Mary Hansen, Airport Mgr., 530-682-9003, mhansen@syix.com

Current as of 6/1/2015

CLASSIFICATION SPECIFICATION



CLASSIFICATION: Airport Manager
ALLOCATION: Administrative Services
FLSA STATUS: Exempt
UNION AFFILIATION: Non-Represented

ESTABLISHED: Circa 1996
REVISED: April 2015

JOB SUMMARY:

Under general direction, manage, plan, organize and evaluate operations, construction, maintenance, line service, customer service, economic development and marketing activities for the Yuba County General Aviation Airport; develop program and strategies to maximize the use of airport properties for commercial and industrial use and perform related work as assigned.

This is a singular managerial position.

CLASS CHARACTERISTICS:

This position reports directly to Director of Administrative Services and is characterized by the substantial amount of management and administrative oversight for the operations of the Yuba County Airport. This class is distinguished from the Director of Administrative Services in that the latter has overall management responsibility for all departmental activities and functions and establishes department vision, goals, policies, practices and procedures.

EXAMPLES OF DUTIES:

Essential:

- Manage the overall direction, coordination and evaluation of the Yuba County Airport in accordance with Federal Aviation Administration (FAA), federal, state and local laws and regulations.
- Plan and coordinate development activities for the general aviation airport.
- Organize and direct the operations of airport facilities, including the enforcement of ground traffic, air traffic patterns and safety rules and regulations.
- Create and direct outreach and expansion programs, including maintaining liaison with various aviation and business associations.
- Develop and implement programs to encourage long-term private sector investment in airport properties.
- Ensure that all airport operations and maintenance activities performed in accordance with federal and state laws and regulations.
- Prepare and negotiate contracts/leases for airport facilities, including ground leases, building leases and airport permits; collect fees due and balances and accounts for money received.
- Research and prepare grant proposals for airport construction and maintenance projects, such as runway and taxiway overlays, sewer and water improvements and master plan studies.
- Administer grants, maintain required records and submit reports to funding sources in a timely manner.
- Resolve customer complaints and disputes; maintain liaison with community groups and others to maximize service delivery.
- Develop and implement a public relations marketing program for the airport and airport properties, including a national advertising program and attendance at appropriate conferences and events.
- Confer and work closely with aviation planning and engineering staff on the development and implementation of capital structures and increased marketing opportunities.
- Administer airport and industrial capital improvement programs, such as construction, land acquisition and development of airside and landside facilities.
- Develop and monitor the airport budget; review, monitor and analyze the activity of assigned revenue and expense accounts; update management staff; make recommendations regarding budget and program issues and implement appropriate cost recovery or expense reduction policies to maintain a balanced budget.
- Provide for 24-hour, 7-day emergency response; respond to such emergencies and direct activities.
- Monitor changes in legislation that may affect program operations; evaluate their effect upon program activities and recommend appropriate policy and procedure modifications.
- Confer with and represent the County in meetings with employees and departments, representatives from various governmental agencies, community, business, professional groups and the general public.
- Conduct analytical studies; develop and review reports of findings, alternatives and recommendations; prepare or review a variety of narrative and/or statistical reports, correspondence, agenda items, policy

papers, presentations and other written materials; maintain or direct the maintenance of accurate records and files.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational Safety and Health Administration (CalOSHA) rules and regulations.
- Act as department representative in emergency or disaster response activities.

EMPLOYMENT STANDARDS:

Knowledge of:

- Principles and practices of general aviation facility operation and service development.
- Applicable laws, codes and regulations, including the FAA regulations.
- The role of general aviation in the aviation community and the needs of this specialized market.
- Principles and practices of contract negotiation and administration.
- Administrative principles and practices, including goal setting, program development and implementation and evaluation.
- Principles of grant writing and administration.
- Techniques of developing and implementing effective marketing programs.
- Principles and practices of government budget development and administration, financial forecasting and analysis.
- Methods, principles and practices of effective conflict resolution.
- Effective negotiation and consensus development with individuals and organizations having a broad range of interests.
- Data sampling and statistical analysis techniques.
- The structure and content of the English language, including rules of composition and grammar.
- Administration procedures and systems, managing files and records, and other office procedures.
- Modern management and supervisory theories, principles and practices.

Skill in:

- Project Management.
- Independently coordinating, overseeing and administering operational, marketing, capital improvement and maintenance programs as related to general aviation airport operations and related land development.
- Defining and analyzing programs and issues, identifying alternative solutions, projecting consequence of actions and implementation of recommendations.
- Developing and implementing goals, objectives, policies, procedures and work standards.
- Independently performing professional analytical and programmatic work and carrying projects through, from data gathering to completion.
- Fostering constructive relationships with internal and external stakeholders.
- Conducting cost/benefit analysis.
- Maintaining accurate financial and operational records.
- Negotiating effective lease terms and administering contracts effectively.
- Using tact, patience and courtesy in dealing with those contacted in the course of the work.

Ability to:

- Collaborate on topics that are sensitive in nature, involving many stakeholders with competing interests.
- Listen carefully to what other people are saying, take time to understand the points being made, and ask questions as appropriate for clarification.
- Interpret, apply and explain complex federal, state and local laws related to the work.
- Communicate information and ideas in a manner others will understand.
- Make rational judgments and decision in a timely manner particularly in situations involving potential risks.
- Interact with others and demonstrate sensitivity to their needs in order to establish and maintain a supportive and professional working relationship.
- Organize work, manage multiple projects/programs and meet critical deadlines.
- Prepare clear, concise and organized written reports, correspondence and other materials by compiling various sources of information into a professional document.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group IV) which will measure the ability to:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone; independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.
- Mobility to drive a motor vehicle to attend meetings or visit various work sites.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- Generally a typical office environment.
- May be required to travel to various worksites or locations within the County.
- Occasionally may be required to travel for meetings or conferences outside normal business hours.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment; maintain throughout employment.
- Possession of a valid Pilot's License issued by the FAA is desirable.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation which may include Live Scan fingerprinting prior to hire.
- DMV printout prior to hire.
- May be required to file statements of economic interest with the Yuba County Clerk/Recorder.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

Education and Experience:

MINIMUM: Bachelor's Degree from an accredited college or university with major coursework in business or public administration, aviation management, economics, finance or a closely related field and five years of professional airport operations experience with extensive knowledge of FAA regulations. *Candidates with strong experience who lack the degree are encouraged to apply.*

PREFERRED: In addition to the minimum, additional direct experience in general aviation operations and/or possession of a valid Accredited Airport Executive (AAE) certification by the American Association of Airport Executives.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

Approval: Department Head
Date:

EEOC: A
WC: 9410

Human Resources Approval: Analyst
Date:

Signature: _____

Signature: _____

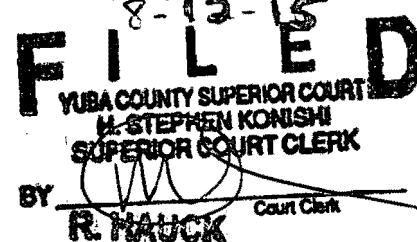


Marysville Joint Unified School District

GAY TODD, SUPERINTENDENT

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

August 11, 2015



The Honorable Julia L. Scrogin
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

RE: Response by the Board of Trustees of the Marysville Joint Unified School District to the Final Report of the Yuba County Grand Jury 2014-15, Pages 49 – 57

The Honorable Julia L. Scrogin:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of the Marysville Joint Unified School District's ("District") Board of Trustees, I hereby submit the required formal response to the 2014-15 Yuba County Grand Jury Final Report ("Report"), pages 49 – 57.

REQUIRED RESPONSES TO FINDINGS

A. Finding 1: "The 2014-2015 Grand Jury has identified and confirmed a lack of communication between the Superintendent and the MJUSD Board of Trustees. The 2013-2014 Grand Jury identified a perceived conflict of interest that occurred within the Marysville Joint Unified School District (MJUSD). The 2014-2015 Grand Jury has confirmed through multiple interviews with MJUSD Board Members and other MJUSD staff and employees that the MJUSD Superintendent did not inform the MJUSD Board of potential conflict of interest, State Code Infractions and the violation of State of California Government Code 1090 concerning Contractual Conflicts of Interest (URL Omitted). The 2014-2015 Grand Jury has also confirmed through interviews that the Superintendent did not communicate with the Board of a potential violation of established board by-laws (Board By-Laws 9270 (URL Omitted)) by hiring an employee with known affiliations or connections to district contractors and who therefore had a potential conflict of interest (URL Omitted)."

Response to Finding 1:

Finding 1 is entirely premised on the Grand Jury's assertion that a conflict of interest (or potential conflict of interest) existed and that there was a violation of Board Bylaw 9270. As stated in the District's response to the 2013-2014 Grand Jury Report, there was no conflict of interest, nor was there any violation of Board Bylaw 9270. Accordingly, the Board disagrees with Finding 1.

B. Finding 2: "The 2014-2015 Grand Jury has additionally identified a lack of communication between the Superintendent and the MJUSD Board of Trustees. The Superintendent did not communicate to the MJUSD Board of potential illegal contracts or contract bid splitting of the demolition of MJUSD facilities. It was reported to the Grand Jury through interviews that the Superintendent was aware of, and allowed, the contract splitting of demolition of facilities. The Superintendent did not seek prior approval from the Board for the demolition. As a result, a lawsuit was filed by the lowest bidder and an out of court settlement cost the MJUSD approximately double the work completed. (Board Meeting Minutes, Audio and Written, <http://www.mjusd.k12.ca.us>)"

Response to Finding 2:

Communication and discussion relating to anticipated or pending litigation (e.g. threatened or existing lawsuits) is a proper subject of closed session. (Gov. Code, § 54956.9.) As a result, the Board may not disclose detail on such communication or discussion without risking violation of confidential communications from those closed sessions. (Gov. Code, § 54963.) Accordingly, the Board cannot agree or disagree with Finding 2. Furthermore, the Board is not aware of any illegal contracts or illegal bid splitting, and disagrees with Finding 2 to the extent it asserts those as fact. The Board acknowledges that on March 11, 2014 they reached a settlement and release agreement.

C. Finding 3: "The 2014-2015 Grand Jury identified that the MJUSD Board does not properly provide the public with board meeting agendas. Grand Jury members attended numerous Board meetings and could not locate the agendas posted in some of the stated locations. The MJUSD Board does not properly provide the public with the meeting agenda as specified in the published MJUSD Board Meeting Agendas. See below MJUSD Notification of Meetings as stated in every Board Meeting Agenda:

Notification of Meetings

To provide the public with information about what will be on each board meeting agenda, a public notice is published in the newspaper on Thursday prior to a regularly scheduled board meeting Listing items of interest being considered by the Board. In addition, a copy of every board meeting agenda is posted at all schools, sent to each PTA President and School Site Council Chairperson, posted on the district website, and available for review at the following locations: District Office "Public Notice Bulletin Board," Yuba County Library, and the Chamber of Commerce.

The Grand Jury identified that the MJUSD Board does not properly provide the public with information on the MJUSD Office Public Notice Bulletin Board, Board Meeting Location, and various schools, County Library or the Chamber of Commerce."

Response to Finding 3:

The Board disagrees with Finding 3 to the extent it asserts the Board has not complied with open meeting laws concerning posting of agendas. The Brown Act requires that the agenda "shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one." (Gov. Code, § 54954.2.)

Moreover, Board Bylaw 9320 states that "the agenda shall be posted at one or more locations freely accessible to members of the public."¹ The Board is not aware of any meeting or agenda posting that did not comply with open meeting laws or with the Board's Bylaw on agenda posting.

The Board partially agrees with Finding 3 to the extent it asserts that for the 2014-2015 school year the Board did not post agendas consistent with the language on the Board's agenda concerning locations to post the agenda. On October 14, 2014, the Board ceased posting its agendas at the physical locations noted in Finding 3, and began posting its agendas online to increase transparency and accessibility of the agendas. (Prior to October 14, 2014, the Board posted all agendas at the locations noted in Finding 3.) Due to the online posting system, the additional posting locations as stated on the agenda (e.g. Yuba County Library, and the Chamber of Commerce) were no longer necessary and the District ceased posting in those locations. In September 2014, the last Board meeting agenda was mailed out and posted for the September 23, 2014 meeting as set forth in Finding 3. At that time, the following note was attached to each agenda (this note was also mailed or emailed to all District stakeholders on the District's distribution list):

Beginning with the 10/14/14 board meeting, copies of the agenda will no longer be distributed. The agenda and related documents can be viewed on the MJUSD website.

www.mjusd.com

Select: *Board

Select: *Board Agendas and Minutes

Unfortunately, the agenda template language was not immediately revised to reflect this change. Thus, the agenda language cited in Finding 3 inadvertently remained unchanged even though the District's process and procedure for posting the agenda changed. As a result, the language on the agenda was incorrect. Thank you for bringing this to our attention. As of June 2015, the agenda template has been revised and corrected as follows:

¹ All Board Bylaws, Board Policies, and Administrative Regulations are available online here: <http://www.mjusd.com/cms/One.aspx?portalId=140401&pageId=43943>

Notification of Meetings

To provide the public with information regarding agenda items being considered by the Board of Trustees, a public notice is published as follows:

- * Posted on the MJUSD district website at www.mjusd.com.
- * Posted on the Public Notice Bulletin Board at the MJUSD District Office at 1919 B Street, Marysville, CA 95901 [located in the hallway outside the Superintendent's Office, Room 101] .
- * Emailed to all employees of the district, the Appeal-Democrat, and KUBA.

D. Finding 4: "Through interviews, the 2014-2015 Grand Jury has found the Superintendent and MJUSD Board have not established district goals and objectives for the MJUSD Superintendent for each succeeding year, no later than 15 June of the new school year as stipulated in Current Employment Contract between Superintendent and the Governing Board of the of the Marysville Joint Unified School District of Yuba County, California. Interviews with Board Members confirmed that the Superintendent and the MJUSD Board did not establish District goals and objectives by June 15, 2014.

The Contract states that the Board evaluates the MJUSD Superintendent with the Contract, Job Description, District Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation. The District goals and objectives are a portion of the MJUSD Superintendent evaluation. The Superintendent and the Board are in violation of the current Contract stipulation to jointly establish goals and objectives and reduce to writing for the current school year no later than June 15 of each subsequent year."

Response to Finding 4:

The Board agrees with Finding 4 regarding the language of the Superintendent's Contract. The Superintendent's Contract provides, in pertinent part, as follows:

Commencing no later than August 15, 2012, and no later than June 15 of each subsequent school year of this CONTRACT, SUPERINTENDENT and BOARD shall establish DISTRICT goals and objectives for the following school year. These goals and objectives shall be among the criteria by which SUPERINTENDENT is evaluated as hereafter provided.

The Board disagrees with Finding 4 to the extent it alleges the Board and Superintendent are in violation of the current Contract. The Board and the Superintendent have established written yearly goals each and every year dating back to the inception of the Superintendent's employment in 2005. Each year, the Superintendent has presented written goals to the Board and each year the Board has had an opportunity to comment and provide input. While the Board may not have formally adopted the goals for 2014, the Superintendent presented these written goals prior to June 15. Matters related to the evaluation of the Superintendent are conducted in

closed session pursuant to Government Code section 54957(b)(1). As a result, the Board may not disclose further detail on this matter without risking violation of confidential communications from those closed sessions. (Gov. Code, § 54963.)

E. Finding 5: "The 2014-2015 Grand Jury has confirmed through interviews from MJUSD employees, staff and Board members that a hostile work environment exists within the Marysville Joint Unified School District. Fear of reprisal, retaliation, retribution and loss of job or position has been given to the Grand Jury as examples. Interviews have also revealed loss of faith in the MJUSD system along with fear of speaking to Board members. Employees and staff have expressed that intimidation and manipulation exists within the District.

The Grand Jury identified the formal MJUSD system Uniform Complaint Procedures, Board Policy 1312, Interviews with District employees, staff and Board members indicated that this is a cumbersome and non-confidential system and is not being utilized. District employees and staff members stated they fear use of this system will result in possible reprisal, retaliation, retribution and loss of job or position."

Response to Finding 5:

The Board disagrees with Finding 5. The Board is not aware of any employee, staff, or Board member that has complained of, or been subject to, unlawful discrimination, harassment, retaliation, or hostile work environment. To the extent someone feels they have been subject to such an environment, the Board encourages them to seek informal resolution of the situation, and if unsuccessful, then they may file a written complaint.

With regard to the Uniform Complaint Procedures, Board Policy 1312.3 is modeled after the legally required procedure for uniform complaints as set forth in California Code of Regulations, title 5, Section 4600 et seq. Because this procedure is mandated by law, the Board cannot provide modification to this procedure to make it more or less cumbersome or complex. District Board Policies and Administrative Regulations governing complaints are consistent with industry standard for public school districts in California. The Board encourages anyone with a concern to contact their local administrator and discuss their concern. No specific procedure is required for such contact.

Furthermore, Board Policies and Administrative Regulations governing complaints are crystal clear, stating that:

The Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation, or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

(See e.g. Board Policy 1312.3.)

REQUIRED RESPONSES TO RECOMMENDATIONS

A. Recommendation 1: "The Grand Jury recommends the MJUSD Board of Trustees shall immediately direct MJUSD Superintendent to improve communications with the Board. (See F1)"

Response to Recommendation 1:

Already implemented. The Superintendent is, and has always been, required to maintain effective communications with the Board. Board Policy 2111, Superintendent Governance Standards, provides that the Superintendent is required to:

Communicate openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications.

B. Recommendation 2: "The Grand Jury recommends the MJUSD Board of Trustees shall immediately direct MJUSD Superintendent to improve communications with the Board. Improved communications would give the Board information needed to ensure that potential illegal contracts or bid splitting is avoided. (See F2)"

Response to Recommendation 2:

See Response to Recommendation 1.

C. Recommendation 3: "The MJUSD Board needs to properly provide the public with every future board meeting agenda as specified in the published MJUSD Board Meeting Agendas. (See F3)"

Response to Recommendation 3:

Already implemented. See Response to Finding 3.

D. Recommendation 4: "The MJUSD Board establish district goals and objectives for the MJUSD Superintendent for each succeeding year, no later than 15 June of the new school year as stipulated in Current Employment Contract between Superintendent and the Governing Board. The contract clearly states the MJUSD Board shall evaluate the MJUSD Superintendent in writing no later than 31 May of each subsequent full year of the contract. The evaluation shall include the Contract, Job Description, District Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation. (See F4)"

Response to Recommendation 4:

Already implemented. In June 2015, the Board adopted written goals for the Superintendent for the 2015-2016 school year.

E. Recommendation 5: "The MJUSD Board must immediately address and eliminate the hostile work environment within the district. Suggested areas for the Board to address include; open communications without fear of reprisal and a simplified confidential complaint system. (See F5)"

Response to Recommendation 5:

Already implemented in part; cannot implement in part. The Board is not aware of, and the Grand Jury has not provided, any specific facts or complaints that indicate an unlawful hostile work environment within the District. However, the Board has already established Board Policies and Administrative Regulations that prohibit unlawful hostile work environments and that specify processes and procedures for addressing complaints. These Board Policies and Administrative Regulations are consistent with the industry standard for public school districts in California and include all components that are necessary to comply with law. With that in mind, the components of the District's Uniform Complaint Procedures are mandated by state law as set forth in California Code of Regulations, title 5, Section 4600 et seq. As such, they cannot be simplified or modified without risking violations of established law. Furthermore, these Board Policies and Administrative Regulations include express provisions that protect the complainant from retaliation and protect the confidentiality of the complainant except to the extent necessary to investigate and resolve the complaint. (See e.g., Board Policy 1312.3, Uniform Complaint Procedures.)

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,

BOARD OF TRUSTEES
MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT



Bernard Rechs
Board President

c: Board of Trustees, Marysville Joint Unified School District