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# History of the Grand Jury

## Before American Development

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

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

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

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 (Ironically, English laws establishing grand juries were repealed in 1933.)

## Early American Development

The use of juries in earliest colonial history was limited. In the New Haven colony, for example, religious beliefs resulted in the residents eliminating trial by jury because there was no reference to juries in the laws of Moses. However, procedures similar to grand juries were used to hear criminal charges of larceny (Boston, 1644), holding a disorderly meeting (Plymouth, 1651), and

witchcraft (Pennsylvania, 1683.) In the early 1600s, colonial representatives of the English monarchs made laws and prosecuted violators. The first grand juries recommended civil charges against those crown agents, thus establishing themselves as representatives of the governed, similar to grand juries today. The first grand juries also looked into government misconduct or neglect. For example, the first colonial grand jury, established in Massachusetts in 1635, "presented" town officials for neglecting to repair stocks, as well as considering cases of murder, robbery and spousal abuse.

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

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

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

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

### **Adaptation by the States**

As the various states were admitted to the Union and adopted their legal and operating procedures, almost every one initially included some reliance on grand juries for either (or both) review of criminal indictments or inquiries into government activities. Some states' grand juries were very active in administrative affairs, even including recommending new laws. Others

carried out investigations of government officials; one Tennessee grand jury indicted the entire state court of appeals and another opposed a judge's reappointment on the grounds of "mental imbecility."

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

Since the mid-1800s, grand juries have been criticized as ineffective or out-of-date by a number of reformers because they were slow, lacked expertise, and on other grounds. Others criticized the "star chamber" atmosphere of secret hearings without customary due process rights.

However, these complaints were offset by effective grand jury investigations, including those of the Boss Tweed ring in New York City (1871) and racketeering charges brought by a grand jury assisted by Thomas Dewey in the 1930s. Since the nineteenth century, various minor and major changes have been made in grand jury selection, procedures, and qualifications, often resulting in fairer and more efficient jury operations.

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

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# Yuba County Grand Jury 2011-2012

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## Jury List

**Dennis Ayres**

**Michael Boom (Foreman)**

**Victor Bugarin**

**Timothy Burket (Sergeant-At-Arms)**

**Michele Burks (Treasurer)**

**Gayle Diemond (Secretary)**

**Kimberly Hawthorne**

**Gerald Hollands**

**John Hollis**

**Ruth McGuire (Librarian)**

**Paul Nguyen**

**Billy Timmons**

**Thomas Palacio**

**Stephen Propst**

**Meldine Rodda**

**Michael Smalley (Foreman Pro Tem)**

**Michael Sroka**

**Joy Wilcox**

**Martha Witt**

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# The County of Yuba

GRAND JURY



June 20, 2012

The Honorable Stephen Berrier  
Presiding Judge of the Grand Jury  
Yuba County Superior Court

Dear Judge Berrier:

In accordance with the provision of Penal Code section 933(a) and on behalf of the entire 2011-2012 Yuba County Grand Jury, I submit this, our Final Report. This year, our Final Report is the compilation of our eight interim reports which have been published throughout our year of service.

As Foreman of our Grand Jury, as well as the eighteen additional citizens representing various backgrounds and locations within our county, this report is presented with one voice. Through the year our diverse group has come together as a highly efficient working group. We have attended training, organized our committees, and conducted all of our inquiries in solidarity and unison. We have constantly taken the high ethical road as we learn the workings and politics of Yuba County.

This Grand Jury took our investigative role very seriously. In a professional manner we looked into various matters of our county, our city governments, public jail, special districts, local agencies and schools. With the goal of suggesting improvement where necessary, and making commendations where agencies or personnel warranted, we met and deliberated. Every inquiry did not result in an investigation, and every investigation did not reveal deficiencies; yet every action of our jury weighed as much as another.

We approached all our inquiries and interviews with the goal of confidentiality in mind. As we gathered our information and evaluated the facts discerned from citizens and officers of our county, we can say we accomplished this very difficult task, and for this, I am very proud. We believe we have strengthened confidentiality issues of citizens who have been concerned about giving information to the Grand Jury.

I thank first, our volunteer group of nineteen citizens of Yuba County. Volunteers who dedicated their time to act on behalf of all citizens within our county, at great sacrifice of their family and their schedules. Those who were our Committee Chairpersons worked long and hard with their individual committees to maintain a level of professionalism which all of us can be proud. Their work is reflected in each of our reports, and this, our Final Report. I cannot thank each member of our Grand Jury enough for their dedication, their professionalism and their commitment in fulfilling our charge and oath of June 2011. It is because individuals step forward to serve that our system thrives. May I challenge each and

# The County of Yuba

GRAND JURY



every citizen of Yuba County to apply to serve on the Grand Jury at some time in the future and help make our county an efficient and effective one.

Several milestones were accomplished during our year of service, all only made possible through the dedication of our entire group. To name only one, the state level award from the California Grand Jurors Association – the Excellence In Reporting Award, was received by the Yuba County Grand Jury this past year.

Additionally, I thank you for your administrative guidance and support throughout our year long service. Special thanks go to the entire Yuba County Superior Court staff, led by Mr. H. Stephan Konishi, Court Executive Officer, and Ms. Bonnie Sloan. Their availability as well as their leadership and encouragement helped create an environment which made our work possible. I additionally wish to thank District Attorney Patrick McGrath; Sheriff Steven Durfor, Undersheriff Jerry Reid and Captain Mark Chandless, for their time, patience and availability. Angil Morris-Jones, County Counsel; and Patricia L. Garamone, Chief Deputy County Counsel also deserve our recognition.

I truly appreciate this opportunity to serve on the Grand Jury and for the honor and privilege of acting as Foreman.

Respectfully submitted,

Mike Boom  
2011-2012 Yuba County Grand Jury Foreman



# Yuba County Grand Jury 2011-2012

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## UNAUTHORIZED CHANGES IN BUILDING PERMIT FEES



*"What's this?"*

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## UNAUTHORIZED CHANGES IN BUILDING PERMIT FEES

### SUMMARY

After receiving a citizen complaint that the County Building Department was charging fees that were inconsistent with those that had been adopted and approved by the Board of Supervisors, an inquiry into the complaint was initiated by the Grand Jury. During the inquiry, several elected officials, county employees and the complainant were interviewed. In addition to the interviews, public records were obtained and reviewed that substantiated the complaint. Upon completion of the inquiry, it was determined that the Chief Building Official provided reduced fees only to certain residential and commercial enterprises. Further, we found no evidence that the Chief Building Official had approval from the Supervisors to provide the reduced fee. The Building Department lost money as a result of the reduced fees.

### GLOSSARY

BOS	Board of Supervisors
CDSA	Community Development Services Agency
CBO	Chief Building Official

### BACKGROUND

The Yuba County Administrative Policy and Procedures Manual, Policy No.B-2, Charges for County Services, states the following:

“Whenever a department is planning to provide a service for which there shall be a charge, that department shall calculate a fee or rate and request the review of the County Administrator before submission to the Board of Supervisors (BOS). **No fee may be charged unless approved by the BOS through County ordinance under the Consolidated Fee Schedule.**” (emphasis added)

The Consolidated Fee Schedule is Chapter 13 of the Yuba County Ordinance Code.

The Grand Jury received a complaint stating that, during the years 2007 to 2009, a certain building permit fee had been cut in half without the authorization of the BOS. The complaint went on to state that this “half fee” was supposed to be available only to individual residential owners for construction projects performed by them on their own property. Further, documents submitted to the Grand Jury by the complainant showed that a member of the public, with a commercial construction project, also benefited from the “half fee.”

The Grand Jury conducted an inquiry because:

- permit fees may have been reduced without authorization from the Board of Supervisors,

- this reduced fee may not have been equally available to every construction project within the County, and
- the Building Department may have lost money as a result of the unauthorized fee reduction.

## APPROACH

The Grand Jury conducted interviews, including the complainant, three County Supervisors and two employees within the Community Development Services Agency.

The following written material was reviewed:

Yuba County Administrative Policy & Procedures Manual “Charges for County Services” Section

BOS minutes of all meetings from 2004 and 2009

Special report of building permits issued from 2005 and 2008, which made use of the “half fee”

## DISCUSSION

The Grand Jury received a complaint alleging an unauthorized reduction of a certain building permit fee took place between 2005 and 2008. The allegation is that the building permit fee for residential construction projects, performed by owners of personal residences, was cut in half during this timeframe. The allegation also states that a former County Supervisor received the benefit of the “half fee” for his commercial project in 2008.

All the individuals interviewed stated that only the BOS can establish, alter and/or waive fees. Further, none of the Supervisors who were interviewed were aware of the “half fee,” although the Chief Building Official stated that the Supervisors had asked his department to set up the “half fee” waiver on behalf of personally-owned residential construction projects.

The Grand Jury requested a special report of construction projects which were charged the “half fee.” A review of this report indicated that the “half fee” was charged to residential construction projects, where the owner was performing the work himself, from 2005 through 2008. However, in October 2006, the “half fee” was extended to a commercial home developer, saving the developer \$1143.66 and a loss to the Building Department of the same amount. It was also noted that in May 2008 another commercial construction project also received the “half fee.” Further, it was learned that this commercial project was and is owned by former Yuba County Supervisor. The “half fee” amounted to a savings of approximately \$18,568.87 for the former Supervisor, and a loss of that amount to the Building Department.

It was also found that a similar commercial construction project to that of the former Supervisor, also in May 2008, did not receive the half fee.

In reviewing the BOS minutes from 2004 to 2009, there is no ordinance or resolution adopting the building permit “half fee,” nor is there a request for waiver of permit fees on behalf of the previously mentioned developer and the former Supervisor.

Thus, the Grand Jury concludes that the Chief Building Official unilaterally changed the permit fee for a specific group of residential construction projects without authorization from the BOS. Further, the CBO provided this unauthorized “half fee” to a commercial home developer and to a former County Supervisor for their commercial construction projects.

## **FINDINGS**

- F1. Pursuant to Yuba County Policy and Procedures Manual, the Board of Supervisors is the only County entity that is authorized to establish, change and waive fees for County-provided services.
- F2. “Half fee” waivers were given to residential construction projects, where the work was performed by the owners themselves, between 2005 and 2008, without authority from the Board of Supervisors.
- F3. “Half fee” waivers were given to a commercial home developer group in October 2006.
- F4. “Half fee” waivers were given to a commercial construction project in May 2008, which was and is owned by a former Yuba County Supervisor.
- F5. A similar commercial construction project to that of the former Supervisor did not receive the “half fee” waiver in May 2008, but rather paid full price.
- F6. The Chief Building Official did not and does not have the authority to establish, change and waive permit fees.
- F7. The Chief Building Official appears to have exhibited favoritism by providing the “half fee” waiver to residential construction projects, where the work was performed by the owners themselves.
- F8. The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to one commercial home developer group.
- F9. The Chief Building Official appears to have exhibited favoritism by granting the “half fee” waiver to a former Supervisor for his commercial construction project, while not granting the “half fee” waiver to a similar commercial construction project taking place during the same timeframe.
- F10. The Chief Building Official stated he was instructed by the Board of Supervisors to provide the “half fee” waiver, but the Supervisors who were interviewed had no knowledge of such a waiver.

## **RECOMMENDATIONS**

- R1. Increased oversight should be implemented to ensure that only fees authorized by the Board of Supervisors are charged.
- R2. The Chief Building Official should be held accountable for failing to follow the County’s Administrative Policy & Procedures Manual, Policy B-2, regarding the establishment of fees.
- R3. The Chief Building Official should be held accountable for a perceived show of favoritism when providing the “half fee” to residential construction projects where the work is

performed by the owners themselves, as well as to the two commercial construction projects.

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

### REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Chief Building Official F1-F10
- Director, Community Development Services Agency F1 -F9, R1 -R4
- County Administrative Officer F1-F9, R1-R4

From the following governing bodies:

- Board of Supervisors F1-F10, R1-R4

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

### BIBLIOGRAPHY

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

This report of the “Unauthorized Changes in Building Permit Fees” is issued by the 2011-2012 Grand Jury with the exception of one member of this Grand Jury. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations, and the making and acceptance of the report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.



# Yuba County Grand Jury 2011-2012

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## JAIL INSPECTION

### Yuba County Sheriff's Department



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# Jail Inspection

## Yuba County Sheriff's Department

### SUMMARY

The Yuba County Jail, located at 215 5<sup>th</sup> Street in Marysville, is operated under the supervision of the Yuba County Sheriff. California Penal Code Section 919(b) requires that the "Grand Jury shall inquire into the condition and management of the public prisons within the county." Two inspections of the County Jail and a follow-up interview with Sheriff's Department staff were conducted by members of the Grand Jury. Tours of the jail included inspection of detainee housing areas, laundry facilities, the kitchen (food preparation and distribution) areas, the medical facilities, as well as the law library contained within the jail. The Grand Jury has concluded that the jail operates very efficiently and that Sheriff's Department staff are well trained and serve the residents of Yuba County in an efficient and professional manner.

### BACKGROUND

The Yuba County Jail is located at 215 5<sup>th</sup> Street in Marysville and is operated under the supervision of the Yuba County Sheriff. Both the Marysville Police Department and the Wheatland Police Department, each with its own chain of command, operate within Yuba County. Both agencies, as well as the California Highway Patrol, utilize the Yuba County Jail for detention purposes. The Yuba County Jail is also a detention center for Immigration and Customs Enforcement (ICE) detainees. Annual inspections by the Grand Jury of public prisons within the county are required under California Penal Code 919(b).

### APPROACH

Members of the Grand Jury conducted initial interviews with the Yuba County Sheriff, the Captain of the Jail, as well as several support staff. An overview of the operations and management of the Jail was given to Grand Jury members, followed by a tour of the Jail facilities. Upon request, Sheriff Department staff also provided the Grand Jury members with copies of the most recent State and Federal inspection report, including the Federal ICE Detention Standards Compliance Review Report, the State Fire Marshal Inspection Report, the Yuba County Health Inspection Report, and the State of California Corrections Standards Authority Report.

### DISCUSSION

On August 16<sup>th</sup>, 2011, Grand Jury members met with the Sheriff, the Captain of the Jail and several staff members, followed by a tour of the facilities. The tour included the booking-intake area, visiting area, control room, sobering cells, solitary confinement cells, general population cells, court holding cells, law library and the educational class room, in which an English class was in progress. All areas visited by Jury members were clean and in a good state of repair, with minor exceptions where the age of the facility was apparent. Grand Jury members were informed that approximately 8500 people are booked into the jail annually. On the day of the tour, there were 348 inmates in custody, 183 were ICE detainees. The Sheriff indicated that the

daily cost of housing local general detainees is approximately \$61.00/day per inmate and \$71.50/day for ICE detainees. The Yuba County Sheriff's Department is currently under contract with the federal government to house ICE detainees awaiting federal action and is reimbursed \$71.58/day per detainee, plus incidental costs associated with additional guard and medical staffing needs.

Grand Jury members asked the Sheriff what effect Assembly Bill 109, which mandates the transfer of some prisoners from State prisons to the local jurisdictions, would have on the jail operations. The Sheriff stated that the State legislature has allocated \$1 million, reimbursable to Yuba County, for the administration of the prisoner transfer program for the period of October 1<sup>st</sup>, 2011, through June 30<sup>th</sup>, 2012.

On September 27<sup>th</sup>, 2011, Grand Jury members returned to the jail, to perform a more in-depth view of the kitchen/food services and the laundry area. There are three full time cooks and a supervising Food Services Manager on staff, with 15 inmates assigned to work in the kitchen and food services area at a time. Inmates assigned to this area are given safety training and are instructed in food safety and sanitation practices prior to engaging in any activities in the kitchen. The kitchen operates between 3:30 am and 7:00 pm daily. The Food Services Manager told the Grand Jury members that approximately 37,000 meals per month are served from the jail kitchen. Meals are approved by a dietitian and special dietary needs are accommodated, as necessary. A six-week jail menu was provided to Grand Jury members for review. All activities in the kitchen and loading dock area are monitored by a closed-circuit surveillance system, which is monitored from the Food Service Manager's office. Grand Jury members noted that supervision and monitoring of all inmate activities in the kitchen and supply delivery area were a high priority for Department personnel, and that equipment used in the preparation and distribution of meals was accounted for with a significant degree of precision and detail.

The laundry facility was clean, well ventilated and appeared to operate very efficiently. Jury members were told that four inmates at a time are assigned to work in the laundry room. They work eight hour shifts, with a break every four hours. The laundry facility has the capacity to run 24 hours a day, seven days a week; but the female inmates assigned to laundry duty typically only work three days per week. Inmates assigned to laundry duties are locked in the room during operations and are monitored via a closed-circuit camera system. There is a restroom in the laundry room and drinking water is provided for the workers. A communications device is available in case of an emergency. All chemicals used are concentrated and added to the wash with the push of a button. No inmates touch any chemicals. Jail staff indicated that the laundry provides services to Yuba Sutter Mental Health and receives annual compensation for the services.

Upon review of the aforementioned State and Federal reports, it is noted that the Yuba County Jail meets or exceeds all current State and Federal standards for such facilities.

## FINDINGS

- F1. The Yuba County Grand Jury finds the Yuba County Jail staff to be well trained and attentive to the needs of the inmates.
- F2. The Yuba County Grand jury finds the Yuba County Jail offers a wide variety of meals, with provisions for religious and dietary requirements.
- F3. The Yuba County Grand Jury finds the laundry area to be efficient and clean.
- F4. The Yuba County Grand Jury finds that the laundry is a revenue producer based on services it provides to Yuba/Sutter Mental Health.

## RECOMMENDATIONS

- R1. The Yuba County Grand Jury recommends that the Yuba County Sheriff commend Jail staff for their dedication and hard work.
- R2. The Yuba County Grand Jury recommends the Yuba County Board of Supervisors commend the Sheriff and the Sheriff's Department staff for their excellent work.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Yuba County Sheriff, R1

From the following governing bodies:

- Yuba County Board of Supervisors, R2

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## BIBLIOGRAPHY

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# Yuba County Grand Jury 2011-2012

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## Juvenile Hall Report



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## JUVENILE HALL REPORT

### SUMMARY

There are three juvenile detention facilities in Marysville, which are managed by the Yuba County Probation Department. These facilities are the Yuba-Sutter Juvenile Hall, the Maxine Singer Youth Guidance Center and the Yuba-Sutter Juvenile Hall Secure Housing Unit. These facilities are used to house troubled youths under the age of 18 from Yuba and Sutter Counties, as well as from six other northern California counties. Members of the Grand Jury found these facilities to be generally well maintained and provide many supportive programs. It was found, however, the video surveillance system in Juvenile Hall continues to be inadequate, as noted in previous Grand Jury reports. Also, there is damaged insulation within the indoor recreation area of the Maxine Singer Youth Guidance Center. Two thirds of the funding for the facilities is provided by Yuba and Sutter Counties and the remainder is provided from negotiated contracts with other counties.

### GLOSSARY

Juvenile Hall	Yuba-Sutter Juvenile Hall
SHU	Yuba-Sutter Juvenile Hall Secure Housing Unit
Camp Singer	Maxine Singer Youth Guidance Center

### BACKGROUND

Under a joint agreement between Yuba and Sutter counties, the Yuba-Sutter Juvenile Hall and the Camp Singer were established in 1976 and 1996 respectively. The Yuba County Probation Department is the responsible administrative agency.

California Penal Code section §919(b) mandates that the Grand Jury annually inspect all prisons and jails located within the county which it serves. Due to the bi-county arrangement, the facilities are inspected by both Yuba and Sutter County Grand Juries. The State of California Department of Corrections and Rehabilitation also inspects these facilities.

### APPROACH

Members of the Grand Jury met with senior staff and toured Juvenile Hall, the SHU and Camp Singer on three separate occasions. During one of the tours, lunch was shared in the dining room with wards and staff.

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## DISCUSSION

There are three juvenile detention facilities located in Marysville: Juvenile Hall, the SHU, and Camp Singer.

Members of the Grand Jury were given tours of the three facilities. The tours included the intake and visiting areas, the general housing units, SHU, kitchen, dining hall, indoor and outdoor recreational areas, Camp Singer and classrooms.

Juvenile Hall is a 45-bed detention facility for less-violent offenders under the age of 18. This facility consists of three wings: a common area, visiting room and classrooms, plus an outdoor recreation area. The juveniles are housed according to gender and only intermingle during school hours and meal times. Juveniles held in this facility are awaiting court proceeding. The average stay in Juvenile Hall is three weeks to three months. Visitation is limited to two hours per week in order to minimize the possibility of negative outside influences.

Juvenile Hall includes a separate 15-bed Secure Housing Unit (SHU) for the segregation of more serious and violent offenders. The SHU is a single building with its own enclosed outdoor recreation area, classroom, shower and bathrooms. The SHU was not in use at the time of the Grand Jury's tours.

Camp Singer is a minimum security facility with a maximum capacity of 48 male and 12 female offenders. The juveniles housed here are selected by their case judge for rehabilitation, rather than just incarceration. The main objectives of Camp Singer are community protection and the redirection of negative or delinquent behavior. In Camp Singer, the juveniles are segregated by gender, but unlike Juvenile Hall, there are no cells. Juveniles are housed in a dormitory-style setting, with individual sleeping cubicles. Camp Singer includes its own classrooms and indoor/outdoor recreational areas. The kitchen, shared between Camp Singer and Juvenile Hall, provides three hot meals each day for both wards and staff.

Both Juvenile Hall and Camp Singer run on a points system. Points are awarded by staff and teachers. As the minors earn more points, they attain a higher status (C, B, A, Super A). With the higher status come rewards, which can include; later bedtime, different recreational activities and special visits with immediate family, who may bring outside food.

Within two days of arrival, each juvenile is given a complete medical and physical examination. The average detention time for a juvenile at Camp Singer is 7-12 months. A tattoo removal program, funded by public and private donations, is available. There are higher expectations of conduct at Camp Singer than at Juvenile Hall or the SHU.

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The philosophy of Camp Singer is to develop a sense of achievement and personal responsibility, in both the juveniles and their family units. The goal of the program is to teach survival skills to assist them in overcoming negative outside influences after they leave.

Within Camp Singer, there are vocational certificates offered. The certificates may include: Basic Tool Knowledge, General Framing, Basic Drywall and Basic Electrical. A certificate can also be obtained for the successful completion of a Drug and Alcohol counseling program. Currently, Camp Singer is attempting to secure the funding for a Safe-Cert certificate program. This certificate is a California state-mandated requirement for all food service workers. These certificates allow Camp Singer juveniles to be competitive in the job market.

Throughout the three facilities, there is an emphasis on education, with classes taught by teachers provided by the Yuba County Office of Education. There are also athletic programs, and opportunities for public speaking, academic achievement and community involvement. The juveniles are responsible for the daily upkeep of their individual sleeping areas.

Members of the Grand Jury observed that these facilities appear to be well positioned to lease bed space to other counties.

The population within these facilities varies from day to day. On the day of the Grand Jury's final tour, the population of Juvenile Hall was 22, and the population of Camp Singer was 21. On that day, the majority of the population in both facilities originated from Yuba and Sutter counties. Camp Singer has recently finalized a housing contract with Tehama County to bring the total number of out-of-county contracts to six. The following table represents a county-by-county breakdown of the population at the time of the tour.

<b>Yuba-Sutter Juvenile Hall</b>	<b>TOTAL 22</b>
Yuba County	12
Sutter County	8
Colusa County	2

<b>Maxine Singer Youth Guidance Center</b>	<b>TOTAL 21</b>
Yuba County	8
Sutter County	5
Colusa County	2
Amador County	0
Calaveras County	2
Placer County	2
Tehama County	0
Tuolumne County	2

These contracts are a positive revenue stream for the facilities. Currently the facilities receive approximately one-third of their income from Yuba County, one-third from Sutter County and one-third from outside contracts.

Members of the Grand Jury noted that there was damage to the exposed insulation within the indoor recreation area of the Camp Singer building. This building also houses classrooms, laundry facilities, as well as woodworking and construction classes.

Members of the Grand Jury were told by Juvenile Hall’s interim superintendent that the surveillance system was “inadequate”. The current system has no recording capability, and there is a need for additional cameras to cover several high security/high liability areas of the property. These deficiencies have been noted in previous Grand Jury reports.

**FINDINGS**

- F1. Generally, the Yuba-Sutter Juvenile Hall facilities appear to be well maintained.
- F2. The Yuba-Sutter Juvenile Hall facilities appear to provide supportive programs for troubled youth.
- F3. The surveillance system inside the Yuba-Sutter Juvenile Hall needs to be upgraded.

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

**RECOMMENDATIONS**

- R1. Evaluate cost requirements needed to upgrade video surveillance equipment to ensure the continued safety and security in all areas of the Yuba-Sutter Juvenile Hall.
- R2. Secure funding for replacement and upgrade of the video surveillance system in all areas of the Yuba-Sutter Juvenile Hall.
- R3. Investigate the cost of energy loss caused by the missing/damaged insulation in Camp Singer’s indoor recreation area.
- R4. Secure funding for the repair or replacement of the insulation in Camp Singer’s indoor recreation area.

**REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Yuba-Sutter Juvenile Hall and Camp Singer Superintendent: F3-F4, R1-R4
- Yuba-Sutter Juvenile Hall and Camp Singer Chief Probation Officer: F3-F4, R1-R4

From the following governing bodies:

- Yuba County Board of Supervisors: F3-F4, R1-R4

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

**BIBLIOGRAPHY**

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# Yuba County Grand Jury 2011-2012

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## HEALTH AND HUMAN SERVICES HOME VISIT SAFETY



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## HEALTH AND HUMAN SERVICES FIELD WORKER SAFETY

### SUMMARY

While only ten Yuba County Health and Human Services (HHS) field workers reported injuries over the past five years, the potential for danger is always there whenever in-home visits are conducted. These dangers include overly protective or aggressive dogs, unsafe homes, communicable diseases and the possibility of attack by clients or other persons in the home.

HHS field workers make hundreds of in-home visits each month in a wide variety of circumstances. Their primary concerns are dogs, unexpected or unknown persons in the home and poor cell phone communication while in the foothills.

HHS has well-established, written policies and procedures for field worker safety. However, none of the field workers interviewed said they knew about the written policies or had received any safety training subsequent to their initial training. However, they were aware of safety precautions due to verbal reminders provided by the Dispatch Center personnel.

While the chance of HHS field workers being injured is unlikely, it is important that all steps be taken to ensure their safety.

The Grand Jury recommends that HHS field workers receive annual safety training. The Grand Jury also recommends that HHS investigate the possibility of field workers being provided some type of safety equipment while in the field.

### BACKGROUND

HHS is one of the county's largest departments with close to 300 personnel. Approximately 200 are assigned as field workers from five divisions: CalWorks, Adult Services, Children's Services, Employment Services and Public Health.

Among the dangers facing the HHS field workers, while conducting in-home visits, are the possibility of communicable disease transmission, overly protective or aggressive dogs, unsafe homes and the possibility of attack by clients or other persons in the home.

Members of the Grand Jury conducted an inquiry to determine if HHS is providing adequate safety training pertaining to in-home visits by its field workers.

## APPROACH

Members of the Grand Jury interviewed senior HHS personnel and asked them to provide a list of all reported injuries by HHS field workers over the past five years.

The members of the Grand Jury also interviewed six randomly-selected HHS personnel, whose duties include field work, to determine their experiences during in-home visits. Specifically, the field workers were asked the following questions:

- Have you ever been injured during an in-home visit?
- How did HHS respond to the incident?
- Are you aware of the HHS policies and procedures as they pertain to your personal safety?
- Does HHS provide any type of safety training on in-home visits?

Included in this inquiry was a review of all HHS policies and procedures as they pertain to in-home visits.

## DISCUSSION

During the interview with the senior HHS personnel, the Grand Jury members learned HHS has approximately 200 persons, from five different divisions, making in-home visits: CalWorks, Adult Services, Children's Services, Employment Services and Public Health. The senior department personnel commented on the high volume of work and the large number of clients that HHS is responsible for.

In response to a request from the Grand Jury Members, HHS provided a list of all injuries suffered by field workers, during in-home visits, over the last five years.

It was learned that, between 2007 and November 2011, ten field workers reported injuries. These injuries included dog bites and scratches, insect bites, slipping on snow, cigarette smoke exposure and a twisted ankle. Additionally, one field worker was "injured by [a] parent driving erratically while attempting to prevent the social worker from speaking to [a] child." The most common injuries were dog-caused: one scratched and three bitten.

Grand Jury members interviewed six randomly-selected HHS personnel whose duties include in-home visits. The interviews were limited to six because of the similarity of answers from each of those persons. Five of the six had extensive experience; one had been on the job for approximately a year.

The Grand Jury learned HHS field workers had three main areas of concern about their field work: poor cell phone communication while in the foothill areas, overly protective or aggressive animals, and unknown or unexpected persons in the home.

Of the six field workers interviewed, three said dogs were always a concern. Two other field workers were injured while running, one while being chased by a horse, and one after being threatened by a person with a knife.

All of the field workers said they are informally reminded by Dispatch Center personnel about personal safety when they sign out a vehicle.

The Public Health nurse interviewed said the nurses feel comfortable working around persons with communicable diseases because of their training, safety procedures and equipment.

None of the six interviewed knew where to find the written safety procedures, nor had they received any formal safety training subsequent to their initial training.

However, senior HHS personnel said safety is something the field workers practice routinely. Additional safety training would be expected when a person transitions back into field work. That senior person also said, “We don’t say we’re going to review this every six months. But it is something we do emphasize.”

The HHS safety policies and procedures are contained in three documents: the Yuba County Health and Human Services Department Policy APS-001-011, the Yuba County Health and Human Services Department Policy APS-002-001 and the Yuba County Health and Human Services Department Policy EMP-002-001.

HHS safety policies and procedures are summarized as follows:

- HHS’s Dispatch Center must be staffed from 7:30 a.m. to 5:30 p.m., Monday through Friday, and is responsible for tracking field workers performing in-home visits.
- Field workers must notify the Dispatch Center and their supervisor when they leave for an in-home visit. When the field worker is going to an in-home visit where there have been concerns about safety or to a new client, he must give the Dispatch Center a time when he expects to have the home visit completed. If the field worker does not report back within a five-minute time frame from scheduled, Dispatch Center will initiate the procedure to attempt to contact the field worker. If they cannot contact the field worker, the Dispatch Center is to notify law enforcement.
- During overnight hours, weekends and holidays, the Yuba-Sutter On-Call Center assumes the responsibilities of the Dispatch Center.

- All field workers must have a county-issued cell phone while making in-home visits.
- Field workers have code words to alert the Dispatch Center in cases where they perceive they are in a dangerous situation, or where they cannot talk openly and when law enforcement support may be required.
- A field worker has the option to take another employee with him, if the field worker has concerns about the area of the visit, or the family being visited
- If the field worker has serious concerns about his personal safety, he may request law enforcement back up.

## **FINDINGS**

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

## **RECOMMENDATIONS**

- R1. HHS should develop and provide annual safety training for its field workers.
- R2. HHS should consider the feasibility of providing field workers with defensive tools for protection against aggressive or overly protective animals.
- R3. HHS administration should commend its Dispatch Center personnel for their ongoing personal safety-reminders to field workers.

## **REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Director, Health and Human Services Department, R1-R3

## **BIBLIOGRAPHY**

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Yuba County Health and Human Services Department Policy APS-001-011

Yuba County Health and Human Services Department Policy APS-002-001

Yuba County Health and Human Services Department Policy EMP-002-001

Yuba County Human Resources and Organizational Services injury report dated Dec. 7, 2011

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# Yuba County Grand Jury 2011-2012

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## Concern for Our Seniors



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## Concern for Our Seniors

### SUMMARY

“Does Yuba County provide a free service to call seniors on a daily basis?”

Through research, the Grand Jury members discovered a free service called “Caring Calls.” This is a daily telephone contact program available to all residents in the greater Yuba County area. This service is funded under the Sutter-Yuba Mental Health Services, Prevention Services, a joint program between Yuba and Sutter counties. To enroll, call 530-674-5253 to place a name on the Caring Calls list.

### BACKGROUND

A concern was brought to the Grand Jury that seniors in their homes may benefit from a free service which would check on their welfare on a regular basis. Many seniors in the greater Yuba County area live alone. There is often no one responsible for checking on their welfare on a regular basis.

### APPROACH

Members of the Grand Jury interviewed seniors and asked them if they were aware of any Yuba County programs which provide a free daily phone call to seniors. Additionally, several agencies in the greater Yuba County area were contacted to determine if they provide or are aware of this type of service.

### DISCUSSION

Members of the Grand Jury started with the basic question, “Does Yuba County provide a free service to call seniors on a daily basis?”

Members of the Grand Jury conducted phone interviews with seniors who live alone at home. They all gave similar answers, i.e., they were unaware of an agency that provides free calls to seniors on a daily basis.

In an interview with the Chief Administrative Officer of Yuba County, he stated he knew of no such agency in the county that provides free calls to seniors on a daily basis. However, he did provide contact information for people and agencies who may know.

Members of the Grand Jury then interviewed the Director of Yuba County Health and Human Services and the Program Director of Adult Protective Services. The HHS director stated that county services, such as phone calls to seniors, are provided on a “need” basis to residents who qualify for certain programs. The HHS director also said

Yuba County Health and Human Services does not provide free calls on a daily basis to seniors, nor was staff aware of any other agency that did.

The Prevention Services Coordinator for Sutter-Yuba Mental Health Services was interviewed. He was also unaware of any program or service that provides free calls to seniors on a daily basis.

Research discovered a listing in the Yuba City Parks and Recreation Activity Guide for “Caring Calls,” which reads:

“What a terrific way to get your day started! A Caring Calls volunteer will enrich your life by calling you daily ‘just to check in.’ It’s amazing how just a few minutes of chattering can make your day that much brighter! Please call 674-5253 to enroll in this program.”

This free service is available to anyone living in the greater Yuba County area that enrolls. Seniors may enroll themselves or be referred by others. Members of the Grand Jury also learned that this service is available to younger persons, based on their physical or mental health concerns.

Interviews revealed there is little awareness of the existence of this program, which is funded under the Sutter-Yuba Mental Health Services, Prevention Services.

## **FINDINGS**

- F1. A service that provides free calls to seniors on a daily basis in the greater Yuba County area does exist, which is called “Caring Calls.”
- F2. The CAO of Yuba County was not aware of the service providing free calls to seniors on a daily basis.
- F3. The Director Yuba County Health and Human Services was not aware of the free service providing calls to seniors on a daily basis.
- F4. The Prevention Services Coordinator for Sutter-Yuba Mental Health Services was not aware of the free service providing calls to seniors on a daily basis.

## **RECOMMENDATIONS**

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

## **REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Yuba County Board of Supervisors R1

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## **BIBLIOGRAPHY**

- Yuba City Parks & Recreation – Activity Guide, Fall 2011, P.13

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## Yuba County Grand Jury 2011-2012

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# History of Flood and Flames: Emergency Preparedness of Yuba County



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## HISTORY OF FLOOD AND FLAMES: EMERGENCY PREPAREDNESS OF YUBA COUNTY

### SUMMARY

Yuba County has a long history of fires and floods. Over the past century and a half the county's responses to these emergencies have varied. When the next emergency arises, Yuba County Office of Emergency Services should be well prepared to respond. Its Manager has been proactive; managing an active department despite personnel cutbacks, rebuilding the emergency operations center, finding federal and state grants, and ensuring that the county, as well as the two incorporated cities located within – Marysville and Wheatland – are also prepared. However, during the Grand Jury's inquiry, the members found that Marysville's preparations are deficient. When the Emergency Operations Manager inspected that city's documents, he determined that they do not qualify as an Emergency Operations Plan in accordance with California Emergency Management Administration requirements. Included in those requirements are the need for a Table of Contents and, more importantly, Operational Checklists. Without these checklists, coordination between incoming and relief personnel during a disaster would be difficult, thus placing unnecessary roadblocks in the way of vital government emergency response work.

### GLOSSARY

- OES** - Yuba County Office of Emergency Services has the responsibility to coordinate disaster activities, before, during, and following catastrophic emergencies impacting the citizens of Yuba County. The department provides planning, training and coordination to county departments and allied agencies throughout the county.
- [\(http://www.co.yuba.ca.us/departments/oes/\)](http://www.co.yuba.ca.us/departments/oes/)
- FEMA** - Federal Emergency Management Agency is part of The Department of Homeland Security. FEMA's mission is to support citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.
- <http://www.fema.gov/about/index.shtml>
- NIMS** - National Incident Management System is part of FEMA and provides a systematic, proactive approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment.
- <http://www.fema.gov/emergency/nims/AboutNIMS.shtml>

CalEMA - California Emergency Management Agency is responsible for the coordination of overall state agency response to major disasters in support of local government.

(<http://www.calema.ca.gov/LandingPages/Pages/About-CalEMA.aspx>)

Command Center - Yuba County Office of Emergency Services command center. A countywide facility outfitted with radios, satellite phones, individual work stations, laptop computers and video-conferencing equipment.

## BACKGROUND

Yuba County measures 640 square miles; of that, 13 square miles are covered by water. Elevations range from 35 feet to 4,820 feet above sea level. Yuba County includes portions of both Plumas and Tahoe national forests, as well as the Dry Creek Floodplain.

Yuba County has suffered significant damage from both fire and flood. The Williams Fire in 1997 and the Pendola Fire in 1999 burned thousands of acres; destroyed homes, buildings and vehicles; and displaced thousands of people, as well as their pets and livestock. Damage from these two fires cost the county taxpayers six million dollars. Major flood damage occurred when levees failed on the Yuba River in 1986, and failed again on the Feather River in 1997.

The Office of Emergency Services (OES) was established to coordinate emergency management and response between public service providers who serve the community and residents of Yuba County. The OES also ensures that the County stays in compliance with state and federal mandates, which determines eligibility to receive Disaster Recovery Funds.

## APPROACH

Members of the Grand Jury interviewed:

- Emergency Operations Manager
- One member of the Board of Supervisors
- Yuba County Sheriff
- Yuba County Undersheriff
- Marysville Chief of Police
- Wheatland Chief of Police
- Marysville Mayor

Grand Jury members toured the Yuba County Office of Emergency Services facility, which is located in Marysville.

Members of the Grand Jury reviewed the following documents:

- County of Yuba OES Emergency Plan

- County of Yuba Emergency Management Structure
- Countywide Slow Rise Flood Plan
- City of Wheatland Emergency Operations Plan
- Wheatland City Council's Letter of Resolution to adopt the OES Emergency Operations Plan
- City of Marysville Basic Multi-Hazard Plan
- City of Marysville Basic Multi-Hazard Plan, Management Section
- Letter of request for OES compliance training from Marysville Chief of Police to OES and the Emergency Operations Manager reply.
- Yuba County Multi-Jurisdictional Multi-Hazard Plan
- Yuba Community College District Guide for Emergency Operations
- OES Fiscal Year 2010/2011 Budget Narrative
- OES Fiscal Year 2008/2009 Budget Workshops
- OES Budget Information 2007-2009
- City of Marysville Employee FEMA Compliance List.

## DISCUSSION

Members of the Grand Jury began an inquiry to determine Yuba County's level of preparedness in an emergency situation, such as flood, fire, or catastrophic accident. Grand Jury members met with the Emergency Operations Manager on four occasions: once at an Emergency Preparedness event in Wheatland and three times at the OES facilities in Marysville. Interviews included a detailed tour of the command center and an explanation of maps and emergency operation plans for potential disasters.

From the onset of the inquiry, it seemed evident to the members of the Grand Jury that OES administration is committed to making the most of limited budget and staff. The Manager stated that because of continual cuts in funding each year, the OES had been reduced to one full-time and one part-time position. Faced with an ever-increasing list of governmental requirements, the Manager expressed that he and the County Administrative Officer have sought and continue to seek out funding through government grants. Other county employees have been cross-trained to staff the command center in an emergency.

Due to successful grant procurement, the command center is currently equipped with updated technology, including satellite phones and video conferencing, which is valuable not only in preparation for emergency response, but is used regularly in cross-county training. Training held in the OES, now possible between all 58 counties, saves travel expenses; it also greatly reduces county employee time away from their daily jobs.

The Manager also said the county has been awarded enough funding to purchase narrow band transmission radios which are necessary to meet newly-required Federal Communication Commission frequency standards. The bulk of total grant monies went to update and stock the center. The monies also provided staff training in radio operations and computer applications,

essential for utilizing the new equipment. The addition of two radio repeaters increases radio coverage area and radio efficiency. The upgraded technology and training allow the county to be more self-sufficient and lowers its costs of operation. The Manager said he feels “absolutely confident in what’s now in effect,” regarding the OES Operations Center.

One important function of the OES is to ensure that Yuba County’s two incorporated cities, Marysville and Wheatland, maintain compliance with the National Incident Management System (NIMS) and California Emergency Management Agency (CalEMA).

It is only by maintaining NIMS compliance - employees current on all levels of required training - that a city may qualify to receive Disaster Recovery Funds. The Emergency Operations Manager stated that his office has devoted considerable time and effort to help both Marysville and Wheatland meet these requirements.

Members of the Grand Jury interviewed the Chiefs of Police from the cities of Marysville and Wheatland.

During the Grand Jury meeting with the Wheatland Chief of Police, the Chief said, although he is in charge of emergency response in his city, he considers his department like an extension of the OES, having adopted all its policies and procedures. The Chief shared that his department will be moving to a new facility soon, and will designate a portion of the new building for an emergency operations center. The Wheatland City Council has adopted the county’s OES Emergency Operations Plan, a copy of which has been provided to the Grand Jury.

Members of the Grand Jury interviewed the Marysville Chief of Police on two occasions. During the first visit he spoke of the various responsibilities that fall under his command, including emergency response. He stated that he would be in charge of an emergency evacuation, if one were required. When asked if there were an emergency plan available, the Chief replied, “Yes.” However, none was offered.

Since an emergency plan was not offered at the time of the first interview, the Grand Jury requested one, in writing, from Marysville city staff. Paper files of the Marysville Basic Multi-Hazard Plan, and City of Marysville Basic Multi-Hazard Plan - Management Section, were provided to the Grand Jury from City Hall (see Appendix B). The City of Marysville Basic Multi-Hazard Plan is dated January 2012, with many pages stamped “Rough Draft.” After reviewing the two files, it became apparent that they were not similar in layout or content to the OES Emergency Operations Plan on compact disc, which had been provided to the Grand Jury by the OES and the City of Wheatland.

A review of Marysville's documents indicated it does not qualify under CalEMA requirements as an approved emergency plan.

The files were later compared with the Yuba County Multi-Jurisdictional Multi-Hazard Plan. This emergency plan also met the criteria set by CalEMA, qualifying it as an approved Emergency Operations Plan. Additional comparison was made with the Yuba Community College District Guide for Emergency Operations – drafted using the same CalEMA requirements as the OES Emergency Operations Plan, yet different in format.

Members of the Grand Jury met with the Marysville Police Chief a second time and specifically asked about an emergency plan. At this time, the Chief indicated that it was kept on the filing cabinet behind the door, and when asked, he provided it. Like the first copy received from the City of Marysville, in response to the Grand Jury's request for the city's emergency response plan, the pages were dated January 2012, and many of the pages were stamped "Rough Draft." However, the content of the documents differed from those previously received. These documents included a Table of Contents, which organized its titles and description. The documents did not include Operational Checklists, which are imperative in order to qualify as an approved emergency operations plan according to CalEMA. Without Operational Checklists, there can be no coordination between incoming and relief personnel while trying to manage an emergency.

Members of the Grand Jury met with the Mayor of Marysville. When asked about an emergency plan for the city, he answered that the current chief of police has been working on a new plan, since the emergency plan on file had not been updated "in at least seven or eight years." The new plan, referred to by the Mayor, is the document received by the Grand Jury dated January 2012, and stamped "Rough Draft."

As the emergency plan is evidently in rough draft form, it has yet to be vetted, approved by the city council and finally adopted through resolution as the emergency operations plan for the City of Marysville. Vetting of this plan provides an opportunity for emergency services organizations to gain an understanding of how they will assist each other during specific types of incidents. Without coordination between emergency responders, there may be weaknesses in the plan not evident until another organization calls for resources during an emergency, for example, responding agencies unable to communicate by radio due to incompatible frequencies.

The Emergency Operations Manager has stated he is pleased with the initial effort made by both the cities of Wheatland and Marysville to come into compliance with NIMS. He also stated Wheatland is continually updating its training to meet new requirements. He voiced concern, though, that Marysville may not take seriously the possibility of losing funding by not complying with all requirements imposed by both NIMS and CalEMA. One such example would be the lack of priority assigned to a scheduled CalEMA inspection of equipment purchased with grant money. According to the Emergency Operations Manager, who accompanied the CalEMA official during the inspection, the equipment purchased specifically for the city's office of emergency services command center was unavailable. In fact, the equipment was not on the premises, resulting in their inability to complete the inspection.

According to OES budget reports, more than 200 county employees, special district staff and non-governmental agency employees have received training certificates through the OES center. The Emergency Operations Manager said his office has devoted considerable time and effort to help both Marysville and Wheatland meet NIMS compliance. The Manager, a FEMA-certified instructor, continues to offer assistance in fulfilling new requirements at no additional cost. However, it remains the prerogative of each incorporated city in this county whether or not they opt to take advantage of that help. Acknowledgment of the repercussions of being out of compliance with NIMS is evident in a letter from the Marysville Police Chief in response to an offer by OES in October 2010 to assist the city in making certain all levels of employees have completed their necessary training. The police chief, in his November 2, 2010 letter (see Appendix C and the Emergency Operations Manager reply in Appendix D), wrote, "Considering the negative impact to any grant recipient agency that fails to fully comply with NIMS requirements, I am asking for your assistance..." This indicates that the chief is aware that city employees must stay in compliance or risk losing further grants and funding. However, Marysville has yet to follow through with training, nor has it delivered certificates of completion to OES confirming that the listed city employees have received the training. (See Appendix A for the most recent list of city employees' standings on NIMS training. The names of the employees have been redacted.)

## **FINDINGS**

- F1. The Office of Emergency Services Manager has made good use of available grant monies to create a center that is cost effective, organized and user friendly.
- F2. The city of Wheatland is NIMS compliant.
- F3. The city of Marysville is not NIMS compliant.
- F4. The City of Wheatland has adopted the OES Emergency Operations Plan.
- F5. The City of Marysville does not have a qualified emergency operations plan.
- F6. The City of Marysville does not have an emergency operations plan that coordinates emergency response among other organizations.
- F7. The Marysville Chief of Police has failed to take advantage of offers from the OES to assist in achieving a compliant emergency operations plan.

## **RECOMMENDATIONS**

- R1. The City of Marysville should complete an emergency operations plan, which is CalEMA qualified or adopt the OES Emergency Operations Plan.
- R2. The City of Marysville should consider the negative effects on the community by its apparent unwillingness to work with other emergency responders and other appropriate agencies.
- R3. The City of Marysville should take advantage of the certified, no-cost training provided by the OES.

## COMMENDATIONS

The Grand Jury commends the County of Yuba Office of Emergency Services Manager and County Administrative Officer for making the most of limited time, staff and resources to develop a center that is organized, professional, and user friendly. The Emergency Operations Manager has gleaned a well-established team of knowledgeable professionals who are trained and familiar with the OES Operations Center.

The Manager is also to be commended for his continuing efforts to coordinate emergency management teams from public safety and service providers, making OES an organization capable of coordinating responders during any emergency.

The Grand Jury commends the City of Wheatland for working closely with the OES. The police department's plan to include an OES Operations Center in its new facility reflects the city's attitude of cooperation and unity in working with Yuba County OES.

The Grand Jury commends the Yuba County Sheriff and his department for fulfilling NIMS training requirements and participating in OES training events, as well as cooperating with OES by participating in its management team to ensure the County is ready to provide coordinated disaster or emergency response.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- County of Yuba, Emergency Operations Manager F7, R3
- City of Marysville, Chief of Police F3, F5-7, R1-3
- City of Marysville, Mayor F3, F5-7, R1-3

## BIBLIOGRAPHY

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This report "*History of Flood and Flames: Emergency Preparedness of Yuba County*" is issued by the 2011-2012 Grand Jury with the exception of one member of this Grand Jury. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations, and the making and acceptance of the report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.

**APPENDIX A**

**CITY OF MARYSVILLE EMPLOYEE FEMA COMPLIANCE  
NOVEMBER 16, 2010**

(Provided to the Grand Jury by the Emergency Operations Manager)

*THIS DOCUMENT HAS BEEN REDACTED*



**APPENDIX B**

**LETTER FROM THE FOREPERSON OF THE YUBA COUNTY GRAND JURY TO THE CITY OF  
MARYSVILLE REQUESTING A COPY OF THE MARYSVILLE EMERGENCY ACTION PLAN**

(Provided by the 2011-2012 Yuba County Grand Jury)

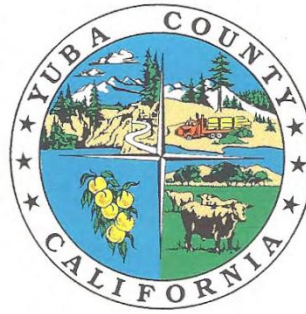
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# The County of Yuba

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GRAND JURY

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To: The City of Marysville

From: The Yuba County Grand Jury 2011-2012

Date: January 30, 2011

The Grand Jury hereby requests the following documents from the City of Marysville:

- Copy of the City of Marysville Emergency Action Plan (or the equivalent title)

These documents can be copied onto a DVD or CD if more convenient for the City staff to provide than hard copies.

Since these documents were requested a while ago verbally, and we were informed almost two weeks later, it would be appreciated by the Grand Jury if these documents were available for pick up by Wednesday, February 1st, 2012.

Please leave a message on the jury office phone (530-749-7341) when these documents are ready.

Thank you for your attention to this request.

Mike Boom  
Yuba County Grand Jury Foreman

215 FIFTH STREET, SUITE 200 • COURTHOUSE • MARYSVILLE, CALIFORNIA 95901  
PHONE (530) 749-7341 • FAX (530) 749-7304 • E-mail: [yubagrandjury@yubacourts.org](mailto:yubagrandjury@yubacourts.org)

**APPENDIX C**

**LETTER FROM THE CITY OF MARYSVILLE CHIEF OF POLICE TO EMERGENCY OPERATIONS  
MANAGER OF YUBA COUNTY REQUESTING YUBA COUNTY OES ASSISTANCE IN  
COMPLETING NIMS REQUIRED TRAINING**

(Provided by Emergency Operations Manager)



# CITY OF MARYSVILLE

## POLICE DEPARTMENT

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

Wallace C. Fullerton  
Chief of Police

November 2, 2010

Scott Bryan, Emergency Services Officer  
County Office of Emergency Services  
County of Yuba  
915 8<sup>th</sup> Street, Suite 117  
Marysville, CA 95901



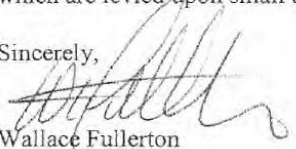
Dear Mr. Bryan:

Some weeks ago, both you and the County Administrator, Mr. Bendorf, offered the services of your office to assist us with our state of NIMS compliance. I am in receipt of your recent letter, dated October 27, 2010, regarding updated information regarding new NIMS courses and NIMS implementation objectives for 2010 and beyond, and I believe that it is time to take the County up on the offer of assistance.

Considering the negative impact to any grant recipient agency that fails to fully comply with NIMS requirements, I am asking for your assistance in the identification of specific personnel within my agency who require additional NIMS courses and a description of what specific courses that they should take in order to be compliant for 2010 and beyond. Just recently, we forwarded a complete list of our personnel, along with the individual NIMS certificates that have been obtained to date, to your office. I was hoping that armed with this information that you could provide me with a list of additional NIMS training that is required for our personnel, along with a basic time-line for compliance.

As you know, budget cuts have severely reduced the ability of my agency to complete the never ending requirements of training and reporting to both Federal and State agencies. Your assistance would go a long way in helping us address these unfunded and excessive requirements which are levied upon small agencies, such as mine.

Sincerely,

  
Wallace Fullerton  
Chief of Police  
City of Marysville

Business: (530) 749-3900  
Fax: (530) 749-3990

Drug Hotline: (530) 74 DRUGS

**APPENDIX D**

**LETTER OF RESPONSE FROM EMERGENCY OPERATIONS MANAGER TO THE CITY OF  
MARYSVILLE CHIEF OF POLICE (APPENDIX C)**

(Provided by Emergency Operations Manager)

*THIS DOCUMENT HAS BEEN REDACTED*

# The County of Yuba

## OFFICE OF EMERGENCY SERVICES



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

November 16, 2010

Wallace Fullerton  
Chief of Police  
City of Marysville  
316 6<sup>th</sup> St.  
Marysville, CA 95901

Chief Fullerton,

I am in receipt of your letter dated November 2, 2010, requesting assistance from Yuba County Emergency Services in determining the Marysville Police Departments level of National Incident Management System (NIMS) implementation, specifically as it relates to training levels. Thank you for this opportunity to provide you with assistance on this matter.

As you know, NIMS implementation objectives include a wide range of requirements in addition to training in the Incident Command and National Incident Management System, as well as the Standardized Emergency Management System in California; per the requirements set forth by the California Emergency Management Agency (CalEMA).

Beginning in 2005, per Homeland Security Presidential Directive (HSPD) -5, issued in February 2003, states, territories, tribes and local governments were to begin the implementation of NIMS into all aspects of emergency planning, principals and policies, training, response, exercises, equipment and evaluation of response. Each year the National Integration Center (NIC) has provided additional adoption guidelines and requirements regarding preparedness guidelines to include training, exercises, and planning, communications and information management, resource management, command and management to include, public information, multi-agency coordination systems and that all incidents be managed via the Incident Command System. These objectives should be reviewed internally to determine the level of compliance for the City of Marysville.

In the letter I sent you and numerous other entities required to implement and follow NIMS adoption guidelines on October 27, 2010, I provided a copy of the FY 2009 NIMS Implementation Objectives, which included all implementation objectives to date, along with the recently released requirements for FY 2010. As of this date, the Federal Emergency Management Agency (FEMA) has not produced the NIMS Implementation Objectives form for FY 2010 for us to follow and we must utilize the FEMA "Fact Sheets" regarding the required courses.

915 8TH STREET, SUITE 117 - MARYSVILLE, CALIFORNIA 95901 - 5273

I have completed the review and assessment of the Marysville Police Department staffs level of training compliance, per the list of employees and training certificates you had provided in August 2010. In completing the assessment I utilized the FY 2009 NIMS Implementation Objectives, the NIMS Five Year Plan and the NIMS Guide for County Officials, prepared in coordination by the National Association of Counties and the International Association of Emergency Managers.

The attached spreadsheet shows the employees who would typically be required to complete specific courses based on their job titles, based on what I know regarding your departments command structure. As I am unfamiliar with your Emergency Management structure and Emergency Operations Center staff, I have provided information as to what level EOC staff should typically be trained to based on the SEMS.

I did find that there was a large number of staff who I was not provided SEMS certificates for and ultimately caused the list of staff that are listed as not having the training to be excessive. I am sure that with contacting POST you will find a majority of the staff listed have completed the required training during the academy or through reserve police officer courses.

If you have questions regarding the enclosed information, please do not hesitate to contact me. I would welcome an opportunity to sit down and discuss the City of Marysville's emergency management structure to determine how the City and the County can coordinate our efforts in emergency management planning.

Sincerely,



---

Scott Bryan  
Emergency Services Officer  
Yuba County Emergency Services  
Office of the County Administrator

# Oh Say Can You See...?:

(The Star Spangled Banner by Francis Scott Keyes)

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



*"What's this?"*

*Similar to an old-fashioned bar code, a QR (which stands for "quick response") code is a black and white graphic box holding valuable information. Download any QR Reader for your smart phone and scan the above symbol to take you to the complete electronic version of this report. QR Reader programs are available for no charge and make information easily available to access and read. These codes will be found throughout the Grand Jury reports to take you to the full electronic version of the report, the Yuba County Grand Jury home page, or other valuable information.*

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**“Oh, Say Can You See...?”**

(The Star Spangled Banner by Francis Scott Keyes)

**THE CITY OF MARYSVILLE’S DISPLAY OF THE U.S. FLAG**

**SUMMARY**

Many people visit D Street, the City of Marysville’s “main” street. Like many small towns in America, it has that Main Street U.S.A. look and appeal. The City of Marysville has made every effort to make the business district inviting for visitors and shoppers. To enhance this Main Street look, the City installed decorative arches over the intersections along D Street between 3<sup>rd</sup> and 6<sup>th</sup> Streets. Atop each of the arches, the City flies the flag of the United States. While the flags are visible in the noon-day sun, the same cannot be said when the sun goes down. The flags are not illuminated at night, although the lighting system appears to be in place. This is contrary to Title 4, United States Code.

**BACKGROUND**

Members of the Grand Jury were concerned the City of Marysville was not following the law regarding the illumination of the U.S. flag at night, in particular, those flags displayed atop the decorative arches along D Street.

**APPROACH**

Members of the Grand Jury interviewed the Marysville City Manager to determine why the light fixtures atop the arches located on D Street at the intersections of 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> streets were turned off. Was it to save energy or were they just overlooked?

Research was conducted to ensure the Grand Jury knew the law pertaining to the display of the United States Flag.

Members of the Grand Jury also examined the structures and flags from street level to confirm the problem existed.

**DISCUSSION**

Members of the Grand Jury studied a Congressional Research Service Report for Congress. This report presents, verbatim, the United States "Flag Code" as found in Title 4 of the United States Code. The report (Luckey, 2008) states, “Failing to illuminate the U.S. flag at night is contrary to Title 4, United States Code, § 6 (a).” This Code declares “It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.”

A decision by the 11<sup>th</sup> Circuit Court of Appeals (*Dimmitt v. City of Clearwater* 1993) has ruled Title 4, United States Code, § 6, is advisory only, not mandatory. Furthermore, to not illuminate the flag at night is disrespectful to the traditional customs for display of the flag.

Members of the Grand Jury viewed the affected flags and verified they were not illuminated during darkness, but were still flown. It was also noted there were facilities on the structures to light the flags.

During an interview with the City of Marysville City Manager, he stated he was unaware the flags were not being properly illuminated and would take immediate action to rectify the problem.

## FINDINGS

- F1. U.S. Flags flown over the decorative arches along D Street are not being illuminated between sundown and sunrise.
- F2. Proper light fixtures are in place to light the U.S. flags; however, they are not being used.
- F3. The Marysville City Manager was unaware that the lights were off.

## RECOMMENDATIONS

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

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Marysville City Manager F1-F3, R1

## BIBLIOGRAPHY

Luckey, J. R. (2008). *The United States Flag: Federal Law Relating to Display*. Washington, D.C.: Congressional Research Service.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

This report "*Oh, Say Can You See?*" is issued by the 2011-2012 Grand Jury with the exception of one member of this Grand Jury. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations, and the making and acceptance of the report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.



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



*"What's this?"*

*Similar to an old-fashioned bar code, a QR (which stands for "quick response") code is a black and white graphic box holding valuable information. Download any QR Reader for your smart phone and scan the above symbol to take you to the complete electronic version of this report. QR Reader programs are available for no charge and make information easily available to access and read. These codes will be found throughout the Grand Jury reports to take you to the full electronic version of the report, the Yuba County Grand Jury home page, or other valuable information.*

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## HAS THE COUNTY MADE YOU A LAWBREAKER?

### CONFLICT EXISTS BETWEEN TWO COUNTY ORDINANCES

#### SUMMARY

Yuba County's Consolidated Fee Schedule and Standards of Building Construction (building code) are out of alignment and need to be fixed. The fee schedule, which is the list of all items requiring permits and fees, mandates that permits be obtained and fees paid for a long list of home improvements. However the building code includes a list of "exempted" improvements that don't need a permit and therefore no fee. These exempted items are home improvements that do not entail structural changes, such as a fence less than six-feet high or a small prefabricated swimming pool. Because of this inconsistency, many county residents are unaware that they may be in violation of the county's fee ordinance and are at risk of facing up to six months in jail and/or a \$1,000 fine even though their minor home improvements do not require a permit according to the county's building code.

#### GLOSSARY

CBC            The California Building Code consists of the following:

- California Administrative Code, Part 1
- California Building Code, Part 2
- California Residential Code, Part 2.5
- California Electrical Code, Part 3
- California Mechanical Code, Part 4
- California Plumbing Code, Part 5
- California Energy Code, Part 6
- California Historical Building Code, Part 8
- California Fire Code, Part 9
- California Existing Building Code, Part 10
- California Green Building Standards, Part 11
- California Referenced Standards Code, Part 12
- International Wild land-Urban Interface Code
- Uniform Swimming Pool, Spa and Hot Tub Code
- Uniform Solar Energy Code

#### BACKGROUND

It came to the attention of members of the Grand Jury that two county ordinances are in conflict with each other. There is a possibility that permit fees are being charged, per Yuba County's Consolidated Fee Schedule, for construction projects specifically exempted from the permit fee process pursuant to the county's building codes.

## APPROACH

Members of the Grand Jury interviewed several of the current members of the Board of Supervisors, the County Administrative Officer and the Director of Community Development Services Agency. In addition, members of the Grand Jury researched the 2010 California Building Code and the Yuba County Ordinance Title X Chapter 10.05 Standards of Building Construction, adopted by the Board of Supervisors November 9, 2010. The Yuba County Ordinance Title XIII Chapter 13, Consolidated Fee Ordinance was also reviewed.

## DISCUSSION

The State of California requires cities and counties to adopt updated construction codes that are adopted by the State Building Standards Commission on a triennial basis. These construction codes are known as the California Building Code (CBC).

CBC requires permits be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure. (CBC Part 2, Chapter 1, Section 1.8.4 and CBC Part 2.5, Chapter 1, Section 1.8.3)

CBC also requires that fees be paid on buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, in accordance with the schedule as established by the applicable governing authority. (CBC Part 2, Chapter 1, Section 109.1)

In 2010, as required by the State, the Board of Supervisors adopted the aforementioned codes, as Yuba County Ordinance Title X Chapter 10.05, Standards of Building Construction. The California Building Code, Part 2, and the California Residential Code, Part 2.5, were adopted in their entirety.

In order to comply with fee requirements of the CBC, the Board of Supervisors also adopted Yuba County's Consolidated Fee Ordinance, Title XIII, wherein all fees chargeable by Yuba County Departments in connection with the delivery of governmental services are located. This ordinance is usually repealed and re-enacted on an annual basis. This ordinance, at Section 13.20.200, contains the list of all building construction-related items that require permits.

As adopted by Yuba County Ordinance Title X, Chapter 10.05, the California Residential Code states the following:

**“1.8.3.1 Permits.** A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

Exceptions:

1. Work exempt from permits as specified in Chapter 1, Division II, Administration, Section R105.2.
2. Changes, alterations or repairs of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.”

In other words, most types of construction projects involving residential property require obtaining and paying for a permit from the county in order to perform the work. But the California Residential Code, as adopted by Yuba County Ordinance Title X, Chapter 10.05, does exempt some work from the permit process.

Specifically, Section R105.2 of Title X, Chapter 10.05, referred to above, states: “Permits shall not be required for the following.”

The following are examples of items specifically exempted from the permit process pursuant to the California Residential Code, Chapter 1, Section R105.2, and as adopted by Yuba County, but for which Yuba County charges a permit fee.

Table 1:

<b>Yuba County Residential Code Exempted Item (No Permit Fee Required)</b>	<b>Yuba County Fee ordinance (Permit Fee Required)</b>
Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support	\$357
Decks not exceeding 200 square feet in area, are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door	\$357
Prefabricated swimming pools that are less than 24 inches deep	\$313 to \$492
Retaining walls less than four feet high	\$290
Water tanks supported directly upon grade if the capacity is less than 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1	\$357

Incorporating the “exempted” items into the Consolidated Fee Ordinance is a significant problem due to further language within the Yuba County’s Ordinance Title X, Standards of Building Construction. Specifically, Yuba County Ordinance Title X, Standards of Building Construction, at Section 10.05.140, states that any person doing construction projects requiring permits on his home, without permits, is guilty of a misdemeanor, and, upon conviction, is subject to up to six months in the county jail, or a maximum of \$1,000.00 in fines, or both.

Members of the Grand Jury learned through their interviews with several members of the Board of Supervisors, the County Administrative Officer and the Director of the Community Development Services Agency that the interviewees were unaware that permits are being required by the Consolidated Fee Schedule on items specifically exempted in Yuba County’s building codes.

By failing to follow the requirements of the California Residential Code, adopted in its entirety as Title X, Chapter 10.05, Standards of Building Construction, the Yuba County government has created a potential “lawbreaking” class of its residents, who are at risk of jail time, fines or both.

As a result of the Grand Jury's inquiry, several members of the Board of Supervisors, the County Administrative Officer and the Community Development Services Agency Director indicated that a top-to-bottom review of the Consolidated Fee Schedule needs to be performed on a regular basis to ensure it is in agreement with all other county ordinances so that unnecessary fees are not charged to residents.

## **FINDINGS**

- F1. The State of California requires cities and counties adopt updated construction codes that are adopted by the Building Standards Commission on a triennial basis.
- F2. The Board of Supervisors adopted the 2010 California Building Code, Part 2, and the 2010 California Residential Code, Part 2.5, among others, as Title X, Chapter 10.05, Standards of Building Construction.
- F3. The California Residential Code, as adopted by Yuba County, exempts certain items from the building permit process if the changes, alterations or repairs are of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.
- F4. Yuba County Consolidated Fee Schedule requires permits and fees for certain items specifically exempted in its Title X, Chapter 10.05, Standards of Building Construction.
- F5. Neither the County Administrative Officer, the Director of the Community Development Services Agency, nor the interviewed members of the Board of Supervisors were aware that permits were being required for specifically exempted items within the county's building codes.
- F6. Through conflicting county ordinances, the residents of Yuba County are required to pay for permits for items that are specifically exempted by the county's building codes.
- F7. The residents of Yuba County, who have performed work that is specifically exempted from the permit process pursuant to the county's building code, have been put in a position of being in violation of the county's consolidated Fee Schedule and are subject to possible jail time, fines and/or both.

## **RECOMMENDATIONS**

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

## **REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Director, Community Development Services Agency F1-7, R1
- County Administrative Officer F1-7, R1

From the following governing bodies:

- Board of Supervisors F1-7, R1

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## **BIBLIOGRAPHY**

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

This report of the “*Has the County Made You a Lawbreaker?*” is issued by the 2011-2012 Grand Jury with the exception of two members of this Grand Jury. These Grand Jurors were excluded from all parts of the investigation, which included interviews, deliberations, and the making and acceptance of the report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Jurors.

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# Appendix

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# The Grand Jury Process

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

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

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

A large portion of the public mistakenly believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year. This entails having public officials appear before the jury to provide information to the jury relative to their departments or offices. While Grand Jurors are a part of the Judicial System and are considered as officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge, the District Attorney, the County Counsel, and the State Attorney General act as advisors, but cannot limit actions of the jury except for illegality.

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

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

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

# **Grand Jury Application Form**

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YUBA**

**GRAND JURY APPLICATION**

*(Please attach additional sheets if necessary)*

**I. PERSONAL INFORMATION**

Name: \_\_\_\_\_  
(Last) (First) (Middle)

Other Names Used: \_\_\_\_\_

Residence Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
*(If Different)*

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Cell Telephone: \_\_\_\_\_ Pager: \_\_\_\_\_

Email Address: \_\_\_\_\_ Supervisorial District: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Drivers Lic. Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Marital Status:  Married  Single  Divorced  Widowed

Spouse's Name: \_\_\_\_\_

Spouse's Occupation: \_\_\_\_\_

Spouse's Employer: \_\_\_\_\_

## II. EDUCATION

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

High School \_\_\_\_\_ City & State \_\_\_\_\_

College/University \_\_\_\_\_ City & State \_\_\_\_\_

Graduate Level \_\_\_\_\_ City & State \_\_\_\_\_

Degrees \_\_\_\_\_ Honors \_\_\_\_\_

### III. OCCUPATION(S)

**Are you retired?**  Yes  No

If yes, what was your occupation? \_\_\_\_\_

Employer(s) or company name(s): \_\_\_\_\_

Business address: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Highest position held and job title: \_\_\_\_\_

**Are you currently working?**  Yes  No

If yes, what is your occupation? \_\_\_\_\_

Employer(s) or company name(s): \_\_\_\_\_

Business address: \_\_\_\_\_

Highest position held or job title: \_\_\_\_\_

Former Occupation: \_\_\_\_\_

#### IV. ABILITIES AND EXPERIENCE

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

**Yes**       **No**

If "yes," please describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

**Yes**       **No**

If "yes," please describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Please list the computer programs with which you are familiar:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## V. QUALIFICATIONS

1. Are you a citizen of the United States?  Yes  No
2. Are you eighteen years or older?  Yes  No
3. On July 1, 2012, will you have been a continuous resident of Yuba County for one year?  Yes  No
4. Are you in possession of your natural faculties, of ordinary intelligence, of sound judgment and of fair character?  Yes  No
5. Do you speak, write and understand English?  Yes  No
6. Have you been discharged as a Grand Juror in any court of this State within the last year?  Yes  No
7. Have you ever served as a Grand Juror?  Yes  No  
If so, what county and when? \_\_\_\_\_
8. Have you applied for the Grand Jury in the past?  Yes  No  
If so, what year(s)? \_\_\_\_\_
9. Are you a registered voter?  Yes  No
10. Are you able and willing to define and evaluate issues without expressing personal bias?  Yes  No
11. If you are employed, does your employer know that you are

interested in serving on the grand jury, and does he/she understand the nature and extent of the duties of a grand juror?  Yes  No

12. Are you capable of and willing to conduct detailed investigations of city and county governmental issues and prepare reports on those issues?  Yes  No

13. Are you currently serving as an elected public official or do you plan to run for public office within the next eighteen months?  Yes  No

14. Are you related to and closely associated with any of the following:

Yuba County Superior Court judge?  Yes  No

Current or former elected or appointed public official?  Yes  No

Current or former employee of any local governmental entity?  Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

Have you been charged with any of the following:

**Malfeasance in office**

Yes

No

**Felony**

Yes

No

**Misdemeanor** (including driving under the influence and reckless driving)

Yes

No

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

Offense	City/State	Date	Penalty

*Please note that a misdemeanor conviction is not an automatic bar to acceptance of your application.*

*Each case is considered individually and confidentially.*

## VI. CLUBS & ORGANIZATIONS

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

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## VII. GENERAL

**Other interests, experience, comments or suggestions:**

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

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**Would you be willing to be the Jury Foreperson?**

**Yes**

**No**

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

Executed under penalty of perjury this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_, California.

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*Signature of Applicant*

**NOTE**

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

**PLEASE RETURN COMPLETED APPLICATION TO:**

YUBA COUNTY JURY SERVICES

215 Fifth Street, Suite 200

Marysville, CA 95901

(530) 749-7601

Website: [www.yubacourts.org](http://www.yubacourts.org)



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

Superior Court of California

County of Yuba County Superior Court

Grand Jury Application

Last Name: \_\_\_\_\_



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

Random draw

Community Organization

Newspaper

Received application in the mail

Public Meeting

Television/radio

Other: \_\_\_\_\_

Nominated by: \_\_\_\_\_

# **Complaint Form & Instructions**

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## COMPLAINT PROCESS

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

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

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

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

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

## GENERAL INFORMATION

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

### The Grand Jury:

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

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

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



**YUBA COUNTY  
GRAND JURY  
COMPLAINT FORM**

GRAND JURY COMPLAINT FORM

**PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

**GRAND JURY USE ONLY:**

Date Received: \_\_\_\_\_

Number: \_\_\_\_\_

Subject: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?**

Person or Agency	Address	Date of Contact	Results

**WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?**

Person or Agency	Address	Telephone No.

**Your Name:**

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**Address:**

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**Telephone No:**

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

---

Complainant's Signature

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Date

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# Previous Investigations

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<b>Special Reports</b>	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11
Board of Supervisor - Salary												X											
Capital Improvement				X																			
Consent Agendas				X																			
Mail Carrier Safety				X																			
Physical Security in Schools															X								
School Meals Program													X										
Sewage Appeals Board							X																
Tire Waste Program									X														
Youth Project - Runaway Youth																X							
Yuba County - 1997 Flood								X															
Yuba County - Budget Procedures				X																			
Yuba County - Office Hours										X													
Yuba County - Ordinances													X										
Yuba Goldfields				X																			
Yuba Park									X														
Yuba River Access				X				X															

<b>Health &amp; Human Services</b>	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11
Adult Services					X							X			X			X					
CAL Works																	X						
Child Protective Services				X	X	X				X	X	X		X							X		
Day Care																							
Environmental Health	X	X				X										X							
- EH Personnel								X															
- Onsite Sewage								X															
- YSDI																X							
First Five Yuba Commission																						X	
Fraud Investigations																X							
Health & Human Services	X	X	X	X	X	X	X										X				X		
Health Department	X	X	X			X							X	X									
- Mental Health Services	X	X											X	X									
- Peach Tree Clinic				X	X	X	X																
Public Guardian	X											X				X							

<b>Special Districts</b>	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11
Browns Valley Irrigation District										X													
Camp Far West Irrigation District		X																					
Cemetery District													X									X	
Cemetery District - Peoria														X									
Foothill Fire Protection						X																	
Levee District 817			X																				
Linda Fire District							X																
Marysville Levee District			X																				
Olivehurst PUD - Water			X					X															
Olivehurst PUD - Fire											X					X							
Olivehurst PUD - Sewer			X											X									
Reclamation District 10			X																				
Reclamation District 2103			X																				
Reclamation District 817			X																				
Reclamation District 784	X	X	X						X		X				X		X						
River Highlands Community Service																					X	X	
Smartsville Fire Department																					X		
Three Rivers Levee Improvement Authority (TRLIA)													X										X
Yuba County Water Agency	X	X				X		X					X								X		
Yuba County Water District						X											X	X					

Law	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11
Child Support Services	X						X			X	X												
Municipal Court	X	X	X																				
District Attorney		X	X					X															
Grand Jury			X	X									X										
Juvenile Traffic Court	X																						
- Victim Witness																							
Juvenile Hall	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Probation	X	X	X			X									X	X							
Public Defender						X																	
Sheriff	X	X	X		X			X	X						X	X				X			
- Animal Care Services	X		X	X			X		X	X					X							X	
- Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
- Canine																						X	
Police Department																				X			
- Wheatland Police Department																				X			
<b>County</b>																							
Administrative Services	X		X	X						X													
- Airport Enterprise Zone	X									X													
- Print Shop		X																					
- Information Services																		X					
Agriculture	X	X																					
- Weight & Measures						X																	
Assessor	X	X																					
Auditor / Controller	X																					X	
Board of Supervisors	X	X	X	X						X													
- Clerk of the Board	X	X		X																			
Community Development	X	X	X	X	X		X												X	X			
- Building																			X				X
- Code Enforcement																			X				
Clerk/Recorder/Elections	X	X		X														X					
County Administrator	X	X				X																	
County Counsel	X		X			X																	
- Public Administrator										X													
Emergency Services	X		X					X													X		X
Health and Human Services																							X
Library	X					X																	
Yuba County Airport																			X				
Personnel Risk Management	X	X	X					X															
Public Works	X	X	X	X							X												
Treasurer/Tax Collector	X											X											
Veteran Services	X	X																					
<b>Cities</b>																							
City of Marysville	X	X								X			X	X	X				X				X
- Better Improvement District									X								X						
- City Administrator/Clerk						X																	
- City Council			X		X																		X
- City Council Meeting Minutes																							
- Emergency Services			X																				
- Levee District																			X				
- Fire Department	X	X	X								X					X							
- Police Department	X	X		X											X	X							
- Police Depart. Vehicle Compliance																							X
- Public Works, Parks & Recreation	X	X					X									X							
- Redevelopment Agency				X	X																		
- Red Light Camera System																	X						
- Website																						X	
City of Wheatland	X	X										X			X	X	X						
- City Council			X		X	X	X	X															
- City Treasurer				X	X																		
- Police Department	X	X	X	X		X																	

<b>Schools Committee</b>	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11
Abraham Lincoln (home) School									X														
Anna McKenney Intermediate																X							
Browns Valley Elementary																X							
Camptonville Union School District	X	X																					
Charter School									X														
Dobbins Elementary School																			X				
Lindhurst High														X									
Mary Covillaud Elementary																	X						
Marysville High																							
- Food Service																							X
Marysville Joint Unified School Dist	X	X	X	X	X	X		X			X				X	X				X			
- Alternative Educaton Program																							
- Citizen Bonds Oversight Committee																						X	
- Loma Rica Elementary																					X		
Office of Education																			X				
Olivehurst Elementary																	X						
Plumas Elementary	X	X																					
Regional Career Center - JPTA	X								X								X						
Wheatland High	X	X	X																X				
Wheatland School District	X	X	X			X															X		
- Elementary School District Building																							
Yuba College			X								X												
Yuba County Office of Education	X	X								X						X							

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