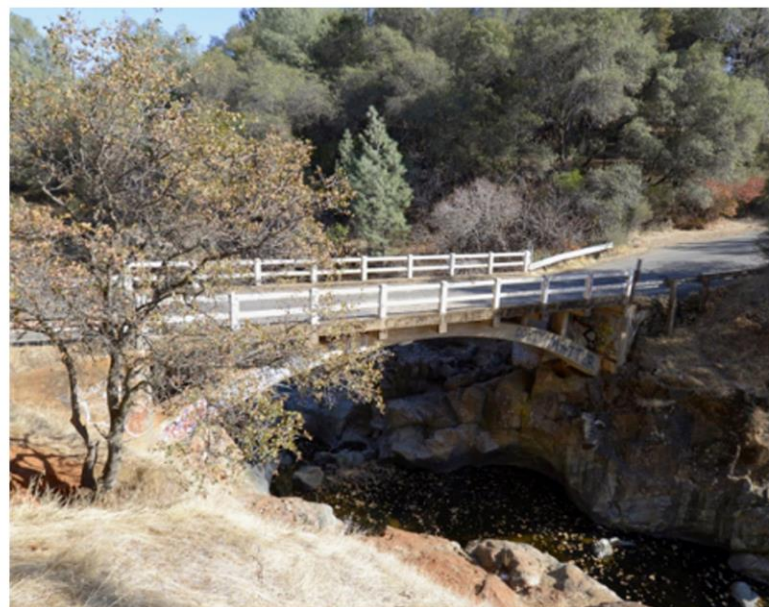


# YUBA COUNTY 2019 - 2020 GRAND JURY FINAL REPORT



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# Table of Contents

Letter from the Foreperson.....	ii
Jury List.....	iii
History of the Grand Jury.....	v

## **Reports**

Yuba County Jail.....	1
Social Media Blocking.....	7
Linda County Water District.....	15
Historic Marysville City Cemetery.....	21

## **Additional Material**

Yuba County Previous Investigations Grid.....	31
The Grand Jury Process.....	43
Grand Jury Complaint Process and Form.....	47

The Honorable Stephen W. Berrier  
Supervising Judge of the Grand Jury  
Yuba County Superior Court  
215 Fifth Street  
Marysville, CA 95901

Dear Judge Berrier:

It has been my great honor and pleasure to serve as Foreperson of the 2019-2020 Yuba County Grand Jury. On behalf of the entire Grand Jury, I respectfully submit its consolidated (end-of-term) report in accordance with Penal Code §933(a).

This year's dedicated Grand Jurors devoted countless hours to the fulfillment of their responsibilities and duties since impanelment last June. The Jurors received two to four full days of training from the California Grand Jurors' Association, toured a number of government facilities, met with a number of public officials and other community leaders, conducted research, interviewed witnesses, had spirited discussions with each other at many plenary and committee meetings, and deliberated about and voted upon what courses of action to take.

We navigated, along with the rest of the world, the uncharted waters of the COVID 19 crisis, and sought to overcome the obstacles and challenges that presented to both our work and the local community. Despite unexpected and unprecedented limitations on a grand jury's bread and butter of face-to-face meetings, interviews, and deliberations we were still able to accomplish many of our objectives.

We hope that through performing our "watchdog function" the entities about which we report will benefit from our oversight, analysis, recommendations, and in many cases well-deserved commendations. We further hope that the community at large as well as other public entities within Yuba County will take notice of, and benefit from, our efforts.

The Grand Jury is particularly grateful for the assistance provided by the Clerk of the Board of Supervisors, Yuba County Counsel, the District Attorney, and the entire Yuba County Superior Court staff. Many thanks to them, as well as my colleagues on the Grand Jury, for a job well done.

Respectfully,

Jon P. Tonsing  
Foreperson, 2019 - 2020 Yuba County Grand Jury

# 2019 – 2020

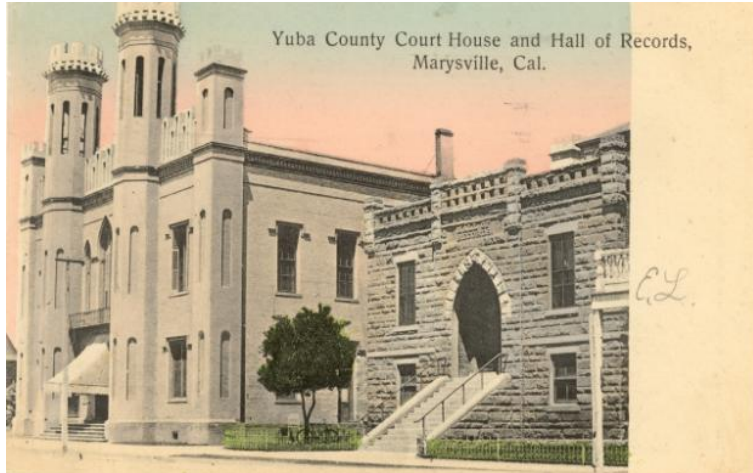


Jon Tonsing .....	Foreperson
Lynn Sharp .....	Foreperson Pro Tem
Jennifer Young .....	Secretary
Roberta Spear .....	Treasurer
Nancy Dresser .....	Librarian

Jesse Arroyo	Tim Lee	Steven Parks
Jennifer Bramer	Abram Martin	Dan Presson
Annette Brown	Dolita Martin	Ateequr Rehman
Roberta D’Arcy	Erin Oakes	Viola Revis
Eldon Hathaway	Jean Oliveira	

This year our jurors represented a wide area of Yuba County. Jurors were from Browns Valley, Dobbins, Marysville, Olivehurst, and Plumas Lake.

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# **2019 – 2020 Yuba County Grand Jury**

## **History of the Grand Jury**

## **Mexican Rule**

The first court to sit in Yuba County and in Marysville was called the “Criminal Court of the First Instance, Sacramento District.” In order to understand what that meant, we need a brief history of what the court system was like prior to the California Constitution of 1850.

The Mexican laws of 1837 established courts for the territory of California. The highest court had appellate jurisdiction and was similar to our Supreme Court today. It consisted of four judges and an attorney general and was divided into two benches. The three senior judges comprised the first bench and the junior judge the second bench. The first bench was called the “Court of the Third Instance” and its decision in all cases was final. Appeals to this court came from the second bench called the “Court of the Second Instance.” Below these courts was the “Court of the First Instance,” which was a local court somewhat similar to our present-day Superior Court. The State was divided into districts and the County of Yuba was called the “Sacramento District.” The first magistrate of the Sacramento District was John Sutter.

## **American Conquest of California**

Between the American Conquest of California in 1846 and the ratification of the State Constitution in 1850, the existing court system had broken down. This was due to the fact that many new towns had come into being due to the gold rush, and these new towns had no court system. Marysville was in such a situation in January of 1850.

On June 3, 1849, the military governor of California, General Bennett Riley, issued a proclamation calling upon the people to elect “Alcaldes” and “Judges.” The Alcaldes were to be elected under the Mexican laws to administer justice until the courts established by the Constitution of 1850 were put into place. Therefore, on January 18, 1850, the people of Marysville elected Stephen J. Field the first Alcalde and J.B. Wadliegh the second Alcalde. These were the first elected judges in Yuba County.

It appears that the second Alcalde had little to do and he served mostly like a vice-president. Thus, he faded from history. While Steven Field was the first elected judge in Yuba County, he was not the first to hold court in the County. The first session of the Alcalde Court was not held until February 7, 1850.

The first actual court proceeding took place on January 26, 1850. It is believed that the session was held in the old adobe building which was located on the banks of the Yuba River and was the headquarters of the proprietors of the area of Marysville. The judge who presided over the proceedings was one R. A. Wilson, who was the judge of the Criminal Court of the First Instance, Sacramento District.

On January 24, 1850, Mr. George Armstrong and several others were indicted by the first Grand Jury in Yuba County. Mr. Armstrong’s matter was continued to January 25 and then was continued to January 26, 1850. While the Court was hearing Mr. Armstrong’s matter, a Mr. Eli B. Lundy became involved in the proceedings and thus, became the first person convicted and sentenced in Yuba County. Mr. Lundy was already a person who was under indictment for committing an assault and battery with the intent to kill.

The best way to describe the events of January 26, 1850 would be in Judge Wilson's own words. He wrote this as the minutes of the Court as he had no court clerk:

*“The above-named Eli B. Lundy a person under indictment in the Court for committing an assault and battery with the intent to kill, entered the building at Marysville in which this courtroom was in session, and over the door of which building was painted in large letters “Court House” while the Court was in session and engaged in the proceeding case of Armstrong and came up with his hat on to the place where the prisoner Armstrong was sitting at the side of the Judge and at or about the same time a number of other persons armed with guns and other deadly weapons entered the said building. The said Lundy then and there took hold of the prisoner and said to him among other things come with me and attempted to lead the prisoner out of the presence of the Court; and the said Lundy continued to use disgustingly profane and abusive language to the person of the Judge until the said Lundy was put out of the room by the acting Sheriff.*

*It is therefore considered and ordered by the Court now in session that the said Lundy receive on his bare back 15 lashes well laid upon and that he pay in addition a fine of \$400.00 and in default of immediate payment that he receive an additional 20 lashes and that Robert B. Buchanan the acting Sheriff see this order carried into effect and that an acting clerk of this Court furnish him a copy of this order which shall be his authority.”*

History does not tell us whether or not Mr. Lundy got the second 20 lashes or paid his fine. As to Mr. George Armstrong, he was appointed counsel, a Mr. Rae. Mr. Rae holds the privilege of being the first appointed counsel in Yuba County. On the motion of Mr. Rae to quash the indictment, the Judge granted it and Mr. Armstrong was discharged. The case against Mr. Armstrong was stealing cattle. The probable reason that the case was dismissed against Mr. Armstrong was that they were unable to prove that the cattle stolen or killed were branded cattle since most of the cattle were unbranded at that time.

This first Grand Jury also returned an indictment against several other individuals for cattle stealing. There is no mention as to what happened to their cases. In any case, the first Grand Jury in Yuba County's history was discharged also on January 26, 1850, having done their duty.

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# 2019 - 2020 YUBA COUNTY JAIL REPORT



*Photo taken by a Grand Jury member*

## **SUMMARY**

California Penal Code §925 mandates that a grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county in which it is empaneled. Penal Code §919(b) specifically allows a grand jury to inspect jails within its county.

The United States District Court for the Eastern District of California entered a Consent Decree in 1979 in *Hedrick, et al. v. Grant* (E.D. Cal., no 2-76162 EFB). A “consent decree” is an injunction by a court, requiring and/or prohibiting certain behavior that is agreed upon between the parties (in this instance, Yuba County and attorneys representing the inmates of the Yuba County Jail (“YJCJ”).

In January 2019 an Amended Consent Decree was entered by the District Court. The Amended Consent Decree, agreed upon by Yuba County and legal representatives for the class consisting of all persons incarcerated within the YJCJ, updates and revises various provisions of the 1979 Consent Decree. The Amended Consent Decree states that “[t]he Grand Jury shall be requested to do an analysis of whether the YJCJ is in conformity with all provisions of the Amended Consent Decree and include that analysis in its yearly report.”

## **METHODOLOGY**

To meet the Penal Code and Amended Consent Decree mandates, members of the Grand Jury inspected the YJCJ using a checklist developed by the Grand Jury from the major subjects addressed in the Amended Consent Decree. Jurors requested additional information during the YJCJ tours. The checklist included, but was not limited to, the general safety and security of the facility, fire safety, food services, medical services, job training requirements for staff, inmate treatment, housing unit condition, and staff morale.

Scheduled tours of the YJCJ were taken by Grand Jury members on two separate occasions, as well as differing days of the week and differing times of the day. The tours included the viewing and booking areas, holding cells, medical area, kitchen, observation deck, law library, exercise areas, laundry room, hallways, and elevators. While on the tour staff personnel answered questions and later provided materials requested.

## DISCUSSION

Members of the Grand Jury toured the YCJ on September 5, 2019 and January 23, 2020. The YCJ houses both Immigration and Customs Enforcement (“ICE”) detainees and a general inmate population. At the first Grand Jury inspection, there were 368 occupants, consisting of 190 inmates and 178 ICE detainees. At the second inspection, there were 396 occupants of which 173 were ICE detainees. The general population inmates wear striped jumpsuits and ICE inmates wear red jumpsuits. These jumpsuits were new at our first inspection which replaced a top and pants with a waistband. The new jumpsuits make it difficult for contraband to be hidden as there is no waistband for holding contraband items.

We began our tour in the booking area and intake room where inmates are processed. Processing includes fingerprinting, a health screening, interview for gang affiliation and the collection of all personal items. Receipts are given for money and personal items. This area also contains step down cells and a padded cell with front and rear windows for ongoing welfare checks.

The Grand Jury toured the observation deck of the inmate housing unit and was briefed on the camera system that staff monitor from this area. Inmates were clearly visible and could be seen moving about, playing board games, visiting, sleeping, or watching television. The Grand Jury toured other housing units including the women’s area. YCJ staff pointed out a newly remodeled ADA compliant cell with wheelchair accessibility that was occupied. All housing units appeared clean and orderly.

The YCJ has an outdoor exercise area. A new fence was added to this area creating two smaller exercise areas in which to house two groups of inmates at a time. This new fence is required by the Amended Consent Decree. At our visit in September, we were told that the inmates had torn down one of the basketball hoops. This hoop was still down in January and is not expected to be replaced due to the limited space the fence has created. YCJ has purchased exercise equipment. This equipment uses only the inmate’s body weight rather than added weight sets. It is expected to be installed in the next few months.

Upon touring the kitchen, Grand Jury members were given hairnets to comply with health department regulations. The kitchen area was clean and well managed. The food looked and smelled delicious. Inmates with special dietary restrictions were provided with options that meet their needs. The kitchen menu shows a variety of meals with a variety of nutritional items for each meal. The kitchen has changed over from Styrofoam to reusable cups, silverware, and trays. Inmates are issued a reusable rubber cup and utensils designed for jail safety when they arrive. Through this process, the YCJ has been able to save money and improve environmental waste.

The Grand Jury requested and received a commissary list with prices and items. Inmates are able to have money put on their account for ordering through the commissary. The commissary is stocked with a variety of food items, hygiene items, postage stamps, envelopes, earbuds, phone cards, and more. Prices charged for these items were reasonable. Profits from these purchases fund the commissary staff position as well as the purchase of items that benefit the inmates such as televisions, exercise equipment, and vocational instruction.

The YCJ has a schedule of classes inmates can attend, including Anger Management, Father's First, Alcoholics Anonymous, Narcotics Anonymous, and General Education Development. The schedule also includes church services. Yuba County Office of Education provides an instructor that educates inmates and helps them to gain their GED.



*Picture provided by YCJ staff*

The Yuba County Sheriff's Department has narrowed down its search for a vendor that may provide tablets for inmate's use. These tablets will be furnished at no charge and give access to both free educational programs and law library books. The company that provides the tablets may make a profit when inmates purchase entertainment applications. Tablet use will be monitored and flagged for staff to review any suspicious activity. Tablet programs have proven to be successful in other jails and have been of great benefit to inmates.

The Yuba County Sheriff's Department received a \$20,000,000 grant to expand the YCJ. The new medical/mental health facility will be a two-story building and will be approximately 15,166 square feet. This expansion, expected to break ground in 2021, is planned for the 5<sup>th</sup> Street side of the courthouse.

## **FINDINGS**

- F1. The YCJ Staff are respectful and hardworking people that take pride in their work while meeting the needs of the YCJ population as well as the state requirements for jail operation.
- F2. The YCJ is under continuous review from the state and federal government as well as the Grand Jury.
- F3. The YCJ is clean, orderly and operating effectively.

## **RECOMMENDATIONS**

- R1. None.
- R2. None.
- R3. None.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected county officials within 60 days:

- Yuba County Sheriff as to Findings 1, 2, and 3.

From the following governing bodies within 90 days:

- Yuba County Board of Supervisors as to Findings 1, 2, and 3.

Reports issued by the 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 Grand Jury.
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## **DISCLAIMER**

This report was issued by the 2019-2020 Yuba County Grand Jury with the recusal of one juror who has one or more relatives affiliated with the Yuba County Sheriff's Department or jail operations. This juror did not participate in any part of the investigation, which included interviews, deliberations, and the preparation and acceptance of this report.

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## **SUMMARY**

The Grand Jury received a complaint from a concerned citizen that he and others had been blocked from commenting on the non-government sponsored Facebook page of an elected official, and that the prior comments of the citizen and others had been removed. Claims of blocking by other public officials were also received by the Grand Jury.

Upon investigating, the Grand Jury learned that some citizens had been blocked from commenting by one or more elected officials, who asserted the blocking was permissible and reasonable under the circumstances. The Grand Jury also learned that the topic of social media blocking is a developing area of law that is in its infancy.

All County officials interviewed by the Grand Jury agreed that it would be a good idea for the County to offer its elected officials and senior management training on the issue of social media blocking and the use of social media in general.<sup>1</sup> The Grand Jury also learned that the County does not have policies or procedures regarding social media use and social media blocking by public officials.

## **BACKGROUND**

Social media platforms such as Facebook permit administrators to “block” users from posting comments. Blocking also removes prior comments. Sometimes public officials create their own social media pages for the purpose of campaigning or to communicate with their constituents. When public officials block comments on these pages, litigation often ensues over whether that “blocking” infringes on the blocked individuals’ First Amendment rights and whether the page in question constitutes a public forum.

One of the secondary sources we consulted offered this concise and interesting background:

“The specter of banishment from the vibrant public forum of social media to the empty streets and deserted sidewalks is a matter of increasing political, social, and cultural importance. Today, nearly every government official maintains a social media presence on Facebook or Twitter, generally to promote initiatives, share ideological positions, engage constituents, and tangle with critics. Privacy controls and content moderation tools, however, offer government officials tantalizing opportunities to discretely and effectively muffle disapproval, stifle dissent, and shield themselves from criticism on their public social media accounts with “blocking” features. At the end of 2017, responses to public records requests showed that U.S. governors--Democrat and Republican--and federal agencies had blocked “at least 1,298” individual accounts from their official Facebook and Twitter accounts. Though most of these blocked accounts belong to

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<sup>1</sup> The Grand Jury acknowledges that some public officials may receive some training from third parties.

individual constituents who recognize themselves as “sassy” critics, some have “no idea why” they were blocked from commenting on or viewing their elected official's social media page.” (Liz Grefrath, #losingthethread: Recognizing Assembly Rights in the New Public Forum, 85 Brook. L. Rev. 217, 217–18 (2019).)

## **METHODOLOGY**

The Grand Jury carefully reviewed the complaint submitted by the concerned citizen. It also reviewed various records submitted by that citizen, including printouts of certain Facebook pages.

The Grand Jury, with the assistance of counsel, reviewed and analyzed certain legal authority related to the issue of social media blocking. The Grand Jury also looked at the publicly available social media presence of various elected officials within the County. It also reviewed material regarding allegations of social media blocking in other jurisdictions. This topic is gaining notoriety worldwide—the title of one European source was “Finnish Politicians Face Heat For Blocking Social Media Followers.”

The Grand Jury also interviewed several public officials regarding, among other things:

- the allegations of the complaint;
- their use of social media;
- whether there are existing Yuba County rules and procedures regulating the use of social media and regarding social media blocking; and,
- whether they felt further training and education for public officials in Yuba County on social media, including the topic of social media blocking, would be a good idea.

## **DISCUSSION**

Recent cases in the Second and Fourth Circuits of the United States Court of Appeal (*Davison v. Randall* (4<sup>th</sup> Cir. 2019) 912 F.3d 666 and *Knight First Amendment Inst. At Columbia Univ. v. Trump* (2<sup>nd</sup> Cir. 2019) 928 F.3d 226 and also in the United States District Court in Southern California (*Garnier v. Poway Unified Sch. Dist.* (S.D. Cal. 2019) 2019 U.S. Dist. LESIS 167247, 2019 WL 4736208, suggest that a government official’s blocking of a constituent from the government official’s social media page may constitute a violation of the constituent’s rights under the First Amendment of the United States Constitution.

For example, in *Davison v. Randall* (4<sup>th</sup> Cir. 2019) 912 F.3d 666, the Chair of the Loudon County Board of Supervisors blocked a constituent from her Facebook page for accusations she felt were “slanderous”. The Fourth Circuit held that “the interactive component of the Chair’s

Facebook Page constituted a public forum, and Randall [the Supervisor] engaged in unconstitutional viewpoint discrimination when she banned Davison’s Virginia SGP Page from that forum.” (*Davison v. Randall*, *supra*, at p. 688.)

In *Knight First Amendment Inst. At Columbia Univ. v. Trump* (2<sup>nd</sup> Cir. 2019) 928 F.3d 226 the Second Circuit found that President Trump violated the First Amendment when he blocked social media users from accessing and interacting with his Twitter account because they expressed views the President disliked. “We do conclude, however, that the First Amendment does not permit a public official who utilizes a social media account for all manner of official purposes to exclude persons from an otherwise-open online dialogue because they expressed views with which the official disagrees.” (*Knight*, *supra*, at p. 230.)

In *Garnier v. Poway Unified Sch. Dist.* (S.D. Cal. 2019) 2019 U.S. Dist. LESIS 167247, 2019 WL 4736208 two members of a school district board allegedly blocked a citizen from various social media accounts on the ground that their posts were “repetitive and unrelated” to the original posts. The court did not determine whether the claims of the citizen for declaratory and injunctive relief had any merit, but did determine that the citizens had the right to bring their claims. The *Garnier* court noted that “there is no Ninth Circuit authority addressing state action in the context of a government official blocking someone from a social media platform....” (*Garnier*, *supra*, at pp. 15-16.)

Finally, in *Faison v. Jones* (E.D. Cal., No. 2:19-cv-00182-TLN-KJN) the “co-leads” of Black Lives Matter Sacramento brought a lawsuit against the Sacramento County Sheriff, Scott Jones, alleging that he had blocked them from his Facebook page. At the time this report was completed, the case was still in litigation. However, on February 21, 2020, the District Court issued a preliminary injunction, ordering Sheriff Jones to “unban Plaintiffs from his Facebook page, retain them in unbanned status, and take no further action restricting their participation unless and until further order of this Court.” (Order filed February 21, 2020, at p. 18.)

Some of these cases analyzed whether non-government sponsored social media pages could be subject to First Amendment rights. In the *Knight* case, the President’s primary argument in his brief was “that when he blocked the Individual Plaintiffs, he was exercising control over a private, personal account.” The Second Circuit rejected the President’s assertions that (1) the account was private and personal; and, (2) that the account was not a public forum. (*Knight*, *supra*, at pp. 13-14.) In *Faison v. Jones*, *supra*, the District Court determined that the plaintiffs were likely to succeed Sheriff Jones was a “state actor” and that the interactive component of the page, which Defendant left open for public discourse, was a public forum.”

We recognize there are a host of legal and factual issues that would need to be evaluated in order to determine whether actual conduct in Yuba County constituted a violation of anyone’s First Amendment rights. The legal cases above contain very detailed factual and legal analysis. The Grand Jury recognizes that an unpublished opinion by a Federal trial court in California, and Order by a Federal trial court in Sacramento imposing a preliminary injunction, and opinions in

the Fourth and Second Circuits do not constitute precedent that is binding in Yuba County. Nevertheless, they are instructive.

It is not the Grand Jury's function to adjudicate claims of this nature. The mandate for the Grand Jury to maintain confidentiality does not permit us to name the complainant, or to disclose details of the alleged offense that might reveal the complainant's identity. Without a finding of corruption or willful misconduct, which the Grand Jury expressly does not make, we are not permitted to name allegedly offending public officials.

It would be unwise and unnecessary for us to determine with regard to this complaint if conduct of any public official violated the First Amendment or was otherwise improper. While the Grand Jury itself is a creature created by law (see California Constitution, Article 1, Section 23), and while it must oftentimes consider various laws when conducting investigations, interviewing witnesses, preparing reports, and making findings and recommendations, it is unnecessary for us to determine in this report whether the conduct of one or more public officials crossed the line. We see no public benefit, and great potential detriment, to making a determination in the course of this investigation whether the conduct of a public official violated the First Amendment.

We are not the correct body to opine on how California courts should rule or might rule on this topic. We are also not the appropriate body to determine whether the authorities cited above would be upheld on appeal or further appeal of those cases, or upon appeal of other similar cases.

If this was a case of corruption or willful misconduct, it might be desirable for us to make a determination about whether the conduct of the public officials violated the First Amendment. However, we found no evidence of corruption or willful misconduct by public officials. If their conduct crossed the line, we believe it was not because of malice or a willful disregard of the law. Rather, it was because of the need for training and education regarding this relatively new topic that has just recently found its way into the limelight.

All public officials we interviewed agreed that it would be beneficial for the County to provide training regarding social media and social media blocking. None of the public officials we interviewed were aware of any Yuba County policies regarding social media use or social media blocking. The Grand Jury could not locate any such policies. We have heard enough evidence from multiple sources to form a strong opinion that it would benefit the public, the County, its Departments and sub-agencies to receive guidance and counsel about social media use and social media blocking. We also believe that it would be beneficial for the County to implement some written policies regarding social media use and social media blocking.

Because of the technical and case specific nature of this topic, and the evolving nature of this area of law, we decline to make an attempt at writing a "rule book" for public officials to follow about social media conduct or social media blocking. Doubtless, there are some circumstances under which blocking would be appropriate, and many where it would not. It is not our function to provide specific instruction regarding when it would be appropriate or inappropriate to block comments on social media pages administered by public officials. The Grand Jury believes it

would be more appropriate and achieve a much greater public benefit for guidance to be articulated by the legal advisors for the County and its departments.

Our investigation did not include schools, cities, or special districts within the County, so we have not directed our recommendations to these entities. However, common sense tells us that they would also benefit from education by their legal advisors, whether the benefit is curative, prophylactic, or both. We hope that all public officials in Yuba County will take notice of this report and exhibit discretion and good judgment in their social media conduct and seek guidance from their legal advisors before engaging in any social media blocking.

We recognize that because of evidentiary rules protecting attorney client privilege, the Grand Jury cannot learn about confidential communications between public officials and their legal advisors. Thus, it is possible there has been some education regarding social media and social media blocking that we did not learn about because of attorney client privilege protections. Even so, we heard enough to believe that more could and should be done to provide guidance to public officials on this topic.

## **FINDINGS**

- F1. Social media blocking is a topic that is gaining notoriety and being increasingly scrutinized and litigated.
- F2. There are no Yuba County policies or procedures regarding social media use by public officials and other County employees regarding social media use and social media blocking.
- F3. Yuba County does not presently offer any in-house training for its public officials regarding social media blocking.

## **RECOMMENDATIONS**

- R1. None.
- R2. By September 30, 2020, the Yuba County Board of Supervisors should direct the County Administrator and County Counsel to promptly draft policies or procedures for County officials and other County employees regarding social media use and social media blocking.
- R3. By September 30, 2020, the Board of Supervisors should direct Yuba County Counsel to promptly commence one or more training sessions for County officials regarding social media use and social media blocking.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies within 90 days:

- From the Yuba County Board of Supervisors, as to Findings 2 and 3 and Recommendation 2 and 3.

Reports issued by the 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 Grand Jury.

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# Linda County Water District



*Linda County Water District Logo*

## **SUMMARY**

The Grand Jury (GJ) became aware of a proposed rate increase by the Linda County Water District (LCWD). A public outcry ensued due to the proposed immediate and extreme change in rate.

The GJ investigated this concern by attending board meetings and conducting interviews with staff and consumers to gain information about the LCWD and the proposed rate increase. The proposed rate increase would have raised consumer water rates by over one hundred percent, effective November 1, 2019.

After community input and multiple meetings, the LCWD Board members voted to incrementally raise rates over the next five years in order to maintain as well as improve the current infrastructure. The GJ's findings conclude that the LCWD has met State of California standards for water health and safety. The GJ also finds that the rate increase was necessary to accrue needed funds to maintain and improve the current system. The GJ recommends better communication between the LCWD and its consumers regarding the State of California standards for water safety. The GJ also acknowledges that altering taste would be considered a misappropriation of state funds. The GJ recommends that the LCWD apply for grants to improve finances along with the enacted incremental rate increases.

## **BACKGROUND**

### **Jurisdiction**

The LCWD is within the jurisdiction of the GJ because it is a Special District operating within Yuba County.

### **Mission Statement**

The LCWD states that its mission is to provide “reliable, safe, clean water to our community, and provide sanitary sewer services to protect the health of our community and the environment, while maintaining a standard of excellence in customer service and environmental conservation.”

### **Administrative Structure**

The LCWD is governed by a five-member Board of Directors, elected from within the District service area. The LCWD is overseen by a General Manager who reports to the Board. The LCWD has a total of 18 employees. The LCWD regular Board meetings are held on the second Monday of the month at the LCWD District Office. The LCWD communicates through meeting announcements posted in the local daily newspaper and on service bills.

### **Infrastructure**

Groundwater is the sole supply source for the LCWD. Over half of the LCWD system was built in the 1960's. The system has areas as new as 10 years and as old as 58 years. The District provides domestic water, sewer collection, and treatment through approximately 40 miles of water mains, a system of six wells and four filtration plants. Approximately 40 miles of sewer lines run through this district with a 1.8 million gallon per day capacity sewer treatment plant, and 10 sewer lift stations (Planning, 2020).

## **Funding Services**

The LCWD receives funding from grants, customer revenue, and local and State funds. The LCWD can receive additional funding through Proposition 218. (Legislative Analyst's Office, 2020.) Enacted in 1996, Proposition 218 provides citizens with the right to vote on what fees are charged to users of public services, and how costs are allocated. The water rates must reflect the cost of the service attribute. Additionally, through the Disadvantaged Community Involvement Program, The LCWD is recognized as a Severely Disadvantaged Community (SDAC) when applying for State grants. SDAC grants provide financial assistance to public water systems for drinking water infrastructure improvements in the form of low-interest financing, additional subsidies, and other technical assistance.

## **Services, Customers and Rates**

The LCWD currently services over 18,000 people and 4,575 households. This is an increase according to the 2000 census estimating approximately 12,448 people and 3,996 households. Water service charges are used for labor, energy, chemicals, regulatory compliance, system maintenance, rehabilitation and replacement of infrastructure, and capital.

## **Concern**

The LCWD staff conducted a water rate study. Rates had not been increased since 2006, but both the population served and operating costs had substantially increased. As a result of the study, the LCWD management proposed a new rate to the Board for consideration in 2019. The LCWD used various methods to determine the centum cubic feet (CCF) and proposed service rate for consumers. The rate change would have resulted in an immediate rate increase impacting consumers who pay for water. The LCWD customers raised concern over the substantial increase. Additionally, consumers raised concerns the rate increase would not improve the taste of the water or the impact hard water causes.

## **METHODOLOGY**

GJ members attended the LCWD monthly Board meetings on August 12, 2019, September 9, 2019, and December 9, 2019 at the LCWD main office. The GJ heard a vast number of consumer complaints at these several Board meetings. In addition, the GJ privately interviewed consumers to gain further information regarding the poor taste quality. Interviews with consumers took place in the confines of the GJ room. Interviews were also conducted with the LCWD staff to better understand the complexity of the problem. The GJ reviewed the 2018 Water Quality Consumer Confidence Report posted on the LCWD website. (See report at: <https://www.lindawater.com/water-quality-report>)

## DISCUSSION

The GJ became aware of community concerns with the LCWD water quality and the LCWD's proposed rate increases. The LCWD proposed to increase its monthly rate for water service for the fiscal year 2019/2020. The proposed Water Service Charge (WSC) rate increase was \$8.75 per month for a basic 5/8-inch meter on the Base Rate (\$15.25 per month) and \$0.75 per CCF (hundred cubic feet) on the Variable Rate charge (\$1.55 per CCF) with a 3% annual adjustment.

During the Board meetings attended by GJ members, the LCWD staff presented a PowerPoint presentation and handouts with information detailing its analysis as to why the rate increase was necessary. Consumers stated the water taste was unsatisfactory and that the hard water left a residue deposit. Consumers questioned the competency of the Board and voiced their displeasure with both the water quality and the size of the proposed rate increase. Community members expressed the view that the rate increases were not justified because they would not impact the water attributes, including the hard water residue and taste. They also stated that the water was not suitable for consumption (including pets) and that rather than drinking the water, they purchased drinking water from local suppliers.

During interviews with staff, GJ members learned that there are six wells for distributing the water within the limits of the LCWD. Interviews detailed the current conditions of wells used by the LCWD. Well #15 is not reliable, needs work, and is aging prematurely. Well #16 is the most heavily used for the District and Well #17 needs pumps and a filtration system. The cost to complete Well #17 is estimated at over ten million dollars.

The LCWD reported that the taste of the water is not a water quality standard or a measurable attribute. This was further supported by the 2018 Annual Consumer Confidence Report authored by the LCWD. The report indicated, "water quality meets water standards as required by the U.S. Environmental Protection Agency and the State Water Resources Control Board, Division of Drinking Water". The GJ did not locate any source providing credible quantitative analysis that stated to the contrary. The LCWD reported the additional cost to solely improve taste is not justified as the water currently meets State requirements for health and safety. Altering water for taste would violate Proposition 218 and the terms of the grants the LCWD has received, and thus be considered a misappropriation of funds. Under Proposition 218, "the water rates must reflect the cost of the service attribute." The LCWD explained to the GJ that although water taste is important, it is not measurable. Furthermore, the LCWD represented that spending LCWD funds to alter taste would constitute a misappropriation of state funds.

When the LCWD applies for grants, it is considered to be a Severely Disadvantaged Community (SDAC). As such, if the LCWD used grant money to alter the taste, it would risk losing State funding it needs to repair its infrastructure. According to the rate comparison presented by the LCWD staff at the August 12th meeting, the LCWD water rates are some of the lowest in the area. Rates of other agencies were up to four times that of the LCWD. After hearing public comments requesting the increase to be implemented over several years, the Board approved a rate increase spread over the next five years.

## **FINDINGS**

F1. The approved increase of funds was necessary to maintain/update infrastructure.

F2. Despite consumer complaints regarding the taste, water meets State of California standards for health and safety.

## **RECOMMENDATIONS**

R1. The LCWD Board & Staff should begin, by August 1, 2020, to aggressively seek future grants and utilize the approved yearly incremental rate increases to improve the LCWD infrastructure.

R2. Over the course of the next six months, the LCWD Board & Staff should make diligent efforts to increase public awareness through website updates, mailings, and advertising, that the water meets State standards and that funds from the State of California cannot be used to alter water taste.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the following response is required from the following governing body within 90 days:

- Linda County Water District Board of Directors as to Findings 1 and 2 and Recommendations 1 and 2.

## **INVITED RESPONSES**

The Grand Jury invites the following individual to respond within 60 days:

- The General Manager of the Linda County Water District Board of Directors as to Findings 1 and 2 and Recommendations 1 and 2.

Reports issued by the 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 Grand Jury.
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Picture from "Yuba-Sutter Short Range Transit Plan" report. (See Bibliography Reference)

# Historic Marysville City Cemetery

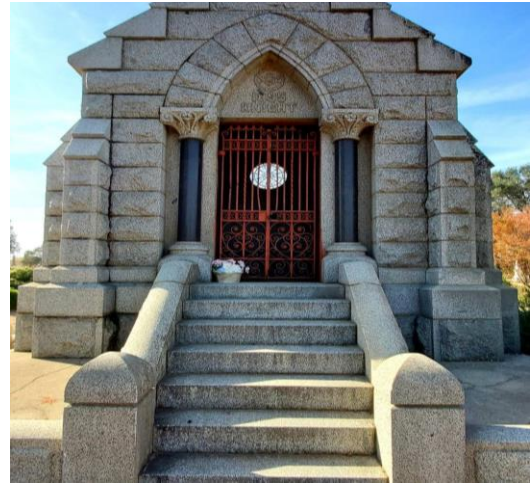


*Photo taken by Juror - Hebrew Cemetery*

## SUMMARY

The Marysville City Cemetery is a Yuba County treasure. Many of the people buried there played a significant part in the development of Marysville and Yuba County. Tours of the Marysville City Cemetery present a broad history of Yuba County in a very interesting way.

The cemetery is owned by the City of Marysville and is maintained by the Friends for the Preservation of Yuba County History (FPYCH), students from Marysville High School, volunteers from Camp Singer, and a full-time caretaker. The FPYCH volunteers are very knowledgeable and share their stories with guests as they meander through the cemetery. More volunteers are needed to help maintain the cemetery and to provide information to both tourists and local residents.



*Photo taken by Juror - Mausoleum*

The Marysville City cemetery has been damaged through the years by recurrent flooding and vandalism. More funding and increased volunteerism would be helpful to support the FPYCH goals of finding, repairing, and replacing lost, missing, and broken headstones. Increased online and social media information and setting up the means through which the public can donate money online for the benefit of the cemetery would likely assist in achieving those objectives.

## BACKGROUND

The Grand Jury chose to investigate the cemetery for several reasons:

- The cemetery had not recently been investigated by prior Grand Juries. Although the 2013-2014 Yuba County Grand Jury published a report on Yuba County Cemetery Districts, the Grand Jury did not investigate the Marysville City Cemetery for that report.
- The subject matter was fascinating. The grounds are well maintained and the tales of yesteryear were enthralling.
- The Marysville City Cemetery, the volunteers who support it, and the public at large will benefit from the attention focused upon this local gem.

## METHODOLOGY

Members of the Yuba County Grand Jury viewed documents distributed by the FPYCH, documents from the Yuba County Local Agency Formation Commission (LAFCO), budget information, and online resources documenting the history of Marysville. Members also interviewed cemetery and City of Marysville personnel.

To understand the history of the City of Marysville, members of the Grand Jury toured the Marysville City Cemetery on November 11, 2019. The tour was led by the FPYCH, which discussed the foundations of Marysville and the many stories of those buried in the cemetery.

## DISCUSSION

### Location and Origin



*Photo taken by Juror - First Avenue Sign*

The Marysville City Cemetery, established in 1850, is owned by the City of Marysville. It is located at the north end of the City, between 24<sup>th</sup> Street and Highway 70. The cemetery occupies 13.24 acres of land. The St. Joseph Catholic Cemetery is located directly across from the Marysville City Cemetery. The St. Joseph Cemetery is owned by the St. Joseph's Church and maintained by the Knights of Columbus.

The Marysville City Cemetery is reputed to be the oldest city-owned cemetery west of the Mississippi River and the burial place of some 10,000 people. In 1994 the California State Historical Resource Commission declared the Marysville City Cemetery a California Point of Historical

Interest. A plaque commemorating that declaration was erected on the property by the Marysville Lions Club in 1995.

### Volunteers

The Marysville City Cemetery is managed by the Cemetery Commission. The Cemetery Commission is composed of seven members, including two members appointed by the Mayor. The Commission meets at least once every three months, usually the last Thursday of the months of January, April, July, and October. Each member of the Cemetery Commission receives the sum of \$15 for each meeting attended.

The cemetery is preserved by the FPYCH. The FPYCH is a nonprofit group dedicated to preserving, studying, and sharing the history of Yuba County. The FPYCH volunteers typically donate about 44 hours of service a month. Depending on the weather, the FPYCH are not limited in the amount of time one may volunteer. They will frequently volunteer two to three days a

week and work four or five hours per session. Additional volunteers, such as Marysville High School students, volunteers from Camp Singer, and a watchman help keep the cemetery maintained.

The cemetery has occasionally experienced flooding. Saturated ground can cause burial sites, including headstones, to sink. To prevent burial sites from collapsing, volunteers are very frugal with watering.

Due to much vandalization of the cemetery, the City of Marysville created the position of the Historic Marysville City Cemetery Watchman. The goal is to enhance security measures for the protection of the cemetery and its visitors. Marysville City Cemetery Watchman is a volunteer position. No monies are given for the services provided. The Watchman is authorized to reside in the trailer on the property that was provided by the Marysville Police Department; he does not pay any rent or for any utilities. The Watchman must be 21 years of age or older and reside on the premises with no more than one additional person. His duties include: (1) maintaining watchful care over cemetery property, buildings, and equipment; and, (2) contacting the appropriate authorities when the need arises (e.g. police or fire services); and, (3) daily opening and closing of the cemetery gates. On a daily basis the Watchmen is required to inspect the cemetery perimeters, gates, and fences.

The goals of the FPYCH are to find, repair, and replace lost, missing or broken headstones, as well as keep the cemetery looking neat and tidy. The FPYCH provides ongoing educational tours to the community to increase their awareness of the costs to maintain the grounds and the burial sites.

The tours showcase the City of Marysville's history and early occupants. Many of the streets, buildings, and schools in Marysville are named for many of those buried in the cemetery. These tours give people a chance to see what has been contributed toward the upkeep of the cemetery, all the headstones that have been repaired or replaced, and all the work from the volunteers. Many of the volunteers "dress up" in period clothes for the tours. Some portray those that are buried in the cemetery. They share their stories of the buried with the visitors. One such story is that of Clara Etta Traverse. She was a young girl of 15. Her father left and her mother remarried. Clara did not get along with her stepfather. She was very sad and committed suicide. Her headstone at the cemetery went missing. Tours, such as "Tales of the Crypt" provide such stories. Funding from these events helps with replacing headstones, such as the one for Clara Etta Traverse.

## **Funding**

The Marysville City Cemetery receives funding and certain services provided by the City of Marysville. In the current City budget, the cemetery expenses are categorized as part of the

Public Buildings & Grounds line item. The City estimates that in the present fiscal year budget the cemetery receives funds and services valued at approximately \$10,000; Additional revenue from tours and donations also benefit the cemetery.

Despite these funding sources and services provided by the City, the need for additional funding is constant and substantial. The Yuba Local Agency Formation Commission (LAFCO) stated in the most recent Municipal Service Review findings that the only accessible funding source to address the cemetery's needs is the City's general fund and that additional funding is needed. Yuba LAFCO stated at the time of its review that the cemetery was in need of significant maintenance and had been damaged from high water and vandalism, conditions that the Grand Jury observed during its tour.

At present, the City pays approximately \$570 for monthly cemetery expenses. This includes funding two portable toilets and the PG&E bills that averages \$396 per month. In addition, the City's public works staff mows and weeds the cemetery and provides irrigation and lighting maintenance.

In addition to funding provided by the City of Marysville, funding is supplemented by revenue from FPYCH tours including a "Tales of the Crypt" and "Dead of Winter Tour". The supplementary funds help preserve, maintain, and repair the structures, headstones, and burial sites. The FPYCH also funds incidentals used to maintain the cemetery.

## Sections

The cemetery is divided into sections. The Chinese Cemetery, with a brick structure for burning offerings, is at the northeast corner of the cemetery. Nearby, the Grand Army of The Republic Cemetery, contains graves of veterans of the Mexican War, Civil War, and Spanish-American War. (Many veterans are buried elsewhere in the cemetery also.) A Japanese plot is nearby, although Japanese remains are also buried elsewhere in the cemetery.



*Photo taken by Juror - Marysville Hebrew Cemetery*

The Marysville Jewish Cemetery, purchased in 1855 by the Marysville Hebrew Benevolent Society, is adjacent to the Marysville City Cemetery at its southeast corner. The Jewish Cemetery is now under the Commission for the Preservation of Pioneer Jewish Cemeteries and Landmarks in the West. This one-acre (180 feet by 242 feet) tract extends from the south edge of the Marysville City Cemetery north to four feet south of the visible line of plots, and from the eastern fence to the east edge of Third Avenue (the big trees).

Though it was formerly surrounded by a high brick wall and formerly contained a brick building for preparing bodies for burial, the wall, building, and bricks are now gone. Some interesting monuments of early Jewish people are visible on the south half of the property. The north half of the property has been altered, and today there is no evidence that this area contains graves. Unknown persons trenched into the cemetery for power lines.

The cemetery contains a potter's field, which is a burial ground for indigent people. The section takes up approximately one fourth of the cemetery with roughly 2,000 people buried there.



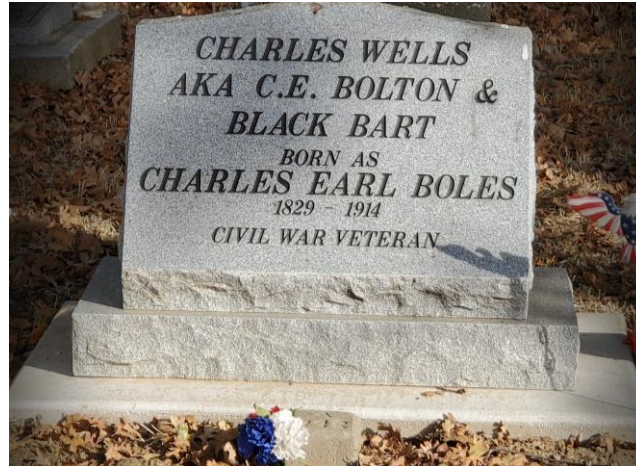
*Photo by Juror - Description of Potter's Field*

### **Notable Burials**

Notable burial sites at the Marysville City Cemetery are as follows:

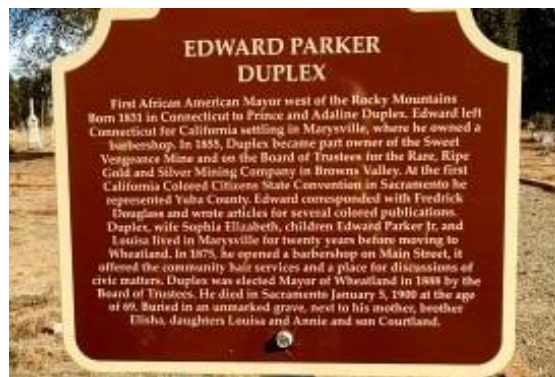
- Edward DePangher (1867-1893), brother to Philadelphia Quakers baseball team catcher Michael DePangher.
- Charles Covillaud (1816-1868). Mr. Covillaud was the husband of Mary Murphy Covillaud, after whom the City of Marysville is named.
- Charles Macy (1812-1856), whose brother Rowland Hussey Macy went on to start the famous Macy's department store chain in 1858.

- Perhaps Black Bart (Charles Earl Bolton, 1829-after February 28, 1888). Historians disagree about whether the remains of Black Bart are truly buried in the cemetery.



*Photo taken by Juror  
- Headstone of  
Charles Wells AKA  
Black Bart*

- Wells Fargo driver George Hackett (1838-1895), who once reportedly bounced buckshot off the scalp of renowned stagecoach robber Black Bart.
- Harriet Frances Murphy Pike Nye (1828-1870). At age 21, Ms. Nye was a member of the ill-fated Donner Party and walked for 32 days from Truckee Lake (now called Donner Lake) to Wheatland to seek aid for her family and co-travelers. Ms. Nye was also the sister of Mary Covillaud, the individual for whom the City of Marysville was named.
- Edward Parker Duplex (1831-1900). Mr. Duplex was elected mayor of Wheatland in 1888. He was the first African American mayor of a city on the Pacific Coast.



*Photo taken by  
Juror - History of  
Edward Parker  
Duplex*

- Charles E. DeLong (1832-1876). Mr. DeLong was the United States Envoy to Japan.

## **Social Media and Internet Presence**

The cemetery has a pleasant and well-maintained Facebook page under the name of “Historic Marysville City Cemetery” with 416 “likes” and 434 “follows”. However, a search for the word “cemetery” on the City of Marysville’s web page yielded the following result: “There were no results found for: cemetery.” A Google search for “Marysville City Cemetery” found the Facebook page referenced in the first sentence of this paragraph, a short “local wiki”, a newspaper story in the Appeal Democrat, a brief entry in the “Find a Grave” website, some information in a “travel blog page for lovers of dark history, forensics, true crime, the fringe, [and the] macabre and bizarre,” and no other relevant hits. The Grand Jury did not see any online information about current budgeting or expenses, volunteer opportunities, or mechanisms to donate money toward maintenance and upkeep of the cemetery.

## **FINDINGS**

- F1. The Marysville City Cemetery has been damaged from high water and vandalism.
- F2. The Marysville City Cemetery would benefit from additional publicity and funding to support the laudable goals of the FPYCH to find, repair, and replace lost, missing, and broken headstones.
- F3. There is a dearth (or lack) of online information available to the public about Marysville City Cemetery budgeting and expenses, financial needs, and volunteer opportunities.
- F4. There are no online mechanisms for the public to donate funds toward maintenance and upkeep of the Marysville City Cemetery, and such a means of encouraging and receiving contributions might raise sorely needed funds for the cemetery.

## **RECOMMENDATIONS**

- R1. No later than October 1, 2020 the City of Marysville should increase the availability of information about the Marysville City Cemetery to the public through additional online presence and social media regarding, among other things, current budgeting, expenses, financial needs, and volunteer opportunities.
- R2. No later than October 1, 2020 the City of Marysville, both directly and through the FPYCH, should provide one or more online donation mechanisms for the public to donate funds for the benefit of the Marysville City Cemetery through the City’s website, the FPYCH Facebook page, PayPal, GoFundMe, Facebook, and/or Instagram.

## **REQUIRED RESPONSES**

Pursuant to Penal Code Sections 933 and 933.05, the Grand Jury requests responses as follows:  
From the following governing bodies with 90 days:

- Marysville City Council, as to Findings 1, 2, 3, and 4 and Recommendations 1 and 2.

## **INVITED RESPONSES**

- Responses are invited from the City Manager of the City of Marysville as to Findings 1, 2, 3, and 4 and Recommendations 1 and 2.

Reports issued by the 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 Grand Jury.

## **WEBSITE REFERENCES**

[https://localwiki.org/yuba-sutter/Marysville\\_City\\_Cemetery](https://localwiki.org/yuba-sutter/Marysville_City_Cemetery)

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# **Yuba County 2019 – 2020 Grand Jury**

## **Previous Investigations Grids**

Cities Committee	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
City Council																					X	X		
City of Marysville		X	X				X	X				X				X						X		
City of Wheatland																						X		
Marysville Business Improvement District	X										X													
Marysville City Cemetery																							X	
Marysville City Clerk's Office																								
Marysville City Council Meeting Minutes															X									
Marysville Fire Department				X					X									X			X	X		
Marysville Public Works										X								X						
Marysville Red Light Camera system										X								X						
Marysville Redevelopment Agency					X																			
Marysville Website														X										
Parks & Recreation - Ellis Lake																		X						

County and Special Districts Committee	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Admisitrative Services		X								X														
Admisitrative Services - IT											X													
Agriculture																								
Airport Enterprise Zone		X																						
Assessor																								
Auditor / Controller								X	X															
Board of Supervisors	X				X	X		X	X															
BoS - Ordinances					X																			
BoS - Yuba County - Office Hours			X																					
Brophy Water District																								
Browns Valley Irrigation District		X	X																					
Building - Permit Fee																X	X							
Camp Far West Irrigation District																								
Camptonville Community Services District																								
Cemetery District - Browns Valley																								
Cemetery District - Brownsville					X													X						
Cemetery District - Camptonville																		X						
Cemetery District - Keystone					X													X						
Cemetery District - Marysville														X				X						

County and Special Districts Committee Con't	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Cemetery District - Peoria							X											X						
Cemetery District - Smartsville																		X						
Cemetery District - Strawberry Valley																		X						
Cemetery District - Upham																		X						
Cemetery District - Wheatland																		X						
Clerk/Recorder/Elections								X			X													
Clerk of the Board																								
Code Enforcement								X					X											
Community Development												X	X											
Cordova Irrigation District																								
County Administrator																								
County Counsel																			X					
District 10 - Hallwood Community Services District																								
Dobbins-Oregon House Fire Protection District																								
Economic Development									X															
Foothill Fire Protection																			X					
General Services - Buildings and Grounds																								
Levee District 817																								
Library																								
Linda County Water District																							X	
Linda Fire District																					X			

County and Special Districts Committee Con't	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Local Agency Formation Commission (LAFCO)									X	X														
Loma Rica-Browns Valley Community Services District																								
Marysville Levee District													X											
Mosquito and Vector Control District																		X						
Nevada Irrigation District																								
North Cental Counties Consortium (NCCC)										X														
North Yuba Water District																							X	
Office of Emergency Services															X			X		X				
Olivehurst Public Utility District (OPUD)						X		X				X										X		
Olivehurst PUD - Fire				X																				
Olivehurst PUD - Water																								
Personnel Risk Mangement																								
Plumas/Brophy Fire Protection District																								
Print Shop																								
Public Administrator		X																						
Public Works Road Department				X	X					X								X						
Ramirez Water District																								
Reclamation District 10																								
Reclamation District 784	X			X				X		X														
Reclamation District 817																								
Reclamation District 2103																								

County and Special Districts Committee Con't	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Local Agency Formation Commission (LAFCO)									X	X														
Loma Rica-Browns Valley Community Services District																								
Marysville Levee District													X											
Mosquito and Vector Control District																		X						
Nevada Irrigation District																								
North Cental Counties Consortium (NCCC)										X														
River Highlands Community Service								X				X	X											
Smartsville Fire Department											X													
South Yuba Water District																								
Three Rivers Levee Improvement Authority														X										
Treasurer/Tax Collector									X															
Weights and Measures																								
Wheatland Water District																								
Yuba County Airport				X	X					X			X				X	X						
Yuba County Resource Conservation District																								
Yuba County Water Agency					X				X	X	X													

Health and Human Services	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Adult Services					X			X			X													
CAL Works																								
Child Protective Services		X	X	X	X		X						X					X						
Day Care																								
Environmental Health										X														
Environmental Health - Personnel																								
Environmental Health - Onsite Sewage										X														
Environmental Health - YSDI																								
First Five Yuba Commission														X										
Fraud Investigations									X															
Health and Human Services										X			X										X	
H&H Services Home Safety Visits															X									
Health Department							X																	
Life Building/14Forward																							X	
Mental Health Services																								
Peach Tree Clinic																								
Public Guardian		X	X					X																
Yuba Sutter Veterans Services									X													X		

Law Enforcement	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Animal Care Services	X	X	X					X					X	X								X		
District Attorney																								
DA - Family Support Division			X	X																				
DA - Public Administrator			X																					
Grand Jury - Report System						X																		
Juvenile Hall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Juvenile Traffic Court																								
Marysville Police Department								X				X			X							X		
Probation								X	X															
Public Defender																								
Sheriff	X							X	X													X	X	
Sheriff - K9 Unit																								
Victim Witness - Probation Department				X																		X		
Wheatland Police Department												X						X						
Yuba County Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Schools	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Abraham Lincoln (Home) School	X																							
Alternative Education Program																								
Anna McKenny Intermediate									X															
Arboga Elementary School																		X						
Bear River Intermediate																					X			
Browns Valley Elementary									X										X					
Campton Union School District																								
Cedar Lane Elementary School																		X						
Charter School	X																							
Citizen Bonds Oversight Com														X										
Cordua Elementary																								
Core Charter																								
Dobbins Elementary School											X													
Edgewater Elementary																								
Edward P. Duplex Continuation High School																								
Ella Elementary																								
Food Services - School Meals Program						X																		
Foothill Intermediate School																	X	X						
Harry P.B. Carden																								
Johnson Park Elementary																								
Kynoch Elementary																								

Schools Con't	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Linda Elementary																								
Lindhurst High								X												X		X		
Loma Rica Elementary School													X											
Lone Tree Elementary																								
Mary Covillaud Elementary School										X								X						
Marysville Charter Academy for the Arts																								
Marysville Community Day School																								
Marysville High								X																
Marysville Independent Study																								
Marysville Joint Unified Board			X		X			X	X		X	X					X		X					
Office of Education																								
Olivehurst Elementary School									X															
Plumas Elementary School																								
Preparatory Charter School																								
Regional Career Center JPTA																								
School Safety - Yuba County Schools							X																	
South Lindhurst High School																							X	
Thomas E. Mathews																								
Virginia School																							X	

Schools Con't	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Wheatland Charter Academy																								
Wheatland Elementary School																		X						
Wheatland High																							X	
Wheatland School District									X	X														
Wheatland School District Building																								
Yuba College																								
Yuba County Career																								
Yuba County of Education																								
Yuba Feather Elementary																								
Yuba Gardens Int.																								

Special Reports	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
Sewage Appeals Board	X																							
Social Media																							X	
Youth Project - Runaway Youth									X															
Yuba County - 1997 Flood	X																							
Yuba Park	X																							
Yuba River Access																								

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# **Yuba County 2019 – 2020 Grand Jury**

## **Grand Jury Process**

Applications for service are received by the Jury Commissioner and reviewed by the Presiding Judge. 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 serves on the Grand Jury. From the remaining candidates, a drawing is held to provide for alternates.

Yuba County jurors are sworn in and begin the 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 committees, investigations and interviews. The committee then investigates various departments and functions of local government as it 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 actions 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 may be 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.

## **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 described above 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.

The Grand Jury 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.

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# **Yuba County 2019 – 2020 Grand Jury Complaint Process and Complaint Form**



# YUBA COUNTY GRAND JURY COMPLAINT FORM

## COMPLAINT PROCESS

- Present your complaint as soon as possible. The Grand Jury’s term of service usually begins about July 1st and ends about 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  
215 5th Street, 3rd floor-Suite 325  
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.

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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.

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# GRAND JURY COMPLAINT FORM

**GRAND JURY USE ONLY:**

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

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

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

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

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

\_\_\_\_\_

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

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

**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:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone No:** \_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

- You may find the Complaint Form on the internet at:  
[https://www.yuba.org/Yuba%20County/Grand%20Jury/Forms/GJ\\_Complaint.pdf](https://www.yuba.org/Yuba%20County/Grand%20Jury/Forms/GJ_Complaint.pdf)
- You may also email the Grand Jury at [grandjury@co.yuba.ca.us](mailto:grandjury@co.yuba.ca.us)