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shows the levee system no longer meets certification criteria...we will contact the levee owner and community about [the possibility of] de-accrediting the levee system."⁶ The significance of the possibility of de-accrediting is its potential impact vis-á-vis FEMA's Digital Flood Insurance Rate Map (DFIRM). The DFIRM is utilized by flood insurance companies to determine annual cost of flood insurance.

FINDINGS

- F1. Analysis of the Goldfields to determine if they pose a flood risk to public safety and the experience of multiple water events since 1950 has demonstrated no risk at the 100-year water event level, however, somewhere in excess of the 150-year level a risk may exist.
- F2. With the completion and certification of Phase Four levee improvements (expected in 2011) all the levees will be certified and accredited by FEMA at the 100-year level.
- F3. The 29-miles of TRLIA levees are expected to meet the State of California newly defined 200-year criteria for certification when that criterion is finalized.
- F4. Although the work of TRLIA has been recognized by the flood protection engineering community and won awards and accolades, there can never be a 100% guarantee a levee will not fail.
- F5. Audits, budgets, contracts, and myriad documents and presentations are available and accessible on the TRLIA web site.

RECOMMENDATIONS

- R1. The Grand Jury recommends the 2011-2012 Grand Jury investigate TRLIA and RD784 after the Phase 4 levee improvement project is complete. The Grand Jury's focus will evaluate the possible need for a Performance and Compliance audit. This audit should be performed by an entity not previously involved in TRLIA auditing and include TRLIA monies in the Yuba County Treasury.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- None

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.

COMMENDATIONS

The Grand Jury wishes to commend TRLIA, the Yuba County Board of Supervisors, Reclamation District 784 and the Yuba County Water Agency for their diligence and forethought in recognizing the need for improved levee protection.

BIBLIOGRAPHY

1. Maak, Gene and Shultz, Sara, "Hydraulic and Preliminary Economic Analysis of the Yuba River Goldfields", U.S. Army Corps of Engineers presentation to the California Central Valley Flood Protection Board on March 26, 2010.
2. The Yuba County Water Agency web site: <http://www.ywca.com>
3. The Three Rivers Levee Improvement Authority web site: <http://www.trlia.org>
4. The U.S. Army Corps of Engineers web site: <http://www.usace.army.mil>
5. "TRLIA Levee Improvement Projects", Brochure created and distributed by Three Rivers Levee Improvement Authority.
6. "FEMA Accreditation Letter", May 27, 2010, <http://www.trlia.org/docs/FEMA/>
7. "The County of Yuba, Board of Supervisors, February 16, 2010 Minutes", <http://www.co.yuba.ca.us/Departments/BOS/documents/minutes/2010/021610minpdf.pdf>

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.

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Report

Marysville City Council Minutes

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MARYSVILLE CITY COUNCIL MINUTES

SUMMARY

The Grand Jury received a complaint that the City of Marysville did not have written minutes of its City Council meetings. Two members of the Yuba County Grand Jury, who did not identify themselves as such, approached the Marysville City Clerk and asked to view the meeting minutes for a specific date. They were told the office is behind on the minutes and does not have the help to catch up, but that there are records on audio if they would arrange a time at a later date to listen to them. They were also told that if there is something specific they were interested in, the City Clerk would look through her notes and help in any way she could.

A week later, two people, who did identify themselves as Grand Jury members, asked for the same meeting minutes. This time the Grand Jurors were provided with the meeting proceedings on a DVD and the use of an employee's computer work station to view the information.

The reason for the inquiry by two different groups was to ascertain if written minutes exist and if there is any difference in the level of service between the general public and a county government agency. Although the Marysville City Administration Office was very helpful and willing to answer general questions, we determined that there are no consistent written minutes of the City Council's meetings since 2008. Further, there is a different level of service provided to the public versus a government agency. This action is not in keeping with the rules and regulations for any municipality or local government within the State of California. Minutes must and will be provided to the public, regardless of staffing level.

The Grand Jury understands that, with the budget constraints and staffing issues, the workload can be overwhelming. However, all attempts must be made to have the meeting minutes available, as mandated by law. The Grand Jurors were informed that a temporary employee is to be hired to review and transcribe all video recorded City Council meetings in a written outline format to be presented for review and approval.

Since electronic recordings must be permanently maintained, it would be beneficial for the City of Marysville to establish a program to monitor DVD and CD degradation and changes in technology to ensure the integrity of these records.

BACKGROUND

The Grand Jury received a complaint that the City of Marysville did not have consistent written minutes of its City Council meetings. The Grand Jury voted to investigate the allegation. If true, this is unacceptable, since meeting minutes are required to be available and free to the public. The City Council meeting minutes are recorded in DVD format and made available to the public at a cost of \$25.00 per copy. The DVD can also be viewed at no cost on an employee's computer in the City Clerk's Office, if available.

APPROACH

On two separate occasions, members of the Grand Jury made requests for copies of the Marysville's City Council meeting minutes. The first request was as "public citizens," that is the members did not reveal that they were part of the Grand Jury. The second request was made as "Grand Jury" members. Members of the Grand Jury also conducted interviews with the City Clerk and the City Manager, and were given a tour of the Marysville City Administration Office.

DISCUSSION

Free and open access to state and local government meetings and to records of those meetings is a critical component of our democracy. This access is protected by the Brown Act (timely public notice of meetings).

Two Grand Jury members, as public citizens, requested to view the Marysville City Council meeting minutes for a specific date. The jurors were told that there were no written minutes of that meeting to read. They were also told that the City Clerk's office is behind on preparing the written minutes and do not have the staff to bring the minutes up-to-date. The staff person did say that, if there were something specific for which the two were looking, she would look through her notes and try to find the information.

One week later, a second request was made for the same written minutes of the Council's meeting by two other members of the Grand Jury, who did identify themselves as Grand Jurors. The Grand Jurors were advised that the City Council meetings are recorded on DVD and are made available to the public for \$25.00 a copy. The Jurors were also advised that they could view the DVD of the City Council meeting at an employee's computer in the Clerk's office. Arrangements were immediately made to accommodate this viewing.

Grand Jurors conducted interviews with the City Clerk and the City Manager. A tour of the Marysville City Administration Office was conducted by the City Clerk. The City Clerk showed how the DVDs were maintained and filed to ensure proper protection of the originals and backup copies.

Video recordings of meetings have advantages and disadvantages. An advantage would be having an extremely accurate record account of the meeting. A disadvantage is that electronic recordings must be permanently maintained and the storage media may not remain stable over time.

Additionally, there is no quick reference on hand to show the outcome of a vote or who made what motion. Finally, it would be necessary for the City of Marysville to establish a program to monitor DVD and CD degradation and changes in technology to ensure media integrity.

The Marysville City Administrator informed the Grand Jury members that the city is going to hire a temporary employee to place into written record key points of each City Council meeting that will further satisfy California State regulations.