

2004-05 GRAND JURY REPORTS

SPECIAL AUDIT COMMITTEE

SUTTER COUNTY AUDITOR-CONTROLLER

INTRODUCTION

The Sutter County Grand Jury of 2004-2005 has been investigating the Sutter County Auditor-Controller's Office for the entire term. The friction and lack of cooperation between the Auditor-Controller and other Sutter County Departments, or Team Sutter, has caused a hardship on the working relationships of Sutter County. "Team Sutter" indicates the fluid working conditions within all Sutter County Departments. The Auditor-Controller's Office doesn't cooperate as a member of the team and continually works against the concept. One major point of contention is the unauthorized movement of funds by the Auditor-Controller. This problem has been ongoing for a number of years and has been investigated by prior Grand Jury panels without resolution.

SUMMARY

The Sutter County Grand Jury 2004-2005 has looked into the operations of the Auditor-Controller's Office and has discovered problems that indicate that there is great potential for harm to the taxpayers of Sutter County.

- The County may lose eligibility for Federal and/or State grants.
- The County's credit rating may decline.
- The Board of Supervisors are not being allowed to govern the County because their orders are not being implemented.

REPORT

During our yearlong investigation, we have discovered the following:

- Unauthorized transfer of \$336,485 to the Water Works District No. 1 Fund from the General Fund, General Reserve Account. The movement of funds out of the General Fund, General Reserve can only be done:
 - A. During the budget planning process and with 4/5 vote by the Board of Supervisors, or
 - B. If the Sutter County Administrator declares a state of emergency.
- This action, usurping the authority of the Board of Supervisors, changes public policy, and shifts the burden of the Robbins Water District to the entire county.
- The Auditor-Controller has refused to post journal entries to the Information Technology Department (IT), which are revenues owed by other departments within Sutter County to IT for services provided by IT. This action has a financial impact on the entire Sutter County.
- There has been an ongoing debate over rates set for the IT work, although the methodology has not changed, only the entity which sets the rates. The Auditor-Controller has not posted journal entries for earnings of the IT for some time, which recently resulted in his refusal to issue pay checks including direct deposits for the employees of IT in March of this year. The Auditor-Controller wanted to give the employees of IT registered warrants which are IOUs. The County Treasurer refused to do this.

2004-05 GRAND JURY REPORTS

The impact of the rates issue has the potential to affect the future Federal and State grant money status for other departments within Sutter County.

Departments that might be affected include:

1. Sutter County Welfare Department.
 2. Sutter County Sheriff Department.
 3. Sutter County Child Protection Department.
 4. Sutter-Yuba County Mental Health Department.
 5. Sutter County Road Department.
- There are no effectual communications between the Auditor-Controller's Office and the rest of Sutter County Government. The Auditor-Controller continues to ask for more information on bills that have been submitted for payment or on journal entries that are submitted for income, but when given all the information that the subject department has, he asks for more information without being specific on what information he needs. He continually sends e-mail communications to the departments at the last minute, which causes the staff to spend over-time to answer, subsequently using more taxpayers' money.
 - We also found that the Auditor-Controller does not follow the instructions of the Board of Supervisors. Instead he operates independently, even when given direct orders to do a specific task. The Board of Supervisors are elected officials that we as taxpayers have designated to govern our County. They do have the legal right to direct the Auditor-Controller to do his duties, which are to follow the State and Federal laws governing that office.
 - The Auditor-Controller Office does not have a policy and procedures manual.

FINDINGS

The 2004 – 2005 Sutter County Grand Jury, after a thorough investigation, has determined that the Auditor-Controller is not a cooperative member of Team Sutter, and is not performing his duties effectively as the elected Auditor-Controller. The ineffectual operation of the Auditor-Controller Office has cost Sutter County taxpayers a significant amount of money.

2004-05 GRAND JURY REPORTS

Board of Supervisors Response

The Board of Supervisors strongly agrees with the Grand Jury's findings that County Auditor-Controller Robert Stark is not a cooperative member of "Team Sutter," is not performing his duties effectively, and that the ineffectual operation of the Auditor-Controller's Office has cost Sutter County taxpayers a significant amount of money. The Board believes that Mr. Stark's poor performance and behavior are one of the major problems confronting Sutter County government.

The public record will reflect that this Board of Supervisors, as well as preceding Boards, has had many concerns with the performance of Mr. Stark. These concerns became fully public in September, 2004, when the County Administrative Officer, having exhausted all other remedies, presented a report to the Board detailing the chronic problems with the Auditor-Controller. The report discussed, and documented in great detail, Mr. Stark's failure to comply with federal and State auditing requirements, his violation of State budget laws and regulations, his abuses of authority, his frequent provision of inaccurate information to County departments and the Board of Supervisors, his apparent lack of knowledge of governmental accounting, budget law, and County operations, his failure to follow the recommendations and findings of the County/Grand Jury Independent Auditor, and his failure to provide proper leadership and supervision for his staff. Significantly, the report also noted Mr. Stark's tendency to make unprovoked and baseless attacks on the work and character of other County employees and officials. Mr. Stark has never responded to or refuted the CAO's report.

Based on the report, the Board took eight actions to correct the County's financial records and compel the Auditor-Controller to fulfill his responsibilities. The Board had hoped that Mr. Stark would seriously evaluate his work, and make a sincere effort to improve it. Unfortunately, this has not happened. In the ensuing year, Mr. Stark's performance has worsened and his behavior has become disruptive and destructive to the County and its daily operations. He has essentially responded by attacking the Board and other County officials, blaming others for his own mistakes and poor conduct, and abusing his authority to punish those he dislikes or perceives as enemies. On many occasions he has deliberately misled the public. The following is a synopsis of some of what we have seen in the last year:

- In July, 2005, the County/Grand Jury Independent Auditor (the Yuba City firm of Smith & Newell, CPA's) released its Audit Report for Sutter County for FY 2003-04. The report made the following findings with respect to Mr. Stark's accounting records: "In the process of conducting the audit for the June 30, 2004 financial statements, we noted the unadjusted general ledger as presented to us for audit contained material misstatements. (Emphasis added.) In order to issue an unqualified audit opinion on the financial statements, we were required to write numerous adjustments because of incorrect recording of current year activity as well as prior year audit entries which had not been recorded by the Auditor-Controller . . . The unadjusted financial statements contained materially misstated account balances and activity." (Emphasis added.)*

The magnitude of the adjusting entries the Independent Auditor had to write was such that she billed the County for an amount (\$3,000) beyond the normal amount for such services. The errors made by Mr. Stark approximated \$1,000,000.

Most citizens will readily understand how serious it is when the County's accounting records materially misstate its financial condition. Indeed, most Auditor-Controllers would be both concerned and embarrassed if this unusual finding was made. Mr. Stark's response was an attempt to mislead the public by misrepresenting what the Independent Auditor stated. In his response to the

2004-05 GRAND JURY REPORTS

Grand Jury Report (see Attachment A, page 1) he makes the incredible statement that “. . . The most recent independent audit of the Sutter County financial statements resulted in an unqualified opinion – the highest statement of confidence which may be afforded to the financial books of a public or private entity.” Obviously, the Independent Auditor’s report is not a statement of confidence in Mr. Stark’s work.

- *Mr. Stark, in an apparent effort to develop a political “wedge” issue, has attacked the Board of Supervisors over improved retirement benefits it granted to County employees in August, 2004. In doing so, he has issued various press releases which misrepresent the costs and impacts of these benefits. However, Mr. Stark has neglected to tell the public the entire truth – which is that he quietly and knowingly accepted these same benefits when they were granted to him eight months earlier. Mr. Stark was finally forced to admit this in a recent legal document. The Board views this behavior as hypocritical.*
- *The County received information and complaints from employees that a hostile work environment existed within the Auditor-Controller’s Office. To determine the accuracy of these complaints, and to protect the County from potential legal liability, the County retained a private legal firm to independently investigate the complaints. The investigation, which cost \$30,000, sustained, wholly or partially, several of the allegations. The Auditor-Controller and his Assistant immediately filed counter-allegations against the County Administrative Officer and the Personnel Director. These allegations were investigated by a second private attorney, and found to be completely groundless. This second investigation cost \$15,000.*
- *The County’s Information Technology Department (IT) provides services to other County departments, which, in turn, pay IT for the services received. In early 2005, the Auditor-Controller alleged, with virtually no substantiating facts, that the IT’s bills (called “journal entries” in the County system) did not comply with Generally Accepted Accounting Practices and refused to credit the IT Department with the revenue paid by other departments. Based on the department’s lack of cash, he then refused to pay IT’s bills, and threatened to issue registered warrants (in effect, IOU’s) to IT employees instead of paychecks.*

The Board of Supervisors reviewed the matter, and instructed Mr. Stark to post the journal entries, and pay the IT employees and the Department’s bills. After the County Treasurer (another elected, independent department head) refused to cooperate with the scheme to issue registered warrants, Mr. Stark finally paid the employees and IT’s bills. However, he refused to post the journal entries – an action which could have cost the County over \$650,000 in State and federal cost reimbursements.

The Board of Supervisors was forced to initiate litigation to compel Mr. Stark to post the IT journal entries. A Superior Court Judge ruled completely in the County’s favor, and ordered Mr. Stark to post the entries. He was also ordered to pay the County \$822 in court costs. Recently, a private CPA firm (the Roseville-based firm of Bartig, Basler, & Ray) confirmed that the IT journal entries were fully proper and accurate.

In essence, Mr. Stark’s inexplicable position that the IT journal entries did not comply with accounting standards, and his failure to understand his legal duty to post journal entries when ordered by the Board to do so, cost the County over \$60,000 in litigation costs. His indefensible threat to not pay the IT employees understandably upset and demoralized those employees.

2004-05 GRAND JURY REPORTS

- *In the wake of the IT payroll issue, Mr. Stark asserted, at a March, 2005, Board of Supervisors meeting that the County Treasurer's operation of the pooled treasury resulted in the County "stealing" money from other pooled treasury participants (school districts, special districts, etc.) when the IT fund had a cash deficit. (He had earlier sent a letter with this same assertion to all the participating agencies.) When asked at the Board meeting to explain in writing why and how this was occurring, Mr. Stark declined.*

The County Treasurer did not attend the Board meeting where this accusation was unexpectedly made. He later explained why the accusation was totally false, and noted that Mr. Stark himself audited the pooled treasury every year, and had never raised the issue in any audit finding.

This is another case where Mr. Stark made a sudden attack on another County official, and made serious allegations which were untrue.

- *The Grand Jury, which is a group of 19 Sutter County citizens impaneled each year by the Superior Court, conducted its own independent, extensive investigation of the Auditor-Controller, and as a result, indicted Mr. Stark on 13 felony counts, and made 15 separate accusations against him. These issues are currently in the court system.*

As noted, the preceding does not represent an exhaustive list of the problems created by the Auditor-Controller, or the negative day-to-day impact he has on the County's efficiency. Again, the Board fully agrees with the Grand Jury's findings. They are absolutely correct.

2004-05 GRAND JURY REPORTS

RECOMMENDATION

- We recommend that the Auditor-Controller become a participating member of Team Sutter, communicating with all Sutter County Departments in a professional manner.
- We recommend that the Auditor-Controller's Office prepare a policy and procedures manual to avoid problems in the future.
- We recommend that the transfer voucher document reflect fund department, program, and account numbers necessary to process journal entries, so both documents are reconciled.
- Furthermore, we recommend that Board of Supervisors split the Office of Auditor-Controller, with the Controller being a county appointed position, and the Office of the Auditor being an elected position.

RESPONDENTS

Board of Supervisors
Robert Stark, Auditor-Controller

Board of Supervisors Response

The Board concurs with the first three recommendations, but notes that the implementation of each of them falls within the purview of the Auditor-Controller.

Under normal circumstances, the Board would disagree with the fourth recommendation. The Board feels that it is beneficial and efficient to have the duties of those two offices performed by the same County official. However, the continuing poor performance and behavior of the current Auditor-Controller may virtually force the Board to separate the two offices. The Board prefers to await the outcome of the pending Court cases involving the Auditor-Controller before making a decision regarding the implementation of this recommendation.

2004-05 GRAND JURY REPORTS

COUNTY GOVERNMENT COMMITTEE

OBSERVATIONS OF BOARD OF SUPERVISOR MEETINGS

INTRODUCTION

The Grand Jury attends each Board of Supervisors meeting during the Grand Jury term. During these public meetings, open, frank exchanges occur between Supervisors and County employees, elected officials, and members of the public. Despite reminders by the Chairman of the Board of Supervisors to conduct all discussions in a professional manner, Sutter County's Board of Supervisors meetings have become rife with petty bickering and unprofessional behavior.

BOARD OF SUPERVISORS INFORMATION

Members of the Board of Supervisors serve as the legislative body for Sutter County and provide policy direction for all branches of County government. (Regular Board meetings occur each Tuesday evening at 7P.M. in Board Chambers at 466 Second Street, Yuba City, CA.)

Each of the five members represents an area of the County, known as a Supervisorial District, and is elected by the voters in that District to a four-year term. While the five Supervisorial Districts vary greatly in geographic size, they all have approximately the same population. The District boundaries are redrawn after each census to ensure an even distribution of the population.

The terms of the Supervisors overlap, with the voters electing a representative in Districts 1, 4, and 5 during Presidential election years and Districts 2 and 3 in State general election years. Similar to a corporate board of directors, but with broader powers, the Board of Supervisors sets policy for the County and its operation within guidelines established by State and federal laws and regulations.

The Board is responsible for enacting ordinances and resolutions, adopting the budget, levying taxes, and approving formal contracts and agreements. The Board of Supervisors also serves as the governing body for several special districts that provide water, sewer, and fire suppression services in the unincorporated areas.

All meetings of the Board of Supervisors are open to the public.

MISSION STATEMENT OF THE AUDITOR-CONTROLLER

Provide excellent fiscal and management services to and on behalf of the people of Sutter County and county government (constituents, Board of Supervisors, county departments, and other local governmental entities), as authorized by the laws of the State of California and ordinances of the County of Sutter.

SUMMARY

While attending the Board of Supervisors meetings each week, the members of the Grand Jury have noted the public expression of the long standing disputes between the County Administrator's Office and the County

2004-05 GRAND JURY REPORTS

Auditor-Controller on one hand; and the Board of Supervisors and County Auditor-Controller on the other. The public controversy of rolls and functions has escalated to an unacceptable level, with each 'side' placing the blame on the other.

When the Auditor-Controller felt it necessary to take the county employees of the Information Technology Department off the payroll, including direct deposit, it was a clear sign that this dispute has crossed the line of appropriate professional behavior.

If that were not enough, the Board of Supervisors has behaved unprofessionally in open sessions. Political rivalries and harsh words bubble to the surface almost every week during board meetings.

REPORT

The Auditor-Controller's office is located at 463 Second Street, Yuba City, CA. The Information Technology Department is located in the same building. A change occurred regarding the responsibility for setting rates for services rendered by Information Technology to other county offices and outside agencies. In past years, the rates were set by the Auditor-Controller's office, but in 2004 the responsibility for these rate settings was passed to the County Administrator by vote of the Board of Supervisors.

In a separate matter, the newest elected member of the Board of Supervisors was unable to seat his appointed County Planning Commissioner because the other Supervisors disagreed with the appointment. The ensuing brouhaha made headlines and put the County in an unflattering light.

DISCUSSION

During 2004, the Auditor-Controller began rejecting journal entries for posting Information Technology charges. As a result, the Internal Service fund for Information Technology became insolvent and did not have the required funds to pay outstanding bills for charges it incurs. In the second week of March 2005, the Auditor-Controller decided to withhold payment of Information Technology salaries by checks or direct deposits. Registered warrants were generated for all of the employees. Under duress, the paychecks and direct deposits were prepared for the employees.

FINDINGS

When the Auditor-Controller felt it necessary to take the county employees of the Information Technology Department off the payroll, it was a clear sign that this dispute had crossed the line of appropriate professional behavior. California law and the integrity demanded of public officials prohibit the vindictive harassment of county employees in regard to timely payment of wages and salaries to 'make a point.'

Board of Supervisors Response

The Board of Supervisors agrees with this finding. The public record demonstrates that the Board of Supervisors did everything within its power to ensure the IT employees were paid, including ordering the

2004-05 GRAND JURY REPORTS

Auditor-Controller to pay them and conducting a special Board meeting on the day (March 11, 2005) the employees were due to be paid.

RECOMMENDATIONS

- The Auditor-Controller, the Board of Supervisors, and the County Administrator must take action to work out their differences and find the common ground needed to do the County's work without resorting to despotic, arbitrary policies which result in continued discord.
- The Board of Supervisors must put aside the public display of friction and disagreement, adopt a professional attitude to rebuild Team Sutter, and do the public's business in an efficient and cost effective manner.

RESPONDENTS

Robert Stark, Auditor-Controller
Larry Combs, County Administrative Officer
Larry Montna, Supervisor, District 1
Dennis Nelson, Supervisor, District 2
Larry Munger, Supervisor, District 3
Jim Whiteaker, Supervisor, District 4
Dan Silva, Supervisor, District 5

Board of Supervisors Response

The Board of Supervisors agrees with the spirit and intent of the recommendations, and appreciates the Grand Jury's perspective and counsel. The Board, individual Supervisors, and the County Administrative Officer have all made countless efforts to resolve the issues with the Auditor-Controller privately, and avoid public displays of friction. The Board would welcome a competent, effective, and independent Auditor-Controller who would work constructively with the Board and the County staff. This would be an invaluable asset to "Team Sutter," and could be done without compromising the independence and integrity of the Auditor-Controller's legal and ethical responsibilities.

2004-05 GRAND JURY REPORTS

COUNTY GOVERNMENT COMMITTEE

YUBA CITY COMMUNITY DEVELOPMENT

INTRODUCTION

While investigating a Citizen's Complaint, members of the Sutter County 2004-2005 Grand Jury, County Government Committee, met with the Community Development Director of Yuba City on 9/23/04, and the Human Resources Director of Yuba City on 9/14/04. The Committee inquired whether the City had manuals for procedures for internal control and employee guidance manuals. We were unable to review any manuals because there were no manuals or written procedures. We met with both Directors again on 1/27/05 to determine whether any progress on developing procedures had been made. We had been told that procedures were being written based on our concerns about the lack of manuals during our original meetings. Although there were still no manuals to review, some progress had been made in developing procedures.

COMMUNITY DEVELOPMENT MISSION STATEMENT

Create a distinctive and livable community through quality design, use of good site development and building standards, and efficient use of land and services. In so doing, provide everyone with professional and courteous service in a fair and timely manner.

SUMMARY

Yuba City Building Inspectors work normal daytime shifts but are called out after hours to conduct emergency inspections. A shortfall of procedural guidance was noted and corrected. In the course of the investigation, shortfalls in procedural and policy guidance were noted which could be corrected without major disruptions. Outside consultation may be required but is not necessarily indicated.

REPORT

The Community Development Department for the City of Yuba City, located at 1201 Civic Center Blvd., Yuba City, plans for and implements the growth and physical development of the City. This is done by working with the community to develop a 20-year general plan for the City which projects 100,000 residents, and overseeing private development from its inception as a plan through completion of building construction. Included in this Department are Planning and Building.

The Human Resources Department provides recruitment services for City positions, administers the Volunteer Program, oversees the compensation and benefit programs, coordinates the City's safety and risk management programs, and manages labor relations and other personnel matters. This Department has Personnel Rules and Regulations and Bargaining Unit Agreements. The Human Resources Department also is located at 1201 Civic Center Blvd. Yuba City, California 95993.

2004-05 GRAND JURY REPORTS

At the time of the Committee's inquiry into the operation of the Community Development Department, the Committee noted that several specific areas of the operation should be examined. There were no procedures, no accountability, no work standards and apparently limited supervision.

- City vehicles, used by personnel in the performance of their jobs, lacked a daily record, such as mileage, fuel usage and vehicle repair records.
- There was no standard of dress for the Building Inspectors, such as a uniform, so that inspectors can be easily identified while on the job.
- There was no specific control of an employee's time or location, while on the job.
- A written policy or employee guidance procedural manual was not available for review by the employee.

New procedures for the control of vehicle use and employee overtime claims have been adopted.

DISCUSSION

During the Committee's visit to the Yuba City Community Development Department and the Human Resources Department, the Committee inquired about the availability of copies of employee procedural manuals for the varied tasks of city employees. The Committee was told there is a desk "bible" (or one place reference) for transactions at the main counter for dealing with the public. It was pointed out that all department heads have college degrees (or equivalent experience) in the areas they supervise. The single reference manual described above was not provided to the Committee for inspection.

A discussion of the after hours building inspection situation was conducted and the Committee was shown copies of new procedural forms and guidance to employees to properly account for inspections. The documentation is sufficient to cover the shortfall in this area.

FINDINGS

In the specific area of building inspections after hours, the City has in place new procedures that should account for vehicle use and employee overtime claims. Without a complete audit of the City's procedures, the Committee did not feel the scope of its inspection should be widened to ascertain all the possible shortfalls in the area of employee policy and procedural guidance. It may be fruitful for succeeding grand juries to revisit specific areas of Yuba City government to ascertain what areas of guidance and policy need to be addressed most expeditiously. Citizen complaints can be most helpful in this regard.

RECOMMENDATIONS

1. An efficiency audit should be made of the Community Development Department, whether conducted internally or by an outside consultant.
2. An employee procedural manual should be made available to all employees in that Department, adherence to which is mandatory.
3. Building inspectors should wear a uniform or external identifying credential while on the job.

2004-05 GRAND JURY REPORTS

RESPONDENTS

Jeff Foltz, City Administrator

Denis Cook, Community Development Director

Steve Johnson, Human Resources Director

2004-05 GRAND JURY REPORTS

CRIMINAL JUSTICE COMMITTEE

LEO CHESNEY CORRECTIONAL FACILITY

INTRODUCTION

Members of the Sutter County Grand Jury Criminal Justice Committee, conducted an on-site visit to the Leo Chesney Correctional Facility located in Live Oak, California on January 11, 2005. Committee members interviewed Ron Murray, Facility Director and Paula Ford, Program Director. The Directors also gave members a tour of the facility.

MISSION STATEMENT

“The Program Goal of the Facility is to provide inmates with a secure, clean environment in which they have the opportunity to participate in a variety of education, vocational, and recreational activities designed to prepare them for successful living after incarceration comprehensive course work to improve basic educational, occupational, and social skills are offered. The California Department of Correctional (CDC) stated educational goal is to prepare inmates for parole with skills and attitudes that prevent their return to the prison system.”

SUMMARY

The Criminal Justice Committee was pleased with the overall operation of the Leo Chesney Correctional Facility (LCCF). The Center is very well maintained, organized, and operated.

REPORT

Leo Chesney Correctional Facility is the only privately operated women’s minimum-security prison in the State of California and is the only women’s prison in Northern California. Located in the City of Live Oak, it sits on ten acres and is comprised of seven buildings. There are currently 202 inmates with a facility capacity of 220. The staff consists of 38 employees, of which 19 are correctional officers, one Lieutenant and five Sergeants. Placements of inmates are contracted through the California Department of Correction. The average stay for inmates is between four to six months left of their sentence, with a maximum of 18 months.

The annual operating budget of the facility is in excess of \$3,000,000. The Center employs one full time nurse and one on-call Doctor that visits one day per week

2004-05 GRAND JURY REPORTS

DISCUSSION

The CDC supports academic and vocational education programs. Services at the Center include basic education and GED prep, pre-release programs, a library, recreational and physical education, and hobby crafts. All inmates are required to take the test of Adult Basic Education (TABE), and if found to test lower than a sixth grade, must attend school provided on-site at the facility. The LCCF offers a wide variety of programs. Some programs are funded and managed jointly with outside agencies, and others are managed solely by outside sources.

Pre-Release

Pre-release is thirty day voluntary classroom program established to assist inmates in developing objectives and formulating plans to implemented upon their release. Topics include domestic violence, co-dependency, self-esteem, anger management, and job search and interview skills to name only a few. Breaking barriers is one of the most important aspects of the program. The training is designed for those who face the challenge of overcoming a substance abuse problem or addiction. The program also offers a Yuba College parenting class that meets court-mandated parenting skills requirements, and earns college credits.

Moral Recognition Therapy (MRT)

This program enables the participants to gain self-esteem, set goals, develop life skills, think positively, and evaluate their moral reasoning. The 12-step program is available on a voluntary basis. It is designed to alter how offenders think and make judgments and decisions about what is right or wrong with their behaviors and attitudes.

Prison Preventers

The program enables inmates to travel to local Schools, Probation Departments, Juvenile Halls, Community Colleges, and Universities. Individuals participate on a voluntary basis, telling their stories of alcohol and drug abuse and related crimes in hopes of deterring others from making the same mistakes.

Education

Adult Basic Education (ABE) is required for those testing below a sixth grade level. Subjects include Math, Language, Arts, Science, and Social Studies. Once an inmate demonstrates proficiency in these subjects, they are tested and must score at a seventh grade level before they can be reassigned.

English as a second language is offered. Approximately one fourth of all inmates are Hispanics with limited or no English skills. The same subjects are taught as in ABE, with a bilingual tutor.

General Equivalency Degree (GED) inmates testing above a sixth grade level, without High School diplomas are given the opportunity to enroll in the GED class. A program is developed specifically for their individual needs.

2004-05 GRAND JURY REPORTS

LCCF is a satellite campus for Yuba Community College. On-site as well as tele-courses are offered each term. Approximately 100 inmates attend an average of three courses, which are free to inmates

Several service programs are made available to inmates that wish to participate, including Religious Services, Narcotics Anonymous, and Alcoholics Anonymous. Recreation and hobby crafts also are available covering a wide variety of sports and activities supervised by a part-time Recreation Coordinator.

The Facility has a work incentive program that requires all inmates to work. They learn basic job skills and develop good work habits and attitudes that will help in finding employment upon release. Inmates receive minimal pay, and work in areas of City Services such as Park and Recreation maintenance as well as Caltrans projects.

FINDINGS

The staff and programs offered at LCCF are all positive in direction to help inmates have a higher self-regard, to believe in a positive future, and to present employment options through education and training. The programs are designed to promote self-sufficiency and to return inmates to their communities as productive and responsible members.

RECOMMENDATION

The Grand Jury recommends Leo Chesney Correction Facility in conjunction with the California Department of Correction, establish a tracking program, which will enable them to determine how effective their programs are in relation to repeat offenders. This will allow for any future changes that may be necessary to better prepare inmates to successfully return to society.

RESPONDENT

Ron Murray, Facility Director, Leo Chesney Correctional Facility

2004-05 GRAND JURY REPORTS

CRIMINAL JUSTICE COMMITTEE

SUTTER COUNTY SHERIFF'S DEPARTMENT

INTRODUCTION

The members of the Criminal Justice Committee of the Sutter County Grand Jury took a tour of the Sutter County Sheriff's Department on 12/8/04. The Committee met with Chief Denny, Under Sheriff Grove and Captain Skinner, who assisted us with the on-site inspection of the facility.

We also were provided with the Board of Corrections Response to the 2003-2004 Grand Jury Report, State Fire Marshall Report (03/22/04) and the Standards and Training for Corrections Program (FY 2002-2003).

REPORT

Operations

The Department is broken down into four divisions: Patrol Division, Detective Division, Jail Division and Support Services Division.

- The Patrol Division, covering road patrol, boat patrol and Live Oak, has one Division Commander, six Sergeants and 36 Deputies.
- The Detective Division, covering investigations and coroner services, has two Sergeants and six Deputies.
- The Jail Division, covering the Jail and the Bailiffs, has one Division Commander, one Lieutenant, five Sergeants, and 46 Correctional Officers.
- Support Services Division, covering communications and records, has one Division Commander, one Sergeant and four dispatch supervisors.

Training and Education

The Standards and Training for Corrections (STC) requires a minimum of 24 hours of training annually (California Code of Regulations Title 15, Section 318) for correctional officers. The Commission on Peace Officer Standards and Training (POST) mandates 24 hours of training every two years for the patrol and detective personnel.

The Department has a full-time Sergeant who coordinates all inspections with POST and STC to assure that the Department is in compliance at all times. Both governing bodies monitor the training files on an annual basis. "...your agency has met program compliance in accordance with the regulations and STC Program policies and procedures. Congratulations on successfully completing this program cycle." (Board of Corrections, October 17, 2003)

2004-05 GRAND JURY REPORTS

Special Enforcement Detail

The Special Enforcement Detail (SED) responds to any tactical issue within their jurisdictional area. There is now a ten-member team including three negotiators.

This Detail has already exceeded the 16 hours a month of minimum training standards recommended by the State of California. The team responds to tactical calls on an average of about one situation a month.

FINDINGS

The Sheriff's Department is a well-run organization. All Sutter County residents should appreciate the Department's attention to community service.

RESPONDENTS

Sheriff Jim Denny, Sutter County Sheriff's Department
Under Sheriff, Bill Grove, Sutter County Sheriff's Department
Captain Dearle Skinner, Sutter County Sheriff's Department

Board of Supervisors Comment

The Sheriff-Coroner is a separate elected official and, as such, responds directly to the Grand Jury's findings and recommendations concerning his office. A copy of Sheriff-Coroner Denney's response is included in Attachment B. The Board notes that it agrees with the Sheriff's response and, like the Grand Jury, appreciates the fact that the Sheriff's Department operates effectively and efficiently.

2004-05 GRAND JURY REPORTS

CRIMINAL JUSTICE COMMITTEE

YUBA CITY POLICE DEPARTMENT

INTRODUCTION

On October 6, 2004, members of the Criminal Justice Committee of the Sutter County Grand Jury (2004-2005) conducted an on-site inspection of the Yuba City Police Department (YCPD) located at 1545 Poole Blvd., Yuba City.

The Committee met with Chief Doscher and members of his staff. Chief Doscher led us on a tour through the facility and provided us with a copy of the Department's 2003 Annual report.

On October 18, 2004, members of this Committee returned to the YCPD to inspect the facility's holding cells.

MISSION STATEMENT

"While exercising principles of ethical behavior, reflecting positive values and respecting the constitutional rights of all we encounter-we work in partnership with the community toward the goals of protecting life and property, solving neighborhood problems and enhancing the quality of life in our city." (2003 Annual report, pg. 7)

SUMMARY

The Criminal Justice Committee talked with Chief Doscher about the need for patrol officers' being added to the Department due to annexation, the affects of gangs in our community, and the continuing education of all officers within the YCPD.

REPORT

Patrol Operations

Patrol is the single largest unit within the Police Department. The unit consists of fifty-four sworn officers, two Lieutenants and three Sergeants. *'There is a minimum of five police patrol vehicles on the street at any one time; however, with Traffic Enforcement Units and Crime Scene Investigators, that number could rise to nine or ten during certain time periods.'* (2003-2004 YCPD Response, pg.1, sub.1). In addition, there are the citizen volunteers that participate in the Volunteers in Policing (VIP) and the Cadet Officers programs.

An integral part of the patrol operation is the Special Weapons and Tactics (SWAT) team. The Yuba City Metro S.W.A.T. is a multi-agency made up of officers from the Yuba City and Marysville Police Departments and the Yuba City Fire Department. The team's function is to provide tactical support, and to respond to and manage high-risk events and high risk warrant services as they occur in Yuba City, Marysville, Beale Air Force Base and other surrounding areas when called upon to assist. By the time of our visit, the team had responded to approximately twelve calls since January 2004.

2004-05 GRAND JURY REPORTS

Gangs

Chief Doscher relayed to us a few statistics on gang related activity:

1. There have been 41 gang related arrests.
2. Most gang members live in the local area.
3. Most gang activity is driven by the illegal drug culture, with involvements in stolen property.
4. Some of the most recent violent crimes in our area are retaliation (shootings) between rival gang members.

‘The Investigating Unit of the YCPD assisted in investigating numerous gang related shootings, as well as weapons violations, parole and probation violations related to local gang members and their affiliates. These gang related events prompted the Investigations Unit, along with YCPD’s Crime Analysis, Patrol and School’s Units to implement training directed enforcement and the addition of technology to aid in the identification and prosecution of criminal street gang members.’ (2003 Annual report, pg. 24)

‘...the Department also began using the State’s gang intelligence database called CalGang. This set the stage for the formulation of a multi-agency, information sharing task force to address the increase in gang activity within the community.’ (2003 Annual Report pg.18) CalGang is a State data base which tracks known gang members in California and in the nation. The Bi-County Gang Task Force was assembled in 1994 and includes all local jurisdictions.

The Police Department has implemented several programs to help enlighten the public on gangs and gang activity. One of these is the Community Presentation Program that is organized to work with families, providing information on the behavioral signs to identify possible gang involvement. The other is the Adopt-a-School Program that is designed for officers to have direct contact and a personal relationship with the students at local schools through various activities. This program also gives the officers a chance to talk to students and make them aware of the many dangers of gang involvement.

2004-05 GRAND JURY REPORTS

Training and Education

Police Officers Standards and Training (POST) Commission of California require twenty-four hours of additional training in a twenty-four month period. All officers of the Department exceed this mandatory requirement.

Of the fifty-four sworn officers of the YCPD, thirty have Associates degrees, fifteen have Bachelors degrees, four have Masters degrees, and nine officers are currently pursuing a Masters Degree. Officers also may receive advanced training through the Federal Bureau of Investigations (one officer was currently enrolled at the time of our visit) or other specific law enforcement agencies to help reinforce their value to their job, the YCPD and to the community.

Budget

The Department's budget for 2003-2004 was \$7,280,415 that represented 30% of the total budget for Yuba City (see attachment). With the increase of population within the city limits (approx. 10,241), the Department added ten patrol officers, one investigator and one community officer which increased the budget \$640,901 over 2002's budget. Future plans include the addition of 10 officers to cover the recently acquired areas of annexation.

Megan's Law

The Department is preparing the Megan's Law database for access via the Internet by June 2005.

FINDINGS

The Yuba City Police Department appears to be a well-organized department, with equal emphasis placed on the protection, education and involvement of the public now and in the future.

RECOMMENDATIONS

The detention holding area contains employee panic alarms placed in strategic areas around the room. While this is obviously an excellent safety device, this committee feels that the addition of a voice-activated light placed in the dispatch area would be beneficial.

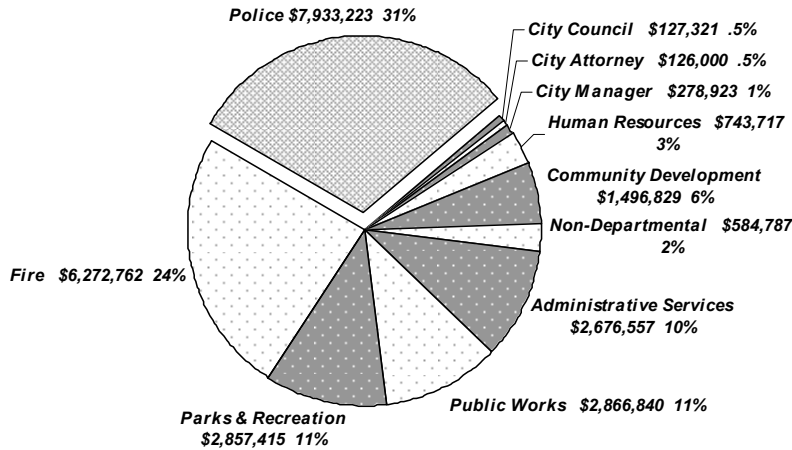
RESPONDENTS

Chief Richard Doscher, Yuba City Police Department
City Council of Yuba City

2004-05 GRAND JURY REPORTS

CITY OF YUBA CITY BUDGET

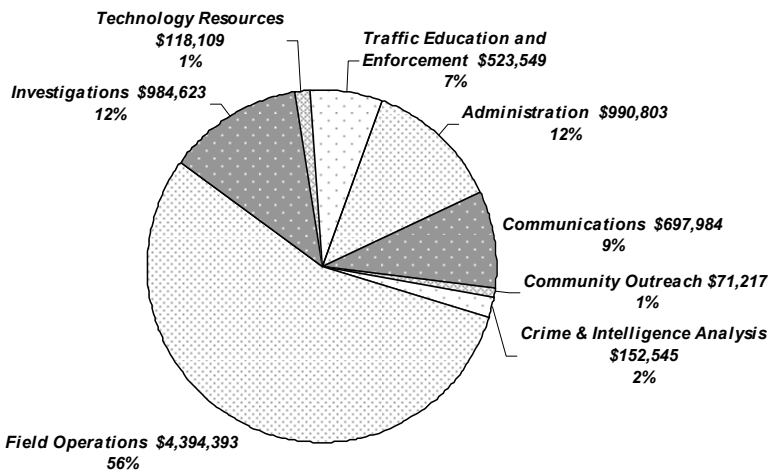
FISCAL YEAR 2004/2005



As you can see from the City of Yuba City budget chart above, Police represents the largest of any department budget within our city government, requiring almost one-third of the city's budget. Much of the department expense is associated with personnel costs required to staff an effective agency 24 hours a day, 7 days a week.

YUBA CITY POLICE BUDGET

FISCAL YEAR 2004/2005



The Police budget includes all expenses required to provide 24-hour community protection and response to citizen's concerns and requests as indicated in the chart above. The largest budget area within the Department is Field Operations which includes all costs associated with Patrol. The Administration budget also includes the operations for the Police Records Unit and a debt payment of approximately \$500,000 per year on the police department building.

2004-05 GRAND JURY REPORTS

CRIMINAL JUSTICE COMMITTEE

YUBA-SUTTER JUVENILE HALL & MAXINE SINGER YOUTH GUIDANCE CENTER

INTRODUCTION

On Jan. 25, 2005, members of the Criminal Justice Committee and other members of the Sutter County Grand Jury (2004-2005) conducted an on-site interview with Frank Sorgea, the Superintendent of the Yuba-Sutter Juvenile Hall and the Maxine Singer Youth Guidance Center at the facility located in Marysville, Yuba County. During the meeting, Mr. Sorgea discussed in detail his personal beliefs in the problems with today's youth.

On Jan. 31, 2005, the members of this Committee returned and toured the facility.

MISSION STATEMENT

Provide protection for the public through lawful detention of minors accused of violating the law who are pending further disposition by the Court. To provide meaningful programs directed toward the reintegration of minors into the community following detention.

SUMMARY

The Criminal Justice Committee spoke to Mr. Sorgea about the advancements that had been made in the community by realizing that rehabilitation not only has to start with the juvenile, but in the home as well. New programs, implemented at the facility, focus on the rehabilitation and teaching of life skills of family members, not just the inmate.

He has seen the numbers of troubled youths steadily decline over the past several years and feels that the reduction is due in part to the intervention and prevention by educators and law enforcement personnel.

REPORT

Staff Objectives

1. Keep minors securely housed.
2. Provide safe and healthy environment for minors and staff.
3. Operate facility in lawful manner.
4. Facilitate the re-socialization of committed minors.

Operations

The Yuba Sutter Juvenile Hall is a joint effort by Yuba and Sutter Counties with an annual budget of just over \$3,000,000.00. The budget is subsidized by the acceptance of juveniles from the surrounding counties of Colusa, Placer, Glenn, Amador and Lassen. Fees are paid by Yuba and Sutter Counties based on the percentage of inmate population from each county. All other counties pay a flat fee for each inmate housed at the facility.

2004-05 GRAND JURY REPORTS

Inmate Origination and Reason for detention First Quarter FY 2004-2005

Reason Detained	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Pending Placement	3	0	0	0	0	0	0	0	3
Court commitments	406	607	15	0	0	0	0	0	1028
Weekend commitments	0	0	0	0	0	0	0	0	0
Pending court	830	565	74	0	0	0	0	0	1469
Pending delivery to CYA	0	0	0	0	0	0	0	0	0
Prob. Violations (Non-court)	195	317	0	0	0	0	0	0	512
Temporary releases	46	17	0	0	0	0	0	0	63
Camp Singer	817	697	0	0	22	0	0	0	1536
Furlough	134	43	0	0	0	0	0	0	177
Pending Camp Singer	8	0	0	0	0	0	0	0	8
Total Child Care Days	2439	2246	89	0	22	0	0	0	4796

Population Change during First Quarter FY 2004-2005

	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Admission During QTR									
Male	37	53	3	0	1	0	0	0	94
Female	12	18	0	0	0	0	0	0	30
Released During QTR									
Male	30	45	5	0	0	0	0	0	80
Female	15	16	0	0	0	0	0	0	31
Population at End of QTR									
Male	24	19	0	0	1	0	0	0	44
Female	7	6	0	0	0	0	0	0	13

End of First Quarter Population FY 2004-2005

Reason Detained	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Pending Placement	0	0	0	0	0	0	0	0	0
Court commitments	7	6	0	0	0	0	0	0	13
Weekend commitments	0	0	0	0	0	0	0	0	0
Pending court	12	8	0	0	0	0	0	0	20
Pending delivery to CYA	0	0	0	0	0	0	0	0	0
Prob. Violations (Non-court)	2	3	0	0	0	0	0	0	5
Temporary releases	0	0	0	0	0	0	0	0	0
Camp Singer	9	6	0	0	1	0	0	0	16
Furlough	1	2	0	0	0	0	0	0	3
Pending Camp Singer	0	0	0	0	0	0	0	0	0
Total End of QTR Population	31	25	0	0	1	0	0	0	57

Inmate Origination and Reason for detention Second Quarter FY 2004-2005

Reason Detained	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Pending Placement	191	0	0	0	0	0	0	0	191
Court commitments	371	655	0	0	0	0	0	0	1026
Weekend commitments	4	0	0	0	0	0	0	0	4
Pending court	1026	855	10	0	0	0	0	0	1891
Pending delivery to CYA	18	0	0	0	0	0	0	0	18
Prob. Violations (Non-court)	109	122	0	0	0	0	0	0	231
Temporary releases	18	5	0	0	1	0	0	0	24
Camp Singer	406	669	0	0	370	0	0	0	1445
Furlough	66	73	0	0	0	0	0	0	139
Pending Camp Singer	0	0	0	0	0	0	0	0	0
Total Child Care Days	2209	2379	10	0	371	0	0	0	4969

Population Change during Second Quarter FY 2004-2005

	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Admission During QTR									
Male	49	56	1	0	6	0	0	0	112

2004-05 GRAND JURY REPORTS

Female	22	10	1	0	2	0	0	0	35
Released During QTR									
Male	53	50	1	0	1	0	0	0	105
Female	25	9	1	0	0	0	0	0	35
Population at End of QTR									
Male	17	18	0	6	0	0	0	0	41
Female	2	7	0	2	0	0	0	0	11

End of Second Quarter Population FY 2004-2005

Reason Detained	Yuba	Sutter	Colusa	CYA	Placer	Glenn	Amador	Lassen	Total
Pending Placement	1	0	0	0	0	0	0	0	1
Court commitments	1	6	0	0	0	0	0	0	7
Weekend commitments	0	0	0	0	0	0	0	0	0
Pending court	13	8	0	0	0	0	0	0	21
Pending delivery to CYA	0	0	0	0	0	0	0	0	0
Prob. Violations (Non-court)	0	3	0	0	0	0	0	0	3
Temporary releases	0	0	0	0	0	0	0	0	0
Camp Singer	2	10	0	8	0	0	0	0	20
Furlough	0	0	0	0	0	0	0	0	0
Pending Camp Singer	0	0	0	0	0	0	0	0	0
Total End of QTR Population	17	27	0	8	0	0	0	0	52

Juvenile Hall Population Report by %

	Yuba	Percent Change		Sutter	Percent Change		Other	Percent Change		Total	Percent Change	
		This Year	Last Year		This Year	Last Year		This Year	Last Year		This Year	Last Year
Child care days												
1 st Qtr	2439	0%	6%	2246	-26%	-39%	111	-22%	13%	4796	-15%	-21%
2 nd Qtr	2209	-9%	28%	2379	6%	-28%	381	243%	989%	4969	4%	-2%
Totals	4648			4625			492			9765		
Admissions												
1 st Qtr	49	-29%	-36%	71	1%	4%	4	-60%	-60%	124	-17%	-20%
2 nd Qtr	71	45%	15%	66	-7%	12%	10	150%	43%	147	19%	15%
Totals	120			137			14			271		
Percentage of use												
1 st Qtr	51%			47%			2%					
2 nd Qtr	44%			48%			8%					
Ratio Yuba/Sutter												
1 st Qtr	52%			48%								
2 nd Qtr	48%			52%								

Staff Training

The Yuba-Sutter Juvenile Hall staff participated in the Standards and Training for Corrections Program (STC) during the 2003-2004 fiscal year. This participation expresses the Department's intent to select and train corrections staff according to statewide, professional standards. In August 2004, the State Board of Corrections

2004-05 GRAND JURY REPORTS

conducted an on-site review of the Department's training records. At the time of the review, the Department had 32 STC eligible staff (1 Superintendent, 2 Deputy Superintendents, 4 Supervisors and 25 Juvenile Corrections Officers). There were four vacancies.

All eligible staff met or exceeded the minimum training standards as set forth by the State Board of Corrections. Eight newly hired officers completed the Juvenile Corrections Officer Core Training, and three supervisors completed the Supervisor Core Course.

The Deputy Superintendent of Institutions serves as the training manager. Due to scheduling issues, the agency has begun utilizing in-house training to meet STC training standards.

There is close communication among the management team and line staff to identify training needs and opportunities. Training is selected based upon high liability areas in the Juvenile Hall and on individual and organizational needs. Records document that staff received certified training in Management of Assaultive Behavior, Population Movements/Safety and Security within Juvenile Facilities, Leadership, Booking Orientation and Intake Training, Due Process Training, OC Training, and Hostage Survival and Negotiation Techniques for Corrections Staff.

For the current year, plans mirror the effort just completed. The training manager plans to develop more Intensified Format Training (IFT) courses to meet the needs of staff and the agency.

FINDINGS

The Yuba-Sutter Juvenile Hall appears to be a well-organized department, with a core belief that they can make a difference.

RECOMMENDATION

None

RESPONDENTS

Frank Sorgea, Superintendent Bi County Juvenile Hall
Chris Odom, Chief Probation Officer, Sutter County
Steve Roper, Chief Probation Officer, Yuba County
Presiding Judge of Juvenile Court Yuba County
Presiding Judge of Juvenile Court Sutter County

Board of Supervisors Comment

While it is not listed as a respondent, the Board of Supervisors notes that it concurs with the Grand Jury's finding. The Board commends the Bi-County Juvenile Hall staff, the Yuba and Sutter County Probation Officers, respectively, and the other agencies which provide services to the Juvenile Hall wards – notably the Bi-County Mental Health Division.

2004-05 GRAND JURY REPORTS

EDUCATION COMMITTEE

ENCINAL SCHOOL

INTRODUCTION

The Grand Jury of 2003-04 recommended that the current Grand Jury Education Committee re-visit the Encinal School in the Live Oak School District. The 2004-05 Grand Jury Education Committee visited Encinal School on November 9, 2004. The school is located south of Live Oak at 6484 Larkin Road and is the K-8 school of 80 students.

SUMMARY

The Sutter County Grand Jury Education Committee found the school to be well run, clean, orderly and secure within the grounds. The recommendations of the 2003-2004 Grand Jury have been acted upon. The kitchen is well staffed, clean and efficiently run. The storage building is secure and in view of the office staff at all times. The playground is still in need of repair with cracks running the length and breadth of the asphalt.

Larkin Road remains a deep concern to the 2004-2005 Grand Jury. The speed and apparent disregard of traffic around the K-8 school is very troublesome and appears to be an accident just waiting to happen.

REPORT

The 2003-04 Grand Jury made several recommendations regarding the school kitchen and food preparation pursuant to California Health and Safety Code, Section 114020 (a) and (b). The 2003-04 Grand Jury also made recommendations concerning the Library and the need to repair the asphalt on the school playground as well as the lack of security of a storage shed on the premises.

FINDINGS

At the time of the Education Committee visit, the kitchen was spotlessly clean, and the cook and a trainee were both wearing hairnets and had gloves readily available to use when lunch was served pursuant to California Health and Safety Code, Section 114020 (a) and (b). No open food containers were observed. The luncheon being prepared was nutritious and the serving methods were organized. The Encinal School cook prepares food for Nuestro School as well as Encinal students and faculty in a very small kitchen.

The Library at Encinal School is a multi-purpose room. It is used primarily as a library but also as a teacher's workroom and a GATE (Gifted and Talented Students) classroom. Many books were visible on the shelves, and all classrooms systematically use the library. The library was well laid out to accommodate its many uses.

The Grand Jury found the asphalt on the playground is still severely cracked and in need of repair. The Grand Jury was assured that every effort is being made to secure funding to re-surface the playground.

2004-05 GRAND JURY REPORTS

The storage building mentioned in the 2003-2004 Grand Jury report was clean, orderly and within clear view of office staff for security purposes.

The 2004-05 Grand Jury is deeply concerned about the traffic on Larkin Road. The committee observed cars and large trucks exceed the posted speed limit within the school boundaries of twenty-five (25) miles per hour, indeed some cars and trucks seemed to our observation to exceed the fifty-five (55) miles per hour speed limit of Larkin Road beyond the school boundaries. Although signs are posted to announce a school zone, the committee did not observe traffic slowing at all. Although resourceful and diligent, efforts of the school principal, teachers and parents have had little impact on the problem.

RECOMMENDATIONS

- The asphalt on the playground should be repaired as soon as funding becomes available.
- The 2004-2005 Grand Jury recommend better enforcement of speed limits by Sutter County Sheriff's Department during the time school is in session and that the school and parents continue to work together to have the California Highway Patrol reduce the speed limit of that section of Larkin Road where Encinal School is located. The 2004-05 Grand Jury recommends immediate steps to be taken by the Sutter County Sheriff's Department and the California Highway Patrol before a very avoidable tragedy occurs.

RESPONDENTS

Steven Hiscock, Live Oak Unified School District.
California Highway Patrol
Sutter County Sheriff's Department

2004-05 GRAND JURY REPORTS

EDUCATION COMMITTEE

NO CHILD LEFT BEHIND ACT OF 2001

INTRODUCTION

The 2004-05 Grand Jury Education Committee has investigated the impact of the Federal Government's *No Child Left Behind Act of 2001* and its effect on the Sutter County Schools. In this endeavor, we have visited Bridge Street School, Andros Karperos School, and talked with many teachers and administrators in the Yuba City Unified School District. We also visited Encinal School in the Live Oak School District as well as interviewed the Assistant Superintendent of Sutter County Schools

SUMMARY

The *No Child Left Behind Act of 2001* (NCLB) is an educational reform act designed to improve all student achievement, promote accountability of schools and school districts by testing all students with a multiple choice test in Reading and Math in Grades 3 through 8 and at least once during Grades 10 through 12 with a writing component added in 2004, and to provide parents with objective data on their child's academic standing. A multiple choice Science test will be added this year. The NCLB also gives parents the flexibility to remove their children from under performing schools to those that are performing at a higher level, and to provide tutoring to those students whose scores are low. The test used by Sutter County Schools is the California Standards Test, which was introduced in 1999 under a California Education Reform Act. California has based a school's performance on a growth model wherein schools should show growth each year depending on where each school started. The NCLB model has definite benchmarks or goals each year regardless of the level from which a school has started. The committee found that the Federal benchmarks seem to punish the very schools the law was designed to help, especially those schools with a diverse population, diverse languages, and students from socioeconomic disadvantaged families.

REPORT

- Sutter County Schools has a diverse student population with many languages spoken in the homes of students. The three major languages used in the County Schools are English, Spanish and Punjabi.
- Sutter County Schools have many students who come from socioeconomic disadvantaged homes, and many students with learning disabilities as well as different ethnicities. These groups are all considered subgroups along with all the students who come from homes where English is not the first language. The NCLB benchmarks must be met regardless of these disadvantages.
- All schools must have at least 95% participation on the tests from all the different subgroups as well as the school population as a whole. Some Sutter County schools have the potential to have as many as six (6) subgroups in each grade level. Although California has a system in which parents can "opt-out" their children from the test, the subgroup into which the students are classified is considered under represented as well as the whole school, if the participation level is below 95 percent.
- The above rule appears to penalize high schools with a high population of college bound students because these students often "opt-out" in favor of taking the SAT college exam. If this happens, and the

2004-05 GRAND JURY REPORTS

school falls below the 95% rule, the school will be labeled as a school that needs improvement, and therefore Title I funds are removed from that school.

- Students enrolled in the Special Education classes are students with mild to severe learning and/or physical disabilities. Special Education students may receive some aid when taking the test, but the schools are penalized by NCLB standards of participation. Special Education students must take the age appropriate test, with children with severe learning disabilities able to test at one grade lower than they are age appropriate, again with some penalty to the school by NCLB participation standards.
- The committee spoke to a Special Education teacher from a Yuba City School who has a child in her class with Down's syndrome. The child had to be tested at her age appropriate grade level when her mental capabilities were several grades lower. The teacher felt she should be teaching this child life skills rather than a curriculum on which the student would be tested. The teacher is dedicated to her students and wishes she could teach her students at a level appropriate to their level of learning and capabilities rather than to an arbitrary test.
- California's Academic Performance Index (API) reflects growth in student achievement from one year to the next. The NCLB requires 13.6 % of all students to score at the proficient level or higher in English-Language Arts, and 16 % to meet those benchmarks in Math. These benchmarks are called Average Yearly Progress (AYP). Starting next year, the proficiency requirements will rise exponentially and by 2014, 100 percent of the students nationwide must be proficient.
- California has one of the highest proficiency levels in the U.S. and in fact some states lowered their proficiency in order to not have their schools impacted financially.
- Schools that do not meet these levels will lose Title I monies which are meant to aid the disadvantaged students from low socioeconomic homes. Twenty percent (20%) of the monies from Title I funds will be held at the district level to aid parents who wish to have their children sent to other higher performing schools or for aid in tutoring students who do not meet the proficiency level. This part of the law has started a cottage industry of tutors because teachers at low performing schools can not tutor students in need of tutoring at the school at which they teach. The state approved tutoring usually involves a computer program with one tutor monitoring several students as they work at computers.
- Sutter County Schools has four (4) schools which by NCLB standards of AYP are under performing schools: Gray Avenue Middle School, Andros Karperos Middle School, Bridge Street Elementary School and Albert Powell Alternative School. Yet by the standards of the State measurement instrument, API, these schools are meeting their growth expectations.
- English Language Learners must take the California Standards Test (CST) after being in the country only one year. At all of the above schools, which are deemed Improvement Schools, the English Language Learners was the subgroup, which did not meet its benchmarks, and often that means only a few students who were not deemed proficient.
- The NCLB has a requirement that all high schools must meet to keep Title I funds. High schools are required to provide military recruiters with student home phone numbers and addresses. Recruiters also may have access to the high schools campus for recruiting purposes. This section of the NCLB overrides California Laws regarding privacy for students.

FINDINGS

The Education Committee in the investigation of Sutter County Schools has found that the teachers and students are endeavoring to improve student scores on the CST to meet the goals set by the NCLB. Yuba City Unified

2004-05 GRAND JURY REPORTS

School District had 348 subgroups represented on the 2004 CST and of that number, 340 were proficient by NCLB Standards and eight (8) were not, resulting in four (4) schools being designated as under performing and therefore needing improvement. The benchmarks set by the NCLB increase exponentially and seem to set a very high bar for English Language Learners and Special Education Students with little flexibility. The Committee is dismayed at the emphasis and reliability on a single objective test to gauge the learning of Sutter County Students and that schools are considered “failing” when in some cases fewer than 5 students did not meet the proficiency standards in a subgroup. The CST is one measurement of student learning in Language Arts, Math and Science and while the data derived from the test is invaluable, it is still only one measurement of a student’s ability at any given time.

Our investigations found that local educators believe the true measure of student and school performance is the ability to show growth and continual improvement. Under performing schools that are deemed *Improvement Schools* under the NCLB guidelines are not “failing” but need to improve. Procedures mandated by the State Department of Education are in place to provide help to these schools. Many schools throughout the State have requested NCLB be more flexible, especially in school districts with large populations of English Language Learners, Socioeconomic Disadvantaged and Special Education students.

2004-05 GRAND JURY REPORTS

RECOMMENDATIONS

The Education Committee of the Sutter County Grand Jury recommends that the schools in Sutter County, the Sutter County Education Department and the California State Department of Education continue to request more flexibility with respect to how *No Child Left Behind* is implemented in California schools.

GLOSSARY

API – Academic Performance Index

AYP – Average Yearly Progress

CST – California Standards Test

NCLB – *No Child Left Behind Act*

RESPONDENTS

Patrick Godwin, Yuba City Unified School District Superintendent

Jeff Holland, Sutter County Superintendent

Tom Pritchard, Live Oak Unified School District

California Department of Education

FIRE & EMERGENCY COMMITTEE

2004-05 GRAND JURY REPORTS

MERIDIAN FIRE PROTECTION DISTRICT

INTRODUCTION

The Grand Jury of 2003-04 recommended that the current Grand Jury Fire & Emergency Committee revisit the Meridian Fire Protection District to follow-up on several unresolved issues. The Fire & Emergency Committee met with Chief Jason Cooper on Saturday, October 23, 2004, at the Meridian Fire Protection District. They also met with the Board of Directors at a Grand Jury meeting on Wednesday, January 23, 2005 concerning the unresolved issues.

SUMMARY

The Fire & Emergency Committee looked into the following issues:

- The delivery of the new Type I Fire Truck.
- Status of Captain Cooper as a Volunteer Fire Chief, full time paid employee, and eligibility for a full time salary and entitlements.
- Appropriate means of selling municipal property
- The insurance of adequate and appropriate by-laws that are being followed.

FINDINGS

The New Type I fire truck was purchased and put into service on July 20, 2004. The truck is fully equipped and is now their first response vehicle. The Department has put 1,200 miles on the truck and logged 75 calls. The fire truck, which cost \$222,007, was purchased with a FEMA Grant, which covered 90% of the cost.

Jason Cooper was promoted to permanent Fire Chief on January 14, 2004. This is Chief Cooper's only job and is a full time position. He attended Yuba College Fireman Program and has been with the Department for eight years. He is the District's most highly trained and qualified fire fighter. Since Chief Cooper implemented the Cadet Program, there is one cadet and currently eleven volunteer Fire fighters.

At the time of the Fire & Emergency Committee visit, there was no written protocol for the release of municipal property. The only method of disposal was a verbal consensus of the Board of Directors. However, they have since implemented a policy of inviting sealed bids for publicized sale of surplus vehicles and equipment.

At the time the Board of Directors of the Meridian Fire Protection District met with the Full Grand Jury on January 23, 2005, they had not responded to the 2003-04 Grand Jury Report, nor did they have by-laws in place to define the operating procedures of the Board of Directors. The Board of Directors had decided to simply abide by the existing California Codes that govern bodies like the Meridian Fire Protection District. The Grand Jury Fire & Emergency Committee strongly recommended to them that they come up with their own by-laws to define who they are and how they operate their organization. The Fire & Emergency Committee presented them a copy of simple by-laws that they could edit to fit the needs of their organization, that way simple transactions that they perform could not be questioned. At the end of March 2005, the Board of Directors sent to the Grand Jury a "Resolution of Rules" in place of by-laws. Several items listed in the Resolution of Rules

2004-05 GRAND JURY REPORTS

needs to be more specific, such as the month and date, or month and time. (i.e. officers will be elected on the 2nd Tuesday in November.)

RECOMMENDATIONS

- Specify in Resolution of Rules the specific month and meeting of the Board of Director Officer elections.
- Specify in Resolution of Rules the exact day and time of the Board meetings.
- Repair the broken, uneven concrete at the doorway leading from the main assembly area to the garage at the fire department.
- Paint the garage area of the fire department, which is visible from the street.

RESPONDENTS

Jason Cooper, Chief
Board of Directors, Meridian Fire Protection District

2004-05 GRAND JURY REPORTS

Policy and Procedures
Meridian Fire Protection District
Governing Board Rules and Regulations

Page 1 of 4

Rules and Regulations of the Governing Board of Meridian Fire Protection District

A Authority

- 1 The Meridian Fire Protection District is governed by the five (5) elected members of the Governing Board. The Board has full legislative authority in the operation of the Meridian Fire Protection District, in accordance with the code of the State of California.

The Board may delegate to the Chief authority over all personnel, educational, financial and business matters pertaining to the operation of the District. All actions by the Chief are subject to review by the Board.

- 2 The authority of the Board shall be as a whole, acting in accordance with the following Rules. No Board member acting outside these Rules shall commit the Board or District in any way.

B Organization

- 3 The officers of the Board shall be elected by action of the Board and shall consist of a President and a Vice President elected from among the members of the Board and a Secretary who shall be contracted from outside the Board.
- 4 Officers shall be elected at the annual organization meeting of the Board to hold their respective offices for the period of one year, or until their successors are elected.
- 5 Any of the Board offices provided in paragraph 3, when vacated for any cause, shall be filled by the Board at its next meeting by the appointment of a successor for the unexpired term. Such appointment shall be by roll call vote and the vote of a least three (3) members of the Board shall be necessary to elect.
- 6 In case of temporary absence or disability of both the President and Vice President, a President pro tem shall be chosen by a majority vote of Board members present.
- 7 At any regular meeting, or at any special meeting for which such action is specified when the meeting is called, the Board may, by affirmative vote of at least three (3) of its members, remove from any appointed office any officer and declare his office vacant and appoint a successor to the officer so removed.

2004-05 GRAND JURY REPORTS

Policy and Procedures
Meridian Fire Protection District
Governing Board Rules and Regulations

Page 2 of 4

C Officers

- 8 The President shall preside at all sessions of the Board, preserve order, enforce the rules and, when so authorized, sign contracts, agreements, deeds, leases and other regular documents ordered to be executed by the Board or required by law
- 9 During any period of absence or other disability of the President, the Vice President shall perform all the duties of the President
- 10 When both the President and Vice President are absent or otherwise disabled, the President pro tem shall perform all duties of the President
- 11 The Secretary shall record all minutes of the Board and shall sign the minutes of the Board on approval when so authorized and other contracts, agreements, deeds, leases and other legal documents ordered to be executed by the Board or required by law
- 12 The Assistant Secretary shall perform such functions as the Board directs, including service as Acting Secretary in the absence or other disability of the Secretary

D Meetings of the Board

- 13 Regular meetings of the Board shall be held at the District Office and shall be conducted in accordance with Government Code (Brown Act)
- 14 Special meetings may be called by the President or by two (2) members of the Board
- 15 Any regular or special meeting may be adjourned to a later time or date by majority vote of those present, provided a specific meeting time is set for such an adjourned meeting in accordance with the Brown Act. When no quorum appears for a regular or special meeting, by mutual agreement of Board members present or the Secretary, if no Board members are present, a specific time may be set for an adjourned meeting. At such adjourned meetings, all business may be regularly transacted which would have been proper at the meeting from which adjournment is taken, all in accordance with the Brown Act
- 16 A record of all transactions of the Board shall be set forth in the minute book of the Board, which shall be kept on file in the District Office as the permanent official record of the District. It shall be open to inspection of the public during regular office hours
- 17 A quorum necessary to the transaction of business at any meeting of the Board shall consist of three members of the Board

2004-05 GRAND JURY REPORTS

Policy and Procedures
Meridian Fire Protection District
Governing Board Rules and Regulations

Page 3 of 4

- 18 A majority vote of those Board members present shall suffice for such actions as do not require a specified number of affirmative votes. In the event of a tie vote, the President shall vote to break the tie.
- 19 In all matters not covered by the Government Code, or by the rules or Policies of the Board, parliamentary procedures shall be governed by the manual known as *Robert's Rules of Order*.
- 20 The actions of the Governing Board shall be recorded in accordance with Government Code.
- 21 The Board shall employ a full-time Chief to serve as chief administrative and executive officer of the District.
- 22 The Governing Board delegates to the Chief, the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action. In the initiation and formulation of District policies, the Chief shall act as the advisor of the Board.
- 23 The Chief may delegate to authorized personnel of the District any powers and duties entrusted to him by the Board, but he shall be responsible to the Board for the execution of such delegated powers and duties.
- 24 In the situations for which the Board has provided no policy of administrative action, the Chief shall have the power to act, but his decisions shall be subject to review by the Board. It shall be the duty of the Chief to inform the Board promptly of such action and to recommend a written Board policy if one is desirable.
- 25 The Secretary to the Board shall perform the following duties:
 - a Prepare Board meeting agendas and cause them to be posted as required by law.
 - b Prepare minutes of Board meetings for approval.
 - c Maintain an index of minutes of the Governing Board.
 - d Attend all Board meetings except the closed personnel session to consider the contract of the Secretary.
 - e Sign all documents which require the signature of the Secretary of the Board.

2004-05 GRAND JURY REPORTS

Policy and Procedures
Meridian Fire Protection District
Governing Board Rules and Regulations

Page 4 of 4

E Reports and Recommendations

- 27 The Chief/Secretary shall transmit all reports and recommendations, together with an agenda, by mail, to each member of the Board at least five (5) days prior to the scheduled meeting of the Governing Board, except as provided in paragraph 28 below. In lieu of this requirement, such motions may be transmitted by messenger at least 72 hours prior to the scheduled meeting.
- 28 Whenever it is necessary to submit any report or recommendation to the Board without meeting the requirements of paragraph 27 above, said report or recommendation must carry as part of its title, in addition to the regular number, the plainly typed phrase, "*Waiver of Provisions, Paragraph 27 of the Board Rules and Regulations, requested*."

F Discussions

- 29 Discussion of agenda items by person other than Board members shall be at the discretion of the Board and must be pursuant to recognition by the presiding officer. Ordinarily, a presentation by an individual or group shall be limited to 15 minutes, subject to extension in the discretion of the Board.

G Suspension and amendment of Rules and Regulations

- 30 The *Rules and Regulations of the Governing Board* may be amended at any regular meeting, or any special meeting, when properly placed on the agenda and approved by three (3) affirmative votes.

Governing Board Statement of Term and Qualifications

- A The term of service for a member of the Governing Board of the Meridian Fire Protection District shall be four years.
- B Applicants must own property within the Meridian Fire Protection District and reside within the Meridian Fire Protection District.
- C Applicants must be registered voters.

2004-05 GRAND JURY REPORTS

HEALTH, MENTAL HEALTH AND SOCIAL SERVICES COMMITTEE

CHILD PROTECTIVE SERVICES

INTRODUCTION

The members of the Health, Mental Health and Social Services Committee met on January 10, 2005 with Edward Smith, Director of Human Services Department. Also in attendance were Edward Fisher, Director of Sutter County Welfare and Social Services and William B. Ramsaur, Program Manager of Social Services. The members were given an over view of the Child Protective Service (CPS) of Sutter Country.

MISSION STATEMENT

“The Sutter County Human Services Department provides a client centered, culturally sensitive, outcome oriented, integrated, cost effective delivery of services. Staff of this department is committed to safeguarding the physical, emotional, and social well-being of others while promoting self-sufficiency and quality of life and health for those we serve.”

SUMMARY

Child Protective Services is mandated by the State of California to protect children under the age of emancipation when they are abused, abandoned or neglected. CPS carries out this mandate in several ways: referrals and emergency response. An assessment or investigation is made to determine if there is abuse or neglect present. It is the role of CPS to help assure that children are safe from harm and to assist parents and families in finding solutions to problems that may interfere with their child’s safety. At times this requires removal of the child to a home other than that of the parents. When a child is removed from the home because of an immediate danger, the social worker must file a sworn petition with Sutter County Dependency Court with two (2) working days.

REPORT

The Sutter County Department of Human Services (SCDHS) is designated by California law as the agency responsible for the protection of children who are abandoned, neglected or abused. That delegation of authority is dependent upon judicial review for most cases. CPS of Sutter County is given the duty to respond to reports of abuse or neglect and provide protective services when necessary, including the authority to take temporary or permanent custody of a child, pending review by the dependency court of Juvenile Court.

SCDHS authority to intervene in people’s families is given by California State Code and Federal Statutes. The Department must adhere strictly to the specific requirements of the statutes in providing protective services to children in need of such care. Laws governing Child Protective Services in California can be found in the Welfare and Institution Code.

Unless a child is in danger and cannot be protected in the home, the goal of CPS is to keep the family together. If a child is determined to be in immediate danger, the social worker may use the authority of emergency protective services to immediately remove the child from the dangerous situation. The child may be placed

2004-05 GRAND JURY REPORTS

with extended family members when appropriate, or in a licensed foster home, group home or shelter. If there is risk of immediate danger to the child, a decision may be made to place the child in protective custody. If this is done, the social worker or social services supervisor must file a sworn petition with the Sutter County Dependency Court within two working days after the child's removal from the home. The petition must state the reasons for the removal of the child.

FINDINGS

- There are 342 children in Sutter County who are under the control of Child Protective Services. These children are from approximately 70 Sutter County families.
- The figure of 342 represents long-term guardianship, foster homes and non-relative guardianship. There were 240 to 280 children in foster care at the time of this interview. In 2004, there were 26 children adopted, approximately two per month.
- Sutter County CPS intervenes in 1 percent of the children population of the county.
- When intervention is called for, the child is given dental, physical and mental health care. Two full time mental health therapists are employed.
- The budget for foster care is approximately \$4 million. Administrative costs, including 38 positions, are approximately \$4-5 million.
- There are six (6) emergency response workers; four (4) mixed emergency response and regular workers and eleven (11) regular social workers.
- Each social worker has approximately 18-20 children under his or her supervision at any given time.
- Funding comes from the Federal, State and County budgets.
- Families whose children are in foster care are charged a fee by the county for the length of time that the children are in foster care.

RECOMMENDATIONS

None

RESPONDENTS

Edmund Smith, Director of Sutter County Human Services
Edward A Fisher, Director of Sutter County Welfare and Social Services
William B. Ramsaur, Program Manager of Social Services

2004-05 GRAND JURY REPORTS

Board of Supervisors Response

According to County Human Services Director Edmund Smith, the statistics cited in the Grand Jury's Findings, while not exact, are accurate approximations. Therefore, the Board of Supervisors concurs with the Findings.

2004-05 GRAND JURY REPORTS

HEALTH, MENTAL HEALTH AND SOCIAL SERVICES COMMITTEE

HUMAN SERVICES

INTRODUCTION

Members of the Health, Mental Health and Social Services Committee met with Human Services Director Edmund Smith and Joan Hoss of the Mental Health Department on 11/22/04. They were cooperative and very forthcoming with information and provided the committee with an overview of the broad range of services and facilities that are under the umbrella of Human Services, Mental Health and Social Services.

MISSION STATEMENT

“The Sutter County Human Service Department provides a client centered, culturally sensitive, outcome oriented, integrated, cost effective delivery of services. Staff of this department is committed to safeguarding the physical, emotional and social well-being of others while promoting self-sufficiency and quality of life and health for those we serve. “

SUMMARY

The Sutter County Human Service Department is a broad umbrella of services under which fall many programs for Sutter County citizens and indeed some Yuba County citizens as in the case of the Mental Health Department, which serves both Sutter and Yuba Counties. The Human Services Department provides a broad range of client services. It is estimated that approximately one third of all Sutter County citizens use the services of the Human Service Department.

REPORT

PUBLIC HEALTH AND CLINICAL SERVICES DIVISION

Administration

- Vital Statistics
- Birth and Death Certificates
- Clerical assistance with Healthy Families
- Jail Medical Services

Outpatient Clinic

- Medical care for adults and children (acute and chronic)
- Physicals: DMV, Immigration, sports, etc.
- Well-child and infant checkups
- Family Planning/Women's Health
- Prenatal Clinic (Medi-Cal Comprehensive Perinatal Services Program)
- Immunizations

2004-05 GRAND JURY REPORTS

- HIV/AIDS Counseling and Testing

Public Health Laboratory

- Infectious disease testing
- Community well water testing
- Rabies testing

Public Health Nursing

- Communicable Disease Control
- Immunization Program
- CHDP (Child Health and Disability Prevention Program)
- Special Babies Program
- MCH (Maternal and Child Health Program)
- Prenatal Care Guidance (PGG)
- CCS (California Children Services)
- Child Development Behavioral Specialist

WIC (Women, Infants and Children) For income eligible

- Pregnant women
- Postpartum or breastfeeding women
- Infants and children at nutritional risk age 5 and under

Health Education Programs

- HIV/AIDS – Prevention and education
- Tobacco Program
- Lead Poisoning Prevention

MENTAL HEALTH (Bi-County)

Psychiatric services are provided to individuals and families from Yuba and Sutter Counties who are experiencing serious or ongoing mental health problems.

Psychiatric Emergency Services

- Emergency services are available 24 hours a day.
- Emergency services are available without cost to the user.

Inpatient Services

- Acute psychiatric inpatient care for individuals over the age of 18 whose symptoms are so severe that outpatient treatments are unsafe or inadvisable.

Outpatient Treatment

- Individual therapy, group therapy, family therapy, parent information/education and medication are

2004-05 GRAND JURY REPORTS

available for youth.

- Day Treatment for adolescents and children
- Day Treatment for adults

Children's System of Care (CSOC)

- CSOC coordinates the efforts of several county agencies including Probation, Child Protective Services, the schools and Mental Health.

Homeless Mentally Ill

- A day center operated by the Salvation Army.

Alcohol and Drug Program

- The Alcohol and Drug Program provides a wide continuum of care for clients through the *Options for Change* and *First Steps* treatment programs.

FINDINGS

- Mental Health funding comes from a variety of sources such as sales tax, DMV taxes, and the Sutter County Budget. Health and Mental Health also receive funding from Medi-Cal and other sources. There is a Bi-County allocation of monies dependent on the populations of Yuba and Sutter Counties and the degree of poverty. There is more use by Yuba County residents, but the funding is closely balanced.
- Substance abuse programs are offered through the Mental Health Department and some programs are contracted to private agencies such as Pathways.
- An adolescent substance abuse program has just begun through the Mental Health Department. It designed for adolescents who are not yet addicted, but are experimenting and beginning to have problems functioning.
- A pre-natal substance abuse program is in place through the Mental Health Department. A violence prevention program also is in place.
- Child Protective Services (CPS) funding comes mostly from the State with approximately 15-18% coming from Sutter County. 240 children are in foster care, group homes, residential care or fostered to family members.
- The Health Department provides birth control information and dispenses birth control methods for both men and women. Condoms are dispensed to help control sexually transmitted diseases.
- Hepatitis C is a problem as is Tuberculosis.
- The County Health Department has received 800 doses of the Flu Vaccine and will provide shots to those who are the most vulnerable, such as the elderly and infants.

2004-05 GRAND JURY REPORTS

- The Employment Services Division is administered by the Welfare Department and has approximately 600 clients in the Welfare to Work Program through the County Education and Training Center (CTEC).
- WIC (Women, Infants and Children) is funded by the Agriculture Department and administered by the Health Department.
- 23,000 citizens of Sutter County receive service from some agency within the Human Service Department.
- The Human Services Department has a staff of 400.
- 20 % of Sutter County citizens are seen every day by some agency within the Human Services Department.
- The Human Services Department has contracts with other agencies amounting to \$400,000 each fiscal year.

Board of Supervisors Response

The Board of Supervisors generally agrees with the findings. The Board notes, with respect to the last finding, that the Human Services Department has contracts with other agencies which total more than \$400,000. The Human Services Director believes the \$400,000 figure was intended to refer only to the contract the Department has with the Sutter County Office of Education Career Training and Education Center (CTEC). If so, the Board of Supervisors would also agree with this finding.

RECOMMENDATIONS

- As the County grows, with a projected population increase to nearly double by 2050, the Mental Health in-patient bed census will need to grow with the County.
- Adult Services will need more in-home services as the population age.
- More Bi-County agencies would eliminate needless duplication of services.
- A needless delay in completing the yearly Sutter County Budget causes the Mental Health Department to maintain a reserve to cover expenditures. We recommend the County create an on-time budget.

RESPONDENTS

Edmund Smith, Director, Sutter County Human Services Department

Joan Hoss, Director, Bi-County Mental Health Department

Board of Supervisors Response

- *The Board of Supervisors agrees with the first recommendation. The Board leaves open the possibility that future medical advances and treatment strategies might reduce the need for in-patient beds.*

2004-05 GRAND JURY REPORTS

- *The Board agrees with the second recommendation, that Mental Health’s Adult Services will probably need to be expanded as the population ages, and notes that the same will be true with respect to the In-Home Supportive Services Program provided through the Human Services Department’s Social Services/Welfare Division.*
- *There are currently four services provided on a “bi-county” basis by the counties of Yuba and Sutter. In each case, the Board believes the services are provided effectively and efficiently. This is due to the economies of scale present, the skill and dedication of the staff members involved, and various policy decisions made by the Boards of Supervisors of the two counties. Given this experience, the Board of Supervisors conceptually agrees with the Grand Jury’s third recommendation. The Board notes, however, that establishing additional bi-county programs would require careful study and a broad political consensus in both counties.*
- *The Board of Supervisors agrees with the fourth recommendation. The Board emphasizes that it has always adopted the annual County Final Budget before the statutory deadline of October 3.*

2004-05 GRAND JURY REPORTS

HEALTH, MENTAL HEALTH AND SOCIAL SERVICES COMMITTEE

SUTTER-YUBA MENTAL HEALTH SERVICES

INTRODUCTION

Members of the Health, Mental Health and Social Services Committee of the Sutter County Grand Jury conducted an on-site inspection of the Sutter-Yuba Mental Health Services Facility on November 10, 2004.

The Committee met with the Director of Mental Health, Joan Hoss, and members of her staff. Director Hoss provided a tour of the facility and discussed services provided by the Department with the Committee.

SUMMARY

Director Hoss revealed to the Committee the variety of different programs and services that are available to the Sutter-Yuba community. Sutter-Yuba Mental Health Services (SYMHS) provides an array of mental health services to clients and their families. SYMHS has an outpatient and inpatient care facility, a crisis clinic, and a crisis hotline available 24 hours a day, seven days a week. It also provides private consultations, and drug abuse information. Mental Health maintains contracts with various community organizations that also offer services to the Bi-County population.

REPORT

- Psychiatric Emergency Services-24 hours/day, 7 days/week
Evaluates and assists individuals who are experiencing severe emotional distress or acute problems related to psychiatric disabilities.
- Inpatients Services-24 hours/day
Provides acute psychiatric inpatient care for individuals over the age of 18 whose symptoms are so severe that outpatient treatments are unsafe or inadvisable.
- Outpatient Treatment
Provides service for adults who may need individual therapy, group therapy, family therapy, patient information/education or medication.
- Day Treatment
Sponsors children and adolescent day treatment programs in conjunction with school emotionally disturbed classrooms. For adults, treatment is delivered in structured groups with focus on cognitive skills, social skills, medication management, education on psychiatric disabilities and prevocational skills.

2004-05 GRAND JURY REPORTS

- Children's System of Care
CSC coordinates the efforts of several County Agencies including Probation, Child Protective Services, Schools, and Mental Health to provide a single plan for intensive services, in the most natural and least restrictive setting possible.
- Community Support Services
Intervention counselors act as resource specialists for adults and children with serious psychiatric disabilities who live independently or in family care homes, and require follow up care.
- Alcohol and Drug Programs
Provide a wide continuum of care for clients through the Options for Change, First Step and SMART Programs.
 - Options for Change services are provided after a full assessment of each person. Various treatment plans are available.
 - First Steps is a nine-month prenatal treatment designed to help women to become free from chemical dependency.
 - START (Substance Abuse Treatment and Recovery Tools) is a program to assist youth in developing ways to reduce or eliminate drug and alcohol use and other associated problems during their adolescent years, and to help them deal with life problems.
- Adult Education/Socialization
A variety of classes in arts, crafts, and socialization for adults with serious psychiatric disabilities are available.

DISCUSSION

Some of the challenges that have faced the Mental Health Board this year include:

1. Budget cutbacks.
 2. Increased demand for services.
 3. Difficulty recruiting qualified staff.
 4. Lack of affordable housing in the community for those with psychiatric disabilities.
 5. Community awareness of services, decreasing stigma of mental health illness.
-
- The requested net expenditure for the combined mental health/drug and alcohol budget for FY 2004-2005 is \$20,198,755. This is a decrease of \$1,394,507 from FY 2003-2004 adopted budget.
 - The remodeling/refurbishing portion of the Mental Health Building includes the CSS Day Treatment, business and administrative offices, reception, medical records, and adult outpatient area.
 - The next phase of remodeling will be the psychiatric emergency facility, which is expected to begin in the Fall 2004. Further plans in 2005 call for the paving of the existing gravel parking lot.
 - Patient visits for FY2003-2004 equaled 77,069 visits of total billable services. Non-billable outpatient services included the psychiatric talk line that had 8,585 visits and 1,790 emergencies drop-ins for a combined total of 87,444 visits.

2004-05 GRAND JURY REPORTS

FINDINGS

The Sutter-Yuba Mental Health Services appears to be a well-maintained operation and is administered by an extremely qualified and competent staff. The Department provides an abundance of professional quality services.

Board of Supervisors Response

The Board of Supervisors agrees with the Grand Jury's findings, and expresses its appreciation to the staff of the Sutter-Yuba Mental Health Services for its efficiency and service to the community.

RECOMMENDATIONS

Complete the remodeling phase of the psychiatric emergency facility and the paving of the gravel parking lot.

RESPONDENTS

Director Joan Hoss, Sutter-Yuba Mental Health Services

Board of Supervisors Response

The Board of Supervisors agrees with the recommendation. It is currently anticipated that the plans and specifications for the remodeling of the psychiatric emergency facility will be presented to the Board for approval during the Autumn of 2005. The paving of the gravel parking lot, while needed, will not be undertaken until the timetable for the planned new Human Services Building can be determined (the project has been on "hold" due to the uncertainty concerning the State of California's ability to fund its share of the building). The new building may be built on a portion of the parking lot, so paving the lot could be a waste of resources if the building can be built in the next few years.

2004-05 GRAND JURY REPORTS

HEALTH, MENTAL HEALTH AND SOCIAL SERVICES COMMITTEE

FREMONT-RIDEOUT HEALTH GROUP

INTRODUCTION

Sutter County Grand Jury Health, Mental Health and Social Services Committee members met with Thomas Hayes, Chief Executive officer of Fremont-Rideout Health Group (FRHG), on March 2, 2005.

SUMMARY

Several important issues were discussed which directly effect the quality of service provided residents of the Yuba-Sutter area.

Some of the topics discussed were:

- Rideout Emergency Room (ER)
- Inpatient care at both Fremont and Rideout Hospitals
- Staffing (especially nurses)
- Plans and projections for health needs of the area as they pertain to FRHG

REPORT

FRHG is a non-profit medical corporation. The group currently operates Fremont and Rideout Hospitals, The Courtyard and The Fountains (Nursing Homes), The Alzheimer's Unit, and Gridley-Biggs Hospital. Their mission is to provide quality healthcare, using the most current, up to date medical procedures and equipment to serve the communities' needs.

FINDINGS

Fremont Hospital provides 85 inpatient beds and operates the only maternity ward in Yuba and Sutter Counties.

Rideout Hospital provides 100 inpatient beds and operates the area's only ER. Approximately 3500 patients are seen in the ER monthly. Although exact numbers were not provided, it is estimated that only 30 % are truly emergencies. Due to excessive patient loads, occasionally ER has to be closed for a period of time, and patients are diverted to Chico or Sacramento area hospitals. While these situations do not occur on a regular basis, the ER was closed at least four times in February 2005. It was pointed out that closures are related somewhat to seasonal patterns such as winter flu seasons or summer outdoors activities. Two physicians staff the ER 18 hours per day, 7 days per week.

Current California law requires a nurse to patient ratio of one to six. That ratio has been lowered to one to five, but that requirement has been put on hold by the Governor's office due to a statewide shortage of 50,000 nurses. Nurses are currently caring for patients at a one to six ratio until this issue is settled through the courts.

Staffing (especially in nursing) appears to be the major obstacle in solving the problems of delayed admission and overcrowding in both Hospitals on occasion. Both Hospitals are licensed for more patients and have the

2004-05 GRAND JURY REPORTS

necessary room to expand, but despite extensive recruiting efforts and the offer of scholarships to existing staff members, lack the staff to accomplish either.

DISCUSSION

FRHG appears to be well organized and seeks to provide the best care possible to residents of Yuba and Sutter Counties. While 60% of their total budget is for staffing, this area remains the obstacle for their desire to expand. At various times, the ER and inpatient Hospital Care are overloaded. Plans for an Urgent Care type facility have been approved, and this facility should be operational sometime in the near future. With the ability to care for non-emergency cases in the Urgent Care Clinic, the overload in the ER should be lightened substantially.

Room rates and day-to-day charges are usually lower than most in the surrounding areas, and on the bottom for comparable hospitals. Private insurance provides for only 15% to 20% of the total income while Medicare represents approximately 50 % and MediCal represents 25% of the total income. Medicare pays approximately 40% of the total expenses, and MediCal only covers 20% of the expenses. Private source insurances carriers have reduced their allowable payments to hospitals.

Future plans for expansion to keep up with area population growth are limited by the availability of qualified staff, and the decreasing income due to source of payment. FRHG has established a good working relationship with University of California Medical Center/Davis and has an active patient referral program in various areas of patient care.

RECOMMENDATIONS

FRHG should continue their efforts to increase staffing and to expand operations to accommodate our fast growing population. Opening of the Urgent Care Clinic should remain a priority to help solve the ER overload situation. FRHG doesn't currently receive Grant Funds from any sources. It is recommended that they pursue information regarding this source of funds to allow for future expansion.

RESPONDENTS

Thomas Hayes, Chief Executive Officer, The Fremont-Rideout Medical Group

2004-05 GRAND JURY REPORTS

PLANNING AND ENVIRONMENT COMMITTEE

YUBA CITY WATER TREATMENT PLANT

INTRODUCTION

On 10-20-04, members of the Planning and Environment Committee and the Fire and Safety Committee met with Bill Lewis and Jim Thorpe to tour the Yuba City Water Treatment Plant located on Live Oak Blvd. The purpose of the visit was to investigate whether any disaster planning had been developed and implemented for the Water Treatment Plant. The Vulnerability Report, required by the State of California, was not provided for our review. Apparently, President Bush has declared that the Vulnerability Report is not a public document.

SUMMARY

This facility was built in 1969, and will be expanded next year. It appears to be well run, but there are some apparent security issues. The mission of this facility is to provide water for domestic use for the entire population of Yuba City. Access to the Plant should be limited to only those people who have a need to be there. Perimeter fencing should be reinforced particularly as private residences' yards share fencing with the Water Treatment Plant. Poisonous chemicals should be kept in more secure storage, and more security alarms are needed.

REPORT

After the tour, we met with Bill Lewis to discuss disaster planning. The meeting started well with Mr. Lewis answering our questions until we came to the issue of the vulnerability report required by the State. Mr. Lewis reported that the report had been filed on time in June of this year. He stated that he could not discuss the contents with us.

DISCUSSION

Our meeting provided the following information:

1. There are Federal and State Guidelines for Disaster Planning relative to domestic water protection.
2. The guidelines for Disaster Planning for domestic water protection are provided by the State, and the City is following these requirements. We did learn that there are alarms installed in some unnamed areas to notify if there is a problem. The water is tested continuously and if anything improper is detected, the water flow is stopped. There is sufficient water in safe storage to provide the residents with water for some time.
3. Yuba City's vulnerability report has been filed as required. Mr. Lewis would not discuss either the contents of the report, or if there were any ways to reduce any weaknesses in the current plan to protect the water.

2004-05 GRAND JURY REPORTS

4. The water for Yuba City comes from the Feather River so there is a limit on how Yuba City can protect the whole river. The water intake is just opposite the Water Treatment Plant.
5. The assumption is that there is no risk of contamination of the river because of the volume and the rate of the water flow. Once the water enters the Water Treatment Plant, chlorine is used to take care of contaminants such as bacteria. Carbon is used to filter for odor and taste contaminants.
6. Some areas in Yuba City are served by wells that were previously owned by Hillcrest Water District. The City is developing new water systems to replace these wells. Residents may elect to continue to use their own wells.
7. There are plans to expand the facility, and construction will start in 2005 at a cost of \$45 million dollars. The current facility pumps 24 million gallons of water each day, but the expansion will double the output to 48 million gallons per day.
8. In case of flood, the motors that operate the facility can be pulled to the roof and fuel can be provided by helicopter to keep the Plant operating. The Plant also can be operated using the Internet in an emergency.
9. The Plant operates 24 hours a day, seven days a week. There are 15 employees, six of whom work in the laboratory. Five more people will be hired when the expansion is completed.
10. The Plant has sufficient financial reserves, and is operated using water fees only. The growth of the City is paying for the new plant construction.
11. All new housing will have metered water service. Initially, the developers will pay the costs of hooking up to the Plant. The current cost is \$6,600 per new home.
12. The Plant is inspected annually by the State Health Services,
13. If there is a problem, the staff contacts the fire department connected to the Offices of Emergency Services.

2004-05 GRAND JURY REPORTS

FINDINGS

We had several concerns including open gates that are not monitored and which allow anyone access to the facility. There did not seem to be a logical reason for the public to have access to the plant as the offices for payment of bills or request for services are located elsewhere.

There is no evidence of any security installation such as cameras, or alarms.

There were several pallets with large barrels of chlorine that were just sitting in the open. It was in an area that could not be readily monitored. No signs were posted to indicate that the chemicals were dangerous. In fact, members of the committees went over to check out the barrels but no member of the staff came to see what they were doing.

Some of the exterior fencing abuts private residences' yards. Some of the fencing abuts open land which extends for some distance and which has trees and other sources of cover.

RECOMMENDATIONS

1. Limit access to the facility.
2. Secure chemicals upon delivery.
3. Install an obvious security system, which might deter thrill seeking teenagers, etc.
4. Make perimeter fencing non-climbable and consider blocking view of neighbors.

RESPONDENTS

Bill Lewis, Water Treatment Plant Manager
Yuba City Manager
Yuba City Councilmen

2004-05 GRAND JURY REPORTS

2004-05 GRAND JURY REPORTS

2004-05 GRAND JURY REPORTS

CITIZEN'S COMPLAINT

BOARD OF SUPERVISORS

INTRODUCTION

The Board of Supervisors consists of elected officials from five Districts. They are elected by the taxpayers to run the County in a professional manner, and to see that the County stays solvent. They perform some of their activities during both public meetings and closed sessions. Each supervisor also sits on a number of sub-committees that may include department heads and other employees of the County Departments.

SUMMARY

The Grand Jury discovered that by implementing Team Sutter, with all employees as well as the Board of Supervisors acting in a professional manner, we could restore Sutter County back to a smooth running county.

REPORT

The manner in which the Board of Supervisors conduct themselves during the weekly public meetings at times has not shown a degree of professionalism, but considering the attack that they must endure from the public, who have little or no knowledge of the entire issue is uncalled for. In view of the position that they hold, the Board of Supervisors should be able to handle criticism in a more tactful manner.

The manner in which the Consent Calendar is handled is in fact the proper way of doing it. Items that appear on the Consent Calendar generally are:

- Routine, reoccurring events (contract renewals, routing agreements, grant renewals, etc.)
- Those items determined by a Board Committee and/or the County Administrative Officer to be of minor significance, or so routine that they don't need to be discussed at a Board meeting, unless someone specifically desires to do so.
- Items considered non-controversial, or for which prior policy direction has been given to staff.
- Items that Board members have already been fully advised of and have discussed in detail, particularly items that have been discussed in study sessions prior to Board meetings, or in closed sessions (legal settlements and other).

Note: Full staff reports are prepared on Consent Items. Persons interested in speaking on items on the Consent Calendar can come to the Board of Supervisors meeting before 7 o'clock on Tuesday evenings and request that an item be removed from the Calendar and added to the agenda. Discussing every item on the Calendar would cause the meetings to last longer than they do now.

The Board of Supervisors meetings have other types of agenda items, especially items that are requested by the public or a member of the Board to be discussed, or those items that are presented by agencies outside of Sutter County Government.

2004-05 GRAND JURY REPORTS

FINDINGS

The Sutter County Grand Jury 2004-2005 has attended all Board of Supervisors meetings this term. The Board of Supervisors meetings are held every Tuesday at 7 pm. We have seen first hand how the Supervisors conduct themselves and how the public reacts. We have seen a tremendous amount of public attack over the issues brought up by the Auditor-Controller's Office. We have all read the Appeal Democrat's reports. If the public would carefully read the agenda and supporting documents before the meetings, maybe these public outbursts would not be necessary. The use of the consent calendar keeps time open for the more controversial items.

Board of Supervisors Response

The Board of Supervisors agrees with this finding, and expresses its appreciation to the Grand Jurors who have taken the considerable time to attend all the Board meetings.

RECOMMENDATIONS

- We, the 2004-2005 Sutter Grand Jury, recommend that the Board of Supervisors, Sutter County Department Heads and/or employees, and the public attending the Board of Supervisors Meetings act in a professional manner. Keep the harsh words and name calling out of the Board Meeting. Use the Board agenda in the proper manner. Follow the proper rules pertaining to having items removed from the Consent Calendar and put on the meeting agenda. Restore the Team Sutter back into the Board of Supervisors Meetings and the entire Sutter County. We feel that by implementing Team Sutter, we can again have a smooth running Sutter County.
- The Board of Supervisors should create a position of Sergeant-of-Arms and appoint an employee to this position who will attend and keep order at each Board Meeting.

RESPONDENTS

Board of Supervisors
Larry Combs, Sutter County Administrator
Robert Stark, Auditor-Controller

2004-05 GRAND JURY REPORTS

Board of Supervisors Response

The Board of Supervisors agrees with the first recommendation, and, again, appreciates the perspective of the Grand Jury.

The Board is sympathetic to the intent of the second recommendation, but disagrees with it. The Board Chairperson is responsible for keeping order and will summon a law enforcement officer in the event unacceptable disorderly conduct occurs.

2004-05 GRAND JURY REPORTS

ATTACHMENTS

Attachment A: Auditor-Controller's Response

Attachment B: Sheriff-Coroner's Response

2004-05 GRAND JURY REPORTS

ATTACHMENT A
Page 1

COUNTY OF SUTTER

August 24, 2005

**COPY PROVIDED TO
ALL BOARD MEMBERS**



ROBERT E. STARK, CPA

AUDITOR-CONTROLLER

RECEIVED

AUG 29 2005

COUNTY CLERK
and EX-OFFICIO CLERK
BOARD OF SUPERVISORS
SUTTER COUNTY

The Honorable Robert H. Damron
Presiding Judge of the Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

Dear Judge Damron:

Submitted herewith is the Auditor-Controller's Office response to the 2004-2005 Grand Jury Final Report. This response is submitted directly to you pursuant to Penal Code § 933.05(f).

I commend the individual members of the Grand Jury for their public service. The Grand Jury had a daunting assignment this year sorting out issues that date back to the public controversies that first came to light last year in January 2004 involving accountability of the Sutter County's "Records Query Project". Unfortunately, these issues were never satisfactorily resolved.

Penal Code sections 933(c) and 933.05(a) require my office to respond to the findings and recommendations of the grand jury. This is precisely what I have done. While it is difficult to refrain from correcting the many factual errors in the reports which are not included as part of the grand jury's findings and recommendations, I have publicly set out the Auditor-Controller's position on these allegations many times in the past.

The grand jury has sent a clear message: Public officials must work cooperatively for the benefit of the citizens of Sutter County. The commitment of my office to this goal is best demonstrated by responding only to the findings and recommendations of the grand jury as consistent with the statutory mandate. A response beyond that required by law would invite continued discord and divisiveness as other public officials who are required to respond will undoubtedly feel compelled to address my comments.

I invite the county administrator's office and the Board to also confine their responses to the grand jury's findings and recommendations. By doing so, these officials can demonstrate that they have also heard the grand jury's message and are thereby prepared to move forward in a constructive and positive manner.

463 SECOND STREET • YUBA CITY, CALIFORNIA 95991 • (530) 822-7127 FAX 822-7439

Sutter County Board of Supervisor's Response to the 2004-05 Grand Jury Report

2004-05 GRAND JURY REPORTS

ATTACHMENT
Page 2

Robert H. Damron
8/24/2005
Page 2

By law I am also required to send a copy of this report to the Sutter County Board of Supervisors, after which they will have another 30 days to write their response. I am complying with that requirement. I trust that my response will likewise be distributed to all recipients of the Grand Jury's report and all recipients of the Board of Supervisor's response.

Sincerely,



Robert E. Stark, CPA
Auditor-Controller

Cc: Sutter County Board of Supervisors

2004-05 GRAND JURY REPORTS

SUTTER COUNTY AUDITOR-CONTROLLER'S RESPONSE TO 2004-2005 GRAND JURY REPORT

INTRODUCTION

Three grand jury committee reports have been forwarded to the Auditor-Controller for a response to all findings and recommendations as provided for in Penal Code §§ 933 and 933.05. The grand jury reports include sections which allege facts which the Auditor-Controller's Office disagrees with. The Auditor-Controller's positions on these allegations have been publicly stated many times before the Board in public session and in memorandums.

The common theme emerging from the 2004-2005 grand jury report is concern over the divisiveness and lack of cooperation among county officials. It would be counterproductive and would lead to further divisiveness if the Auditor-Controller's Office were to again reiterate its position on all of the allegations of past problems discussed in the grand jury report. Instead, in the spirit of cooperation and avoiding continuing divisiveness, the Auditor-Controller's Office will respond only to the findings and recommendations of the grand jury, which is consistent with the statutory mandates.

SPECIAL AUDIT COMMITTEE

FINDINGS

The Auditor-Controller's Office disagrees with the special audit committee findings.

Cooperation as Member of Team Sutter

The Auditor-Controller has always endeavored to be a cooperative member of Team Sutter and will continue to be. There have been significant disagreements between the Auditor-Controller's Office and other public officials. The Auditor-Controller's Office will continue to operate in a professional manner in interactions with all public officials in Sutter County and in particular desires to move forward in a positive and constructive manner irrespective of past public disagreements.

Effective Performance of Duties

The findings do not specifically identify how the Auditor-Controller's Office "is not performing [its] duties effectively". The most recent independent audit of the Sutter County financial statements resulted in an unqualified opinion -- the highest statement of confidence which may be afforded to the financial books of a public or private entity.

Costs to Sutter County Tax Payers

2004-05 GRAND JURY REPORTS

The findings do not specifically identify in what respect grand jurors concluded that the Auditor-Controller's Office has cost Sutter County tax payers a "significant" amount of money. To the contrary, the Auditor-Controller's Office believes that it has contributed in a positive way to sound fiscal management for Sutter County.

RECOMMENDATIONS

- The Sutter County Grand Jury has recommended that the Auditor-Controller "become a participating member of Team Sutter, communicating with all Sutter County departments in a professional manner." This recommendation has been implemented already in the sense that the Auditor-Controller's Office will continue, as it always has, to communicate effectively with all Sutter County departments in a professional manner. In addition, in the spirit of the grand jury report which seeks to foster cooperation among public officials in Sutter County, the Auditor-Controller's Office pledges its commitment to professionalism and effective communication with an emphasis on constructively resolving any future disagreements with other public officials.
- The recommendation that the Auditor-Controller's Office "prepare a policy and procedures manual to avoid problems in the future" has been partially implemented. The Auditor-Controller's Office this year and for the last several years has requested additional staff to begin the process of documenting procedures and writing a policy and procedures manual for the county. The Board of Supervisors did not approve either position. As time allows and as necessary, procedures are being documented to the extent that they can be agreed upon with other public officials. Appropriate written documentation of procedures is being compiled in permanent files maintained for each fund, the management correspondence file and e-mail files. To the extent that the grand jury recommendation might be directed at preparation of a single comprehensive policy and procedures manual for Sutter County, the recommendation cannot be implemented at this time unless the Board of Supervisors determines that it warrants the requested additional staff necessary to accomplish this project. The Auditor-Controller's Office supports the Board of Supervisors' which must make this policy decision as to the best use of public funds where other competing needs must be considered.
- The recommendation that transfer voucher documents reflect fund department, program, and account numbers necessary to process journal entries so that both documents are reconciled is unclear. The general ledger and budget accounts are not integrated in Sutter County. Transfer voucher documents currently reflect fund department, program, and account numbers for the Sutter County budget. The Auditor-Controller's Office has stepped up the review and audit requirements for budget transfers. Documents are reviewed for adequate documentation both for internal processing purposes and compliance with state and federal law. Departments are notified when documentation is inadequate and processing is not authorized until adequate documentation is received or corrections are made.

2004-05 GRAND JURY REPORTS

ATTACHMENT A
Page 5

Journal entries are subject to a similar process to ensure that the correct accounts in the county's general ledger are adjusted after a budget amendment has been approved by the Board.

- The recommendation that the Board of Supervisors split the Office of Auditor-Controller to allow for a county appointed controller with the auditor as an elected official is directed to the Board of Supervisors. However, the law forecloses this recommendation from being implemented by the Board. The Board of Supervisors wisely created the office of controller as authorized by Government Code §§ 26881-26886 to enhance the office of the county auditor. Government Code § 26880 states that "the office of the county controller shall be held ex-officio by the county auditor." Government Code § 24000 sets forth the same requirement.

COUNTY GOVERNMENT COMMITTEE

FINDINGS

The Auditor-Controller's Office disagrees with the county government committee's finding. The Auditor-Controller's Office acted at all times in accordance with generally accepted accounting principles and the requirements of law. The Auditor-Controller's Office was hampered by the refusal of Sutter County Counsel to provide advice and counsel concerning payment of employees from an insolvent department fund. The Auditor-Controller was required to resort to outside counsel for legal advice. County employees were timely paid in accordance with the law. Professional behavior of the Auditor-Controller's Office requires compliance with generally accepted accounting principles and the requirements of law.

RECOMMENDATIONS

- The recommendation that the Auditor-Controller, the Board of Supervisors, and the county administrator take action to work out their differences can only be implemented through mutual cooperation. The Auditor-Controller's Office is prepared to continue to work cooperatively with the Board of Supervisors and the county administrator. While the Auditor-Controller's Office believes that it has always been a cooperative member of Team Sutter, the office also recognizes the concerns raised by the grand jury are legitimate. The Auditor-Controller's Office pledges to move forward in a constructive, positive and professional manner in its continuing work with the Board of Supervisors and the county administrator.

CITIZEN'S COMPLAINT -- BOARD OF SUPERVISORS

FINDINGS

The "findings" concerning the citizen's complaint against the Board of Supervisors appear to be more in the nature of opinions than any findings of fact. For

2004-05 GRAND JURY REPORTS

example, the grand jury states: "If the public would carefully read the agenda and supporting documents before the meetings, maybe these public outbursts would not be necessary." This seems to be more in the nature of a speculative opinion than a finding of fact. The findings are not reasonably susceptible of agreement or disagreement by the Auditor-Controller's Office. To the extent that the findings suggest that the grand jury finds that the Board of Supervisor's meetings have at times demonstrated discord and unprofessional exchanges, the Auditor-Controller's Office agrees with this finding.

RECOMMENDATIONS

- The recommendation appears to require a response from the Auditor-Controller's Office only concerning the portion of the recommendation that the Board of Supervisors and Sutter County department heads and/or employees attending the Board of Supervisor's meetings act in a professional manner. The Auditor-Controller has always conducted himself, as have his employees, in a professional manner. Consistent with the spirit of the grand jury report and recommendations, the Auditor-Controller's Office pledges to work toward open and constructive communications and continued professionalism in all appearances before the Board of Supervisors.

2004-05 GRAND JURY REPORTS

ATTACHMENT B
Page 1



SUTTER COUNTY RECEIVED

JIM DENNEY
Sheriff/Coroner
Public Administrator

BILL GROVE
Undersheriff

JUN 30 2005

June 28, 2005

Office of the County Administrator
Sutter County

To: Robert H. Damron, Presiding Judge, Superior Court of California-County of Sutter

From: Jim Denney, Sheriff-Coroner-Public Administrator

Subject: Response to the 2004-2005 Grand Jury Final Report

The following are the responses of the Sheriff-Coroner-Public Administrator to the findings and recommendations of the 2004-2005 Sutter County Grand Jury Final Report. This response is also on the behalf of the respondents identified in the report pertaining to the Sheriff's Department, including Sheriff Jim Denney, Undersheriff Bill Grove, and Captain Dearl Skinner.

Criminal Justice Committee Report (pages 13-14)

Finding:

The Sheriff's Department is a well-run organization. All Sutter County residents should appreciate the Department's attention to community service.

Response:

The Sheriff-Coroner-Public Administrator concurs with the finding. We would like to commend the Grand Jury for their thorough review of the sheriff's department operation and we are extremely grateful for the Grand Jury's complimentary finding. It is a true testament to the hard work of the 141 full-time personnel, as well as numerous reserve and volunteer personnel, who are dedicated to providing quality public safety services to the citizens of Sutter County.

Education Committee Report (pages 24-25)

Finding:

The Grand Jury found that traffic, specifically speeding traffic on Larkin Road near Encinal School, was of particular concern.

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Office: (530) 822-7307 or (530) 822-7312
FAX: (530) 822-7318 • E-Mail: sheniff@co.sutter.ca.us

Sutter County Board of Supervisor's Response to the 2004-05 Grand Jury Report

2004-05 GRAND JURY REPORTS

Response:

The Sheriff-Coroner-Public Administrator concurs with the Grand Jury finding and agrees that speeding is a problem in the area.

The recommendations of the Grand Jury for the Sheriffs Department were as follows:

1. "...better enforcement of speed limits by Sutter County Sheriff's Department during the time school is in session..."
2. "Immediate steps to be taken by the Sutter County Sheriff's Department and the California Highway Patrol before a very avoidable tragedy occurs."

Response:

The Sheriff-Coroner-Public Administrator and the members of the Sheriff's Department take traffic matters surrounding schools seriously and concur with the Grand Jury recommendations. At the present time, the Sheriff's Department is charged with law enforcement responsibility for over 20 schools in 10 different school districts from Live Oak to Pleasant Grove. All of these schools create a demand for service. Although this stretches available resources, we do realize that some schools have traffic problems that are more acute than other schools. The Sheriff's Department notes that Encinal School is located in a rural rather than residential district, it is on a long straight section of roadway (Larkin Road), and its buildings are in close proximity to the roadway. Encinal is a school that has acute environmental traffic problems.

As per 933.05 (b) (2), the following actions will be taken with the following time line:

1. At the beginning of the 2005/06 school year, the Sheriff's Department will place the portable radar trailers in the area or utilize other radar surveys as time and resources permit but at least on a monthly basis. These trailers record the number of automobiles passing, the times of their passing and their speeds.
2. Based on the computer readouts of the times and speeds recorded by the radar surveys, the Sheriff's Department will conduct an on-going radar speed enforcement action in the area of Encinal School as time and resources permit, but shall give priority to Encinal School.
3. The Sheriff's Department will assign the school resource deputies to contact the Encinal School administration at the beginning of the school year in order to put on a traffic awareness and safety program for the students.
4. The Sheriff's Department will forward a copy of these recommendations to the California Highway Patrol for their notification and for any possible assistance in

2004-05 GRAND JURY REPORTS

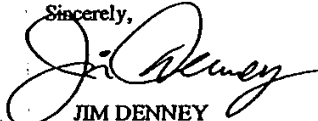
ATTACHMENT B
Page 3

speed enforcement in the area of Encinal School that may be available.

5. A copy of this response will be forwarded to Encinal School recommending the installation of solar powered speed notification radar signs that are operational when school is in session. These signs have been installed and can be observed at Tierra Buena School on Buttehouse Road and appear to be effective.
6. If this is not attainable, a flashing yellow light on the school zone signs that is controlled by the school administration would be beneficial.
7. A copy of this response will be forwarded to Sutter County Public Works Department with the recommendation of increased signage including a warning sign that speeds will be enforced by radar.

This concludes the responses of the Sheriff-Coroner-Public Administrator and the Sutter County Sheriff's Department. As always, should any questions arise from this or any other issue, please do not hesitate to contact me at (530) 822-7312.

Sincerely,



JIM DENNEY
SHERIFF-CORONER

cc: Sutter County Board of Supervisors
Larry T. Combs, County Administrative Officer
Captain Scott Silsbee, Commander, CHP-Yuba/Sutter Office
Staci Kaelin, Principal, Encinal Elementary School
George Musallam, Director, Sutter County Public Works Department

2004-05 GRAND JURY REPORTS

2004-05 GRAND JURY REPORTS

2004-05 GRAND JURY REPORTS

2004-05 GRAND JURY REPORTS