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SUTTER COUNTY GRAND JURY
2003–2004

Roster

Carole L. Akin #
Janie K. Benson *
Raymond C. Brown - (Pro Tem)
Ruby L. Coronado
Thomas J. Crowhurst *
Weldon E. Dodson #
Dale A. Dohve
Richard A. French
Larry D. Garvin
Kathy D. Grove *

Robert E. Kimball Jr. *
James H. Kimerer
Deborah J. Monroe *
Diana S. Nagler
Kenneth Rishe #
Robert Ryan #
Michael R. Sarringar - Foreperson
Donald D. Shippelhoute #
Esther M. Womack

* Committee Chair
# Committee Co-Chairs
COMMITTEES

AUDIT AND FINANCE
COUNTY GOVERNMENT
CRIMINAL JUSTICE
EDUCATION
FIRE & EMERGENCY SERVICES
HEALTH, MENTAL HEALTH & HUMAN SERVICES
PLANNING & ENVIRONMENT
SPECIAL REPORTS
EDIT
Sutter County Grand Jury
2003-2004

First Row: Mike Sarringar, Deborah Monroe, Richard French, Janie Benson
Second Row: Larry Garvin, Tom Crowhurst, Ray Brown, Ruby Coronado, Esther Womack, James Kimerer, Kathy Grove
Third Row: Ken Rishe, Weldon Dodson, Dale Dohve, Robert Kimball, Robert Ryan, Carole Akin, Diana Nagler

Not Pictured Don Shippelhoute
1.0 AUDIT & FINANCE COMMITTEE REPORT
1.1 CERTIFICATES OF PARTICIPATION

INTRODUCTION

Members of the Audit and Finance Committee visited the County Administrator’s office and interviewed Larry Combs, County Administrator and Curtis Coad, Assistant County Administrator. They were cooperative and very knowledgeable about Certificates of Participation (COPs), and how Sutter County has used COPs in the past. They provided the Audit and Finance committee an outstanding overview of COPs. The Grand Jury requested the prior-lease financial agreement of Certifications of Participation for the committee to review.

SUMMARY

Program Operation

Historically, COPs have been a financing method, among other things, to monetize existing surplus real estate. If a local government agency (Lessor) did not have a current need for certain facilities, officials had the authority to lease those facilities to a designated non-profit corporation (Trustee) that would, in turn, sub-lease the facilities to other organizations (Sub-lessees). In order to monetize the facility, Trustees would sell Certificates of Participation in the future sub-lease payments to be received by the corporation. The corporation would then apportion those monies back to the local government agencies.

For projects such as purchasing or constructing new buildings, governmental entities traditionally used long-term bonds, issued with approval of the voters (or, rarely available cash). In 1978 California voters approved Proposition 13, which, among other things, increased the required voter approval for bond debt from a simple majority to a two-thirds vote, and governments found this increased approval percentage quite difficult to obtain. COPs, not requiring any voter approval, quickly became the financing mechanism of choice.

According to the Sutter County Administrator’s office, since the passage of Proposition 13, the Board of Supervisors has limited the use of Certificates of Participation to a minimum. As of June 30, 2003, the outstanding COPs debt was approximately 2.4 million dollars.

Discussion Of Certificates Of Participation

Certificates of Participation are lease-financing agreements in the form of tax-exempt securities similar to bonds. In COPs financing, title to a leased asset is assigned by the lessor to a trustee (non-profit corporation) that holds it for the benefit of the investors, the certificate holders. The participation of many investors in the lease transaction allows the
transformation of what would otherwise be a straightforward financing instrument executed between a lessee and a lessor into a marketable security. COPs are thus a method of leveraging public assets and borrowing all or a portion of the value of a public agency’s equity in those assets in order to finance other assets. By entering into a tax-exempt lease financing agreement, a public agency is using its authority to acquire or dispose of property, rather than its authority to incur debt.

This financing technique provides long-term financing through a lease or lease-purchase agreement that legally does not constitute indebtedness under the State constitutional debt limitation. (Despite this, the term "debt" is generally still used in describing the obligation.) It is not subject to other statutory requirements applicable to bonds, including the requirement of a vote of citizens.

The non-profit corporation is the entity that is created to issue the COPs for sale to investors as marketable securities. This means that the lease enjoys much greater access to funds and creates liquidity for investors. COP-based borrowing makes the certificates marketable and transferable, generally behaving like conventional tax-exempt debt instruments.

A key characteristic of a tax-exempt lease that distinguishes it from bond indebtedness is a non-appropriation clause. The non-appropriation or fiscal funding clause means that payments of the lease are dependent upon an annual appropriation by the governing body. This differentiates the lease from indebtedness because with the non-appropriation provision, the present-year government’s action does not bind succeeding ones to pay the obligation. However, the non-debt classification of lease-purchase financing does not eliminate the need to fund lease payment expenditures nor does it eliminate the responsibility of the government to disclose the obligation in its financial statements.

**COPs Procedure**

The general procedure for issuance of a COP is as follows:

1. The County identifies the leaseable asset, the purpose for incurring debt and the amount of debt to be incurred.
2. The County leases or transfers the leaseable asset to a Lessor.
3. The Lessor leases the asset back to the County.
4. The Lessor’s right to receive lease payments are transferred to a Trustee.
5. The Trustee executes Certificates of Participation that are sold to members of the public.

All of the steps in the leaseback arrangement are performed together giving the appearance of one seamless transaction.

In the event the issuer failed to make a lease appropriation under COPs financing, the lessor would assume ownership of the leased equipment or facility and would also be subjected to a potential change in the tax treatment of the obligation. For these reasons
investors place great emphasis on the essentiality of the leased property. If it is evident that the equipment or facility is essential to the government’s operation, investors feel there is a reduced risk that an event of non-appropriation will occur.

An asset transfer structure for COPs is typically used for two reasons: First, it allows the construction of a project without having to capitalize interest. Second, the project being acquired or constructed may not have a sufficient degree of necessity; encumbering a more essential asset may raise the level of essentiality to allow COP financing.

Some of the stated disadvantages include dilution of the government’s general resources by encumbering equity in the pledged assets and revenue capacity within the current operating budget must be identified. The interest-rate for COPs financing is typically higher than for general obligation bonds. The interest rate differential reflects the added risks of non-appropriation in a lease-purchase financing structure. COPs also require a debt-service reserve fund, typically 10% of the principal, which is not required for general obligation borrowing. Using COPs increases the principal amount borrowed because of the debt service fund.

REPORT

Sutter County Past Use of COPS

According to the latest available Notes to Financial Statements, dated June 30, 2002, and the lease agreement dated January 1991, the Sutter County Board of Supervisors (BOS) approved the issuance of 2,925,000 in Certificates of Participation (COPs) with the aid of Sutter Capital Asset Leasing Corporation. The corporation is a California non-profit public benefit corporation created for the purpose of aiding the financing of projects for the County. The proceeds of the bonds were used to finance construction of the Sutter County Health and Human Services building on Live Oak Boulevard, Yuba City. Bonds are due each December 15 in annual installments of $30,000 increasing to $235,000 in 2021. Interest is payable semiannually on June 15 and December 15 at interest rates varying from 6.0 to 7.8 percent. On June 30, 2002, the balance was $2,470,000.

Certificates of Participation are categorized as long-term debt. The annual requirements to amortize the bonds outstanding as of June 30, 2002 are as follows:

<table>
<thead>
<tr>
<th>Year Ending June 30</th>
<th>Principal</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$ 60,000</td>
<td>$ 189,935</td>
<td>$ 249,935</td>
</tr>
<tr>
<td>2004</td>
<td>$ 65,000</td>
<td>$ 185,200</td>
<td>$ 250,200</td>
</tr>
<tr>
<td>2005</td>
<td>$ 70,000</td>
<td>$ 180,053</td>
<td>$ 250,053</td>
</tr>
<tr>
<td>2006</td>
<td>$ 75,000</td>
<td>$ 174,487</td>
<td>$ 249,487</td>
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<tr>
<td>2007</td>
<td>$ 80,000</td>
<td>$ 168,480</td>
<td>$ 248,480</td>
</tr>
<tr>
<td>2008-2012</td>
<td>$ 520,000</td>
<td>$ 731,250</td>
<td>$ 1,251,250</td>
</tr>
<tr>
<td>2013-2017</td>
<td>$ 755,000</td>
<td>$ 485,355</td>
<td>$ 1,240,355</td>
</tr>
<tr>
<td>2018-2021</td>
<td>$ 845,000</td>
<td>$ 137,865</td>
<td>$ 982,865</td>
</tr>
<tr>
<td>Total</td>
<td>$2,470,000</td>
<td>$2,252,625</td>
<td>$4,722,625</td>
</tr>
</tbody>
</table>
SUMMARY

COPs are lease financing agreements in the form of securities that can be marketed to investors in a manner similar to tax exempt debt. Legally, COPs are not considered debt, however, and can therefore be issued by a vote of the Board of Supervisors rather than requiring a vote of the residents of the County. For this reason, and to encourage public awareness of and knowledge about the proposed issuance, the 2003-2004 Grand Jury believes that a report explaining COPs and the rules by which they are governed is appropriate. This report should also describe past usage of COPs in Sutter County and the present proposal.

FINDING

The general public is not sufficiently aware of the process involved in the issuance of COPs or the extent to which the County has used them in the past.

RECOMMENDATION

The Board of Supervisors should continue to publicize any proposed COPs, and hold public hearings at various locations throughout the county to justify the need, rationale, and the resulting financial obligations of the county.

RESPONDENT

Board of Supervisors, County of Sutter
INTRODUCTION

A series of presentations made by Sutter County Auditor-Controller’s (AC) office and his staff to the county Board of Supervisors (BOS) left questions regarding the accounting principles used by the County Information Technology staff. Our inquiry into the matter exposed two separate issues of concern to this committee. The first is the working relationship between the AC’s office, the County Administrative Officer (CAO) and staff. The second is the absence of an internal audit function within the AC office.

REPORT

In October 2002 county staff began working on the concept of providing remote access to certain county records. This work began out of requests from the public and county departments. The initial concept was brought to the County Information Technology unit (IT) for their input as to the possibility of providing these services. IT then brought in the Treasurers Office and the Assessors Office to determine if there was sufficient interest and funding to pursue such a project.

The project as envisioned would allow users to view, and request certain records that are stored on multiple computer systems. The name given for the system was the Records Query Project (RQP). The project would require the purchase of several pieces of computer hardware, software, software licenses, and a significant investment of staff time to assemble and program the system.

The BOS initially felt that there would be no value in such a system for the average taxpayer. There was, however, sufficient interest internally for staff to be able to remotely view records of other departments. The staff had access to the records in question, but acquiring them required either an in-person visit or a phone call to the holder of the desired records. With the interest came a commitment of $56,960 from the Clerk-Recorders Trust Fund, and an additional Trust Fund commitment of $25,570 from the Assessor’s Office.

Even with these commitments, there was a shortfall of about $55,500 from the expected cost of the system. With this, county staff approached several businesses in the area to determine if they would be willing to “subscribe” to this system. The expected subscription rate was $6,000, which they thought would nearly cover the shortfall over the expected life of the system. The benefit to these entities would be that they could obtain timely and accurate information relative to properties in Sutter County. They currently must either send someone to one or all of three county offices, or call them for the information they require. Six title companies expressed an interest in subscribing. However, before work could begin the BOS needed to approve the project and the shortfall needed to be financed. In June of 2003, the Department of Information Technology (IT)
asked the BOS to approve the project, and authorize a loan from the general fund to cover the shortfall, with the understanding that it would be repaid with subscription revenue.

The RQP provides all internet users access to some records, while subscribers, and county staff would have access to a wider variety of records using an intranet (network).

The Auditor Controllers (AC) office has the responsibility to ensure that Sutter County accounts for their financial activities in conformance with and as required by “Government Accounting, Auditing, and Financial Reporting,” as well as the “Accounting Standards and Procedures for Counties” (Grey Book). The AC office became aware of the project in early June 2003 when they were asked to prepare a budget transfer for the RQP. The requested transfer was completed, and a separate fund was established to account for expenditures.

Soon thereafter, the AC’s office began asking questions of IT as to how they were accounting for various portions of the RQP. Over several months, questions were raised relative to overhead costs of IT, depreciation of equipment and programmer time, how internal users would be billed, how the general fund loan would be paid, and how subscribers would pay.

The AC voiced concerns over the $6,000 per subscriber fee, as they did not feel that it would be sufficient to repay the General Fund Loan over the expected 5 year life of the RQP. On January 6, 2004, the terms of the General Fund loan, (approved by the BOS in June 2003) were presented to the BOS. The agreement terms were accepted as originally drafted despite reservations raised by the AC.

A $6,000 subscription fee was put on the BOS agenda for February 17, 2004. On that day, the AC sent a letter to the County Administrators Office in which he documented several concerns over the proposed $6,000 fee. He was not aware of a valid agreement specifying the terms of the General Fund loan, administrative overhead costs, no interest was being paid on the loan, and the result of these would be an out of balance budget (prohibited by government accounting standards). The result would be that the taxpayers would subsidize the RQP. The item was pulled from the agenda until the following week February 24, 2004.

At 4:40 p.m. on February 24, 2004, the CAO sent the AC a faxed response to his February 17th letter. The response indicated the CAO and BOS were moving ahead as planned. With only 2 hours and 20 minutes remaining before the BOS meeting, the AC’s office, working with the costs that had been posted to the general ledger and the projected amount to be complete, calculated what they thought the fees should be. Based on these numbers, the AC made the decision to make a public presentation at the BOS meeting to express his concern over the rate.

It was while attending this meeting that members of this body became aware of the conflict over the RQP. The AC, acting on the numbers generated by his staff, went before the Board with a request that the issue be pulled from the agenda for another week. This
would allow for his office, the CAO’s office and the IT Department to compare their data, and ensure that the subscription rate was set in a fair and legal manner. The BOS ultimately did so, but not before considerable discussion had taken place on the issue.

Subsequent meetings of all involved resulted in the agreement that the $6,000 fee was appropriate for the time, but that as the RQP progresses, adjustments to the rates may be necessary. While the rate had been agreed to, the accounting methods used to arrive at the figure had not. For example, the CAO suggests that Section 15.05 of the Grey Book gives him flexibility in capitalizing the cost of internally developed software. This project was written using an internal service fund, but fees are charged to external users for the use of the RQP, which would indicate that for depreciation, it should be treated as an enterprise fund (Grey Book 1.08 b 1) not as an internal service fund. Sections 13.09 and 13.10 also appear to require depreciation of these costs.

The AC’s office chose to make an appearance before the BOS at their March 2nd meeting. In their presentation, they stated that their figures from the prior week were correct.

FINDINGS

There is a lack of internal audits performed by the Auditor Controller’s office. The AC does not employ a single auditor as described in Section 26881 of the Government code, which reads:

The county auditor, or in counties that have the office of controller, the auditor-controller shall be the chief accounting officer of the county. Upon order of the board of supervisors, the auditor or auditor-controller shall prescribe, and shall exercise a general supervision, including the ability to review departmental and countywide internal controls, over the accounting forms and the method of keeping the accounts of all offices, departments and institutions under the control of the board of supervisors and of all districts whose funds are kept in the county treasury.

Thus, the responsibility of general oversight and review of county internal controls should be vested with the Auditor Controller, as did the Audit firm of Smith & Newell, a local agency, in there November 2002 Audit Report. While Smith & Newell opined that a lack of leadership at the AC office resulted in this lack of oversight, it is incumbent upon the AC and the BOS to work together to fund and develop an internal audit unit within the AC’s office.

RECOMMENDATIONS

- The AC and the BOS should work together to ensure that an internal audit unit in the AC office is funded, developed and audits are preformed.

- The BOS should defer to the AC on issues concerning proper accounting of county funds.
• The BOS should direct the CAO to provide timely and accurate responses to the AC request for information.

• It is recommended that the AC bring issues before the BOS in a manner that allows the BOS to ask clarifying questions.

RESPONDENT

Board of Supervisors, County of Sutter
County Administrative Officer
Sutter County Auditor-Controller
2.0 COUNTY GOVERNMENT COMMITTEE REPORT
2.0 COUNTY GOVERNMENT

2.1 CITY OF LIVE OAK

INTRODUCTION

Increased traffic on Highway 99 in Live Oak has created traffic hazards at several intersections. We looked at the following locations: Highway 99 and Pennington Road, Highway 99 and Elm Street, and at the intersection of Connecticut and Pennington Road.

FINDINGS

A number of incidents have happened on Highway 99 and Elm Street intersection causing severe injuries in the past few years, one involves a 3-year-old child and the second a teenage boy as they tried to cross this intersection. The increase in home construction and population in the Live Oak Area raises the risk of injuries to school age children if corrective action is not taken.

RECOMMENDATION

It is recommended that the 2004-2005 Grand Jury consider looking into this matter further.

RESPONDENT

City of Live Oak
California Department of Transportation
INTRODUCTION

The Sutter County Grand Jury conducted an interview with Jeff Foltz, City Administrator, and William Lewis, Utilities Director. The interview was to discuss issues that were brought to the Grand Jury concerning water and sewer hook-ups to the city facility.

REPORT

On February 19, 2004, the Sutter County Grand Jury and the County Government committee met with Mr. Foltz and Mr. Lewis to discuss issues brought to the attention of the committee, and the following questions and answers were given.

**Question:** Are residents being forced to hook up to the city water/sewer system?
**Answer:** There is no one being forced to hook up to the system. A neighborhood meeting is called, and in that meeting, the pros and cons are discussed and open discussion follows. Then a second meeting is called and an assessment committee is formed.
1. The issue is put to a vote.
2. If the vote is “yes” by a simple majority, then the hook up can be done.
3. If you choose not to hook up at that time, you may pay a higher fee at a later date.

**Question:** Is there a discount for residents on a fixed income?
**Answer:** There is not a discount for fixed income residents. However, there are many different ways to finance the cost. For example:
1. You can pay cash.
2. Take a second out on your mortgage loan.
3. Include it in your property tax assessment.

For water hook up it is estimated to cost $5000 and for sewer it is estimated to cost $6600. Residents have two options to finance the hook up fees. One is to add the cost to your property tax and the other is to pay for it at the time the service is rendered in one lump sum payment.

The hook-up fees include a connection fee, extension, and a meter for the water. The fees for the sewer cover the connection fee, extension fee, and hook-up fee from the main sewer line in the middle of the street to the septic tank.
**Question:** What are the pros and cons between city water and well water, and between city sewer and septic tank?

**Answer:** With the hook up to the city system, the water is tested regularly for arsenic, lead, copper, nitrate, chloride, iron, and manganese. All of these tests are monitored and maintained at state and federal levels. Also, with the use of city sewer if you have a back-up in your sewer, you can call the public works department, and a city worker will come out at no charge. The worker will assess or fix the problem if it is in the city’s line. If not, the city worker will suggest that a licensed commercial plumber be called.

**RECOMMENDATION**

None

**RESPONDENTS**

City Council of Yuba City  
Sutter County Board of Supervisors
3.0 CRIMINAL JUSTICE
COMMITTEE REPORT
3.0 CRIMINAL JUSTICE

3.1 BI-COUNTY JUVENILE HALL

INTRODUCTION

On February 4, 2004, the Criminal Justice Committee conducted an inspection of the Bi-County Juvenile Hall facility. Before the tour of the facility the committee interviewed the Director, Frank Sorgea. We reviewed the recommendations of the 2002-2003 Grand Jury.

SUMMARY

The Bi-County Juvenile Hall is in compliance with Section 1324 of Title 15 of the California Code of Regulations. The Policies and Procedures Manual was available in a hard copy form.

REPORT

Policies and Procedures Manual Issue

On February 4, 2004, the members of the Sutter County Grand Jury Criminal Justice Committee conducted an on-site inspection of the Bi-County Juvenile Hall in Marysville, California (Yuba County). The following manuals were available for our viewing.

- Enabling Law and Code of Regulations for Program Operations
- Mission Statements and Goals
- Procedural Manual
- Staff Policy and Procedure Handbook
- Staff Hiring and Recruiting Procedures
- Data of Staff Turnover
- Budget for FY 2003-2004
- Funding Sources (local, state and federal)
- Emergency and Disaster Planning

Discussion of the hard copy of the Policies and Procedures Manual: The committee noted some changes to be made in the Manual as follows:

1. The Manual states that the keys for the van are located at the Yuba County Yard; however, the van is located at the facility.
2. A few minor changes in the wording before the Manual is reprinted and available for the staff and personnel to view.
Program Operation

The purpose of the Juvenile Hall is to house minors (under the age of 18). It is a supervised locked down facility for the protection of the community. These are minors who have committed a felony and have been convicted. Some are being detained for court trials. The maximum population for the facility is 60.

The facility consists of three separate units: Juvenile Hall, Camp Singer and the Secure Housing Unit, referred to as “The Shu.” The age of the youths in the facility range from 11 to 18 years of age. Females and males are housed in separate quarters. They are together only in the school classrooms.

Juvenile Hall is for adolescents who have been arrested and are waiting for the disposition of their cases.

Camp Singer is for adolescents who have been sentenced for a specific period of time from 60 to 180 days.

The Secure Housing is for adolescents awaiting further placement or for security matters.

The ratio of officers to adolescents is 1:10 a unit during the day shifts and 1:30 during the night shifts.

Sutter and Yuba Counties share the cost for housing the youthful offenders; they also rent beds to the surrounding counties when there is availability.

Superintendent Frank Sorgea has initiated a program called PASS or Probation and School Success that places Probation Officers in the local schools.

Juvenile Hall has a full-time nurse and psychological therapist on the premises and a doctor on call. All adolescents are evaluated at the time of entry. Some are prescribed drugs for psychotic behavior.

Juvenile Hall has work/learning programs that teach these youth skills that can be used when released back to society. They can learn carpentry, food services, and sanitation.

Meals are prepared on site, by a full-time chef and the youths help with food preparation and food service. The meals are hardy and nutritious.

Juvenile Hall has an ongoing school for the entire student body, including a remedial reading program.

The director showed the grounds to the committee that included the Sally Port area, Emergency Generator and informed us that there are future plans for the adjoining baseball field that was recently purchased. An obstacle course, volleyball and basketball court are also planned for the future.
FINDINGS

The Bi-County Juvenile Hall’s daily operations appear to be in compliance and Juvenile Hall is a clean and well-functioning facility.

RECOMMENDATIONS

It is recommended that the Sally Port should be fenced with a gate to insure that no youth can flee while being unloaded into the facility.

The emergency generator should be enclosed with a fence to protect someone from getting burned on the exhaust or other hot surfaces.

The lawn needs to be cut and weeds should be removed from the grounds.

The Procedural Manual needs to be updated.

RESPONDENTS

Chris Odom, Chief Probation Officer, Sutter County
Board of Supervisors, Sutter County
Steve Roper, Chief Probation Officer, Yuba County
Frank Sorgea, Superintendent, Bi-County Juvenile Hall
Presiding Judge of the Juvenile Court, Yuba County
3.0 CRIMINAL JUSTICE

3.2 LEO CHESNEY COMMUNITY CORRECTIONAL FACILITY

INTRODUCTION

Members of the Grand Jury inspected and toured the Leo Chesney Community Correctional Facility in Live Oak, California, pursuant to the California Penal Code, Section 919b. Personnel interviewed included the current Director, Ron Murray, and the Program Director, Paula Ford. After the interview both Murray and Ford gave the members of the Grand Jury a tour of the facility.

The members of the Grand Jury also had available for viewing the following documents appropriate to the operation of the Leo Chesney facility.

- Enabling Laws and Code Regulations for program operation
- Mission Statement
- Procedural Manual
- Staff Policy and Procedure Handbook
- Staff Hiring and Recruiting Procedures
- Data on Staff Turnover
- Budget for the year 2002-2003
- Funding Sources (local, state and federal)
- Emergency and Disaster Preparedness Plan

SUMMARY

The Leo Chesney Community Correctional Facility is a very well run and organized facility.

REPORT

Mission

The Leo Chesney Correctional Facility is a privately run minimum-security institution overseen by Cornell Corrections, Inc. based in Houston, Texas. The Company mission statement is “We are a values and mission driven company. Anyone can build and operate programs and facilities, but it is the manner in which Cornell operates its programs and facilities that truly make a difference. We want our clients to become contributing members of society. We are committed to making a difference.”

Program Overview

The facility opened in 1989 and had (on the day of inspection) 185 low-risk security female inmates. It has a capacity of 220 inmates. All the inmates are contracted through
the California Department of Corrections. The facility sits on ten acres, with seven buildings. The facility employs 38 full-time staff, four California Department of Corrections full-time staff and ten on-call employees. There is a full-time nurse on the staff. The facility has an annual budget of just over 3.5 million dollars.

The facility houses inmates who have less than eighteen months left on their sentences, however the average stay is four to six months. The inmates must have a clean discipline record and the facility takes the top 15 percent of the inmates from other women’s prisons. The facility earns revenue through contracting from other California Department of Corrections Facilities. All inmates are required to take the Test of Adult Basic Education (TABE), and if found to test lower than the sixth grade must attend school provided for on the facility campus. There are other services that inmates can attend: health care, individual and group counseling, to name a few of the many classes given.

**Educational Opportunities**

Basic Math and English skills are required for all inmates who do not pass the TABE with at least sixth grade skills. There is a computer room where the inmates can learn basic computer skills including resumes. Help is also available for study to take the GED. The inmates have a chef program in which a select few inmates (4 to 6) go through an intensive course of learning to cook and prepare food. The six week course is job preparation for work in hotel food services once released. The day the Grand Jury members toured the facility the menu was Beef à la Mode, Braised Carrots and Cherry Cobbler. The Chief Chef at the facility teaches the course.

**Work Opportunities**

There are numerous opportunities for the inmates to work, which is necessary if not enrolled in school. Job responsibilities vary depending on assignments: some of those are clerical, library, maintenance, groundskeeper, and housekeeping duties. The inmates also just started a highway clean-up crew that includes along Highway 99 from Lomo Crossing to the Live Oak city limits. Another skill building job the inmates just started is small engine repair. An effort is being made to teach the inmates many different skills so they will have opportunities in the outside world. The inmates earn money for the work they do and the money is deposited into an inmate’s trust account that can be used to buy items through catalogs or food items at the commissary. Any remaining funds are given to the inmates upon release.

**Community Relations**

The Leo Chesney Center provides many opportunities for the inmates to work throughout Live Oak. The primary focus is a landscape maintenance program that is responsible for keeping the Live Oak community beautiful. The inmates perform the landscaping for the city parks, baseball fields, city hall, and along the railroad tracks. The inmates use their talents in painting signs for local school and non-profit organizations to promote fundraisers. They also bake assorted breads for local church fundraisers. The facility has a
prison prevention program, in which inmates go into schools and speak to students about why they are serving time.

FINDINGS

The Grand Jury found no problems to report. The staff was very pleasant, knowledgeable and showed great respect for the inmates, and often referred to them as “Ladies” and not as inmates. It should be noted that the cost of incarceration here is about $35 per day Vs $65 to $70 per day in a state run facility.

RECOMMENDATION

None

RESPONDENT

Ron Murray, Facility Director, Leo Chesney Detention Center
3.3 SUTTER COUNTY SHERIFF’S DEPARTMENT

INTRODUCTION

On January 15, 2004, members of the Grand Jury Criminal Justice Committee met with Sheriff Jim Denney, and Under-Sheriff Bill Grove, and other staff members. We first met with the Sheriff and Under-Sheriff for an informal discussion on the overview of the Department and were given a full tour of the jail.

Available for our viewing were the following Manuals.

- Enabling Laws and Code of Regulation for program operations
- Mission Statement and Goals
- Procedural Manual
- Staff Policy and Procedures Manual
- Staff Hiring and Recruiting Procedures
- Data on Staff Turnover
- Budget for FY 2003-2004
- Funding Sources (local, state and federal)
- Emergency and Disaster Preparedness Plan

SUMMARY

The Grand Jury found that the Sheriff’s Department is operated in compliance with the California Board of Corrections Penal Code 919 A & B.

REPORT

The Grand Jury was given a tour of the Jail. The committee also had a chance to sit in on a court session via closed circuit-television. The court hearing process is completed within the jail instead of being transported to the County Courthouse. This procedure has saved the county money.

The members of the Grand Jury also were given a tour of the evidence room. Since last years Grand Jury visit, the Sheriff’s Department has remodeled and organized the evidence for easy access and also has given the department more room for storage.

The Sheriff’s Department has four sections within the department: the Patrol Division, the Detective Division, the Jail Division, and the Support Service Division. Each Division has a Captain, also referred to as a Division Commander.

The jail’s maximum bed space is 358 inmates and at the time of the visit there were 248 inmates.
They are able to feed each inmate a hot meal at a cost of $1.00 per meal.

The Department has had no suicides, nor attempted suicides to report. One inmate walked away last year.

The work furlough program is offered to minimum-security inmates, each inmate has to pay an application fee of $25.00 and $15.00 per day to be enrolled in this work release program. The fees charged are to offset the cost of keeping watch that the inmates are where they are supposed to be. The owner/manager of where they are working has to make a promise that the inmate works for him and that he will be responsible for that inmate during the time they are working.

The work release programs give inmates a chance to learn a trade in landscaping, taking care of the grounds around Yuba City and help in the Animal Control Office.

FINDINGS

The last budget cut cost the Sheriff’s Department six Sheriff Positions and three court bailiffs totaling $500,000.

After the initial visit with the Sheriff, members of the Grand Jury returned to view the “Megan Law” computer system and it was found to have the most current information available to the general public.

RECOMMENDATION

The locker where the staff secures their firearms appears to be rusty. We are asking to have this repaired or replaced.

RESPONDENT

Jim Denney, Sutter County Sheriff
3.4 YUBA CITY POLICE DEPARTMENT

INTRODUCTION

On January 13, 2004, the members of the Grand Jury visited the Yuba City Police Department. The Grand Jury found the department well run and technologically advanced.

REPORT

- There are approximately 85 people employed by the Yuba City Police Department (YCPD).
- 45 officers and 40 support people.
- Nine to ten police cars are on patrol at all times.
- There are approximately 32,000 incident calls per year that require an officer to respond.
- Approximately 100,000 (911) calls are logged each year.
- Salary and benefits are within the median range of cities of comparable size.
- The highest level of salary is approximately $87,000 for a senior Captain.
- Maternity leave is given to male, as well as female employees.
- YCPD has a S.W.A.T. team that is made up of YCPD officers and Sutter County Sheriff’s Department and responds to all S.W.A.T. necessary incidents in Sutter County, Yuba County, and Beale Air Force Base.
- A vehicle was purchased from Beale Air Force Base and refurbished for the use of the S.W.A.T. team.
- There are computers in all the YCPD vehicles on patrol for officers to access both the YCPD manual and for other routine police work.
- The members of YCPD have been very diligent in writing and receiving grant money, which has enabled them to become technologically advanced.
- The current budget for the YCPD is $7.2 million. The current state budget crisis will have some effect on the YCPD, but will not be devastating.
- YCPD is in direct communication with the State Office of Emergency Planning as well as the FBI, and the Office of Homeland Security.

After this initial visit members returned and visited with personnel in charge of “Megan’s Law”. This law was formed to ensure that the public is aware of all registered sex offenders living in their neighborhood. The Grand Jury found that the YCPD has the most current information available to them. This is available for the public to view at the YCPD main office and at the Satellite Office in the Yuba City Mall.
RECOMMENDATION

None

RESPONDENTS

Chief Richard Doscher, Yuba City Police Department
City Council of Yuba City
4.0 EDUCATION
COMMITTEE REPORT
INTRODUCTION

The Sutter County Grand Jury received a citizen’s complaint alleging certain school funding improprieties. As a result, the citizen and select School Officials were asked to appear before the Education Committee to discuss the matter.

SUMMARY

The Sutter County Grand Jury responded to allegations of financial wrongdoing in Sutter County relating to school funding. We examined all the available facts, and after careful evaluation, we determined that the information we examined did not support a finding that there had been a misuse of public funds in this instance.

FINDINGS

A citizen made a written complaint to the Grand Jury regarding the use of Measure SS Bond monies. The Grand Jury invited the citizen to appear before the Education Committee to discuss the complaint and to further clarify the issues.

As a result of information provided by the citizen, we asked the Yuba City Unified School District Officials a series of questions that were answered promptly and thoroughly. We also examined select school and county records to help us understand the issue. After careful evaluation and thorough examination, we found that the totality of the facts provided did not give rise to a finding of malfeasance or wrongdoing on the part of school officials. The problem seemed to stem primarily from different data submitted in different reports. The material had been published by different parties and showed different dollar amounts for different versions of the same project. It is understandable how this data might result in a cause for alarm if all the information was not made available at the same time.

We would like to note that School officials cooperated fully in this investigation and we would like to thank them for their prompt and thorough assistance. We would like to offer a special commendation to the citizen for coming forward in what must have been very difficult circumstances. We would also like to encourage others to come forward with complaints to the Grand Jury when they reasonably believe that there may be wrongdoing on the part of any official in any capacity in the County of Sutter.

RECOMMENDATION

None
RESPONDENT

Patrick Godwin-Superintendent, Yuba City Unified School District
4.0 EDUCATION COMMITTEE

4.2 LIVE OAK ALTERNATIVE SCHOOLS

INTRODUCTION

The Grand Jury visited Live Oak Alternative Schools on March 29, 2004. The primary purpose of our visit is the Grand Jury’s continuing and routine monitoring of government entities and programs in Sutter County.

The Live Oak Alternative Schools were established in the community of Live Oak in northern Sutter County. The Alternative School programs have 70 students in attendance that is instructed by 3.5 teachers which represents a 20:1 student-to-teacher ratio. The alternative programs are available to students in danger of becoming deficient in academics, attendance, or who have certain behavioral concerns. Alternative education is comprised of four programs located at the Valley Oak High School Campus, Continuation High School, Independent Study Program, Learning Opportunity Program, and Home and Hospital Instruction Program.

The Continuation High School is an alternative setting for students in grades 10 through 12. The school is intended to provide learning opportunities for high school students who are deficient in educational credit or who perform better in a smaller classroom environment. At the time of our visit, 30 students were participating in this continuation program.

The Independent Study Program provides long-term independent study on a semester to semester basis for kindergarten through grade twelve. These students may earn academic credit for school related work they perform outside the classroom. The students in this program meet with their teachers weekly to review their work and to acquire new assignments. At the time of our visit, 23 students were participating in this program.

The Learning Opportunity Program serves students in grades seven through nine. Students participating in this program can earn academic credit in a special setting that will permit them to be promoted to high school or to return to their middle school. At the time of our visit, 15 students were participating in this program.

The Home and Hospital Instruction Program serves students who have medical needs that prevent them from attending school. The instruction typically takes place in the home, hospital, or other suitable setting and continues until the student is able to return to a formal school setting. At the time of our visit, two students were participating in this program.

SUMMARY

The Grand Jury noted one safety item and one procedural item that should be looked into by school officials.
FINDINGS

Inside the Classrooms

The classrooms that were visited seemed to be busy with various educational activities. The teachers provided brief impromptu reports about what was taking place in each room. In one case, we observed a student who was making a decorative ceramic item. The student took a moment to explain to us some of the item’s features and seemed genuinely proud at what he had accomplished.

Office Stairway and Entrance Ramp

The stairway leading to the school office is made primarily of metal. A thin sheet of metal covers the area at the top of the stairs just outside the entrance. When one of the Grand Jury members stepped in the center of the metal area just outside the office, the metal sheet gave way several inches and made a loud noise. The employee immediately inside the building acknowledged the problem and apologized for the situation.

Proper Display, Storage, and Handling of Flags

The United States and California State Flags had not been raised on the flagpole the morning we arrived. Instead, the two flags were stored in a pile in one corner of a room next to the office. The flags were stored in this manner in plain view of anyone who might happen to enter the office. A school employee stated that school procedure called for the flag to be raised on the flagpole each morning while school was in session and that it was to be taken down each afternoon. The person who was assigned the duty of raising and lowering the flag was present in the school office during our visit.

RECOMMENDATIONS

It is recommended that the entry ramp and stairway be repaired, or replaced.

It is recommended that the proper procedures for display, storage, and handling of the United States and California Flags be followed.

RESPONDENT

Steven Hiscock, Live Oak Unified School District
INTRODUCTION

The Grand Jury visited Encinal Elementary School on March 31, 2004. The purpose of the visit was the Grand Jury’s continuing and routine monitoring of Government entities and programs in Sutter County. The school is located south of Live Oak at 6484 Larkin Road. Students ranging from Kindergarten to 8th grade attend the facility. The school has four classrooms each containing mixed grades. The breakdown is:

- Grades K-2 in one classroom.
- Grades 3-4 in one classroom.
- Grades 5-6 in one classroom.
- Grades 7-8 in one classroom.

SUMMARY

The Grand Jury noted several items that should be looked into by school officials. These included three items that impact student health and one item that affects school security.

FINDINGS

**General Facility**

The exterior of the structures was new in appearance and seemed well maintained. The buildings had been recently painted.

**Inside the Classrooms**

Each classroom was full of students, and, in each case, the students were involved in educational activities.

The teachers made good use of a small amount of equipment. The desks seemed functional for classroom educational purposes, but the teaching staff seemed to get excellent use from the devices by clever positioning of the tables in relation to other equipment and displays.

**Food Preparation**

We walked through the cafeteria just prior to the lunch period. A worker was busy preparing the lunch meal for the day, which was taco salads. We observed that the worker was handling unpackaged food without wearing gloves or a hairnet in violation of California Health and Safety Code, Section 114020.(a)&(b). Additionally, open containers
of food were positioned next to other storage containers containing non-food items in violation of California Health and Safety Code, Section 114080.(4). The area in and around the kitchen was cluttered and unclean.

**The Asphalt**

The asphalt play area was severely cracked, creating an uneven surface. The asphalt area is used extensively for recreation and general movement around the school grounds.

**Area Security**

We walked through a building where various equipment and supplies were being stored. The building contained a number of items that seemed expensive including numerous musical instruments. Two doors to the building were unlocked and open. The building is physically located near the front of the school grounds adjacent to a fence which was also unlocked and open. No one was working in or around the building. The doors and the gate remained open during our entire visit.

**Area Foliage**

Grasses and weeds in and around the school area ranged from several inches high in many places to several feet high in a few instances. In some cases, these were growing in the play areas and next to structures, such as the storage building.

**Area Cleanliness**

The area around the school buildings contained some items that should be removed. Some of the items included aluminum soft drink cans, piles of cinderblocks, and what appeared to be a table that was stored upside down. All the items, including the cans, seemed to have been in place for some time. The cinderblocks were located behind the buildings in an area accessible to children. The blocks were piled with some other debris and had a substantial growth of grass around them.

**Inside the Library**

We looked in the area that served as the library and meeting area. The library seemed well used and had an adequate collection of books for its size. The room was somewhat disorderly; However, this might be a result of heavy use.

In the area near the sink, there was a large spider web that had been in place for some time. The web was occupied by a large live spider. Additionally, the area near the entrance to the library was being used to store surplus carpet.
**Larkin Road**

Steven Hiscock expressed concern that Larkin Road is a high-speed route which is located directly in front of the main buildings. Even though the road has marked signs that indicate a maximum speed limit of 25 miles per hour when students are present, the speed limit seemed to be frequently ignored.

**RECOMMENDATIONS**

**Food Preparation:** It is recommended the school enforce state health codes.

**Asphalt:** It is recommended the cracks in the asphalt recreation area should be repaired.

**Area Security:** It is recommended that this building be locked whenever a member of the faculty or staff is not immediately present.

**Area Foliage:** It is recommended that area foliage be trimmed.

**Area Cleanliness:** It is recommended that the debris be removed.

**Inside the Library:** It is recommended that the library be cleaned and surplus carpet be removed.

**Larkin Road:** It is recommended that the school work closely with the California Highway Patrol, Sutter County Sheriff’s office, Caltrans, appropriate county departments, and any other applicable entity to help with safety features and enforcement of applicable speed limits.

**2004-2005 Grand Jury:** It is recommended that the 2004-2005 Grand Jury return to Encinal Elementary school next year and follow-up on these recommendations.

**RESPONDENT**

Steven Hiscock, Live Oak Unified School District
4.0 EDUCATION COMMITTEE

4.4 ROBBINS ELEMENTARY SCHOOL

INTRODUCTION

Grand Jury Education Committee members visited Robbins Elementary School on April 13, 2004. They spoke with Principal Mary Rice, who serves as a teaching principal.

SUMMARY

Robbins Elementary is a K-8 school with a large and very clean campus. Mrs. Rice indicated that Robbins students rank high statewide, but did not know their exact ranking. Students do have good reading skills, and there is no truancy or gang-related problems. The school participates in inter-scholastic sports and proudly displays a number of trophies in a cabinet at the school entrance.

There is an active involvement with the school by parents; they take an active part in activities and have one or two fund-raisers each year.

Robbins has 77 students enrolled at present and could accommodate about 125 at full capacity.

FINDINGS

Our visit is noteworthy in that we found no concerns that should be addressed at this time. It’s a school that appears to be fulfilling its’ obligation to our community by providing a safe and effective learning environment. It is a fact that the closing of Robbins Elementary School is under discussion.

RECOMMENDATIONS

It is recommended this school remain open for the good of the community that enrollment be increased to the schools capacity by busing from area schools that are overcrowded. It is recommended that the 2004-2005 Grand Jury look into the attendance record of migrant students.

RESPONDENT

Patrick Godwin – Superintendent, Yuba City Unified School District
4.5 CENTRAL GAITHER ELEMENTARY SCHOOL

INTRODUCTION

Central Gaither Elementary School has 188 students currently enrolled and could grow to 200 without any additional strain, according to Principal Debbie Everett. The school did not exhibit any serious problems, in spite of the fact that it is undergoing modernization, with new wiring, asbestos removal, and painting. The walkways are also scheduled to be re-paved.

FINDINGS

On an educational level, the school ranks high statewide. There are three computers in every classroom, and students are not allowed to use the internet except during class instruction. Their inter-scholastic sports participation is somewhat limited by a dearth of coaches.

Central Gaither could accommodate more students but lack the ability to transport students from out of their area. With transportation provided, the attendance area for this school could be expanded to take the load off Lincoln, Andros Karperos, and South Walton schools.

RECOMMENDATION

Yuba City Unified School District should explore the possibility of providing such transportation, which could be a more economical way to keep this school at capacity and avoid costly new construction at the other schools.

RESPONDENT

Patrick Godwin – Superintendent, Yuba City Unified School District
4.6 BUTTE VIEW HIGH SCHOOL

INTRODUCTION


After a brief conversation with District Superintendent Ryan Robinson in his office, the Grand Jurors proceeded to the site of Butte View High School, the wood and metal shop at the old high school site, where they interviewed Bud Myers, who is both a teacher and the Principal.

SUMMARY

Butte View High School has 45 students currently enrolled. These students had previously attended Sutter High School but had failed academically, in attendance, or in behavior. The staff consists of two full-time and four part-time teachers. Some staff members work at both schools. Butte View students may take certain electives at Sutter High School.

FINDINGS

Of the 280 credits available in four years at Sutter High School, 250 are required for graduation. The ultimate goal of Butte View students, according to Mr. Myers, is to return to Sutter High to graduate with a Sutter High diploma, but, they also may earn an adult education diploma, or they may take and pass the GED test and receive that certificate.

The District has plans to expand both the agriculture department and the continuation high school and is in the process of building classrooms for continuation students at the Sutter High School site.

RECOMMENDATION

It is recommended that the district continue the construction of continuation school classrooms at the high school site to allow more convenient management of the continuation school by district administrators.

RESPONDENT

Ryan Robinson – Superintendent, Sutter Union High School District
4.0 EDUCATION COMMITTEE

4.7 YUBA CITY HIGH SCHOOL

INTRODUCTION

The Education Committee of the Grand Jury visited Yuba City High School (YCHS) on February 20, 2004. The purpose of the visit was the Grand Jury’s continuing examination of government entities and programs in Sutter County. Our primary focus of this visit was to examine the school’s security procedures.

We interviewed school officials, campus security staff and Yuba City Police Officer Al Ortega. Officer Ortega is the School’s Resource Officer assigned to the Yuba City Unified School District. The position is funded on a 50/50 split by the School District and the City since it is their joint responsibility to ensure proper security procedures are in place and followed.

During the visit, we were provided an overview of the campus security along with statistics pertaining to incidents of security breaches. We learned that even though campus violence exists, the security staff is able to deter and keep it to a minimum. Campus violence is low compared to other state schools of similar size and makeup. It should be noted that the Yuba City High School is maintaining a student population of nearly 3000 and that the school was designed to accommodate only 1200.

SUMMARY

The Grand Jury was pleased with our visit to Yuba City High School. We understand that procedures can always be improved upon, but, we felt that the security staff had gone well beyond what might normally be expected in the implementation and monitoring of programs to ensure the safety of the students and in providing programs to benefit students.

FINDINGS

School Programs

During our visit, Al Ortega and school officials discussed a number of school programs designed to deal with members of gangs and other students who may be prone to violence. These programs included certain after-school activities, counseling programs, and fund raising programs.

After School Program is a program intended to provide at-risk students with certain counseling and academic assistance. The program occurs mostly after regular school hours and provides select students with a place to complete homework in a structured environment. The program provides tutors and counselors for students who are having
difficulty completing school assignments or who are having certain behavior problems. Much of the assistance is provided by other students.

Cans for Kids program is a program that collects aluminum cans, sells them, and uses the funds for certain school programs. The money is placed in an account at the book store and is monitored by school officials. The primary use for the money is to purchase school supplies for students whose families are experiencing financial hardship or to replace items in the possession of students that exhibit gang-related markings.

Used Clothing program is a program that collects clothing for student use. The clothing comes from donations and, like the Cans for Kids program, it is used to help those students who are suffering from financial hardship or who wear clothing that displays gang-related markings.

Counseling and Homework assistance programs are also available and two students appeared before us and made presentations. One of the students was a counselor in the program who provided assistance to at-risk students. The other student was a benefactor of the programs in place for at-risk students. The student was taken into the program and seemed to have made a substantial turnaround. This student represents only one of the many examples of young lives who have been helped by these programs.

**Video Surveillance**

YCHS has in place a video monitoring system comprised of numerous cameras that oversee certain areas where students congregate. The cameras provide a means by which school officials can monitor certain trouble prone locations. The cameras transmit video data to a computer for recording. The video feed from the cameras also display on a series of monitors in a small room where the computer equipment is stored. The cameras can be manually controlled, sweeping from side to side, to make more area available for viewing. To be most effective, the live feed from the camera should be monitored by a person during those times when students are most likely to be outside the classroom. Officer Ortega indicated that they were looking into the possibility of having the video displays monitored by a qualified volunteer such as a Police Cadet or other similar person during the students’ peak congregation times.

**Conclusion**

Al Ortega and YCHS officials should be commended for their efforts. They have gone well beyond what would normally be expected of a school to reach out to troubled youth to try and bring them back into the educational mainstream.

Further, the two students who appeared before us should be applauded. The Grand Jury sent special letters of commendation to each of them for the presentations they made to the Education Committee.
RECOMMENDATIONS

We recommend that school officials relocate some of the cameras so there are better fields of vision. We also recommend that additional cameras and camera mounts be purchased to provide more complete visibility of school grounds. We also recommend that school officials proceed with their efforts to acquire qualified volunteer monitors to observe video displays to help free staff resources for other uses.

RESPONDENT

Patrick Godwin-Superintendent, Yuba City Unified School District
5.0 FIRE & EMERGENCY SERVICES
COMMITTEE REPORT
5.0 FIRE AND EMERGENCY SERVICES

5.1 FIRE PROTECTION IN SUTTER COUNTY

INTRODUCTION

The Fire and Emergency Committee met on March 9, 2004 with Chuck Vanevenhoven, Fire Services Manager for Sutter County. His presentation was both informative and interesting.

SUMMARY

While all areas of Sutter County currently enjoy fire protection, such protection is not required. There are currently six service areas currently providing this coverage. These districts operate in a variety of ways.

REPORT

The first district, (District G), includes the City of Yuba City, and some unincorporated properties adjacent to the city. This area is governed by the City of Yuba City, and has 5 stations staffed by paid employees. While this district does operate independently of the County, they do work in cooperation with county fire via an automatic aid agreement.

Two other districts, Meridian and Robbins operate as independent districts. Their own elected Board of Directors governs these two districts. The operation of these two districts will be covered in separate sections of this Final Report.

The remaining Districts are C, D, and F. All of these districts fall under varying degrees of oversight of the County Board of Supervisors (BOS). District F is entirely dependent on the BOS, while C and D still have some independence, and their own boards.

District F was formed as the result of a 1996 merger of multiple districts. This district covers 220 square miles. It includes the city of Live Oak, served under contract, the community of Sutter, and virtually all of the unincorporated areas of the county from the Butte County line to the Nicolaus Bridge, bounded on the west by the Sutter Bypass. Personnel include two career Captains, nine career Lieutenants, three career fire equipment operators, 36 volunteers and up to four seasonal firefighters. The expenditure/budgets for the last three fiscal years follow.
<table>
<thead>
<tr>
<th>Service Area F</th>
<th>Actual Expenditure 01 - 02</th>
<th>Adopted Budget 02 - 03</th>
<th>CAO Recommendation 03 – 04</th>
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<tr>
<td><strong>EXPENDITURES</strong></td>
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<td>SALARIES &amp; BENEFITS</td>
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<td>NET BUDGET</td>
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<td>APPROPRIATION FOR CONTINGENCY</td>
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<td>INCREASE IN RESERVES</td>
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<td>TOTAL BUDGET</td>
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<td><strong>OTHER REVENUES</strong></td>
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<td>USER PAY REVENUES</td>
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</table>

With this financing the District provides basic life support, countywide Hazmat coverage, fire protection, rescue, and fire prevention.

Service areas C and D both have their own Boards that make many operational decisions. They have also entered into agreements with the County to provide some of their operational needs in both staffing and equipment. Service Area C (East Nicolaus) has two stations. They are staffed with 17 volunteer firefighters, including one volunteer Chief, and two volunteer Assistant Chiefs. They responded to 370 calls in 2002, of which 83 were medical, 45 were traffic collisions, and 242 were fire calls.

Service Area D (Pleasant Grove) has two stations that house seven pieces of equipment, and an additional engine that is housed at Garden Highway and Catlett Road. The district is staffed by 13 volunteer firefighters, of which one is a volunteer Chief, and four volunteer Captains. They responded to 273 calls in fiscal year 2002-03, of which 146 were fire related, 63 rescues, two hazardous materials incidents, 51 traffic collisions, and 11 mutual aid calls.

The expenditures/budgets for these two service areas are as follows:
<table>
<thead>
<tr>
<th>Service Area C</th>
<th>Actual Expenditure 01 – 02</th>
<th>Adopted Budget 02 - 03</th>
<th>CAO Recommendation 03 - 04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES &amp; BENEFITS</td>
<td>3,285</td>
<td>2,054</td>
<td>5,883</td>
</tr>
<tr>
<td>SERVICES &amp; SUPPLIES</td>
<td>66,319</td>
<td>82,020</td>
<td>67,910</td>
</tr>
<tr>
<td>OTHER CHARGES</td>
<td>4,684</td>
<td>3,857</td>
<td>7,688</td>
</tr>
<tr>
<td>FIXED ASSETS</td>
<td>63,367</td>
<td>215,306</td>
<td>100,000</td>
</tr>
<tr>
<td>GROSS BUDGET</td>
<td>137,655</td>
<td>303,237</td>
<td>181,481</td>
</tr>
<tr>
<td>NET BUDGET</td>
<td>137,655</td>
<td>303,237</td>
<td>181,481</td>
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<tr>
<td>APPROPRIATION FOR CONTINGENCY</td>
<td></td>
<td>45,861</td>
<td>10,804</td>
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<tr>
<td>INCREASE IN RESERVES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL BUDGET</td>
<td>137,655</td>
<td>349,098</td>
<td>192,285</td>
</tr>
<tr>
<td><strong>OTHER REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USER PAY REVENUES</td>
<td>32,140</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>GOVERNMENTAL REVENUES</td>
<td>2,358</td>
<td>2,420</td>
<td>2,420</td>
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<tr>
<td>GENERAL REVENUES</td>
<td>111,617</td>
<td>109,900</td>
<td>109,500</td>
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<tr>
<td>OTHER FINANCING SOURCES</td>
<td>4,500</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>CANCELLATION OF PRIOR RESERVES</td>
<td>-</td>
<td>-</td>
<td>10,822</td>
</tr>
<tr>
<td>UNDEVELOPED FUND BALANCE</td>
<td>219,819</td>
<td>232,778</td>
<td>65,543</td>
</tr>
<tr>
<td>TOTAL FINANCING</td>
<td>370,434</td>
<td>349,098</td>
<td>192,285</td>
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</table>
## Service Area D

<table>
<thead>
<tr>
<th></th>
<th>Actual Expenditure 01 - 02</th>
<th>Adopted Budget 02 - 03</th>
<th>CAO Recommendation 03 - 04</th>
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</thead>
<tbody>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES &amp; BENEFITS</td>
<td>1,599</td>
<td>1,968</td>
<td>4,753</td>
</tr>
<tr>
<td>SERVICES &amp; SUPPLIES</td>
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<td>9,292</td>
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<td>FIXED ASSETS</td>
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<td>50,000</td>
<td>24,500</td>
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<tr>
<td>GROSS BUDGET</td>
<td>231,077</td>
<td>148,321</td>
<td>101,545</td>
</tr>
<tr>
<td>NET BUDGET</td>
<td>231,077</td>
<td>148,321</td>
<td>101,545</td>
</tr>
<tr>
<td>APPROPRIATION FOR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONTINGENCY</td>
<td></td>
<td>27,998</td>
<td>25,000</td>
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<td>INCREASE IN RESERVES</td>
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<td>51,743</td>
<td>17,439</td>
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<tr>
<td><strong>TOTAL BUDGET</strong></td>
<td>231,077</td>
<td>228,062</td>
<td>143,984</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Actual Expenditure 01 - 02</th>
<th>Adopted Budget 02 - 03</th>
<th>CAO Recommendation 03 - 04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OTHER REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USER PAY REVENUES</td>
<td>23,473</td>
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<td>4,000</td>
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<tr>
<td>GOVERNMENTAL REVENUES</td>
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<td>2,645</td>
<td>2,945</td>
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<tr>
<td>GENERAL REVENUES</td>
<td>119,486</td>
<td>116,600</td>
<td>125,050</td>
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<td>OTHER FINANCING SOURCES</td>
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<td>-</td>
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<tr>
<td>CANCELLATION OF PRIOR RESERVES</td>
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<td>-</td>
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</tr>
<tr>
<td>UNDESIGNATED FUND BALANCE</td>
<td>118,039</td>
<td>74,817</td>
<td>11,989</td>
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<td><strong>TOTAL FINANCING</strong></td>
<td>305,895</td>
<td>228,062</td>
<td>143,984</td>
</tr>
</tbody>
</table>

We would like to take this opportunity to thank Mr. Vanevenhoven for his time and informative presentation.

**CONCLUSION**

We offer no conclusions, or ask for any response, as this was an informational meeting. As such, our purpose was to gather facts relative to fire protection in Sutter County. The facts gathered included an overview of the various districts within Sutter County, how they are governed, and how they are financed.

**RECOMMENDATION**

None

**RESPONDENT**

Sutter County Board of Supervisors
FIRE APPARATUS REPLACEMENT LIST

The attached chart shows both the year each piece of equipment was received, and the anticipated year of replacement. In reviewing the list, the following points might be helpful:

1. Type I engines have a 1,000 gallon per minute (GPM) pump or greater, although they can, as in our department, have other uses such as a rescue and water tender. They are the kind of unit used to fight structures fires. When purchased new, a life expectancy of 20 to 25 years can be anticipated depending on frequency of use, maintenance, parts availability and initial quality.

2. Type II engines have a pump smaller than 1,000 GPM but larger than 500 GPM. Again they can also have other functions such as rescue and water tender. Often this class of engine can also be used to fight wild land fires as well as having adequate pumping capacity for structure fires. Their lift expectancy is similar to a Type I engine.

3. Type III engines have a pump capacity of at least 120 GPM but less then 500 GPM. They are primarily used to fight wild land fires, although obviously they would have at least limited use at almost any fire. This type of engine is most often requested for mutual aid, like strike teams. In all cases we have acquired these engines used and refurbished them in-house. After refurbishment we expect to get about 10 years of service, at which time they are generally 25 to 30 years old. It is best to remove them from service completely as soon after that as possible due to the abuse received operating off-road as well as difficulty in finding parts.

4. Type IV engines are pick-up truck sized units with a pump larger than 50 GPM. Currently they are only used by East Nicolaus for grass fires and double as rescue vehicles, in a limited way. Both of East Nicolaus' units are four-wheel drive. When purchased new we should get 20 years or so of service.

5. The water tender’s primary role is to transport water to a fire scene. We are specifying these units with a "fire" pump of at least a 1000 GPM capacity so they may be used as a Type I engine also.

6. Patrol 4x4s’ are pick-up trucks that are used for a variety of purposes, including fire fighting. They have a small tank and pump as well as some limited first aid gear and can go off-road. They are used as a strike team leader's vehicle on missions and are also used for errands. When acquired new, the trucks should get at least 10 years of service.

7. A truck company is used primarily on structure fires, and has some type of elevated stream capabilities, such as a ladder or elevated platform. They are typically referred to as ladder trucks or aerials.
<table>
<thead>
<tr>
<th>Replacement Year</th>
<th>Vehicle</th>
<th>Location</th>
<th>Year Received</th>
<th>Year Off First Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002/03</td>
<td>524 - Type I/II</td>
<td>Live Oak</td>
<td>1976</td>
<td>2001</td>
</tr>
<tr>
<td>2003/04</td>
<td>818 - Water Tender</td>
<td>Oswald/Tudor</td>
<td>1993</td>
<td>2003</td>
</tr>
<tr>
<td>2003/04</td>
<td>876 - Type IV</td>
<td>East Nicolaus</td>
<td>1979</td>
<td>2002</td>
</tr>
<tr>
<td>2004/05</td>
<td>P5 - 4x4 Patrol</td>
<td>Oswald/Tudor</td>
<td>1994</td>
<td>2004</td>
</tr>
<tr>
<td>2004/05</td>
<td>886 - Type IV</td>
<td>East Nicolaus</td>
<td>1984</td>
<td>2004</td>
</tr>
<tr>
<td>2005/06</td>
<td>826 - Type III</td>
<td>Oswald/Tudor</td>
<td>1992</td>
<td>2004</td>
</tr>
<tr>
<td>2005/06</td>
<td>866 - Type II</td>
<td>East Nicolaus</td>
<td>1995</td>
<td>2005</td>
</tr>
<tr>
<td>2005/06</td>
<td>918 - Type II</td>
<td>Pleasant Grove</td>
<td>1989</td>
<td>2004</td>
</tr>
<tr>
<td>2006/07</td>
<td>626 - Type III</td>
<td>Sutter</td>
<td>1994</td>
<td>2004</td>
</tr>
<tr>
<td>2006/07</td>
<td>526 - Type III</td>
<td>Live Oak</td>
<td>1991</td>
<td>2001</td>
</tr>
<tr>
<td>2007/08</td>
<td>612 - Type III</td>
<td>Sutter</td>
<td>1998</td>
<td>2007</td>
</tr>
<tr>
<td>2008/09</td>
<td>511 - Type I</td>
<td>Live Oak</td>
<td>1990</td>
<td>2008</td>
</tr>
<tr>
<td>2008/09</td>
<td>611 - Type I</td>
<td>Sutter</td>
<td>1990</td>
<td>2009</td>
</tr>
<tr>
<td>2008/09</td>
<td>811 - Type I</td>
<td>Oswald/Tudor</td>
<td>1990</td>
<td>2009</td>
</tr>
<tr>
<td>2010/11</td>
<td>878 - Type II</td>
<td>East Nicolaus</td>
<td>1986</td>
<td>2006</td>
</tr>
<tr>
<td>2011/12</td>
<td>516 - Type II</td>
<td>Live Oak</td>
<td>1997</td>
<td>2012</td>
</tr>
<tr>
<td>2011/12</td>
<td>912 – Type II</td>
<td>Pleasant Grove</td>
<td>1993</td>
<td>2012</td>
</tr>
<tr>
<td>2014/15</td>
<td>861 – Type I</td>
<td>East Nicolaus</td>
<td>1995</td>
<td>2014</td>
</tr>
<tr>
<td>2015/16</td>
<td>518 - Type I</td>
<td>Live Oak</td>
<td>1998</td>
<td>2014</td>
</tr>
<tr>
<td>2015/16</td>
<td>618 - Type I</td>
<td>Sutter</td>
<td>1998</td>
<td>2014</td>
</tr>
</tbody>
</table>
5.0 FIRE AND EMERGENCY SERVICES

5.2 EAST NICOLAUS VOLUNTEER FIRE DEPARTMENT

INTRODUCTION

On April 12, 2004, members of the Fire and Emergency Services Committee of the Sutter County Grand Jury conducted an on-site inspection of the East Nicolaus Volunteer Fire Department.

The committee met with Fire Chief Richard Herrington, who provided us with documentary information relating to staffing, equipment, and supplies. He also supplied the most current fiscal budget for the East Nicolaus Fire District (copy attached to this report). The budget request for fiscal year 2003-2004 was $192,285. This was a decrease of $156,813 or 45% from FY 2002-2003.

We were also given a tour of the primary fire station located in East Nicolaus.

SUMMARY

The Fire and Emergency Committee was pleased with the overall operation of the East Nicolaus Volunteer Fire Department. The committee made two recommendations, one pertaining to a safety issue, and the other regarding repairs to the Rio Oso Fire Station.

FINDINGS

East Nicolaus Volunteer Fire Department is responsible for fire suppression, rescue, hazardous material responses, and fire prevention within an assigned service area.

The Department is part of Sutter County Fire Services and under the control of Fire Services Manager Charles T. Vanevenhoven. It is located in the County Service Area “C”, which generally covers that portion of Sutter County surrounding East Nicolaus and Rio Oso. The primary station is located in East Nicolaus at the corner of Nicolaus Avenue and Highway 70. There is a substation located in Rio Oso at Pleasant Grove Road at the intersection of Bear River Drive, commonly known as “four corners”.

The department’s staffing consists of 17 volunteers, which include one chief, two assistant chiefs, four captains and 10 firefighters. One of the volunteers is currently a full-time fireman with the Sacramento Fire Department and is utilized as a training officer for the East Nicolaus Volunteer Fire Department.

Training is scheduled twice a month for all staff, which includes a variety of emergency situations and entails the latest techniques and procedures. All personnel are trained in emergency medical care and cardiopulmonary resuscitation. Chief Herrington provided a copy of the training/drill schedule for calendar year 2004, and that document is incorporated in this report. See attached.
Chief Herrington states that his staff exceeds the current training requirements and minimum qualifications required by the recent passing of Senate Bill 1207.

All members of the fire department belong to the East Nicolaus Volunteer Firefighters Association. Meetings are held on a regular basis to discuss all aspects of the operation and provide updated information about new regulations, policies, and procedures. The association holds annual elections to appoint association officers and a volunteer fire chief. The volunteer firefighters are paid one dollar for every call they respond to and the chief is given a stipend of one hundred dollars per month. The County provides workers compensation insurance for each of the volunteer firefighters.

The department responded to a total of 241 emergency calls in 2003, of which 124 were medical calls, 16 were traffic collisions and 101 were fire calls. Average response time on calls was 3 to 7 minutes. There is a mutual aid agreement between East Nicolaus F.D and the departments located in the adjacent surrounding areas.

Chief Herrington gave us a tour of the East Nicolaus Fire Station along with the emergency equipment and supplies. We noted that the facility was well maintained, clean and orderly. Supplies and other equipment were neat and organized. The fire engines and emergency equipment were well maintained and in excellent working condition. Chief Herrington indicated that the department was about to acquire a new Type IV fire engine for use in fighting wild land fires. This truck is to replace an existing unit that is being removed from service due to age and is reflected in the 2003-2004 budget. All trucks were equipped and supplied with the necessary items to respond to calls without delay. We inspected the maintenance logs and observed that they were complete and up-to-date.

The committee made an outside inspection of the fire station and noted that the grounds on the north, east, and west sides of the facility were of unimproved gravel base. Chief Herrington stated that it would be an improvement if these areas were paved.

Chief Herrington addressed two items that gave concern to the Grand Jury members. First was the fact that the current fire station located in East Nicolaus has a need for additional space to safely store the existing fire engines and equipment. It was noted that when the engines are all parked in the station, there is little room to move about and this could pose a safety problem when responding to an emergency.

When not in use, the emergency vehicles are stored inside the fire station area for security reasons. The garage entrances are not large enough to adequately move the emergency vehicles in and out of the secure area. It is foreseeable that a person may be injured or that equipment/property may be damaged when the fire engines are entering or leaving the station.

Chief Herrington indicated the hazard could be reduced if the Department was able to utilize the adjacent property and construct an additional garage for housing two of the engines and a portion of the supplies. This small parcel of property is located north of the fire station and is currently owned by the county. The Chief was unaware of any county plans to develop the site. As such,
it would be beneficial and cost effective to transfer the property to the Sutter County Fire Services for utilization.

Second was that the existing fire station located in Rio Oso is in poor condition and in need of remodeling or repairs. Chief Herrington indicates that the roof leaks and that an accumulation of mold is present in one of the back rooms.

RECOMMENDATIONS

The Sutter County Grand Jury recommends that the Sutter County Board of Supervisors consider the utilization of the adjacent property north of the East Nicolaus Fire Department. The Board should consider constructing a building as an expansion to the existing fire station in order to house two engines and additional equipment.

The Grand Jury also recommends that the roof at the fire station in Rio Oso be repaired and the general facility renovated to the extent necessary to accommodate current needs and future growth.

RESPONDENTS

Chief Richard Herrington, East Nicolaus Fire Department
Sutter County Board of Supervisors
## EXECUTIVE BUDGET SUMMARY
COUNTY SERVICE AREA “C”
EAST NICOLAUS VOLUNTEER FIRE DEPARTMENT

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>ACTUAL EXPEND 2001-02</th>
<th>ACTUAL EXPEND 4-30-03</th>
<th>ADOPTED BUDGET 2002-03</th>
<th>DEPT. REQUEST 2003-04</th>
<th>CAO RECOMMED 2003-04</th>
<th>% CHANGE OVER 2003-03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SALARIES AND EMPLOYEE BENEFITS</strong></td>
<td>$3,285</td>
<td>$2,054</td>
<td>$2,054</td>
<td>$5,883</td>
<td>$5,883</td>
<td>186.4%</td>
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<tr>
<td><strong>SERVICES AND SUPPLIES</strong></td>
<td>$66,319</td>
<td>$42,409</td>
<td>$82,020</td>
<td>$67,910</td>
<td>$67,910</td>
<td>-17.2%</td>
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<tr>
<td><strong>OTHER CHARGES</strong></td>
<td>$4,684</td>
<td>$3,427</td>
<td>$3,857</td>
<td>$8,492</td>
<td>$7,688</td>
<td>99.3%</td>
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<td><strong>FIXED ASSETS</strong></td>
<td>$63,367</td>
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<td>$215,306</td>
<td>$100,000</td>
<td>$100,000</td>
<td>-53.6%</td>
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<tr>
<td><em>GROSS BUDGET</em>*</td>
<td>$137,655</td>
<td>$47,890</td>
<td>$303,237</td>
<td>$182,285</td>
<td>$181,481</td>
<td>-40.2%</td>
</tr>
<tr>
<td><em>NET BUDGET</em>*</td>
<td>$137,655</td>
<td>$47,890</td>
<td>$303,237</td>
<td>$182,285</td>
<td>$181,481</td>
<td>-40.2%</td>
</tr>
<tr>
<td><strong>APPROPRIATION FOR CONTINGENCY</strong></td>
<td>$0</td>
<td>$0</td>
<td>$45,861</td>
<td>$10,000</td>
<td>$10,804</td>
<td>-76.4%</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET</strong></td>
<td>$137,655</td>
<td>$47,890</td>
<td>$349,098</td>
<td>$192,285</td>
<td>$192,285</td>
<td>-44.9%</td>
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<table>
<thead>
<tr>
<th>OTHER REVENUES</th>
<th>ACTUAL EXPEND 2001-02</th>
<th>ACTUAL EXPEND 4-30-03</th>
<th>ADOPTED BUDGET 2002-03</th>
<th>DEPT. REQUEST 2003-04</th>
<th>CAO RECOMMED 2003-04</th>
<th>% CHANGE OVER 2003-03</th>
</tr>
</thead>
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<tr>
<td>USER PAY REVENUES</td>
<td>$32,140</td>
<td>$1,582</td>
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<td>$4,000</td>
<td>$4,000</td>
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<tr>
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<td>$2,358</td>
<td>$10,136</td>
<td>$2,420</td>
<td>$2,420</td>
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<tr>
<td>GENERAL REVENUES</td>
<td>$111,617</td>
<td>$70,473</td>
<td>$109,900</td>
<td>$109,500</td>
<td>$109,500</td>
<td>-0.4%</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>CANCELLATION OF PRIOR YEAR RESERVES</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$10,822</td>
<td>$10,822</td>
<td>***</td>
</tr>
<tr>
<td>UNDESIGNATED FUND BALANCE 7/1</td>
<td>$219,819</td>
<td>$232,778</td>
<td>$232,778</td>
<td>$65,543</td>
<td>$65,543</td>
<td>-71.8%</td>
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<tr>
<td>TOTAL AVAILABLE FINANCING</td>
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<td>$314,969</td>
<td>$349,098</td>
<td>$192,285</td>
<td>$192,285</td>
<td>-44.9%</td>
</tr>
<tr>
<td>*UNREIMBURSED COSTS</td>
<td>$232,779-</td>
<td>$267,079-</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>ALLOCATED POSITIONS</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
</tbody>
</table>
The requested Net Expenditures for FY 2003-04 total $192,285. This is a decrease of $156,813 (45.0%) from the FY 2002-03 Adopted Budget. Departmental Revenues are requested to total $192,285. Therefore, the requested unreimbursed cost of this budget is $0, which is equal to the prior year.

Major projects and policy issues for this budget unit in the upcoming year include the replacement of a 1979 Type IV fire engine for wild land fires. This engine was scheduled for replacement on the county's apparatus replacement schedule.

The request for salaries and benefits increases by $3,829 (186%) compared to the FY 2002-03 Adopted Budget. The reason for this change is increased Workers' Compensation Insurance premiums.

The request for services and supplies decreases by $14,110 (17.2%) compared to the FY 2002-03 Adopted Budget. This is primarily due to reduced expenses for maintenance. Most maintenance improvements were completed in FY 2002-03. Controlled Items valued between $1,000 and $5,000 has been requested totaling $3,500. An automatic external defibrillator is requested to replace an older/obsolete model.

The request for other charges increases by $4,635 (120%) compared to the FY 2002-03 Adopted Budget. This is primarily due to a 189% increase in Interfund General Insurance/Bonds and Inter-Government Service Fund Premiums (liability insurance).

There are no Intrafund Charges.

The requested fixed assets total $100,000. The Type IV wild land fire engine is needed to replace a 1979 engine and will be used for the suppression of wild land fires in "hard to access" areas, such as river bottoms and fields.

Total departmental revenue available decreases by $156,813 (45.0%) compared to the FY 2002-03 Adopted Budget. This is primarily due to a $167,235 reduction in the Undesignated Fund Balance.
# 2004 DRILL AND TRAINING SCHEDULE

East Nicolaus Volunteer Fire Department

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5.0 FIRE AND EMERGENCY SERVICES

5.3 MERIDIAN FIRE PROTECTION DISTRICT

INTRODUCTION

As a follow-up recommendation in last year’s Grand Jury Report, the Fire & Emergency Services Committee planned to schedule an inspection of the Meridian Fire Protection District. However, prior to scheduling the visit, the Grand Jury was informed of an article in the community newspaper dated December 5, 2003. The article titled, “Meridian Fire Chief Ousted,” indicated that a public meeting regarding the matter was scheduled for December 10, 2003 with the Meridian Fire District Board of Directors. Members of the Fire & Emergency Services Committee decided to attend this meeting rather than schedule a separate appointment.

The article did not list specific reasons, although it was suggested that a possible cause for Chief Scott Hankins’ dismissal was due to the recent purchase of a new Type I fire truck. The purchase of this vehicle had been the focus of previous Grand Jury Reports for several years.

FINDINGS

The Meridian Fire Protection District (MFPD) provides emergency services for an area of approximately 66 square miles and an estimated population of 1500. The MFPD operates one fire station, which is normally staffed by one Volunteer Fire Chief, one full-time Fire Equipment Operator and a few local citizen volunteers. Currently, the department has a staff of six members, which includes the fulltime position.

The Board of Directors is responsible for the management of the MFPD. The board is comprised of five members, who are elected to four-year terms on a staggered interval. The board chair is a non-voting member except when required to break a tie. There is also a secretary-treasurer that sits on the board, however, in a non-voting capacity.

The Grand Jury learned that Volunteer Fire Chief Hankins was terminated during the November 12, 2003, Board of Director’s meeting. During that same meeting, the board also decided to appoint the current full-time paid position (currently a captain) to acting chief. This temporary fire chief’s position was to be in place for a period of six months to evaluate his performance prior to making the position permanent.

Members of the Grand Jury attended the December 10, 2003, meeting of the Meridian Fire District. At the request of the board chair, a member of the Sutter County Counsel was in attendance.

The meeting began with an open forum to the public and members of the Meridian Volunteer Fire Fighters Association. Though there was some support regarding the boards
The MFPD Volunteer Fire Fighters Association president read a letter addressed to the Board of Directors. The letter expressed the Association’s dissatisfaction with both the board having dismissed Mr. Hankins as the Fire Chief along with his terminating services as a volunteer. The issue of who was authorized to dismiss a volunteer firefighter came up without a clear answer.

The board then adjourned the meeting for an impromptu “Closed Session Meeting,” and requested that all public attendees vacate the room. Members of the volunteer fire fighter’s association argued that such a closed session was a violation of the “Brown Act.”

At the conclusion of the “Closed Session,” the open forum reconvened. The board then made a public announcement indicating that they had poorly handled the termination of Volunteer Fire Chief Hankins. The board also indicated that although they had the authority to remove Mr. Hankins as chief, their authority did not extend to removing him as a volunteer fire fighter.

The board then agreed to invite Mr. Hankins to the next open forum and make a public apology to him with an invitation to return as a volunteer fire fighter.

After the meeting on December 10, 2003, Grand Jury committee members asked the secretary-treasurer to provide copies of the board’s minutes from the previous six months and documentation regarding the purchase of the new fire truck. It was agreed that the requested documents would be send via mail to the Sutter County Grand Jury.

On January 14, 2004, the Grand Jury attended the MFPD’s next scheduled Board of Directors Meeting. It was noted that Mr. Hankins was not in attendance.

During this meeting, Captain Jason Cooper, (Interim Chief) addressed the board regarding problems of not having a permanent fire chief. He perceived that his existing position failed to give him the necessary authority to take enforcement actions such as issuing citations.

Without discussion, debate or research, a board member then made a motion to promote Jason Cooper to permanent fire chief. This motion was seconded and carried with a vote of 3 to 1 to affirm Cooper’s appointment as a full-time paid fire chief, which replaced the previous volunteer. This action was contrary to the earlier (11/12/2003) decision voted on by the board to evaluate Captain Cooper’s performance for a period of six months.

Another issue discussed and voted on by the board during the same meeting was the sale of an outdated truck, which was sold directly to another public agency without advertising the sale, taking bids, or placing the equipment in a public auction. The board advised the fire truck had been sold for $7,000.
The purchasing of the new fire truck was also discussed, which had been the focus of previous year’s Grand Jury Report. It was reported that the purchase had been made, the Type I fire truck was being built, and delivery was anticipated sometime in mid April 2004.

At the conclusion of the meeting on January 14, 2004, the Grand Jury made a second request for the copies regarding documentation on the purchase of the new fire truck and previous meeting minutes. The requested documents were subsequently mailed on January 20, 2004.

A review of the Board of Directors meeting minutes for the previous six months raised issues of concern to include by not limited to:

1. Meeting minutes dated: October 8, 2003 indicated that the board was advised by Captain Jason Cooper that he had received an offer from Reclamation District number 70, to purchase MFPD’s truck number 668 for the amount of $7,000. At that time a motion from Director Shafer was made to accept the offer for the stated amount, which was seconded, and the motion carried by a voice vote.

2. Meeting minutes dated: November 12, 2003 indicated that the board discussed the issue of the sale of a fire truck to Reclamation District number 70. They noted that in the future, the board must be more careful in approving such items without opening the sale to the public and soliciting bids. The board indicated that the district possibly lost money by selling the fire truck to the Reclam ation District. The sale of two additional fire trucks would take place around July or August of 2004 once the new Type I fire truck was delivered.

3. Meeting minutes dated: November 12, 2003 indicated that the Board of Directors meeting, which was opened to the public, was called to order at 7:04 p.m. by Chairman Callaway. The meeting minutes then reflect that Chairman Callaway declared a closed session at 7:10 p.m. to discuss personnel matters. At 7:15 p.m. the meeting was opened to the public again, at which time, it was announced that action had been taken during the closed session to remove Scott Hankins as Chief and terminate him as a volunteer fire fighter.

4. Meeting minutes dated: November 12, 2003 indicated that the issue of the leadership of the Department in the absence of a chief was discussed. A motion was then made by Director Davis to appoint Captain Cooper as the “Captain in Charge” until the board’s July 2004 meeting, at which time the performance of Captain Cooper would be evaluated for the purpose of appointing him District Fire Chief.

Issues of concern voiced by members of the public and those of the Volunteer Fire Fighters Associations in attendance at recent meetings, is that the Board of Directors have made decisions and conducted meetings in violation of the Brown Act, by not making public in
meeting agendas the intent to hold closed session meetings during or as part of a public meeting.

A subsequent follow-up call revealed that due to a production delay, the fire truck’s completion and delivery was delayed until sometime in June or July of 2004.

The committee was given tours of the station during both of their visits. They found the premises to be neat and orderly in each instance. Once the department receives the new Type I fire engine, they should have an adequate variety and quantity of vehicles to perform their needed functions.

RECOMMENDATIONS

It is recommended that 2004-2005 Grand Jury follow-up on these 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 of a fulltime salary and entitlements.
- Appropriate means of selling municipal property.
- The board should insure there are adequate and appropriate bylaws and follow them.

RESPONDENTS

Board of Directors, Meridian Fire Department
Board of Supervisors, County of Sutter
5.4 SUTTER BASIN FIRE DISTRICT

INTRODUCTION

On April 5, 2004, the Fire and Emergency Committee of the Sutter County Grand Jury completed an inspection of the Robbins Volunteer Fire Department. During the inspection, Fire Chief Tad Dickerson and Commissioner George Van Ruiten were interviewed.

Documents relating to the following items were also reviewed:

- Sutter Basin Fire District Budget
- Robbins Volunteer Fire Department Call Log Statistics
- A Map of Sutter Basin Fire District with GPS Coordinates
- Slow Rise Flood Emergency Readiness Plan
- Robbins Volunteer Fire Department Bylaws

The mission of the Robbins Volunteer Fire Department is the safe and efficient response necessary to prevent or minimize loss of life and property threatened by the hazards of fire, medical and rescue emergencies, or disaster situations in the Sutter Basin Fire District.

SUMMARY

The Fire and Emergency Committee was pleased with the overall operation of the Robbins Volunteer Fire Department. The committee made one recommendation concerning a feasibility study be completed to determine the cost to upgrade the filtration systems of the two existing wells that supply the districts water supply.

FINDINGS

Robbins Fire Department is one of two autonomous fire districts that are located in Sutter County. As such, their funding is provided by taxes levied from the district residents. They do, however, have mutual aid agreements with the Sutter County Fire District and Yolo County (Knights Landing) Fire Department.

The entire staff of the Robbins Fire Department consists of volunteers. The department has a fire chief and 11 firefighters.

Three commissioners (residents of the district), along with the volunteer fire chief, oversee the operation of the fire department and/or the district. Each commissioner serves a four-year term and is appointed by the Sutter County Board of Supervisors. The terms are staggered to help ensure institutional continuity.
The Robbins Volunteer Fire Department provides fire and emergency services to an area of 126 square miles in the Southern Sutter County, commonly known as the Sutter Basin. The district has a population of approximately 950 as of the 2000 census. The area includes the town of Robbins (which has a population of 500) and one major highway, State Route 113, that connects Yuba City and Woodland.

The district operates two fire stations: The main station is located in the town of Robbins at 17510 Pepper Street, and the sub-station is at Knights Road at Ensley Road (four miles South of Robbins).

Due to the unique terrain and geographical area of the Sutter Basin, the Robbins Fire Department receives calls for service through the Emergency Dispatch Center of the Yolo County Sheriff’s Department.

The Robbins Volunteer Fire Department receives approximately one hundred service calls annually, with an average response time of approximately three minutes. During 2003, the Department received 34 fire calls (including two structure fires), 32 medical calls, 24 calls for vehicle accidents, and 10 calls to assist other fire departments. One of the mutual aid calls went to San Diego with one engine and three firefighters.

Training is scheduled twice a month for all staff, which includes a variety of emergency situations and entails the latest techniques and procedures.

The volunteer firefighters are compensated three dollars for every emergency that they respond to and the District provides workers compensation insurance.

Chief Dickerson gave us a tour of the Robbins main station along with the emergency equipment and supplies. We noted that the facility was well maintained and orderly. The fire engines and emergency equipment were well maintained and in excellent working condition. Chief Dickerson indicated that the department was able to utilize a grant and replace the engine on the department’s Type I fire truck. All trucks were equipped and supplied with the necessary items to respond to calls without delay.

A bill introduced in 2001 in the State Legislature (SB1207), requires that volunteer firefighters receive the same training in job related skills (per Cal-OSHA standards) as full-time paid firefighters. To meet the requirement will require additional training for the current volunteer staff. This could create an undue hardship for a department that totally relies on local citizen volunteers.

Occasionally, the water tender must be refilled, which presents some unique problems to the district. Only two wells are available that are able to supply the volume of water necessary to fill the tender’s tanks. Currently, there is only one well that falls within the Federal Standard of arsenic level. However, one well does not have an adequate filtration system, and filling from this source might result in damage to the truck’s water pumping mechanism. Filling the tanker from the other well causes a large portion of the town’s
water supply to become cloudy from floating debris in the water, caused by the turbulence from pumping so much water in such a short period of time. Thus, neither well is an adequate source of water for refilling the tenders water tanks.

**RECOMMENDATIONS**

It is recommended that the Sutter County Board of Supervisors determine a contingency plan, if the Robbins Volunteer Fire Department were forced to cease operation due to requirements included in Senate Bill 1207.

It is recommended that the Sutter County Board of Supervisors complete a feasibility study and cost analysis to upgrade the water filtration system on the two existing wells in order to be in compliance with the acceptable arsenic levels in the water.

It is recommended that the Sutter County Board of Supervisors review alternatives so that the fire department’s water tender apparatus can be filled without any adverse affect to the nearby water supply.

**RESPONDENTS**

Board of Supervisors, County of Sutter
Board of Directors, Robbins Volunteer Fire Department
6.0 HEALTH-MENTAL HEALTH &
SOCIAL SERVICES
COMMITTEE REPORT
6.1 PUBLIC GUARDIAN/CONSERVATOR

INTRODUCTION

The 2002-2003 Grand Jury recommended the 2003-2004 Grand Jury complete a follow-up with the Public Guardian/Conservator on the airport storage unit and to address concerns regarding clients’ belongings and files.

1. Doors and locks.
2. Cleanliness of the storage unit.
3. Shelving for storage.
4. Destruction of old records.
5. Removal of old belongings no longer needed.

To that end, an appointment was set with Kathleen Covert of the Public Guardian/Conservator’s office for 1:30 p.m., March 16, 2004, at the airport storage unit.

FINDINGS

Committee members met with Kathleen Covert and were pleased to report that the old airport storage was completely cleaned out and was no longer being used by the agency.

We then visited the new storage unit and noted it was skillfully organized with shelves and racks, and all files were updated and in sequence.

All files not active and older than 1990 had been shredded. Workers from the California Work Opportunity and Responsibility to Kids, commonly known as Cal Works, a program run by the County that performed the shredding, and moving of files, along with other property.

They also discarded belongings of clients who could not be located or were deceased, some items dating back over 35 years in storage.

We commend Kathleen Covert and her agency for accomplishing the recommendations in an efficient and frugal manner.

RECOMMENDATION

None

RESPONDENTS

Public Guardian/Conservator
Sutter County Human Services Agency
7.0 PLANNING & ENVIRONMENT COMMITTEE REPORT
7.0 PLANNING AND ENVIRONMENT

7.1 LEVEE DISTRICT ONE OF SUTTER COUNTY

INTRODUCTION

The Grand Jury met with Bill Hampton of Levee District One on March 17, 2004. The primary purpose of our visit is the Grand Jury’s routine monitoring of government entities and programs in Sutter County. The Grand Jury presented Mr. Hampton with some prepared questions, asked to review certain documentation relating to the levees, and asked to visually inspect the levees for evidence of proper maintenance. In each case, Mr. Hampton complied fully with the committee’s requests.

Levee District One starts at Pease road on the North end of Yuba City and goes South 17 miles to just North of the Nicolaus Highway Bridge. Levee District One is in the process of annexing the remaining 5 miles to the Sutter bypass. This will make a total of 22 miles of levee to maintain. This annexation is planned to be complete this year.

Levee District One receives funding through a benefit assessment which is collected by the Sutter County Treasurer along with certain state and federal funds. The levees are constructed by the U.S. Army Corps of Engineers. Routine maintenance is conducted by three full-time employees year round with additional part time help during the warmer months.

SUMMARY

The Grand Jury met with Bill Hampton of Levee District One in Sutter County on March 17, 2004 and requested specific information relating to the levees. Mr. Hampton complied fully with all our requests for information and cooperated fully with our routine investigation. The committee found him to be professional, knowledgeable, and courteous. The committee was pleased with the assistance provided by Mr. Hampton.

FINDINGS

Prior to our meeting, the Grand Jury presented Mr. Hampton with a list of questions which required a response from him. We also asked him to furnish specific background information and documents to assist the Grand Jury during its investigation. Mr. Hampton responded, in each instance, thoroughly and promptly. The documents and information that he provided were found to be easy to understand and informative. We reviewed the information with Mr. Hampton at a meeting during which he addressed additional questions from the Grand Jury members.

The Grand Jury was pleased with the inspection of Levee District One. We left with the opinion that Sutter County is well prepared to deal with an emergency involving levee concerns. Further, we felt that the maintenance measures in place are exemplary. We
would like to commend Bill Hampton for his assistance. In each instance which we asked for information or documentation, he responded swiftly and thoroughly.

**Levee Tour**

Bill Hampton took the Grand Jury on an inspection tour of Levee District One. During our inspection, he responded to additional questions. We stopped periodically to examine specific levee features. The levees were noted to be clean and well maintained. Prior to the tour, Mr. Hampton prepared a brief overview of the Sutter County levee system for the members of the Grand Jury. Among the items discussed were emergency and maintenance procedures.

Note: Tours are conducted periodically for any member of the public who might be interested in the Sutter County levee system. We encourage any citizen who has an interest in our levees to contact Mr. Hampton for information about these tours.

**RECOMMENDATION**

None

**RESPONDENT**

Bill Hampton, Levee District One
INTRODUCTION

On March 24, 2004, the Grand Jury met with Ron McBride of the Sutter-Yuba Mosquito and Vector Control District (SYMVCD). The primary purpose of the Grand Jury’s visit was twofold:

1. A follow-up to a request from the 2002-2003 Grand Jury to re-examine our preparedness to deal with the threat of West Nile Virus.
2. The Grand Jury’s routine monitoring of government entities and programs in Sutter County.

The Sutter-Yuba Mosquito and Vector Control District was established by a vote of the residents in 1946 to combat disease and public nuisance mosquitoes. The district contains 730 square miles of land and has a population of 130,000 people.

Mosquitoes are insects that can carry diseases such as malaria, encephalitis, and West Nile Virus. There are 23 kinds of mosquitoes in the Sutter-Yuba area. Only female mosquitoes bite and transmit diseases. The female mosquito requires blood for the development of her eggs. All mosquitoes require water in order to breed and can reproduce in as little as one half inch of standing water. Mosquitoes develop from egg to adult in four to ten days. Adult mosquitoes can live as long as one month during summer and can travel up to five to ten miles in a single day.

Technicians identify and treat more than 8,000 mosquito sources annually. The staff responds to more than 1,200 service requests each year. They produce and plant in excess of 2 million mosquito-eating fish annually. Laboratory staff maintains 39 adult mosquito surveillance devices and identify more than 800,000 adult mosquitoes yearly.

SUMMARY

The Grand Jury met with Ron McBride of the SYMVCD located at 701 Bogue Road, Yuba City. Prior to our meeting, Mr. McBride was asked to furnish specific background information to assist the Grand Jury in its routine investigation. Mr. McBride complied with all requests during our investigation. We found him to be very professional, knowledgeable, and courteous.

REPORT

The Grand Jury reviewed several documents pertaining to the various types of insects which can be found in the Sutter-Yuba area. These documents are available to the public. We also reviewed certain documents relating to the storage and use of chemicals that are retained on site. These documents were found to be easy to understand and informative.
The documentation the committee reviewed in regard to the chemicals seemed to be in order.

**General Facilities**

The Grand Jury made an inspection tour of the entire facility on Bogue Road. The buildings and equipment were well used but were neat and orderly. The area around the buildings was clean and well maintained. Vehicles were well maintained and clean. We examined the area for any signs of chemical discharges but saw no evidence to indicate that an inadvertent discharge had occurred.

**West Nile Virus**

We reviewed the Sutter County West Nile Virus emergency plan with Mr. McBride. Sutter County has in place an emergency plan to monitor certain warning criteria relating to West Nile Virus. If certain monitoring criteria rise above a predetermined level, County officials implement their emergency plan. The process begins by notifying appropriate local authorities and taking specific predetermined steps in an attempt to eradicate the problem as soon as possible. They seemed to be vigilant in their routine monitoring of these criteria. Officials from Sutter County meet periodically to discuss matters pertaining to West Nile Virus and other vector-borne diseases, as well as general mosquito control.

**FINDINGS**

The Grand Jury was pleased with its inspection. We left with the opinion that Sutter County is well prepared to deal with an emergency involving a mosquito borne disease. Further, we felt that the preventive and monitoring measures in place are excellent. In each instance in which we asked for information or documentation, Ron McBride responded swiftly and thoroughly. We would like to praise Mr. McBride and his staff for their efforts at making Sutter County safer and more comfortable by their vigilance in dealing with mosquitoes.

**RECOMMENDATION**

None

**RESPONDENT**

Ron McBride, Sutter-Yuba Mosquito & Vector Control
8.0 SPECIAL REPORTS
8.1 SPECIAL ELECTION

INTRODUCTION

The Grand Jury established the ad hoc Special Election Committee to monitor Sutter County ballot-counting procedures for the Special Recall Election held on October 7, 2003. Members of the Special Election Committee visited the ballot-counting sites on October 9 and October 13, 2003. The purpose of the committee’s visit was to ensure that Sutter County follows guidelines and regulations for counting ballots during California elections. The committee observed the counting of absentee ballots and conventional ballots in which certain types of discrepancies were reported. The committee closely examined those discrepancies in three categories.

1. Inconsistencies resulting from differences between computer counts and manual counts.
2. Inconsistencies resulting from situations where electronic tabulating equipment had indicated that a ballot had been improperly marked.
3. Inconsistencies resulting from differences where two human counts had recorded different data for the same voter event.

Although the primary focus of the committee was to look into ballot-counting practices, we did briefly examine other areas as is indicated below.

SUMMARY

The Special Election Committee was impressed with the care and attention to detail exhibited by the ballot workers. The team members answered all the committee’s questions promptly and assisted us in every instance where we had a concern. They seemed knowledgeable about requirements and regulations and seemed to exert tremendous effort in objectively trying to determine what each voter was intending to indicate on his or her ballot. The committee was convinced that the ballot staff made every reasonable effort to ensure that every vote counts in Sutter County.

REPORT

The Ballot-Counting Room

The ballot-counting was conducted in a small room inside the Courthouse. The room was easy to find and was open to the public at all times. Six ballot counters were present on one occasion, while seven were present on another occasion. The room was very small and cramped and stored a large number of ballots in storage containers stacked around the room. In spite of the small size of the room, the counters made good use of the available space and seemed to be able to locate specific storage containers, ballots, and other documents with little difficulty.
Observers were required to sign in prior to entering the ballot-counting area. Visitors were also required to wear badges that identified themselves as monitors. No other visitors or monitors were present during our tour. In fact, no other signatures appeared on the dates visited.

**County Clerk**

Joan Bechtel, the County Clerk, an elected official, met with the members of the Special Election Committee that observed the ballot counting. Ms. Bechtel provided extensive background information to the Grand Jury on the various procedures involved with ballot counting. She made herself available to members of the Grand Jury during the entire course of our visit and responded to our questions promptly and thoroughly. The Grand Jury found Ms. Bechtel to be very professional, courteous, and above all, helpful in addressing our inquiries and concerns. She seemed knowledgeable about California Rules and Regulations and County practices relating to voting, elections, and the ballot-counting process.

**The Ballot-Counting Process**

Although California State Law and Sutter County ballot-counting procedures have been developed to ensure that votes are counted accurately and efficiently, no set of written guidelines can possibly cover every possible situation that might be encountered. There are times when human judgment must be exercised in order to determine the intent of a voter. In each instance where human decision making was required, the ballot counters seemed to make an extraordinary effort to make a fair and objective decision about how the voter intended to mark their ballot.

Some of the situations that we observed resulted from multiple discrepancies between the computer counts, manual records from the various polling places, and other various election documents. The ballot counters made a superb effort to identify the precise problem and then took steps to correct the erroneous data, thus ensuring the integrity of the voter count. In each case we observed, the counters were able to determine the basis for the inconsistent data and make appropriate corrections. The manner in which these multiple problems were reconciled was truly remarkable in some instances.

**FINDINGS**

Members of the Grand Jury were pleased with our findings. Although the Grand Jury recognizes that Sutter County’s ballot-counting procedures can always be streamlined, we found them to be satisfactory in order to achieve the goal of accurately and reasonably counting every ballot submitted in Sutter County. The knowledge and experience possessed by the various Sutter County staffers in regard to counting ballots can best be described as exceptional. The dedication and attention to detail provided by this group is a tremendous asset to the citizens of Sutter County and to all the people in the state of California.
Special thanks should be given to Joan Bechtel for her generous contribution of her time in assisting the special election committee to carry out our examination into ballot-counting practices. Additionally, a very special commendation should go to Carolyn Childers for her complete dedication to thoroughness and accuracy in vote counting – she and the other staff members made a tremendous effort to ensure that every vote counts in Sutter County.

RECOMMENDATION

We recommend that an effort be made to find a larger area in which to count ballots.

RESPONDENT

Board of Supervisors, County of Sutter
8.2 GRAND JURY PERMANENT MEETING PLACE

INTRODUCTION
The Sutter County Grand Jury County Government Committee met with Larry Combs, the County Administrative Officer. We discussed a permanent meeting place for the Grand Jury.

FINDINGS
Mr. Combs has been working on locating a permanent meeting place for the Grand Jury, and at this time a few spaces are suitable. The Grand Jury was recently displaced from the County Courthouse due to recent renovations. The plan is to have a room and office available within a year. Recently, the Grand Jury has been sharing a meeting room in the Sutter County Administration Building until a permanent room can be secured.

RECOMMENDATION
We recommend that the 2004-2005 Grand Jury follow-up on a permanent meeting place.

RESPONDENT
Larry Combs, Sutter County Administrator