August 27, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95993

Dear Judge Chandler:

Submitted herewith is the Auditor-Controller’s Office response to the 2006-2007 Grand Jury Final Report. Penal Code § 933(c) and § 933.05 require my office to respond to the findings and recommendations of the Grand Jury. This response is submitted directly to you pursuant to Penal Code § 933.05(f).

I commend the individual members of the Grand Jury for their public service.

I share the Grand Jury’s concerns in making Sutter County government work better. I am looking forward to working constructively and positively with the Board of Supervisors and the County Administrator’s Office to implement improvements with the objective of increasing the County’s efficiency and effectiveness.

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

Sincerely,

Robert E. Stark, CPA
Auditor-Controller

Cc: Sutter County Board of Supervisors

One (in order presented)

“The Grand Jury recommends the county administrative officer and the auditor-controller direct their staffs to jointly develop a plan to implement the Management Letter recommendations. The County administrative officer and the auditor-controller should be required to explain any inability to implement these recommendations to the Board of Supervisors and the citizens of Sutter County.”

The Auditor-Controller responds—We agree and as of August 27, 2007 we are in the process of implementing all the recommendations which the Auditor-Controller has authority to implement and we are working with County administrative staff on implementing the rest.

Two

“The Grand Jury recommends the auditor-controller and the County administrative officer cooperate in getting the data to the independent auditor on time so that the audit report can be completed in a timely manner.”

The Auditor-Controller responds—We agree and have provided the outside auditor with the data requested in a timely manner and continue to work with the County administrative officer to provide information when their involvement is required or beneficial.

Three

“The Grand Jury recommends the auditor-controller focus on completing updated and accurate policies and written accounting procedures for the use of all departments within the county, as recommended by the Harvey M. Rose report, and that the auditor-controller’s office provides periodic updates to the Board of Supervisors as to the status of completion of the recommendations.”

The Auditor-Controller responds—We agree. The procedure manual is coming along as time allows. Significant progress has been made on the payroll section due to the availability of a contract payroll professional accountant and analyst.

Four

“The Grand Jury recommends the Board of Supervisors investigate opportunities to generate higher effective returns on the General Fund’s Unreserved Balance.”

The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.
Five

“The Grand Jury recommends the County administrative officer work cooperatively with the auditor-controller to develop a County budget that more accurately projects actual expenditures.”

The Auditor-Controller responds—We agree. The Auditor-Controller’s Office works cooperatively with the County administrative officer to provide timely and relevant management information and financial information in accordance with generally accepted accounting principles. Additionally we prepare the A-87 Cost Plan in accordance with Federal requirements which can be used as a resource for budget preparation of many service departments. The County administrative officer prepares the budget recommendations to the Board of Supervisors.

Auditor-Controller’s response to Recommendations on Grand Jury Report, page 18

One

“The Grand Jury recommends that the board contract with an independent personnel consultant to do a competitive pay and benefits analysis prior to considering the next pay increase. This should be used for all positions, but especially for management and elected positions, since there seems to be no process of check and balance. Under current procedures, management produces studies, the board approves, and everyone gets a raise.”

The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.

Two

“The Grand Jury recommends that in future salary increase deliberations, the Board of Supervisors proceed in accordance with Section 15.1 of the Sutter County Rules Governing Employee Compensation, Benefits, and Working Conditions. “The Auditor shall advise the Board regarding policy matters concerning the contracts or amendments to it.” This must occur before “it’s a done deal,” and with sufficient time and information to allow the auditor to reasonably prepare.”

The Auditor-Controller responds—We agree. The Auditor-Controller’s Office stands ready to provide this advice when requested. Since the Auditor-Controller’s Office has not historically been a party to the deliberations we have not voluntarily provided the advice since we had no knowledge of the proposals when they were being deliberated.

Three

“The Grand Jury recommends that the Board of Supervisors engage and involve the public, to the fullest practical extent, in future discussions involving pay and benefit changes. This could include, for example, a citizens’ advisory panel.”
The Auditor-Controller responds—we agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.

Four

“The Grand Jury recommends that the Board of Supervisors direct the county administrative officer or the auditor-controller to prepare a three- to five-year projection of county financials at least annually and that these projections be updated to reflect pension, pay, or other major costs for review during the decision process.”

The Auditor-Controller responds—we agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office. We will, of course, follow the Board’s direction if directed to prepare a projection.
TO: Honorable, Christopher R. Chandler
    Presiding Judge
    Sutter County Grand Jury

FROM: Frank D. Sorgea, Superintendent of Institutions

DATE: July 31, 2007

RE: RESPONSE TO 2006/07 SUTTER COUNTY GRAND JURY

This is submitted in response to the Findings and Recommendations of the 2006/07 Sutter County Grand Jury.

Finding: Emergency Response Plan in Place

Agree with Finding
These facilities operate in an environment in which any number of potential threats to life and property exist. We have managed these contingencies through development of comprehensive policies and procedures which dictate specific activities in the event of an emergency up to and including building evacuation procedure.

Finding: Intake and Visiting Areas to be Remodeled
Recommendation: Grand Jury Supports Remodel

Agree With Finding
Preliminary architectural design development was undertaken this past year. We anticipate the availability of competitive State Grant funding to provide for remodeling of existing juvenile facilities. Upon securing funding, significant modifications to our existing intake and visitation areas will occur. Our goal will be to create separate facility entrances; one to be used by law enforcement agencies, the second to be utilized by the general public.

Finding: Blocked Exits & Deterioration of Interior Insulation at Gymnasium
Recommendation: Pursue Waiver from Fire Standards

Agree with Finding
Recommendation:
With regard to pursuing a waiver from the local fire authority; this recommendation will not be pursued as we have developed alternative means of compliance which provides for
safety and security. The doors which had been blocked have had the barriers removed. We have adjusted our program supervision to accommodate the potential for a compromise to our security. This is a large building with 10 exits. The exits which had been blocked were areas from which minors had escaped in the past.

The gymnasium and classrooms are housed in a large warehouse type structure which was modified to accommodate our needs. The building when constructed was insulated with fiberglass insulation lined with a fiber membrane. The membrane was compromised by minors throwing balls into the product. No easy fix is readily apparent for this issue. We have stopped further deterioration of the insulation by use of an enclosed arena structure within the building. We anticipate review of this issue with architectural staff at the time we undertake remodel of the facilities.

**Finding:** Security in Exercise Yard  
**Recommendation:** Investigate Restricted Access to Levee

**Agree with Finding**

The issue identified by the Grand Jury relates to the proximity of the levee located West of the Juvenile Hall recreation yard. From the levee one can easily look into the recreation yard, and for that matter the entire North side of our facilities. This poses a potential threat from would be assailants and those who would desire to place contraband into our secure parameter. The levee system has been incorporated into a bi-county bicycle pathway and is often utilized by bicyclists and persons jogging or walking for exercise. We have taken steps to provide a visual barrier from the 14th Street side, as well as incorporating an angled wire mesh crown to the top of our 16 foot high perimeter fence. We have had no escapes from the yard since these improvements were completed.

The issue here is not escape of wards, but protection of wards from evildoers on the outside of our fencing. We have as a matter of policy conducted recreation of minors who may specifically be targeted by outsiders, to the enclosed recreation area incorporated in the Security Housing Unit. In addition staff inspects the yard prior to minors being allowed into the recreation area.

We will investigate options to restrict access to the levee behind the recreation area. I anticipate meeting with Levee District Officials to discuss possible options. These might include; installation of an 8 foot tall mesh fence at the crown of the levee, or restricting access to the levee from 14th Street to the intersection with the railroad levee to the East. Another option not involving the levee district would be to install security slats on the West fence extending from 14th Street to include the North side of the yard.

**Finding:** Escape Policy in Place

**Agree with Finding**

A detailed escape notification procedure is incorporated into our policy and procedure manual.
September 10, 2007

Honorable Christopher R. Chandler
Sutter County Superior Court
446 Second Street
Yuba City CA 95991

Re: 2006-2007 Sutter County Grand Jury Final Report

Dear Judge Chandler:

In response to the 2006-2007 Sutter County Grand Jury report on the Yuba-Sutter Juvenile Hall, Camp Singer Youth Guidance Center, I am the Presiding Judge of the Court, not the Juvenile Court.

Therefore, the Grand Jury report is misdirected.

Yours truly,

James L. Curry
Presiding Judge of the Superior Court

JLC/Irs
July 19, 2007

The Honorable Christopher R. Chandler
Superior Court Presiding Judge
446 Second Street
Yuba City, CA 95991

Fire and Emergency Services – Live Oak Fire Station
Criminal Justice Committee – Sheriff’s Department

Dear Judge Chandler,

The City of Live Oak would like to thank the Grand Jury for the time and effort spent in their review of the Live Oak Fire Station. We concur with the Grand Jury’s comments related to the growth issues in Live Oak. The impact that growth will have is also a concern to the City and we fully agree with the recommendation for an independent public safety assessment audit. The City would like to fund a study to look at the level of service for both fire safety and law enforcement but initial cost estimates for a study of this nature is approximately $100,000. To fund such a study, the City would need the financial assistance of the County.

In light of their findings concerning the current staffing levels possibly inadequate for the future growth of Live Oak, we appreciate the County’s support for the reserve firefighter program as well as increased staffing of extra help positions.

The City has developed impact fees to collect monies for use towards the construction of a new fire station but due to the recent downturn in the housing market, the City has not collected enough fees to build a new station at this time. The City will continue to review the impact fee charged in order to ensure the fee is adequate to fund the construction of a new fire station.

In reviewing the Grand Jury’s report for the Sheriff’s Department, we found no specific recommendations made for the City of Live Oak and therefore accept its contents as submitted.

Very truly yours,

Diane Hodges
Mayor

cc: City Council
    Sutter County Board of Supervisors

9555 Live Oak Blvd. • Live Oak, CA 95953
Telephone: (530) 695-2112 • FAX (530) 695-2595
June 29, 2007

The Honorable Christopher R. Chandler
Presiding Judge of Superior Court of California
County of Sutter
446 Second Street
Yuba City, CA 95991

Re: 2006-07 Sutter County Grand Jury Report, Yuba City Police Department Findings

Dear Judge Chandler:

Yuba City would like to thank the Grand Jury for their time and insight in reviewing the Yuba City Police Department and, in particular, the assumption of patrol services in Yuba City’s recently annexed areas.

The City and County staffs have recently reached agreement on the tax exchange to allow Yuba City to take over the Tierra Buena area in advance of meeting the development area trigger objectives. This agreement will be forwarded for City Council/County Board approval in the near future.

Plans continue for the remodel of the existing police facility to meet near term policing needs. The funding mechanism for this facility will be forwarded to the City Council for approval in July/August of 2007.

The City is making efforts to fill vacancies in police dispatch and recordkeeping positions. It is a good goal of maintaining an eligibility list for future openings in these positions.

On behalf of Yuba City, thank you for your service to our community.

Best regards,

Steven R. Jepsen
City Manager

SJ: cw: 07-16

cc: City Council

RECEIVED
JUL - 5 2007

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CRIMINAL DIVISION

1201 CIVIC CENTER BOULEVARD • YUBA CITY, CALIFORNIA 95993 • (530) 822-4601 • FAX 822-4694
September 27, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
466 Second Street
Yuba City, CA 95991

Dear Judge Chandler,

On behalf of the Sutter County Local Agency Formation Commission, I am herewith submitting their response to the findings and recommendations of the 2006-2007 Grand Jury.

Staff would be happy to meet with the Grand Jury to discuss any or all of these issues.

Sincerely,
LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Principal Planner

DL:gg
September 18, 2007

To: Local Agency Formation Commission

Re: LAFCO response to the 2006-2007 Sutter County Grand Jury Report

Staff's Recommended Action

Consider the Grand Jury's recommendations and staff's proposed response; make any desired modifications and direct the Executive Officer to forward LAFCO's response to the Grand Jury.

Background Information and Staff's Proposed Response


The report concluded that business operations at LAFCO seem to run smoothly and the commissioners, staff, and support personnel perform their tasks efficiently. In addition, it was noted that staff members who work at LAFCO are very aware of the responsibility they have in keeping all matters before the commission free from the possible influence of their full-time positions with other agencies. The Grand Jury Ad Hoc Committee was impressed with the straightforward and direct responses of commissioners, management, and staff.

The Grand Jury's report contained two recommendations:

1. The Grand Jury recommends LAFCO's website be independent of the County of Sutter's web page.

   Staff's proposed response

   LAFCO agrees with the recommendation. In fact, the LAFCO website was removed from the County website in May, 2007, (prior to the release of the

2. The Grand Jury recommends LAFCO immediately take steps to develop a contract with the County of Sutter for all of the financial services that are presently being performed by the County.

Staff’s proposed response

*While a contract is not a legal necessity, LAFCO agrees it is desirable at this point. The Commission will develop a contract for the 2008-09 Fiscal Year and for the current year, if feasible.*

**General Comment**

The Commission notes that the Grand Jury incorrectly stated that its Commission’s membership includes two members of the Yuba City City Council. In fact, its membership includes one Yuba City Council member and one City of Live Oak Council member.

**Summary**

Should the Commission concur with staff’s proposed responses to the Grand Jury’s recommendations, the Commission should direct the Executive Officer to forward the responses contained in this staff report to the Grand Jury.

Sincerely,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Principal Planner

ATTACHMENT A
2006-07 Grand Jury Report pertaining to Sutter LAFCO
AD HOC COMMITTEE

LOCAL AGENCY FORMATION COMMISSION

INTRODUCTION

The 2006-2007 Sutter County Grand Jury formed an ad hoc committee to investigate a complaint concerning the Sutter County Local Agency Formation Commission (LAFCO), its staff, and operations.

All LAFCOs are independent regulatory commissions created by the California Legislature to control the boundaries of cities and most special districts.

The following is taken from the Sutter County LAFCO web page: “Responsibilities include annexations to cities or special districts, formation or dissolution of new districts and the review and approval of sphere of influences which identify the probable future boundaries.”

SUMMARY

The Ad Hoc committee invited the complainants to meet and discuss their concerns and issues, and to also allow them an opportunity to contribute additional information developed since writing the original complaint. The committee researched California state constitutional statutes and laws that govern LAFCO, its staff, and operations. During a meeting with the 2006-2007 Grand Jury, LAFCO’s Executive Officer, Larry Combs, was questioned about his duties and the agency’s operation. After attending the LAFCO February 22, 2007 meeting, the committee interviewed three of the seven commission members. In addition, the committee interviewed LAFCO’s Senior Planner and Legal Counsel.

FINDINGS

The county, cities and independent districts within Sutter County each contribute to the budget needs for LAFCO.

The LAFCO Board is composed of seven commissioners: two members of the Board of Supervisors, two Yuba City Council members, two Special District members, and one public member. The board meets every fourth Thursday of the month at the Yuba City Council Chambers at 1201 Civic Center Blvd. in Yuba City.

In the past, statewide concerns over LAFCO’s dependence on, and the powerful influences by, county governments upon LAFCO produced a number of state legislative
changes. Major bills were passed to reform local government, making LAFCO an independent agency:

- Knox-Nisbet Act of 1963
- Assembly Bill 115
- Cortese-Knox-Hertzberg Local Government Reorganization Act of 1985
- Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

All members of LAFCO’s staff are employed full time by Sutter County. They are paid by LAFCO to perform its business on an as-needed basis. At this time, hiring and retention of a full-time staff for LAFCO is unwarranted. The present arrangement performs well, and ultimately the cost of a full-time staff would be significantly increased.

Staff members who work at LAFCO are very aware of the responsibility they have in keeping all matters before the commission free from the possible influence of their full-time positions with other agencies. The Ad Hoc Committee was impressed with the straightforward and direct responses of commissioners, management, and staff.

Passage of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH 2000) changed LAFCO’s funding mechanism. Previous to the CKH 2000, the county had been responsible for LAFCO’s entire budget. Thereafter, revenue needs for LAFCO’s budget was split equally between the county, cities and Special Districts. The county was unable to provide a contract between the county of Sutter and LAFCO for the financial services (i.e. payment of expense claims, salaries, etc.) the county performs for LAFCO.

Business operations at LAFCO seem to run smoothly and the commissioners, staff, and support personnel perform their tasks efficiently.

The LAFCO web page is buried deep within the county of Sutter website www.co.sutter.ca.us/doc/governmentdet/cs/LAFCO_home, and it may appear to the public that LAFCO is a part of or under the control of the county of Sutter and not an independent agency.

**RECOMMENDATIONS**

1. The Grand Jury recommends LAFCO’s website be independent of the county of Sutter’s web page.

**LAFCO’s Response**

*LAFCO agrees with the recommendation. In fact, the LAFCO website was removed from the County website in May, 2007 (prior to the release of the Grand Jury Report). LAFCO’s website is now independent. Its URL is http://www.sutterlafco.org.*
2. The Grand Jury recommends LAFCO immediately take steps to develop a contract with the county of Sutter for all of the financial services that are presently being performed by the county.

**LAFCO's Response**

While a contract is not a legal necessity, LAFCO agrees it is desirable at this point. The Commission will develop a contract for the 2008-09 Fiscal Year, and for the current year if feasible.

◆

**RESPONDENT**

LAFCO
August 16, 2007

Jennifer Lambert
Court Clerk/Jury Services
Superior Court of Sutter County
446 Second Street
Yuba City, CA 95991

Dear Ms. Lambert:


Thank you for transmitting a copy of the 2006-2007 Grand Jury Final Report and providing us the opportunity to comment on it.

We note that the statutes referenced in your cover letter of June 25, 2007 require comments from public agencies subject to the reviewing authority of the Grand Jury. Although we were pleased to provide information about the California Public Employees' Retirement System to the Grand Jury, CalPERS is not a public agency under its jurisdiction and therefore submits no comments on the findings and recommendations in the Report.

We remain available to provide additional information if the County or subsequent Grand Juries have additional questions.

Sincerely,

Kenneth W. Marzion
Assistant Executive Officer
Constituent Relations
Dear Judge Damron,

This letter is in response to the portion of the 2006-2007 Sutter County Grand Jury Report (REPORT), Education Committee Report, which pertains to the visitation of the Sutter County Grand Jury Education Committee to Encinal Elementary School during the 2006-2007 school year.

I received a copy of the report on June 27, 2007. The copy I received was signed by Richard Nelson and Christopher R. Chandler.

The Live Oak Unified School District appreciates the recognition of our efforts and dedication of staff from the Grand Jury. In Live Oak, we are constantly striving to make our schools safe and effective and provide an excellent education for our students in all of our schools.

**Response to the Encinal Elementary School Report**

The Grand Jury made one recommendation regarding Encinal Elementary School.

1. The Grand Jury recommends that, “a crossing guard, possibly staff or volunteer, should be on duty during arrival and departure times, to ensure the children’s safety from passing motorists.”

With the installation of speed signs to the north and south of Encinal School on Larkin Road in March of 2007, I have noticed a marked difference in the speed of cars during peak traffic times. I observed cars slowing down further from the school and I observed that the slower speeds do give a sense of a safer environment. At Encinal, our students, especially the ones in younger grades could benefit from additional assistance crossing the road and I will have my site administrator explore options for providing additional assistance for our students.

Sincerely,

Tom Pritchard
LOUSD Superintendent
July 17, 2007

Christopher R. Chandler, Presiding Judge
Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

Dear Judge Chandler:

This letter is provided in response to the 2006-2007 Final Report of the Sutter County Grand Jury. We concur with the Grand Jury’s findings.

In response to the Grand Jury’s recommendations: in an attempt to reduce recidivism, the California Department of Corrections and Rehabilitation (CDCR) in conjunction with Cornell Companies, Inc. will be implementing a Substance Abuse Program (SAP) before the end of the year. This program will include intensive weekly individual therapy sessions conducted by professionally trained staff. In addition, residents and their loved ones may attend family therapy sessions during regular visiting hours. The primary treatment or focus in a SAP is for the resident to acquire tools on changing her way of thinking, behavior, and restructuring her feelings. The emphasis is on her values, belief systems, behaviors, and attitudes as it relates to the self, family, and community. We are excited about the opportunity to provide this valuable service at our institution.

Additionally, the Leo Chesney Community Correctional Facility has recently hired a psychiatric social worker to work closely with the resident population to provide information on housing opportunities, clean sober living homes, family reunification, domestic violence, etc.

The Leo Chesney management team has considered the recommendation made by the Grand Jury to facilitate a “Career Fair” for the population utilizing local businesses, community groups, and representatives from the community, state, and university campuses to encourage, promote, and provide employment training and higher education. We concur with the suggestion and believe the concept could be beneficial to the residents. Our program administrator will communicate with local representatives of applicable agencies and businesses to determine the interest and viability to execute this event in early 2008.
The Leo Chesney facility is committed to making a positive difference in the lives of the women in our care, our employees, and the Live Oak community. We appreciate the comments and recommendations made by the Grand Jury and remain dedicated to providing the maximum services to our residents that the current contract allows. We will forward a copy of the Grand Jury’s report along with this response to CDCR so they are aware of the Grand Jury’s recommendations.

We appreciate the time and effort made by all jurors that toured our facility. If I or my staff can be of further assistance, please do not hesitate to contact me at (530) 695-1800.

Sincerely,

Paula Ford
Facility Director

Cc: George Killinger, Director of Operations, Cornell Companies
Dave Bollinger, CDCR Facility Captain
August 1, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

Dear Presiding Judge Chandler:


The Yuba City Unified School District (District) submits the following responses to the report, findings, and recommendations of the 2006-2007 Sutter County Grand Jury.

Reports (pages 65 through 66 and 85 through 92)

The District accepts the two sections of the Grand Jury report, the first of which summarized the plant and program of River Valley High School. The second section summarized services and programs provided by the Sutter County Children and Families Commission (SCCFC). The District would draw your attention to the fact that we accept this section only as it relates to two programs sponsored by SCCFC and coordinated through the District.

Findings/Recommendations (pages 65-66)
The District is pleased with the Grand Jury summary that portrayed River Valley High School (RVHS) as attractive, well-maintained, organized and efficiently operated (page 65). The finding reported on page 66 focused on the anticipated increase in traffic resulting from the full compliment of grade levels at RVHS in the 2007-2008 school year. The District will continue to work with Yuba City and Sutter County agencies as progress advances on the opening of Harter Road and will implement other appropriate traffic management strategies as appropriate.

Findings/Recommendations (pages 88-89)
The District responds to this section of the report because of the partnership between the District and SCCFC. The District runs the daily operation of the School Readiness and Smart Start programs in a partnership with the Sutter County Children and Families Commission. The District will continue to increase parent outreach for School Readiness to clarify the availability and access to any of the established sites.

Smart Start staff includes pre-school teachers, childcare aides, parent advocates, and Kindergarten teachers. All staff members were trained in advance of the summer sessions. The outreach and recruitment for Smart Start included radio ads, flyers in Kindergarten registration packets at all Sutter County schools, and information shared at community events throughout the spring of 2007.

Educating Today's Students To Succeed In Tomorrow's World
Smart Start classes were held at seven sites and in two different timeframes throughout Sutter County. Parents were invited to select the site and timeframe that best fit the needs of their family. In addition, the two timeframes offered sessions immediately after school concluded in May and also in close proximity to the start of school in August. Smart Start is open to any eligible Sutter County child.

The District will continue to work with the SCCFC to examine recruitment, outreach, and program expansion strategies for Smart Start in subsequent summers.

Respectfully submitted,

Nancy H. Aaberg
Superintendent

Cc: Jeff Holland, Superintendent Sutter County Schools
    Deb Coulter, Executive Director Sutter County Children and Family Commission
    Mary Ann Hedrick, School Readiness Coordinator
    Mil Elliott, Smart Start Coordinator
    Lori Greenwood, Smart Start Coordinator
August 1, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

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Respectfully submitted,

[Signature]

Nancy H. Aaberg
Superintendent

Cc: Jeff Holland, Superintendent Sutter County Schools
    Deb Coulter, Executive Director Sutter County Children and Family Commission
    Mary Ann Hedrick, School Readiness Coordinator
    Mil Elliott, Smart Start Coordinator
    Lori Greenwood, Smart Start Coordinator
    Joan Bechtel, Sutter County
    Jim Whiteaker, Cutter County Board of Supervisors
Superior Court of California  
County of Sutter  
446 Second Street  
Yuba City, California 95991  

Re: Sutter Basin Fire District Recommendations  

Gentlemen:  

The recommendations recommended by the Sutter County Grand Jury in their final Report for 2006-2007 have been completed. The firehouse bay door has been repaired by Woodland & Davis Garage Door Co., 1240 Alice ST., Woodland, California. This was done on July 12, 2007.

The Robbins-Sutter Basin Fire District has applied for a Grant; the results are not yet known.

One correction that should be made for your records is that the Robbins Fire Station is located on Pepper Street in Robbins, not Santa Clara.

We thank you for your time and efforts.

Very truly yours,  
SUTTER BASIN FIRE DISTRICT  

Laverne Drive6, Secretary
August 9, 2007

Honorable Judge Christopher Chandler  
Superior Court of California  
County of Sutter  
446 Second Street  
Yuba City, CA 95991

Dear Judge Chandler,


The Sutter County Children and Families Commission appreciates the support of the Board of Supervisors and is proud of the excellent programs the Commission funds for Sutter County's youngest children. The Commission office welcomes and encourages direct inquiries from the Grand Jury 2007-2008.

If my office can be of further assistance, please do not hesitate to contact me.

Sincerely,

[Signature]

Deborah Coulter, R.N.  
Executive Director  
Sutter County Children and Families Commission

RECEIVED  
AUG 14 2007  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER  
CRIMINAL DIVISION
The Sutter County Children & Families Commission (SCCFC) thanks the Grand Jury 2006/2007 for its efforts to evaluate the many successful services funded by the Commission. The SCCFC notes that many of the recommendations in the 2006/2007 Grand Jury Report are repeated from the 2005/2006 Grand Jury Report. Accordingly, many of the SCCFC responses are similar to the prior year’s response.

The SCCFC notes with pride that the number of children served each year by SCCFC funded programs is growing. All SCCFC funded programs are voluntary and the SCCFC appreciates those parents who have allowed their children to benefit from our programs and recognize that many children and families have little need for our programs or select other services for the needs of their children.

While appreciating the recommendations of the Grand Jury, the SCCFC reminds them that we do not have the mission or financial resources to provide services to all children in the county.

The SCCFC has considered, deliberated and after receiving public comment in open meetings chosen a consistent plan that provides quality services to children and provides stability and consistency for service providers.

After careful deliberation, the SCCFC has established a number of core programs and annual specialized mini grants, all of which are consistent with state and local planning processes and requirements to serve our community. In doing so choices from among many alternatives have been made, some of those choices may not be those that all involved community members would have made. However, the choices were made after exercising due diligence to research all known issues and made to assure the long term viability of the valuable programs funded by the SCCFC.

1. Recommendation: Outreach- Small Number of Children Served (Grand Jury Report 06/07, Pg. 83-85)

SCCFC disagrees with this recommendation, several of the findings and finds that further action is unwarranted.

SCCFC makes services available to all Sutter County children ages birth through five regardless of income or other qualifying criteria. These are all voluntary programs. They exist to improve the conditions for children in Sutter County. Parents choose to receive services for themselves and their children; they are not mandated to do so. Some programs are directed to the needs of the poor and underserved by virtue of being located in a particular school or site, while others are directed to specific populations (i.e. special needs). SCCFC continues to expand outreach and marketing efforts.

SCCFC is very diligent about tracking its services and activities and sets a standard for measurement of services that should be acknowledged as part of this record. The reach of SCCFC is much larger than the result of those children served. Each year the program builds upon its success. There is no need to implement further recommendations when SCCFC is continually improving its own service efforts. Furthermore, using a carefully measured number, while ignoring
other outreach efforts to illustrate a point understates the current efforts of SCCFC to improve upon its own work.

In 2005-06, SCCFC served 1,910 unduplicated individuals. The data reported in the Program Integration Report and other evaluation reports are those of families receiving an actual service. For example, a child must be enrolled in Smart Start and complete a minimum of service (i.e., two of the three weeks) to be counted. Every family that gets a backpack with the half-hour training is counted. Every family that receives at least one free immunization, or visits the dental van, is included. Someone who is referred to one of SCCFC programs, may make one visit, but may never really engage for services and therefore not be counted as a service. For the purpose of establishing an unduplicated count for the Program Integration Report, the files are reviewed to remove the duplicate names. For example, if 50 people attend program A, and 50 attend B, and 100 attend C, the totals are not reported as “200 served” in the integration report. The files are examined to determine duplicates (for example, how many of each 50 in A and B were the same family) and each person is only counted one time. This results in the number of individual and unique individuals who participated in one or more programs.

SCCFC also makes a significant number of points of contact with people in the county that are not counted as services. These efforts are called “contacts” as they are attempts to reach out to community members to initiate contact. Every household with a child five or under was sent a mailer last year about SCCFC programs and services. While a person receiving a flyer or information definitely does not count as a service, it does count as a contact. SCCFC actively reaches out to contact the following groups in order to conduct its activities. The list below illustrates a sample of outreach activities conducted by SCCFC. Outreach activities are also conducted by School Readiness Specialists, Bright Futures Outreach Assistant, and other program staff on an ongoing basis at a variety of community locations.

<table>
<thead>
<tr>
<th>Outreach Activity “Contact”</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bright Futures Mailing List</td>
<td>206</td>
</tr>
<tr>
<td>Hawk Flight April 2007 – estimated attendance</td>
<td>200</td>
</tr>
<tr>
<td>Yuba Sutter Fair – August 2006</td>
<td>60</td>
</tr>
<tr>
<td>WIC</td>
<td>1400</td>
</tr>
<tr>
<td>Kindergarten Registration Fairs</td>
<td>390</td>
</tr>
<tr>
<td>Smart Stat Parent Nights</td>
<td>320</td>
</tr>
<tr>
<td>Parent Kit Distribution</td>
<td>1,300</td>
</tr>
<tr>
<td>Beauregard Literacy Contacts</td>
<td>440</td>
</tr>
<tr>
<td>Reach Out and Read</td>
<td>800</td>
</tr>
<tr>
<td>Mini-grants RFP Mailing</td>
<td>200</td>
</tr>
<tr>
<td>Countywide Household Mailers – Programs</td>
<td>2,500</td>
</tr>
<tr>
<td>Countywide Household Mailers – Community Survey</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Total Outreach “Contacts”</strong></td>
<td><strong>10,316</strong></td>
</tr>
</tbody>
</table>

The “contacts” list above is an example of outreach efforts and understates the total number of outreach efforts. The SCCFC also conducts Public Service Announcements with four local radio stations (KKCY, Sunny 101.5, KUBA, KOBO) that have a listening audience covering Sutter, Yuba and Colusa Counties. SCCFC produces Toolbox for Tots a weekly television show broadcast throughout Sutter, Yuba and Nevada Counties on Cable Channel 19. The program is also available “On Demand.”
School Readiness and Smart Start are different programs.

- The School Readiness program is a special program that is meant to serve the needs of children in low performing schools. It operates in Sutter County by virtue of a special matching grant that is funded through the California First 5 (State Commission). This grant directed the initial funds towards schools with low API Scores as a requirement. This year in the reapplication process the requirement was termed "maintenance of effort" and upheld the focus upon schools that had been served in the early years of the grant. Essentially, the county program had to work with those schools even if they were interested in expanding the program to other sites. The State Commission also directs how the funds may be spent through a very rigid application process. SCCFC has limited ability to make adjustments to this program due to the grant requirements. This year, SCCFC has developed and funded an individually tailored School Readiness program for Luther School in Live Oak. This pilot program was solely funded by SCCFC and uses the framework of data driven services of the Sutter- YCUSD School Readiness program.

- Smart Start is a separate program from School Readiness offered to all Sutter County children. The purpose of this program is to achieve school readiness for children who have not had a preschool experience. This program is lead by Kindergarten teachers that act as lead faculty. SCCFC finds it unclear why the Grand Jury would imply that Kindergarten teachers are not involved in this program. SCCFC funds this program entirely with it own funds and operates it at seven sites throughout the county, including Live Oak and Sutter. All children are invited to attend regardless of their home-district school site. This is a proven format that has documented improvement in student scores as a result of the program intervention.

Sutter County Smiles is a dental program available to all children in Sutter County. It is not a Medi-Cal only program. However, since there are no pediatric dentists in the county that accept Medi-Cal, it appears that SCCFC has provided a necessary service. Families with private insurance are provided a list of local dentists so that they can establish a "dental home".

SCCFC has hired a registration clerk (not a clinician) to verify appointments, register clients, set-up sliding fee schedules and conduct routine secretarial tasks. This clerk does not enroll people in insurance plans. This person is not qualified to drive the van, which requires a Class B license. This person provides a function necessary to the effectiveness of the dental service. We are unclear about the nature of the Grand Jury’s objection and hope that this information will clear up the questions.

The Sutter County Smiles van currently visits Live Oak on a regular basis. Bright Futures screening program regularly visits Live Oak and Sutter.

"Neglected Constituencies"
SCCFC is concerned about the use of the term “neglected constituencies” in the Grand Jury report. The assertion is made in several sections and seems to be made without regard for the efforts of SCCFC to serve the population of children, ages 0-5 and their families. The Grand Jury seems to infer differences between the constituents of the Sutter County Supervisor’s districts and the constituents of Sutter County Children and Families Commission. SCCFC will address the issue here.

Sutter County is a rural county. The communities outside of Yuba City have very small populations, all of which present challenges to effective service delivery. In 2004, ninety-seven
percent of the births in the county were in the areas of Yuba City, Live Oak and Sutter, all locations which SCCFC provides service. To highlight an example using pertinent data, the table below is a chart of birth data by zip code from 2004 (a recent data table from the California Department of Health). The data exemplifies the challenges in determining the location (and cost) of providing services in the more remote areas of the county.

<table>
<thead>
<tr>
<th>Birth Data by Zip Code, 2004</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live Oak</td>
<td>146</td>
<td>10.94%</td>
</tr>
<tr>
<td>Meridian/Winship</td>
<td>10</td>
<td>.79%</td>
</tr>
<tr>
<td>Sutter</td>
<td>32</td>
<td>2.39%</td>
</tr>
<tr>
<td>Yuba City (95991)</td>
<td>757</td>
<td>56.74%</td>
</tr>
<tr>
<td>Yuba City (95993)</td>
<td>361</td>
<td>27.08%</td>
</tr>
<tr>
<td>Nicolaus</td>
<td>5</td>
<td>.37%</td>
</tr>
<tr>
<td>Pleasant Grove</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Browns/Rio Oso</td>
<td>18</td>
<td>1.39%</td>
</tr>
<tr>
<td>Robins</td>
<td>5</td>
<td>.37%</td>
</tr>
<tr>
<td>TOTALS</td>
<td>1334</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

The Grand Jury states (GJ Report 06/07 pg 87) that Yuba City consumes 82% of the Commission’s program monies. The birth rate data table above illustrates that 83.82% of births are in the Yuba City (95991, 95993) area of Sutter County. This data supports that SCCFC is providing the greatest amount of services in the area with the greatest number of children.

The two largest communities outside of Yuba City are Sutter and Live Oak. There are Smart Start locations in both Communities. In 2007, there will be an SCCFC funded School Readiness program in Live Oak. The service delivery information indicates steady improvement over prior years.

There have been attempts to locate programs in communities as well as organize community meetings in all of the communities. All with limited success. In fact, Bright Futures was placed in Live Oak and only served a limited number of people. More people from that community access the program in Yuba City than those that did when it was located in their local community.

In general, SCCFC has been able to access many more parents by moving to central locations within the county and allowing people to come in while they were in Yuba City for related activities. Conducting twelve Bright Futures sessions seems to meet the needs of the county very well. Providing services to the remaining communities have been a continuing challenge for the Commission. This year SCCFC will be working with school nurses to better identify eligible participants for the program and determine ways to connect the children with needed services.

In the entire seven-year history of SCCFC, there has not been one complaint from a Supervisor about lack of services within their communities. The Commission is receptive to the needs of all children within the county and will continue to work on extending its reach. Each commission meeting provides opportunities for public comment leaving ample opportunity for the public to bring suggestions to the commission to better serve them.

2. Recommendation: Immense Reserve Fund (Grand Jury Report 06/07, Pg. 85-86)

We disagree with this recommendation and find that further action is unwarranted.

Tobacco use and corresponding revenues based upon its consumption have been in decline since the inception of this law. It is the nature of this law to be a punitive assessment on tobacco
consumption. With its success, the state loses revenue but gains back in the improved health of its constituents. This dynamic has always been part of the unique burden of Children and Families Commissions. SCCFC has a growing population unlike many other counties in the state. With the increased population, SCCFC gains revenue but with the decline in tobacco consumption, SCCFC loses revenue. The per-child contribution has actually declined since the beginning of the program.

As a policy matter, the challenges to Proposition 10 are very real. There have been several attempts made to subtly challenge the Proposition 10 initiative. The structure of the program, particularly the increased emphasis on county control of the funds, is disconcerting to some members of the state legislature. The state must also contend with the continued vigilance of tobacco industry lobbyists. The Grand Jury correctly points out that a two-thirds vote of the legislature is necessary to change the law.

- However, this has not stopped the introduction of competing initiatives that have been set out to copy the success of the Proposition 10 legislation. For example in 2006, an emergency room initiative was sent to the voters that would have quintupled the amount of tax on tobacco products currently levied by Proposition 10. This measure failed at the ballot box.
- Nor has the two-thirds requirement stopped members of the legislature from trying to divert the funds to other areas. In 2007, one legislator developed a bill to channel all the funds to children’s healthcare in an attempt to fund a proposed program. Fortunately, this bill was tabled after one hearing.

These are only examples to illustrate that there have been significant attempts to curtail the Children and Families Act services and make these programs less stable than many others of their kind.

This year, SCCFC is completing a five-year financial plan. The reserves are a very important part of this plan. Although the reserves seem like excess funds now, they will be expended over time. According to the financial projections, by funding the core programs alone and figuring only modest increases in program costs, the reserves will be spent down entirely within 10 years. This is without the additional cost of the Community Improvement Project grants currently under consideration. These figures have been shared with the public in public meetings over the past several months. The plan will be completed before the close of this fiscal year.

SCCFC is not alone in maintaining a strong reserve. There are other counties that have maintained high reserves (E.g. Sonoma and Placer Counties) and met with heightened concern from their communities and in particular from service providers that expect to receive a portion of those funds. It is important to recognize that SCCFC is pursuing sound management and financial practices in light of very significant threats to its external environment.

3. **Recommendation: Composition of the Commission** (Grand Jury Report 06/07, Pg. 86-87)

**We disagree with this recommendation and find that further action is unwarranted.**

In 2001, the Board of Supervisors considered all of this information before they developed the ordinance to create the county commission. They deliberated and made a decision to meet the needs of Sutter County.

The use of members of the Family Intervention Team “FIT” Policy Board to serve the needs of the SCCFC has been a very good match. The composition has brought in a functioning team with a good mix of concerned and seasoned professionals to the Commission. These individuals are responsible for large segments of the county population and multiple programs. The Grand Jury’s
statement that “the focus of FIT is very different from issues critical to children and families during the years leading from conception to Kindergarten” could not be further from the truth. The commissioners coming from the FIT Policy Board represent hundreds of years of experience both as citizens and as professionals working with thousands of families who do represent this community. As individuals, they do understand the needs of the citizens of this community, especially those who can most benefit from services to help their children become successful in school and in the community and later as adults. That having been said, the commissioners do not bring pre-conceived ideas about the children-services delivery models and have been receptive to many new ideas and approaches for all citizens of this community.

SCCFC disagrees with the Grand Jury’s assertion that, “the county carry out its duty of overseeing the expenditure of Proposition 10 funds”. By law, SCCFC cannot become a traditional county agency. In the state law, the county agency option (Health and Safety Code, Section 140130.1) allows Commission to choose a structure in order to conduct business, issue contracts, and make purchases, “as an agency of the county with independent control over the strategic plan”. Unlike other county agencies, the County Administrator and Board of Supervisors do not have direct control over the funds. While the legislation allows staff to be employed by the county (as is done at SCCFC), it expressly states that the Commission has control over the strategic plan. The Commission is a separate political entity, similar to a Local Agency Formation Commission (LAFCO) or a board of education. Only the Commission can execute decisions over the funds. The Board of Supervisors is always allowed to review and make comments about the strategic plan.

To infer that the commissioners are not attuned to the needs of families and children in this community fails to recognize the success of the programs already in place serving hundreds of citizens. The commissioners have been very good about managing the funds and developing strong programs for Sutter County, including providing a strong reserve so that the programs and services will continue long into the future. SCCFC considers that any attempt to change this structure would not be in the best interests of children and families of Sutter County and as such, they will not be acting upon this recommendation.

4. Recommendation: The ‘Foundation’ Concept (Grand Jury Report 06/07, Pg. 87-88)

We disagree with these recommendations and find that further action is unwarranted.

SCCFC disagrees with the Grand Jury’s assertion that, “it is reluctant to break away from the status quo and try new ideas”. In recent years the SCCFC has recognized their interest in supporting the programs and services that have been evaluated and proven beneficial for children and families. This had led SCCFC to support these programs for a period of years as “core programs”, as noted in the 2007 Strategic Plan. SCCFC is not alone in this regard, as many of the county commissions find themselves making the transition from funding agencies (foundation model) to service-oversight agencies (service model). This is occurring as the county commissions’ discern their role, the capacity of their local providers, and the limited impact of their funds to meet the needs of the children and families of their counties.

SCCFC has always established a timeline for proposal development and review. It is not clear how this information has avoided public scrutiny, as it has been a matter of public record. The Grand Jury has acknowledged that the mini-grants have been distributed in its own report. In the seven years of its existence SCCFC has distributed all of its funds in methods that meet public laws and public accounting standards.
The Community Improvement Project proposals (large grants) have been a continuing process. The proposal steps and guidelines were very clear. All of the applicants were rejected because they did not meet expectations about management, organization, evaluation standards and data-driven program practices in their proposals. Every one of these applicants was given the chance to amend their proposals and the deadlines were extended for all. The Commission is still reviewing their applications in the current round of funding.

SCCFC did post the recent School Readiness Mini Grant application form online. It is not online now because the grant period has now closed but it was online during the period of time when the application was open. SCCFC has obtained documentation of this posting from the Information Technology Department and is available for the Grand Jury to review. It is not clear why the Grand Jury would make this comment.

The CARES program was funded under a matching grant from the California First 5 Commission. From time to time a program will not fulfill the expectations of their program evaluation. The grantee was also given six months to address these issues. The disposition of the CARES program is a matter of public record in the SCCFC minutes. A review of those minutes will indicate that there were performance reasons for the demise of the Sutter County CARES. There are also evaluation reports that substantiate this decision. It is always unfortunate when any agency makes a choice not to work with partners to improve the conditions of people within its community.

SCCFC will not take action on this recommendation. Subrogating the responsibility of grant making is not appropriate for the commission, nor is it an appropriate role for an advisory committee. SCCFC will continue to make use of its ad hoc advisory groups to consult on subject-matter issues. It will continue to execute its authority over funding decisions as prescribed by law.
August 8, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
466 Second Street
Yuba City, California 95991

Dear Judge Chandler:


Grand Jury Findings

"Ms. Bechtel stated that there are approximately 24,000 permanent absentee voters registered in the county. There tends to be a higher voter turnout for absentee/mail ballots (about 63%)."

Registrar Response

The Registrar agrees that there tends to be a higher voter turnout for absentee/mail ballots.
There were 26,195 absentee/mail ballots issued for the November 7, 2006 General Election. 17,638 ballots were voted and returned. That is a 67% voted and returned rate.

Grand Jury Finding

"Due to the rapid growth occurring within the county, Ms. Bechtel anticipates the boundaries of supervisorial districts will have to be redrawn in the near future. When this happens, precinct boundaries will have to be redrawn".
Registrar Response

The Registrar agrees that precinct boundaries will have to be redrawn when Supervisorial districts are redrawn due to population growth in Sutter County.

Grand Jury Findings

“At the conclusion of the meeting, the Grand Jury members were taken on a tour of the election facilities. Especially noted was the area where the voting machines are stored when not in use and the area where ballots are counted. These areas are separate from the day-to-day operations area and appear to be very secure, thereby making tampering with the machines unlikely”.

Registrar Response

The Registrar agrees that the areas in which the voting machines are stored and the area where the ballots are counted are very secure, thereby making tampering with the machines unlikely.

Grand Jury Recommendation:

“Given the importance of participatory government, the Grand Jury recommends that the Sutter County Elections Department make a concerted effort to reopen as many polling places as possible, particularly in rural areas of Sutter County where polling places have recently been closed. It is believed that in so doing, voters will not feel “left out” of the election process”.

Registrar Response

Election staff has evaluated every polling place in Sutter County, but two, that will be used for the 2008 elections. The two polling places are schools that have been unavailable for evaluation. They will be available in the next few weeks.

The polling places must meet the (HAVA) Help America Vote Act requirements for disabled voter access. The polling places must also have sufficient electrical access and power for electronic voting equipment.

We have purchased with Federal grant funds equipment that enables some polling places to meet the accessibility requirements that could not do so in the past.

The following are either new polling places or re-opened polling places that are being added to our polling locations list for the 2008 elections.

East Nicolaus Fire Department
1988 Nicolaus Avenue
East Nicolaus, CA
Robbins Community Hall
17540 Pepper Street
Robbins, CA

Live Oak Community Resource Center
10720 Live Oak Blvd.
Live Oak, CA

Meridian Elementary School
15898 Central Street
Meridian, CA

Sutter Community Church
2900 Acacia Avenue
Sutter, CA

United Pentecostal Church
2649 East Onstott Road
Yuba City, CA

The election staff is aggressively recruiting poll workers to man these additional polling locations who have the desire to serve and can be trained on issuing paper ballots and the use of the electronic voting equipment. They, also, must be able to learn voting rules and regulations and the security measures necessary to ensure the safety and integrity of each person’s vote.

Grand Jury Recommendation

“In areas where voting by mail is determined to be the only option, the Grand Jury recommends an aggressive effort is needed to inform those voters why a mail-in ballot is the only way to make their voice heard. This will reinforce the premise that voting is a constitutional right, and that every vote counts”.

Registrar Response

In areas where vote by mail is the only option, the election staff will be mailing a notice to the voters prior to the February 5, 2007 Primary Election that will explain that there is not a polling site for their precinct that meets the necessary access requirements for all voters. The notice will inform the voter that prior to the election he/she will be mailed a paper ballot and a stamped envelope addressed to the Elections office for the return of their voted ballot.

Grand Jury Recommendation

“The Grand Jury recommends the Board of Supervisors redraw the lines of supervisorial districts prior to the next election to accurately reflect the changes in the population distribution”.
Registrar Response

The redistricting of the supervisory districts is beyond the purview of the County Clerk-Recorder-Registrar of Voters.

Respectfully submitted,

Joan Bechtel
Clerk-Recorder-Registrar of Voters
July 8, 2007

The Honorable Christopher R. Chandler, Presiding Judge
Superior Court of California, County of Sutter
446 Second Street
Yuba City, CA 95991

Re: Sheriff's response to the 2006-07 Grand Jury final report

Dear Judge Chandler,

On June 5, 2007, the Sutter County Grand Jury submitted its report to the Sutter County Superior Court and this office received a partial copy as it related to the Sheriff's Department on June 28, 2007. The Grand Jury findings as they relate to Sheriff's Operations are included in three major committee sections of the report, namely the Audit and Finance Committee, County Government Committee and the Criminal Justice Committee. Throughout the Grand Jury report are several critiques, criticisms, assumptions and findings that I disagree with.

What I find most puzzling is that some of the Grand Jury’s listed findings includes findings that the Sheriff’s Department was specifically asked about and supplied information on weeks before the report was finished only to now find that this information was not included in the final report and the finding was contrary to the information supplied. This response will address the findings and recommendations of these committees.

COUNTY GOVERNMENT COMMITTEE
Sutter County Employee Retention and Recruitment

Finding: “The committee acknowledges that while vacancies will and do routinely occur in the running of any government entity, the problem is acute in Sutter County. The problem and resulting effect is most striking within the Sheriff’s Department.”

Response: We disagree with this finding. While we agree that recruitment and retention is an on-going challenge, this comment as stated in the findings leaves one with the impression that that the problem of recruiting law enforcement personnel is more severe at the Sutter County Sheriff’s Department than with other agencies and to that we disagree.
During one of the several meetings with the Grand Jury when this matter was discussed, the Grand Jury was given data from a comprehensive study on this subject, namely the California Peace Officer Standards of Training (P.O.S.T.) Recruitment & Retention Best Practices and Update from April 2006. This document is available on-line at: http://www.post.ca.gov/training/bestpractices/RecruitmentBestPrac.pdf.

Some of the information in this report made available to the Grand Jury as to the acute problem of recruiting not only in Sutter County but throughout the State was the following data:

- Between 2002 and 2012, the state projects an estimated 68,000 peace officers will need to be hired with an estimated 30,300 as a result of separations.
- This report also detailed the fact that law enforcement related positions are the highest priority for federal hiring with a goal of hiring 37,000 people to fill those positions over a period of two years thus pulling from available persons in the already limited California pool of potential hires.

It was also pointed out in this study that in a survey of seventy-six law enforcement agencies throughout the state:

- Eighty-one percent agreed that recruitment is a problem.
- That within the seventy-six agencies that participated in the study, they collectively had more than 8,300 vacancies.

Also included in the Grand Jury report was the following matrix of Authorized vs. Positions filled in the Sheriff’s Department.

<table>
<thead>
<tr>
<th>Year</th>
<th>Positions Authorized</th>
<th>Positions Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>128</td>
<td>119</td>
</tr>
<tr>
<td>1998</td>
<td>130</td>
<td>123</td>
</tr>
<tr>
<td>1999</td>
<td>139</td>
<td>119</td>
</tr>
<tr>
<td>2000</td>
<td>139</td>
<td>127</td>
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<tr>
<td>2001</td>
<td>142</td>
<td>125</td>
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<tr>
<td>2002</td>
<td>153</td>
<td>126</td>
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<tr>
<td>2003</td>
<td>151</td>
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<tr>
<td>2004</td>
<td>150</td>
<td>138</td>
</tr>
<tr>
<td>2005</td>
<td>146</td>
<td>137</td>
</tr>
<tr>
<td>2006</td>
<td>146</td>
<td>128</td>
</tr>
<tr>
<td>2007</td>
<td>146</td>
<td>119</td>
</tr>
</tbody>
</table>

The paragraph directly following this matrix of open positions leads right into a discussion of alarming crime trends and arrest numbers and stated the implications are "obvious and disturbing". This leads one to believe that:

2
1. The openings listed are all sworn officers and;
2. There is a direct nexus between the amount of unfilled openings and the crime rate.

It should be pointed out that the Sheriff’s Department employs several categories of people, from sworn deputies, administrative personnel, clerical and records staff, civil process staff, secretaries, correctional officers, evidence officers, dispatchers and food service workers. While we concur that staffing, especially among the sworn staff can be a persistent challenge, the included matrix does not accurately represent the number of unfilled positions for street patrol deputies. The number of patrol openings is in constant flux and changes from week to week. As a case in point, the Patrol Division as of January 2004 had accomplished almost full staffing with only one pending background investigation and two deputies in field training, yet the matrix above coupled with the connected discussion of crime trends leads one to believe that there were anywhere from 12 to 17 open deputy positions.

On May 15, 2007, per the Grand Jury foreman’s request for information, I provided him with a specific breakdown of the number of unfilled positions in the Department as follows:

Authorized staffing 143

Unfilled Positions
Lieutenant 1
Deputy Sheriff 8
Correctional Officer 8
Dispatcher 3
Food Service Worker 1

Total 21

Regarding the issue of “alarming” crime trends, I personally provided the Grand Jury with statistical data on two occasions for Part I crimes that occurred in the Sheriff’s jurisdiction for every year from 1991 through 2006. The Part I crimes in 2006 were actually less (1,481) than they were for 2005 (1,572), and were below the Part I crimes reported for the year 1994 (1,496). I find it interesting that in spite of my providing the Grand Jury 16 years worth of crime reporting data, the Grand Jury foreman chose to use only the last 10 years worth to prove his assertion that crime was on the rise at an “alarming” rate. I disagree with the foreman’s claim and find it noteworthy that Part I crimes have not risen significantly in spite of a marked increase in population in the County.

Finding: “Equally disturbing is the seeming indifference shown by county officials to this very serious problem. The Grand Jury encountered shoulder shrugs and excuses, but no ideas or solutions other than a proposed increase in salary and benefits which are, at best, a short-term solution to recruitment and retention.”
Response: We can assure the Grand Jury that we are not indifferent as to staffing shortages in the Sheriff’s Department and consider it a very serious matter. No one at this office simply shrugs their shoulders or gives excuses to this problem and we have taken several affirmative steps in recruitment as discussed elsewhere (see Page 5) in this response. Nor do we now, nor have we ever believed that simply throwing money at the problem was a total solution to the recruitment and retention problem. That said, an agency does have to remain competitive and all this department has ever advocated was to attain a salary somewhere within the mean average of other agencies competing for the same limited labor pool.

Finding: “The sheriff stated he is reluctant to hire additional staff because when Yuba City assumes responsibility for services the county is now providing, he may have to lay off deputies.” “The Grand Jury finds these responses and attitudes unacceptable.”

Response: Although the subject matter of this committee report was Employee Retention and Recruitment, apparently the committee found it unacceptable that the Sheriff’s Department has not sought to hire additional staff. The Sheriff’s Department is in constant recruitment and testing and there is seldom any period of time when all open positions at the Sheriff’s Department are not filled with a job offer to an applicant somewhere in the hiring processes.

Also, in 2003 the Sheriff’s Department created two new sworn positions with assistance of a $250,000 federal grant and requested and received two new sworn positions in Live Oak in 2001 and 2006. My response referenced above regarding reluctance to hire additional staff was during a conversation with the committee regarding the status of Yuba City taking over areas that had been annexed into the city but still patrolled by the Sheriff’s Department. My statement was offered in the context of creating new positions to patrol areas that will not be under the jurisdiction of the Sheriff’s Department in the near future. As anticipated, Yuba City has recently agreed to assume all law enforcement duties from Franklin Road north to Pease Road effective January 1, 2008.

Lastly, I gave a written response to the Grand Jury foreman on May 15, 2007 in which I advised him that I had requested 7 new deputy positions for the 2007/08 budget to help address service demands countywide and that the County Administrative Officer was going to recommend that the Board of Supervisors approve 4 of those positions. Those positions were in fact approved at the County budget hearings on June 12, 2007. Nowhere in the Grand Jury report is this fact presented and instead I am criticized as reluctant to hire additional staff.

Recommendations: “The Grand Jury is unimpressed with the efforts of either the Sheriff or the Personnel Director to creatively and urgently address these problems. As advised, recruitment is a very competitive process; as a result, the county needs strategies beyond mere advertisements in the local paper and on internet websites to
attract quality personnel. Innovative and aggressive strategies are vital in this employment arena; the citizens of Sutter County should expect as much.”

Response: I disagree with this recommendation. The Sheriff's Department is troubled that the committee was unimpressed with our efforts to recruit officers. The following are only some of the recruiting initiatives the Sheriff's Department has taken regarding this issue.

In April of 2006 we began a series of procedural changes that has cut the time line of recruitment and hiring considerably.

- We sent our background Lieutenant and two deputy recruiters to the POST Symposium on recruitment and retention for specialized training on this issue.
- We have trained more officers to conduct background investigations to speed up that process.
- We have utilized private background investigators to conduct background investigations on non-sworn personnel to lighten the load on the departmental investigators and speed up the process.
- We have trained and utilized non-sworn officers to conduct background investigations on non-sworn personnel.
- We participate in Job fairs.
- The Undersheriff has personally recruited almost every local police academy class for the past five years.
- We have sent our recruiters to the numerous regional academies in the north state (Yuba, Butte, Napa, Santa Rosa, San Joaquin Delta Public Safety Training Center and Sacramento Regional) for recruitment which has resulted in a number of applications and job offers.
- In consultation with POST, we eliminated a redundant POST entry exam for applicants that have graduated from an academy within the prior 12 months and accepted the academy T score instead.
- We have eliminated a separate physical agility test that was proctored by the County and instead accept the physical agility test administered by the academies.

Prior to our initiatives, an applicant would have to go to an initial interview at the County Personnel Department, have their score ranked and then another interview at the Sheriff's Department would be conducted. This process alone could take up to six weeks or longer. Now, a recruiting committee from the Sheriff's Department and Personnel travels to and conducts a single oral interview at the academy site rather than scheduling interviews at the Personnel Department or Sheriff's Department. This eliminated several weeks from the recruiting/hiring process and reduced the number of times an academy cadet had to schedule an absence from the academy from twice to none.
We believe these efforts have been successful. All the current unfilled positions in the patrol or jail divisions are filled with either recruits in training, in the background investigation phase or awaiting medical and psychological clearance. And for the first time in several years, besides having all open positions "offered out", we still have remaining names on the hiring lists and we have just signed off on sixteen (16) additional qualified applicants.

Beyond these efforts, for the past few months we have been in consultation with the Personnel Department to implement further recruitment efforts such as partial reimbursement of academy costs for recruits that we hire and who successfully pass field training and stay at the department for a certain period of time. We are also planning on budgeting for a professional recruitment video (DVD) that can be given to potential candidates for recruitment purposes.

CRIMINAL JUSTICE COMMITTEE
Sutter County Jail

Recommendations: "The Grand Jury recommends a study be conducted on space requirements and update the facilities to accommodate projected growth in inmate population. Jail staff should be included in the planning."

"For health and safety reasons, the Grand Jury recommends the installation of a central air conditioning system for more effective cooling during summer heat."

Response: The Sheriff's Department and Public Works Department has requested, and the Board of Supervisors has authorized the hiring of a consultant to conduct a needs assessment study for the jail. Jail staff has already been consulted in this study and as in past assessments; the jail staff will be included in the planning. This information was provided to the Grand Jury foreman in my May 15, 2007 response letter to his inquires.

The Sheriff's Department concurs with the recommendation of central air conditioning, and has discussed this issue with the Public Works Department frequently in the past. We will continue to support this recommendation.

CRIMINAL JUSTICE COMMITTEE
Sheriff's Department

Statement: "Interviews with several people indicate that Sheriff Denney's "top down" management style and certain departmental policies aggravate a difficult situation."

Response: Regarding my "top down" management style, we have a committee for just about everything and almost all policies originate and/or are written by deputies or sergeants and ultimately and approved by the Sheriff. It is my policy and practice to push decision making down to the lowest level of the chain of command as is appropriate. As
an illustration, the following recent or major policies originated from or received significant input from the “bottom up”:

- Vehicle Pursuit Policy
- The Traffic Accident Policy
- The Active Shooter Policy
- Identity Theft Policy
- Farm ID program
- Car setup committee to determine how the patrol cars are set up
- The 12 hour shift plan that the deputies work came from the deputy level.
- The Operations Manual update committee is at the Sergeant level.
- The uniform committee that changed the departmental uniforms from green to black originated from the deputy ranks.
- Every special team such as Canine, SED (SWAT), Bike Patrol, Swift Water Rescue, Hostage negotiations, Field Training, are all run by committee of line staff and only overseen by administrative personnel.

All of these units have their policies originate at the line staff level and then sent up the chain of command for approval and adoption. While this department is not a democracy, it is quasi-military. However, we have many talented individuals in our department at various levels in the chain of command that are trusted and relied upon for decision-making input.

Additionally, I hold weekly staff meetings with the Command Staff consisting of the Undersheriff, Division Commanders (Captains), Lieutenants, Administrative Services Officer, and the Executive Secretary. These meetings consist of my hearing from each member present about issues, concerns, proposed policies, personnel problems, crime trends, and activities that are occurring in each Division. The meeting is conducted as an open forum, input is solicited from the Command Staff and decisions are made after a thorough discussion and concerns are addressed. Each Division Commander holds regularly scheduled meetings with their respective supervisory staff to discuss issues within each Division. The Commander brings forward to the Command Staff meetings areas of concern that have been brought forward in the supervisory meetings.

Needless to say and for the reasons stated above, I am in total disagreement with and take exception to the Grand Jury’s vague assertion of my “top down” management style and certain departmental policies aggravating “...a difficult situation”. Even more disturbing is that at no time during this past year has the Grand Jury ever discussed with me personally their concerns over this issue, but chose instead to question former members of the Department.

**Statement:** “...for example, rotating officers between detective assignments and patrol assignments encourages deputies to move on to the district attorney’s office or other departments if they are seeking detective work as a career.”
Response: Regarding the rotation of detectives, prior to 1992 this department did have the position of Detective/Sergeant that was a permanent, non-rotating position. One of the Grand Jury’s recommendations was to have the Commission on Peace Officers Standards and Training (P.O.S.T.) conduct a management study of the department. In October of 1992, this department in fact did just that and P.O.S.T. conducted a management study per our request and submitted several recommendations as to the organization of the department. One of the P.O.S.T. recommendations was to eliminate the non-rotating detective position through attrition and to instead, assign deputy sheriffs on a rotating basis. POST listed the advantages of rotating deputies through the Detective Division as:

- Rotation provides for career development of all line personnel;
- Rotation allows personnel to develop specialized investigative skills; and,
- Rotation enhances patrol capability in the form of improved preliminary investigations when deputies are rotated back to patrol.

P.O.S.T. listed the major disadvantage of rotating personnel through the investigative function is that some experience is lost to investigative function by not having permanent investigators. P.O.S.T. believed that this disadvantage was off-set by the gain in investigative experience acquired by patrol. This department instead opted for a modified approach of rotating deputies through the Detective Division every 3 to 4 years, by assigning two sergeants on a permanent basis to supervise the detectives and also so the lost experience to the investigative function would be somewhat mitigated.

Other factors that the Grand Jury did not mention that also encourages sheriff’s detectives to elect to go to the District Attorney’s office as investigators are:

- The ease of transition is a factor. Deputies can transfer and not loose any accumulated sick leave, comp time or holiday time that they have accrued.
- The background investigation is a much simpler matter as they already work for the County.
- They do not have to change residence, move their family, change schools for their children, etc.
- The benefits such as retirement, medical and the like are identical.
- They no longer have to be on-call during weekends, nights, or holidays.

And finally,

- The D.A. investigator position is paid two full pay ranges (10 percent) above the Sheriff’s detective level. This disparity in pay was identified by me personally to both the Personnel Director and the County Administrative Officer earlier this year, prior to the Board of Supervisors approval of salary increases for the Law Unit, and I personally discussed this issue with the Grand Jury.
Statement: “In addition, the use of non-sworn officers in the jail, while it may save money, reduces the potential pool of officers with patrol capability and creates two employee force pools which must be separately managed.”

Response: I disagree with this statement. Of all the jobs in the Department, recruiting sworn staff is the most difficult of all. Sworn officers are required to complete the Commission on Peace Officer Standards and Training (P.O.S.T.) academy that is approximately 900 plus hours of instruction over 23 to 30 weeks in 41 separate topics including Emergency Vehicle Operations, Firearms, Defensive Tactics, Crime Scenes and Physical Training. Having the option of utilizing Correctional Officers greatly reduces the difficulty of finding qualified academy graduates. As opposed to the sworn officer academy, the Correctional Officer academy (otherwise known as the Core Course) is typically 4 weeks in length. This allows the Department to hire qualified candidates and fully sponsor them through the Core Course.

Additionally, the departments that utilize sworn staff in their jails, (Los Angeles, Sacramento, etc) often experience tremendous problems inherent with that set up. Job dissatisfaction can occur and it is a constant complaint in those agencies that deputies have to do several years in the jail before getting an opportunity to go out on the road. Another problem is that by doing tours through the jail, street training will go stale causing a multitude of problems. Los Angeles had such a large problem with this issue that they actually broke up their academy into two parts. A deputy there completes the first half of the academy and then works the jail for anywhere from 3 to 5 years. Then upon being eligible to go work on patrol, they then receive their second half of academy instruction. Of course, since they operate their own academies, this is feasible for them. This is not feasible for smaller departments like the Sutter County Sheriff’s Department that utilize regional academies.

While it is true that a requirement of having all correctional staff being sworn officers could supply a resource in times of shortages on patrol, the reverse is also true in that shortages in the jail could reduce the pool of deputies available for the street.

Lastly, the job of a correctional officer and a patrol deputy require two separate and distinct skill sets. Our Correctional officers applied for that job, wanted that type of work and perform those functions very well. One need only read the newspapers to see the types of troubles that plague jails that are staffed with a majority of deputies that do not want to be there in the first place. At times we do have correctional officers that desire to become patrol deputies. When that happens we take all steps possible to assist them in their goal and readily bring them onto the patrol side, and we have done so many times.

Statement: “On two occasions it was noted by the committee that citizens came to the attended window at the jail and requested complaint forms. Their reception was less than welcoming. In both cases, the requestors were told that the department was out of forms and that the duty person would have to make a copy. Then the requestors were informed that they would have to be interviewed by a supervisor before being given a form. The
entire process took about twenty minutes and was intimidating enough that both requestors considered just leaving before receiving a form. This was in contrast to the experience of requesting a complaint form at another local police department, where a pleasant person simply pulled a form from a drawer and asked if there was anything else they could do.”

Response: The Sheriff’s Department apologizes for any inconvenience in obtaining any necessary form. As one can imagine, the department has a myriad of forms and occasionally we do run out of copies despite our best efforts. As far as the criticism of having to talk to a supervisor, we do that as a matter of policy for several reasons.

- If there is an allegation of misconduct by an officer, we have a duty to take immediate steps to investigate and rectify the problem. (refer to 832.5 PC)
- We have found that when you just give a person a complaint form, often they are never returned. Persons wanting to make a complaint often become reluctant and change their minds and we only discover the alleged misconduct much later if at all. This makes it difficult if not impossible to take corrective action.
- We have found that in cases of complaints against officers, the complaining party very much wants to talk to the supervisor in charge to air their complaint.
- Many times citizens have their complaints resolved to their satisfaction by the supervisor.
- Lastly, an interview by the supervisor sometimes quickly clears up confusion, error and can save the citizen time. As a case in point, we are aware of one of the two aforementioned “citizen” complaints mentioned by the committee was actually the Grand Jury foreman conducting his own investigation into the process, even though the complaint involved an officer from another law enforcement agency. We find it troubling that the Grand Jury foreman claimed that waiting 20 minutes to discuss this complaint with a supervisor charged with the responsibility to investigate such complaints was intimidating. A quick chat with the supervisor quickly cleared up this error and the complainant was directed to the correct department.

Recommendation 1: “The Grand Jury recommends Sheriff Denney request the Commission on Peace Officers Standards and Training conduct an Overall Management Assessment of his department.”

Response: I disagree with this recommendation. The department has previously undergone a P.O.S.T. management study that focused on departmental organization, staffing, patrol workload and deployment in October, 1992 under then Sheriff Brandwood. The recommendations that we felt were viable at that time were, over the period of a many years enacted through attrition. Since that time, there has been no fundamental shift in either the department or the demographics of the area that we serve other than an increase in population. All of the concepts, formulas, models and theory are still applicable today as they were in 1992.
**Recommendation 2:** The Grand Jury recommends complaint procedures at the jail be reviewed and updated so that the process of providing complaint forms is prompt and not intimidating.

**Response:** I disagree with this recommendation. First, we constantly review and update our policies and procedures as legal mandates require or as situations dictate. Our entire policy manual is reviewed and updated on a regular bi-annual basis that is now going to an annual review. Other than our apology for running out of a particular form, our complaint procedure had been subjected to legal scrutiny and is in compliance with 832.5 of the California Penal Code.

**Recommendation 3:** The Grand Jury recommends policies be reviewed and reconsidered in light of the staffing problems. These include rotation of detectives and providing an upgrade program for jail personnel to reach sworn officer status.

**Response:** Please see above responses (Pages 7 and 8) to similar previous findings.

**Recommendation 4:** Another consideration is to increase the use of "assigned" or "resident" deputies who are familiar with their communities.

**Response:** I agree with this recommendation and I have already implemented this practice as noted in the second paragraph of Page 51, of the 2006-07 Grand Jury’s final report, "...Sheriff Denney responded by increasing coverage of that area and permanently assigning deputies to that area."

The issue of "resident" deputies is more difficult to accomplish as suitable housing for the deputies and their families has historically been extremely difficult to find in the outlying areas of the County. With that said, I am pleased to report that as of this writing a new deputy sheriff has been appointed who has an already established residence in the Pleasant Grove area.

**Recommendation 5:** "The Grand Jury recommends greater community outreach through use of volunteers (retired officers, interns, or community members) be employed."

**Response:** I disagree with this recommendation for the following reasons:

We have a very active Citizen Volunteer program.
We have a very active Cadet program.
We use interns when available (one was just appointed for the summer).
We have one retired deputy and one former deputy who are Level I reserves. We can rely on them to cover a patrol shift assignment.
Lastly, with the exception of having former deputies as Level I reserves, having volunteers does not alleviate any workload from the deputies in terms of the call volume.

This concludes my responses to the Grand Jury’s 2006-07 report. Please feel free to contact me at (530) 822-7312 if you have any questions or wish to discuss this matter further.

Sincerely,

JIM DENNEY
SHERIFF-CORONER

cc: Board of Supervisors
    County Administrative Officer
July 5, 2007

The Honorable Chris Chandler  
Presiding Judge of the Superior Court  
County of Sutter  
446 2nd Street  
Yuba City, California 95991

RE: 2007 Sutter County Grand Jury Report - Yuba City Police Department

Dear Judge Chandler,

On behalf of the dedicated men and women of the Yuba City Police Department, I would like to express my thanks to the Grand Jury for their assessment of the Agency. Their positive recognition of our management style, the Volunteers in Policing Program, Citizens’ Police Academy and Crime Analysis Unit means a great deal to us. Additionally, we thank them for recognizing the good morale of our employees and how it is reflected in our contacts with the citizens we serve.

Members of the Criminal Justice Sub-committee did present some constructive comments, which I will address as follows:

The City and County have a tentative agreement in place, which will allow for the orderly transition of law enforcement service in all City areas currently patrolled by the Sheriff’s Department, North of Franklin Road. This transition will take place no later than January 1st, 2008. The remaining area of the City being patrolled by the County will be subject to continued negotiation of a tax transfer amount, to which both entities are committed.

The City expects the remodel of the current Police Facility will go before the Council for bid authorization in August of this year, with construction being completed within 6 months of the bid award. This remodel will help address the immediate essential space and maintenance needs of the facility, also providing the City time to evaluate a suitable funding path for site purchase and construction of a new police facility to serve our community toward build-out and beyond.

The Police and Human Resources Departments of the City have coordinated an expedited application, screening and appointment process for all police positions; giving special attention to the career paths of Public Safety Dispatcher and Police Records Clerk.
Eligibility lists are kept current, with extensions granted where appropriate, in accordance with the City Personnel Rules.

Once again, we thank the Grand Jury for their recognition of the hard work and positive attitude displayed by our employees and acknowledge the Jury's service to the citizens of Sutter County.

Respectfully

RICHARD J. DOSCHER
Chief of Police

Cc: The Honorable John Miller - Mayor of the City of Yuba City
    Mr. Steven Jepsen - City Manager
    Mr. Steve Johnson - City Clerk