



Yuba County Grand Jury Final Report 2013-2014



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The Grand Jury Process

Any United States citizen who is a resident of Yuba County may apply to serve on the Grand Jury. Application forms are available from the Yuba County Superior Court and its website. Applications for service are received by the Jury Commissioner and reviewed by the Presiding Judge. Every effort is made to impanel a jury of qualified men and women of all age groups and of diverse socio-economic, ethnic and educational backgrounds, representing the geographical areas of the county. By court policy, and at the discretion of the Presiding Judge, up to 10 members of the previous year's jury may serve a second term to provide continuity. A total of 19 people serve on the Grand Jury. A drawing of names of qualified applicants is made to bring the number of Grand Jurors to nineteen. Another drawing of the remaining applicant's names is held to provide a pool of alternates.

Yuba County jurors are sworn in and begin their one-year term commencing the first day of July. The Presiding Judge appoints a foreperson to preside at meetings. The jury then chooses the remaining officers and organizes itself into committees. Each committee sets its own program of meetings, investigations and interviews. Each committee investigates various departments and functions of local government, as decided by a majority vote of the plenary. Department personnel are interviewed, site visits are made and departments' strengths and weaknesses are investigated. The Grand Jury also may choose to review compliance with previous Civil Grand Jury recommendations.

Some of the matters investigated by the Grand Jury are brought up in letters from citizens complaining about mistreatment or suspected misconduct by local government officials, or governmental inefficiencies. Such complaints are kept confidential. If the situation seems to warrant further investigation, the Grand Jury may follow up and make a report with recommendations for action.

A large portion of the public mistakenly believes that an individual's appearing before the Grand Jury, particularly a public official, indicates suspicion of malfeasance or misfeasance. However, it is the constitutional responsibility of the Grand Jury to review the conduct of city, county and other local government entities each year. This often requires having public officials appear before the Grand Jury to provide information about their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge, the District Attorney, the County Counsel, and the State Attorney General act as advisors, but cannot limit or direct the actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury's work, much of it must be done in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their testimony will be handled in a confidential manner. No one may be present during meetings of the Grand Jury except those specified by law (Penal Code 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror or the manner in which a grand juror may have voted on any matter. By law, it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury, even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings might impair or even destroy the effectiveness of the Grand Jury's efforts.

Mid - year and final reports are prepared that describe investigations and contain findings and recommendations. Responses are required within 90 days from public agencies, and 60 days from elected county officers or agency heads, that are specified in these reports.

Members of the 2013-2014 Grand Jury

Richard Bliss, *Archivist*

Evan Furr

Anna Gragg

Parmjit Kaur Hansra

Leslie Hollis, *Secretary*

Lisa Lit

Michelle Lucas, *Sergeant-At-Arms*

Michael Morrison

John Riddle, *Foreman Pro-Tem*

Harvey Robinson Sr.

James Sick, *Treasurer*

Cary Simpson

Troy Valentine

Tommy Villalobos

Richard Webb

Paul Woods, *Foreman*

The County of Yuba

GRAND JURY



The Honorable Stephen Berrier
Presiding Judge of the Grand Jury
Yuba County Superior Court

Dear Judge Berrier,

In accordance and compliance with the provision of Penal code section 933(a) I respectfully submit the 2013-2014 Yuba County Grand Jury Final Report. This report is submitted on behalf of the entire Yuba County Grand Jury. This compilation represents the concerted efforts on the part of the Grand Jury to fulfill its charge to the citizens of Yuba County. Submission of this report concludes our year of service and commitment to the court and the citizens of Yuba County.

Contained herein are thirteen reports on a variety of subjects. All complaints received by the Grand Jury over the course of our term were acknowledged and given thorough attention. While all complaints received did not result in an investigation, where and when it was appropriate, we conducted thorough, methodical and detailed investigations in a professional manner. Foremost in our endeavors was to ensure that we maintained professional integrity and confidentiality while conducting interviews and gathering information during the course of our inquiries and investigations.

I would like to take this opportunity to thank my fellow citizens who served on the Grand Jury this year. They exhibited a true commitment to the citizens of Yuba County, taking on their roles and challenges with diligence and dedication throughout their tenure. Our Committee Chairs worked long and hard with their individual committees. They consistently maintained a high degree of professionalism and dedication to their roles and their efforts are reflected in this Final Report.

Additionally, I would like to express my utmost personal appreciation to you for your technical guidance, and support throughout this year. Your advice and counsel cannot be minimized and I am grateful to you for the confidence you have expressed in me as the foreperson of this years' Grand Jury.

I would also like to express my gratitude to the court staff as a whole, for the support the Grand Jury has received throughout this year. I would most especially like to recognize Ms. Bonnie Sloan for her cooperation and assistance. Ms. Sloan was always available to

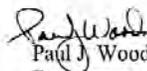
215 FIFTH STREET, SUITE 200 • COURTHOUSE • MARYSVILLE, CALIFORNIA 95901
PHONE (530) 749-7341 • FAX (530) 749-7304 • E-mail: yubagrandjury@yubacourts.org

assist the Grand Jury in any way she could and her efforts were much appreciated. Special mention should also be given to Michael Pugh of the Information Technology (IT) office. Mr. Pugh was instrumental in creating our Grand Jury room reservation calendar system. His expertise and assistance were immensely beneficial to the Grand Jury.

Lastly, I would like to acknowledge the cooperation and support we received from the offices of the County Counsel, notably Ms. Angil Morris-Jones and Mr. John Vacek and District Attorney Patrick McGrath. Their counsel, assistance and cooperation were invaluable in aiding Grand Jury members this year.

It has been both a privilege and an honor to have served as the foreperson for the 2013-2014 Yuba County Grand Jury.

Respectfully submitted,



Paul J. Woods
Foreperson
2013-2014 Yuba County Grand Jury

Continuity Report: Foothill Intermediate School

Summary:

The Yuba County Grand Jury disagrees with the responses of the Marysville Joint Unified School District (MJUSD) Superintendent to the Grand Jury Report of 2012-2013, about Foothill Intermediate School. The 2013 - 2014 Grand Jury has conducted follow-up investigations and generally agrees with the 2012 – 2013 Grand Jury and its findings and recommendations. These findings and recommendations were made after the Grand Jury met with parents, students, staff members and administrators and made site visits to Foothill Intermediate School. In light of this, the Grand Jury reaffirms the recommendations of the previous Grand Jury and hopes that MJUSD will reconsider their responses.

Introduction and Background:

The 2012-2013 Grand Jury conducted investigations and reported several findings and made a number of recommendations. The MJUSD Superintendent and President of the Board of Trustees responded, as required, on August 22, 2013. The 2013-2014 Grand Jury has conducted follow-up investigations and confirmed the 2012 - 2013 Grand Jury's findings and now makes recommendations similar to those of the previous Grand Jury to the MJUSD Board of Trustees and its Superintendent.

Methodology and Approach:

Documents: These documents were consulted during the course of the investigation:

- 2012-2013 Yuba County Grand Jury Final Report
<http://www.yubacourts.org/divisions/grand-jury/reports>
- President of the MJUSD Board of Trustees response, August 22, 2013
<http://www.yubacourts.org/sites/default/files/pdfs/GrandJury/GJR2012Resp.pdf>
- MJUSD Superintendent response, August 22, 2013
<http://www.yubacourts.org/sites/default/files/pdfs/GrandJury/GJR2012Resp.pdf>
- Division of the State Architect (DSA) of the Department of General Services (DGS) Application #113032 for approval of facilities technology project
<https://www.apps.dgs.ca.gov/Tracker/Application/Summary.aspx?OriginId=02&AppId=1> (12/22/2013)

Site visits: Several site visits to Foothill Intermediate School were made by the Grand Jury in 2012-13 and 2013-2014. The most recent Grand Jury site visits to Foothill Intermediate School and consultation visits to the Loma Rica Fire Department were made in January and February of 2014.

Interviews: Several interviews were conducted with students, parents, teachers, staff, the site administrator, the Office of Public School Construction (OPSC), the MJUSD Superintendent and members of the MJUSD Board of Trustees.

Discussion and Narrative: The Grand Jury disagrees with the MJUSD Superintendent’s responses to the 2012 - 2013 Grand Jury’s final report regarding fencing, emergency exits, learning environment, and effectiveness of a part-time administrator. The Grand Jury reaffirms the findings and recommendations of the 2012 – 2013 Grand Jury.

The 2012 – 2013 Grand Jury report has this finding: “F5. The Grand Jury finds that the east side of the playground adjacent to the olive grove poses a risk of potential intruders entering the campus grounds or students going into the grove without supervision.” That report also had the following recommendation: “R2. The Grand Jury recommends that a fence be erected on the east side of the campus next to the olive orchard to reduce the potential of intruders entering the grounds or students exiting the grounds.”

The MJUSD Superintendent’s Response on August 22, 2013 was, in part:

“Disagree: The District is not aware of any incident or threat where an intruder has entered or a student has exited the east side of the playground through the olive grove. The Grand Jury Report provides no evidence or observation to the contrary. Again, the District disagrees because there is simply no factual basis to support this finding.”



Figure 1. *The Foothill Intermediate School olive grove, as seen from the playground.*

The olive grove is actually southeast of the main part of the campus. The conclusion that the olive grove (see Figure 1) poses a risk of potential intruders entering the campus grounds or students going into the grove without supervision is a finding that is partially based on allegations about unauthorized activities that were disclosed by students to the Grand Jury in confidence. Therefore, specific details of these allegations will not be divulged in this report. However, during the Grand Jury visit on January 22, 2014, members also observed students slipping into the olive grove, without, apparently, their having permission to do so.

Summary: The Grand Jury finds that the olive grove on the southeast side of the playground poses a risk of intruders entering the campus grounds or students going into the grove without permission or supervision.

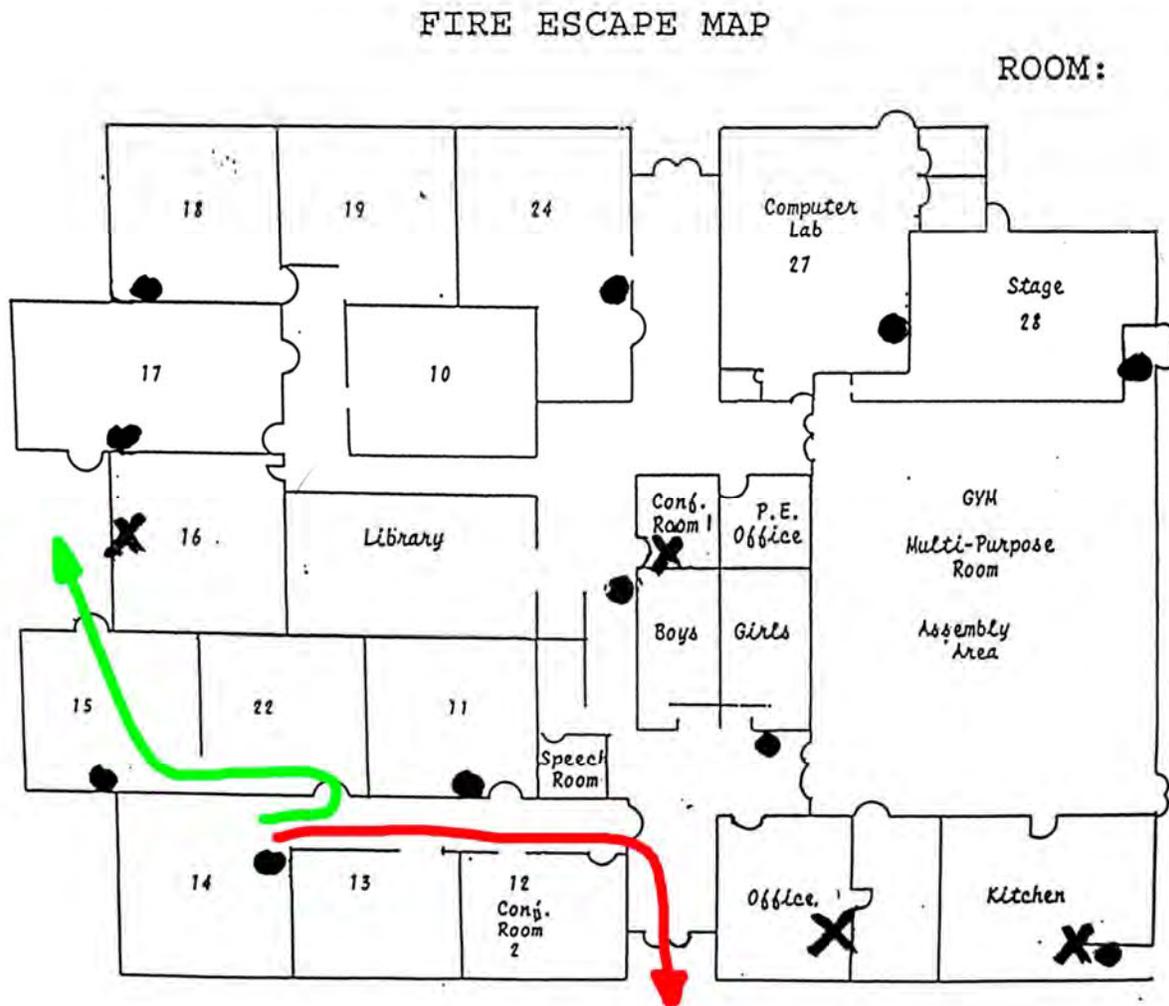


Figure 2. Fire Escape Map for some of the classrooms at Foothill Intermediate School. The emergency escape route from room 14 practiced during school drills is shown in red. The alternate route, suggested by the Grand Jury, is shown in green.

The 2012 – 2013 Grand Jury found that there is no outside door or window that might serve as an emergency exit route for the sixth grade classroom (room number 14, see figures 2 and 3) in the corner of the building at the end of the hall. Their report had the following recommendation: “**R4.** The Grand Jury recommends that an emergency exit door be installed in the classroom at the end of the sixth grade hallway.” On August 22, 2013, the Superintendent of MJUSD responded, in part, as follows:

“Will not implement because it is unreasonable or unwarranted at the present time...the emergency exit routes at Foothill are regularly tested and no actual problems have been reported with exiting the sixth grade hallway. The District finds the Grand Jury’s recommendation to be unwarranted. The cost of making such a significant structural change to an exterior wall is unreasonable without any evidence to justify the need for such an expenditure.”

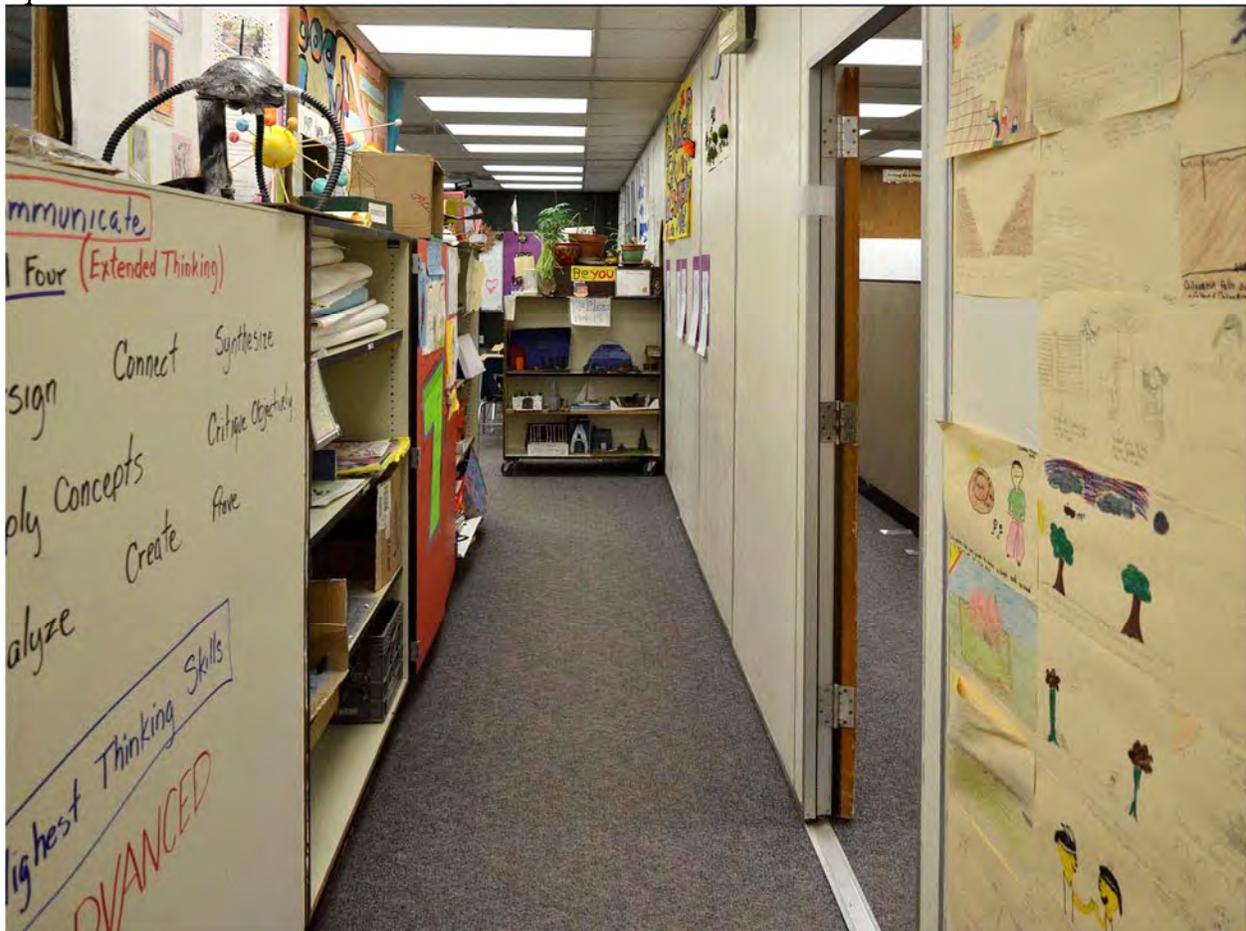


Figure 3. View of part of the hallway into room 14. The entrance to room 14 is to the left of the bookshelf at the end of the hall. The bookshelves and fiberboard on the left are part of the wall for an adjacent classroom. The Grand Jury’s suggested alternate emergency escape route is through the door on the right.

The alternate door or exit route for the sixth grade classroom in the corner at the end of the hall is the number one concern of many parents, teachers, and students interviewed. Planning of emergency drills appears not to have taken into consideration the fact that the corner sixth grade classroom does not have a safe alternative exit through either an outside door or windows, leaving an entire class of sixth grade students at some risk. During the Grand Jury's investigation in January, an alternate exit route was discovered that was not practiced during emergency drills (see Figure 2). There would be no cost to the District to include this alternate exit route in emergency drills.

Summary: The Grand Jury found that there is no outside door or window emergency escape route for the sixth grade classroom in the corner of the building at the end of the hall (room 14).

The 2012 - 2013 Grand Jury found that sound damping panels are needed to reduce noise that affect student learning in classrooms. The Superintendent of MJUSD responded on August 22, 2013, in part, as follows:

"Will not implement because it is unreasonable or unwarranted at the present time: The Grand Jury's recommendation suggests that learning at Foothill has been affected by ambient noise in the classrooms. However, the facts and the numbers simply do not bear out this finding. For the past three reported school years (i.e., 2009 -10 through 2011 – 12), the Standardized Testing and Reporting ("STAR") scores of Foothill students have been tremendous. I am proud to report that for each of the last three reported school years, in each and every subject area, Foothill students far surpassed the state and District averages for students scoring proficient or advanced. Similarly, I am also proud to report that for the 2011 – 12 school year Foothill's Academic Performance Index increased by 32 points and ranks within the top 40 percent of schools statewide.

"The numbers reflect the commitment from administration, staff, parents, students, and the community to student safety, success, and achievement at Foothill. Further, this empirical data simply does not support the Grand Jury's theory that student learning at Foothill has been affected by ambient noises. The District finds the Grand Jury's recommendation to be unwarranted."

Many of Foothill's classroom walls are composed of the backs of bookshelves and improvised partitions. These makeshift walls between certain classrooms were reported to the Grand Jury to be inadequate to suppress distracting noises. Students and teachers complained to the Grand Jury that it was difficult to teach and learn in the rooms that had only these makeshift walls and no doors. Noises from other classrooms and the hallway disrupted the learning environment. The current learning environment in these rooms is especially challenging to children who have learning disabilities that cause them difficulty in paying attention. Academic performance testing is done in a quiet environment, whereas daily teaching and learning involves sometimes-noisy

interactions during the learning process. The Grand Jury agrees with students and teachers that it is difficult to teach and learn in the rooms that have only bookshelf and fiberboard walls and no doors. It appears that Foothill's students have achieved remarkable scores in spite of an inadequate learning environment.

No construction firm was identified as the builder of the makeshift walls that are currently being used at Foothill School. They appear to be improvisations by the school or district staff. The Grand Jury found that the Office of Public School Construction (OPSC) is unaware of the specific type of walls that make up the interior of Foothill Intermediate School. The Grand Jury also found that MJUSD has not established modernization eligibility for Foothill School. The OPSC does not have any maps or site data concerning the construction of walls at Foothill Intermediate School.



Figure 4. *Improvised walls and doors at Foothill Intermediate School.*

Summary: The Grand Jury found that sound damping panels are needed to reduce ambient noises that affect student learning in classrooms.

The 2012 – 2013 Grand Jury report had the following recommendation: “**R8.** The Grand Jury recommends that a full-time administrator be assigned.” The Superintendent of MJUSD responded on August 22, 2013, in part:

“Will not implement because it is unreasonable or unwarranted at the present time...the students at Foothill are thriving. The Grand Jury notes in its report, more than once, that the Foothill Principal is doing a marvelous job with student discipline. Moreover, the Principal maintains scheduling flexibility to meet the needs of the school site on any given day. When the Principal is not physically present at Foothill, she is at most .62 miles away and can return to Foothill if urgently needed. At all times during the school day, either the Principal is at the school site or the Teacher-in-charge is the Acting Administrator. There is no time when Foothill is without an administrator during the school day. The District finds that the Grand Jury’s recommendation that the District assign one full-time administrator to Foothill is unwarranted or alternatively has already been implemented.”

Loma Rica School and Foothill Intermediate School share a principal, the only administrator assigned to either school. The Grand Jury found, through interviews, that the lack of a full – time principal at Foothill is a concern to several parents and students who were not able to contact the principal when they had a need to do so. When meetings occur that require the Principal to be away, there is no administrator available at either school. The Foothill School Secretary often has to address issues when the principal is absent. It was reported to the Grand Jury that there are times that a situation requiring a principal exists at both schools at the same time, especially since both Loma Rica School and Foothill have Special Day Classes (SDC). Students in these classes often need interventions by a principal. The 2012 – 2013 Grand Jury found that neither staff nor students knew anything about a “teacher-in-charge”, or acting principal. In addition, it was reported to the Grand Jury, during interviews, that several students have been the victims of bullying and have left Foothill School as a result. A full-time principal could more effectively mitigate these problems.

The Grand Jury learned, during its site visit in January, 2014, that a Teacher-in-Charge was appointed in July 2013. With this school year’s reduced enrollment, the appointment of a teacher-in-charge is an improvement in the absence of a full time principal. However, the 2013 – 2014 Grand Jury agrees with its predecessor and again recommends the MJUSD Superintendent and the Board of Trustees provide funding and establish a full-time principal at Foothill Intermediate School.

Summary: The Grand Jury again recommends the MJUSD Superintendent and the Board of Trustees provide funding for and establishes a full-time principal at Foothill Intermediate School.

The 2012-2013 Grand Jury made a finding that three out of seven security cameras were not in working order and the system was outdated. R1, in part, was, “security cameras be repaired.” The MJUSD Superintendent responded in part: “*Already implemented in part; will not implement in part because it is unreasonable or unwarranted at the present time...on or about May 24, 2013, the District submitted facilities technology project to the Division of the State Architect (“DSA”) to upgrade security cameras on the Foothill campus, among other things. This project is currently pending with the DSA waiting approval. Its application number is 02-113032, and its status can be tracked online at the DSA website. Foothill’s security cameras have reached a point in their useful life where repair is not feasible at a reasonable cost. The above-referenced project, once approved, will upgrade Foothill’s security camera system to a new digital system and will replace the non-functioning analog security cameras with new digital cameras...*”

The 2013-2014 Grand Jury did refer to the above DSA application number, but found no reference to any security camera upgrade project. On the January 2014 visit, the security cameras were still not repaired or replaced. The MJUSD Superintendent informed the Grand Jury that the first DSA application was rejected. Some changes have been made, and the application has been resubmitted. The new plans will include upgraded security camera systems for the middle and high schools. Foothill will receive all new cameras.

Summary: The Grand Jury recommends the MJUSD Superintendent and the Board of Trustees assign high priority to the installation of an upgraded security camera system at Foothill Intermediate School.

Many of the recommendations are a result of the interviews conducted with students, parents and teachers. The Grand Jury is concerned about the learning environment at Foothill Intermediate School and the safety and security of students.

Findings:

The Grand Jury finds the following:

- F1. There is a risk of intruders entering the campus grounds from the southeast side of the playground through the olive grove or students going into the olive grove without supervision. The olive grove is not maintained, and is thick with underbrush, providing perfect places for people to hide or to conceal objects.
- F2. There is no door, or outside exit route, from room 14, the sixth grade classroom, in the corner of the building at the end of the hall.
- F3. Sound damping panels are needed to reduce noise that affects student learning in classrooms.
- F4. Funding is needed for a full-time principal at Foothill Intermediate School.

F5. A safe and high-quality learning environment at Foothill Intermediate School is compromised by the characteristics of the main building and its improvised walls and hallways.

F6. Security cameras still have not been upgraded or replaced.

Recommendations:

The Grand Jury recommends that the MJUSD Superintendent and the MJUSD Board of Trustees:

R1. Provide funding for a fence to be erected on the southeast side of the campus between the olive orchard and the playground to reduce the potential for intruders entering the grounds or students exiting the grounds without permission.

R2. Construct an alternative exit from room 14, the classroom at the end of the sixth grade hallway.

R3. Install sound damping panels to reduce noise that affects student learning in classrooms

R4. Assign a full-time administrator when enrollment increases at Foothill School.

R5. Make alterations to the Foothill Intermediate School main building in order to provide and maintain a safe and high-quality learning environment at Foothill School while the district is looking for a new location for the school.

R6. Assign priority to the installation of the Foothill security cameras as soon as the DSA application is approved.

Request for Responses:

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

- MJUSD Superintendent
- MJUSD Superintendent of Business Services
- MJUSD Board of Trustees

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Wheatland Elementary School

Summary:

The 2013-14 Grand Jury is conducting an investigation of the safety and security of elementary schools in the county. The Grand Jury elected to extend that investigation to include Wheatland School District (WSD) elementary schools.

Introduction and background:

The Wheatland School District has three schools within their jurisdiction with approximately 1300 enrolled students. Wheatland Elementary School (WES) has an enrollment of 325 students. The Elementary School was re-opened in 2012 after having been closed in 2009 due to a low enrollment. Due to a high number of military dependents enrolled, WES receives impact aid from the federal government. This program is for military students whose families live and work on military installations.

Methodology and Approach:

The Grand Jury conducted a tour of the school provided by the principal. During the visit school staff answered questions, and provided documents for review. The Grand Jury developed a school visitation plan for touring schools, ensuring that the same areas were observed at all schools visited in Yuba County. All areas were observed that had relevance to students and staff safety and security. The Grand Jury also inquired into support available for students.

Documents:

- Wheatland Elementary School's website can be accessed at: <http://wes.wheatlandsd.com/index.html>
- The Wheatland School District Calendar is available at: <http://www.wheatlandsd.com/documents/Copy%20of%20District%20Calendar%202013-14%20with%20Dates.pdf>
- The free school breakfast program is described at: <http://www.wheatlandsd.com/documents/Free%20Breakfast%20Letter.pdf>
- A description and video of the door safety device used at Wheatland Elementary School can be found on the manufacture's website at: <http://globalinnovationsco.com/>

Site visits:

The Grand Jury toured Wheatland Elementary School on February 13, 2014.

Discussion and Narrative:

The Grand Jury visited Wheatland Elementary School on February 13, 2014. At the time of the visit there were 325 students enrolled with a waiting list for intra-district transfers. The school accommodates Kindergarten to Third grade students as well as a Special Day Class (SDC). A Kindergarten/First grade classroom had just been added in January 2014. Currently there are fifteen regular-education teachers and one SDC teacher. The school had just been reopened in 2012 due to overcrowding at Bear River School. It was decided to make Wheatland Elementary a K-3 campus, and Bear River a 4-8 campus.

There were the following student support staff and services:

- A Health Clerk is on campus from 10AM-1PM daily.
- A counselor is available on Wednesdays and Fridays.
- The large library has a full-time librarian.
- VICTOR (Victim Witness Program) supports students as needed.
- There is an after school program that includes a Homework Club until 6PM.
- Each child receives a daily free breakfast, with some of the cost absorbed by the district.
- A Family Resource Center (FRC).



Figure 1. *The inexpensive door security device installed on Wheatland Elementary School's door jams. Most school doors open to the outside and can be locked with a key only from the outside, a risky action in the event of a school invasion emergency. To use this device, the door is kept locked from the outside. When the device is in the position shown on the left, the door, closing from the right, is held slightly ajar and, therefore, does not latch. When the device is flipped to the position shown on the right, the door can be pulled completely closed and latched.*

Wheatland Elementary School

Upon entry to the school, each visitor must sign in. After a certain time all entrances are locked, except the office, requiring any visitors to come through that entrance. Each teacher has a key for the outside locks. Thirteen outside surveillance cameras are in operation, and there are plans to upgrade the system. Monthly fire drills are conducted, as well as yearly lock-down drills. Currently no inside window coverings are in the classrooms, but the windows are tinted. Tests have been done during lock-downs to see if students can be seen and they cannot. The principal has placed a seven-dollar device on every door to make it possible for the doors to be secured from the inside. (See figure 1, above.)

Wheatland Elementary places an emphasis on community relations through parent involvement. A large housing development is adjacent to the rear of the school campus. This provides the school with extra awareness from parents who regularly walk their children to and from school. The modernized kitchen serves balanced meals based on State of California nutritional guidelines. The large gymnasium/cafeteria, with a capacity of 500, also serves as a community meeting center.

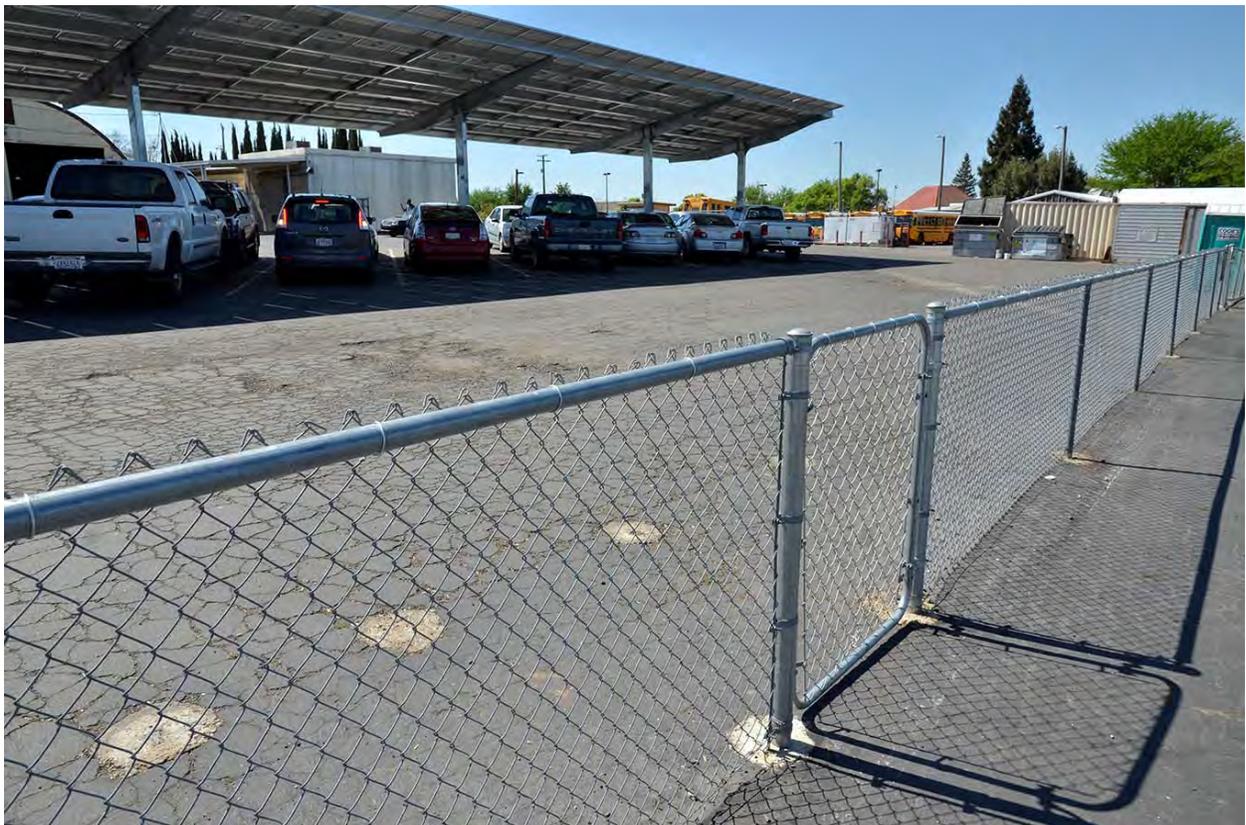


Figure 2. *The low fence on the north side of the bus loop. Some of the school's solar panels are visible in the background.*

The Grand Jury observed solar panels that have recently been installed. Other upgrades were also observed, such as new wrought iron fencing around the entrance area. Upgraded play areas with new enclosures were installed on the playground. Although the grounds are completely fenced, some of the fences were of insufficient height to provide adequate security. (See figure 2, above.) It was stated that changes for safety are an ongoing process, and that there is complete support from the Wheatland School District.

Findings:

- F1. The Grand Jury finds that Wheatland Elementary School is a pleasant and safe campus, and there is complete support from the Wheatland School District and its board of trustees.
- F2. The Grand Jury finds that there are on-going upgrades to the grounds in the form of solar panels, fencing and play areas. There are plans to upgrade the security cameras in the near future.
- F3. The Grand Jury found that all doors have an inexpensive device placed on them to ensure that the doors can be quickly secured from the inside.

Recommendations:

- R1. The Grand Jury recommends that the low fence on the north side of the bus loop be replaced with a higher fence.

Commendations:

- C1. The Grand Jury commends the Wheatland School District for its continuing support of its students, teachers and staff.

Request for Responses:

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

- Wheatland School District

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Marysville Unified Elementary Schools Safety and Security

Summary:

The duties of the Yuba County Grand Jury (YCGJ) involve the periodic review of all schools and school districts within the County. The 2012-13 Grand Jury conducted an investigation of the safety and security of high schools and middle schools in the Marysville Joint Unified School District (MJUSD). The Grand Jury elected to extend that investigation to include elementary schools.

Introduction and background:

Three MJUSD elementary schools were included in this investigation. Arboga and Covillaud Schools were not recipients of any of bond monies for upgrades, and Cedar Lane School had a considerable number of upgrades paid for with bond funds.

Methodology and Approach:

The Grand Jury tours were provided by site administrators. During the visits school staff answered questions, and documents requested by the Grand Jury were reviewed. The Grand Jury used self-designed guidelines to tour the schools, ensuring that the same areas were observed at each school site. All areas were observed that have relevance to students and staff safety and security. The Grand Jury also examined support services for students. The City of Marysville Public Works Department and Marysville Police Department were contacted regarding information relevant to Covillaud Elementary.

Documents consulted:

- California Streets and Highways Code, Section 5610-5618
- MJUSD's Facilities Project Summary

Discussion and Narrative:

Arboga Elementary School:

The Grand Jury visited Arboga School, located in a rural area close to new housing developments, on September 17, 2013. At that time there were 515 students from Kindergarten to Fifth Grade were enrolled, and 72 in the preschool. The preschool is separate from the main school and has been in operation for four years. The campus has twenty classrooms, most of which are portable. There are twenty-one teachers, including one Resource Specialist teacher. Tremendous growth has occurred in the last few years, requiring portables to be added as needed.

Marysville Unified Elementary Schools Safety and Security

Student support included:

- Two 3.75 hour paraprofessionals, one for Kindergarten, and one shared among all other grades
- A 3.75 hour librarian, four days a week
- A school psychologist, twice a week, who organizes and leads student success teams (SSTs)
- An after school program, called STARS, until 6PM
- An art docent program led by volunteers

A strict sign-in policy is in effect for all visitors to the school. No security cameras are on the premises. Existing access gates around the preschool are kept locked at all times. The entire campus is not adequately fenced. It was stated by school administration that it took several requests, through District channels, to get the preschool fenced. Monthly fire drills are conducted, as well as biannual intruder alerts.



Figure 1. *Two views of the barbed wire perimeter fence at the back of the Arboga Elementary School campus. The road is just south of the school grounds.*

Because of the growth, the school grounds conditions are changing. At the current time, portables form a large rectangle with play areas and a fenced garden in the center. Storage has become a problem, so several portable shipping containers are now utilized for that purpose. A large grassy area behind the portables is not utilized or maintained, and has only a barbed wire

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fence, in disrepair, that separates the school grounds from a gravel road and private property (see Figure 1). A few years ago the school's water and septic systems were changed to OPUD (Olivehurst Public Utilities Department), because the old systems were not adequate.

Due to efforts of parents presenting safety needs to the Board of Trustees, the bus loop and drop off area are being separated. The new bus loop will not be paved. There is also a renovated parking lot that took the school five years of requests to obtain.

The current cafeteria/multipurpose room has a capacity of 300 (see Figure 2, below). Lunches, assemblies and programs must be staggered, with only some of the students attending at a time. Due to insufficient Measure P bond funds, a new multipurpose room will not be built.



Figure 2. *The cafeteria at Arboga Elementary School.*

Covillaud Elementary School:

Covillaud Elementary School, one of the older schools in the district, was visited by the Grand Jury on October 29, 2013. Covillaud is located on G Street close to the downtown area. 7th Street is blocked off during school hours and serves as a playground and a crossing area to the upper grades' playing area. The enrollment at the time was about 500 students from Kindergarten to Fifth Grade with twenty-two teachers. At the time of the Grand Jury visit, all the

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lower grades were full and there were three openings in grades four and five. Covillaud was a California Distinguished School in 2006 and 2008.

Student support includes:

- School Psychologists twice weekly
- An after school program, called STARS, until 6pm
- Part-time librarian
- A clothing closet that distributes clothing for families in need
- Parent volunteers
- Resource specialists
- Special Day Class (SDC)
- Peach Tree Tooth Van from October thru December

A sign-in policy is in effect for all visitors to the school. According to the site administrator no security cameras are installed on the premises. A minimum of six strategically placed outside cameras would provide basic coverage. Due to the unique layout of the school, being divided by 7th Street, the school has its share of undesirable items found on the north playground including; alcohol, used hypodermic needles and used condoms, etc. Marysville Police officials meet with elementary schools within the city, including Covillaud Elementary School, on a monthly basis to discuss any issues relevant to the schools' safety. Monthly fire drills are conducted, as well as biannual intruder alerts. A rally point for drills or emergencies is located on the campus to the north, across 7th Street.

As previously stated, the school is separated by 7th Street, to the north. 7th Street is an asphalt paved street, blocked with yellow traffic gates during school hours, with numerous potholes, broken and sunken curbing, uneven sidewalks, and trees pushing through the concrete. This poses an immediate and ever present hazard for children playing or crossing on this surface.



Figure 3. *Broken Curbs on the part of 7th Street that traverses the Covillaud Elementary campus.*

Covillaud Elementary School is located in downtown Marysville. There are times when police activity occurs near the school, which is only a few blocks from the police station. There have been times when there has been police activity on or close to the streets bordering the school, but without the knowledge of the administrator, which is a matter of concern. Some of those situations would have necessitated a lockdown for maximum student and staff safety.

The school currently has nine portable buildings, eight student restrooms, and one staff restroom. All classrooms are single access, and the doors are kept locked. Should a student leave the classroom, a passkey is issued by the teacher. A 300-person capacity cafeteria/multi-purpose room serves a student body of 500. Currently, cafeteria storage space is inadequate for the student population.

Currently staff and parent parking are inadequate. Staff members usually park on a street away from the front of the school in order to leave areas for parents to drop-off and pick-up students. Grand Jurors observed parents parking illegally in places that appeared not to be safe for drop-off and pick-up. There had been plans to remedy this in The District Facilities Project Summary funded by Measures H and P. This project and others slated for this school were put on hold, as bond funds are depleted.

Cedar Lane Elementary:

The Grand Jury visited Cedar Lane Elementary School on November 15, 2013. At the time, 508 students were enrolled with 25 teachers. Forty percent of the students speak English as a second

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language. Cedar Lane Elementary is located in the western part of Yuba County in Linda, and offers classes in transitional Kindergarten (a two year program) through Sixth Grade. Measure H bond money was used to build a new front wing and update the playground, while a new fence surrounds the school grounds.

Student Support includes:

- Three special Education Teachers
- A Migrant education classroom
- A Physical Education teacher for 2nd through 6th grade
- Americorp English as Second Language (ESL) student support coordinator
- Translators for second language student meetings
- A school Psychologist 4 days a week
- An after school program, called STARS, until 6PM
- Peach Tree Tooth Van
- Family Resource center operated by Harmony Health
- Large community garden
- A large library with a Librarian working 3.75 hours daily
- Two satellite rooms that house books for the Accelerated Reading (AR) program
- Victim Witness Services
- Transportation services for homeless students
- Emotionally Disturbed (ED) classroom with a dedicated teacher

In the Spring of 2012, plans for a new security camera were submitted to the Division of the State Architect (DSA). The MJUSD Facilities Project summary dated January 15, 2014, states that security cameras are listed as “Master Planning Future Projects”. Currently, no security cameras are installed on the campus.

There is a modicum of gang activity in the area of Cedar Lane Elementary. Gang activities are discouraged by school administrators, who do not allow students to wear gang-connected clothing. Positive Behavior Intervention Support (PBIS) is a program administered by school officials to combat bullying and gang related issues. Problems of graffiti and bullying might be diminished by the use of security cameras. Regular meetings with Law Enforcement concerning student safety are held weekly.

The cafeteria can accommodate 390 students for both breakfast and lunch. The cafeteria doubles as a multi-purpose room and houses the STARS after school program. School staff initiated a play first, eat last lunch schedule to help minimize food waste and behavior problems.

Cedar Lane Elementary has a bus pickup/drop off area with no marked crosswalks or sidewalks. Children must utilize the roadside to arrive at and depart from school. Students walking or riding bicycles must cross streets that are not marked with crosswalks or designated crossing areas.

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Supervisory staff are on site while children are departing and arriving at the school. Members of the Grand Jury noted a lack of proper signage referring to school area crosswalks or designated bike paths (see Figure 4). In one instance, Jurors had to walk around a vehicle into the middle of the street to return to the campus.



Figure 4. Cedar Lane, showing the absence of marked school crossings or signage.

Findings:

Arboga School

- F1. Arboga School is comprised mainly of portable buildings as a result of population growth in that area.
- F2. The cafeteria/multipurpose room has a capacity of 300 occupants and is too small for the enrollment of Arboga School.
- F3. Bond funds are now depleted, so Arboga's projects that were on The MJUSD's Facilities Project Summary for updates to the campus, are now on hold.

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- F4. The entire campus is not adequately fenced. There is only barbed wire fencing on the Southeast corner behind some portable classrooms.
- F5. There are no security cameras installed on the campus.

Covillaud Elementary School:

- F6. There are no security cameras on campus.
- F7. The Street blocked off from city traffic (7th Street) during school hours is in hazardous disrepair with numerous potholes, broken and sunken curbs, uneven sidewalks and trees pushing through the concrete. Children cross and play in this street for recess activities, and physical education class. When there is an evacuation drill, the meeting area is in the playground on the north side of the Street.
- F8. There is inadequate parking for staff and parents.
- F9. Due to location, there is often police activity in the proximity of the school that has not been brought to the attention of the administrator so that proper action can be taken.
- F10. The cafeteria/multipurpose room with a capacity of 300 is not large enough for a student body of over 500, and has inadequate cafeteria storage space.

Cedar Lane Elementary:

- F11. There are no security cameras on the campus.
- F12. There are no marked crosswalks or sidewalks near the bus pickup/drop off area, nor proper signage referring to school area crosswalks or designated bike paths. This poses a safety issue as there are many pedestrians and bicycle riders.

Recommendations:

Arboga School:

The Grand Jury recommends that:

- R1. When bond funds become available, Arboga's deferred projects, listed in the MJUSD Facilities Project Summary, receive priority consideration.
- R2. The District install adequate fencing around the entire campus.
- R3. Security cameras be installed in strategic outside locations.

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Covillaud Elementary School:

The Grand Jury recommends that:

- R4. Security cameras be installed in strategic outside locations.
- R5. The District comply with California Streets and Highway Code, Section 5610, to repair their portion of the sidewalks and curbs on the section of 7th Street blocked off for use by Covillaud School.
- R6. The District complete the projects planned for Covillaud School listed in The District Project Summary.
- R7. The Administrator discuss with the Marysville Police Department, at their monthly safety meetings, an appropriate notification plan for potentially dangerous activity within its neighborhood.
- R8. The District provide funding for the construction or purchase of adequate cafeteria storage.

Cedar Lane Elementary School:

The Grand Jury recommends:

- R9. Security cameras be installed in strategic outside locations.
- R10. The District consult with the Public Works Department and install proper signage, sidewalks and crosswalks in the bus pickup/drop off locations.

Request for Responses:

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

- MJUSD Board of Trustees
- Superintendant, MJUSD
- Principal, Arboga Elementary R1-R3
- Principal, Covillaud Elementary R4-R8

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- Principal, Cedar Lane Elementary R9-R10

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Conflict of Interest (Perceived) in Marysville Joint Unified School District

Conflict of Interest (Perceived) in Marysville Joint Unified School District

Summary:

As a result of a citizen's complaint, an investigation by the Yuba County Grand Jury has found that a perceived conflict of interest exists in the Marysville Joint Unified School District (MJUSD).

Introduction and background:

The Grand Jury received a citizen's complaint regarding questionable activity in the MJUSD concerning the hiring procedures for the current Facilities Manager (formerly the MJUSD Senior Project Manager) and how that position was filled. The complaint stated that the Facilities Manager is married to an employee of an architectural company whose firm received a substantial portion of the MJUSD architectural contracts. The Grand Jury discussed this complaint and elected to proceed with an investigation.

After an investigation, the Grand Jury found that the MJUSD Senior Project Manager was hired to act as a liaison with architectural firms, including one that received approximately sixty percent of the MJUSD's architectural contracts. The MJUSD Senior Project Manager has a spousal relationship with an employee of the architectural firm, which is perceived as influential.

The Grand Jury found that the MJUSD allowed established board by-laws to be violated by hiring employees with known affiliations or connections to district contractors, and therefore, appears to have conflict of interest (Board By-Laws 9270). The Grand Jury also found that the MJUSD violated State of California Government Code 1090, Contractual Conflicts of Interest; All Contracts, quoted below:

“Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.”

Upon investigation, the Grand Jury found that the MJUSD advertised the Facilities Manager position in one professional trade journal. The MJUSD did not advertise the position in any other public forum. The Grand Jury determined that the MJUSD Facilities Manager is involved in all aspects of the contract bidding process, including preliminary discussions, negotiations, compromises, reasoning or selection of projects, and the drawing of plans or specifications. The Facilities Manager is apparently not involved in the solicitation of contract bids. However, the Grand Jury determined that the Facilities Manager has important discretionary functions in MJUSD's contract bidding process; this not a mere clerical or administrative position. The Grand Jury found that the position of Facilities Manager of MJUSD has no written formal or

Conflict of Interest (Perceived) in Marysville Joint Unified School District

established job duties, job description or responsibilities. It was reported to the Grand Jury that there have been no personnel performance evaluations conducted for the Facilities Manager from the date of hiring to the present. The Facilities Manager formerly reported directly to the previous Superintendent of Business Services, who resigned in December 2013. The Grand Jury also found that the MJUSD Facilities Manager is married to a principal employee in an architectural firm that does substantial business with MJUSD, thus creating at least the appearance of a conflict of interest.

Methodology and Approach:

The Grand Jury interviewed three MJUSD administrators, a manager in the MJUSD, two current board members, the Yuba County Deputy County Counsel and the Yuba County District Attorney. In addition to the interviews, the Grand Jury asked for and received multiple documents related to the investigation and performed public records searches via the internet and accessible databases.

Documents:

Public Documents

- Marysville Joint Unified School District 9000 Board Bylaws 9270, accessible at <http://www.mjUSD.k12.ca.us/board/policies>
- Government Code Section 1090 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=01001-02000&file=1090-1099>)
- Conflict of Interest Form 700 for employees within the MJUSD accessible through the MJUSD website (<http://www.mjUSD.k12.ca.us/board/policies>)
- Project summaries as provided by the Bond Oversight Committee of MJUSD (http://www.mjUSD.k12.ca.us/district/bond_oversight_committee)
- MJUSD Budgets for years 2012/2013 and 2013/2014 (<http://www.mjUSD.k12.ca.us/district/budget/>)

The Grand Jury also consulted the following documents that are not available to the public online:

- Legal guidance citing precedent and justification from advisors to the Yuba county Grand Jury
- Measures H and P Account Summary Balance sheets from 2006 to 2014
- Payment histories for Architectural firms doing business with MJUSD

Conflict of Interest (Perceived) in Marysville Joint Unified School District

Site visits: The Grand Jury attended one meeting of the MJUSD Bond Oversight Committee and one meeting of the MJUSD Board of Trustees. No other site visits were conducted or deemed necessary.

Discussion and Narrative:

Through searches of public domain records and testimony by several individuals it was found and confirmed that, at the time of hiring, the current Facilities Manager for MJUSD was married to an employee of an architectural firm doing considerable contractual business with MJUSD. Of \$16,237,028 spent on architectural contracts between 2004 and 2014, the firm in question received \$8,730,340, or about 53.8% of all monies spent on architectural services. Nine other architectural firms received a combined total of \$7,506,688 or about 46.2%. (See Figure 1, below.) The Facilities Manager for MJUSD was hired on May 9, 2007, directly from the architectural firm by the former Superintendent of Business Services. The Facilities Manager's former employer received over half of the monies spent by MJUSD for architectural services for every year from 2007 to 2013. That same firm received just 3.7% of all the money spent by MJUSD for architectural services during the years 2004 – 2006, with over 96% going to other firms.

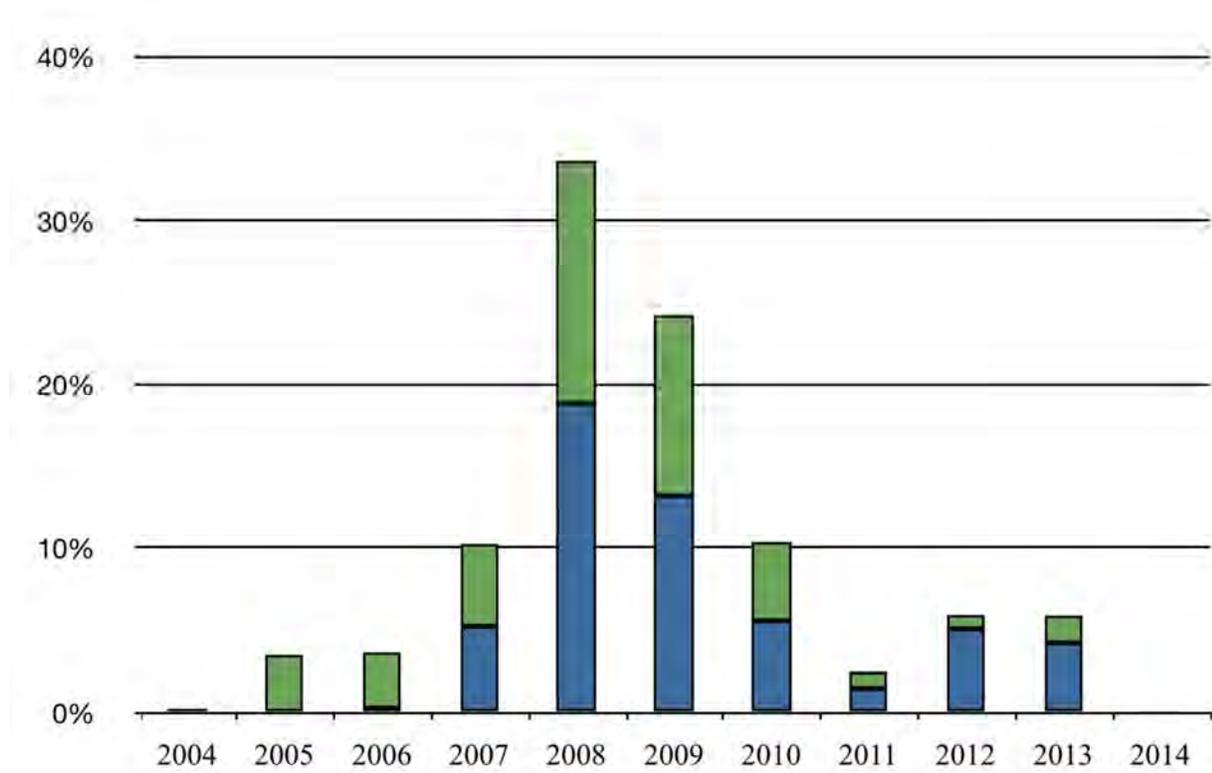


Figure 1. Percentage of MJUSD's total expenditures for architectural services by year. The blue segment of the bars represents the percentage received by the Facilities Manager's former

Conflict of Interest (Perceived) in Marysville Joint Unified School District

employer. The green portion represents the percentage received by nine other architectural firms combined.

It was reported to the Grand Jury during interviews that measures were taken inside the architectural firm to compartmentalize this employee, the spouse of the Facilities Manager, away from all aspects of business relations and contracts with the MJUSD. Whether or not the Facilities Manager's spouse participated in business relationships with MJUSD is not the issue. The spouse obviously has a financial interest in the success of the architectural firm, and there is at least the appearance of a conflict of interest in the Facilities Manager's participation in the process of contracting with that architectural firm.

The MJUSD board of trustees has the final say in who is hired by the District. Of the two board members interviewed, one member knew of the Facilities Manager's spousal relationship with the employee of the architectural firm, and one did not know. Upon recommendation by the former business manager for MJUSD, this individual was hired as Director of Design, and then later promoted to Facilities Manager. The Director of Design was a new position initiated in 2006 by the District, for which no formal written job description existed. This position was classified as having a regular probationary employee on track for permanent status. At that time, the former MJUSD Business Services Superintendent directed the person holding this position's duties. At the time of the Grand Jury investigation, no formal written job description delineating duties or responsibilities had ever existed for this position. The Grand Jury has found that the opening for the position of Director of Design was advertised in a trade journal and that four applicants applied for the job, with two being selected for further consideration. Upon resignation of the prior Facilities Manager, the new Director of Design was promoted into the higher paying vacancy. The position of Director of Design was then eliminated. No yearly employee evaluations have been submitted to the Personnel Department for any of the positions held by the current Facilities Manager.

Findings:

- F1. **Conflict of Interest:** The Grand Jury finds that the current MJUSD Facilities Manager was hired into a position established in 2007, to act as a contractual liaison with architectural firms, including one that received approximately sixty percent of the MJUSD's architectural contracts and approximately 54% of all expenditures for architectural services. The MJUSD Facilities Manager has had a spousal relationship that is perceived as influential with the architectural firm since the date of hiring. Taken together, these facts manifest the appearance of a conflict of interest.
- F2. **Board By-Law Violations:** The Grand Jury finds that the MJUSD violated established board by-laws by hiring an employee with known affiliations or connections to district contractors and who therefore has a potential conflict of interest. (Board By-Laws 9270)

Conflict of Interest (Perceived) in Marysville Joint Unified School District

- F3. **State Code Infractions:** The Grand Jury finds that the MJUSD violated State of California Government Code 1090, Contractual Conflicts of Interest; All Contracts.
- F4. **MJUSD Advertising Job Vacancies:** The Grand Jury finds that the MJUSD advertised the position of Director of Design in only a single professional trade magazine.
- F5. **Contract Bidding:** The Grand Jury finds that the Facilities Manager of MJUSD (prior MJUSD Director of Design) is involved with all of the aspects of contract bidding; preliminary discussions, negotiations, compromises, reasoning or selection of project, and drawing of plans and specifications, with the exception of solicitation of contract bids. The Facilities Manager of MJUSD had a perceived influence with the contract bids.
- F6. **Job Duties and Descriptions:** The Grand Jury finds that the Facilities Manager's position in MJUSD has no formal written or established job duties, job description or responsibilities.

Recommendations:

- R1. **Conflict of Interest:** The Grand Jury recommends that the MJUSD resolve the perceived conflict of interest between the Facilities Manager and the architectural firm.
- R2. **Board By-Law Violations:** The Grand Jury recommends the MJUSD follow established Board By-Laws regarding district contractors and conflict of interest. (Board By-Laws 9270)
- R3. **State Code Infractions:** The Grand Jury recommends the MJUSD follow established State of California Government Code 1090, Contractual Conflicts of Interest; All Contracts.
- R4. **Contract Bidding:** The Grand Jury recommends that the Board of Trustees or designee of MJUSD not execute any contracts with a contractor perceived as having a conflict of interest.
- R5. **Job Duties and Descriptions:** The Grand Jury recommends that the Superintendent of MJUSD establish formal job duties, descriptions and responsibilities for the position of Facilities Manager.

Conflict of Interest (Perceived) in Marysville Joint Unified School District

Request for Responses:

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

From the following entities with separate responses:

- Superintendent of MJUSD
- MJUSD Assistant Superintendent, Personnel Services
- MJUSD Board of Trustees

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Yuba County Juvenile Facilities

Summary:

The Yuba County Probation Department operates two juvenile detention facilities within the city of Marysville. They are the Maxine Singer Youth Guidance Center and the Yuba-Sutter Juvenile Hall which contains a Secure Housing Unit. These facilities are used to house youths aged nine to eighteen, from Yuba and Sutter Counties. Bed space, if needed, is reserved for six northern California counties (Amador, Calaveras, Colusa, Placer, Tehama and Tuolumne). The Grand Jury found these facilities to be generally well maintained and provide many supportive programs. It was found, however, that the video surveillance system in Juvenile Hall continues to be inadequate, as noted in previous Grand Jury reports. The facilities are jointly funded through Yuba and Sutter counties. In the future additional funding will be provided by Colusa County and through contracts with other counties housing offenders within the facility.

Introduction and background:

California Penal Code (PC) Section 919(b) mandates that the Grand Jury annually inspect all prisons and jails located within the county which it serves. Due to the bi-county arrangement, the facilities are inspected yearly by Yuba and Sutter County Grand Juries and recently also by an informal visit by the Colusa County Grand Jury. The California Department of Corrections and Rehabilitation also inspects these facilities. Under a joint agreement between Yuba and Sutter counties, the Yuba-Sutter Juvenile Hall and Camp Singer were established in 1976 and 1996 respectively.

Methodology and Approach:

The Grand Jury met with senior staff and toured Juvenile Hall, Camp Singer, and the Special Housing Unit (SHU).

Site visits: The Grand Jury conducted their yearly visitation in October 2013 and a short follow-up visit in January 2014

Interviews: Interviews on both site visits were conducted with the facility director and staff as well as housed juveniles.

Discussion and Narrative:

The Grand Jury was given tours of the two facilities. Areas observed included the intake and visitation areas, the general housing units, SHU, kitchen, dining hall, indoor and outdoor recreational areas, Camp Singer and classrooms. There is a medical office, staffed by medical

professionals, where each juvenile is given a complete medical, mental and physical examination soon after arrival.

Juvenile Hall is a 60-bed detention facility for less-violent offenders under the age of 18. This facility consists of four parts: a common area, visiting room, classrooms and an outdoor recreational area. The juveniles are housed separately by male and female, associating during school hours, meal times and other supervised special activities. Juveniles held in this facility are awaiting court proceedings. The typical stay in Juvenile Hall is three weeks to three months, averaging 25 days. An internal process is in place to ensure and document grievances and follow up measures. Visitation is limited to two hours per week in order to minimize the possibility of negative outside influences. On the Grand Jury's first visit it was reported that an increase in physical altercations was occurring within the facility. On the second visit it was reported that a dramatic decrease in physical altercations was occurring due to a change in procedures. Parts of these changes are attributed to a more personal, pro-active approach to individual behaviors, stressing and teaching tolerance with constant monitoring of the facility environment. Camp Singer juveniles have more opportunities to earn more privileges.

During a second visit to the Juvenile Hall facility it was reported to Grand Jurors that the State of California recently conducted an environmental health pre-inspection of the facility and identified environmental health issues. The inspection revealed lead based paint on the walls of the facility. The Probation Manager was told that current conditions would allow for the facility to be shut down, if the issues were not resolved, due to violations noted by the State. A physical inspection of the facility by Grand Jurors noted that painting of the affected areas is currently in progress.

The separate 15-bed SHU is for the separation of more serious and violent offenders. The SHU is a single building with its own enclosed outdoor recreation area, classroom, shower and bathrooms. The SHU was not in use at the time of the Grand Juror visits.

Camp Singer is a minimum security facility with a maximum capacity of 48 male and 12 female offenders. The juveniles housed there are assigned by the case judge for rehabilitation, rather than incarceration. The main objectives of Camp Singer are the redirection of negative or undesirable behavior and rehabilitation. At Camp Singer, the juveniles are separated by gender, yet unlike Juvenile Hall, there are no cells. Juveniles are housed in a dormitory-style setting, with individual sleeping cubicles. The juveniles are responsible for the daily upkeep of their individual sleeping areas as well as the outside grounds and other chores as assigned.

Singer has its own classrooms and indoor/outdoor recreational areas. The kitchen is shared between Camp Singer and Juvenile Hall. The kitchen staff prepares three hot meals each day, and between meal snacks, for both juveniles and staff.

Both Juvenile Hall and Camp Singer run on a points system. Points are awarded by staff and teachers. As the minors earn more points, they attain a higher status. With the higher status comes increased privilege which may include: later bedtime, different recreational activities and special visits with immediate family, who may bring in food from outside.

The philosophy at Camp Singer is to develop a sense of achievement and personal responsibility, in both the offenders and their families. The program's purpose is to teach life skills to assist them in overcoming negative outside influences after juveniles are released. The average detention time for a juvenile at Camp Singer is 7-12 months. There are higher expectations of conduct at Camp Singer than at Juvenile Hall or the SHU.

Camp Singer's emphasis is education, with classes taught by teachers provided by the Yuba County Office of Education. Camp Singer offers vocational certificates which include: Basic tool knowledge, general construction techniques and basic electrical. A certificate can also be obtained for the successful completion of a drug and alcohol counseling program. These certificates allow Camp Singer juveniles to be competitive in the job market and instill a sense of individual accomplishment.

The Grand Jury observed that these facilities are well positioned to lease bed space to other counties. The population within these facilities varies from day to day. On the day of the Grand Jury's second visit, the population of Juvenile Hall was 26, and the population of Camp Singer was 20. On that day, the majority of the population in both facilities originated from Yuba and Sutter counties.

Findings:

- F1. Staffing is minimally adequate to meet the needs of resident juveniles. Juvenile hall has been authorized to hire two new staff members in the near future.
- F2. Current camera monitoring system and its ability to record is not adequate for the current needs of the facility.

- F3. Due to one on one, individually tailored policy changes, staff is instilling a sense of tolerance and respect in housed juveniles towards each other and members of the community.
- F4. Staff and volunteers within Juvenile Hall are well trained and show a level of care and concern towards the residents above what is expected.
- F5. The needs of housed offenders are being met, including an internal grievance system.

Recommendations:

- R1. Yuba County Supervisors make additional funding available to the facility manager to maintain compliance with established State environmental health standards.
- R2. Yuba County Supervisors provide funding to upgrade the existing inadequate security camera system.

Request for Responses:

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

From the following:

- Yuba County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Yuba County Jail

Summary:

The Yuba County Jail, located at 215 5th Street, Marysville, California, is operated under the supervision of the Yuba County Sheriff. California Penal Code (PC) Section 919(b) requires that the “Grand Jury shall inquire into the condition and management of the public prisons within the county.” The Grand Jury conducted one scheduled inspection and one unannounced inspection of the County Jail, interviews with the Sheriff’s Department staff, and inmates. The scheduled tour of the jail included inspections of detainee housing areas, laundry facilities, the kitchen areas, medical facilities, commissary, as well as a small law library. The unscheduled visit focused on the roof top exercise area, elevator, backup generator maintenance logs, court holding cells and basement garage area. The Grand Jury has concluded that the jail operates very efficiently.

Introduction and background:

Both the Marysville Police Department and the Wheatland Police Department, each with its own chain of command, operate in Yuba County. Both agencies, as well as the California Highway Patrol, utilize the Yuba County Jail for detention purposes. The Yuba County Jail is also a detention center for Federal Immigration and Customs Enforcement (ICE) detainees. All persons booked into the jail receive an inmate handbook which details individual rights and grievance procedures. The last prisoner escape from the Yuba County Jail was recorded in 1989.

The Yuba County Jail is a coed facility with males and females separated at all times. At the time of our visit there were 416 inmates in custody, 221 of which were ICE detainees and 195 were county prisoners. Of those 416 prisoners, 362 were male and 54 were female. Through contracts with the Federal Government the jail receives \$75.16 per each ICE detainee, per day. These funds constitute a large part of the jails operating budget.

For religious needs, non-denominational services are conducted by different church groups through outreach programs, bible study on Wednesday, church services on Sunday, and pastoral/clerical visits as desired.

Methodology and Approach:

An overview of the operations and management of the jail was provided to the Grand Jury followed by a guided inspection of the jail facilities. After the scheduled visit, Grand Jurors elected to visit areas within the jail that had not been previously inspected, with an unannounced visit.

Documents:

- Yuba County Jail Intake Medical/Classification Screening Form
- Commissary Order Form
- Yuba County Jail Daily Population

- Inmate handbook
- Electronic records

Site visits:

One scheduled visit, one unscheduled visit and two separate inmate interviews were conducted by the Grand Jury.

Discussion and Narrative:

In October of 2013, the Grand Jury met with jail staff for a scheduled visit. The facility was well cleaned with various inmate work crews going about their chores. Video surveillance cameras are located at strategic points throughout the facility and monitoring is on-going by deputies. The tour included the booking-intake area, visiting area, control rooms, solitary confinement cells, general population cells, court holding cells, law library, and medical areas. There is also a small commissary, where inmates may make purchases for needs such as hygiene, food and personal items, at a small profit for the jail.

In November of 2013, an unscheduled visit was conducted by the Grand Jury. This inspection focused on areas not normally viewed during scheduled visits; roof top exercise area, elevator and backup generator maintenance logs, court holding cells, basement garage areas, and facility maintenance shop.

All inmates are provided with any necessary treatment from medical staff in a timely manner. It was reported to the Grand Jury that a Registered Nurse position is requested to meet additional medical needs. Prescription medications are purchased in individual bubble packs, so unused medication can be returned for refund, instead of being wasted. A fulltime drug and alcohol counselor, and grievance counselor is available to meet the needs of all inmates. A voluntary tattoo removal program is available to inmates who qualify. Sutter North Medical provides the necessary equipment and technicians for five hours on the last Friday of the month.

The Grand Jury visited two educational class rooms, one of which was in use by detainees to study for a General Equivalency Diploma (GED), and was taught by a professional instructor. The second classroom visited is used by female inmates, yet was not in use at the time of our visit. There are Alcoholics Anonymous /Narcotics Anonymous classes available for low level offenders.

California Penal Code (PC) 4024 establishes the guidelines for the work release of inmates. The jail staff follows guidelines consistent with inmates qualified for work release. An example of this program is Sheriff's Work Alternative Program (SWAP), PC 4024.2. SWAP inmates report to a separate day facility. A female SWAP inmate was interviewed while performing her duties in the garage area.

At the time visited, the jail was clean and functional. There were obvious exceptions where the age of the facility was apparent or repairs were in progress; ceiling tiles in the library need to be replaced. The laundry facility was clean, well ventilated and appeared to operate efficiently. There are two commercial washers and dryers in operation. All inmates receive clean clothes every three days. Staff reported to the Grand Jury that up to four female inmates at a time are assigned to work in the laundry room. The Grand Jury noted no workers were present at the time of the inspection. A communications device is available in case of an emergency. All chemicals used are concentrated and added to the wash with the push of a button, no inmates touch the chemicals. Jail staff indicated that the laundry provides services to Yuba Sutter Mental Health.

The current state of prisoner realignment [Assembly Bill (AB) 109, dated October 1, 2011] which mandates the transfer of some prisoners from State prisons to the local jurisdictions has minimal impact on the operations of the jail. Additional funding to meet AB 109 is being provided by the State of California. It is noted that the Yuba County Jail meets or exceeds all current State and Federal standards for such facilities.

Findings:

The Yuba County Grand Jury finds the following:

- F1. The Yuba County Jail is operating efficiently with well trained staff.
- F2. Additional funding is being provided for AB 109 requirements by the State of California.
- F3. The addition of a Registered Nurse is needed to meet additional medical needs.
- F4. The jail staffing levels are currently increasing for active duty and reserve deputies.

Recommendations:

- R1. The Grand Jury recommends the Yuba County Jail be funded for the addition of a Registered Nurse to meet medical needs.

Commendations:

- C1. The Grand Jury commends the Yuba County Sheriff, the Jail Commander, and jail staff for their dedication to the citizens of Yuba County.

Request for Responses:

Pursuant to California Penal Code (PC) section 933.05, the Grand Jury requests responses as follows:

From the following individual:

- Yuba County Sheriff

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Wheatland Police Department

Summary:

The Yuba County Grand Jury has a responsibility to the citizens of Yuba County to report on all aspects of county government. The Wheatland Police Department (WPD) is located at 207 Main Street in Wheatland, California, 15 miles southeast of Marysville, California in rural Yuba County. The department currently has eight full time officers, including the Chief of Police and a full time administrative clerk.

Introduction and background:

The Grand Jury visited the WPD in January of 2014 to get a general overview of the police department and how it relates to the city of Wheatland. The Grand Jury last reported on the WPD in 2007.

Discussion and Narrative:

The Yuba County Grand Jury toured the newest home for the WPD; a triple wide portable building was purchased from the Wheatland School District in 2013. These newer offices afford the WPD more space to include: male and female locker rooms with showers, a substantially larger evidence room, officer work stations, an administrative office, a conference room, and additional space to be used for expansion when funds become available.

To ensure clarity and transparency of the department, the Chief of Police has asked for, and received, an audit by outside agencies of evidence stored from previous years. This includes the disposal of narcotics and firearms. The implementation of this policy is an ongoing process.

The City of Wheatland is expected to experience dramatic growth. The addition of three new housing subdivisions to be located within the area of Wheatland (projected growth of 25,000 to 30,000 in the next 20 years) will bring a larger tax base to the city in the future. The addition of more officers will be required to meet the demands of public safety. In 2013, one new officer was added to the force and the administrative volunteer has now become a full time paid employee. Currently, no canine officers or reserve officers are employed with the WPD.

Current prisoner realignment (Assembly Bill (AB) 109, dated October 1, 2011) mandates the transfer of some prisoners from State prisons to local jurisdictions. This has impacted the operations of the WPD. It was reported to the Grand Jury that an increase in certain crimes in 2013, including theft, petty thefts and larceny are occurring within the city. Crimes of assault have decreased due to the high visibility of WPD officers.

The addition of more field officers will be needed to offset the current realignment issues and the coming city expansion.

Findings:

- F1. The citizens of Wheatland are well served by the WPD.
- F2. AB 109, prisoner realignment has caused certain crimes to increase within the City of Wheatland.
- F3. The WPD is staffed by dedicated officers and additional officers will be needed for the imminent growth of Wheatland.

Recommendations:

- R1. The Yuba County Grand Jury recommends that the Wheatland City Council continue to support the WPD with adequate funding.
- R2. The Yuba County Grand Jury recommends that WPD staffing levels be maintained at the level commensurate to the expected growth of the community and include the recruitment of canine and reserve officers.

Commendations:

- C1. The Yuba County Grand Jury commends the Chief of Police, the Officers and support staff of the WPD for their dedication to duty, citizens and law enforcement.

Request for Responses:

Pursuant to the California Penal Code (PC) section 933.05 requires that you respond in writing as to the content and format of responses. The California Penal code also mandates the deadline for responses.

- Wheatland City Council

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



City of Marysville Red Light Camera Program

Summary:

This Grand Jury report describes an investigation of safety and accounting issues of the Marysville red light camera (RLC) use.

Although red light cameras can improve safety when appropriately utilized, it appears that their use in the City of Marysville may not meet these conditions.

The City of Marysville currently utilizes seven RLCs at five intersections. Of these, three intersections are subject to California Department of Transportation (Caltrans) directives and two are not. City officials have asserted that intersections were selected on the basis of accident statistics, and further asserted safety improvements as a result of camera usage.

The cost of a red light violation is a minimum of \$479 which includes fine, fees, and court costs. These fees are collected by Yuba County Superior Court and divided among the City of Marysville, the County of Yuba, and the State of California as determined by the California Penal and Government Codes. Fees may be reduced for a right-turn-on-red violation but the offender must first pay the fine and appeal after the fine has been paid.

Red light cameras are provided through a contract with Redflex Traffic Solutions (“Redflex”). Redflex has a history of political contributions in the State of California, as well as a strong lobbying presence with respect to red light camera-related legislation.

This investigation found that generally the City of Marysville has provided conflicting, non-relevant, and/or unsupported data to justify the use of RLCs within city boundaries. Data provided by the City of Marysville do not correspond to data available through State-maintained collision databases.

Prior collision data did support installation of red light cameras at one of five intersections. However, it is questionable whether collision data supported installation of red light cameras at the remaining four intersections.

Data provided by the City of Marysville showed that collisions at the first three intersections with RLCs account for an increasing percentage of total collisions citywide for the period 2007-2012.

At the two RLC approaches controlled by the City of Marysville (that is, not on State Highways and therefore not subject to Caltrans directives), essentially all RLC violations have been right-turn-on-red violations. At two of the remaining RLC approaches on State Highways, approximately half of all RLC violations have been right-turn-on-red violations.

This is important because right-turn-on-red violations can be addressed through alternative engineering countermeasures such as right-turn arrows or eliminating the need to stop on a right

turn. This is also important because right-turn-on-red violations have not been shown to result in the kinds of collisions that would be reduced through use of RLCs.

This Grand Jury investigation also found issues with respect to RLC accounting procedures. These included lack of transparency, potential conflicts with contract stipulations and current vehicle code, and conflicts within the current contract regarding effects of RLC inactivity due to construction.

Based on the findings revealed in this investigation, the Grand Jury proposes several recommendations. These recommendations include removal of RLCs at intersections with predominantly right-turn-on-red violations, and use of engineering countermeasures to minimize such violations at other intersections. Recommendations also include complete transparency of RLC operation, to include listing monthly accident, citation, revenue, and expense figures on the City of Marysville Police Red Light Camera web page. The Grand Jury further recommends that City of Marysville seek legal counsel to resolve conflicting contractual statements, and consider utilizing engineering countermeasures to enhance safety instead of Redflex RLCs upon termination of the current contract.

Subject of Investigation:

Redflex Traffic Red Light Camera (RLC) Operations by the City of Marysville

Reasons for Investigation:

In response to citizen requests:

- 1) To quantify RLC safety effects
- 2) To examine RLC accounting practices

Definitions:

- **Approach.** The entrance to an intersection (in this case, monitored by RLCs). There are three cameras at each approach. There are seven approaches in Marysville (described below).
- **Event.** When a vehicle proceeds through an intersection after the light has turned red and the vehicle is traveling in excess of a predetermined speed, four photos are taken (described below).
- **Loops.** Magnetic loops of wire, three feet apart, located under the pavement. The first one is 11 feet from the limit line. These loops are used to compute the speed of the vehicle.

- **CVC.** Abbreviation for “California Vehicle Code.”
- **DOT-FHWA.** Abbreviation for “U.S. Department of Transportation, Federal Highway Administration.”
- **DOT-NHTSA.** Abbreviation for “US Department of Transportation, National Highway Traffic Safety Administration.”
- **IIHS.** Abbreviation for “Insurance Institute for Highway Safety.”
- **NMVCCS.** Abbreviation for “National Motor Vehicle Crash Causation Survey.”
- **PRLE.** Abbreviation for “Photo Red Light Enforcement.”
- **RLC.** Abbreviation for “Red Light Camera.”
- **SWITRS.** Abbreviation for “Statewide Integrated Traffic Records System.”
- **TASAS.** Abbreviation for “Traffic Accident Surveillance and Analysis System.”

Methodology:

The City of Marysville, Yuba County, State of California, and Redflex personnel were contacted to gather information pertaining to RLC accounting, RLC safety data, and Redflex political activity. Information was also requested from Caltrans. In addition, peer-reviewed studies and relevant internet sources were reviewed.

Red Light Camera Background:

Reason for investigation. Red light cameras (RLCs) are computer-controlled cameras that act as an automated photo enforcement system. Marysville currently has RLCs at five intersections within city limits.

The 2005 Yuba County Grand Jury report included an investigation “City of Marysville Red Light Camera System.” The reason for the 2005 Grand Jury investigation was to determine if cameras were cost-effective and increased auto safety by reducing traffic accidents.

At that time the Grand Jury found that it was not possible to determine any effect on traffic safety, and that it would be necessary to monitor accident statistics for at least five years to determine any effect on safety.

In addition, citizen complaints were received by the Yuba County Grand Jury pertaining to the Marysville red-light camera program.

Vendor. All RLCs in Marysville are provided by Redflex Traffic Solutions (“Redflex”). Redflex, founded in 1997, is based in Phoenix, Arizona, and operates under the Australian parent company Redflex Holdings. Redflex, a publicly traded corporation (ASX:RDF), has been the subject of corruption investigations at multiple locations worldwide.

Vendor political contribution and lobbying activity. Redflex has made donations to a number of political candidates in California. Redflex has also lobbied extensively in support of legislation to support RLC use. This information is available online at <http://cal-access.ss.ca.gov/Campaign/>. Screenshots of Redflex political contribution and lobbying activity are provided in Appendix RLC1. Further information on Redflex political contribution and lobbying activity is available at this website by entering the word “Redflex” into the search box.

RLCs in Marysville. The Marysville Police Department web page for Photo Enforcement states (<http://www.marysvillepd.org/redflex.html>):

“A Red Light Photo Enforcement System consists of a high-speed camera mounted in a bullet-resistant housing at signalized intersections. The camera is aimed at an approach to the intersection and can be used for multiple lanes. The system is connected to the traffic signal controller and is able to monitor the changing of the traffic signal light. Sensors are placed in the pavement behind the limit line and are activated at a preset time after the signal turns red for the monitored approach.

When a vehicle enters the intersection during the red cycle after the preset time has elapsed, the sensor triggers the camera, which then takes four overall photographs with 12 seconds of digital video. The first photograph shows the vehicle behind the limit line on the red light. The second photograph shows the vehicle proceeding through the intersection on the red light. The third photograph is of the driver. The fourth photograph is of the vehicle and license plates. Other visible environmental conditions are also recorded in each photograph. The use of a flash produces clear images under a wide range of light and weather conditions.”

RLCs have been in use in Marysville since 2005. The first RLC was a single approach installed at 3rd and F Streets, activated 5/2/2005. This was followed by two approaches at 10th and G Streets activated 10/1/2005, and a single approach at 3rd and E Streets activated 10/12/2005. Therefore, at the time of the 2005 Grand Jury report, the city had four cameras at three intersections.

Since that time, RLCs for two approaches have been installed at 9th and E, activated 4/29/2011. A RLC has been installed at 10th and Ramirez (one approach), activated 5/1/2012. In 2013, the Marysville City Council declined a request to install an additional RLC at 10th and Ramirez and a RLC at 5th and J Streets. A map containing current approaches and activation dates for each approach is shown in **Figure 1**.

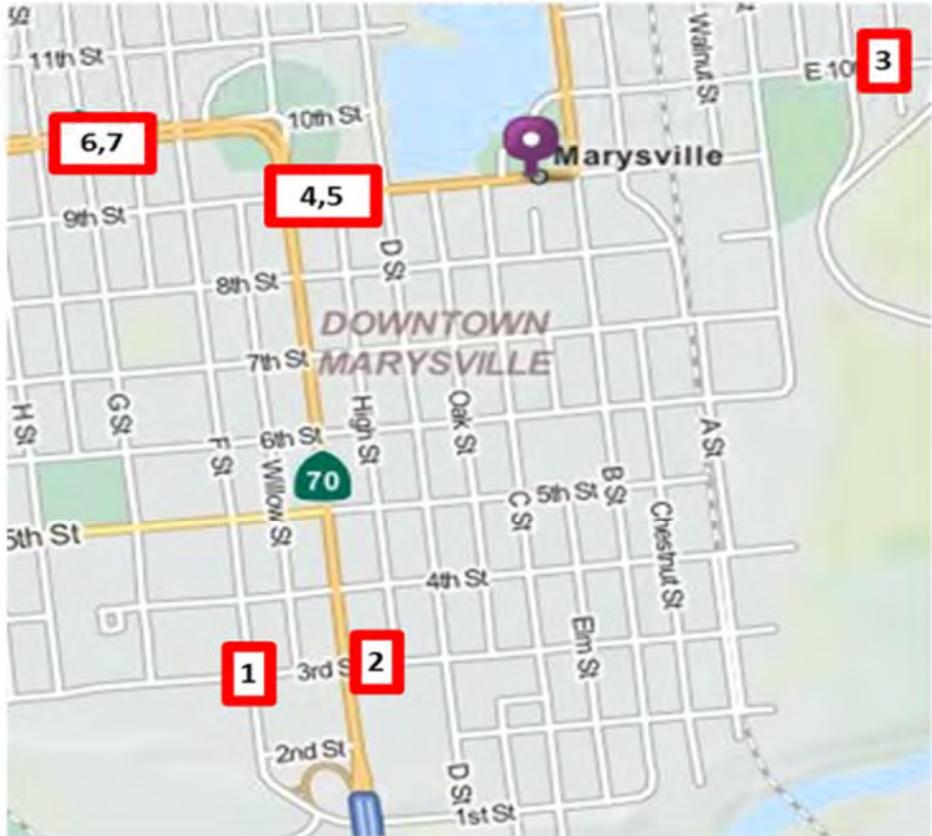
The RLC at 3rd and F also has a Halo system installed. The Halo system is a collision prevention system that extends the all-red phase for cross-traffic when it detects that a vehicle could run a red light (www.redflex.com).

RLC contracts. The original RLC contract with Redflex was a five-year contract dated December 2004. It was renewed for an additional five years in February 2011, and will expire in February 2016. The equipment belongs to Redflex, and Marysville pays a fixed amount each month to Redflex.

Costs per approach. The two approaches at 10th and G, the approach at 3rd and E, and the approach at 3rd and F Streets are \$5,658/month each. The two approaches at E and 9th and the approach at 10th and Ramirez Streets are \$6,203 each. The Halo system is an additional \$250/month. As of August 2013, monthly payment to Redflex for the current approaches was \$41,491. A sample invoice from March 2013 is provided in **Figure 2**.

Additional costs for each approach are electricity and Digital Subscriber Lines (DSL) internet, paid separately from the monthly payment to Redflex. Redflex is responsible for all maintenance and upkeep of RLCs.

Figure 1. Map showing location of current RLC installations in Marysville, with list of RLC locations and date of activation shown in parentheses. * indicates RLC installations on State highways.



1. 3rd & F, eastbound (05/02/2005)
2. *3th & E, northbound (10/12/2005)
3. 10 & Ramirez, eastbound (05/01/2012)
4. *9th & E, northbound (04/29/2011)
5. *9th & E, southbound (04/29/2011)
6. *10th & G, eastbound (10/01/2005)
7. *10th & G, westbound (10/01/2005)

Figure 2. Sample invoice from Redflex.



Redflex Traffic Systems
23751 N. 23rd Ave. Suite 150
Phoenix, AZ 85085

Invoice

Invoice Number	Invoice Date	Invoice Currency
[REDACTED]	31-Mar-13	USD
Customer No	Ship Date	Shipping No
[REDACTED]		
Bill To: City of Marysville		Ship To: City of Marysville
[REDACTED]		[REDACTED]

Invoice	Project ID	Description	Unit	Quantity	Price	Total Net
1211	MAR-10G-01	10th Street and G Street	EA	1	5,658.00	5,658.00
1211	MAR-10G-03	10th Street and G Street	EA	1	5,658.00	5,658.00
1211	MAR-10RA-01	10th Street and Ramirez	EA	1	6,203.00	6,203.00
1211	MAR-3F-01	3rd St and F Str	EA	1	5,658.00	5,658.00
1211	MAR-E3-01	E Street and 3rd Street	EA	1	5,658.00	5,658.00
1211	MAR-E9-01	E Street and 9th Street	EA	1	6,203.00	6,203.00
1211	MAR-E9-03	E Street and 9th Street	EA	1	6,203.00	6,203.00
1211	MAR-ZH	ICPS (Halo) MAR-3F-01	EA	1	250.00	250.00
		Sub total				41,491.00
		Total				41,491.00

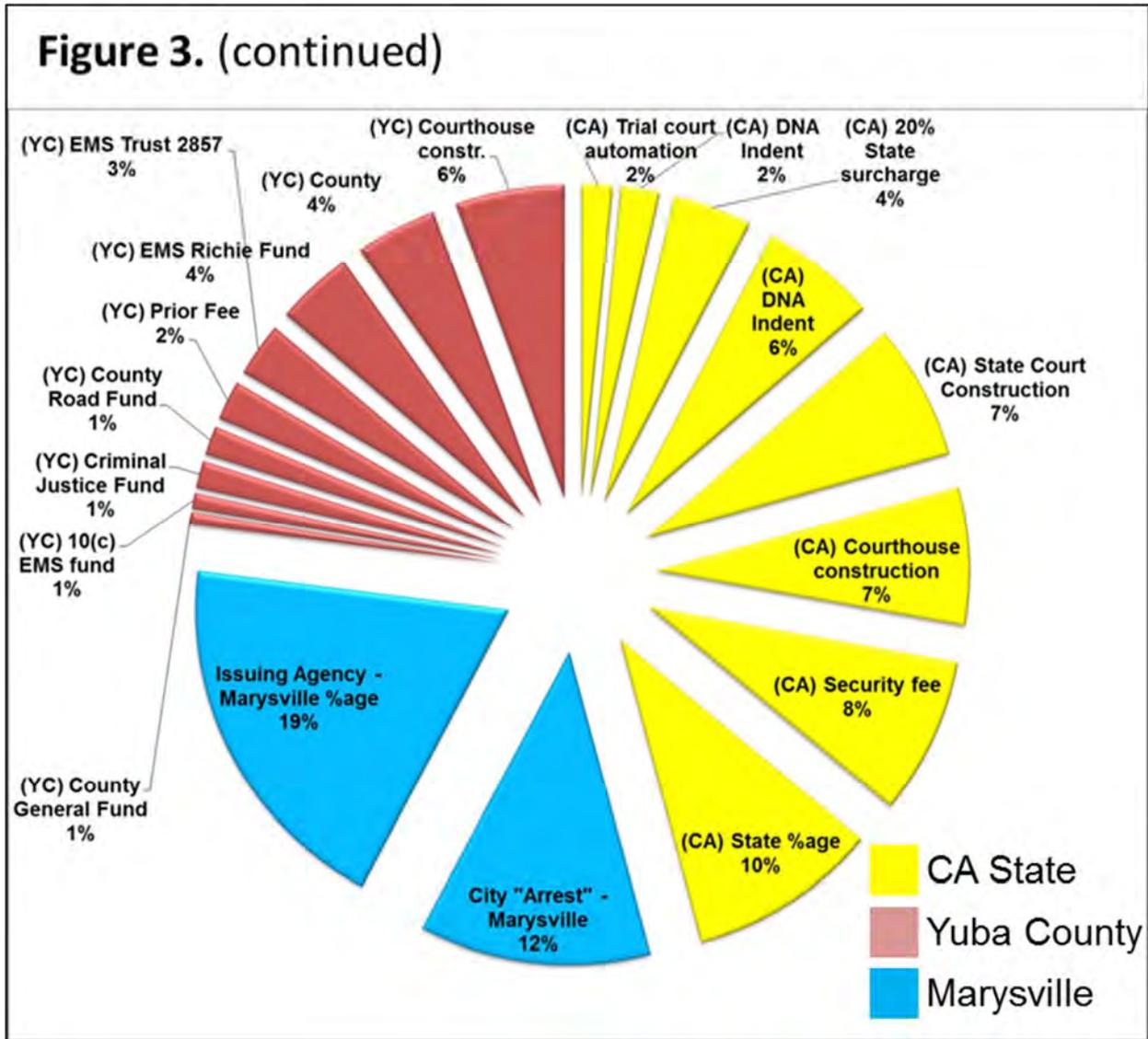
	Terms:	Net 30 days
	Invoice Total:	41,491.00
	Please Pay this Amount:	41,491.00

Annual increase. The monthly amount increases annually. According to the current contract, “Each year, on the anniversary date of the contract, the pricing will increase by the Consumer Price Index (CPI)”.

RLC penalty for failure to stop. Failing to stop at a red traffic signal is a violation of CVC Sections 21453 (a) (c), with a total current fine of either \$479 for motorists with no prior tickets on their DMV record, or \$489 for motorists with prior tickets. Of that, the City of Marysville receives \$152.39, or 31%. The remainder is distributed to Yuba County (23%) and the state of California (46%). A breakdown of costs by amount, percentage, and recipient is provided in **Figure 3**.

Figure 3. Distribution of \$489 fine currently assessed for running a red light. Table shows recipient, description and amount of each fee. Pie chart shows relative amounts of each fee as a percent of the total \$489 fee.

Paid to	Description	Amount (\$)	Subtotal
CA	Trial court automation	7.60	
CA	DNA Indent	9.80	
CA	20% State surcharge	20.00	
CA	DNA Indent	29.40	
CA	State Court Construction	34.30	
CA	Courthouse construction	35.00	
CA	Security fee	40.00	
CA	State percentage	48.02	224.12 (46%)
YC	County General Fund	2.98	
YC	10(c) EMS fund	4.00	
YC	Criminal Justice Fund	6.86	
YC	County Road Fund	7.31	
YC	Prior Fee	10.00	
YC	EMS Trust 2857	13.72	
YC	EMS Richie Fund	19.60	
YC	County	20.58	
YC	Courthouse construction	27.44	112.49 (23%)
City	City "Arrest" - Marysville	58.31	
City	Marysville percentage	94.08	152.39 (31%)
Total		489.00	489.00 (100%)

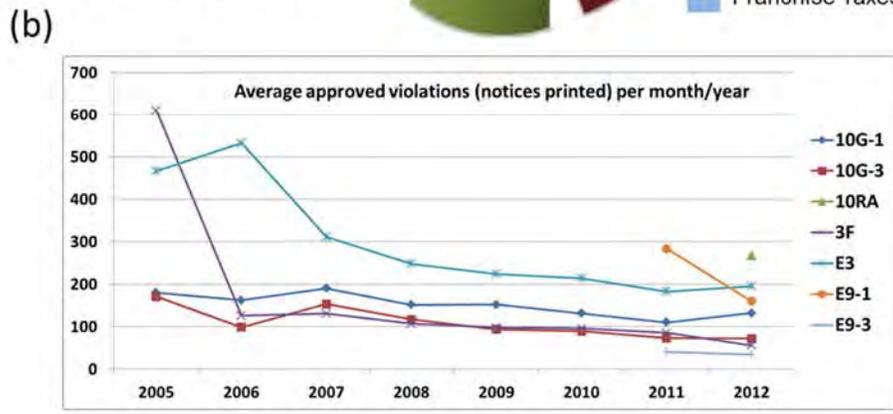


RLC violation revenues. The cameras have provided a substantial revenue source for the City of Marysville (Figure 4). The Marysville City Manager’s mid-year report and budget outlook for fiscal year 2012-2013 (Thursday, December 13, 2012) stated that “The largest revenue source in the General Fund continues to be sales taxes, property taxes, motor vehicle license fees, and red light camera revenue.” The accompanying figure in this report showed that during fiscal year 2011-2012, red light camera revenue was the fourth largest revenue source for City of Marysville (Figure 5).

Figure 4. Revenue, expenses, and difference from September 2010 through September 2013 from RLCs. Amounts shown are in dollars.

	REVENUE	EXPENSE	DIFFERENCE
Sep-10	60,286.01	22,999.06	37,286.95
Oct-10	51,275.32	22,899.53	28,375.79
Nov-10	48,079.49	22,858.86	25,220.63
Dec-10	47,071.04	22,928.86	24,142.18
Jan-11	40,689.97	22,921.02	17,768.95
Feb-11	38,336.71	22,800.00	15,536.71
Mar-11	48,133.46	21,772.74	26,360.72
Apr-11	55,158.56	22,268.68	32,889.88
May-11	47,772.41	22,259.80	25,512.61
Jun-11	41,503.61	20,780.32	20,723.29
Jul-11	39,483.98	24,814.00	14,669.98
Aug-11	48,331.50	22,000.00	26,331.50
Sep-11	43,404.56	28,427.78	14,976.78
Oct-11	61,774.52	28,280.00	33,494.52
Nov-11	58,062.25	31,504.80	26,557.45
Dec-11	59,996.29	34,310.00	25,686.29
Jan-12	65,043.56	30,419.68	34,623.88
Feb-12	71,936.85	34,310.00	37,626.85
Mar-12	71,044.02	27,696.45	43,347.57
Apr-12	64,207.70	33,310.00	30,897.70
May-12	62,707.62	35,288.00	27,419.62
Jun-12	77,596.32	35,470.52	42,125.80
Jul-12	70,407.80	40,946.00	29,461.80
Aug-12	67,406.97	42,036.00	25,370.97
Sep-12	87,118.54	41,491.00	45,627.54
Oct-12	109,003.62	41,491.00	67,512.62
Nov-12	64,956.85	41,491.00	23,465.85
Dec-12	70,544.18	41,491.00	29,053.18
Jan-13	54,698.41	41,491.00	13,207.41
Feb-13	75,435.27	41,491.00	33,944.27
Mar-13	65,413.31	41,491.00	23,922.31
Apr-13	43,854.35	41,491.00	2,363.35
May-13	45,248.32	41,491.00	3,757.32
Jun-13	35,178.26	41,491.00	-6,312.74
Jul-13	26,608.54	41,491.00	-14,882.46
Aug-13	31,689.69	41,491.00	-9,801.31
Sep-13	33,517.20	17,769.00	15,748.20

Figure 5. (a) RLCs provide third or fourth greatest revenue source for Marysville. (b) Average monthly violations from 2005-2012. (c) Chart and text from 2011 Marysville Police Department Annual Report (red outline added for emphasis).



(c)

Year	2006	2007	2008	2009	2010	2011	2010-2011 % Change
Traffic citations (including Redflex)	3185	4287	2938	3315	2960	7245	144%

In 2011, the PRLE program:

- Screened 8,701 incidents
- Determined 8,081 of these incidents were violations
- Sent 4,889 violations to the Yuba County Superior Court for processing
- Made in excess of 500 court appearances regarding red light violations

Increase due in part to added RLCs

RLC revenue reduced due to Caltrans construction. Revenue from RLCs has been reduced due to Caltrans construction. During Caltrans construction, RLCs at 3rd & E, 9th & E, and 10th & G have been deactivated. The decrease in revenue can be seen as a net loss from RLC expenses during June, July, and August 2013 (**Figure 4**). Payment to Redflex for September 2013 was

reduced below the full invoice amount, so that for September 2013 there was a net profit from RLC revenue. This will be discussed further in “Accounting Practices” later in this report.

Red Light Camera Discussion:

Background and discussion, findings, recommendations, and commendations are presented separately for 1) safety effects and 2) accounting practices.

1) Red Light Camera Safety Effects

Background - RLCs AND COLLISIONS:

Accident types. Not all accidents are the same, and RLCs may decrease the probability of some types of accidents while increasing the probability of other types of accidents.

Right-angle collisions. Right-angle collisions occur when two vehicles approaching from non-opposing angular directions collide. Right-angle collisions typically result when one vehicle either failed to stop at the red light or was not out of the intersection when the other directional signal turned green. Right-angle collisions might happen when vehicles are turning left at an intersection or proceeding straight through an intersection.

A National Motor Vehicle Crash Causation Survey (NMVCCS), conducted by the US Department of Transportation, National Highway Traffic Safety Administration (DOT-NHTSA), evaluated nationwide collisions from 2005-2007. The NMVCCS found that proceeding straight through an intersection and turning left at an intersection accounted for 22.2% and 12.6%, respectively, of all collisions.

Rear end collisions. Rear end collisions occur when two vehicles are traveling in the same direction, and the vehicle in the front is struck by the vehicle in the rear. This may occur at an intersection when a driver suddenly applies brakes in order to stop at the signal and is struck by the vehicle behind.

The NMVCCS found that collisions resulting from the front vehicle stopping accounted for 12.2% of all collisions.

*Findings generally agree that RLCs can **reduce** right-angle collisions and **increase** rear end collisions.*

Statewide Integrated Traffic Records System (SWITRS). SWITRS is a statewide records system that serves as a centralized means to collect collision data (<http://iswitrs.chp.ca.gov/Reports/jsp/OTSReports.jsp>). Data include fatal and injury accidents as well as a large proportion of property damage only accidents.

Traffic Accident Surveillance and Analysis System (TASAS). TASAS is a statewide records system used by Caltrans to analyze accident, traffic, and highway data for State highway related collisions (<http://www.dot.ca.gov/hq/traffops/signtech/signdel/chp3/chap3.htm>). SWITRS collision data pertaining to State highway related data are provided to Caltrans weekly. Accident data received by Caltrans do not include names, driver license numbers, addresses, vehicle license numbers, or data on age and sex of drivers and victims.

RLC Safety research. There are numerous studies both supporting and refuting safety effects of RLCs. In 2009 a meta-analysis of RLC studies was published, finding that overall RLCs did not affect safety (Erke, 2009). A response refuting the findings of this study was then published by the Insurance Institute for Highway Safety (IIHS) (Lund, Kyrychenko, & Retting, 2009). However a recent study replicated the Erke's 2009 findings that overall RLCs did not affect safety (Høye, 2013).

The IIHS, funded by auto insurers and insurance associations, strongly supports the use of RLCs (<http://www.iihs.org/iihs/topics/t/red-light-running/topicoverview>). A bibliography of their work in support of RLCs is provided on their webpage. It should be noted that at least 1/3 of the literature referenced in their bibliography has only been published on their website and is therefore not peer-reviewed. The IIHS's 2011 study "Effect of red light camera enforcement on fatal crashes in large US cities" is often cited in support of RLC use (Hu, McCartt, & Teoh, 2011). Their methods were questioned and their conclusions were refuted in a subsequent study "Counterpoint: The Insurance Institute for Highway Safety study actually found cities using red light cameras had higher red light running fatality rates" (Langland-Orban, Pracht, & Large, 2012). The IIHS response to the Langland-Orban is provided on their website.

The IIHS has also emphasized the importance of not only RLCs, but additional engineering strategies such as longer yellow signal timing and all-red periods of traffic signals (Retting, Ferguson, & Farmer, 2008; Retting & Greene, 1997). The importance of engineering strategies is supported by additional peer-reviewed research (e.g., Sharma, Vanajakshi, Girish, & Harshitha, 2012; Yang, Han, & Cherry, 2013).

A recent study examined driver behavior after RLCs were removed, and found that red light running increased following RLC removal (Porter, Johnson, & Bland, 2013). Overall, the conflicting studies, public perception that RLCs serve as a revenue source rather than a safety measure, and issues such as signal timing manipulation emphasize "divergent motivations of RLC vendors, municipalities, policy makers and safety advocates" (Yang et al., 2013).

U.S. Department of Transportation, Federal Highway Administration. Red light running is considered a serious problem by the U.S. Department of Transportation, Federal Highway Administration (DOT-FHWA) (<http://safety.fhwa.dot.gov/intersection/redlight/>). They note that red light runners should be characterized as either unintentional or intentional.

According to DOT-FHWA, engineering countermeasures are most effective for unintentional red light runners. Also according to DOT-FHWA, enforcement countermeasures are most effective for intentional red light runners. It is the position of the DOT that comprehensive approaches should be taken for most effective intervention, and engineering countermeasures should be evaluated before enforcement measures.

Engineering Countermeasures. RLCs are considered enforcement countermeasures. In contrast, examples of engineering countermeasures to minimize red light runners include:

- improved signal visibility
- improved line of sight for signalized intersections
- improved signal timing such as longer yellow intervals and all-red intervals
- elimination of the need to stop.

Countermeasure: Yellow signal interval timing. In California, minimum yellow interval times are stipulated by California Vehicle Code (CVC) 21455.7 and based on posted approach speeds. It is important to note that 21455.7 CVC mandates minimum yellow light intervals, and subdivision c states “A yellow light change interval may exceed the minimum interval established pursuant to subdivision (a) (http://www.dmv.ca.gov/pubs/vctop/d11/vc21455_7.htm).”

It is also important to note that 21455.7 CVC minimums are established based on posted speeds. The DOT-FHWA states that studies show:

- most speed limits are in general 8-12 miles per hour below the prevailing speed
- yellow intervals should be based on speed limit plus 10 miles per hour
- an additional 0.5 second of yellow time should be considered for locations with significant truck traffic
- yellow intervals should be based on a more complex formula incorporating the 85th percentile speed in miles per hour, deceleration in feet per second squared, grade, and acceleration due to gravity in feet per second squared.

The DOT-FHWA also states that yellow times less than those recommended by this equation result in more red light violations and higher crash rates.

Therefore the DOT-FHWA suggested engineering countermeasure for longer yellow intervals may be a relevant and important countermeasure for red light runners. The importance of longer yellow intervals and all-red intervals as a countermeasure to red light running is strongly supported by research; according to the DOT-FHWA a 1 second increase in yellow time results in a 40% decrease in severe red light crashes.

Yellow signal intervals in the City of Marysville are set as follows:

Approach	Approach Posted Speed (mph)	Yellow Light Interval (secs)	21455.7 CVC minimum
9 th & E Northbound	25	3.0	3.0
9 th & E Southbound	25	3.0	3.0
3 rd & F	35	4.0	3.6
10 th & G Eastbound	35	3.6	3.6
10 th & G Westbound	35	3.6	3.6
3 rd & E	25	3.6	3.0
10 th & Ramirez	no posted speed	3.6	

Countermeasure: Eliminating the need to stop. The DOT-FHWA also includes the removal of unneeded traffic signals as an important countermeasure to red light runners. Notably they indicate that this countermeasure results in a reduction of crashes, including a 24% reduction in right-angle crashes and a 29% reduction in rear-end crashes.

Encroachment permit. In order to install a RLC at a signalized intersection on a State highway, local agencies must submit an encroachment permit application to Caltrans for approval.

On July 7, 2000 Caltrans issued a policy directive #00-01 stating that automated red-light enforcement systems may be permitted at Caltrans owned and operated intersections if...“the compelling need for said systems is demonstrated.”

On June 15, 2009 Caltrans issued policy directive #09-03 superseding policy directive #00-01. The new policy directive required local agencies to include a traffic engineering study with an encroachment permit application for RLC installation on a State highway. The need for RLCs at that intersection would then be determined by Caltrans according to information provided in the traffic engineering study, such as:

- Analysis of collision data and identification of collision patterns
- Comparison of collision frequency and rates to other similar type intersections in the area
- Evaluation of previous countermeasure(s) implemented to address collision or driver behavior pattern
- Identification and evaluation of possible countermeasure(s) to address collision or driver behavior patterns

Therefore, for current approaches, the City of Marysville submitted encroachment permit applications for RLCs at 10th & G, 9th & E, and 3rd and E Streets. A traffic engineering study was

required with encroachment permits for RLCs at 9th & E Streets. Neither an encroachment permit nor a traffic engineering study was required for RLCs at 3rd & F or at 10th & Ramirez, because these intersections are not subject to Caltrans regulations.

Discussion: MARYSVILLE RLC PROGRAM

The stated purpose of the RLCs in Marysville is to improve traffic safety (<http://www.marysvillepd.org/redflex.html>): “The Marysville Police Department Red Light Photo Enforcement Program was implemented in 2005 with the purpose of providing 24-hour automated intersection enforcement and increasing traffic safety by reducing accidents resulting from red-light-running violations.”

The initial installation of RLCs in Marysville required a public hearing. The August 2004 public hearing notice referenced “...an automated traffic enforcement system in Marysville...” but did not specifically state that the public hearing was to consider red light cameras.

Selection of initial RLC intersection. Exhibit A of the original contract contains a table assembled by Redflex listing all signal intersections and the number of collisions at those intersections during 2003 (**Figure 6a**). **Figure 6b** shows this table re-ordered by number of collisions in 2003, and includes two intersections (shaded) with approaches that were rejected by Marysville City Council in 2013.

According to the text accompanying the Exhibit A table, “Intersections with the greatest historical number of collisions will be utilized to determine designated intersections that warrant photo enforcement; these intersections are outlined in the table below.”

However, the first RLC installed was located at 3rd & F Streets, although only 9 accidents were reported for this intersection during 2003 (rank 12th out of 18 intersections) (**Figure 6**).

Summary: Accident frequencies prior to RLC installation have not been the sole consideration for RLC usage.

Discussion: CONFLICTING COLLISION DATA IN SUPPORT OF RLC PROGRAM

The City of Marysville has provided conflicting collision data in support of the RLC program.

1) Conflicting collision investigation data have been published in the 2011 Marysville Police Department Annual Report and the 2012 Marysville Police Department Annual Report (**Figure 7**). For years 2007 through 2011, conflicting values are provided for total accidents (2007 - 2011), injury accidents (2010, 2011), non-injury accidents (2010, 2011), and fatal accidents (2011). Values for Total collisions are incorrect for years 2006-2009; corrected values are provided in boxes outlined in red in **Figure 7**.

2) Conflicting collision investigation data were provided when comparing the 2012 Marysville Police Department Annual Report with the City of Marysville City Council Staff Report, prepared May 5, 2013, titled “Completion of the Photo Red-light Enforcement Program contract and declaration of commitment to traffic safety” (**Figure 8**). Both **Figure 8(a)** and **Figure 8(b)** appear in the Staff Report, so that conflicting data appear in the same publication.

3) Injury collision data in Figure 7 do not agree with those provided in a line graph in the 2011 MPD Annual Report. Data points shown in the 2011 line graph do not correspond with values provided in the report (**Figure 9**).

Figure 6. (a) Appendix A table (2004 contract between Marysville and Redflex), showing number of collisions at signal intersections in 2003. (b) Same table, ordered by number of collisions, showing current number of RLCs. Additional approaches for shaded intersections were rejected by City Council.

(a)

Location	Number of Collisions in 2003
E Street and 3 rd Street	24
E Street and 4 th Street	10
E Street and 5 th Street	15
E Street and 6 th Street	8
E Street and 7 th Street	10
E Street and 8 th Street	8
E Street and 9 th Street	24
9 th Street and D Street	7
9 th Street and B Street	11
B Street and E.12 th Street	20
E.12 th Street and Ramirez Street	1
14 th Street and E Street	2
5 th Street and J Street	11
3 rd Street and F Street	9
10 th Street and F Street	14
10 th Street and G Street	22
10 th Street and H Street	16
14 th Street and B Street	7
Total Collisions at signal intersections	219

(b)

Location	# Collisions	# RLC
3E	24	1
9E	24	2
10G	22	2
12B	20	0
10H	16	0
5E	15	0
10F	14	0
9B	11	0
5J	11	0
4E	10	0
7E	10	0
3F	9	1
6E	8	0
8E	8	0
9E	7	0
14B	7	0
14E	2	0
12Ramirez	1	0
10Ramirez		1

Figure 7. Conflicting collision investigation data provided by the 2011 (top) and 2012 (bottom) Marysville Police Department Annual Reports. Colored circles denote conflicting data across reports (distinct color used for each corresponding year). Red outlined boxes below 2011 report data contain correct totals for those years.

Collision Investigation:

2006-2011

TYPE	2006	2007	2008	2009	2010	2011	2010-2011 % Change
Involving Injuries	24	71	69	50	64	55	-14%
Non-Injury	232	571	512	544	458	441	-3.7%
Fatal	2	1	2	1	2	3	50%
TOTAL	698	642	579	594	524	499	-4.7%

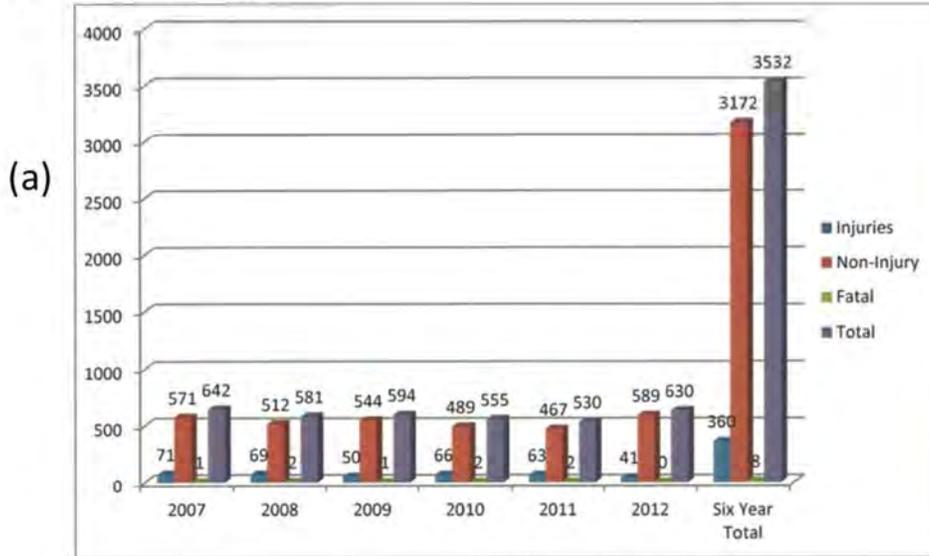
258	643	583	595
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Collision Investigation:

2007-2012

TYPE	2007	2008	2009	2010	2011	2012	2011-2012 % Change
Involving Injuries	71	69	50	66	63	41	-34.92%
Non-Injury	571	512	544	489	467	589	26.12%
Fatal	1	2	1	2	2	0	-50.00%
TOTAL	643	583	595	557	532	630	18.61%

Figure 8. Figure from (a) 2012 Marysville Police Department Annual Report and (b) 2013 City Council Staff Report. Values for 2010, 2011, and 2012 do not agree.



*Three Year
Traffic Collision
Assessment*

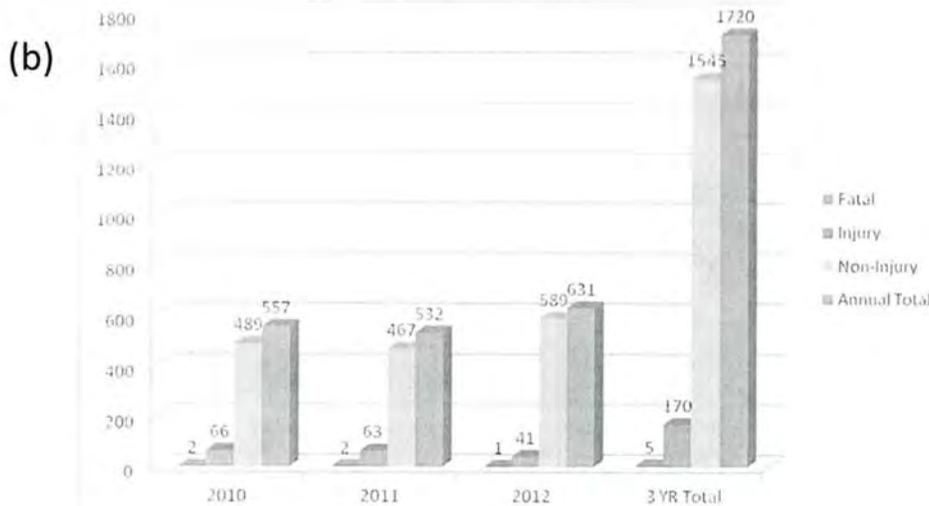
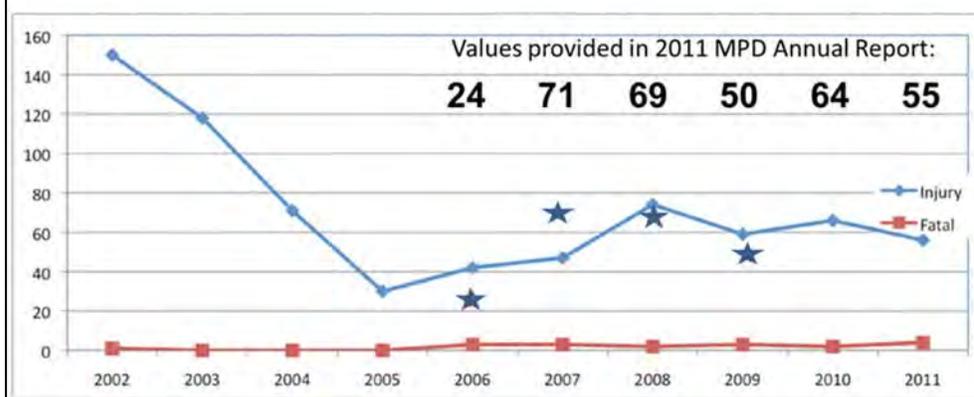


Figure 9. Figure from 2011 Marysville Police Department Annual Report. Chart shows city-wide injury and fatal accident data. However, data points on the chart do not agree with values provided in the report. Red stars have been added to show data points that would correspond to values provided in the report (see Figure 7a for values from the report).



4) Statistics cited by city officials regarding the RLC program are not supported by available data. The City of Marysville Fiscal Year 2013-2014 Proposed Budget, p. 5.2 states:

“During the first full year of photo red light enforcement implementation, the City experienced an immediate reduction of 78.7% in traffic collisions at the initial four monitored intersections.”

There are issues with this statement, as follows:

- **Data have been purged.** Non-injury accident data prior to 2007 reportedly have been purged. Marysville cannot provide data to support this assertion, specifically for the initial four monitored intersections.
- **Alternative causes for reductions are possible.** Because this statement does not describe the types of collisions that were allegedly reduced, it is unclear whether the reduction in collisions represents reductions in types of collisions that could be attributed to RLC usage. It is also possible that other factors contributed to a decline in traffic collisions, including a decrease in traffic volume, motorist avoidance of RLC intersections, or additional use of engineering countermeasures.

- **Available data do not support statement.** This statement appears to reference the first full year of implementation following installation of the first four RLCs, which would be the period from October 12, 2005 through October 12, 2006 (see **Figure 1** for activation dates); that is, primarily the year 2006. Although the City of Marysville intersection accident data are not available, it is possible to consider total collision data in the City of Marysville provided in public documents. A review of the figure from the 2011 Marysville Police Department Annual Report (provided in **Figure 9**) shows a citywide steep decline in injury accident data from 2002 through 2005, prior to implementation of the RLC program. In contrast, a citywide increase in injury accidents begins in 2005, the year the RLC program began (**Figure 9**).
- **Injury accidents have been increasing.** The available data do not support the assertion of a 78.7% reduction. They indicate an increase in injury accidents citywide. It is possible that accident data at the *monitored* intersections might indicate a decrease, or that total collision data might reflect a reduction. There is no way to ascertain this with data provided by the City of Marysville, and available data suggest otherwise.

5) A statement similar to the italicized statement shown in #4 above was made in the City of Marysville City Council Staff Report, prepared May 5, 2013, titled “Completion of the Photo Red-light Enforcement Program contract and declaration of commitment to traffic safety.” The additional claim was made:

“During the next full year of PRLE enforcement of those same intersections, the City experienced an additional reduction in collisions of 16.67%.”

There are issues with this statement, as follows:

- **Citywide accident data versus RLC intersection data.** Although the statement from the City of Marysville Fiscal Year 2013-2014 Proposed Budget references accident data at the monitored intersections, the statement from the City of Marysville City Council Staff Report refers to citywide accident data. Therefore the comparison for the first year and the second year of photo red light enforcement (PRLE) references different datasets that may or may not be related or comparable.
- **Spillover effects not empirically confirmed.** It is unclear whether citywide collision data provide support for benefits of RLCs in accident reduction. There are claims that RLCs result in “spillover effects;” that is, drivers are more cautious at non-RLC intersections as a result of RLC monitoring at other intersections. However these claims are generally not supported by research (Erke, 2009; Høye, 2013).

- **Corrected values indicate increase in collisions.** More importantly, the statement from the City of Marysville City Council Staff Report references the period from October 12, 2006 through October 12, 2007; that is, primarily the year 2007. According to the 2011 Marysville Police Department Annual Report, if corrected Total Collision values provided in red-outlined boxes (**Figure 7**) are used, then from 2006 to 2007 there was a 149% increase in Total collisions, a 146% increase in non-injury accidents, and a 196% increase in injury accidents.
- **More recent data not referenced.** Finally, it is unclear why only data from 2006 and 2007 would be used to justify enforcement measures in 2013 reports, particularly when many additional years of data would have been currently available.

6) The Staff Report does reference more recent data, stating that:

“With the exception of 2012 we have experienced a steady downward trend in overall collisions.”

There are issues with this statement, as follows:

- **Selective use of data.** It is unclear why it would be appropriate to selectively ignore the most recent year of data.
- **Citywide versus RLC intersection reference unclear.** It is unclear whether this statement references citywide data or RLC intersections.
- **Other factors may contribute to reduction.** It is unclear whether factors other than RLC enforcement might have contributed to the decline.
- **Contribution of RLC data to citywide data not clear.** It is unclear whether there have been changes to overall collision rates at RLC intersections during this period.

Summary: *It appears that overall, statements by the City of Marysville officials to support effects of RLCs on safety sometimes reference citywide collision figures and sometimes reference collision figures at RLC intersections, use data that cannot be substantiated, provide conflicting figures, and omit reference to data that do not support the assertion of safety improvement.*

Discussion: ENCROACHMENT PERMIT APPLICATION COLLISION DATA

As described above, an encroachment permit is required by Caltrans for local agencies to install RLCs at signalized intersections on state highways. The RLCs at 10th & G, 9th & E, and 3rd & E are on State highways, and therefore subject to the requirement for an encroachment permit.

A. 3rd & E Encroachment permit application. The City of Marysville did not provide accident data for years prior to 2007. However 3rd & E encroachment permit application-related documents included both SWITRS and TASAS collision data for this intersection. These data covered the 36-month period 01-01-2001 through 12-31-2003. In contrast to summary data provided by Redflex (**Figure 6**), review of these data showed a total of one broadside accident attributed to red-light running by a northbound driver (i.e., a driver who might have stopped had the northbound RLC been installed).

B. 10th & G Encroachment permit application. The City of Marysville did not provide accident data prior to 2007. However 10th & G encroachment permit application-related documents included both SWITRS and TASAS collision data for this intersection. These data covered the 36-month period 01-01-2001 through 12-31-2003. In contrast to summary data provided by Redflex (**Figure 6**), review of these data showed a total of two broadside accidents attributed to red-light running by an eastbound or westbound driver (i.e., a driver who might have stopped had the eastbound and westbound RLCs been installed).

C. 9th & E Encroachment permit application. RLC required a traffic engineering study. The 9th & E RLC was installed after issuance of 2009 Caltrans policy directive #09-03 and therefore a traffic engineering study was required. An encroachment permit was submitted in 2010 for a RLC at 9th & E. Caltrans evaluated data provided in this study as well as information in the TASAS database and determined that this intersection met the criteria for RLC installation. That is, Caltrans found that there was a history of accidents occurring within the intersection that could be attributed to red-light running in the directions that would be controlled by the RLCs.

D. An encroachment permit application was also submitted in 2010 for a RLC at 12th & B. When the encroachment permit application for 9th & E was submitted, an encroachment permit application was also submitted for RLC installation at 12th & B.

The Caltrans analysis of collision data identified issues with the traffic engineering report:

- Although the traffic engineering report stated that both 9th & E and 12th & B had the highest number of collisions when compared with other intersections, the report did not

consider the higher traffic volume (approximately 2X) at these intersections when compared with other intersections. Although the traffic engineering study reported 41 collisions, 23 were rear-end collisions and five were broadside at 12th & B over the six-year period. None of the collisions, including the five broadside accidents, occurred within the 12th & B intersection and none of them were related to red light running. Subsequent analysis of TASAS data showed only eight collisions for the same time period. An additional six collisions were identified following discussion with Marysville Police Department. However these 14 collisions were predominantly rear-end collisions, with no broadside collisions occurring within the intersection.

- In response, the City of Marysville stated that they do not report most non-injury collisions to SWITRS, and therefore Caltrans did not have access to a high percentage of collision data either through SWITRS or TASAS. The City of Marysville further stated that a detailed review of every collision occurring at 12th & B over the previous five years had been conducted, and noted that “the City did not have a single documented collision resulting from someone stopping at a red light and being rear ended” (March 8, 2011 communication from City of Marysville Police Department to Caltrans).
- However, despite requests by Caltrans, the data for this detailed review were never submitted by the City of Marysville in support of the encroachment permit request. The City of Marysville did provide Caltrans with a non-peer reviewed lay publication issued by IIHS that did not include any statistics for the City of Marysville specifically. The City of Marysville also provided a non-peer reviewed manuscript describing effects of red light camera enforcement on fatal crashes in large US cities, but again not including any statistics for the City of Marysville specifically.

In December 2011 Caltrans issued three-year conditional approval for RLC installation at 12th & B. For three years, City of Marysville would be required to submit an annual report to include type of collision, where collision occurred, and cause of collision. If the collision trend for the three year period was increasing, the 12th & B RLC would be removed.

However, in August 2012 the permit for the RLC installation at 12th & B was suspended until January 2015 due to Caltrans roadway construction. Moreover, construction included installation of roadway surface that would not allow installation of the roadway sensors required for RLC installation and operation. Therefore the City of Marysville would need to resubmit an encroachment permit application utilizing alternative detection and layout measures for RLC installation and operation.

The traffic engineering study had recommended engineering countermeasures, including utilization of larger signal heads and a signal backplate for the westbound approach, left side signal head. Caltrans has implemented those recommendations.

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Discussion: CONFLICTING COLLISION DATA BETWEEN CITY OF MARYSVILLE AND TASAS DATABASE

As described above, collision data provided by City of Marysville do not agree with collision data available in TASAS. The Grand Jury obtained TASAS data for all signalized intersections on State highways within the City of Marysville for the years 2003 - 2011.

The City of Marysville provided the Grand Jury with collision data for all signalized intersections for the years 2007-2013. The City of Marysville did not provide any information about accidents prior to 2007 because "...all non-fatal data prior to calendar year 2007 has been purged from the MPD system in accordance with department policy" (January 9, 2014 response to Grand Jury subpoena issued December 17, 2013).

There are discrepancies between TASAS and Marysville collision datasets. In part this would be due, as described above, to the City of Marysville's lack of reporting most non-injury collisions to SWITRS, and therefore neither SWITRS nor TASAS would reflect those collisions.

Appendix RLC2 contains TASAS and City of Marysville data for intersections with RLCs. Appendix RLC3 contains TASAS and City of Marysville data for signalized intersections on State highways that do not have RLCs. Appendix RLC4 contains City of Marysville data for signalized intersections not on State highways within the City of Marysville.

Summary: Caltrans found that collision data from the City of Marysville conflicted with available reported data. The City of Marysville did not provide data to Caltrans to support their collision numbers. Caltrans has implemented engineering countermeasures recommended by the traffic engineering study.

Summary Note: Examination of data for these intersections suggests that simply listing total number of all accidents in or near an intersection does not provide appropriate justification for installation of RLCs.

Summary: *The City of Marysville collision data do not agree with the State of California collision data. Collision data provided as part of the Redflex 2004 contract do not agree with the State of California collision data.*

Discussion: GRAND JURY EVALUATION OF RLC EFFECTS ON COLLISIONS.

It is challenging to comprehensively evaluate safety effects resulting from RLC usage. Such evaluation requires sophisticated statistical modeling. Models should include accident types (all, right-angle, those caused by red-light running), designation of comparison sites, treatment types (RLCs only, RLCs plus warning signs, use of countermeasures), traffic volume and traffic volume changes over time. Conducting such statistical modeling is beyond the scope of this Grand Jury report.

To provide additional insight into possible safety effects resulting from RLC usage, the Grand Jury therefore considered:

1. accident data available for RLC intersections;
2. whether the reduction in citywide collisions was reflected in accident statistics available for RLC intersections;
3. for more recently approved intersections, whether there was any decrease in collisions between the year prior to RLC installation and the year following RLC installation;
4. whether citation types were for red-light running behavior that might be reduced by use of RLCs.

Varying activation dates for RLC approaches and the lack of relevant Marysville-provided data prior to 2007 provided challenges to data analysis. In order to conduct a consistent and meaningful analysis, for items #1 and #2, analyses utilized accident data provided by the City of Marysville for the three intersections having the original four RLC approaches (10th & G, 3rd & E, 3rd & F Streets) for 2007 through 2012. Analyses utilized citywide collision data for the same period of time provided in the 2012 Marysville Police Department Annual Report. This enabled evaluation of accident data for the original four approaches with respect to citywide collision data for the period 2007 - 2012.

1) Accident Data for original RLC approaches: Summarized accident data (provided by the City of Marysville) for the original four RLC approaches for 2007-2012 are shown in **Figure 10**. There were no fatal accidents at these intersections during this period. The number of injury accidents at these intersections fluctuated over this time period. There was an increase in the number of non-injury accidents at these intersections over the same time period.

Summary: *The number of non-injury accidents has been increasing at three RLC intersections for the period 2007-2012.*

2) Percent of citywide accidents accounted for by the original RLC approaches: The Grand Jury considered what percent of citywide accidents were accidents at RLC intersections. Over the 2007-2012 period, accidents at RLC intersections accounted for an increasing percent of total accidents in the City of Marysville (**Figure 11**). For years 2007 through 2012, accidents at these three RLC intersections accounted for 4% (2007), 7% (2008, 2009, and 2010), and 9% (2011 and 2012) of total accidents in the City of Marysville.

Summary: *Accidents at three RLC intersections account for an increasing percent of total collisions in the City of Marysville. Therefore citywide collision data may not reflect accident trends at RLC intersections. Use of citywide collision data to justify RLC usage may not be appropriate.*

3) Decrease in collisions following RLC installation: The Grand Jury considered whether there was a decrease in collisions following RLC installation at 9th & E or at 10th & Ramirez intersections.

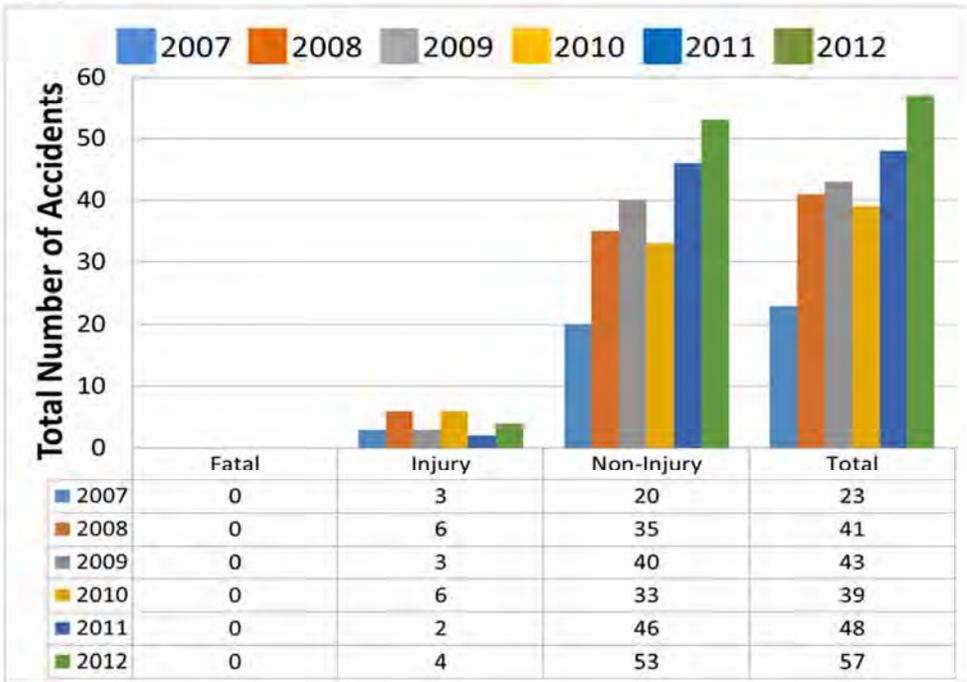
According to data provided by the City of Marysville, during the 12 months prior to RLC installation at 10th & Ramirez (May 2011 through May 2012), there were a total of 2 non-injury collisions at 10th & Ramirez (one during 2011 and one during 2012). In 2012 following RLC installation, there was one injury accident. There were no accidents through October 2013 when data was submitted for this report.

No information was provided regarding the types of accidents or whether they occurred within the intersection.

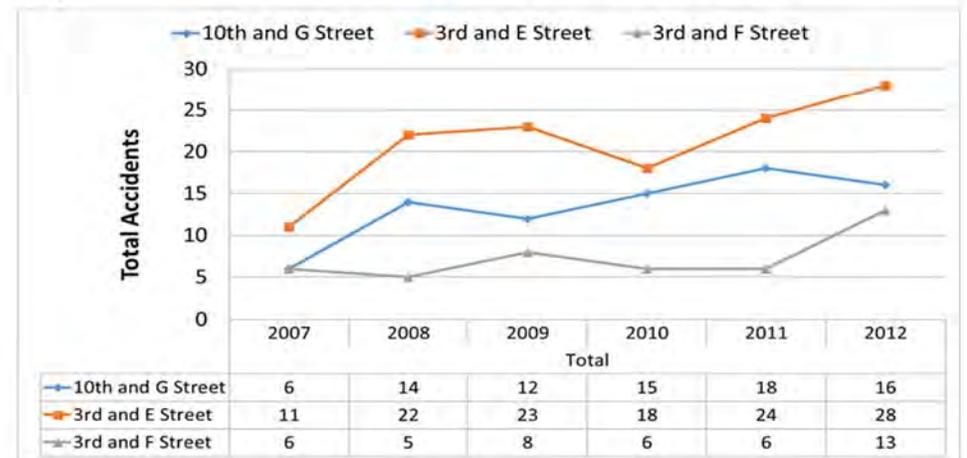
Caltrans found that the accident pattern at 9th & E was appropriate to merit RLC installation. According to TASAS data provided to the Grand Jury, there were a total of seven broadside accidents within the intersection between 2003 and 2011. TASAS data for this intersection was not available for 2012 and 2013.

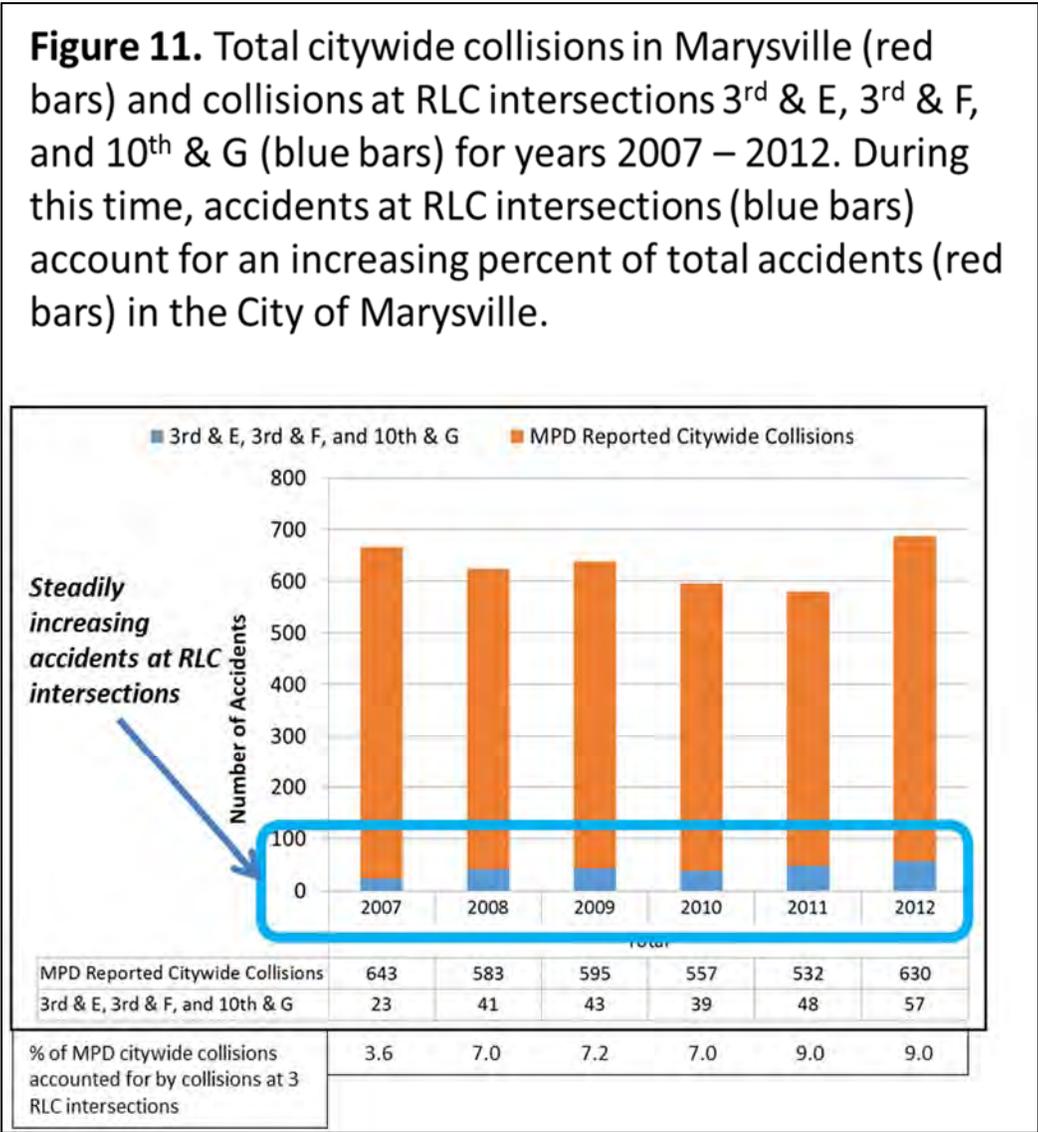
Figure 10. (a) Summarized and (b) separated by intersection total collision data for intersections 3rd & E, 3rd & F, and 10th & G Streets provided by the City of Marysville for years 2007-2012.

(a)



(b)





According to data provided by the City of Marysville, 9th & E had a total of 10 non-injury accidents during the 12 months preceding RLC installation (June 2010 through June 2011), a total of 12 non-injury accidents during 2011, 22 non-injury accidents in 2012, and 11 non-injury accidents through October 2013 when data were submitted for this report.

No information was provided regarding the types of accidents or whether they occurred within the intersection.

Summary: It is unclear whether collision frequency for 10th & Ramirez would meet criteria established by Caltrans for installation of RLCs on State highways (see discussion for RLC encroachment permit for 12th & B, above).

The data provided do not support a decrease in accident frequency at 9th & E following RLC installation. Analysis of types of accidents might be instructive in determining whether broadside accidents were reduced or rear-end collisions were increased.

4) Right-turn-on-red violations: Data were provided by the City of Marysville that indicated whether citations were issued for right-turn-on-red violations or other violations. This is important for two reasons.

- 1) RLCs have not been shown to be effective at increasing safety for right-turn-on-red violations.
- 2) Relatively simple and effective countermeasures would include eliminating the need to stop on right turns through use of a) a right-turn merge lane as found when entering Marysville from Yuba City on 5th Street or b) a right-turn signal, where the yellow signal interval is the same as that for the straight through yellow signal interval.

Data provided were incomplete. Data were provided for all approaches for years 2005-2013. Data included date of violation, a YES/NO field indicating whether violation was for a right-turn-on-red, and a YES/NO field indicating whether a Courtesy Notice was issued or whether a citation was issued. However, the right-turn-on-red data field was not completed for most entries from 2005-2010. The Courtesy Notice/citation field was also intermittently blank. Therefore the following analyses and discussion only reflect citations where relevant data were provided.

Figure 12a shows percent of violations issued for right-turn-on-red versus other violations for each RLC approach. **Figure 12b** shows number of Courtesy Notices versus Citations for each RLC approach, separated by type of violation (right-turn-on-red or not).

Violations at both 10th & Ramirez and 3rd & F Streets are almost exclusively for right-turn-on-red violations.

There are approximately as many violations for right-turn-on-red violations at 3rd & E and at 9th & E (northbound) as for all other red light violations combined (i.e., both left-turn violations and straight-through violations).

Only the 10th & G and the 9th & E (Southbound) approaches show violations primarily for non-right-turn-on-red violations.

Summary: Right-turn-on-red violations at four of seven approaches suggest that engineering countermeasures should be applied to minimize violations for right turns.

5. Examination of contribution of collisions at RLC and signaled intersections to overall citywide collision data. The Grand Jury considered whether signaled intersections without RLCs showed the same pattern of increased percentage of citywide collisions seen in RLC intersections.

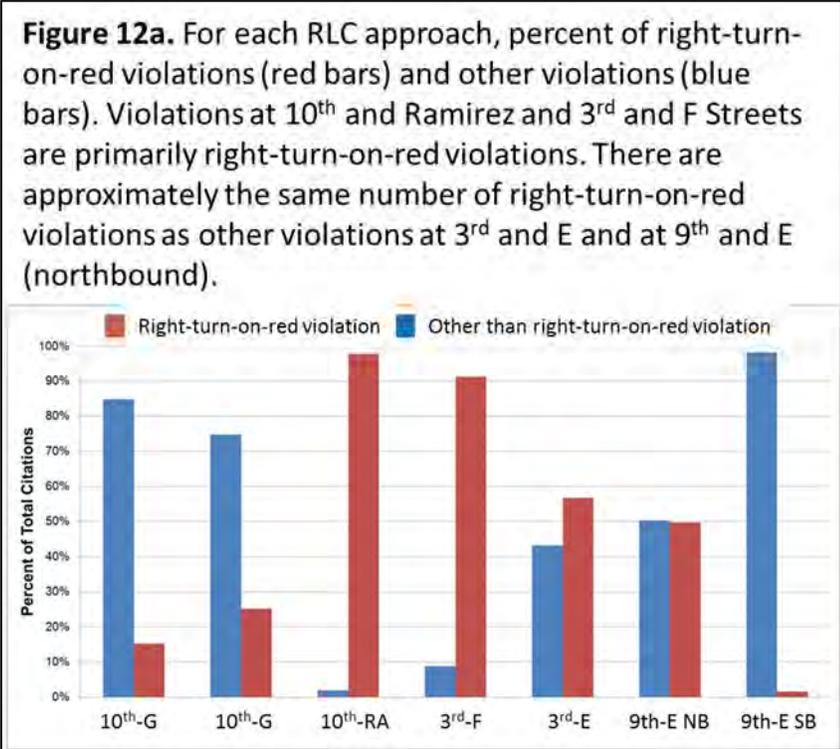
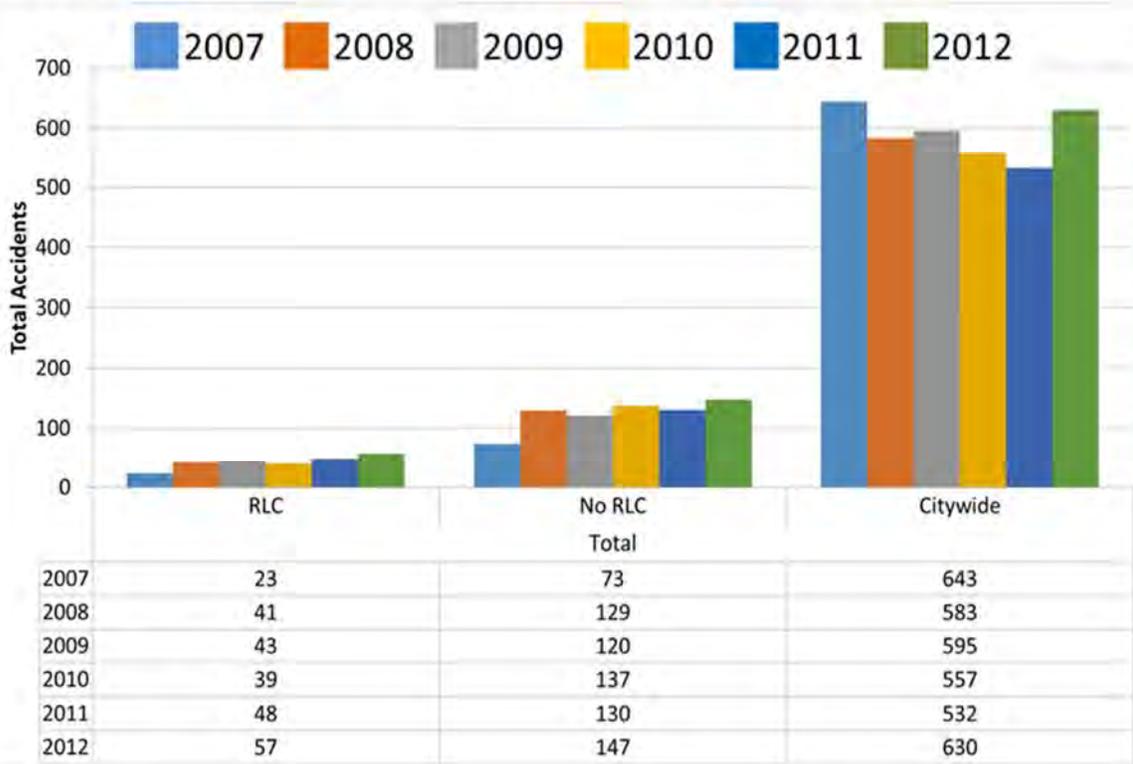


Figure 13. Total accidents occurring at all red light camera intersections (RLC), signaled intersections without a RLC, and citywide for the years 2007-1012. There is a steady increase in accidents at RLC intersections. This is not evident for non-RLC signaled intersections. Overall signaled intersections account for a relatively small percent of accidents citywide.



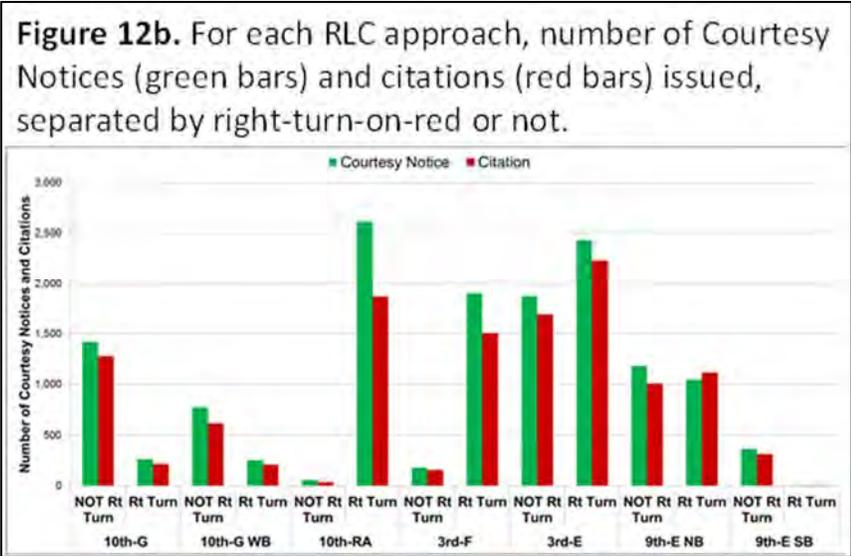


Figure 13 shows total accidents occurring at RLC intersections 10th & G, 3rd & E, 3rd & F Streets, signaled intersections without a RLC, and citywide for the years 2007-1012. Although there is a steady increase in accidents at these RLC intersections, this is not evident for non-RLC signaled intersections. Overall signaled intersections account for a relatively small percent of accidents citywide.

Summary: *Because a different pattern of accident occurrence over time is shown for RLC versus non-RLC signaled intersections, the use of citywide collision data to justify safety effects of RLC usage may not be appropriate.*

Findings - SAFETY

The 2013-2014 Yuba County Grand Jury finds that:

- F1. Accident frequencies have not been the sole consideration for RLC usage.
- F2. 2003 accident data used to justify initial RLC installations cannot be substantiated by City of Marysville due to data purging.
- F3. 2003 accident data used to justify initial RLC installation conflict with TASAS collision data.
- F4. TASAS collision data did not justify RLC installation at 10th & G or at 3rd & E.
- F5. TASAS collision data did not justify City of Marysville's request for RLC installation at 12th & B.
- F6. TASAS collision data did justify City of Marysville's request for RLC installation at 9th & E.
- F7. The City of Marysville data do not justify RLC installation at 3rd & F or at 10th & Ramirez.
- F8. Statements by the City of Marysville officials to support claims of effects of RLCs on safety sometimes refer to citywide collision data and sometimes refer to collisions at RLC intersections.
- F9. Statements by the City of Marysville officials to support claims of effects of RLCs on safety cite data that cannot be substantiated.
- F10. Statements by the City of Marysville officials to support claims of effects of RLCs on safety cite conflicting data.
- F11. Statements by the City of Marysville officials to support claims of effects of RLCs on safety omit reference to data that do not support the assertion of safety improvement.
- F12. During the time period 2007-2012, number of accidents at RLC intersections (the City of Marysville data) account for an increasing percentage of total accidents in Marysville.
- F13. During the time period 2007-2012, number of accidents at non-RLC intersections (the City of Marysville data) account for a stable percentage of total accidents in Marysville.
- F14. Number of accidents at RLC intersections account for a relatively small percentage of total accidents in Marysville, so that use of citywide collision data to justify safety effects of RLC usage appears to be inappropriate.

- F15. During the time period 2007-2012, there were no fatal accidents at RLC intersections.
- F16. There are broad discrepancies between the City of Marysville collision data and the State of California collision data available through TASAS.
- F17. RLCs at 3rd & F and at 10th & Ramirez result in citations almost exclusively for right-turn-on-red violations, and safety would be better served by engineering countermeasures.
- F18. RLCs at 3rd & E and at 9th & E result in approximately half of citations for right-turn-on-red violations, and safety would be better served by engineering countermeasures.

Recommendations - SAFETY

The 2013-2014 Yuba County Grand Jury recommends that the City of Marysville:

- R1. Remove the RLC at 3rd & F and utilize engineering countermeasures to minimize right turn violations.
- R2. Remove the RLC at 10th & Ramirez and utilize engineering countermeasures to minimize right-turn-on-red violations.
- R3. Utilize engineering countermeasures to minimize right-turn-on-red violations at 3rd & E and 9th & E.
- R4. Post a speed limit sign approaching the RLC at 10th & Ramirez Streets intersection.
- R5. Ensure that any traffic signal right-turn arrows or left-turn arrows utilized at RLC approaches have the same yellow light interval as straight-through yellow light intervals.
- R6. Increase yellow light intervals at all RLC intersections to at least one second longer than legally required minimums in order to minimize violations.
- R7. Post complete statistical data for RLC approaches on the City of Marysville Police Department webpage. These data should include past and current accident statistics that are consistent with TASAS, including data for types of accidents. These data should also include number of citations issued for right-turn violations, left-turn violations, and straight-through violations.

- R8. Not install further RLCs without providing complete collision data for the intersection in question. These data should include traffic volumes, types of collision, whether collisions were in the intersection or not, and any other material to provide information consistent with TASAS.
- R9. Not install further RLCs without providing complete information about engineering countermeasures that have been used.
- R10. Utilize volunteers to assist with the submission of all collision data on state highways within the City of Marysville to SWITRS, so that state databases accurately reflect accident volumes within the City of Marysville.
- R11. Ensure that SWITRS and the City of Marysville data, particularly for injury and fatal collisions, are concordant.

Commendations - SAFETY

- C1. Caltrans provided a wide array of critical information for this report. This included information pertaining to collision recording and history within the City of Marysville, traffic signal operation, and encroachment permit background data. The Grand Jury greatly appreciates the time and effort provided by many individuals at Caltrans.
- C2. Caltrans has consistently questioned the need for RLC installation based on collision histories. This has included thoughtful and complete evaluation of TASAS data for relevant intersections. The Grand Jury would like to recognize and appreciate their dedication to safety.

Request for Responses:

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

From the following governing bodies: Responses to all findings and recommendations.

- Marysville Senior Accountant
- Marysville City Manager
- Marysville City Council
- Marysville Chief of Police

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

2) Red Light Camera Accounting Practices

Background

California Government Code Section 30200 requires the State Controller to prescribe uniform accounting procedures for counties. These accounting principles are designed to ensure conformity with Generally Accepted Accounting Principles (GAAP) and Generally Accepted Government Auditing Standards (GAGAS). As stated in the March 2013 Accounting Standards and Principles for Counties, “Where legal requirements conflict with GAAP, the basic financial statements should be prepared in conformity with GAAP.”

These guidelines are intended to provide uniform accounting principles for California counties as well as local governments. A governmental accounting system must make it possible “To present fairly and with full disclosure the financial position and results of financial operations of the governmental unit...”

Discussion - LACK OF TRANSPARENCY IN ACCOUNTING PRACTICES:

This element of transparency is lacking for revenues and expenses associated with Redflex operations in the City of Marysville. Specifically, review of the publically available city budget will not provide insight into how Redflex-associated monies are handled.

Revenues from RLC violations appear in the account “General Fund Police - Vehicle Code Fines” (Fund 101, Account 212), co-mingled with funds for any other vehicle code fines (see below).

Monthly payments to Redflex are from the account “General Fund Traffic Safety Outside Service” and “General Fund Traffic Safety Outside Services - Signal Maintenance” (Accounts 661 and 665 respectively).

Discussion - CONTRACT VIOLATIONS - ACCOUNTING REQUIREMENTS:

In addition to lacking the required transparency, the city accounting practices are in violation of the contract with Redflex. According to the contract dated February 15, 2011, Exhibit “D”, Compensation and Pricing, Item #10, “Customer to open a special revenue account and payments to Redflex will come only from the available balance in that account up to the amount currently due, including any unpaid prior invoice amounts.”

Special revenue accounts are required to account for the use of revenue earmarked by law for a particular purpose. According to a Marysville city official the use of a special revenue account for Redflex-related revenues would be illegal. Therefore this provision of the contract might be unenforceable.

Monies for citations resulting from RLC violations are paid to the City of Marysville from the Yuba County Superior Court. Payments include RLC violation revenues, as well as revenues for any other City of Marysville vehicle code violations.

The entire amount tendered each month is credited to a single account “General Fund Police - Vehicle Code Fines.” According to statements made by a Marysville official to Grand Jurors, it is not possible to identify specific amounts collected for RLC violations.

Further, it is not possible to identify the number of citations issued for RLC violations and simply multiply that by \$152 (the City of Marysville portion of the RLC violation fine). A partial list of causes includes: some violations have reduced penalties assigned in court, some violations have reduced penalties due to being right-turn violations or other reasons, and some violations are paid on an installment basis. Therefore the City of Marysville cannot identify revenues specifically resulting from RLC violations.

Finally, although the contract stipulates that payments to Redflex will come only from the available balance in that account, monthly Redflex charges are shown as debits to the account “General Fund Outside Service Traffic Safety.”

Discussion - COST NEUTRALITY:

According to the contract dated February 15, 2011, Exhibit “D”, Compensation and Pricing, Item #8, “Payment will only be made by the Customer up to the amount of cash received by the

Customer from the California Superior Court, Yuba County, through collection of red light citations up to the amount currently due” and Item #9, “Cost neutrality is assured to the Customer using this methodology as Customer will never pay Redflex more than the actual cash received.”

There are issues with this clause of the contract, as follows:

- California Vehicle Code Section 21455.5 (instituted in 2004) prohibits “pay per ticket” contracts. 21455.5(h) states “A contract [with a red light camera supplier]... may not include... payment... based on the number of citations generated, or as a percentage of the revenue generated...”
- Section 11.14 of the contract states: “COST NEUTRALITY. This provision shall not apply if ... (2) the City or Police waives more than 10 percent of valid violations forwarded to the Police for acceptance according to mutually agreed upon business rules.” As described above, this may be in violation of CVC 21455.5.
- Section 11.14 of the contract states: “COST NEUTRALITY. This provision shall not apply if ... (2) the City or Police waives more than 10 percent of valid violations forwarded to the Police for acceptance according to mutually agreed upon business rules.” This also conflicts with section 3.3.5 of the contract which states “REDFLEX HEREBY ACKNOWLEDGES AND AGREES THAT THE DECISION TO ISSUE A CITATION SHALL BE THE SOLE, UNILATERAL AND EXCLUSIVE DECISION OF THE AUTHORIZED EMPLOYEE AND SHALL BE MADE IN SUCH AUTHORIZED EMPLOYEE’S SOLE DISCRETION (A “CITATION DECISION”), AND IN NO EVENT SHALL REDFLEX HAVE THE ABILITY OR AUTHORIZATION TO MAKE A CITATION DECISION.”
- Because the cost neutral clause stipulates that Redflex will receive less money if fewer citations are issued, this clause may be in violation of CVC 21455.5.
- Because revenues specifically attributable to RLC violations are, according to city officials, impossible to determine, the cost neutrality clause of the contract may be essentially unenforceable.

RLCs at 3rd & E, 9th & E, and 10th & G have been disabled due to Caltrans construction. Therefore at the time this report was prepared, revenue from RLCs is not sufficient to pay the monthly Redflex amount due (see sample invoice **Figure 2**). The deficit is illustrated by the months June - August 2013 in **Figure 4**.

The City of Marysville contacted Redflex to request execution of the cost neutral clause and obtain refunds for those months. The response from Redflex stated that:

“Our interpretation of cost neutrality centers on revenue for the life of the contract, commencing from 02/15/2011. In other words we will require a full accounting from Feb 2011 to present to determine the revenue levels acquired from the RLP. If the total of the revenues from the beginning fall short then you may indeed avail yourself of the protection defined in the business assumptions.

Your program has been in operation for slightly over 32 months (under the current contract). That would represent \$1,327,744.00 in invoicing. If the total collected by your agency during the aforementioned time period has not met that goal you may begin to avail yourself of the cost neutrality referred to in the contract. Again, RTS would require an accounting from Marysville and the court to make that determination.”

Therefore the Redflex description of requirements to execute the cost neutral clause does not reflect simple monthly revenue shortfalls. Rather, Redflex requires detailed accounting of revenues from the beginning of the contract to determine whether the cost neutrality clause can be utilized by the City of Marysville.

Again, because revenues specifically attributable to RLC violations are impossible to determine, the cost neutrality clause of the contract may be essentially unenforceable.

Discussion - CONSTRUCTION EFFECTS ON REVENUE:

The effect of State Highway construction on revenue is also addressed in conflicting fashion elsewhere in the current contract with Redflex. Exhibit D Business Assumption 17 states that “If a system is deactivated at the Customer’s request due to roadway construction, the monthly fee will continue.”

Business Assumption 17 conflicts with section 3.9 of the contract: “ROAD REPAIRS AND CONSTRUCTION PROJECTS. The term of an installed camera shall be temporarily suspended as a result of any Customer-authorized road repairs, street improvements or stop work order that interrupts, impedes, obstructs or interferes with the successful performance of the installed camera for a period of fourteen (14) or more calendar days.”

Discussion - ACCOUNTING FOR AUDIT FINDINGS:

There are additional questionable accounting practices with respect to Redflex revenues and expenditures.

In 2011, a Yuba County State Controller's Traffic Fine Audit discovered that the Yuba County Superior Court miscalculated the court revenue distributions. Those miscalculations resulted in over-remittance from the County to the City of Marysville of approximately \$222,000 in traffic fines. According to the terms of the repayment agreement between the County of Yuba and the City of Marysville, Marysville would make an annual payment of \$22,238.60 to Yuba County for ten years, payable in monthly installments from Marysville's monthly fine distribution.

Subsequently, in June 2013, a California Supreme Court ruling pertaining to property taxes resulted in Yuba County owing the City of Marysville \$419,664. An agreement was reached wherein the amount still owed by Marysville to Yuba County for Traffic Fines would be used to offset the amount owed to the City of Marysville for the Property Tax Administration Fees. The net amount then owed to the City of Marysville was \$234,342.32.

At the time this agreement was reached, the outstanding balance owed to the County for traffic fines was \$185,321.68.

The City of Marysville did not account for this outstanding balance by debiting the revenue account "General Fund Police - Vehicle Code Fines" for the amount of the outstanding balance. Although this was an auditor-approved accounting method, it appears to suggest that Vehicle Code Fine revenues have been overstated by a total of \$185,321.68.

It is unclear whether such an overstatement would impact further negotiations with Redflex regarding activation of the cost-neutral clause.

Discussion - GIFTS FROM REDFLEX:

According to the contract dated February 15, 2011, Exhibit "D", Compensation and Pricing, Item #13, "On March first of each year of this agreement the customer will receive a \$1000 customer loyalty from Redflex. This is payment to be applied once annually and shall not exceed \$1000 per calendar year."

This amount was deducted from the Redflex invoice on March 1, 2012 (**Figure 14**). No reduction was provided in 2013 (**Figure 2**).

Figure 14. Redflex invoice with \$1000 customer loyalty reduction.



REFLEX Traffic Systems
23751 N. 23rd Avenue, Suite 150.
Phoenix, AZ 85085-1854

Invoice

Invoice Number		Invoice Date		Invoice Currency	
36171		31-MAR-12		USD	
Customer No.		Ship Date		Shipping No.	
1032					
To:	City of Marysville			Ship To:	

Line	Description	UOM	Quantity	Unit Price	Total Net
1	MAR-10G-01 & MAR-10G-03 10th Street & "G" Street		2	5,500.00	11,000.00
3	MAR-3F-01 3rd St & F St		1	5,500.00	5,500.00
5	MAR-E3-01 "E" Street & 3rd Street		1	5,500.00	5,500.00
6	MAR-E9-01 E Street & 9th Street		1	6,030.00	6,030.00
7	MAR-E9-03E Street & 9th Street		1	6,030.00	6,030.00
9	ICPS (Halo) MAR-3F-01 3rd St & F St ICPS		1	250.00	250.00
10	Customer Loyalty Concession		-1	1,000.00	-1,000.00

Terms:	30 NET
Invoice Total:	\$ 33,310.00
Please Pay this Amount:	\$ 33,310.00

Therefore it is unclear whether this gift was improper as provided in 2012, or whether this gift should have also been provided in 2013 per terms of the contract.

Findings - ACCOUNTING PRACTICES

The 2013-2014 Yuba County Grand Jury finds that:

- F1. The City of Marysville demonstrates a lack of transparency in accounting practices where revenues and expenses for RLC-related monies are concerned.
- F2. The current contract with Redflex contains a cost-neutral clause, which may be questionable under CVC 21455.5.

- F3. It appears that Redflex's interpretation of the cost-neutral clause is different than the City of Marysville's interpretation of the cost-neutral clause.
- F4. The contract appears to contain multiple conflicting statements regarding cost neutrality and effect of roadway construction on revenues.
- F5. The contract appears to contain conflicting statements regarding effect of citation decision making on cost neutrality.
- F6. Accounting methods to resolve audit issues appear to leave prior year traffic fine revenues overstated. This may impact the ability to execute the cost-neutral clause of the Redflex contract, according to Redflex's interpretation of this clause.
- F7. Because the City of Marysville is unable to specifically identify RLC-related revenues, it may be difficult for Marysville to execute the no-cost clause within the Redflex contract.
- F8. The City of Marysville appears to be in violation of the contract with Redflex requiring a specific account for Redflex revenues and expenses.
- F9. The current Redflex contract includes an annual gift provision. This gift was provided by Redflex to City of Marysville in 2012 but not in 2013.

Recommendations - ACCOUNTING PRACTICES

The 2013-2014 Yuba County Grand Jury recommends that the City of Marysville:

- R1. Provide clear naming of accounts for RLC revenues and expenses in the annual budget.
- R2. Post monthly revenues and expenses for RLCs on the City of Marysville Police Department webpage for RLC enforcement.
- R3. Obtain legal clarification regarding legality and use of the cost-neutral clause of the current contract.
- R4. Obtain legal clarification to determine whether the current contract should have been approved given the cost-neutral clause, the gift provision, the requirement of the special account, and the vague interpretation possible for financial resolution when cameras are disabled due to State Highway construction.

- R5. Obtain legal clarification to determine whether the annual gift provision in the current contract is legal. If it is, then it should be provided annually as stipulated. If it is not, then any gifts received should be returned.
- R6. Consider termination of business agreements with Redflex either immediately or upon completion of the current contract, and utilize more advanced engineering countermeasures to enhance traffic safety within the City of Marysville.

Request for Responses:

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

From the following governing bodies: Responses to all findings and recommendations.

- Marysville Senior Accountant
- Marysville City Manager
- Marysville City Council
- Marysville Chief of Police

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

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City of Marysville Red Light Camera Program

Appendix RLC2. Collision data for intersections with **red light cameras**. *Data purged by City of Marysville. ◇Information not available from TASAS. ◆Information not provided by City of Marysville. **Intersection not monitored by Caltrans, therefore data not available through TASAS. Highlights indicate data discrepancies.

Intersection	Year	Redflex Contract 2004	Marysville Total	TASAS Total	Marysville Fatalities	TASAS Fatalities	Marysville Injuries	TASAS Injuries	Marysville Non-Injury	TASAS Non-Injury	
3rd&E	2003	24	*	6	0	0	*	5	*	1	
	2004		*	1	0	0	*	1	*	0	
	2005		*	6	0	0	*	6	*	0	
	2006		*	1	0	0	*	0	*	1	
	2007			11	1	0	1	1	10	0	
	2008			22	8	0	5	6	17	2	
	2009			23	3	0	2	2	21	1	
	2010			18	3	0	3	1	15	2	
	2011			24	0	0	0	0	24	0	
	2012			28	◇	0	◇	◇	28	◇	
	2013			20	◇	0	◇	◇	16	◇	
	10th&G	2003	22	*	3	0	0	*	3	*	0
		2004		*	2	0	0	*	2	*	0
2005			*	1	0	0	*	1	*	0	
2006			*	1	0	0	*	1	*	0	
2007				6	0	0	0	0	6	0	
2008				14	0	0	1	0	13	0	
2009				12	0	0	0	0	12	0	
2010				15	2	0	2	2	13	0	
2011				18	2	0	2	1	16	1	
2012				16	◇	0	◇	◇	13	◇	
2013				11	◇	1	◇	◇	8	◇	
9th&E		2003	24	*	7	0	0	*	3	*	4
		2004		*	2	0	0	*	2	*	0
	2005		*	2	0	0	*	2	*	0	
	2006		*	0	0	0	*	0	*	0	
	2007		◆	1	0	0	◆	1	◆	0	
	2008		◆	3	0	0	◆	2	◆	1	
	2009		◆	2	0	0	◆	2	◆	0	
	2010		◆	0	0	0	◆	0	◆	0	
	2011			12	0	0	0	0	12	0	
	2012			22	◇	0	◇	◇	22	◇	
	2013			11	◇	0	◇	◇	11	◇	
	3rd&F	2003	9	*	**	0	**	*	**	*	**
		2004		*	**	0	**	*	**	*	**
2005			*	**	0	**	*	**	*	**	
2006			*	**	0	**	*	**	*	**	
2007				6	**	0	**	2	**	4	
2008				5	**	0	**	0	**	5	
2009				8	**	0	**	1	**	7	
2010				6	**	0	**	1	**	5	
2011				6	**	0	**	0	**	6	
2012				13	**	0	**	1	**	12	
2013				9	**	0	**	0	**	9	
10th&Ramirez		2003	n.s.	*	**	0	**	*	**	*	**
		2004		*	**	0	**	*	**	*	**
	2005		*	**	0	**	*	**	*	**	
	2006		*	**	0	**	*	**	*	**	
	2007		*	**	0	**	*	**	*	**	
	2008		◆	**	0	**	◆	**	◆	**	
	2009		◆	**	0	**	◆	**	◆	**	
	2010		◆	**	0	**	◆	**	◆	**	
	2011			1	**	0	**	0	**	1	
	2012			2	**	0	**	1	**	1	
	2013			0	**	0	**	0	**	0	

City of Marysville Red Light Camera Program

Appendix RLC3. Collision data for intersections without red light cameras. *Data purged by City of Marysville. ◇Information not available from TASAS. Highlights indicate data discrepancies.

Intersection	Year	Redflex Contract 2004	Marysville Total	TASAS Total	Marysville Fatalities	TASAS Fatalities	Marysville Injuries	TASAS Injuries	Marysville Non-Injury	TASAS Non-Injury
9th&B	2003	11	*	2	0	0	*	1	*	1
	2004		*	1	0	0	*	1	*	0
	2005		*	0	0	0	*	0	*	0
	2006		*	0	0	0	*	0	*	0
	2007		10	0	0	0	0	0	10	0
	2008		11	1	0	0	2	1	9	0
	2009		10	1	1	0	0	1	9	0
	2010		15	3	0	0	2	2	12	1
	2011		7	1	0	0	0	0	7	1
	2012		6	◇	0	◇	0	◇	6	◇
	2013		5	◇	0	◇	0	◇	5	◇
10th&B	2003	n.s.	*	3	0	0	*	1	*	2
	2004		*	0	0	0	*	0	*	0
	2005		*	1	0	0	*	1	*	0
	2006		*	0	0	0	*	0	*	0
	2007		3	2	0	0	1	2	2	0
	2008		8	0	0	0	0	0	8	0
	2009		1	0	0	0	0	0	1	0
	2010		6	0	0	0	0	0	6	0
	2011		9	1	0	0	1	1	8	0
	2012		8	◇	0	◇	0	◇	8	◇
	2013		3	◇	0	◇	0	◇	3	◇
14th&B	2003	7	*	4	0	0	*	2	*	2
	2004		*	2	0	0	*	2	*	0
	2005		*	0	0	0	*	0	*	0
	2006		*	0	0	0	*	0	*	0
	2007		3	0	0	0	0	0	3	0
	2008		13	0	0	0	0	0	13	0
	2009		9	1	0	0	0	0	9	1
	2010		7	0	0	0	0	0	7	0
	2011		7	0	0	0	0	0	7	0
	2012		5	◇	0	◇	1	◇	4	◇
	2013		10	◇	0	◇	0	◇	10	◇
12&Ramirez	2003	1	*	2	0	0	*	2	*	0
	2004		*	0	0	0	*	0	*	0
	2005		*	1	0	0	*	1	*	0
	2006		*	0	0	0	*	0	*	0
	2007		5	1	1	0	3	1	1	0
	2008		5	0	0	0	0	0	5	0
	2009		6	1	0	0	1	1	5	0
	2010		10	0	0	0	1	0	9	0
	2011		6	2	0	0	1	1	5	1
	2012		8	◇	0	◇	1	◇	7	◇
	2013		5	◇	0	◇	1	◇	4	◇
12th&B	2003	20	*	4	1	0	*	4	*	0
	2004		*	6	1	0	*	5	*	1
	2005		*	0	0	0	*	0	*	0
	2006		*	2	1	0	*	2	*	0
	2007		8	3	0	0	2	2	6	1
	2008		13	2	1	0	2	2	11	0
	2009		12	0	0	0	1	0	11	0
	2010		15	2	0	0	1	1	14	1
	2011		10	1	0	0	1	0	9	1
	2012		24	◇	0	◇	1	◇	23	◇
	2013		21	◇	0	◇	1	◇	20	◇

City of Marysville Red Light Camera Program

Appendix RLC3 (continued).

Intersection	Year	Redflex Contract 2004	Marysville Total	TASAS Total	Marysville Fatalities	TASAS Fatalities	Marysville Injuries	TASAS Injuries	Marysville Non-Injury	TASAS Non-Injury		
4th&E	2003	10	*	4	0	0	*	3	*	1		
	2004		*	2	0	0	*	2	*	0		
	2005		*	0	0	0	*	0	*	0		
	2006		*	0	0	0	*	0	*	0		
	2007		1	0	0	0	0	0	1	0		
	2008		5	1	1	1	0	0	4	0		
	2009		4	0	0	0	1	0	3	0		
	2010		8	1	0	0	1	1	7	0		
	2011		14	0	0	0	0	0	14	0		
	2012		9	◇	0	◇	1	◇	8	◇		
	2013		5	◇	0	◇	0	◇	5	◇		
	5th&E		2003	15	*	2	0	0	*	1	*	1
			2004		*	2	0	0	*	1	*	1
2005		*	1		0	0	*	0	*	1		
2006		*	0		0	0	*	0	*	0		
2007		10	1		1	0	1	1	8	0		
2008		15	0		0	0	0	0	15	0		
2009		16	3		0	0	3	3	13	0		
2010		11	0		0	0	0	0	11	0		
2011		10	0		0	0	0	0	10	0		
2012		13	◇		0	◇	2	◇	11	◇		
2013		5	◇		0	◇	0	◇	5	◇		
6th&E		2003	8		*	2	0	0	*	1	*	1
		2004			*	1	0	0	*	1	*	0
	2005	*		0	0	0	*	0	*	0		
	2006	*		1	0	0	*	1	*	0		
	2007	3		1	0	1	0	0	3	0		
	2008	3		0	0	0	0	0	3	0		
	2009	10		1	0	0	1	1	9	0		
	2010	2		0	0	0	0	0	2	0		
	2011	4		2	0	0	1	0	3	2		
	2012	9		◇	0	◇	1	◇	8	◇		
	2013	11		◇	0	◇	1	◇	10	◇		
	7th&E	2003		10	*	1	0	0	*	0	*	1
		2004			*	2	0	0	*	2	*	0
2005		*	2		0	0	*	2	*	0		
2006		*	0		0	0	*	0	*	0		
2007		4	0		0	0	0	0	4	0		
2008		8	2		0	0	2	2	6	0		
2009		6	0		0	0	0	0	6	0		
2010		9	2		0	0	2	2	7	0		
2011		14	1		0	0	2	0	12	1		
2012		10	◇		0	◇	1	◇	9	◇		
2013		8	◇		0	◇	0	◇	8	◇		
8th&E		2003	8		*	2	0	0	*	2	*	0
		2004			*	0	0	0	*	0	*	0
	2005	*		1	0	0	*	1	*	0		
	2006	*		1	1	1	*	0	*	0		
	2007	6		2	0	0	0	1	6	1		
	2008	8		1	0	0	1	1	7	0		
	2009	7		0	0	0	0	0	7	0		
	2010	9		0	0	0	0	0	9	0		
	2011	10		2	0	0	0	1	10	1		
	2012	7		◇	0	◇	0	◇	7	◇		
	2013	6		◇	0	◇	0	◇	6	◇		

City of Marysville Red Light Camera Program

Appendix RLC3 (continued).

Intersection	Year	Redflex Contract 2004	Marysville Total	TASAS Total	Marysville Fatalities	TASAS Fatalities	Marysville Injuries	TASAS Injuries	Marysville Non-Injury	TASAS Non-Injury
9th&D	2003	7	*	1	0	0	*	1	*	0
	2004		*	1	0	0	*	1	*	0
	2005		*	3	0	0	*	3	*	0
	2006		*	0	0	0	*	0	*	0
	2007		2	1	0	0	0	0	2	1
	2008		10	4	0	0	0	4	10	0
	2009		5	1	0	0	0	1	5	0
	2010		10	1	0	0	0	1	10	0
	2011		10	0	0	0	0	0	10	0
	2012		7	◇	0	◇	0	◇	7	◇
2013	6	◇	0	◇	0	◇	6	◇		
10th&F	2003	14	*	6	0	0	*	6	*	0
	2004		*	5	0	0	*	4	*	1
	2005		*	2	0	0	*	2	*	0
	2006		*	1	1	1	*	0	*	0
	2007		4	2	0	0	1	2	3	0
	2008		7	2	0	0	1	2	6	0
	2009		4	1	0	0	1	1	3	0
	2010		7	1	0	0	1	1	6	0
	2011		10	1	0	0	2	1	8	0
	2012		8	◇	1	◇	0	◇	7	◇
2013	6	◇	0	◇	0	◇	6	◇		
18th&B	2003	n.s.	*	1	0	0	*	1	*	0
	2004		*	0	0	0	*	0	*	0
	2005		*	0	0	0	*	0	*	0
	2006		*	0	0	0	*	0	*	0
	2007		2	0	0	0	0	0	2	0
	2008		3	0	0	0	0	0	3	0
	2009		4	1	0	0	1	1	3	0
	2010		5	0	0	0	0	0	5	0
	2011		5	1	0	0	0	0	5	1
	2012		7	◇	0	◇	0	◇	7	◇
2013	4	◇	0	◇	1	◇	3	◇		
10th&H	2003	16	*	3	0	0	*	3	*	0
	2004		*	6	0	0	*	4	*	2
	2005		*	2	0	0	*	2	*	0
	2006		*	0	0	0	*	0	*	0
	2007		5	2	0	0	3	2	2	0
	2008		11	2	0	0	2	2	9	0
	2009		14	0	0	0	2	0	12	0
	2010		13	3	0	0	2	2	11	1
	2011		7	0	0	0	1	0	6	0
	2012		9	◇	0	◇	0	◇	9	◇
2013	6	◇	0	◇	1	◇	5	◇		

City of Marysville Red Light Camera Program

Appendix RLC4. Collision data for non-Caltrans intersections. *Data purged by City of Marysville.
 ◇Information not available from TASAS. **Intersection not monitored by Caltrans, therefore data not available through TASAS.

Intersection	Year	Redflex Contract 2004	Marysville Total	TASAS Total	Marysville Fatalities	TASAS Fatalities	Marysville Injuries	TASAS Injuries	Marysville Non-Injury	TASAS Non-Injury
5th&H	2003	n.s.	*	**	0	**	*	**	*	**
	2004		*	**	0	**	*	**	*	**
	2005		*	**	0	**	*	**	*	**
	2006		*	**	0	**	*	**	*	**
	2007		2	**	0	**	0	**	2	**
	2008		1	**	0	**	0	**	1	**
	2009		3	**	0	**	1	**	3	**
	2010		4	**	0	**	2	**	2	**
	2011		2	**	0	**	1	**	1	**
	2012		5	**	0	**	0	**	5	**
	2013		5	**	0	**	1	**	4	**
5th&J	2003	11	*	**	0	**	*	**	*	**
	2004		*	**	0	**	*	**	*	**
	2005		*	**	0	**	*	**	*	**
	2006		*	**	0	**	*	**	*	**
	2007		5	**	0	**	0	**	5	**
	2008		8	**	0	**	1	**	7	**
	2009		9	**	0	**	0	**	9	**
	2010		6	**	0	**	1	**	5	**
	2011		5	**	0	**	1	**	4	**
	2012		12	**	0	**	1	**	11	**
	2013		5	**	0	**	1	**	4	**

Appendix RLC1a. Redflex Lobbying 2009-2010. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>

RESPONSIBLE OFFICER	REGISTRATION DATE	STATUS
AARON ROSENBERG, EXECUTIVE VICE PRESIDENT	12/07/2009	Active

EMPLOYER'S FIRMS		
NAME	START DATE	TERMINATION DATE
GREENBERG TRAUBIG, LLP	12/07/2009	
PLATINUM ADVISORS, LLC	01/15/2010	
PLATINUM ADVISORS, LLC	02/15/2009	08/21/2009

As disclosed in quarterly reports filed with the Secretary of State, payments made by an organization to its own in-house lobbyists or to lobbying firms are reported here. Links to legislative bills or state agencies lobbied also are available.

2009-2010 LEGISLATIVE SESSION

LOBBYING PAYMENTS MADE			
SESSION	QUARTER	GENERAL LOBBYING	P.U.C. LOBBYING
2009-2010	8th	\$52,625.00	\$0.00
2009-2010	7th	\$72,431.11	\$0.00
2009-2010	6th	\$75,475.29	\$0.00
2009-2010	5th	\$94,102.79	\$0.00
2009-2010	4th	\$0.00	\$0.00
2009-2010	3rd	\$15,000.00	\$0.00
2009-2010	2nd	\$31,250.00	\$0.00
2009-2010	1st	\$5,000.00	\$0.00

BILLS AND AGENCIES LOBBIED		
SESSION	QUARTER	BILLS/AGENCIES LOBBIED (AS FILED)
2009-2010	8th	None
2009-2010	7th	Legislature: AB 987, SB 1362, AB 909, issueing concerning traffic light camera's, Vendor Fees Governor's Office: Budget
2009-2010	6th	California State Legislature: Issues concering redlight cameras, Budget, AB 987, AB 909, SB 1362, Vendor Fees Governor's Office: SB 1362, Vendor Fees, Budget
2009-2010	5th	Legislature & Governor's Office: AB 987, Budget, red light camera issues
2009-2010	4th	California State Legislature: Issues concering traffic light cameras
2009-2010	3rd	Legislature: AB 987
2009-2010	2nd	Legislature: AB 987
2009-2010	1st	None

Appendix RLC1b. Redflex Lobbying 2009-2010 cont. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>

ELECTRONIC FILINGS	
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 10/01/2010 - 12/31/2010	FILED ON: 1/31/2011 9:22:59 AM
FILING NUMBER: 1570268	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 07/01/2010 - 09/30/2010	FILED ON: 11/1/2010 2:35:40 PM
FILING NUMBER: 1540696	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 04/01/2010 - 06/30/2010	FILED ON: 7/22/2010 11:52:15 AM
FILING NUMBER: 1502297	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 01/01/2010 - 03/31/2010	FILED ON: 6/16/2010 3:32:20 PM
FILING NUMBER: 1484898	AMENDMENT # 1
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 10/01/2009 - 12/31/2009	FILED ON: 2/1/2010 4:00:38 PM
FILING NUMBER: 1465312	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 07/01/2009 - 09/30/2009	FILED ON: 10/27/2009 9:32:03 AM
FILING NUMBER: 1449972	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 04/01/2009 - 06/30/2009	FILED ON: 7/31/2009 10:55:28 AM
FILING NUMBER: 1437733	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 01/01/2009 - 03/31/2009	FILED ON: 7/21/2009 10:07:18 AM
FILING NUMBER: 1431821	AMENDMENT # 1

Appendix RLC1c. Redflex Campaign Contributions 2011-2012. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>

DATE	PAYEE	CONTEST	POSITION	PAYMENT TYPE	AMOUNT
07/31/2012	MARK DESAULNIER FOR SENATE 2012	STATE SENATOR	SUPPORT	MONETARY	\$2,500.00
07/05/2012	FRIENDS OF JIMMY GOMEZ FOR ASSEMBLY	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$2,000.00
07/31/2012	JEFF MILLER FOR SENATE 2012	STATE SENATOR	SUPPORT	MONETARY	\$2,000.00
07/31/2012	BOB WIECKOWSKI FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$2,000.00
07/05/2012	GAINES FOR SENATE 2012, TED	STATE SENATOR	SUPPORT	MONETARY	\$2,000.00
04/17/2012	SENATOR WYLAND 2010 OFFICEHOLDER, MARK	STATE SENATOR	SUPPORT	MONETARY	\$1,500.00
07/06/2012	BONNIE LOWENTHAL FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,500.00
10/04/2012	TROY EDGAR FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
10/22/2012	BATEY FOR ASSEMBLY 2012, BILL	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
03/09/2012	STEVEN BRADFORD FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
04/17/2012	BRIAN MAIENSCHIN FOR STATE ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
03/22/2012	BONNIE LOWENTHAL FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
07/05/2012	DR. RICHARD PAN FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
07/31/2012	ROGER DICKINSON FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
10/04/2012	RUDY SALAS FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
10/04/2012	SUSAN TALAMANTES EGGMAN FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
10/22/2012	MIKE STOKER FOR ASSEMBLY 2012	STATE ASSEMBLY PERSON	SUPPORT	MONETARY	\$1,000.00
12/26/2012	NORMA TORRES FOR SENATE 2014	STATE SENATOR	SUPPORT	MONETARY	\$1,000.00

Appendix RLC1d. Redflex Lobbying 2011-12. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>.

RESPONSIBLE OFFICER	REGISTRATION DATE	STATUS
ANDREJS BUNKSE, MANAGER, GOVERNMENT AFFAIRS	01/01/2011	Active

EMPLOYER'S FIRMS		
NAME	START DATE	TERMINATION DATE
GREENBERG TRAURIG, LLP	01/01/2011	

As disclosed in quarterly reports filed with the Secretary of State, payments made by an organization to its own in-house lobbyists or to lobbying firms are reported here. Links to legislative bills or state agencies lobbied also are available.

2011-2012 LEGISLATIVE SESSION

LOBBYING PAYMENTS MADE			
SESSION	QUARTER	GENERAL LOBBYING	P.U.C. LOBBYING
2011-2012	8th	\$31,694.74	\$0.00
2011-2012	7th	\$30,000.00	\$0.00
2011-2012	6th	\$60,307.32	\$0.00
2011-2012	5th	\$30,000.00	\$0.00
2011-2012	4th	\$45,000.00	\$0.00
2011-2012	3rd	\$45,137.83	\$0.00
2011-2012	2nd	\$45,000.00	\$0.00
2011-2012	1st	\$45,000.00	\$0.00

BILLS AND AGENCIES LOBBIED		
SESSION	QUARTER	BILLS/AGENCIES LOBBIED (AS FILED)
2011-2012	8th	None
2011-2012	7th	California State Legislature: Registration-hold issue, SB 1303; Administrative Office of the Courts: SB 1303; Department of Finance: SB 1303, Governor's Office: SB 1303
2011-2012	6th	California State Legislature: Registration-hold issue, SB 1570, SB 1303, AB 2128; Administrative Office of the Courts: SB 1303
2011-2012	5th	California State Legislature: Registration-hold issue, SB 1330, SB 1570, SB 1303, AB 2128, AB 1657; Administrative Office of the Courts: SB 1303
2011-2012	4th	California State Legislature: SB 29, AB 432; Department of Finance: SB 29; Governor's Office: SB 29
2011-2012	3rd	California State Legislature: SB 29, AB 432; Department of Finance: SB 29; Governor's Office: SB 29
2011-2012	2nd	California State Legislature: SB 29, AB 1008, AB 1311, AB 432, evidence code bill
2011-2012	1st	California State Legislature: SB 29, SB 1362, AB 1008, AB 1311, speed zone enforcement, evidence code bill

Appendix RLC1e. Redflex Lobbying 2011-12 cont. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>

ELECTRONIC FILINGS	
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 10/01/2012 - 12/31/2012	FILED ON: 1/29/2013 12:00:18 PM
FILING NUMBER: 1734681	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 07/01/2012 - 09/30/2012	FILED ON: 10/30/2012 11:40:48 AM
FILING NUMBER: 1707318	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 04/01/2012 - 06/30/2012	FILED ON: 7/31/2012 1:46:06 PM
FILING NUMBER: 1679353	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 01/01/2012 - 03/31/2012	FILED ON: 4/27/2012 2:38:23 PM
FILING NUMBER: 1656026	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 10/01/2011 - 12/31/2011	FILED ON: 1/30/2012 12:16:41 PM
FILING NUMBER: 1634217	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 07/01/2011 - 09/30/2011	FILED ON: 10/31/2011 1:10:38 PM
FILING NUMBER: 1622457	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 04/01/2011 - 06/30/2011	FILED ON: 8/1/2011 2:18:04 PM
FILING NUMBER: 1608452	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 01/01/2011 - 03/31/2011	FILED ON: 8/1/2011 1:55:25 PM
FILING NUMBER: 1608397	ORIGINAL FILING

Appendix RLC1f. Redflex Lobbying Activity 2013-2014. Screenshots from <http://cal-access.ss.ca.gov/Campaign/>

RESPONSIBLE OFFICER	REGISTRATION DATE	STATUS
TAMARA DIETRICH, DIRECTOR, GOVERNMENT AFFAIRS	01/01/2013	Active

EMPLOYER'S FIRMS		
NAME	START DATE	TERMINATION DATE
GREENBERG TRAUBIG, LLP	01/01/2013	
CARTER, WETCH & ASSOCIATES	01/17/2013	07/09/2013

As disclosed in quarterly reports filed with the Secretary of State, payments made by an organization to its own in-house lobbyists or to lobbying firms are reported here. Links to legislative bills or state agencies lobbied also are available.

2013-2014 LEGISLATIVE SESSION

LOBBYING PAYMENTS MADE			
SESSION	QUARTER	GENERAL LOBBYING	P.U.C. LOBBYING
2013-2014	3rd	\$50,000.00	\$0.00
2013-2014	2nd	\$137,778.15	\$0.00
2013-2014	1st	\$93,765.71	\$0.00

BILLS AND AGENCIES LOBBIED		
SESSION	QUARTER	BILLS/AGENCIES LOBBIED (AS FILED)
2013-2014	3rd	California State Legislature: AB 666, AB 612
2013-2014	2nd	California State Legislature: AB 666, AB 612; Dept. of Finance: AB 612; Administrative Office of the Courts: AB 666
2013-2014	1st	California State Legislature: AB 666; Administrative Office of the Courts: AB 666

[To Search For The Full Text Of Bills, Resolutions, And Constitutional Amendments Click Here.](#)

ELECTRONIC FILINGS	
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 07/01/2013 - 09/30/2013	FILED ON: 10/31/2013 8:31:27 AM
FILING NUMBER: 1800145	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 04/01/2013 - 06/30/2013	FILED ON: 7/26/2013 1:51:42 PM
FILING NUMBER: 1778809	ORIGINAL FILING
REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION (F635)	
FILING PERIOD: 01/01/2013 - 03/31/2013	FILED ON: 4/29/2013 1:57:30 PM
FILING NUMBER: 1763599	ORIGINAL FILING
LOBBYING FIRM ACTIVITY AUTHORIZATION (F602)	
FILING PERIOD: 01/18/2013 - 01/18/2013	FILED ON: 1/18/2013 9:56:55 AM
FILING NUMBER: 1728803	ORIGINAL FILING
LOBBYING FIRM ACTIVITY AUTHORIZATION (F602)	
FILING PERIOD: 12/31/2012 - 12/31/2012	FILED ON: 12/31/2012 2:21:54 PM
FILING NUMBER: 1721884	ORIGINAL FILING



City of Marysville Maintaining Ellis Lake

Summary

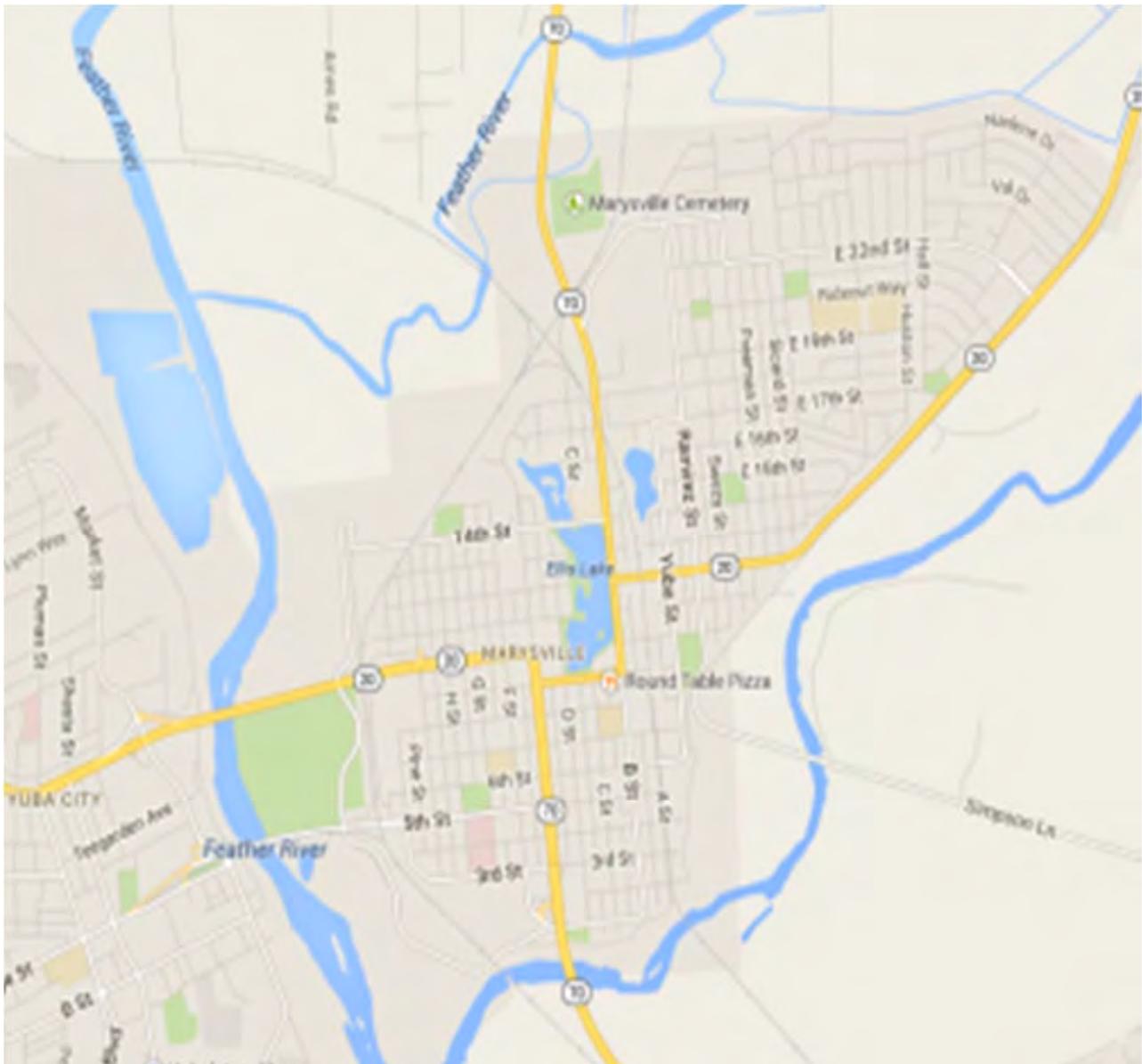
Ellis Lake is a “Jewel of Marysville” and ought to be treated as such (Figure 1). Methods to improve Lake Hydrology used in conjunction with a sequence of mitigation measures will provide an ecologically healthy environment for fish and waterfowl. This will put Ellis Lake on the must-see lists for visitors. To accomplish this goal, the city of Marysville is seeking the expertise to first analyze the complexities of the lake’s hydrology, and then determine the best solutions to its problem. Alternative energy sources to provide power to the necessary pump systems are needed to accomplish the ideal environmental conditions that will bring the “Jewel of Marysville” to the lustrous shine it deserves.



Figure 1. *Ellis Lake.*

Introduction and background:

History: From a distance, Ellis Lake is a beautiful centerpiece of the City of Marysville. Since the 1930’s, this man-made lake is surrounded by lush greenery, and sidewalks with flocks of ducks, geese, and a variety of other birds; both transient, and migratory. It is bounded by 9th Street to the South, B Street to the East, and 300 yards beyond the 14th Street Bridge to the North, and D Street to the West. (Figure 2)



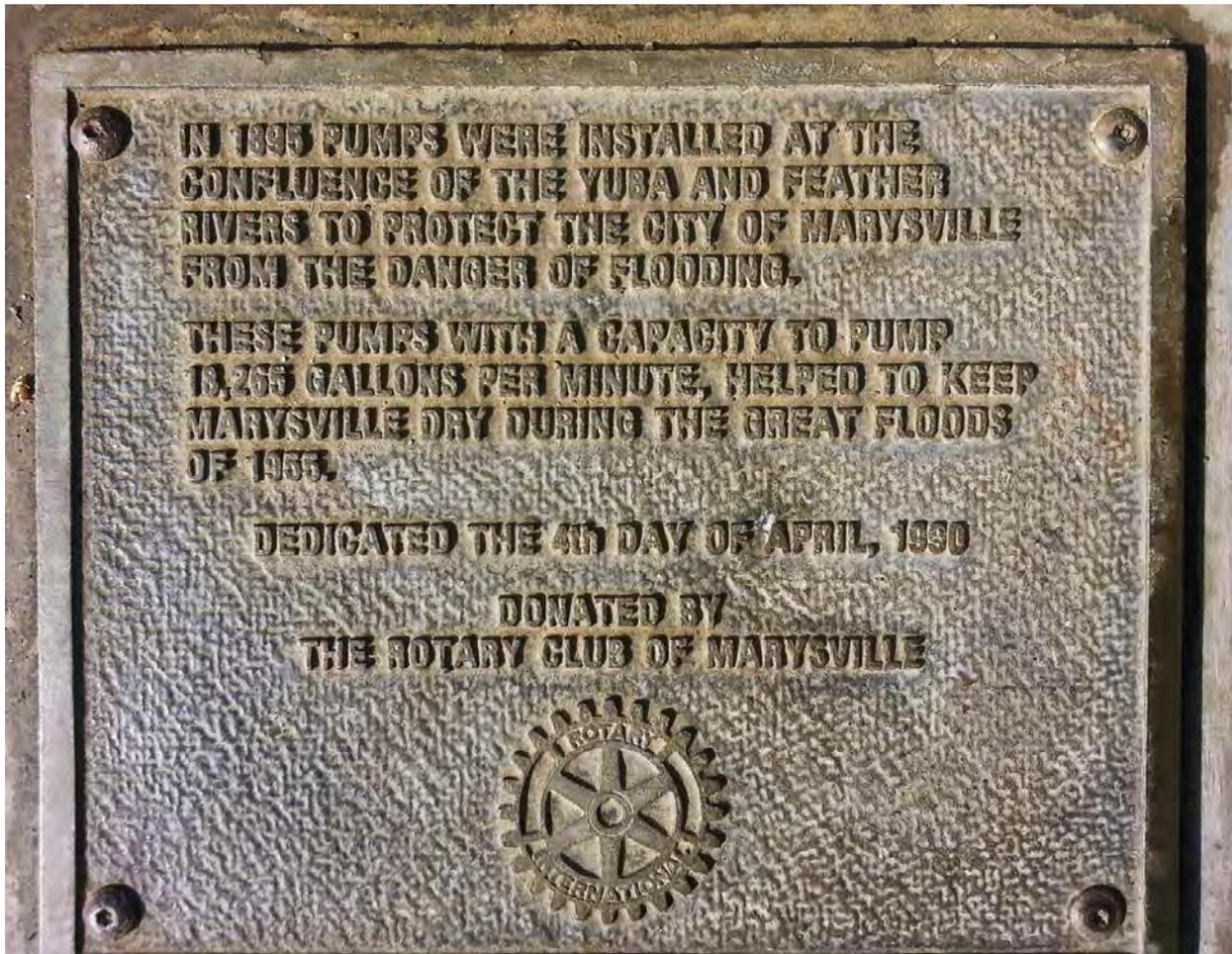


Figure 3. *This plaque is mounted next to an original pump donated by the Rotary Club of Marysville on April 4, 1990.*

The following is inscribed on a plaque next to an original pump that is mounted on park grounds near the southwest side of the lake. (Figure 3) This pump was donated by the Rotary Club of Marysville on April 4, 1990. (Figure 2) “In 1895 Pumps were installed at the confluence of the Yuba, and Feather Rivers, (Figure 1) to protect the city of Marysville from the danger of flooding. These pumps, with a capacity to pump 18,265 gallons per minute, helped to keep Marysville dry during the great floods of 1955.” (Figure 5)



Figure 4. *In 1895 Pumps were installed at the confluence of the Yuba, and Feather Rivers, to protect the city of Marysville from the danger of flooding and were powered by high capacity electric motors.*

The following is an excerpt from W.T. Willis' journal titled, *Memories: My Seventy-Two Years in the Romantic County of Yuba*: ... *"It was in December, 1849 that Stephen J. Field arrived at San Francisco, and after a short attempt to practice as an attorney, decided to establish himself in the newly laid town of Vernon (at the mouth of the Feather River); but when he arrived at the site of Vernon, flood waters covered almost the entire territory, so he decided to move the town of Marysville (at the time called 'Jubaville' which previously had been called Nye's Ranch), the town-site having just been laid out" ...*



Figure 5. *These pumps have a capacity to pump 18,265 gallons per minute. That's approximately equal to the capacity of the average back yard swimming pool, each minute.*

Work on the lake was completed by unemployed local men during the Great Depression through President Franklin Roosevelt's New Deal Plan. Original work included landscaping, construction of two tennis courts, a judging stand, and a 20-foot concrete and native stone bridge connecting the mainland with an island in the lake, a dock and boat landing, 39 rubble rock electroliers for night illumination; and the installation of an ornamental fountain and rubble walls on the banks.



Figure 6. *Above is an example of a proposed “Floating Island” 10 of which are to be built, and installed over time in Ellis Lake, pending approval by the Marysville City Council, and the Marysville Public Works Department.*

More recently, there were boat races, and paddle boat rentals were common on the lake in the early 2000’s until the middle of 2008, fishing derbies were also among the varied activities conducted on Ellis Lake.

Methodology and Approach:

Documents: The Grand Jury consulted a number of documents during the course of the investigation. The most relevant are listed in the Bibliography section at the end of this report.

Site visits: The Grand Jury visited Ellis Lake on two occasions in August 2013 and April 2014.

Interviews: The Grand Jury interviewed the City of Marysville, Director of Public Works twice:

- First interview: August 2013
- Second interview: April 2014

Discussion and Narrative:

Marysville Municipal Codes, implemented in 2008, explain and define the use of Ellis Lake:

[Marysville Municipal Code § 6.20](#), It is illegal to swim in, wade in, waterski on, have any form of body contact with the water of, or place or operate a motorboat in Ellis Lake without special written permission from the Marysville City Council. This is because the water is polluted. Punishment is a fine for the first offense, and a \$150 fine for each subsequent offense.

[Marysville Municipal Code § 16.30](#), fishing in Ellis Lake is permitted with a valid fishing license. Punishment for fishing without a license is a \$150 fine.

[Marysville Municipal Code § 16.40](#), it is illegal to use, or sell fireworks in Ellis Lake Park without a permit from the director of public works, or the fire chief. Punishment is a fine of up to \$250.

[Marysville Municipal Code § 16.20](#), it is illegal to possess or consume any alcoholic beverage in Ellis Lake Park without a permit. Punishment is a \$250 fine.

[Marysville Municipal Code §16.04](#), it is illegal to be in any park or recreation area in Marysville except Beckwourth Riverfront Park Complex at any time between the hours of 11:00 p.m. and 6:00 a.m. It is also illegal to play “hazardous games”-including horseshoe tossing, archery, and flying motorized model airplanes-in any park or recreation area in Marysville. Punishment for either of these offenses is a \$250 fine. (See reference 5 for Marysville Municipal Codes)

It is illegal to be in any park or recreation area in Marysville except Beckwourth Riverfront Park Complex at any time between the hours of 11:00 p.m. and 6:00 a.m. It is also illegal to play “hazardous games,” including horseshoe tossing, archery, and flying motorized model airplanes in any park or recreation area in Marysville. Punishment for either of these offenses is a \$250 fine.

Feeding of the ducks, geese, and other waterfowl is discouraged for at least two reasons. First, a diet of peanuts, popcorn, bird seed, etc. are not the kinds of diets that are conducive to long term good health for these animals. Second, feeding them encourages staying in the area instead of migrating. This in turn weakens the birds' resistance to disease. In the past, there have been sick birds whose conditions have been compounded by lack of seasonal healthy migratory behavior.

Currently, the lake waterfowl appear to be healthy, and not overpopulated.

Funding Sources: The Marysville Public Works Department (MPWD) is responsible for the maintenance of Ellis Lake, and all park facilities associated with the lake. The MPWD's annual budget allocation comes from the City of Marysville's general fund was approximately \$273,000. The 2012/2013 budget allotment was approximately \$284,000. Currently, the 2013/2014 budget is projected to be \$338,000, but for the first time, includes funds for maintenance of the baseball stadium. Formerly, the allocation for the baseball stadium was separate.

Lake Hydrology: Ellis Lake is 5 to 7 feet deep. With such a shallow depth, heat absorption is rapid, making conditions right for what biologists call eutrophication, or more precisely hypertrophication. Hypertrophication is the ecosystem's response to the addition of artificial or natural nutrients that become highly concentrated when there is a lack of drainage (see reference 3). The cycle of bacterial growth evolves to contribute to the foul odors when conditions are right. Those nutrients are being recycled year after year, feeding microorganisms in the lake. The above described conditions involving eutrophication currently are not evident, although similar conditions have existed in the past in Ellis Lake. Recently, samples of water were taken, and analyzed for contents, which showed extremely low levels of phosphorus, and ammonia. This is surprising, because samples taken in 2012 indicated high levels of these two nutrients.

Bacterial Levels: Another somewhat more serious condition arises when concentrated bacterial toxins reach levels that are considered a threat, primarily to waterfowl, in the form of botulism toxin. (See reference 4)

When the botulism toxin producing conditions become evident, public works personnel will treat the lake with a mixture of phosphorus and ammonia that reduces the bacterial load in the lake to safer levels. Each of the treatments costs the MPWD \$2,000-\$3,000; ironically, the treatments used to reduce botulism toxin, ultimately can make the problem (or problems) worse.

The only way water leaves the lake under the control of the MPWD is over a weir. A weir is a low dam that is built across a river, dam, or lake to raise water level, divert water, or control its flow. In the case of Ellis Lake, the weir allows the lake level to be lowered by a small percentage of its maximum height. Therefore, for all practical purposes, the only way water leaves the lake is by overflow, over the weir, or by evaporation. That evaporation concentrates the pollutants, minerals, and fertilizers, which in turn, promotes elevated algal and bacterial growth. There is no aeration system in the lake that would mitigate growth of anaerobic bacteria and alleviate the stagnant conditions. The lake has a fountain that is mostly aesthetic. However, running it does

help with lake circulation and aeration, albeit at only about 5% of the efficiency of a dedicated aeration system.

Another consequence of the shallow depth of Ellis Lake is that water evaporates so rapidly that it becomes necessary to pump water into it to raise the level. The Yuba County Water Agency (YCWA) provides water to 7 local water districts; one of which is the California Water Service Company (CWSC). The filling of the lake is accomplished by the use of a high capacity pump that was donated to the city by the CWSC. The CWSC has offered the city another pump to supplement the current pump, or to replace it. City representatives did not accept the pump, because there was no source of funding for the maintenance and operational costs associated with the pump. The cost of filling Ellis Lake is approximately \$11,000 annually.

Yuba County currently has solar panels over the parking lot at its administration building in Marysville. Plans for a second array at Yuba County Airport are in the final stages of approval. There are also plans to place solar arrays on all county buildings in the future. Similar arrays could be a source of energy savings for the City of Marysville. A system called net metering, which connects a customer's alternative power-generating system to a public utility's power grid can offset the cost of power drawn by the customer from the grid. One can use net metering for wind turbines, and solar panels and sell energy back to the grid. The City of Marysville could reduce the annual \$11,000 cost of filling Ellis Lake by the installation of solar panels.

Green Hydro-technology to Improve Lake Quality: A group called Ellis Lake Restoration Project (ELRP) has developed a plan for solutions to most of the adverse conditions plaguing the lake. Their plan has several options for phased deployment over time. Recently, ELRP submitted a plan to the city that would demonstrate the practicality, and effectiveness of their *floating island* idea. The plan is designed as a long-term solution; therefore, changes in the condition of the lake will not be apparent with the installation of just one floating island. The city has agreed to the installation of one prototype experimental island to be placed in the lake in the near future.

Quoting from the group's Facebook webpage:

"Our idea being brought forward is to construct 8' diameter floating islands of the one thing Ellis Lake is missing in its little ecosystem...PLANTS!... ...The plant roots will grow through the island, and live in the water. The plan begins with one island". ... "The goal is to have 10 interconnected islands circled around the center of the lake with an upgraded aerating fountain in the center of the islands."

The Ellis Lake Restoration Project has been around for many years. The company that is offering a solution to Ellis Lake water conditions has a website (See reference 6) and Ellis Lake Restoration Projects has a Facebook Page (See reference 7). In 2008, ELRP was able to raise enough attention to the deteriorating conditions of the lake that the city and county took steps to make improvements that were rudimentary and temporary

City of Marysville Maintaining Ellis Lake

remedies at best. In 2008, Ellis Lake received a makeover after a history of major problems, described in the Yuba College Prospector (See reference 8). Currently, ELRP has a prototype floating island almost ready to deploy into the lake. This prototype was paid for with donations from many citizens, and supporters of ELRP. The company that will be making these islands has an extensive long term plan to place these islands in the lake over a period of time, with the ultimate goal being to clean the lake, and create a habitat for fish and waterfowl to flourish.

The City of Marysville will not allow further deployment of the islands until an expert can analyze the lake issues, and advise the city of its best options for remedy.

Findings

The Yuba County Grand Jury finds that:

- F1. The funds allocated towards lake care are inconsistent, and inadequate for providing basic upkeep of the lake, and the surrounding park facilities.
- F2. Water enters Ellis Lake by pumping or by rainfall, and leaves the lake by evaporation or by spilling over a weir. Pollutants accumulate, because of limited flushing of the lake.
- F3. The periodic unpleasant appearance and odors of the lake are caused by biological processes that are exacerbated by the accumulated pollutants in the lake.
- F4. Solar panels installed at various locations by the City of Marysville might supply power economically for Ellis Lake pumps through net metering.
- F5. ELRP has developed a plan for alleviating many of the adverse conditions plaguing the lake, and has received city permission to deploy one experimental floating island in the lake.

Recommendations

The Yuba County Grand Jury recommends that:

- R1. The Marysville Public Works Department be provided more funding for the maintenance of the lake.
- R2. The concentration of pollutants be mitigated by flushing the lake, by increased pumping, and by using the second pump offered by the California Water Service Company.
- R3. The lake be aerated by increased operation of the fountain, until an aeration system can be installed.

- R4. The Marysville Public Works Department consider constructing a solar panel array and apply net metering to offset the cost of power used to operate the pumps at Ellis Lake.
- R5. The floating island project be implemented, until a better solution is found that addresses the problems of the lake.

Commendation:

- C1. The Yuba County Grand Jury commends the Marysville Public Works Department for doing the best it can to maintain the lake with limited funds.

Request for Responses:

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

- Marysville Public Works Department
- Marysville City Council
- Mayor of Marysville
- Yuba County Water Agency

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

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Yuba County Airport

Summary:

The 2012-2013 Yuba County Grand Jury conducted an investigation of the Yuba County Airport but did not file a report. The 2013-2014 Grand Jury decided to conduct an investigation in response to pilots' complaints regarding airport operations and the Grand Jury investigation from last year. The Grand Jury identified three areas that need improvement at the Yuba County Airport. These are safety, security, and maintenance.

Introduction and Background:

The 2013-2014 Grand Jury decided to investigate the Yuba County Airport as a result of a pilot's complaint regarding airport operations and the Grand Jury investigation from last year. The Grand Jury conducted a site visit, interviews, and document reviews. Airport safety, security, and maintenance were areas of concern identified by the Grand Jury during the investigation.

Methodology and Approach:

Documents:

- FAA Regulations, Part 103 concerning ultra-lights:
<http://www.ultralighthomepage.com/FAR.part103.html>
- Web Site: www.yubacoairport.com
- Title II: <http://www.co.yuba.ca.us/departments/BOS/documents/ordinance/titleII.pdf>
- Budget information: <http://www.co.yuba.ca.us/departments/CAO/Budget/13-14/Proposed/05%20Administrative%20Services%20Final.pdf>
- Budget information: <http://www.co.yuba.ca.us/departments/CAO/Budget/08-09/proposed/4%20-%20Administrative%20Services.pdf>
- Title XII – Zoning:
<http://www.co.yuba.ca.us/departments/BOS/documents/ordinance/Title%20XII.pdf>
- Job Title, Airport Manager, 1996
- County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations Dated 16 December 2008

Site visit: A site visit to the Yuba County Airport was conducted the Grand Jury.

Interviews: Interviews were conducted with the Yuba County Airport Manager, the Yuba County Director of Administrative Services Purchasing Agent, Yuba County Supervisor Board Chairman, hangar renters, and pilots.

Discussion and Narrative:

During the Grand Jury visit, the Airport Manager reported that a local farmer has contracted with the Yuba County Airport to provide the equipment and labor to cut a perimeter fire break around the airport in exchange for agricultural use of some of the airport land.

The Airport Manager reported to the Grand Jury that there is no formal accident response plan or planned airport related exercises with local emergency responders. No combined airport and local emergency responders or exercises are regularly conducted. Individuals report all emergencies or accidents by calling 911.

Summary: There is no formal accident response plan or planned airport related exercises with local emergency responders. No combined airport and local emergency responders or exercises are regularly conducted.

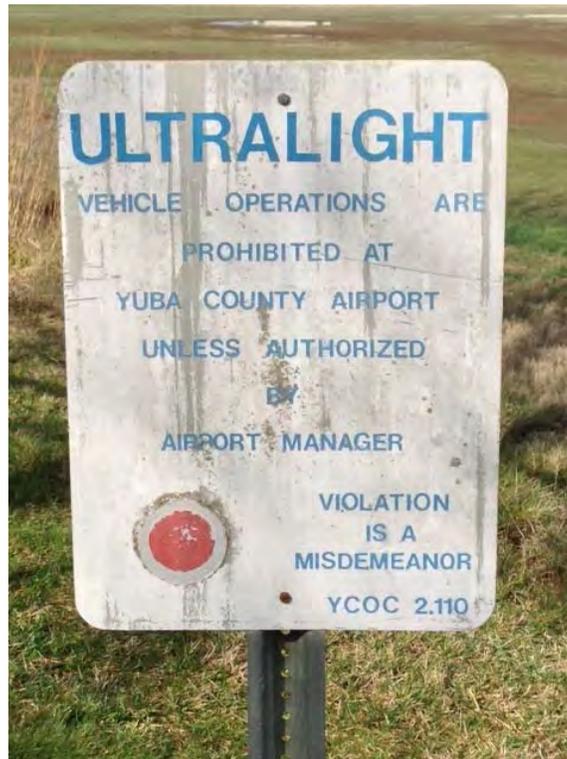


Figure 1. A sign located at Yuba County Airport stating that ultra-light vehicle operations are prohibited at Yuba County Airport unless authorized by the Airport Manager.

Pilots' complaints regarding airport operations contend that the current location being used by the ultra-lights is not conducive to safe operations with other aircraft at the airport. The Airport Manager verbally approved the current operating location (Figure 1).

It was reported to the Grand Jury that ultra-light operations increases risk at the airport and endangers other aircraft operations (Figure 1). The ultra-lights' small size, slow speed, lack of radio communications, and no lighting make them extremely difficult to see (Figure 2). Yuba County has no written agreement, procedures, or liability insurance coverage agreements with these ultra-light users.

Federal Aviation Regulations (FAR), Part 103 concern the operation of ultra-lights. Currently ultra-light users are not required to be Federal Aviation Administration (FAA) licensed pilots. However, they must comply with all aspects of this regulation. The Grand Jury found that there is no evidence the Airport Manager requires ultra-light operations at Yuba County Airport to comply with all aspects of this regulation, and all other FAA airspace regulations.



Figure 2. *An ultra-light aircraft flies at the Yuba County Airport.*

Summary: Ultra-light operations increase the risk at the airport and endanger other aircraft operation.

Pilots' complaints to the Grand Jury contend that the main security gate at the airport is sometimes left open for long periods of time for unknown reasons. This main security gate is used for access to flight line and hangars, was found open on the day the Grand Jury visited the airport (Figure 3). The northern security gate is almost always closed and is used by airport personnel and emergency responders. The Grand Jury also found that the airport is not completely fenced and lacks complete perimeter security.

The Grand Jury found section 2.110.240, Security Requirements (County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations Dated 16 December 2008) does not state clearly the specific requirements of security gate operations and requirements for perimeter fencing.



Figure 3. *This is the main gate used for access to flight line and hangars. This gate was found open on the day the Grand Jury visited the airport.*

Summary: The Grand Jury found the Airport Rules and Regulations do not state clearly the specific requirements of security gate operations and requirements for perimeter fencing.

The Airport Manager reported to the Grand Jury that there is no daily log of inspections (Monday-Friday) of all the runways or taxiways for Foreign Object Debris (FOD), windsocks, or lighting, or airport general conditions.

Below is the list of what was recently provided to the Grand Jury that the administrative services maintenance personnel checks on their morning rounds each morning at the Yuba County Airport:

Drive main access road, back street, and parking lots.

- *Remove any debris.*
- *Report irrigation problems.*
- *Report any vandalism.*

Drive hangar areas.

- *Remove any debris.*

- *Note and report visible hangar damage.*
- *Report any suspicious spills or run-off.*
- *Report any vandalism.*

Drive runways and taxi areas.

- *Inspect for cracks, debris, weeds.*

Test and verify runway lights will come on when cued.

- *Check for burnt out lights, repair accordingly.*

Confirm that both vehicular security access gates are in proper working order.

The Grand Jury found that there are no inspections planned on the weekends and holidays, when usage increases. Pilots and users of the airport are the main individuals reporting problems or conditions that are safety related. The Grand Jury finds there is no runway or taxiway sweeping schedule at the airport, other than prior to special events. No proper sweeping equipment is available to the airport, other than rental equipment obtained through Yuba County Public Works.

Summary: There is no runway or taxiway sweeping schedule at the airport.

Pilots and users of the airport reported to the Grand Jury that the airport is seriously lacking in airport building and hangar maintenance. The Grand Jury also observed that several buildings and hangars are lacking in airport building and hangar maintenance. Virtually all maintenance of airport buildings and hangars occurs when renters report problems to the Airport Manager. Airport buildings and hangars were found to be showing signs of wear, exposed wood, and leaking roofs. These buildings badly need paint and maintenance (Figure 4). As a result of these poor conditions, aircraft and equipment are getting wet and becoming damaged. There are no scheduled inspections of the rental hangars or facilities. Operation of hangar doors, leaking roofs, and electrical wiring are some reported complaints.



Figure 4. *This airport building is in need of paint and maintenance. Airport buildings do not have scheduled maintenance and are now showing signs of wear. The exposed wood and leaking roofs are beginning to require funding and maintenance. Aircraft and equipment are reportedly getting wet in these facilities because of leaking roofs.*

Summary: The airport is lacking in building and hangar maintenance.

The Grand Jury observed that airport equipment is being stored out in the weather next to a hangar (Figure 5). There are many privately owned vehicles, trailers, and pieces of equipment (Figure 6) that are stored near hangars without fees assessed or collected. Individuals are storing vehicles and trailers around airport hangars and buildings for long periods of time. Personal recreational trailers (Figure 6 and 7) are also stored on airport property and could be used as living quarters.



Figure 5. *This equipment is stored out in the weather next to a hangar that needs serious maintenance along with paint.*



Figure 6. *Vehicles and trailers stored around airport hangars and buildings for long periods of time.*

Summary: *Individuals are allowed to store vehicles and trailers around airport hangars and buildings for long periods of time.*



Figure 7. *Personal recreational trailers are also stored on airport property and could be used as living quarters.*

The Grand Jury found that the Airport Manager Job Description (Dated 1996) is in need of updating to reflect the current requirements of the Airport Manager. Since approximately 1979, the Airport Manager was intended to divide 50% of the time between the airport and Enterprise Zone. However, often this individual devoted much more than half time to the Enterprise Zone. Effective January 2014, the Airport Manager is no longer responsible for the Enterprise Zone and should be able to focus exclusively on airport management. The Grand Jury also found that the airport does not have an oversight committee, or aviation group, that recommends improvements to the airport.

Summary: The Airport Manager Job Description is in need of updating.

The Airport Manager stated that the airport does not have a documented complaint process and that all complaints are handled verbally by the Airport Manager. Two airport employees (a secretary and a maintenance position) have retired and there are no plans to replace them. The Airport Manager is the only airport employee and is responsible for the 24 hour operation of the airport.

Summary: The airport lacks a well-documented complaint process. There are no plans to replace the two retired airport employees.

The Grand Jury found that the Golden West Air Show has poor public attendance, and is not properly advertised in the local media. No local news channels were used to advertise the air show. The Golden West Air Show is a financial loss to Yuba County.

The Grand Jury also found that the airport improvements have been funded by various grants, federal funds and not primarily by county funds.

Findings:

The Grand Jury finds that:

- F1. The Yuba County Airport has contracted with a local farmer to provide the equipment and labor to cut a perimeter fire break around the airport in exchange for agricultural use of some of the land.
- F2. There is no formal accident response plan or planned airport related exercises with local emergency responders.
- F3. Ultra-light operations increase the safety risk at the airport and endanger other aircraft operations.
- F4. The Airport Manager verbally approved the current ultra-light operating location.
- F5. The Grand Jury found section 2.110.240, Security Requirements (County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations, dated 16 December 2008) does not state clearly the specific requirements for security gate operations or requirements for perimeter fencing.
- F6. There is no daily log of inspections of all runways or taxiways for Foreign Object Debris (FOD), or lighting, windsocks, and airport general conditions.

- F7. There is no runway or taxiway sweeping schedule at the airport other than prior to special events. No proper sweeping equipment is available to the airport other than rental through Yuba County Public Works.
- F8. The airport is seriously lacking in airport building and hangar maintenance.
- F9. There are many privately owned vehicles, trailers, and equipment that are stored near hangars without fees assessed or collected.
- F10. The Airport Manager Job Description is in need of updating to reflect the current responsibilities.
- F11. The airport does not have an oversight committee, or aviation group, that recommends improvements to the airport.
- F12. The airport lacks a well-documented complaint process. Currently, complaints are handled verbally by the Airport Manager.
- F13. Two airport employees have retired and there are no plans to replace them. The Airport Manager is the only airport employee and is responsible for the 24 hour operation of the airport.
- F14. There are no scheduled inspections of the rental hangars or facilities.
- F15. The Golden West Air Show has poor public attendance, is a loss to the county, and is not properly advertised in the local area. No local news media were used to advertise the air show.
- F16. The airport funding for improvements has been accomplished by Grants, federal funding, and very little by county funds.

Recommendations:

The Grand Jury recommends:

- R1. The Airport Manager establishes an accident response plan and schedule regular airport related exercises with the local emergency service responders.
- R2. The Airport Manager:
 - Provide written authorization for ultra-light operations.
 - Establish written procedures for safe operations, to include established ultra-light traffic patterns and altitudes.

- Is encouraged to seek the assistance of knowledgeable local pilots at Yuba County Airport in establishing the new procedures.
 - Inform all local and transient pilots of ultra-light operations and procedures at Yuba County Airport.
 - Require all ultra-light users comply with all aspects of Federal Aviation Regulations (FAR), Part 103 concerning the operation of ultra-lights.
 - Require Ultra-light operations at Yuba County Airport comply with all aspects of this regulation, and all other FAA airspace regulations.
- R3. Yuba County establishes liability insurance coverage agreements with these ultra-light users.
- R4. The ultra-lights be moved to the west side of runway 14/32 where safe operations with other aircraft at the airport would be improved. If this is not feasible, strong consideration be given to terminating ultra-light operations at Yuba County Airport.
- R5. The Airport Manager update section 2.110.240, Security Requirements to include specific requirements for security gate operations and requirements for perimeter fencing.
- R6. The Airport Manager and Administrative Services Director:
- Develop and use a written daily inspection checklist for all runways and taxiways for FOD, lighting, windsocks, or airport general condition.
 - Conduct inspections on the weekends and holidays when increased usage occurs to ensure safe aircraft operations.
 - Develop and use a sweeping schedule for all runways and taxiways at the airport.
- R7. The Airport Manager develop an annual preventative maintenance schedule for all airport hangars and buildings.
- R8. The Airport Manager removes unauthorized privately owned vehicles, trailers, and equipment that are stored on county property, and that a written log of authorizations and fees collected be maintained for authorized privately owned vehicles, trailers, and equipment stored on airport property.

- R9. The Administrative Services Director revise and update the Airport Manager Job Description to reflect current duties and responsibilities.
- R10. Establish an oversight committee or aviation group that recommends improvements to the airport.
- R11. The Airport Manager establish a written complaint process that includes a record of all complaints, and the resolutions.
- R12. The Airport Manager fill the positions vacated by the two employees who retired, in order to maintain airport operations.
- R13. The Golden West Air Show improve publicity and marketing.
- R14. Airport funding for improvements be obtained through a combination of grants, federal, state and county funds.

Commendations:

- C1. The Grand Jury commends the Airport Manager for contracting a local farmer to provide the equipment and labor to cut a perimeter fire break around the airport in exchange for agricultural use of some of the airport land.

Request for Responses:

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

- Yuba County Airport Manager
- Yuba County Administrative Services Director
- Yuba County Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Yuba County Resurfacing Plumas Lake Streets

Summary:

The Yuba County Grand Jury investigated the Yuba County Public Works Department concerning the resurfacing of Plumas Lake streets. The Grand Jury learned that the Yuba County Public Works Director, Assistant Director, and project managers followed State mandated processes in the resurfacing of Plumas Lake streets.

Introduction and Background:

The Grand Jury investigation of the resurfacing of Plumas Lake streets was initiated by citizen's complaints. The Grand Jury is not required to conduct an investigation, but decided to do so in this case. The Grand Jury investigation of the resurfacing of Plumas Lake streets started with interviews with the Yuba County Public Works Director, Assistant Director, and project managers, concerning the resurfacing of Plumas Lake streets. A thorough investigation concerning the citizen's complaints included a site visit, interviews with Yuba County Public Works Director, Assistant Director, project managers and review of numerous documents concerning the resurfacing of Plumas Lake streets.

Methodology and Approach:

The Grand Jury conducted an investigation and conducted interviews concerning the resurfacing of Plumas Lake streets. Grand Jury members also completed a site visit. The Grand Jury conducted interviews with the Yuba County Public Works Director, Assistant Director, and project managers concerning the resurfacing of Plumas Lake streets. The Yuba County Public Works were very cooperative and expeditious in providing requested documents to the Grand Jury. However, a project completion report has not been received from the Yuba County Public Works Department.

Documents:

- Notice to Bidders, Special Provisions, Proposal and Contract, and 2013 Micro-surfacing Various Roads Contract No. 2013-4257 dated July 12, 2013 (*Provided by the Yuba County Public Works Department*)
- Bid Book, Proposal To The County of Yuba Contract No. 2013-4257 (*Provided by the Yuba County Public Works Department*)
- Pavement Option Curve, Pavement Condition Index (*Provided by the Yuba County Public Works Department*)
- Bid Tabulation Summary Sheet Contract No. 2013-4257 (*Provided by the Yuba County Public Works Department*)
- Residential Resurfacing Project 2011 and 2013, Project Layout Index, City of Yuba City (*Provided by the Yuba County Public Works Department*)

- California Bids Standards <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pcc>
- California State and Local Governments format www.governmentbids.com

Site visits: The Grand Jury conducted site visits to the streets that were re-surfaced at Plumas Lake. Site visits were also conducted by the Grand Jury to Yuba County offices for interviews and information gathering.

Interviews: The Grand Jury conducted detailed interviews with the Yuba County Public Works Director, Assistant Director, and project managers concerning the resurfacing of Plumas Lake streets. Interviews were also conducted with residents of the Plumas Lake area.

Discussion and Narrative: The Grand Jury conducted an investigation and concluded that all policies and State guidelines were followed by the Yuba County Public Works concerning the resurfacing of Plumas Lake streets. The Yuba County Public Works staff followed the State mandated criteria. The Grand Jury learned that the source of funding for the recent resurfacing of Plumas Lake came from approximately 90-95% County Service Area (CSA) assessment and 5-10% of Yuba County funds. During the investigation, the Grand Jury found that the contractor selected for the resurfacing was selected through the Public Bid Standard as required.

The Grand Jury found that the Yuba County Public Works did not adequately educate, or communicate with the public about resurfacing requirements, or provide an estimated completion date. At the time of writing this report, the Yuba County Public Works has not provided a requested completion date to the Grand Jury. Yuba County Public Works also relies on the county residents to identify areas that require maintenance. County residents are encouraged to notify the Yuba County Public Works Department of street maintenance needs.

Findings:

The Grand Jury finds the following:

- F1. The source of funding for the recent resurfacing of Plumas Lake came from approximately 90-95% CSA Assessment and 5-10% of Yuba County funds.
- F2. The contractor selected for the resurfacing was selected through the Public Bid Standard as required.
- F3. The Yuba County Public Works Department did not adequately educate, or communicate with the public about resurfacing requirements, nor did they provide an estimated completion time.

- F4. County residents as well as Plumas Lake residents are requested to report street maintenance needs to the Yuba County Public Works.

Recommendations:

The Grand Jury recommends that:

- R1. Yuba County Public Works maintain the source of funding for the future resurfacing of Plumas Lake streets.
- R2. Yuba County Public Works maintain the process for contractor selection for the resurfacing through the Public Bid Standard as required.
- R3. The Yuba County Public Works Department better educate and inform the public through public meetings in Plumas Lake as well as throughout Yuba County regarding paving and resurfacing requirements, and provide an estimated project completion time.

Request for Responses:

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

- Yuba County Public Works Director

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Yuba County Health and Human Services Child Welfare Services

Summary:

The Yuba County Grand Jury investigated the Child Welfare Services (CWS) of the Yuba County Health and Human Services Department (HHS). The Grand Jury found that the CWS staff follow mandated due process, have adequate training, and have a successful intern program. Procedural steps are in place to protect the welfare of children through due process.

Introduction and Background

The Grand Jury investigation of the CWS was initiated by a citizen's complaint. The Grand Jury is not required to investigate any complaint or request for investigation, but elected to do so in this instance. A thorough investigation concerning the citizen's complaint included a site visit, multiple interviews with CWS staff, a review of CWS staff training, and a review of documents.

Methodology and Approach:

The Grand Jury conducted an investigation and interviewed supervisory staff of the CWS, requested data from the HHS Director, and completed a site visit. The Grand Jury conducted interviews with CWS personnel and received requested detailed demographic data about Yuba-Sutter Counties. HHS/ CWS were very cooperative and expeditious in providing requested documents to the Grand Jury.

Documents:

- Child Welfare Services Manual, California Division 31 Regulations, <http://www.dss.cahwnet.gov/ord/PG309.htm>
- California Welfare and Institutions Code 300 Codes, <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=wic>
- California Penal Code 832, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=830-832.17>
- California Code of Regulations, Title 22, <http://www.ccl.d.ca.gov>

Site Visit: The Grand Jury visited HHS during this investigation.

Interviews: The Grand Jury conducted interviews with the HHS Director, CWS supervisory staff, and personnel.

Discussion and Narrative:

The Grand Jury conducted an investigation and concluded that, according to CWS staff, all policies and California State guidelines are followed by CWS staff while working their caseloads. CWS staff followed State mandated criteria including due process. Due process is the administration of justice according to the established rules and principles. It is based on the legal

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principle that a person cannot be deprived of life, liberty or property without appropriate legal procedures and safeguards. The CWS staff appears to follow due process when working with families, relatives, and the children involved.

During the interview and investigation process, the Grand Jury found that the CWS supervisors and staff receive ongoing training. The CWS staff meets regularly and discusses current cases and issues with supervisors and peers. The Grand Jury found that CWS staff is deputized by the Yuba County Sheriff’s Department. The CWS staff has a productive relationship with a local university and has jointly created an intern program. CWS successfully utilizes this intern program to mentor, train, and employ future social workers.

The CWS staff provided the following demographic data in regards to case load:

Children in Out of Home Placement – Demographic Data

FY 2010-2011

<u>Ethnicity</u>	<u>Case Count</u>	<u>Percentage</u>
American Indian	6	3.47%
Asian Indian	1	0.58%
Black	8	4.62%
Hispanic	28	16.18%
Hmong	4	2.31%
Japanese	2	1.16%
Laotian	1	0.58%
Mexican	9	5.20%
Samoan	2	1.16%
Vietnamese	1	0.58%
White	108	62.43%
White-Armenian	2	1.16%
White-European	1	0.58%
	Sum: 173 Cases	Total: 100%

**Top Four Local Zip Codes for Out of Home Placement
FY 2010-2011**

<u>Place Home Zip Code</u>	<u>Case Count</u>	<u>Percentage</u>
95961	43	24.86%
95901	40	23.12%
95993	16	9.25%
95991	11	6.36%
	Sum: 110 out of 173	Total: 63.58%

Findings:

The Grand Jury finds the following:

- F1. There were State mandated criteria followed by CWS staff before the removal of a child.
- F2. CWS staff follows established guidelines for due process. CWS's procedural steps are designed to protect the welfare of children through due process.
- F3. CWS supervisors and staff receive ongoing training.
- F4. CWS staff is deputized by the Yuba County Sheriff's Department.
- F5. CWS successfully utilizes an intern program to mentor, train, and employ future social workers.

Recommendations:

- R1. The Grand Jury recommends CWS staff continue the use of the intern program to mentor, train, and employ future social workers.

Commendations:

The Grand Jury commends the CWS staff for:

- C1. Strictly conforming to State mandates and due process

C2. The successful use of their intern program to mentor, train, and employ future social workers

Request for Responses:

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

From the following:

- Child Welfare Services (CWS) of the Yuba County Health and Human Services Department (HHS)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Yuba County Cemetery Districts

Summary:

The Grand Jury investigated the cemetery districts in Yuba County. The districts operate Yuba County's historic cemeteries on very limited budgets. The cemetery districts' governing boards of trustees are unpaid volunteers appointed by the Yuba County Board of Supervisors. The condition and maintenance of the cemeteries were approximately proportional to each district's available financial resources. Many of the districts have not regularly submitted legally mandated official financial audits because of the high cost to prepare them. In some cases, information regarding making contacts with cemetery personnel, cemetery prices and policies is not readily available because it is not posted where it can be seen easily and is not available online. There is little communication among the districts, and there is no Yuba County government means, such as a website, allowing county residents to communicate with any of the districts.

Introduction and background:

The Yuba County Grand Jury has not reported on the cemetery districts for several years. Indeed, there has not been a compelling reason to do so, since there have been no recent complaints made to the Grand Jury about any of the cemetery districts. However, members of the Grand Jury felt that the time was appropriate to look into these agencies and to report our findings to the residents of Yuba County.

The California Legislature authorized the creation of public cemetery districts in 1909 to assume responsibility for the ownership, improvement, expansion, provision of interment services and operation of public cemeteries. The principal law that governs these entities is the Public Cemetery District Law (reference 7 in the bibliography). Among other things, the law provides for the formation of new cemetery districts, details the powers and duties of the boards of trustees, sets forth requirements and powers relating to finances, and limits who may be interred in the district's cemeteries.

There are 253 cemetery districts in California, of which ten are located in Yuba County. Cemetery districts are special districts, or units of local government, that have a substantial degree of independence from other local agencies such as city or county government (see reference 8). Special districts have a board of trustees, appointed by the county board of supervisors, responsible for the management decisions that guide the district's operations. Cemetery districts operate and maintain public, but not private, cemeteries. The cemeteries that the districts manage may have originally been private, or may have belonged to pioneer or fraternal organizations or may have been church property, but due to the vagaries of history have become public property. Cemetery districts are unusual among special districts in the fact that they do not hold monopoly authority. Private and church affiliated cemeteries are competitors and, therefore, cemetery districts endure market pressures not encountered by other government agencies.

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Cemetery districts have very limited means to raise revenue, but are required to function successfully and maintain the cemetery in perpetuity. Cemetery districts sell burial plots and charge various fees in order to partially defray operating expenses. For example, Health and Safety Code section 9065 requires that they charge purchasers of burial plots an endowment fee to cover maintenance of the plot essentially forever. Money collected as endowment fees is deposited with the county treasurer for investment, and only the return on these investments may be used to pay for cemetery maintenance. Cemetery districts also receive public funding from property taxes. None of the districts in Yuba County sell or otherwise provide funeral services, but all cooperate with outside service providers, such as mortuaries, chosen by the deceased's relatives. Some provide grave excavation and opening and closing of graves.

The cemetery districts were originally created by county or city government. More recently the Local Agency Formation Commission (LAFCo) determines the boundaries of the districts and an additional area called the sphere of influence (SOI). LAFCo periodically reviews boundaries and SOIs and makes appropriate adjustments as required. LAFCo has the authority to dissolve districts, create new ones, or compel the merging of districts. There is much useful information about Yuba County cemetery districts to be found in the Municipal Service Review (MSR) documents published on the LAFCo website (references 9-11).

There are ten cemetery districts in Yuba County. They are listed below, along with some brief descriptive information and their abbreviations used in this report. Additional details are given in Table 1, below. Figure 1 is a map of Yuba County showing the location and extent of the cemetery districts.

Browns Valley Cemetery District. (BVCD) The district was formed in 1935 and serves an area of about 30 square miles and a population of about 532 residents.

Brownsville Cemetery District. (BCD) Formed in 1949, it serves about 1,699 residents in an area of about 57 square miles.

Camptonville Cemetery District. (CCD) The district was formed in 1954 to manage a gold rush era cemetery. The district has a population of about 656 residents and an area of about 56 square miles. The Camptonville Community Service District (CCSD) now manages the cemetery, and the Camptonville Cemetery District Board of Trustees no longer functions.

Keystone Cemetery District. (KCD) Located roughly between the communities of Oregon House and Dobbins, the district serves an area of 72 square miles and about 2,215 residents. It was formed in 1934, making it Yuba County's oldest cemetery district.

Marysville Cemetery District. (MCD) The historic Marysville Cemetery is located just north of the ring levee on the east side of Highway 70. The district no longer has a functioning Board of Trustees because the cemetery is not active; that is, no burials are allowed, the last having

Yuba County Cemetery Districts

been performed in the 1920s. The cemetery is a historic site and is managed and maintained by the City of Marysville. The Grand Jury did not investigate MCD for this report.

Peoria Cemetery District. (PCD) The district was formed in 1943 and serves an area of 85 square miles and a population of 3,631 residents, give or take a few since 2007. The cemetery is located just east of Marysville Road north of the community of Browns Valley. According to LAFCo’s Municipal Service Review, there are records that show that a burial took place here in 1807, making Peoria Yuba County’s oldest cemetery.

Smartsville Cemetery District. (SCD) This is the smallest district in Yuba County, but manages the most cemeteries (4). It serves just 8 square miles and 188 residents and was formed in 1968, making it the youngest district in the county, although its cemeteries are among the oldest.

Strawberry Valley Cemetery District. (SVCD) The district was formed in 1955 and serves a population of 112 residents, making it the most sparsely populated district in the county.

Upham Cemetery District. (UCD) This district’s area is split about equally between Yuba County and Butte County to the north, and is the only district not contained entirely in Yuba County. Butte County has primary jurisdiction. The cemetery is located near the community of Rackerby and serves about 725 residents, divided roughly 60 percent in Butte County and 40 percent in Yuba County. The Butte County Board of Supervisors appoints members of Upham’s board of trustees.

Wheatland Cemetery District. (WCD) This district was formed in 1937 and serves more residents than any other Yuba County cemetery district. It manages two cemeteries, Wheatland Cemetery in the City of Wheatland and Lofton Cemetery, located just south of Beale Air Force Base near the end of Ostrom Road.

Table 1 Miscellaneous Information about Yuba County Cemetery Districts

District	BVCD	BCD	CCSD	KCD	PCD	SCD	SVCD	UCD	WCD
Year Formed	1935	1949	1954	1934	1943	1968	1955	1951	1937
First Burial			1853	1853	1867*	1857	1851		1845
District Area	30	57	56	72	85	8			
District Population**	532	1,699	656	2,215	3,631	188	112	725	9,684

* Some records suggest that the first burial at the Peoria site occurred in 1807

** Population data are from the 2008 Municipal Service Review (MSR)

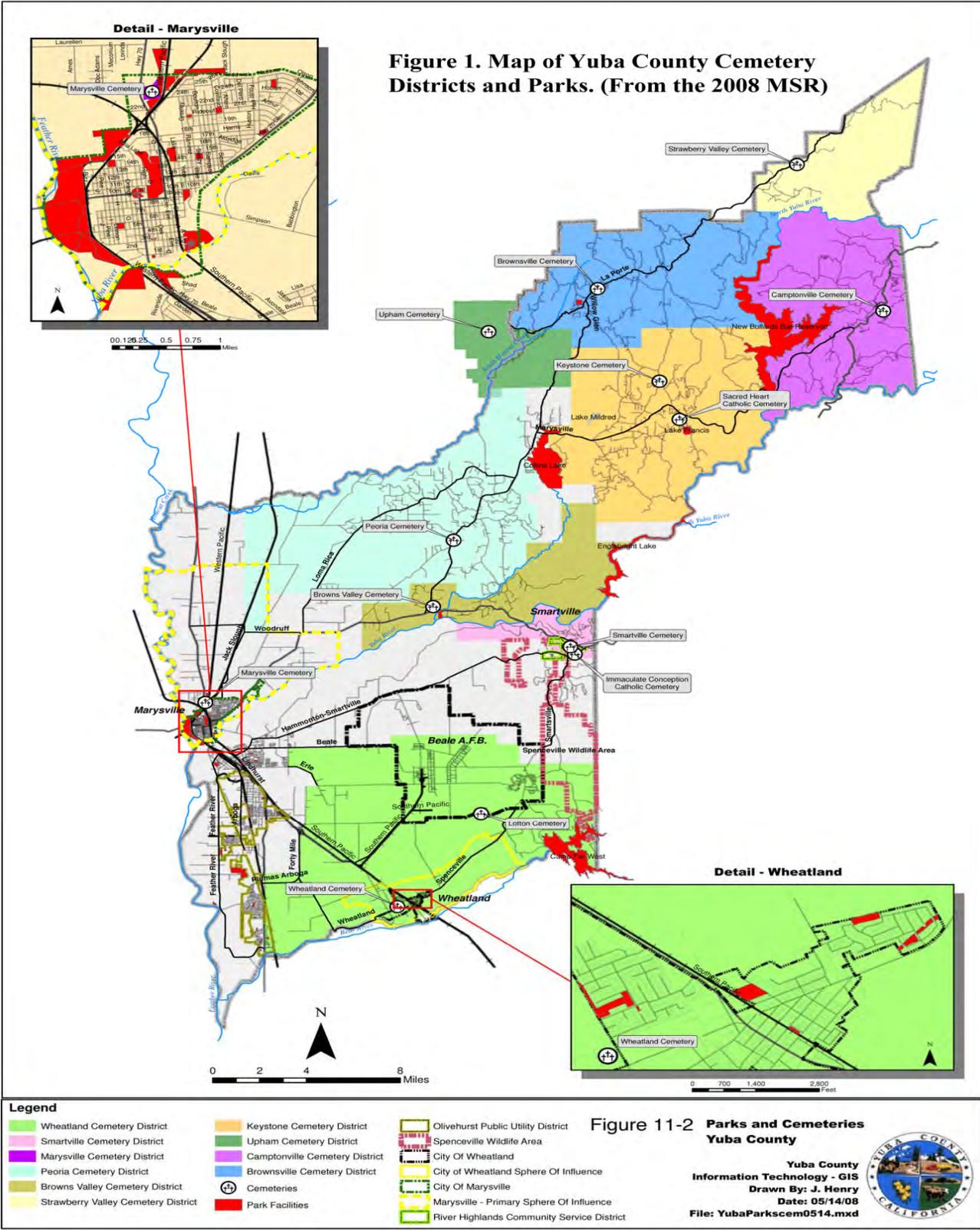
Methodology and Approach:

Members of the Grand Jury employed a number of investigative tools in order to look into the cemetery districts of Yuba County. Here is a summary of the methods used:

Site Visits: Members of the Grand Jury visited every public cemetery in Yuba County.

Photographs and notes were taken and conversations held with anyone who happened to be on the site at the time of the Grand Jury visit.

Review of Public Documents: The Grand Jury reviewed a number of documents related to the cemetery districts. The most useful and germane of these are listed in the bibliography.



Interviews: The Grand Jury interviewed the following individuals during the course of our investigation:

- The executive officer of the Yuba County LAFCo and members of the LAFCo staff.
- The Yuba County Auditor and members of the staff.
- Members of the staff of the Yuba County Board of Supervisors
- Members of cemetery district Boards of Trustees
- Staff and employees of various cemetery districts

Discussion and Narrative:

All of the public cemeteries in Yuba County date back to the gold rush era and are landmarks to the county's history. All of the cemeteries have a number of vexing unknowns associated with the graves there. Many of the graves are marked with a headstone or similar monument bearing the name of the deceased person buried there. In this case, the identity of the deceased and the location of the grave are known and can be documented in cemetery records. Some graves are not marked, but the location is nevertheless known and the name of the person buried there is also known. However, every cemetery has instances where either the location of the grave is not known, or the identity of the person buried there is not known, or both. Sometimes the person buried in a grave is not the person that the headstone or the cemetery records show as being there. There are also cases where a person is recorded as having been buried in two different graves, or in two different cemeteries. The location of some of the graves has shifted position over the years, usually because of subsidence or slippage in hillside cemeteries. Erosion has also caused graves to shift position.

Several individuals interviewed by the Grand Jury reported that a great deal of effort has been expended by cemetery district board members, district employees and volunteers on research into the history of the cemeteries to try and resolve these inaccuracies. These individuals face a real challenge, because, in addition to the unknowns in the cemeteries themselves, the cemeteries' records also have a number of frustrating unknowns. All of the cemeteries' records are incomplete, for several reasons. For one, nineteenth century record keepers were much more casual about accuracy and completeness than is customary today. Some of the early records have become lost due to either accidents or malfeasance. In some cases, records were stolen by former cemetery district trustees when they left office. Early records were often not properly stored for preservation and many are now badly deteriorated as a result. This state of affairs makes the task of recreating accurate and complete cemetery records a very difficult task indeed. Much of the cemetery information that has been recovered or transcribed from older records is being documented electronically, making it at least potentially available to the public via the Internet. Cemetery districts receive revenue from several sources. They sell burial plots, and other interment property, such as cremains plots. Prices (see Table 2) depend on whether or not the

deceased was a resident in the district, or meets the requirements to be considered legally a district resident. Eligible nonresidents pay an additional amount on top of the prices for cemetery services. For example, someone who formerly lived in the district, or who was married to or was closely related to someone buried in the cemetery, is considered eligible for the nonresident’s price for cemetery services. Individuals who have never lived in the district and are not related to someone interred in the cemetery are usually not allowed burial in the cemetery. In addition to burial plots, the districts also sell such services as transfer of ownership, grave excavation and headstone setting and may charge fees for disinterment. Districts may regulate headstones and monuments, but are prohibited by law from selling them. They may sell or rent items such as vases or other containers for flowers, or chairs and awnings for use during funeral services. Most districts charge an extra fee for Saturday or holiday burials.

The California Health and Safety Code requires cemetery districts to charge buyers an endowment fee (currently a minimum of \$4.50 per square foot of plot area) to be invested, and the returns used to maintain the site in perpetuity. Endowment funds are deposited with the county treasurer, who invests money on the district’s behalf. Districts are allowed to spend only the investment earnings, but not the principal, from their endowment funds.

Table 2 Prices and Fees charged by Yuba County Cemetery Districts

Cemetery Prices and Fees	BVCD	BCD	CCSD*	KCD	PCD	SCD	SVCD	UCD**	WCD
Burial Plot, Resident	350	350	460	300	25	900	0	100	800
Burial Plot, Non-Resident	350	350	935	500		1,300	450	175	1,600
Cremains Plot, Resident	250	250	248	100	25	450		0 ***	320
Cremains Plot, Non-Resident	250	250	473	200		600		75	600
Non Resident Fee	250	250							
Endowment Fee, Resident	150	100		160	150	200	250	100	200
Endowment Fee, Non-Resident	150	100		350	150	300	250	100	400
Open/Close Grave	250	1,000							
Open/Close Cremains	250	225		25		800			
Saturday or Holiday Burial Fee	150	150		100					500

*Amounts are in dollars *Endowment charges included in the price. **Data from the 2008 MSR. Upham declined to provide more recent figures. ***No charge for cremains in an existing grave.*

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For most, but not all districts, the major source of funding is from property taxes. (Table 3 presents data from the California State Controllers office about district revenues.) In some cases, other kinds of taxes also contribute to district revenue (for example, a timber tax in SVCD). Tax revenue varies very widely by district because of disparities in district size, property values, population and differences in the formula used to calculate the cemetery's share of the tax money received. Obviously, those districts with the largest tax base enjoy the most revenue. The prices districts charge tend to reflect the disparity in tax revenue: the highest plot prices are charged by districts that receive the least tax revenue (for example, SCD). District income from sales tends to be episodic, because the districts, especially the smaller ones, average only a few burials per year. The most constraining limitations on cemetery district revenues are the legal limitations of property taxes and the need for the approval by reluctant voters for tax increases and new taxes.

All of the Yuba County cemetery districts showed evidence of various degrees of financial stress. For example, many showed evidence of strained or sporadic upkeep and maintenance. Some of the larger districts have paid maintenance service and are able to afford irrigation. The smallest, at least in terms of population and property tax revenue, are not maintained year round, and one, SVCD, gets major maintenance only once a year, and that by volunteers. The smaller district's cemeteries are not irrigated. All of the facilities are aging and all need repairs or replacement of various features, such as headstones or walkways. The buildings at the cemeteries are generally small and fairly simple, suitable mostly for storage. A few cemeteries have permanent shelter structures that are used during funeral services. Several lack benches or places where visitors can sit and reflect. The state of the cemeteries reflects their constrained funding.

The Yuba County Board of Supervisors appoints the trustees for the county's cemetery districts. All Yuba County trustees are unpaid volunteers, and many have served their districts for several years. All of the trustees interviewed by the Grand Jury stated that they served out of a sense of dedication to their communities and a desire to contribute to the public good. Trustees who have served for long periods have generally become quite expert about the cemeteries and their histories. Several trustees were involved in efforts to improve the accuracy and completeness of the district's records. Many are involved in determining precisely the location of graves. Several of these individuals also contribute maintenance labor. Trustees are often retired people who feel that they have time to devote to their district's mission.

The Grand Jury asked all of the trustees and district employees it interviewed whether they knew or consulted with trustees or employees of another Yuba County cemetery district. In all but a few instances, the answer was no, they had not discussed cemetery operation or management with anyone outside their own district. Therefore, it appears that each district is inventing its own

methods and procedures without benefit of other district's experience. Some of the trustees interviewed mentioned that they had attended or consulted one of the statewide associations (for example, the California Association of Public Cemeteries, or the Public Cemetery Alliance, see references 2 and 6). Several interviewees commented that the cost of attending statewide conferences was high, perhaps too high, for the benefit received.

Most of the districts have been unable to provide the state mandated annual audits of their financial activities. The reason, simply put, is that the cost of doing so can amount to a substantial percentage of their annual budgets. Districts report financial data to the California State Controller's Office, as do other special districts. (See Table 3) The controller's office publishes an annual report detailing the financial information for every special district in the state (see reference 3). However, this information is presumably not checked by an independent auditor, and therefore, is not completely satisfactory as an accountability instrument. From a taxpayer's perspective, it's important that independent audits be conducted on tax-supported agencies. On the other hand, forceful insistence that the smaller and less wealthy districts submit the mandated audits will result in already strained budgets being depleted to pay for the audits. The mission of the districts then would become badly distorted by the need for audits. This is pretty clearly an unsatisfactory situation, but no easy remedy presents itself.

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Table 3 Revenue and Expenditures for Yuba County Cemetery Districts

Revenue	BVCD	BCD	CCSD	KCD	PCD	SCD	SVCD	UCD	WCD
Taxes	23,690	19,657	1,525	31,066	29,922	418	1,111	9,725	86,913
Prior Yr Penalties	61	56	87	69	87	2	3	162	245
Sales	8,940	7,374	19,648	4,440	1,400				
Interest	1,787	1,715	1,868	4,376	2,059	35	215	84	2,008
State	394	563	29	620	554	13	134	110	1,560
Other							2,700	95	7,806
Total Revenue	34,872	29,365	23,157	40,571	34,022	468	4,163	10,176	98,532
Expenditures									
Salaries, Wages, Benefits	10,445	18,372	5,050	23,590	23,122				84,110
Services and Supplies	14,168	12,874	51,262	13,626	6,936	609	1,175	2,027	7,806
Fixed Assets			7,263	354	220				
Other Expenditures									
Total Expenditures	24,613	31,246	63,575	37,570	30,278	609	1,175	2,027	91,916

Data are from the California State Controller, Special Districts Annual Report for 2011 - 2012; the most recent available at the time this Grand Jury report was written. Amounts are in dollars.

The Grand Jury encountered a difficulty that potential purchasers of cemetery services would also be likely to encounter. Finding someone to contact and finding information about cemetery services and costs was not as straightforward as desirable. The only districts that have any

information available online are CCSD and UCD. The Camptonville Community Service District has a well - developed web site that includes information about the cemetery and the names of people interred there, but it does not include policies, contacts or prices (see reference 4). The Butte County LAFCo maintains web pages for each of the cemetery districts in Butte County that have very limited contact information, but nothing about policies, prices or history (see reference 1). There isn't any information about cemetery district contacts, costs, policies, history or names of people buried available on any Yuba County government website. Some private organizations have websites that have the names and dates of people buried in various cemeteries, but don't offer information about contacts, policies or prices (for example, see reference 12). In some cases, contact information, board members' names and a list of prices and fees were posted on signs near the entrance to the cemetery, but at several cemeteries there was no such information visible. The Grand Jury was able to obtain board members' names and contact information with the help of county officials, a method not as readily open to private citizens. Even with this information, the Grand Jury had difficulty contacting some cemetery districts. In several cases, a number of calls were required and some days passed before any response was received.

The fact that cemetery district boards of trustees are appointed by the county Board of Supervisors means that these individuals are not directly accountable to residents of the district through an election. While board meetings are public, there is not an easily accessed means of communicating the dates, times and locations of their meetings. In some cases, notices are posted near the cemetery entrance announcing meetings, but in several districts such information was nowhere to be found. Only Camptonville Community Service District is conducting constituent outreach activities, through its website, and the Camptonville Community Courier, a local newspaper, that is available online. Taken together, these facts indicate that there is quite a bit of isolation between residents of the cemetery districts and the people who manage them.

Findings:

- F1. There is no established mechanism among the Yuba County cemetery districts for exchanging information about their experiences operating the cemeteries. A Yuba County cemetery district's association would facilitate the exchange of knowledge and experience about best practices.
- F2. The cost of the legally mandated annual audits has prevented many Yuba County cemetery districts from fully complying with this requirement. Nevertheless, it is in both the county government's and the public's interest that tax supported agencies be financially accountable.
- F3. Cemetery boards of trustees contact information is posted near the entrance at some cemeteries, but not all. In a few cases, prices and policies are posted at cemetery entrances, but this is the exception rather than the rule. None of this information is

available online. All of this information should be readily available to the public at all cemeteries and online.

Recommendations:

- R1. The Yuba County Grand Jury recommends that the Yuba County cemetery districts form an association for the purpose of efficiently exchanging information about their experiences operating their respective cemeteries. A cemetery district’s association would facilitate the exchange of hard-won knowledge and experience with best practices.
- R2. The Yuba County Grand Jury recommends that the county and the districts explore ways that would permit the districts to obtain the required annual audits at a reasonable and affordable cost.
- R3. The Yuba County Grand Jury recommends that the county create a web page on its web site for the cemetery districts, that presents for easy public access, the information needed by the public to use the districts’ resources. The information should include: hours of operation, contact information for members of the board of trustees, prices and fees for services and information about how members of the public can support the missions of the districts. Dates, times and location of cemetery district’s Boards of Trustees meetings should also be included. Community outreach posting might also appear here.

Commendations:

- C1. The Yuba County Grand Jury commends and thanks the members of the Yuba County cemetery districts for their dedication and service to the public good. The Yuba County Grand Jury also commends and thanks the employees and volunteers who maintain the cemeteries and keep these historic public resources functioning, often making personal sacrifices to do so.

Request for Responses:

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

From the following governing bodies: Responses to all findings and recommendations.

- Yuba County Board of Supervisors
- Yuba County LAFCo
- Browns Valley Cemetery District
- Brownsville Cemetery District

Yuba County Cemetery Districts

- Camptonville Community Service District
- Keystone Cemetery District
- Peoria Cemetery District
- Smartsville Cemetery District
- Strawberry Valley Cemetery District
- Wheatland Cemetery District

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

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GRAND JURY BACKGROUND

A. History of the Grand Jury System

One of the earliest concepts of a Grand Jury may date back to ancient Greece where the Athenians used an accusatory body. Others claim the Saxons initiated the Grand Jury system. In 987 to 1016 A.D., one of Dooms (laws) stated that for each 100 men, 12 shall be named to act as an accusing body. “They shall not accuse an innocent man nor spare a guilty one.”

The Grand Jury can also be traced back to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes which had come to their knowledge. The members of that accusing jury were selected from small jurisdictions. Thus, it was natural and, indeed, expected that the members would present accusations based on their personal knowledge.

Historians generally agree that the Assize of Clarendon in 1166 was the beginning of our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, 12 “good and lawful” men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types: civil and criminal, with the development of each influencing the other.

Originally, an “assize” meant a court session or assembly. As used today, it refers to the accomplishment of enactments of such groups. Thus, the “Assize of Clarendon”, in which the use of the jury was for the purpose of discovery and presentation to royal officials those persons suspected of crime. Additionally, they were asked to report on other matters relating to the maintenance of order and good government in their district.

The oath taken by these jurors was that they shall “do this faithfully, that they will aggrieve no one through enmity nor defer to anyone through love, and that they will conceal those things which they have heard.”

By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails, and whether the sheriff had kept in jail anyone who should have been brought before the justices.

“Le grand inquest” evolved during the reign of Edward III (1368) when the “accusatory jury” was increased in number from 12 to 23, with a majority vote necessary to indict an accused.

1. Colonial America

The Massachusetts Bay Colony empanelled the first Grand Jury in 1635 to consider the cases of murder, robbery and wife beating. As early as 1700, the value of the Grand Jury was recognized in opposing the Royalists. These colonial grand juries expressed their independence by refusing to indict leaders of the Stamp Act (1765), and a Boston Grand Jury refused to bring libel charges against the editors of the Boston Gazette (1765). A union with other colonies to oppose British taxes was supported by a Philadelphia Grand Jury in 1770.

By the end of the colonial period the Grand Jury had become an indispensable adjunct of government: they proposed new laws, protested against abuses in government, and wielded tremendous authority in their power to determine who should and should not face trial.

2. U. S. Constitution

Originally the Constitution of the United States made no provision for a Grand Jury. The Fifth Amendment, ratified in 1791, guaranteed that:

“...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger...”

Public support of grand juries began to wane in the early 1800's. Adoption of the Fourteenth Amendment in 1868 made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment meant that prosecution of crimes no longer mandated a Grand Jury indictment.

3. California

California is one of the states to initiate prosecution by either indictment or complaint. The first California Penal Code contained statutes providing for a Grand Jury. Early grand juries investigated local prisons, conducted audits of county books and pursued matters of community concern. The role of the Grand Jury in California is unique in that by statutes passed in 1880, the duties include investigation of county government.

As earlier stated, the authority for the Grand Jury system in the United States lies in the Fifth Amendment of the U. S. Constitution. Provision for the Grand Jury in California is contained in Article 1, Section 23 of the California Constitution. California is served by a Grand Jury system which provides (with certain exceptions where separate civil and criminal grand juries are authorized) one Grand Jury for each county. Its functions are (1) Civil: to review the conduct of local government and (2) Criminal: to inquire into public offenses committed or triable within

the county. This system is unusual. Federal and county grand juries in most states are concerned with criminal indictments and have no civil responsibilities.

Only seven states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials.

B. Grand Jury System Today

As constituted today, the Grand Jury is a part of the judicial branch of government. It is an arm of the court. It does not have the functions of either the legislative or administrative branches and it is not a police agency. It is an investigative body having for its objective the detection and correction of flaws in government.

The primary civil function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county and city government, including special districts and joint powers agencies, seeing that the county's monies are handled judiciously and that all accounts are properly audited - in general, assuring honest, efficient government in the best interest of the people.

The Grand Jury has three ways to exercise its powers:

1. By reports and recommendations regarding county government, cities, special districts, and joint powers agencies.
2. By indictment bringing charges against an individual for a criminal offense.
3. By civil accusation of an official or employee where the result, on conviction, would be removal from office.

A large portion of the public wrongly believes that an individual, particularly a public official, appearing before the Grand Jury suggests a malfeasance or misfeasance. It is the constitutional responsibility of the Grand Jury to review the conduct of government each year. This entails having public officials appear before the jury for the purpose of providing information relative to their departments or offices.

While it is a part of the judicial system a Grand Jury is an entirely independent body. The Grand Jury judge, the district attorney, the county counsel, and the state attorney general act as its advisors, but cannot prevent the actions of the jury except on issues of legality.

Due to the confidential nature of a Grand Jury's work, most of it must be conducted in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear before it that their testimony will be handled in strict confidence. No one may be present during the

sessions of a Grand Jury except those specified by law, and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The smaller part of a Grand Jury's functions in California is the conduct of criminal investigations and the return of indictments. In some states all persons accused of felonies must be indicted by a Grand Jury before being tried. This is also true of the federal courts. The vast majority of California criminal cases are presented to the court at a preliminary hearing, on a complaint issued by the district attorney. When the district attorney deems it appropriate, he may request the Grand Jury to hear evidence with the possibility of an indictment (see indictment section.)

Unlike a trial jury, a Grand Jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether there is probable cause that a triable offense has been committed, whereas a trial jury decides if the evidence establishes guilt beyond a reasonable doubt.

A jury is called a Grand Jury because of its size as distinguished from a petit or trial jury of twelve citizens.

The Grand Jury serves as an ombudsman for citizens of the county. The Grand Jury may receive and investigate complaints by individuals regarding the actions and performances of county or public officials.

Grand jurors may act only through the Grand Jury as a body. Individually they have no official standing, power, or authority. A grand juror may take no official action without the prior approval and authorization of a majority of the Grand Jury. The Grand Jury, as a deliberative body, must of necessity, operate by consensus, and, thereby, express a collective opinion in its reports. The foreperson is the only official spokesman for the Grand Jury.

The members of the Grand Jury are collectively granted special powers and privileges to aid them in carrying out their duties. Grand jurors, in their official capacity, are permitted access to and the right to inspect prisons, jails and other government facilities, and to review official books and records to which other citizens are denied access, with limited exceptions.

Grand jurors, because of their extraordinary powers, privileges and responsibilities, have a special obligation to exercise their authority and carry out their duties in a proper and responsible manner within the boundaries of the law.

A Grand Jury is charged with a grave responsibility. Grand Jury service calls for diligence, impartiality, courage and responsibility. Selection for service is one of the greatest honors a citizen can receive and provides an opportunity to be of unique value to the community.

C. Grand Jury Legal Advisors

Whenever any juror may require a legal opinion or information as to procedure, a request for such should be made to the foreperson who may consult with the presiding judge, the county counsel, or the district attorney. It is advisable that each Grand Jury adopt a rule that all requests for opinions or assistance from the office of the district attorney or county counsel be made in writing, to be signed by the foreperson. No juror acting alone should make individual verbal or written requests. Legal opinions requested by the Grand Jury should likewise be provided in writing.

The Attorney General of the State of California is also available for advice and assistance. A request for the assistance of the attorney general by the Grand Jury may be made through any of the legal advisors mentioned above, or may be made in writing directly by the Grand Jury.

In other than criminal matters, the county counsel is the legal advisor to the county, all of its departments, officers, and commissions, all school districts in the county, and a number of other special districts. The Penal Code authorizes that any time the Grand Jury questions legality in investigating a matter brought to the Grand Jury's attention, the county counsel's opinion should be requested before starting an investigation. The Grand Jury, in obtaining these written opinions, should treat information obtained as confidential unless authorized to release its contents by the county counsel.

Inasmuch as the district attorney in criminal matters and the county counsel in other matters act as legal advisors to the Grand Jury, each is bound by secrecy restrictions regarding Grand Jury matters and confidentiality of the attorney-client relationship.



b. Matrix of Investigations by Previous Grand Juries

Investigations by the Special Reports Committee Since 1989

Yuba County Grand Jury

Special Reports	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Board of Supervisor - Salary												X												
Capital Improvement				X																				
Consent Agendas				X																				
Mail Carrier Safety				X																				
Physical Security in Schools														X										
Schools Meal Program													X											
Sewage Appeals Board							X		X															
Tire Waste Program									X															
Youth Project - Runaway Youth																X								
Yuba County - 1997 Flood								X																
Yuba County - Budget Procedures				X																				
Yuba County - Office Hours										X														
Yuba County - Ordinances													X											
Yuba Goldfields				X																				
Yuba Park									X															
Yuba River Access				X				X																

Matrix of Investigations by Previous Grand Juries

Investigations by the Health and Human Services Committee Since 1989

Yuba County Grand Jury

Health and Human Services	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Adult Services					X							X			X			X						
CAL Works																	X							
Child Protective Services				X	X	X				X	X	X		X						X				
Day Care																								
Environmental Health	X	X				X										X								
EH - Personnel							X																	
EH - Onsite Sewage							X																	
EH - YSDI																	X							
First Five Yuba Commission																	X							
Fraud Investigations																	X							
Health & Human Services	X	X	X	X	X	X	X											X			X			
Health Department	X	X	X		X								X	X										
Mental Health Services	X	X																						
Peach Tree Clinic			X	X	X	X																		
Public Guardian	X									X						X								

Matrix of Investigations by Previous Grand Juries

Investigations by the Special Districts Committee Since 1989

Yuba County Grand Jury

Special Districts	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Browns Valley Irrigation Dist.										X														
Camp Far West Irrigation Dist.		X																						
Cemetery District													X								X			
Cemetery District - Peoria														X										
Foothill Fire Protection						X																		
Levee District 817			X																					
Linda Fire District							X																	
Marysville Levee District			X																					
Olivehurst PUD - Water			X					X																
Olivehurst PUD - Fire										X					X									
Olivehurst PUD - Sewer			X											X										
Reclamation District 10			X																					
Reclamation District 2103			X																					
Reclamation District 817			X																					
Reclamation District 784	X	X	X						X		X				X		X							
River Highlands Community Service																				X	X			
Smartsville Fire Department																			X					
Three Rivers Levee Improvement Auth. (TRILA)																						X		
Yuba County Water Agency	X	X				X		X					X							X				
Yuba County Water District						X											X	X						

Matrix of Investigations by Previous Grand Juries

Investigations by the Law Enforcement Committee Since 1989

Yuba County Grand Jury

Law Enforcement	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Child Support Services	X						X			X	X													
Municipal Court	X	X	X																					
District Attorney		X	X					X																
Grand Jury			X	X									X											
Juvenile Traffic Court	X																							
- Victim Witness																								
Juvenile Hall	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Probation	X	X	X			X									X	X								
Public Defender						X																		
Sheriff	X	X	X		X			X	X						X	X				X				
- Animal Care Services	X		X	X			X		X	X					X								X	
-Yuba County Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
- Canine																					X			
Marysville Police Department																				X				
Wheatland police Department																				X				

Matrix of Investigations by Previous Grand Juries

Investigations by the County Committee Since 1989

Yuba County Grand Jury

County	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Administrative Services	X		X	X						X														
- Airport Enterprise Zone	X									X														
- Print Shop		X																						
- Information Services																		X						
Agriculture	X	X																						
- Weights & Measures						X																		
Assessor	X	X																						
Auditor / Controller	X																					X		
Board of Supervisors	X	X	X	X					X															
- Clerk of the Board	X	X		X																				
Community Development	X	X	X	X	X		X												X	X				
- Building																			X				X	X
- Code Enforcement																				X				
Clerk/Recorder/Elections	X	X		X														X						
County Administrator	X	X					X																	
County Counsel	X		X				X																	
- Public Administrator										X														
Emergency Services	X		X					X													X		X	
Health and Human Services																							X	
Library	X					X																		
Yuba County Airport																			X					X
Personnel Risk Management	X	X	X					X																
Public Works	X	X	X	X							X													
Treasurer/Tax Collector	X																							
Veterans Services	X	X																						

Matrix of Investigations by Previous Grand Juries

Investigations by the Cities Committee Since 1989

Yuba County Grand Jury

Cities	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
City of Marysville	X	X								X			X	X	X				X				X	
- Better Improvement District									X															
- City Administrator/ Clerk						X																		
- City Council			X		X																			
- City Council Meeting Minutes																						X		
- Emergency services																								X
- Levee District			X																X					
- Fire department	X	X	X								X					X								
- Police Department	X	X		X											X	X								
- Police Dept Vehicle Compliance																						X		
- Public Works, Parks & Rec.	X	X					X									X								
- Redevelopment Agency				X	X																			
- Red Light Camera System																	X							
- Website																					X			
City of Wheatland	X	X										X			X	X	X							
- City Council			X		X	X	X	X																
- City Treasurer				X	X																			
- Police Department	X	X	X	X		X																		

Matrix of Investigations by Previous Grand Juries

Investigations by the Schools Committee Since 1989

Yuba County Grand Jury

Schools	89	90	91	92	93	94	95	96	97	98	99	0	1	2	3	4	5	6	7	8	9	10	11	12
Abraham Lincoln (home) School									X															
Anna McKenney Intermediate																X								X
Browns Valley Elementary																X								
Camptonville Union School Dist	X	X																						
Charter School									X															
Dobbins Elementary School																		X						
Lindhurst High															X									X
Mary Covillaud Elementary																	X							
Marysville High																								
- Food Service																						X		
Marysville Joint Unified Schools	X	X	X	X	X	X		X				X			X	X				X				X
- Alternative Education Prgm																								
- Citizen Bonds Oversight Com																					X			
- Loma Rica elementary																				X				X
Office of education																			X					
Olivehurst Elementary																	X							
Plumas Elementary	X	X																						
Regional Career Center JPTA	X								X								X							
Wheatland High	X	X	X																X					
Wheatland School District	X	X	X			X														X				
Wheatland School District Bldg																								
Yuba College		X									X													
Yuba County of Education	X	x								X						X								



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF YUBA**

GRAND JURY APPLICATION
(Please attach additional sheets if necessary)

I. PERSONAL INFORMATION

Name: _____
(Last) (First) (Middle)

Other Names Used: _____

Residence Address: _____ City _____ Zip _____

Mailing Address: _____ City _____ Zip _____
(If Different)

Home Telephone: _____ Work Telephone: _____

Cell Telephone: _____ Pager: _____

Email Address: _____ Supervisorial District: _____

Social Security Number: _____ Drivers Lic. Number: _____

Date of Birth: _____ Place of Birth: _____

Marital Status: Married Single Divorced Widowed

Spouse's Name: _____

Spouse's Occupation: _____

Spouse's Employer: _____

II. EDUCATION

Circle your highest level of education: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Other: _____

High School _____ City & State _____

College/University _____ City & State _____

Graduate Level _____ City & State _____

Degrees _____ Honors _____

III. OCCUPATION(S)

Are you retired? Yes No

If yes, what was your occupation? _____

Employer(s) or company name(s): _____

Business address: _____ Business Phone: _____

Highest position held and job title: _____

Are you currently working? Yes No

If yes, what is your occupation? _____

Employer(s) or company name(s): _____

Business address: _____

Highest position held or job title: _____

Former Occupation: _____

IV. ABILITIES AND EXPERIENCE

Do you have any ability and experience in writing, editing, and collating correspondence, minutes of meetings, reports, etc? Yes No

If "yes", please describe: _____

Do you have ability and experience in gathering facts and analyzing data? Yes No

If "yes", please describe: _____

Please list the computer programs with which you are familiar: _____

V. QUALIFICATIONS

- | | | | |
|-----|---|------------------------------|-----------------------------|
| 1. | Are you a citizen of the United States? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. | Are you eighteen years or older? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. | Have you been a continuous resident of Yuba County for one year? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. | Are you in possession of your natural faculties, of ordinary intelligence, of sound judgment and of fair character? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. | Do you speak, write and understand English? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. | Have you been discharged as a Grand Juror in any court of this State within the last year? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. | Have you ever served as a Grand Juror?
If so, what county and when? _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. | Have you applied for the Grand Jury in the past?
If so, what year(s)? _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. | Are you a registered voter? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. | Are you able and willing to define and evaluate issues without expressing personal bias? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. | If you are employed, does your employer know that you are interested in serving on the grand jury, and does he/she understand the nature and extent of the duties of a grand juror? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. | Are you capable of and willing to conduct detailed investigations of city and county governmental issues and prepare reports on those issues? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. | Are you currently serving as an elected public official or do you plan to run for public office within the next eighteen months? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14. | Are you related to and closely associated with any of the following: | | |
| | Yuba County Superior Court judge? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | Current or former elected or appointed public official? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | Current or former employee of any local governmental entity? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | If yes, please explain: _____ | | |
| 15. | As a member of any profession or organization or as a holder of any office, have you ever been suspended, disbarred or otherwise disqualified? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

16. Have you been charged with any of the following:

Malfeasance in office

Yes

No

Felony

Yes

No

Misdemeanor (including driving under the influence and reckless driving)

Yes

No

If you answered "yes" to any of the above, please provide details below:

Offense	City/State	Date	Penalty

*Please note that a misdemeanor conviction is not an automatic bar to acceptance of your application.
Each case is considered individually and confidentially.*

VI. CLUBS & ORGANIZATIONS

(List any fraternal, civic, professional, service or social organizations to which you have belonged.)

VII. GENERAL

Other interests, experience, comments or suggestions:

Is there anything you would specifically like to accomplish during your tenure on the grand jury?

Would you be willing to be the Jury Foreperson?

Yes

No

I hereby certify that the foregoing information is true and correct to the best of my knowledge and belief and is submitted in support of my application for selection as a member of the Yuba County Grand Jury.

Executed under penalty of perjury this _____ day of _____, 20____
at _____, California.

Signature of Applicant

NOTE

All applications to serve as a member of the Yuba County Grand Jury will be subject to investigation by an appropriate law enforcement agency relative to the statutory qualifications for service and any other information that may bear on the prospective Grand Juror's ability and suitability for service.

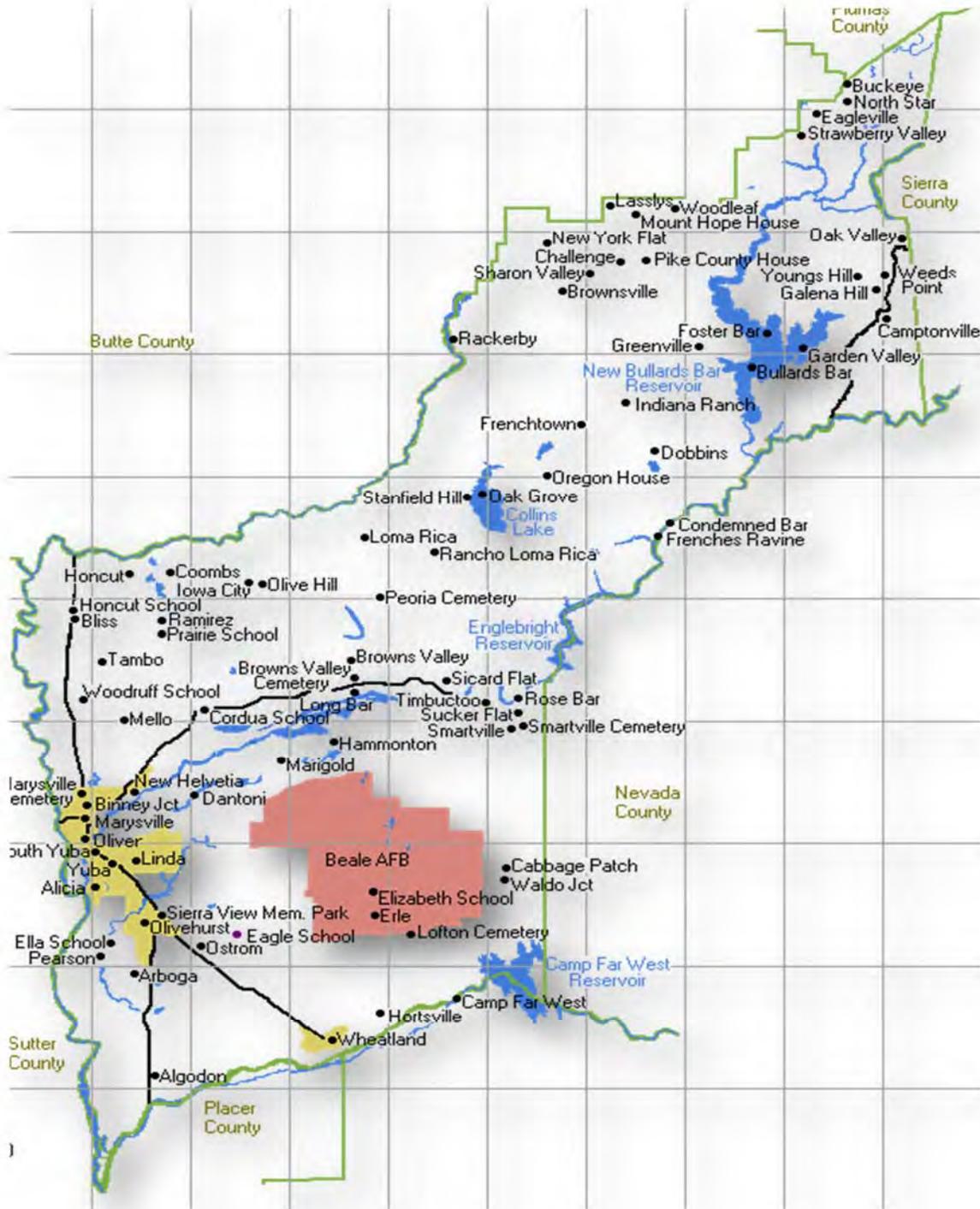
PLEASE RETURN COMPLETED APPLICATION TO:

YUBA COUNTY JURY SERVICES
215 Fifth Street, Suite 200
Marysville, CA 95901
(530) 749-7601
Website: www.yubacourts.org



Pursuant to California Rules of Court, rule 989.3 and the Americans with Disabilities Act (ADA), the Superior Court of California, County of Yuba does not discriminate against persons with disabilities. Please advise Jury Services (530) 749-7601 if you will require special accommodations to participate in this application process.

d. Map of Yuba County



e. Instructions for the Grand Jury Complaint Form

Filing a complaint with the Yuba County Grand Jury

GENERAL INFORMATION

A major function of the Yuba County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully. The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate a complaint is entirely at the Grand Jury's discretion and the decision may be affected by workload, resource limitations or legal restrictions. It is important to note that the Grand Jury may not investigate a matter that is currently being litigated in the court system.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations and issues it chooses to address are published in its final report.

COMPLAINT PROCESS

Fill out the Grand Jury complaint form as completely as possible. The Grand Jury is less likely to investigate complaints when the complainant does not include enough information to allow the validity of the issues to be evaluated. Present your complaint as early as possible in the Grand Jury term, because a complete investigation may take several months. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.

- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- Mail or deliver your complaint in a sealed envelope to:

<p>Yuba County Grand Jury, c/o Yuba County Superior Court, 215 Fifth Street, Suite 200 Marysville, Ca 95901</p>
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Instructions for the Grand Jury Complaint Form

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints submitted by citizens and investigated by the Grand Jury are published in its final report. The final report is the Grand Jury's principle means of communicating to the residents of the county the results of its investigations, its findings and its recommendations. The government entities reported on by the Grand Jury are required by statute to respond, and these responses are then made public.

GRAND JURY COMPLAINT FORM

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME:

ADDRESS: _____

TELEPHONE NUMBER: _____

GRAND JURY USE ONLY:

Date Received: _____

Number: _____

Subject: _____

NATURE OF COMPLAINT (Describe events in the order they occurred as clearly and concisely as possible. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Yuba County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Results

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

Your Name: _____

Address: _____

Telephone No: _____

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

Complainant's Signature

Date

(This blank form may be duplicated.)

07/03

g. California Penal Code 933.05

933.05. (a) For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the Grand Jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

(f) A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.