2011 – 2012 YOLO COUNTY GRAND JURY

FINAL REPORT

A Report for the Citizens of Yolo County, California

June 30, 2012
Woodland, California

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GRAND JURY
County of Yolo
P.O. Box 2142
Woodland, CA 95776

June 29, 2012

The Honorable David W. Reed
Advising Judge to the Grand Jury
Superior Court of California, County of Yolo
725 Court Street
Woodland, CA 95695

Dear Judge Reed,

The 2011-2012 Yolo County Grand Jury is pleased to present to you and the citizens of Yolo County our Comprehensive Final Report.

There was a significant decrease in the number of citizen complaints received by this year's Grand Jury. The panel considered ten citizen complaints as compared with last year's citizen complaints of 33. One of the complaints was referred from last year's Grand Jury. The complaints alleged problems in several departments or agencies within the County. We self-initiated two investigations based on the fact that the agencies had not been reviewed in quite some time.

The Grand Jury produced six reports: two on County detention facilities as mandated by California Penal Code, two based on complaints and two Grand Jury initiated investigations. The majority of the reports were released to the public throughout the year. One department has already responded (appended).

Not all of the investigations resulted in reports. Some matters were unsubstantiated and therefore dropped and others were not timely. Some complaints were received too late to investigate this year but will be referred to next year's Grand Jury for consideration. In addition to the civil investigations, the Grand Jury participated in two criminal investigations and two criminal indictment hearings at the behest of the District Attorney.

This year's panel represented a true cross section of Yolo County citizens in ethnic, geographic, economic, and educational diversity. It has been an honor and pleasure to serve as Foreperson of such an intelligent, hardworking, challenging and congenial group of nineteen. Without many extra efforts and long hours of several jurors, our work could not have been accomplished so well and timely. The Grand Jury also acknowledges the employees and officials throughout Yolo County whose support, cooperation and assistance aided in the completion of our work.

It has been our privilege to serve the citizens of Yolo County this year.

Marcella Harrison

Marcella Harrison, Foreperson
2011-2012 Yolo County Grand Jury

The 2011–2012
Yolo County Grand Jury

Marcella Harrison, *Foreperson, Davis*
Parry Benton, *Woodland**
Kathryn Boschken, *Davis*
Nancy Bramberg, *Davis*
James Cheney, *Davis*
Helena A. Chung, *Davis*
John K. Cook, *Davis*
Virginia L. Gonzales, *Woodland*
Jeffrey Huckins, *Woodland*
Robert Jennings, *Davis*
Marie L. Kearney, *Dunnigan*
Thomas K. Loewen, *Woodland*
Julia McMichael, *West Sacramento*
James O. Painter, *Woodland*
Maria Perla, *Woodland*
Erik Shank, *Woodland*
Patricia Timothy, *Woodland*
Travie J. Westland, *Davis*
Donna M. Wilson, *Woodland*
Enas H. Wilson, *Woodland*

**Parry Benton passed April, 2012*

ABOUT THE GRAND JURY

The United States Constitution's Fifth Amendment and the California Constitution require that each county appoint a Grand Jury to guard the public interest by monitoring local government. Per California Penal Code Section 888, the Yolo County Superior Court appoints 19 Grand Jurors each year from a pool of volunteers. These Yolo County citizens, with diverse and varied backgrounds, serve their community as Grand Jurors from July 1st to June 30th. The Yolo County Grand Jury is an official, independent body of the court, not answerable to administrators or to the Board of Supervisors.

FUNCTION

The California Grand Jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned *(Pen. Code, § 917)*; to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office *(Pen. Code, § 992)*; and to act as the public's "watchdog" by investigating and reporting on the affairs of local government *(*e.g., *Pen. Code, §§ 919, 925 et seq.)*. The purposes of any Grand Jury civil investigation are to identify organizational strengths and weaknesses and to make recommendations aimed at improving the services of county and city governments, school districts, and special districts under study. Based on these assessments, the Grand Jury publishes its findings and may recommend constructive action to improve the quality and effectiveness of local government.

Recommendations from the Grand Jury are not binding on the organization investigated. The governing body of any public agency must respond to the Grand Jury findings and recommendations within 90 days. An elected county officer or agency head must respond to the Grand Jury findings and recommendations within 60 days. The following year's Grand Jury will then evaluate and report on the required responses.

The findings in this document report the conclusions reached by this year's Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury's independent judgment. Some findings are the opinion of the Grand Jury rather than indisputable statements of fact. All reports included in the document have been approved by at least 12 jurors. Any juror who has a personal interest, or might be perceived to have a personal interest, in a particular investigation is recused from discussion and voting regarding that matter. All reports are reviewed by the Grand Jury's legal advisors to ensure conformance with prevailing laws.

While the Yolo County Grand Jury's primary function is civil review of government agencies, it is also called upon to participate in criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, the Grand Jury may investigate charges of malfeasance (wrongdoing), misfeasance (a lawful act performed in an unlawful manner), or nonfeasance (failure to perform required duties) by public officials.

The Grand Jury investigates complaints from private citizens, local government officials, or government employees; initiates investigations based on ideas generated from the jury; and follows California Penal Code that requires it to inspect the county's jails.

Copies of the Grand Jury's comprehensive final report, consisting of each year's individual reports on departments and agencies and responses to the prior year's report, are available in hard copy at the courthouse, in all public libraries, and on the Grand Jury's website, http://www.yolocounty.org/Index.aspx?page=780. The report may also be obtained by contacting the Yolo County Grand Jury at 530-406-5088 or at P.O. Box 2142 in Woodland, CA 95776.

Grand Jurors and all witnesses are sworn to secrecy and, except in rare circumstances, records of meetings may not be subpoenaed. This secrecy ensures that neither the identity of the complainant nor the testimony offered to the Grand Jury during its investigations will be revealed. The Grand Jury exercises its own discretion in deciding whether to conduct an investigation or report its findings on citizens' complaints.

HOW TO SUBMIT A COMPLAINT

Complaints must be submitted in writing and should include any supporting evidence available. A person can pick up a complaint form at the county courthouse, the jail, or any local library; can request a form be mailed by calling 530-406-5088 or by writing to the Grand Jury at P.O. Box 2142, Woodland, CA 95776; or by accessing the Grand Jury's website at www.yolocountygrandjury.org. Complaints should be mailed to P.O. Box 2142 in Woodland or sent to the Grand Jury's e-mail address, grand-jury@sbcglobal.net. It is not necessary to use the printed form as long as the essential information is included in the complaint. Complaints received after February, when the Grand Jury's work is coming to a close, may be referred to the next year's Grand Jury for consideration.

REQUIREMENTS AND SELECTION OF GRAND JURORS

To be eligible for the Grand Jury you must meet the following criteria:

- You must be a citizen of the United States.
- You must be 18 years of age or older.
- You must have been a resident of Yolo County for at least one year before selection.
- You must be in possession of your natural faculties, of ordinary intelligence, of sound judgment and fair character.
- You must possess sufficient knowledge of the English language.
- You are not currently serving as a trial juror in any court of this state during the time of your Grand Jury term.
- You have not been discharged as a Grand Juror in any court of this state within one year.
- You have not been convicted of malfeasance in office or any felony.
- You are not serving as an elected public officer.

In addition to the requirements prescribed by California law, applicants for the Grand Jury should be aware of the following requirements:

- Service on the Grand Jury requires a minimum of 25 hours per month at various times during the day, evening and weekend. During peak months, 40 hours a month is typical, with more hours for those in leadership positions.
- Jurors must maintain electronic communications to participate in meeting planning, report distribution, and other essential jury functions. Such communications can be supported by computers at local libraries or personal electronic devices.

Each spring, the Yolo County Superior Court solicits applicants for the upcoming year's Grand Jury. Anyone interested in becoming a Grand Juror can submit his or her application to the Court in the spring, usually in April. Application forms are available at the courthouse or from the Grand Jury's website at http://www.yolocounty.org/Index.aspx?page=786. Applications are managed by the Jury Services Supervisor, Yolo County Courthouse, 725 Court Street, Room 303, Woodland, CA 95695, telephone 530-406-6828. The Court evaluates written applications and, from these, identifies and interviews potential jurors to comprise the panel of nineteen citizens. Following a screening process by the Court, Grand Jurors are selected by lottery as prescribed by California law.

INVESTIGATIONS & REVIEWS

Yolo County Jail

SUMMARY

The Yolo County Jail is well managed and well maintained given the resources and challenges that it currently faces. Major changes are being implemented at the County Jail as a result of the state prison reform requirements of Assembly Bill (AB) 109 which shifts a large population of state prisoners to county jails. Correctional staff members are long term, dedicated county employees who are proactive in implementing programs to benefit the facility and the detainees.

REASON FOR VISIT

Pursuant to Penal Code Section 919(b) "The Grand Jury shall inquire into the conditions and management of the public prisons within the county".

ACTIONS TAKEN

The Grand Jury toured the Yolo County Jail, in Woodland, in September 2011. The jail consists of two major facilities: the Monroe Detention Center which houses the higher risk offenders and the Leinberger Memorial Center which houses the lower risk population. The Grand Jury met with the Division Commander, the Correctional Command Team and some members of the Sheriff's office staff. The Grand Jury tour included the following:

- records department
- sally port (controlled entryway) and intake areas
- booking/classification areas
- clothing exchange and property storage area
- visiting area
- control center
- medical treatment area/cells
- kitchen
- laundry facilities
- maximum security day room
- medium security day room and cells
- women's day room and cells
- Leinberger facility including day rooms, dorm style cells, dining hall, classrooms, showers
- drug dog presentation

The Grand Jury reviewed the Corrections Standards Authority (CSA) report dated November 3, 2010. This is a biennial report required by Penal Code Section 6031.1. The Grand Jury also reviewed the Yolo County 2011 Public Safety Realignment Report dated September 13, 2011, which outlines how Yolo County will assume the responsibilities statutorily mandated by AB 109. The Grand Jury met again with the Correctional Command Team in November 2011, to specifically investigate the impacts of AB 109 on the Yolo County Jail.

WHAT THE GRAND JURY DETERMINED

Population

Inmate overcrowding, recidivism rates and budget reductions continue to impact the operations of the Yolo County Jail. The maximum inmate population at this time for the Yolo County Jail is 422. The Grand Jury determined that there were approximately 400 inmates currently being housed, which would lead one to believe that the facility actually has additional capacity. However, the detainee classification system is the main determining factor of where a new inmate can be placed and with whom. Some detainees must be housed separately from other detainees, which does not allow the facility to house the maximum population of 422.

The process and philosophy of the correctional staff is that detainees earn respect and privileges based on their behavior. This process begins when a new detainee

arrives at the facility. The Grand Jury determined that when detainees are calm and respectful they earn privileges. If they are uncooperative they spend additional time in their cell. This process and philosophy is maintained the entire time they are detained.

All detainees must receive a medical exam upon intake, and medical staff is available 24/7 to complete these exams. The next critical step is the classification of each detainee during the intake process. Only individuals arrested on felony offenses are detained. Most misdemeanor detainees are booked and released. Each detainee is interviewed to identify gang affiliation, history of sexual offenses, confidential informants, race, religious preferences, federal inmates, etc. The Grand Jury determined that based on these interviews, many detainees must be housed separately for the safety of staff, the facility and other detainees. These detainees must be placed alone in cells that were designed to hold two detainees. This necessary safety precaution is one of the main causes of overcrowding at this facility. The Correctional Command Team is constantly re-evaluating detainees, reviewing their classification status and the nature of their crimes.

Assembly Bill 109 (AB 109) Implementation

The Grand Jury determined through interviews that AB 109 is the largest single change to the California prison system in state history. Its impacts, both positive and negative, cannot be determined so early in its implementation. It will take a minimum of two years to make any meaningful assessment of its desired outcomes on overcrowding and recidivism rates.

AB 109 was signed into law, and went into effect in the State of California on October 1, 2011. This criminal justice realignment mandates that certain felons in state custody will now serve their custody time in local county jails or alternative programs. The goal is to reduce overcrowding in state prisons and California's ever-increasing recidivism rates. The general rule is that only felons who are one of the three "nons", listed below, can be moved from state prison to county jail:

- non-violent
- non-sexual
- non-serious

The Grand Jury determined the major concern regarding this requirement is the detention of serious criminals in the Yolo County Jail. Prior to AB 109 implementation, when an offender was released from State prison, they were released on parole for up to three years. They were supervised by State Parole and if they violated their parole, they served their violation time in State prison.

Under AB 109, if a state prisoner who was serving their current sentence for a non-serious offense is released, they are released on what is now referred to as Post Release Community Supervision (PRCS) and are supervised by the local probation office. If PRCS is violated, the subject will now serve their 90 day revocation sentence in the county jail instead of going back to prison like parolees did. This happens whether or not a PRCS violator has violent, serious or sexual crimes in their background. As a result, the Yolo County Jail is now receiving more inmates with serious criminal histories.

This becomes problematic for Yolo County. It dramatically increases the jail population and it also results in serious implications in the classification system, which may mandate that a detainee be held in segregated custody. The Grand Jury determined that implementation of AB 109 makes population management even more difficult than in the past. In the first six weeks of AB 109 implementation, Yolo County Jail received 30-40 parole violators who would have previously been taken to state facilities.

The Grand Jury determined that there have been no new hires in the past three years and the County Jail lost twelve officers over that same period. The Grand Jury determined that the State has made additional funding available to offset the added costs to house these added detainees. In fiscal year 2011-2012, Yolo County received $3.3 million. This will allow the Yolo County Jail to increase staffing by eight correctional officers and four deputies.

Another major change is the proposed re-opening of a 30 bed wing in the Leinberger facility, which is a minimum/medium security facility. This wing has been closed since Fall 2010 due to funding reductions and resultant staffing reductions. Although the increased population requires the re-opening of this wing, it also

creates a challenge to identify detainees that can be moved to the minimum/medium security Leinberger facility.

The Grand Jury determined that the increased population at the Leinberger facility will also increase the number of detainees who could be eligible for the work release program. These detainees may provide community services such as fixing potholes, animal services, and kitchen and laundry duties. Detainees who participate in work programs receive a certificate at the end of the program. The average length of incarceration per detainee is forecast to be longer because of AB 109. The longer length of incarceration will allow more successful completions of the certificate programs.

A major challenge that has been felt immediately is the spiking medical and mental health costs with the increased number of parole violators being detained in Yolo County Jail. The combined average number of hours per month spent by detainees in a local hospital prior to AB 109 implementation was 20 hours. During the month of October 2011, detainees spent 180 hours in the local hospital.

The Grand Jury determined that the staff at the Yolo County Jail is dedicated, responsive and positive in their management of the detainees and the facility. There are many members of the staff who have over 20 years of employment at this facility, which strengthens the culture and unity of the staff. Staff strategically research new programs and implement them when they believe that they can positively impact the detainees. These programs are funded by the Inmate Welfare Fund (IWF) which uses revenues from the commissary and include:

- behavior modification through the use of privileges, as applicable
- "Visiting byAppointment" which revamped the visiting system by providing potential visitors the ability to make appointments for visits
- mental health socialization
- Alcoholics Anonymous
- Narcotics Anonymous
- anger management
- parenting skills

The facilities are well maintained and clean. Since this is a 24/7 facility, it is well worn and in some instances, inadequate for its function. The kitchen and laundry facilities not only serve the jail population, but also the juvenile detention facility. The kitchen and the laundry were scheduled for remodel in recent years but plans were put on hold due to lack of funding. The increase in the number of detainees will further stress the capacity of the kitchen and laundry facilities. There are generally ten detainees and two guards working in the kitchen. All cooks are required to have "Safe Serve Certification" and have been trained in kitchen safety. The kitchen is mandated by the state to serve special meals such as kosher, diabetic, and allergy-free, making some meals very costly to prepare and serve.

The medical, dental and mental health services are provided by a private firm, California Forensics Medical Group (CFMG), contracted by the Yolo County Health Department, through a competitive bidding process. This firm has held a contract for medical services at the Yolo County Jail since 1990. In June 2011 CFMG's contract was extended for five more years without a competitive bidding process. The last competitive bid for this service was held in December 2005.

The CFMG Facility Program Manager is knowledgeable, dedicated and has worked at this facility in this capacity for seven years. There is 24/7 access to medical care for all detainees and detainees can also refuse medical care at any time. The three medical holding cells were clean and well monitored by nursing staff. The number of detainees with mental and drug-related problems is increasing with the AB 109 changes. Jail officials are very concerned that the facility has outgrown the current capacity of medical beds.

FINDINGS

F1. County Jail officials are diligently working to implement changes at the jail mandated by AB 109.

F2. Results of the Realignment Plan will not be known for some time.

F3. CFMG has held a contract for medical services at the Yolo County Jail since 1990. The 2005 contract

with CFMG for medical services was renewed in 2011 for an additional five years without a competitive bidding process. The Grand Jury finds that the duration of this extension without a competitive bidding process needs review.

F4. The jail officials are pleased with the level of service provided by CFMG and their responsiveness to the jail population's changing needs.

F5. The County Jail building exteriors and grounds appear clean and well maintained.

F6. Medical beds, kitchen and laundry facilities may become inadequate as the detainee population increases.

F7. The Correctional Command Team and the jail staff are dedicated, long term employees who are fully trained and proactive which promotes a healthy culture and unity of staff.

RECOMMENDATIONS

R1. The contracting practice of Yolo County Health Department with CFMG should be reviewed to determine if contracting requirements have been met.

R2. Plans for remodeling/expansion of the laundry room, kitchen and medical beds should be implemented when funds become available.

REQUEST FOR RESPONSES

Pursuant to Penal Code Sections 933(c) and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Yolo County Health Department: Recommendation R1
- Yolo County Board of Supervisors: Recommendations R1 and R2

Yolo County Juvenile Detention Facility

SUMMARY

The Grand Jury found the Yolo County Juvenile Detention Facility (YCJDF) to be appropriately staffed, clean, well maintained, with good medical care and accessible educational programs. A well maintained library provides a variety of appropriate reading materials. The sports and exercise area is above average and is an important part of the YCJDF facility. The YCJDF has in place a set of rules to encourage the incarcerated minors to cooperate. They are given the opportunity to receive various privileges during their detainment when they comply with the rules.

REASON FOR VISIT

Pursuant to Penal Code Section 919(b) "The Grand Jury shall inquire into the conditions and management of the public prisons within the county".

ACTIONS TAKEN

The Grand Jury inspected the YCJDF, located in Woodland, in October 2011. The Grand Jury met with management, obtained background information, discussed policy and procedures, and was given an overview of how the staff handles various situations. While touring the facility the Grand Jury had the opportunity to meet with and ask questions of custodial, clinical and educational staff.

WHAT THE GRAND JURY DETERMINED

Staff

The management and staff were enthusiastic, dedicated, and proud of their work. Many of the staff members are bilingual, mainly in Spanish. The staff is required to be physically fit and complete peace officer training. The management and staff appeared to be dedicated to helping the detainees improve their lives through educational opportunities, behavior modification and special programs. Management and staff meetings are held regularly to go over the problems and needs of the staff and detainees.

Facility

The Grand Jury determined that the facility was clean, well maintained and temperature comfortable. The facility has a capacity of 90 detainees. There are three housing units called pods: A, B and C. Pod C is currently used as a library instead of a housing unit. The Grand Jury toured Pod A where females, younger males, and the "less sophisticated" federal juvenile detainees are housed. Pod B is used to house the more serious offenders, some of whom are facing charges as adults in Superior Court.

The YCJDF opened in 2006 and was designed to have four pods, however, only three have been built to date. Each pod includes 18 rooms, consisting of 6 single and 12 double detainee rooms. There are classrooms with computer stations in each pod. In addition, there is a supervised common area where detainees have an opportunity to watch television and eat their meals together. Showers are adjacent to the common areas.

The Monroe Detention Facility, located next to the YCJDF, provides the meals and most of the laundry service. However, some of the laundry needs are taken care of at the YCJDF. The food is nutritious and special diets are provided for detainees with special needs.

The sports and exercise area is an important part of the YCJDF facility. The exercise yard has new artificial turf that was installed in 2011 and is used for a variety of supervised games including football, soccer, etc. Courts are available for basketball and volleyball.

Security

The federal government considers YCJDF the only high security level facility for juveniles in Northern California. It has a modern central control room that electronically monitors all movement throughout the interior and outside perimeter.

Population

The Grand Jury determined that there are three pods with the capability of housing a maximum capacity of 30 detainees in each pod. Only two of the pods are being used at this time. There were an estimated 59 detainees at the time of the tour. Detainees have either been accused of felonies and/or are being detained by federal immigration authorities. YCJDF houses a population of juvenile offenders from across the nation, awaiting resolution of their immigration issues. The County has a contract with the Federal Government to house these detainees. Tuolumne County also contracts with Yolo County to house their juvenile offenders. Juveniles who are not federal detainees with minor offenses are booked and released or placed on probation. The following is an approximate breakdown of the population during the month of September 2011:

- Yolo County Detainees – 26 (44%)
- Federal Detainees – 27 (46%)
- Tuolumne County Detainees – 6 (10%)

The overall budget for the Yolo County Juvenile Detention Facility also includes the budget for the Work Alternative Sentencing Program and Transportation Unit as reported by the Yolo County Budget Report for 2011-2012. This budget includes the following revenue sources:

Revenue Source	Amount	Percentage
General Fund	$ 991,868	15%
Public Safety	$1,717,123	26%
Federal/State Government	$ 149,665	2%
Contract Fees (Federal and Tuolumne)	$3,853,415	57%
Total	**$6,712,071**	**100%**

Programs and Activities

The Grand Jury determined that detainees are evaluated for math, English, and reading skills. They are advised of policies, disciplinary procedures and due process rights. They are allowed contact with their families, when appropriate, through mail and weekly visits.

Educational, tutoring and literacy services are provided. There is an onsite school, Dan Jacobs School, operated by the Yolo County Office of Education. Detainees, upon request, may receive testing for a General Equivalency Diploma (GED). A number of classes are offered to keep them on track to obtain their high school diploma or GED. Seventy-one detainees have received their GED since 2004.

The Grand Jury determined that a medical professional is on site during the day and on call at night. A physician is on call 24/7. Medical evaluations are done within 96 hours of booking. However, if it appears there is a serious health risk, detainees are taken to the hospital for evaluation. Mental health services are available through the Yolo County Department of Alcohol, Drug and Mental Health. Psychiatric services are available via video conferencing and are not done face to face.

Community participation by local volunteers is important. According to staff, “We could not do what we do without them”. Volunteers and grant funding provide:

- mentoring programs
- spiritual services
- teen parenting skills
- coping skills
- Aggression Replacement Training
- Alcoholics Anonymous
- Narcotics Anonymous

The behavior modification process encourages better behavior through the use of rewards. Examples of the rewards would be to watch television and eat in the common area with other detainees.

FINDINGS

F1. The YCJDF is clean and well maintained.

F2. Medical care meets mandated requirements and is available as needed.

F3. The educational programs are a valuable resource for the detainees.

F4. Management and staff are dedicated, enthusiastic and well trained.

F5. Outside contracts with the Federal Government and Tuolumne County represent 56% of the population and 57% of the budget.

RECOMMENDATIONS

None

REQUEST FOR RESPONSES

None

Yolo County Probation Department

SUMMARY

The 2011-2012 Grand Jury investigation into the Yolo County Probation Department (YCPD) focused on YCPD employee training.

The Grand Jury found that the YCPD Policy Manual has not been fully revised and distributed since 1995, which has contributed to inconsistent direction of supervisors and staff, lower productivity and morale.

The Grand Jury found that YCPD does not have an adequate method to ensure that all new and current employees have the necessary training to perform the routine functions of their jobs. The YCPD has many training requirements including the implementation of State of California Assembly Bill 109 (AB 109) with its new approach to parole. The YCPD does not have a position designated to be in charge of all training requirements, but relies on management, supervisors and some staff members to individually be responsible.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury conducted a review of issues in the YCPD. In particular, the Grand Jury reviewed YCPD policy and procedures, YCPD employee training and staff morale.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts."

ACTIONS TAKEN

The 2011-2012 Grand Jury interviewed Human Resources (HR) staff and management, YCPD staff, supervisors and managers. The Grand Jury reviewed the Yolo County website, the YCPD website and the Yolo County Administrative Procedures Manual. The Grand Jury also reviewed the following documents:

- YCPD correspondence
- YCPD Memorandum of Understanding with Yolo County Probation Association (employee union)
- YCPD training plans, requirements and manuals
- portions of the YCPD Policy and Procedures Manual
- YCPD Case Management for High Risk Community Corrections Populations
- YCPD Standards of Performance for Probation Officer I/II

WHAT THE GRAND JURY DETERMINED

Overview of the YCPD

The YCPD reports directly to the Chief Administrative Officer (CAO) of Yolo County. The YCPD is responsible for supervision, case management and correctional treatment of delinquent youth and their families as well as adult felons on probation. This includes:

- monitoring youth who are placed in out-of-home settings
- operating the Juvenile Detention Facility
- completion of pretrial and presentence assessments and investigations to assist with judicial decision making
- supervision of pretrial defendants in the community
- investigation and assessment of all juvenile referrals

- preparation of juvenile dispositional reports and recommendations
- providing alternatives to custody such as the work alternative program for adult and youthful offenders

Mission Statement

"Yolo County Probation, in collaboration with our community, is committed to enhancing public safety by using data-driven practices that promote positive behavior change to improve outcomes for those affected by crime."

Goals

"Develop, implement, and evaluate cost-effective community corrections programming, including supervision, case management, and treatment that supports offender rehabilitation and reduces risk for re-offense.

Develop organizational infrastructure that maximally supports efficient collection of relevant data, analysis, evaluation, and continuous quality improvement."

YCPD Policy Manual

The Grand Jury found that although some sections of the policy manual have been updated, the entire manual was last revised in 1995 and is not routinely referenced by supervisors and staff. The YCPD Administration has designated resources to complete the update to the manual. The task may take one to two years to complete.

YCPD Training

The training budget is reportedly $107,000 for the current fiscal year, with a majority of the budget being spent on consultants and organizations that provide the training. This training covers the overall subjects to comply with the Standards & Training for Corrections (STC) and not the procedures that are necessary for a new employee to function effectively in the Probation Department. Most of the training is provided by the following entities:

- California Narcotic Officers Association
- National Institute of Corrections
- Chief Probation Officers of California
- California Forensic Medical Group
- Drug Endangered Children Training and Advocacy Center
- Sacramento Regional Public Safety Training Center
- Disability Response
- California Probation, Parole & Correctional Association
- Custom Training
- California Association of Probation Institution Administrators
- California Institute of Mental Health
- UC Davis Extension/Family Resource Center
- Monterey County Joint Gang Task Force
- Administrative Office of the Courts
- California District Attorneys Association
- American Probation and Parole Association
- Regional Training Center

The YCPD does not have a designated position to coordinate the Department's training programs. Currently, fiscal staff personnel monitor training expenditures and record the attendance of staff members in training sessions.

A designated position could work with supervisors to identify job-required, job-related training needed for employees to perform their job duties; and as appropriate, identify training for career advancement. Additionally, this position could ensure that needs assessments are completed, which would identify individual employee training needs.

State of California Assembly Bill 109

The YCPD was impacted in 2011 by the State's legislation, AB 109, that is designed to reduce the number of prisoners in California state prisons. Nonviolent offenders are returned to their counties and the counties must implement measures to process and

monitor them. Yolo County had to develop a plan of implementation with limited direction from the State of California. This situation posed stress and uncertainty on all entities involved in the implementation of the legislation, including the YCPD, the courts and others.

In May 2011, the first AB 109 training materials from the Chief Probation Officers of California (CPOC) were distributed to all affected employees in YCPD. The YCPD Administration established an Implementation Team (I-Team) composed of volunteer staff members from various units within the YCPD, with the task to prepare a plan and to train staff members to properly implement the requirements of AB 109.

In June 2011, the first meeting of the I-Team was held and training on AB 109 commenced. This voluntary training was offered to every employee in the YCPD. However, not all units were represented at this early stage of the training. This non-representation at this early training placed some staff at a disadvantage and made it more difficult to implement the changes required by AB 109 in an accurate and timely manner.

According to testimony, training continued in the Probation Department without any direction from any state entity or authority. A YCPD staff member was authorized to coordinate the activities of groups (Court, District Attorney and Public Defender) implementing AB 109 during July and August 2011. Additional training was conducted during September and October 2011 by Probation Department staff and an appointee of the court, with this training being the first training by any "authority" on sentencing related to AB 109 that had been organized in the State. Other counties have benefited from the training organized by YCPD. The Probation Department did receive $55,000 for AB 109 training from Standards & Training for Corrections for fiscal year 2011-2012 and is projected to receive $72,000 for fiscal year 2012-2013.

YCPD Staff Annual Reviews

The staff is required to have annual reviews conducted by their supervisor, reviewed by administration and then sent to Yolo County HR. Some of the reviews are not being completed in a timely manner, and the staff has questions concerning the purpose of the reviews and forms used in the reviews. The Grand Jury determined that some staff and supervisors are not comfortable with expressing their concerns and do not feel that their issues will be resolved if they are raised. The office morale, work place environment and employee productivity is affected by the lack of understanding between the employee and supervisor.

Staff Morale

The 2011-2012 Grand Jury determined that HR provided YCPD management with information regarding staff morale and workplace issues with the intent of making positive change and enhancing the performance of the department. Through consistent testimony, recommendations made by HR have not been fully implemented and no significant change has occurred.

FINDINGS

F1. Administration, supervisors and staff do not have clear directions on what is required of them within the Probation Department. The lack of an updated policy manual has resulted in inconsistent direction from different supervisors and department productivity may be affected.

F2. Lack of a designated position in charge of the training program has resulted in some employees in the YCPD not having an individualized training plan.

F3. There is no training in place for employees entering the YCPD, which defines routine requirements and procedures for them to become productive and eligible for career advancement.

F4. Annual reviews are necessary to provide the employee and supervisor with a clear understanding of what is expected of each other and help to develop a good working relationship and trust between the two.

F5. The type of annual review forms presently used lack the information necessary for supervisors to clearly inform employees of their performance, what they need to do to improve and what they need to do for advancement.

F6. Implementation of the HR recommendations could provide valuable information on the status of the workplace environment and identify areas that still need improvement.

RECOMMENDATIONS

R1. The YCPD Policy Manual should be completely revised and distributed to all employees by July 1, 2013.

R2. The Probation Department should designate a position to be in charge of the training program to ensure that employees have the necessary skills to properly perform the duties of their job in compliance with the Mission Statement and to meet the goals of the YCPD.

R3. All employees in the Probation Department need to be evaluated on an annual basis. A follow up system needs to confirm that the reviews are completed.

R4. The format and purpose of employee reviews should be made clear to all employees.

R5. The HR Department should implement periodic interviews with staff and supervisors to determine employee morale and their concerns about the office environment in the Probation Department. This information should be shared with the CAO, Chief Probation Officer and Assistant Chief Probation Officer.

R6. YCPD management should conduct follow-up interviews with YCPD staff to determine if the workplace environment and morale have been improved.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Sections 933(c) and 933.05, the Grand Jury requests a response as follows:

From the following governing bodies:

- Yolo County Probation Department: Recommendations R1, R2, R3, R4 and R6
- Yolo County Human Resources Department: Recommendations R3, R4 and R5

From the following individual:

- Yolo County CAO: Recommendations R5 and R6

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member who may have had a perceived conflict of interest. This juror was excluded from all parts of the investigation, including interviews, inspections, deliberations, and the preparation and acceptance of this report.

Dunnigan Fire Protection District

SUMMARY

The Grand Jury investigated the Dunnigan Fire Protection District (DFPD) also known as The Dunnigan Volunteer Fire Department, regarding the retention of volunteer firefighters, staffing protocol and possible Brown Act violations. The Grand Jury found no violations of the Brown Act process. The Grand Jury found the process for retention of volunteer firefighters was in compliance with policy. The Grand Jury did find deficiencies with the protocol for response to medical emergencies.

REASON FOR INVESTIGATION

This investigation was initiated in response to a complaint alleging violations of various policy and procedures related to the operation of the DFPD. The alleged violations include:

- Ralph M. Brown Act (open meeting) procedures
- retention of volunteer firefighters
- staff policies
- operational procedures

A county grand jury has limitations in its "watchdog" function. Generally, the grand jury has jurisdiction over any public entity that is supported by public funds that originate within the county. The California Penal Code allows the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including special districts and any incorporated city or joint powers agency located in the county. (California Penal Code Sections 925 and 925a)

A grand jury may at any time examine the books and records of a redevelopment agency, a housing authority, created pursuant to Division 24 (commencing with Section 33000) of the Health and Safety Code, or a joint powers agency created pursuant to Chapter 5 (commencing with Safety Code Section 6500) of Division 7 of Title 1 of the Government Code, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the methods or systems of performing the duties of such agency or authority. (California Penal Code, Section 933.1)

ACTIONS TAKEN

The Grand Jury interviewed the complainant, firefighter staff and members of the Dunnigan Fire Protection Board. The Grand Jury completed an oversight tour of the Dunnigan firehouse and community room in September 2011. The Grand Jury reviewed DFPD Policies and Procedures regarding recruitment, hiring and non-retention of probationary voluntary firefighters, District by-laws, Firefighters' Bill of Rights, training records, staff rosters, records of call response activities, and the Yolo County Radio Procedures Manual. Additionally, copies of Fire Protection District correspondence were reviewed.

WHAT THE GRAND JURY DETERMINED

Dunnigan is a small residential community approximately 25 miles north of Woodland. DFPD provides fire protection and emergency medical services to approximately 1,450 community residents (based on 2010 census), 300 of whom live in the Country Fair Estates, a senior mobile home park.

The Grand Jury determined that the average response time for rural fire departments such as Dunnigan is 10 minutes. DFPD's response time is slightly less than the average at 7.56 minutes. During the period of time from June 1-December 22, 2011, there were 14 medical calls at the mobile home park. These were approximately 10% of the total calls.

The fire station appears to be kept in good condition and is equipped with six fire trucks and one other vehicle. Equipment appeared well maintained. Turnout gear (firefighters protective clothing and gear) was not

viewed but the Grand Jury was informed that it was adequate and in good condition. New turnout gear is purchased on an as needed basis.

The Grand Jury determined through testimony that citizens interested in serving as a volunteer firefighter with the DFPD may submit an application to the Chief. The applicant's qualifications are reviewed, and if the applicant is qualified, the existing volunteers vote to accept or not accept the applicant. Volunteers serve a one year probation. Prior to the end of the probationary period, the volunteer firefighters vote again on whether to retain the person on a permanent status. This decision is based on the volunteer's performance, training and interpersonal skills.

The DFPD staff includes 22 volunteer firefighters, both local and out-of-area firefighters. Out-of-area firefighters comprise over 50% of the volunteers. Along with the one paid firefighter, they are required to staff the firehouse at least one day per five day week on a scheduled basis so that there are always two firefighters on duty Monday through Friday 8 AM to 5 PM. Evenings and weekends are covered by local firefighters. Other firefighters may report as available. The Grand Jury determined that only one full time firefighter is paid a full salary. The Firefighter Chief and the DFPD Secretary receive a stipend, which is less than a full salary.

After ten years of service, firefighters may apply to become reserve firefighters if they are unable to perform the regular duties of a firefighter. They are assigned to cover the office and perform other light duties. On occasion, cadets from local fire training facilities are accepted to assist with the DFPD workload. They may become full time volunteer firefighters after completion of the cadet training program.

As Dunnigan is a small community, sometimes local volunteer firefighters are not available immediately. Under the Mutual Aid process the Arbuckle Fire Department will be called for backup assistance. They have full time staff on duty and can respond in a reasonable time, approximately 10-15 minutes. The Grand Jury determined that Arbuckle assisted twice during the period of June 1-December 22, 2011.

The Grand Jury determined that when a response call is received, the firefighters are notified by radio, pager, phone and the District siren. The protocol is for at least two firefighters to report to the firehouse and then proceed to the call. The main purpose for this protocol is in case one is injured there is another responder able to assist and manage the situation. However, there are certain circumstances when this protocol is not followed. In responding to medical emergencies, where there is less risk to the firefighters, protocol may not be followed.

The Grand Jury determined through testimony that in medical emergency situations such as these, it would be more expedient for the first responder to use their personal vehicle and report directly from their location to the emergency rather than report to the fire station, while the second responder goes to the fire station and arrives at the scene with emergency equipment. Although these situations deviate from established protocol, the need is determined by the firefighter on a case by case basis and is reviewed by the Chief.

All DFPD firefighters receive training in public safety, medical and first aid, coronary pulmonary resuscitation, fire truck driving procedures, structure fires, woodland fires, and vehicle extraction.

A captain is the designated Training Officer. Training is provided on a regularly scheduled basis and all volunteers are required to be present unless excused.

The Grand Jury determined that there are only six certified medical technicians (CMT) and five emergency medical technicians (EMT) from the 22 total volunteers on the roster.

Although not required, the Dunnigan Fire Protection Board held an open meeting to hear personnel appeals. This meeting complied with the Brown Act requirements, therefore no violation occurred.

FINDINGS

F1. Retention procedure of the volunteer firefighters follows the DFPD policy.

F2. DFPD is adequately equipped and staffed with volunteers.

F3. DFPD's average response time is 7.56 minutes.

F4. Firefighting calls follow the protocol of firefighters reporting to the fire station upon responding to the call.

F5. Responders to medical emergency calls often do not follow protocol. The first responder to a medical emergency may respond from their location while the second responder is in route from the fire station with equipment.

F6. Over 50% of DFPD's firefighters live or work outside the area.

F7. DFPD has six CMTs and five EMTs to respond to medical emergencies.

F8. No Brown Act violations were found.

RECOMMENDATIONS

R1. Implement a standard written policy to inform all volunteer firefighters of the DFPD volunteer retention procedure.

R2. Identify and publish a protocol for response call situations that may be appropriate for the first responder to respond from their location directly to the emergency.

R3. Consider increasing the number of firefighters who are EMT trained.

REQUEST FOR RESPONSE

Pursuant to Penal Code Sections 933(c) and 933.05, the Grand Jury requests responses as follows:

From the following governing body:

- Dunnigan Fire Protection Board: Findings F1 and F8; Recommendations R1 and R2

From the following individual:

- DFPD Fire Chief: Findings F1, F4, F5 and F8; Recommendations R1, R2 and R3

Yolo County Adult Literacy Program

SUMMARY

Yolo Reads (YR) provides free tutoring to English speaking adults who want to improve their reading, writing, spelling and grammar skills. The program is well administered and effective in spite of recent budget cuts. Although budgets initially submitted to the Grand Jury contained conflicting information, the program is well managed and fiscally sound.

REASON FOR INVESTIGATION

The Grand Jury investigated YR to determine if it is fulfilling its purpose to promote literacy in Yolo County by providing free instruction to English speaking adult learners, and to determine if the program is meeting its fiscal responsibilities. The Grand Jury was particularly interested to determine if the substantially reduced budget for 2011-2012 has negatively impacted the literacy program.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant of state law for which the officers of the county are serving in their ex officio capacity as officers of the districts."

ACTIONS TAKEN

The Grand Jury interviewed Yolo County Library (YCL) personnel, reviewed documents, publications, and information relevant to YR, and downloaded pertinent information concerning YR from the library website. Items relevant to the investigation were:

- "Yolo Reads", Fall/Winter 2011. A periodical published by YCL
- "Yolo Reads", 1/6/12. An information paper published on the Yolo County website, www.yolocounty.org
- "Yolo Reads, Adult Literacy Program" (no date), a one page tri-fold brochure placed in all branch libraries providing basic information about the program
- YCL Adult Volunteer Application form
- Yolo Reads Volunteer Information Sheet
- Yolo Reads Learner Intake Form
- "Roles and Goals" progress sheet used by tutors and learners
- three budget scenarios for Yolo Reads, fiscal year 2011-2012
- final Yolo Reads budget, fiscal year 2011-2012

WHAT THE GRAND JURY DETERMINED

Overview of the Yolo Reads Program

YR is the adult literacy program for Yolo County and is in its fourth year of operation. According to YCL personnel, "One in six Yolo County residents cannot read and write sufficiently to carry out daily activities at work and home". YR provides free tutoring to adults who want to improve their reading, writing, spelling, and grammar skills. The YR program is designed for learners 16 years of age and older who are not in high school and who read below sixth grade level. Learners receive one-on-one support from volunteer tutors, free materials, free computer use, and access to YCL collections. YR operates in the seven branches of the YCL which are located in Davis, West Sacramento, Winters, Esparto, Clarksburg, Yolo and Knights Landing. The Woodland City Library is not part of the Yolo County Library system and therefore is not part of this report.

The primary focus of the YR program is on individual tutoring in reading and writing, emphasizing skills that are needed for practical, everyday activities.

In addition, YR has partnered with four branches of the YCL to offer English conversation groups to limited English speakers. The branches are the Mary L. Stephens Library in Davis, the Arthur F. Turner Branch Library in West Sacramento, The Esparto Regional Library, and the Winters Community Library.

Administration of the Yolo Reads Program

Yolo Reads benefits from a dedicated and highly educated library staff and versatile volunteers committed to the success of the program. The Yolo County Library administers the Yolo Reads program. Until late 2011 a full-time Literacy Coordinator, under the supervision of YCL administrators, managed the YR program. However, that position became vacant in December 2011, and due to budget cuts, has not been filled. YR is now administered by key YCL personnel who devote part of their time to YR duties and responsibilities. Although some YR activities have been curtailed as a result of reduced funding, the main operation of the program remains intact. A part time library assistant (16 hours per week) works exclusively on the YR program.

Volunteers

YR depends heavily on volunteers. All volunteers must complete an application, meet with library staff, and attend training sessions and/or access online training. Most volunteers serve as tutors and work one-on-one with learners. YCL staff determines if a volunteer is suited for tutoring. Library personnel provide training, materials, guidance and evaluation for the volunteers, but seldom engage in the actual tutoring themselves. YR has a number of bilingual volunteers who serve a diverse county population for whom English is a second language. Volunteers are not given stipends, nor are they reimbursed for travel expenses.

Although most volunteers serve as tutors, a few serve in other capacities, usually assisting the YCL staff who administer the YR program. All volunteers are asked to make a six month commitment. Many serve longer, even for several years, becoming dedicated to their students' success. In addition to other responsibilities, some volunteers lead the English conversation groups.

Adult Learners

YR students are referred to as adult learners. YCL publicizes the YR program through its branch libraries, with brochures, and online, but most of the learners hear of the program by word of mouth. Potential learners meet with a YR staff member who performs an assessment. Learners, like their tutor counterparts, must commit for at least six months. If accepted, learners are paired with a tutor. YR staff works to assure that learners and tutors are compatible.

Tutors and learners first work out a "Roles and Goals" plan of study. Most pairs meet once or twice a week for one to two hours each time, and some pairs continue to work together for two years or more. The number of pairs at any given time is between 50 and 60. At the time of the investigation, there were 50 pairs. The average learner is a 42-year-old male. YR conscientiously avoids a school-like setting, so no formal assessment is made of a learner's progress. Instead, the tutor and learner periodically review the learner's "Roles and Goals" sheet to determine which goals have been met and which need further work.

Yolo Reads Finances

Until 2011, the California State Library provided funding for literacy programs. The Federal Government matched the State's allocation. During 2011, the State Library cut off funding for literacy programs, therefore the Federal match ceased to exist. The YR budget for the fiscal year July 1, 2011 to June 30, 2012 is significantly lower than in previous years. According to YCL administrators, the actual cost of the 2010-2011 Yolo Reads program was $87,527. The 2011-2012 budget has been reduced to $30,645, which represents an approximate reduction of 65%. Currently all funding for YR comes out of YCL funds.

The Grand Jury determined that YCL has made a concerted effort to cope with the budget shortfall, but program adjustments have been necessary. Various YCL staff members are performing some of the duties of the previous Literacy Coordinator. Tutor training is still important, but one-on-one training has been replaced with group training. Tutors must now borrow

some of the training materials instead of getting their own copies.

However, the Grand Jury determined that the core program of one-on-one tutoring of learners has not been adversely affected. English conversation groups also continue. YR staff has shown flexibility in dealing with less money and fewer personnel, and have maintained a viable, meaningful program.

The Grand Jury found that the YR budget for 2011-2012, as presented to the Grand Jury, was in disarray. At one point three different "budget scenarios" were presented to the Grand Jury and not one of them was clear or accurate. Some line item entries were not valid and needed to be removed, and others needed to be inserted or changed. After repeated questioning and requests for budget clarification, the Grand Jury determined that key YCL personnel had not been diligent in using proper budget practices. However, the Grand Jury also determined that, to the best of its knowledge, there was no fiscal impropriety by YCL staff. Ultimately, YCL prepared a clear, well organized budget for the Grand Jury's review.

FINDINGS

F1. YR has a beneficial impact on a small number of people, helping them to improve in basic literacy skills needed for everyday activities.

F2. YCL administrators are adapting to changing financial and personnel conditions to maintain an effective literacy program in Yolo County.

F3. The versions of the budgets and actual costs submitted to the Grand Jury were conflicting and confusing.

RECOMMENDATION

R1. YCL administrators need to follow proper budgeting procedures and prepare a clear, accurate budget for Yolo Reads at the beginning of each fiscal year.

REQUEST FOR RESPONSE

Pursuant to Penal Code Sections 933(c) and 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Yolo County Librarian: Recommendation R1
- Yolo County Controller: Recommendation R1

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member who may have had a perceived conflict of interest. That juror was excluded from all parts of the investigation, including interviews, deliberations and the preparation and acceptance of this report.

Yolo County Workforce Investment Board

SUMMARY

Workforce Investment Board (WIB) membership composition is mandated by the Federal Workforce Investment Act (WIA) and must include members from a variety of community and business sectors of Yolo County (YC). The majority of members must be from the business sector.

The WIB has authority to make policy decisions for the YC One Stop Career Centers (One Stops). The Grand Jury determined that the WIB is often the passive recipient of information provided by the One Stop operators rather than the initiator of policy.

The Grand Jury found the following concerns:

- a lack of quorum at board meetings
- a deficit in the requisite number of business members
- business members may not have "optimum hiring authority or policy making authority"

REASON FOR THE INVESTIGATION

Given the high level of local unemployment, the Grand Jury was interested in learning more about the current labor market and the County's effort to create jobs and provide employment services.

California Penal Code Sections 925 and 925a allow the Grand Jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including special districts and any incorporated city or joint powers agency located in the county.

ACTIONS TAKEN

The Grand Jury attended three WIB general meetings, one executive committee meeting and toured the One Stops, located in Woodland and West Sacramento.

The Grand Jury interviewed:

- WIB members
- Department of Employment and Social Services (DESS) staff
- One Stop staff

The Grand Jury reviewed:

- federal legislation
- state regulations
- state recertification documents
- local resolutions, protocols and policies
- WIB orientation materials and by-laws
- WIB minutes, agendas and marketing materials
- job websites including the Virtual One Stop

WHAT THE GRAND JURY DETERMINED

The Workforce Investment Board

The WIA provides funds for local communities to assist job seekers, develop a work-ready labor force and to assist employers in understanding the local labor market, job creation and rapid response to downsizing. In Yolo County, this work is performed by the One Stops, operated by the DESS, with oversight by the WIB.

The WIB is a partnership of business, labor, education, non-profit, government and community leaders. The WIB is "to promote the participation of private sector employers in workforce investment activities". WIB membership composition is mandated by federal law (the WIA), as supplemented by state law. Board of Supervisors (BOS) Resolution 08-77 states membership must include:

- a majority from local private business
- two educational entities
- 10-15% from labor organizations
- two community-based organizations

- two economic development agencies
- each of Yolo County's One Stop Partners

The number of members (listed on the WIB roster as 39) can vary according to the percent of labor (10-15%) and the number of One Stop partners. New members do not receive formal orientation to legislative mandates, program operations or One Stop tours.

WIB by-laws state that "Representatives of local business organizations and business trade organizations shall be nominated by local business organizations and business trade organizations. They shall include individuals with optimum policy making or hiring authority. They shall represent businesses that reflect employment opportunities in Yolo County". (Resolution 08-77 Section 2c (i)). The WIB membership application form does not screen for "optimum policy making or hiring authority".

Certification of the WIB

All WIB's in California were subject to recertification in December 2010 by the California WIB. Recertification depended on the achievement of performance standards for employment of adults, dislocated workers, and youth, a showing that the WIB had carried out its mandated functions and complied with the membership requirements of the WIB. The WIB was required to explain any vacant positions.

In October 2010, the Yolo County WIB responded to the State, reporting six members short of the required business member majority. In explanation, the YC WIB noted that the vacancy times "vary due to the downturn in the economy resulting in business closures, and the expiration of term dates". The need to recruit business members was recognized and a recruitment strategy including "current board members reaching out to their business association contacts with the intent of having a business majority by the end of fiscal year 2010" was indicated.

The YC WIB was recertified by the California Workforce Investment Board in December 2010. However, because a majority of business members was lacking, the WIB is subject to continued reporting requirements, including a recommendation to provide a "timeline for recruiting business members". To date, no timeline has been submitted.

Business Membership

Business member attendance at board meetings has been sporadic, with some members not attending at all, contributing to a lack of a quorum. WIB by-laws permit removal of a member after three absences from the meetings, although this provision has never been used.

In July 2011, after limited success in recruiting private business representatives, the WIB assigned DESS staff, on a half-time basis, to recruit business members. The WIB is currently four members short of the required business member majority.

YC has a farm based economy. Testimony showed that no effort has been made to recruit members from agribusiness.

Quorum at Board Meetings

Due to a lack of quorum at previous meetings, the January 2012 agenda packet was 62 pages, much of which was previously un-ratified business. Minutes are not immediately available due to lack of quorum to ratify minutes.

In 2010, the WIB lacked a quorum for two meetings out of six and in 2011 attendance fell short of a quorum four out of six meetings. The current Board has considered increasing the meetings from bi-monthly to monthly in the hope of increasing commitment among its members. However, monthly meetings in 2009 also fell short of a quorum half the time.

One Stop Oversight

The WIB is granted responsibilities for the One Stops. In its recertification request, the WIB certified that it performs mandated functions including "Program oversight: The WIB provides guidance and oversight by establishing local policies for the One Stops, with focus on responsiveness to community and changing economic conditions".

The Grand Jury determined that the WIB is often the passive recipient of information provided by the

One Stop operators, rather than the initiator of policy.

DESS combines employment and social services at the One Stops. While the availability of these social services is a boon to the One Stops' job seekers, Board members acknowledge it does contribute to the misperception on the part of business that the One Stop has little to offer the business community.

The One Stops' current promotional packet advertises an "employer hot-line". Despite the WIB's stated intent to reach out to business, witnesses interviewed by the Grand Jury had no knowledge of what the "employer hot-line" was or what it did.

FINDINGS

F1. The general public and some businesses may not be aware of the services of the WIB and One Stop Career Centers.

F2. The WIB has not actively recruited agribusiness to the Board.

F3. The WIB business members are not screened for having "optimum policy making or hiring authority".

F4. New WIB members do not receive formal orientation to legislative mandates, program operations or One Stop tours.

F5. The business members of the WIB do not take an active role in establishing policy, but rather, are the recipients of information provided by the One Stop Career Centers.

F6. Ratification of WIB actions have been delayed due to the lack of a quorum at many scheduled board meetings.

F7. The WIB has not recommended removal of any members for absences of three or more, as permitted by their by-laws.

F8. Attracting business members to the Workforce Investment Board is a long standing issue in Yolo County. The WIB has not provided a timeline for recruiting business members nor have WIB members actively recruited from the business community.

RECOMMENDATIONS

R1. The WIB should create linkages with the business community and enlist aid from cities, Chambers of Commerce and the Yolo County Board of Supervisors to support their marketing efforts to increase public and business awareness of the WIB while increasing the WIB's connection to the business community.

R2. WIB members should actively recruit members from businesses, including agribusiness.

R3. The WIB application for business membership should be revised to screen for "optimum policy making or hiring authority".

R4. WIB members should tour and receive an orientation to the One Stops in both Woodland and West Sacramento by December 31, 2012.

R5. The WIB should provide the State with a timeline for recruiting business members by December 31, 2012.

R6. Member absences from WIB meetings should be reviewed. Absent members should be contacted to determine their interest in continuing with the WIB.

R7. WIB should provide services to unemployed individuals of any economic status by marketing the on-line career services of the One Stops.

R8. The WIB should circulate informational minutes to keep WIB members informed and interested.

GLOSSARY

DESS: Department of Employment and Social Services

Dislocated Workers: Laid off or terminated workers

EDD: California Employment Development Department

One Stop: Created by the WIA with oversight from the WIB and is operated in Yolo County by the DESS to provide employment assistance to employers and job seekers

Virtual One Stop: Internet site for employment assistance

WIA: Workforce Investment Act (Federal), August 1998

WIB: Workforce Investment Board, Yolo County established March 2000

REQUEST FOR RESPONSE

Pursuant to Penal Code Sections 933(c) and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Yolo County Board of Supervisors: Recommendations R1 and R6
- Department of Employment & Social Services Director: Recommendation R4

From the following individual:

- Workforce Investment Board Chair: Recommendations R1 through R8

APPENDIX

RESPONSES TO THE 2010–2011 YOLO COUNTY GRAND JURY FINAL REPORT

Yolo County Department of Employment and Social Services

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: 2010-11 FINAL REPORT DESS Report Date: 6/30/2011

Response by: HOWARD NEWENS Title: AUDITOR - CONTROLLER

FINDINGS

☑ I (we) agree with the findings numbered:

F5, F6, F7

☐ I (we) disagree wholly or partially with the findings numbered:

RECOMMENDATIONS

☑ Recommendations numbered: R1
have been implemented (attach a summary describing the implemented actions).

☑ Recommendations numbered: R2
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

☐ Recommendations numbered: _____
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 7/22/11 Signed: Howard Newens

Total number of pages attached 2

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July 22, 2011

RECEIVED
YOLO COUNTY
SUPERIOR COURTS
JUL 2 8 REC'D Clerk
By
Deputy

Honorable David W. Reed
Judge of the Yolo Superior Court
725 Court Street, Department 6
Woodland, CA 95695

Dear Judge Reed:

Response to the 2010-11 Grand Jury Final Report

Department of Employment and Social Services

Inquiry into Specified Timekeeping and Hiring Issues

In its final report released June 30, 2011, the Grand Jury has requested that the Yolo County Auditor-Controller respond to findings F5, F6 and F7 as well as recommendation R1 and R2 pertaining to the Yolo County Department of Employment and Social Services (DESS).

Finding F5: DESS employees do not report hours worked on a daily basis. Internal controls to monitor hours worked are inadequate, creating the potential for fraud or accidental misrepresentation.

Auditor-Controller's Response: We agree with the finding.

Finding F6: The new Absence Management program is an electronic version of "by exception" time reporting. It has the same potential for fraud because internal controls to monitor employee time and attendance are inadequate.

Auditor-Controller's Response: We agree with the essence of the finding but note that the Absence Management program does reduce fraud risk since it provides each supervisor with a visual check of the employee weekly attendance (in terms of approved time off). Nevertheless, the potential for fraud still remains.

Honorable David W. Reed
July22, 2011
Page 2 of 2

Finding F7: IT is attempting to adapt the new Absence Management program to capture timekeeping. The Oracle "Time and Labor" software can accommodate time, labor and daily attendance.

Auditor-Controller's Response: We agree with the finding.

Recommendation R1: Implement a standard employee time and attendance policy and procedure to report hours worked and leave taken on a daily basis which will alleviate the potential for fraud and will ensure an adequate audit trail exists. The system should provide for supervisorial approval.

Auditor-Controller's Response: This recommendation will be implemented. We worked with the County Administrator (HR Division) and County Counsel to develop a uniform countywide policy on employee timekeeping that we expect the Board to approve on August 2, 2011.

Recommendation R2: Identify funds to implement software such as the Oracle program or the enhanced function of PeopleSoft to alleviate the potential for time reporting fraud in the department and improve time, labor and attendance inefficiencies and inadequacies.

Auditor-Controller's Response: The essence of this recommendation will be implemented. A comprehensive timekeeping system such as the Oracle's Time and Labor module is cost prohibitive at this time, although it will be included in the list of long-term capital projects as part of a payroll system. In the meantime, the IT Department is working on an enhancement to the Absence Management system to provide for employee and supervisor certification of time worked and time not worked.

We appreciate the opportunity to provide responses to the Grand Jury Final Report.

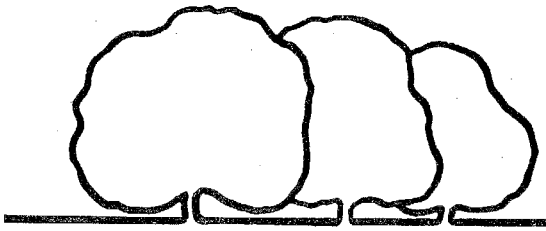
Sincerely,

Howard Newens
Auditor-Controller and
Treasurer-Tax Collector

Cc: Yolo County Board of Supervisors via Clerk of the Board
Patrick Blacklock, Yolo County Administrator

ASSURANCE OF ACCOUNTABILITY

City of Woodland Fire Department



City of Woodland

CITY COUNCIL 300 FIRST STREET WOODLAND, CALIFORNIA 95695 (530) 661-5800
FAX: (530) 661-5813

Artemio Pimentel, Mayor
Marlin H. "Skip" Davies, Vice Mayor
Martie L. Dote, Council Member
William L. Marble, Council Member
Tom Stallard, Council Member

September 6, 2011

Honorable David W. Reed
Advising Judge to the Grand Jury
Superior Court of California, Yolo County
725 Court Street
Woodland, CA 95695

Re: **City of Woodland Response to the 2010-2011 Grand Jury Report**

Dear Judge Reed:

The City of Woodland has carefully reviewed and considered the Findings and Recommendation set forth in the "2010-2011 Yolo Grand Jury Final Report – Woodland Fire Department Emergency Services Fees." This letter shall serve as the official response of the City Council of the City of Woodland ("City") to the Findings and Recommendation of the Yolo County Grand Jury ("Grand Jury").

FINDINGS

F1. City Ordinance No. 1506 deprives "responsible" parties of their due process rights, as the billing process does not provide proper notice or a formal method of contesting findings of responsibility.

The City respectfully disagrees with this finding. Ordinance No. 1506 complies with all applicable constitutional requirements.

F2. "Responsible" parties are treated inequitably, depending on their insurance coverage.

The City respectfully disagrees with this finding in part. The City agrees that Ordinance No. 1506 differentiates between responsible parties with and without insurance coverage. However, this distinction is not "inequitable" or otherwise improper. The City Council has the clear authority to rationally differentiate between those with and without

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City of Trees

coverage. Only billing parties with insurance coverage allows the City to target the responsible party without charging him or her directly. This process has a much higher collection rate and charges the fee against an insurance policy that, in many cases, covers these costs with no adverse affect to the policyholder.

Moreover, this finding ignores an important fact. The vast majority of drivers and property owners have insurance. In fact, vehicle insurance is legally required. Lastly, the City believes that it is important to reiterate a major policy basis for this arrangement. As noted on the City's website, the City fears that directly billing responsible parties will disproportionately affect the elderly population, especially those a fixed income, who would likely feel compelled to "help those nice firefighters."[1]

F3. Billings are linked to insurance policy language.

The City respectfully disagrees with this finding. Billings are not "linked" to insurance policy language. Pursuant to Ordinance No. 1506 and the City's agreement with its billing contractor, Fire Recovery USA ("FRUSA"), the City charges responsible parties' insurance carriers for emergency services. However, the City does not, and frankly is unable to, review a responsible party's insurance policy language before charging fees. As such, the City does not "link" any billings to specific policy language.

Of course, the City does not dispute that insurance carriers may be more or less likely to pay fees based on whether or not the services provided are covered by an individual policy. However, the City does not "link" billings to insurance policy language. Rather, it charges the responsible party's insurance carrier for the emergency services that were provided.

F4. City Ordinance No. 1506 is a form of double taxation for Woodland property taxpayers.

The City respectfully disagrees with this finding. Ordinance No. 1506 imposes a user fee; it does not impose a tax. As a general rule, the difference between a user fee and a tax is that a user fee is a charge for a service that does not exceed the reasonable cost of providing that service. In this case, Ordinance No. 1506 charges responsible parties for receiving emergency response services. The fees do not exceed the City's costs of providing these services. Therefore, Ordinance No. 1506 does not impose a tax.

F5. The FRUSA contract has not met its financial goals.

The City agrees with this finding. The City has not received the expected amount of revenue from the program. Of course, and as noted in the City response to the Grand Jury's previous report on Ordinance No. 1506, there is very little the City can do to increase the revenue generated by the program. The City cannot charge fees that exceed the City's costs of providing emergency responses by its Fire Department.

F6. Record-keeping by both FRUSA and WFD is inadequate and is not auditable.

[1] See http://cityofwoodland.com/gov/depts/fire/fire_response_billing /default.asp.

The City respectfully disagrees with this finding. Both the City and FRUSA maintain adequate and appropriate records. Moreover, all City departments, including the Woodland Fire Department, conduct and are subject to regular audits. In addition, the City is entitled to audit FRUSA's records regarding the program.

F7. The time it takes WFD personnel to gather and submit pertinent data does not make economic sense given the important public safety demands on their time.

The City respectfully disagrees with this finding for two reasons. First, the City disagrees with this finding because the Grand Jury's admittedly cursory review actually demonstrates a net economic benefit of the program. Given the City's budget difficulties, any net monetary gain from the program helps ensure that the City can continue to provide a first rate Fire Department. Second, the City disagrees with this finding because the Grand Jury's $100 per incident cost is not documented or otherwise supportable by any information or calculations. It appears to be a guess at the per incident cost of the program. While the City understands and appreciates that the Grand Jury has limited time and information, the City believes that $100 per incident is an overestimation of the program's true cost. Given that City staff collects and documents emergency response information for other necessary purposes, any City staff time spent collecting FRUSA-specific information is de minimis. Accordingly, the actual economic benefit of the program is much greater than that estimated by the Grand Jury

RECOMMENDATIONS.

R1. Repeal City Ordinance No. 1506 or discontinue its enforcement.

Response: The City Council is currently reviewing Ordinance No. 1506 and will determine whether or not Ordinance No. 1506 should be modified or repealed at the conclusion of that process.

Timing: In progress with a decision expected shortly.

CONCLUSION

The City welcomes and appreciates the Grand Jury's interest in the City's user fee program for emergency services. The City is confident that this letter effectively addresses the concerns raised in the 2010-2011 Yolo County Grand Jury Report.

Sincerely,

Artemio Pimentel
Mayor

cc: Members of the Woodland City Council
Kathleen Jean Stock, Foreperson

3

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge and the Grand Jury Foreperson.

Report Title: Woodland Fire Department Report Date: June 30, 2011

Response by: Woodland City Council Title: N/A

FINDINGS

[X] I (we) agree with the findings numbered:

F5

[X] I (we) disagree wholly or partially with the findings numbered:

F1, F2, F3, F4, F6 and F7

RECOMMENDATIONS

[X] Recommendations numbered: R1 - See Ordinance No. 1532 attached
have been implemented (attach a summary describing the implemented actions).

[ ] Recommendations numbered:
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

[ ] Recommendations numbered:
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 9/6/11 Signed:

Total number of pages attached 2

ORDINANCE NO. 1532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA REPEALING SECTIONS 9-12 AND 9-13 OF THE WOODLAND MUNICIPAL CODE RELATED TO USER FEES FOR EMERGENCY SERVICES

WHEREAS, the City Council of the City of Woodland adopted Ordinance No. 1506 authorizing the establishment of and imposing user fees for specified emergency response services ("User Fees");

WHEREAS, the City Council no longer desires to impose and collect the User Fees; and

WHEREAS, City Council wishes to repeal the applicable portions of Ordinance No. 1506 and otherwise discontinue the imposition and collection of the User Fees;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated as though fully set forth herein.

Section 2. Repeal. Sections 9-12 and 9-13 of the Woodland Municipal Code are hereby repealed and of no further force or effect.

Section 3. Repeal. The schedule of fees adopted pursuant to Section 4 of Ordinance No. 1506 is hereby repealed and of no further force or effect.

Section 4. Further Efforts. The City Manager is hereby authorized and directed to take any and all actions necessary to cease the continued imposition and collection of the User Fees, including, but not limited to, terminating any agreements with third party collection vendors. Notwithstanding the foregoing, any User Fees imposed prior to the effective date of this Ordinance shall remain valid and any outstanding amounts owed to the City or any third party collection vendor on the City's behalf for such fees may be billed and collected as permitted by applicable law.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 6. Effective Date and Publication. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in the Daily Democrat, a newspaper of general circulation, printed and published in the city of Woodland and county of Yolo, at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post

-1-

a certified copy of the proposed ordinance in the office of the City Clerk, and with fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED AND ADOPTED this 6th day of September, 2011 by the following vote:

AYES: **Council Members Dote, Marble, Stallard and Pimentel**
NOES: **Council Member Davies**
ABSENT: **None**
ABSTAIN: **None**

Art Pimentel
Mayor

ATTEST:

Ana Gonzalez
City Clerk

APPROVED AS TO FORM:

Andrew Morris
City Attorney

-2-

Washington Unified School District

BOARD OF EDUCATION
Dave Westin, President
Teresa Blackmer, Vice-President
Mary Leland, Member
Adam Menke, Member
Sandra Vargas, Member

SUPERINTENDENT
Dayton Gilleland, Ed.D.

930 Westacre Road • West Sacramento, CA 95691 • (916) 375-7600 • Fax (916) 375-7619 • www.wusd.k12.ca.us

September 1, 2011

Honorable David W. Reed
Yolo County Courthouse
725 Court Street, Department 6
Woodland, CA 95695

Honorable David W. Reed:

This correspondence is in regards to the Grand Jury, County of Yolo's report for the 2010-2011 in which it referenced the Washington Unified School District and Yolo High School Site Council. Per the requirements of responding to the findings and recommendations of the report, the Washington Unified School District and Yolo High School respectfully submit the following:

Recommendations
There were two (2) recommendations made by the Grand Jury, both of which appear to be reasonable and obtainable. Washington Unified School District and Yolo High School accepts Findings F1-F4 and will act on these recommendations.

Recommendation 1. *WUSD should monitor the District's schools to ensure that site councils are property constituted and valid SPSAs are submitted.*

The District took steps to remedy the problem with the Yolo High School Site Council (YHSSC) as soon as the original complaint was made and immediately began planning for more effective monitoring of all district schools to ensure that site councils are properly constituted and valid SPSAs are submitted. The district plan includes the following components:

- The purchase of an online SPSA template (SPARCS) to facilitate the development of comprehensive and compliant SPSAs, including SSC membership information. The online program also allows for ongoing monitoring by district office staff who can review progress on the plan at any time.
- The scheduling of collaborative SPSA work sessions at which all principals (and other key site staff) will come together to receive training and to work on various components of the SPSA using the new online template. The meetings will provide opportunities for ongoing monitoring and sharing of best practices. Five meetings have been scheduled for the 2011-12 school year.

Honorable David W. Reed
Judge of the Yolo Superior Court, Department 6
Page Two
September 1, 2011

- The creation of a planning calendar to be provided to all site administrators which highlights key planning activities and important topics for SSC meeting agendas
- The development and distribution of planning resources, such as sample SSC by-laws and templates for SSC agendas.

It is the district's belief that implementation of these support structures will ensure that all district schools will clearly understand the requirements regarding the composition of the SSCs and the role of the SSC in the development and approval of valid SPSAs.

Recommendation 2. *Yolo High School should retain and make available copies of school site council meeting notices, agendas and minutes.*

As detailed above, Yolo High School will be an active participant in the District's plan to facilitate and support the work of the schools in the establishment of properly constituted school site councils and the development and submission of valid SPSAs. Yolo High School, through the leadership of the school principal, shall convene the SSC on a regular monthly basis, post notices of where and when meetings shall occur, with an agenda, ensure that elected personnel attending the meeting conform to the by-laws, and shall keep the minutes of the meetings. In short, Yolo High School will adhere to the recommendations of R2 from the Grand Jury Report.

Should you have any additional questions or require further information, please do not hesitate to contact me at 916-375-7604, ext. 1236 or dgilleland@wusd.k12.ca.us.

Sincerely,

Dayton Gilleland, Ed.D.
Superintendent

Esparto
Community Services District

Esparto Community Services District
Dedicated to Safe Water and Responsible Waste Management

P.O. Box 349, 26490 Woodland Ave, Esparto, CA 95627
Phone: 530-787-4502 Fax: 530-787-4219

From the Office of the Administrative Assistant

Grand Jury
County of Yolo
P.O. Box 2142
Woodland CA 95776
530-406-5088

Re: Grand Jury Report: Esparto Community Services District Brown Act and Ethics Policy Violations

Dear Members of the Grand Jury:

The Board of Directors of the Esparto Community Services District have enclosed the responses requested for the findings and recommendations noticed in the Grand Jury Report received in the District office on May 23, 2011.

FINDINGS:
Item F1 - Multiple instances of Brown Act violations and ECSD ethics policy violations were committed in the period studied, principally via e-mail. Ethics violations revolve around communications, chain of command, mutual respect and teamwork. Even after these matters were brought to the attention of the Board, violations continued.

F1 Response (Consensus of the Board)
ECSD Board of Directors respects Grand Jury findings and is committed to compliance with the Brown Act.

ECSD Board of Directors shall receive a packet of all policies that pertain to Board ethics. All Directors pledge to review, abide by and strive for our actions to live up to the intent contained in those policies.

Item F2 - The District does not have a process by which the Board can deal with alleged violations of the Brown Act or ECSD policies and procedures.

F2 Response (Consensus of the Board)
ECSD Board of Directors shall develop and enact a Policy regarding alleged Brown Act or ECSD Policy violations.

Item F3 - The Board has not received training in its roles and responsibilities, vis-à-vis the staff, so it can honor the chain of command as defined in the District's policies and procedures manual.

Item F3 - The Board has not received training in its roles and responsibilities, vis-à-vis the staff, so it can honor the chain of command as defined in the District's policies and procedures manual.

F3 Response (Consensus of the Board)
ECSD Board of Directors pledges to receive training in the area of "chain of command" and Board/Staff relationship.

Item F4 - The Board does not follow consistently Robert's Rules of Order or any other meeting management techniques and therefore the meetings are at times unprofessional and chaotic.

F4 Response (Consensus of the Board)
ECSD Board of Directors commits to review Robert's Rules of Order.

Item F5 - The Board has had several sections of proposed revisions to the policy manual pending for several months, and some approved sections are not date-stamped, leaving some Board members confused about which version is in effect.

F5 Response (Consensus of the Board)
ECSD Board of Directors shall bring any pending Policy revisions to conclusion and make the appropriate corrections, following proper District procedure.

Item F6 - The Board is micro-managing the staff by making special requests for business e-mail, questioning well-established business practices, and performing management tasks reserved for the General Manager.

F6 Response (Consensus of the Board)
ECSD Board of Directors pledges to receive ongoing training in the area of "chain of command" and Board/Staff relationship.

Item F7 - Because the Board does not receive orientation in managing public utilities, members are ill-equipped to opine on technical and financial management issues unless they bring expertise with them.

F7 Response (Consensus of the Board)
ECSD Board of Directors is currently conducting public outreach and pledges to continue receiving training in the area of "management of a Public Utility".

Item F8 - The Board does not have adequate accounting and human resources support. As a result, the Board is hampered in its decision-making ability.

F8 Response (Consensus of the Board)
ECSD Board of Directors is committed to acquiring adequate accounting and human resources support.

Item F9 - The District's web page is inadequate and inefficient. A comprehensive web page would inform the public of office hours, service areas, billing and rates, mailing addresses and drop box

information, late fee and shut-off policies, service outages, meeting schedules, rate information and other commonly-asked questions (FAQ) from community members and customers should be well-known by the District. The lack of a website with a FAQ spot hinders communicating with ratepayers about common questions.

F9 Response (Consensus of the Board)
ECSD is in the process of web site design and is committed to establishing a web site no later than January 2012.

RECOMMENDATIONS:

Item R1 - Consult with outside agencies to assist the Board in developing best practices to assure its compliance with the Brown Act, the District's code of ethics, and other ECSD policies and procedures.

R1 Response (Consensus of the Board)
ECSD shall consult with outside agencies when appropriate.

Item R2 - Reverse the Board practice of not discussing Brown Act and ethics policy violation concerns in public. Encourage free discussion as concerns arise.

R2 Response (Consensus of the Board)
ECSD Board of Directors shall enact a Policy regarding alleged Brown Act or ECSD Policy violations.

Item R3 - Require Brown Act and public governance training for Board and staff on a regular basis, preferably annually. ECSD should engage County Counsel or Special District Institute for this.

R3 Response (Consensus of the Board)
ECSD Board of Directors has received training in the area of "management of a Public Utility" and pledges to continue receiving training.

Item R4 - Identify opportunities for Board members who require training on how public utilities/community service Districts are operated. Training should include how to read and interpret financial statements and how fund accounting enterprises work. Utilize County Auditor or outside training with other organizations such as Special District Institute for this purpose. Staff should offer a workshop to Board on how ECSD is run. Training should be repeated once every two years.

R4 Response (Consensus of Board)
ECSD Board of Directors continues to receive training per state requirements in the area of "management of a Public Utility" and encourages utilizing training opportunities as they arise.

Item R5 - The Board should conduct an annual workshop for itself to review ECSD organization, functions and the policy and procedure manual. This workshop should include training on how to run effective meetings.

R5 Response (Consensus of the Board)
ECSD Board of Directors commits to review Robert's Rules of Order.

Item R6 - Complete revisions to series 4000 and 5000 of policy manual that deal with Board operations by September 1, 2011. Provide formal training for the Board and administrative staff no later than November 1, 2011.

R6 Response (Consensus of the Board)
ECSD Board of Directors continues to evaluate and revise Policy to meet District needs.

Item R7 - Consider using a professional facilitator to develop effective communications between and among Board and staff and to assist in completing the District's strategic plan.

R7 Response (Consensus of the Board)
ECSD Board of Directors currently uses professional consultants.

Item R8 - Consider revising position descriptions or sharing resources with other municipalities to provide adequate accounting and human resources functionality for the District.

R8 Response (Consensus of the Board)
ECSD Board of Directors continues to review and revise position descriptions and share resources with other districts.

Item R9 - Complete the ECSD webpage, as described in F9 above, no later than January 2012.

R9 Response (Consensus of the Board)
ECSD Board of Directors is committed to an operational website prior to January 2012.

If you should have any questions or concerns please contact the Board of Directors through the District office via, Phone: 530-787-4502, Fax: 530-787-4219, by e-mail: ecsd@ecsd-ca.org, or by mail: P.O. Box 349, Esparto CA 95627.

Sincerely,

President Melissa Jordan
Esparto Community Services District

City of Davis
Affordable Housing Program

July 14, 2011

Yolo County Grand Jury
PO Box 2142
Woodland, CA 95776

Dear Members of the Yolo County Grand Jury:

This letter is written on behalf of the City Council of the City of Davis and the Redevelopment Agency Board of the City of Davis (the "City"), and the Davis City Attorney ("City Attorney"), pursuant to Penal Code Section 933.05 and responds to the Grand Jury Report filed May 19, 2011 (the "Grand Jury Report").

I. Findings.

The Grand Jury requested City response to Findings F4 through F18 presented in the Grand Jury Report and Attorney response to Finding F6 presented in the Grand Jury Report. The City has reviewed all of the findings and appreciates the time that the Grand Jury took in gathering and examining the information. The City and the City Attorney will consider these findings going forward, and in some cases, like with Finding 6, the City and its Agency have already adopted a more regular habit of accessing additional expertise through third party consultants in the review and oversight of projects.

While the findings seem reasonable, and the City/Agency concur with the majority, the City and Agency do have a concern with Finding 7. The City and the Agency believe that DACHA was an independent entity and that neither the City nor the Agency had any authority to require DACHA to take any particular action. Both the City and the Agency provided information and assistance to DACHA; however, neither the City nor the Agency was responsible for the decisions of DACHA. Neither the City nor the Agency had any formal regulatory oversight over DACHA. The only legal remedies that the City and the Agency had were remedies if DACHA defaulted on its Agency loan or if DACHA violated the affordability restrictions on the housing units. The City maintains that it could not force an organization to accept units it did not wish to receive/purchase from a project developer. The Davis Area Cooperative Housing Association (DACHA) Board provided a letter to the City in June 2006 requesting that new units not be provided to DACHA, as new units were seen by the DACHA Board to "represent a financial risk to the organization." Requiring an unwilling third party organization to accept units goes beyond what the City can or should control. The City also received correspondence from the project developer in which it noted that it understood the City was under no legal obligation to provide affordable units to DACHA.

Response to Grand Jury

2. Recommendations. The Grand Jury requested City response on the four recommendations in the report and City Attorney response on the fourth recommendation:

R1-R3 The City appreciates the recommendations and will incorporate them into future decisions about affordable housing programs and projects.

R4 The City and its City Attorney agree that sale of the former DACHA affordable housing units at any price, affordable or market rate, would require deposit of those proceeds into the City's affordable housing program fund. Further, the City Attorney has also determined that sale of those units at a market rate would require their future replacement within the affordable housing program through units at an equal or greater amount of affordability.

On behalf of the City of Davis and the Davis Redevelopment Agency, we thank you for your thorough analysis of the city's affordable housing program, with emphasis on the DACHA project, and the resulting recommendations and findings included in the Grand Jury report. The City of Davis, the Davis Redevelopment Agency, and the City/Agency Attorney respectfully submit this response to the Yolo County Grand Jury.

Sincerely,

Joseph F. Krovoza
City of Davis Mayor & Redevelopment Agency Chair

Kara K. Ueda
Assistant City/Agency Attorney

Winters Joint Unified School District

WINTERS JOINT UNIFIED SCHOOL DISTRICT

909 WEST GRANT AVENUE, WINTERS, CA 95694

530 / 795-6100 FAX 530 / 795-6114

EMILIE SIMMONS
ACTING SUPERINTENDENT

BOARD OF TRUSTEES

Matt Brickey
David Hyde
Dan Maguire
Michael Olivas
David Reynoso
Robyn Rominger

August 19, 2011

Honorable David W. Reed
Supervising Judge, Yolo County Grand Jury 2010-2011
Superior Court of California, County of Yolo
725 Court Street
Department 6
Woodland, CA 95695

Re: Grand Jury Report dated May 23, 2011:
Winters Joint Unified School District Board of Trustees and Administration Deportment

Dear Judge Reed:

Pursuant to California Penal Code sections 933 and 933.05, enclosed please find the Response of the Winters Joint Unified School District to the Yolo County Grand Jury Report released to the public on May 23, 2011, entitled "Winters Joint Unified School District Board of Trustees and Administration Deportment."

We endeavored to respond fairly and honestly to the Findings and Recommendations, and trust that we have adequately addressed all issues about which the District is required to respond. Please contact the undersigned with any questions regarding the District's Response. The District expresses its appreciation to the Grand Jury for its attention to this matter. Thank you.

Respectfully submitted,

Dan Maguire

Dan J. Maguire
President, Board of Trustees
Winters Joint Unified School District

cc: Freddie Oakley, Yolo County Clerk-Recorder
WJUSD Office of the Superintendent
Electronic copy sent to: grand-jury@sbcglobal.net

WE LEARN TOGETHER / APRENDEMOS JUNTOS

RESPONSE OF THE WINTERS JOINT UNIFIED SCHOOL DISTRICT
TO THE YOLO COUNTY GRAND JURY REPORT DATED MAY 23, 2011
"Winters Joint Unified School District Board of Trustees and Administration Deportment"
August 19, 2011

GRAND JURY FINDINGS

F1. The failure to fully and fairly disclose the existence of financial or strong personal relationship between the parties to a contract is a violation of State law and District Bylaws. A further violation occurred when the designated employee participated in the selection of the consultant. These violations could allow the District to nullify the contract and consider discipline for the designated employee.

District Response to F1:

AGREE that failure to fully and fairly disclose the existence of a financial relationship between the parties to a contract would be a violation of State law and District policies.

AGREE that failure to fully and fairly disclose the existence of a strong personal relationship between the parties to a contract may be a violation of State law and District policies.

AGREE that prior to a consultant performing work reviewing the high school schedule and programs, the designated employee did not disclose to the Board of Trustees that she had any relationship with him at all, even though she was dating him at the time. The consultant who was the lead on the high school work had been recommended by the consultant whom the designated employee was dating. The designated employee was the one who recommended and effectively selected the consultants for this work.

The two consultants worked together to review the high school schedule and programs in February 2010. The consultant whom the designated employee was dating was not paid for the mid-February 2010 work reviewing the high school schedule and programs.

After the mid-February work was performed, the designated employee did disclose in writing to the Board of Trustees that she had a "personal relationship" with one of the consultants. This disclosure did not expressly reveal the true nature of her relationship with the consultant. The consultant was actually her paramour; they were dating. The written disclosure of a "personal relationship" was made after the consultants had already performed their work on the high school schedule and programs; this disclosure to the Board of Trustees was made before the Board's vote on releasing the other designated employee from his administrative position. However, this disclosure was not produced to the public in response to a Public Records Act request. Instead, this disclosure was redacted from the District's response to that Public Records Act request.

Of these two consultants, the one whom the designated employee was dating also subsequently worked as a math consultant for the District with regard to the high school, under a separate

RESPONSE OF THE WINTERS JOINT UNIFIED SCHOOL DISTRICT
TO THE YOLO COUNTY GRAND JURY REPORT DATED MAY 23, 2011
August 19, 2011
Page 2 of 10

contract entered into in April 2010, with that work being performed during the 2010-11 school year.

AGREE that the designated employee may have placed herself in a position in which her personal interest and bias toward one of the consultants may have influenced her interpretation of and decision to rely upon the work of the consultants in reviewing the high school schedule and programs.

DISAGREE that a consultant contract may be unilaterally nullified by the District for the designated employee's failure to timely and unequivocally disclose she was dating one of the consultants, where no proof of financial conflict of interest existed. AGREE that had there been proof of an undisclosed financial relationship, the consultancy contract may have been subject to nullification.

AGREE that consideration of discipline and/or negative evaluation of the designated employee may be warranted for failure fully and fairly to disclose, prior to commencement of their work, that she was dating one of the consultants whom she had selected to participate in reviewing the high school schedule and programs.

F2. The consultant may have been a factor in WJUSD's decision not to renew another designated employee's contract. Disclosure of the amorous relationship between the consultant and a designated employee may have influenced the Trustees' decision.

District Response to F2:

AGREE that the consultants' work reviewing the high school schedule and programs may have been a factor in the District's decision to release the other designated employee from his administrative assignment.

AGREE that full and timely disclosure of the amorous relationship may have influenced some Trustees' decisions.

F3. The WJUSD Board of Trustees violated the Brown Act by engaging in serial e-mail discussions preparatory to voting.

District Response to F3:

AGREE that engaging in serial email discussion preparatory to voting, to develop a concurrence on action to be taken, would violate the Brown Act. Thus, if a majority of the Trustees, outside of a duly-noticed meeting, used a series of emails to discuss, deliberate, or take action on any item of business that is within the school Board's subject matter jurisdiction, whether directly or through the intermediary of the designated employee, that would be improper.

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In connection with setting an agenda for a board meeting in the January-February 2010 timeframe, the Superintendent did canvass the Board via email to determine if the subject of Trustee stipends should be placed on the Board agenda. Board Bylaws permit the Board President and the Superintendent to develop the agenda for the Board meetings. However, apparently as a result of canvassing the Board on this potential agenda item, the subject of Trustee stipends was not placed on the Board agenda. Otherwise, there are no identified specific instances of email discussions during the relevant period in which a majority of the Board, either directly or through an intermediary, discussed, deliberated, or took action on any item of business within the subject matter jurisdiction of the Board.

F4. The WJUSD may have violated the Brown Act by failing to provide 24 hour notice to a designated employee whose contract was not renewed.

District Response to F4:

AGREE that the Brown Act requires that, as a condition to holding a closed session to hear specific complaints or charges brought against an employee by another person or employee, the employee shall be given at least 24 hours written notice before the time for holding the session.

DISAGREE that there was a failure to give designated employee at least 24 hours notice prior to closed session meeting in which the Board voted on his release from administrative position. The employee was in fact personally notified, two days in advance of the Board meeting at which the closed session was held, that his release from his administrative position would be under consideration on March 4, 2010.

DISAGREE that the Brown Act was violated by the action of the Board of Education on March 4, 2010, as the action taken in closed session was consideration and decision on a discretionary release of the designated employee from his administrative position pursuant to Education Code section 44951, and not a hearing on specific charges. Certificated administrators have no tenure in their positions as administrators; under Education Code section 44951 no cause is required to be established and no evidentiary-type hearing need be conducted. The trustees were not hearing complaints or charges, but instead were deliberating on a release from an administrative position. The Brown Act 24-hour notice requirement therefore did not apply.

F5. In March 2010, the WJUSD Board itself determined that it violated the Brown Act by failing to report a roll call vote during an open session related to its decision not to renew a designated employee's contract.

District Response to F5:

AGREE that in March 2010, the WJUSD Board determined that the Brown Act required a roll call vote to be reported out of closed session related to its decision to release a designated

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employee from his administrative position. The Board had failed to publicly report out the action it took in its March 4, 2010, closed session, until March 18, 2010.

F6. A Brown Act violation occurred on March 18, 2010 when the Board failed to place a "correct or cure" procedure on the agenda.

District Response to F6:

AGREE that the roll call vote needed to be corrected/cured at the following Board meeting.

AGREE that the "correct or cure" procedure addressing the March 4, 2010, roll call vote was not on the written and posted agenda for the March 18, 2010, Board meeting.

DISAGREE that it was a Brown Act violation not to have the "correct or cure" procedure on the written and posted agenda for the March 18, 2010, Board meeting.

At the beginning of the March 18, 2010, Board meeting, the Board president announced the complete March 4, 2010, closed session roll call vote from the dais, curing any defect in not having reported the vote out of closed session on March 4, 2010. The corrected minutes for the March 18, 2010, meeting accurately record this.

F7. The Board's requirement that the public submit home address information when addressing it is a violation of its Bylaws and the Brown Act and dampens public participation. At most, the Board can require speakers to state their names.

District Response to F7:

AGREE that Board's prior form for public comment, which purported to require members of the public to submit home address information, violated the Brown Act. The intent of having address information on the long-existing public comment form was to ensure that speakers were residents of the District. However, the District is aware of no member of the public who was ever denied permission to address the Board because of not having completed that section of the form.

The Board of Education form for public comment no longer requires members of the public to submit home address information.

F8. There were multiple incidents of errors, poor judgment, and unprofessional behavior by Board members and District staff during the period covered by this report. Viewed together, these actions promoted confusion and distrust within segments of the community and Winters High School staff towards the Board and District Administration that still exists.

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District Response to F8:

AGREE, as set forth in the District's responses herein to the specific findings of the Grand Jury with regard to Board and staff member behavior during the 2009/10 school year, that multiple incidents of errors, poor judgment and unprofessional behavior promoted confusion and distrust within the District community.

F9. The Board does not consistently follow its own Policies and Bylaws related to conduct, decorum, civility and respect at public meetings.

District Response to F9:

AGREE that at some meetings in the spring of the 2009/10 school year, following the Board action releasing the other designated employee from his administrative assignment, there were actions, words and gestures from some Board members that were inconsistent with Board policies and bylaws related to conduct, decorum, civility and respect at public meetings.

There were some long and unusually emotional meetings in the spring of the 2009/10 school year, following the Board action releasing the other designated employee from his administrative assignment. Meetings were extremely crowded, the room was hot, and many speakers vigorously expressed opposition to the Board action releasing the other designated employee from his administrative assignment. The media were also present. Although these conditions presented a challenge to Board members to maintain decorum, these conditions were, still, no excuse nor acceptable explanation for some Board members not maintaining appropriate decorum or civility, nor for showing anything other than respect for the members of the public addressing the Board.

The WJUSD Board of Trustees does not condone Trustee behavior inconsistent with appropriate standards of conduct, decorum, civility and respect at public meetings.

F10. The explicit sexual gestures made by Board members in the 2009/10 school year were consistent with harassment and intimidation.

District Response to F10:

AGREE there were inappropriate gestures made by some Board members at public meetings during the Spring of the 2009/10 school year.

The WJUSD Board of Trustees does not condone any action of any Trustee or Trustees, during Board meetings or otherwise, that are consistent with harassment and intimidation. The Board of Trustees does not condone Trustee behavior inconsistent with appropriate standards of conduct, decorum, civility and respect at public meetings, as required by District Policies and Bylaws.

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F11. There is no requirement that Trustees participate in training on Brown Act, Board Bylaws, Board Governance, meeting management, professional behavior at meetings or other subject matter pertaining to District oversight.

District Response to F11:

AGREE that during the period covered by the Grand Jury Report there was no Board of Education requirement that Trustees participate in training on the enumerated subjects. During the past few years of state funding reductions, for fiscal reasons the Board limited spending on training for Trustees in the enumerated subjects.

F12. The 2009/10 Board did not receive any training in its roles and responsibilities.

District Response to F12:

AGREE that the former Board ("the 2009/10 Board") received only limited training during the period of the 2009/10 school year through to the end of calendar 2010. The 2009/10 Board did in fact participate in such training in Fall 2010. Such training included candidates for Board of Trustees for the upcoming Board.

F13. The 2010/11 Board of Trustees is commended for participating in training held in fall of 2010 on the Brown Act, Board Governance, leadership and meeting management organized by the District office staff. District staff are planning another governance training for May 2011.

District Response to F13:

AGREE with this finding. Another governance training was in fact conducted in May 2011, resulting in the adoption of a new Governance Handbook for 2011.

F14. There is a lack of clarity and consistency regarding the process and procedure for handling complaints from staff and community members about District administrators submitted to the Board. No response at all or responses that in effect, simply say "Thank you for your letter/sharing your concerns" are not sufficient and can be interpreted as disregarding and demeaning.

District Response to F14:

AGREE that there was a lack of clarity and consistency regarding handling complaints during the period covered by the Grand Jury Report. The Board could have better handled complaints from staff and community members during the period covered by the Grand Jury Report.

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AGREE that no response at all, or responses that simply acknowledge and thank the complaining parties for their letter or for sharing their concerns, can be interpreted as disregarding and demeaning.

During Board meetings in the period covered by the Report, the Trustees often did not respond to public comment out of concern not to engage in debate with the public, and not to inadvertently divulge any confidential personnel information.

In addition, the District maintains effective complaint procedures in its Board Policies and Administrative Regulations.

F15. The District was inadequately prepared for the STAR testing at Winters High School scheduled in mid-April 2011. As of early May 2011, it is unknown whether the District's attempts to resolve the problems have been successful.

District Response to F15:

AGREE the District was inadequately prepared for the STAR testing at Winters High School scheduled in mid-April 2011. The District, at the direction of the Director of Assessment, Accountability and Awards Division of the California Department of Education (CDE), undertook an investigation to determine whether reported breaches in security were accurate, and outlined steps it will take or has undertaken to resolve these matters. By letter dated June 21, 2011, the CDE informed the District that it had reviewed the District's response, and concurs with the District's conclusions. Because the District did have one confirmed irregularity affecting less than five percent of the total students tested, however, the CDE determined that Winters High School will not be eligible for awards for two years.

F16. The District was particularly resistive to Grand Jury inquiries and made simple inquiries more procedurally difficult than necessary.

District Response to F16:

AGREE that the District took a strict view of its duty and obligations in responding to Grand Jury requests for information. This prolonged some responses to Grand Jury inquiries.

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GRAND JURY RECOMMENDATIONS

R1. The Board should seek legal advice regarding the appropriateness of rescinding or otherwise voiding the consulting contract and the disgorgement of improperly obtained funds.

District Response to R1:

AGREE with this recommendation; it has been implemented. The Board has sought legal advice as recommended.

R2. The Board should consider discipline for the designated employee whose actions created a conflict of interest with WJUSD in connection with awarding a consulting contract.

District Response to R2:

AGREE with this recommendation; it has been implemented.

The designated employee has resigned from her position with the Winters Joint Unified School District.

R3. All Board members and District administrators should participate in annual mandatory training on Brown Act, Board Governance and Board Bylaws. Trustee participation records should be maintained within the District office.

District Response to R3:

AGREE with this Recommendation; it has been implemented.

COMMITMENT going forward, effective immediately: WJUSD Trustees shall participate in effective, cost-efficient training, ideally annually or more frequently, on the Brown Act, Board Bylaws, Board Governance, meeting management, professional behavior at meetings or other subject matter pertaining to District oversight.

R4. The Board should immediately discontinue harassing conduct such as sexual and/or obscene gestures, uncivil and rude conduct between Board members and the public.

District Response to R4:

AGREE with this recommendation; it has been implemented. The Board does not condone any Trustee engaging in uncivil or rude conduct toward the public, including engaging in sexual and/or obscene gestures.

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COMMITMENT going forward, effective immediately: Members of the public will be treated with respect at all times.

R5. The Board should immediately begin to follow its own Bylaws, Policies and procedures, as well as the Brown Act, including stopping meetings by serial e-mail communications and allowing speakers to disclose only their names at Board meetings.

District Response to R5:

AGREE with this Recommendation; it has been implemented.

COMMITMENT going forward, effective immediately: A majority of the Board shall not discuss, deliberate, or take action on any item of business except in duly noticed meetings pursuant to the Brown Act. Nor shall Board members use emails to develop a concurrence on action to be taken, whether by serial emails or any other means. The Board shall not require members of the public to disclose their addresses or any other non-pertinent information in order to speak during Board meetings. Speakers will be allowed to disclose only their names at Board meetings.

R6. The Board should develop a plan for responding to citizen complaints and monitoring the process to ensure adequate follow-through and resolution.

District Response to R6:

AGREE with this Recommendation; it has been implemented.

COMMITMENT going forward, effective immediately: The Board shall be responsive to public comments. They shall treat members of the public with respect. They shall support District policy and procedures regarding concerns and complaints. During the course of a Board meeting, such responsiveness shall be expressed through the Board President in his/her acknowledgment of each speaker and by responding in an appropriate fashion. In response to complaints from the public, Board members will (1) receive and acknowledge the complaint, (2) repeat the issue back to the complainant to ensure it was understood, (3) remind the person that individual Board members have no authority to act on behalf of the District on their own, (4) re-direct the complainant to the appropriate staff person at the District level, and (5) report the complaint to the Superintendent to ensure that an appropriate response is forthcoming.

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R7. The District and its representatives should familiarize themselves with California Penal Code related to Grand Jury roles and responsibilities in order to minimize confusion and resistance to future Grand Jury investigations.

District Response to R7:

AGREE with this Recommendation; it has been implemented.

COMMITMENT going forward, effective immediately: The District and its representatives shall comply with and respect the Grand Jury and all its lawful requirements. The District shall take all necessary steps to expedite the provision of complete information to the Grand Jury consistent with California Penal Code requirements related to Grand Jury roles and responsibilities. The Grand Jury is entitled to question witnesses without interference or assistance from any third parties including attorneys.

R8. The Board should place this report on an agenda for an upcoming public meeting so the community has the opportunity to listen to and comment on WJUSD responses by September 30, 2011.

District Response to R8:

AGREE with this Recommendation; it has and shall be implemented. The Grand Jury Report has been on each of the public agenda of Board of Education meetings since the Report was issued, for the purposes set forth in this Recommendation. In addition, the Response is agendaed for an open meeting action item for August 18, 2011. The final Response shall also be agendaed as an open session item prior to September 30, 2011.

RESPONSES TO THE 2011–2012 YOLO COUNTY GRAND JURY FINAL REPORT

Dunnigan
Fire Protection District

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: DUNNIGAN FIRE PROTECTION DIST Report Date: 3/13/12

Response by: BOB BECKER Title: COMMISSIONER - CHAIR

FINDINGS

☑ I (we) agree with the findings numbered:

F8

☑ I (we) disagree wholly or partially with the findings numbered:

F1

RECOMMENDATIONS

☐ Recommendations numbered: _____
have been implemented (attach a summary describing the implemented actions).

☑ Recommendations numbered: R1 + R2
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

☐ Recommendations numbered: _____
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 5-12-2012 Signed: [signature]

Total number of pages attached 2

COMMISSIONERS
Sherri Still
Yvonne W. Strong
Anita Tatum
Kelly Strong
Bob Becker

FIRE CHIEF
Mel Garcia

SECRETARY
Sherrill Jenkins

DUNNIGAN FIRE PROTECTION DISTRICT
P.O. BOX 213
DUNNIGAN, CA 95937
(530) 724-3515

May 6, 2012

Honorable Judge David Reed
Superior Court of California
County of Yolo
725 Court Street
Woodland, CA 95695

RE: 2011-12 Grand Jury Final Report

Dear Judge Reed,

The following is the Dunnigan Fire Protection Districts Board of Commissioners response to the 2011-2012 Yolo County Grand Jury Final Report specifically addressing the Dunnigan Fire Protection District Findings F1 and F8, and recommendations R1 and R2.

We agree with finding F8. We continuously strive to adhere to the Brown Act through ongoing research and self-education on what is required when fulfilling our responsibilities.

We disagree partially with F1: "*Retention procedure of the volunteer firefighters follows the DFPD policy.*" The District does not have a retention policy. At this point in time the volunteers are governed by their organizational structure, officers and internal policies and procedures, which is a separate entity from the District. However, from what we understand, they do follow their internal retention policies.

For purposes of readability we have included the Grand Jury's recommendation in italics with our responses following.

R-1 "*Implement a standard written policy to inform all volunteer firefighters of the DFPD volunteer retention procedure.*"

We support this recommendation.

We have historically not provided direction over the volunteer's by-laws and membership policies unless it directly affected the district's liability. We do, however, agree that this would be beneficial to new volunteers who may find themselves barraged with new information when they are first accepted to the department. We think a written document outlining the probationary volunteer's activities would be a beneficial and may help those reach fully vested status. We support the development of such a document.

R-2 *"Identify and publish a protocol for response call situation that may be appropriate for the first responder to respond from their location directly to the emergency."*

This recommendation will require further analysis.

We agree with this concept that in some cases it may be appropriate for the first responder to arrive at the scene of emergency before going to the stations as our current policies require. We will support the Chief and his officers if they decide this would be a beneficial policy for the volunteer's response procedures.

Respectfully yours,

The Dunnigan Fire District Board of Commissioners

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: DUNNIGAN FIRE PROTECTION DIST Report Date: 3/13/12

Response by: MEL GARCIA Title: FIRE CHIEF

FINDINGS

☑ I (we) agree with the findings numbered:

F1, F4 + F8

☐ I (we) disagree wholly or partially with the findings numbered:

RECOMMENDATIONS

☑ Recommendations numbered: R3
have been implemented (attach a summary describing the implemented actions).

☑ Recommendations numbered: R1 + R2
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

☐ Recommendations numbered: _____
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 5-17-12 Signed: Mel Garcia

Total number of pages attached 2

COMMISSIONERS
Sherri Still
Yvonne W. Strong
Anita Tatum
Kelly Strong
Bob Becker

FIRE CHIEF
Mel Garcia

SECRETARY
Sherrill Jenkins

DUNNIGAN FIRE PROTECTION DISTRICT
P.O. BOX 213
DUNNIGAN, CA 95937
(530) 724-3515

May 6, 2012

Honorable Judge David Reed
Superior Court of California
County of Yolo
725 Court Street
Woodland, CA 95695

RE: 2011-12 Grand Jury Final Report

Dear Judge Reed,

Before I respond to the findings, I would first like to make a correction to the Grand Jury's understanding about the District's out-of-area volunteers. Our out-of-area volunteers make up only 15% of our volunteer roster, however 50% of the volunteers work outside of the District.

The following is the my response to the 2011-2012 Yolo County Grand Jury Final Report specifically addressing the Dunnigan Fire Protection District Findings F-1, F-4, F-5 and F-8, and recommendations R1, R2, and R3.

I agree with the following findings; F1, F4 and F8. I would not necessarily agree with F-5: "*Responders to medical emergency calls often do not follow protocol. The first responder to a medical emergency may respond from their location while the second responder is in route from the fire station with equipment*".

In my opinion, the first responder arriving at the emergency scene from a location other than the station would be more of a rarity, than the norm. A Firefighter may respond to a medical emergency from their location after being assured via radio transmission that additional firefighters are responding from the station with the appropriate equipment. This applies only to local medical emergencies; **under no circumstances** shall a firefighter respond to a freeway incident in their private vehicle.

For purposes of readability we have included the Grand Jury's recommendation in italics with our responses following.

R1 *"Implement a standard written policy to inform all volunteer firefighters of the DFPD volunteer retention procedure."*

This recommendation will be implemented within 2 months.

We are committed to ensuring all volunteers are knowledgeable about the retention policies outline within the existing association's by-laws. Although these by-laws are provided to the recruits when they are first accepted to our department, and the probationary period and procedures to become a fully vested volunteer are also discussed at this time, we understand a standalone document specifically designed to be given to new volunteers may help with communicating these conditions. Our goal is to support all new volunteers so they may make full volunteer status. We are planning on implementing an Annual Awards and Recognition Dinner to acknowledge the accomplishments and dedication of our members. This dinner will serve as a vehicle to celebrate our members, their efforts and commitment as volunteers who strive to serve our community. In addition, California State Firefighters Association provides a workshop for Rural Districts on the topic of Recruitment and Retention. We will make a point to send Officers to this event when it made available in our region.

R2 *"Identify and publish a protocol for response call situation that may be appropriate for the first responder to respond from their location directly to the emergency."*

This recommendation will be implemented within 2 months

We agree with the concept that in some cases it would be appropriate for the first responder to arrive at the emergency before going to the stations as our current policies require. We will develop and publish a policy that can be used to identify what situations may be appropriate for this tactic, and how the policy can be put into practice.

R3 *"Consider increasing the number of firefighters who are EMT trained."*

This recommendation has been implemented to the fullest extent possible.

We responded in the 2008-09 Grand Jury Report that it is always our goal to get as many volunteer firemen EMT certified as possible. We actively provide training opportunities, including medical aid training, for all who wish to undertake the training, and will continue to consider ways to promote the EMT Certification as much as possible.

Respectfully yours,

Mel Garcia, Fire Chief
Dunnigan Fire Protection District

DUNNIGAN FIRE PROTECTION DISTRICT