CONTINUITY REPORT FOR THE 2014-2015 YOLO COUNTY GRAND JURY: FOSTERING POSITIVE CHANGE

SUMMARY
The Yolo County Grand Jury (YCGJ) is dedicated to fostering useful, positive change in County and local government. To that end, the 2014-2015 Yolo County Grand Jury Final Report concluded six investigations resulting in 28 findings, supporting 22 recommendations. Actions on a number of Grand Jury recommendations were implemented or remain in progress by various Yolo County agencies. Notably, surveillance system updates at the County Jail are complete, progress was made with case management and probation programs, and a new program was launched implementing sale of reusable household items diverted from waste received at the Yolo County Central Landfill. The County also developed a business process diagram (a flow chart) of probation fee generation and collection procedures for collection process improvement, training, and orientation of staff, and as a blueprint for new software if needed. All totaled, Yolo County agencies have implemented, or committed to implement, nine recommendations submitted by the 2014-15 Grand Jury.

An important finding in this report is that agency and individual respondents were timely and thorough in their comments and responses. While these responses are historically posted on the Yolo Grand Jury web site, along with the related final reports, the Grand Jury recommends that the County Administrator’s Office take additional measures to inform the public about the actual implementation actions. The Grand Jury recommends that the County administration’s Reports Response and Follow-up Schedule be posted to the internet along with Grand Jury reports and responses. This measure will assist the current Grand Jury in maintaining continuity and will better inform the general public about progress implementing changes benefiting citizens of Yolo County.

BACKGROUND
The California Constitution requires that every county impanel a Grand Jury each year. The Grand Jury is an arm of the judicial system, but acts as an entirely independent body. Most people think of criminal indictments when they hear of a Grand Jury, but in California the Grand Jury’s primary responsibility is to its citizens under the “watchdog” function which is to review and investigate citizens’ complaints and other civil matters. In this capacity, the Grand Jury publishes findings and recommendations based on findings in reports submitted to the Superior Court in the sponsoring county. Not all investigations result in negative findings. However, regardless of the positive or negative nature of the findings, certain individuals and agencies investigated by the Grand Jury are required to comment on the final reports if requested to do so by the Grand Jury. California Penal Code Section 933 (c) sets forth the time framework and requirements for comments. This requirement informs the Grand Jury and the public of the scope and timeframe for specific actions. Governing agencies such as boards and councils are required to comment within 90 days of the issuance of the Grand Jury’s final report. Every elected official or elected agency head is required to comment within 60 days of the final report.
DISCUSSION

Introduction

Penal Code Section 933.05 sets out the required responses to Grand Jury findings and recommendations. For findings, the responding person or entity (the respondent) must indicate if they agree with the finding or disagree, wholly or partially, with the finding. If the respondent disagrees wholly or partially with the finding, the respondent is required to specify the portion of the finding that is disputed and include an explanation of the reasons for the dispute. Upon release of the final consolidated report, these responses can be viewed in their entirety in the Appendix of the 2015-16 Yolo County Grand Jury Final Report or online at http://www.yolocounty.org/business/community/grand-jury/yolo-county-grand-jury-reports.

For recommendations, the respondent is required to state one of the following:

- The recommendation has been implemented. This response must include a summary regarding the implemented action.
- The recommendation has not yet been implemented but will be in the future. This response must include a timeframe for implementation.
- The recommendation requires further analysis. This response must explain the scope and parameters of an analysis or study and the timeframe, not to exceed six months, from the date of publication of the Grand Jury report.
- The recommendation will not be implemented. The respondent must provide an explanation for the negative response.

It should be noted that the Yolo County 2014-2015 Grand Jury Final Report did not consistently request comments about findings of the Grand Jury. Hence, there were 13 comments on findings by respondents; whereas, there were a total of 44 cumulative responses to recommendations.

This report will concentrate on positive responses to recommendations. A positive response is one in which the agency states the recommendation has been implemented or will be implemented in the future. There are a number of reasons an agency may not implement an otherwise valid recommendation. Most commonly, an agency may view a Grand Jury recommendation as “not warranted.” A recommendation may be “not warranted” if the agency already implemented a program that addressed the underlying goal of the recommendation; the recommendation duplicates a function or activity of another County agency; or the agency is aware of information not available to, or not considered by, the Grand Jury leading the agency to believe that the recommendation will not achieve the intended purpose. Regardless of other actions, the best measure of Grand Jury’s success in fostering useful, positive change in government practices is that agencies willingly commit to implement recommendations at the outset.

The 2014-15 Grand Jury conducted and published six investigative reports. Each 2014-15 report will be addressed in a separate section in this discussion. The 2014-15 report subjects are:

- The Yolo County Landfill: Cutting Edge Technology
- Monroe Detention and Leinberger Memorial Centers: Adapting Throughout Political and Physical Change.
- Collections and Probation: The System is Broken
- Yolo County Animal Services: “If It Walks, Crawls, Flies or Slithers…”
- Yolo County Environmental Health Services Division: Has The Food Truck You’re Visiting Been Inspected?
- Closing the Loop: How Yolo County Implements Its Responses to the Grand Jury.

**The Yolo County Landfill**

**2014-15 Investigation Synopsis**

The report describes the Yolo County Central Landfill (YCCL) operations including the use of innovative treatment and disposal technologies, such as bioreactors, to efficiently manage and dispose of solid waste. Additional topics included the contract for operating the landfill and certain financial factors impacting its budget.

The YCGJ listed seven findings and five recommendations. The findings addressed operational practices, including public outreach and the maintenance of a website, solar energy production as an allied operation, and the existing operation contract for landfill gas recovery and sale. The recommendations included a non-hazardous waste reuse program, increasing education and outreach efforts for all residents of Yolo County (including non-English language speakers), an assessment plan for electricity generation using solar panels on the landfill property, updating public information website content, and an initiative concerning observance of existing County contract policies. Table 1, in the Appendix of this report, summarizes a tally of agency responses to Grand Jury recommendations.

**Recommendation Implementation**

The YCCL agreed to implement two Grand Jury recommendations, designated “R1” and “R3.”

Grand Jury recommendation R1 proposed a non-hazardous waste reuse program for the public which would serve the dual purpose of reusing eligible material and diverting an incremental volume from the limited capacity disposal cells. The agency initially stated that the recommendation required further analysis due to fiscal constraints on the operations of the landfill. However, in April 2016, the Yolo County Central Landfill inaugurated a program accepting reusable items and assessment of waste loads to further assist in diverting usable items from the trash. Further, the Landfill operates a reuse store on a quarterly schedule where reusable items are available to purchase at low prices.

R3 recommended completing an assessment plan addressing the possibility of utilizing solar panels to produce electricity on Landfill property. The Department of Planning, Public Works, and Environmental Services agreed to implement the recommendation, which was due July 1, 2016. However, due to budget and staffing limitations, the agency stated that they may not be able to complete the assessment by the due date, implying that it would be implemented in the future. The respondents did not provide a timeframe for implementation. However, if an implementation is to be accomplished in the future, the respondent is required by Penal Code Section 933.05(b)(2) to provide the timeframe.
Monroe Detention and Leinberger Memorial Centers

2014-15 Investigation Synopsis

Inspecting the County detention facilities is an annual statutory requirement for the Grand Jury, though not all facilities need to be inspected each year. Penal Code Section 919(b) states that “the Grand Jury shall inquire into the condition and management of the public prisons within the county.” The Grand Jury chose to visit the Monroe Detention and Leinberger Memorial Centers to fulfill the statutory obligation.

The Grand Jury noted the impacts to the facility as a result of legislation in 2011, which authorized the transfer of inmates from state penitentiaries to county facilities to relieve overcrowding in state facilities. The influx of additional inmates created a number of challenges for the county jail due to increased duration of incarceration of many transferred inmates, lack of adequate program capacity, and other problems related to institutional culture differences. The report also noted that the Yolo County facilities received a $36 million grant for expansion and improvements, which are in the planning stages, and other areas of need for fiscal plant upgrades such as security surveillance system upgrades.

YCGJ identified six findings and four recommendations based on those findings. The findings focused on issues of needed upgrades to facilities such as kitchen and food preparation areas, educational and occupational program space, and security systems upgrades. Findings also noted the efforts on the part of detention staff to adjust to the challenges of housing high risk state penitentiary inmates under government transfer programs and existing Yolo County programs designed to reduce repeat offenders. The recommendations addressed detention staff increases, a plan to track discharge programs and planning successful completion of probation, preserving planned program space in anticipated facility construction, and surveillance camera upgrades.

Table 2, in the Appendix, summarizes all responses to Grand Jury recommendations in this investigation.

Recommendation Implementation

Yolo County committed to implementing two of the Grand Jury detention facility recommendations, designated “R2” and “R4.” R2 recommended the Detention Commander and Chief Probation Officer jointly develop and implement a plan to track the effectiveness of discharge planning and in-house programs applicable to successful completion of probation. The Yolo County Sheriff obtained funding to hire a social worker to evaluate all programs for inmates in the County Jail system. The Board of Supervisors and Chief Probation Officer stated a new case management system was to be implemented by the end of 2015. However, development of portions of the new system applicable to juvenile offenders is ongoing. These developments are directly applicable to R2, and represent a good faith effort on the part of Probation and the Sheriff’s office to accomplish the intent of the recommendation. R4 recommended updates to security surveillance camera systems at the County Jail. During inspection of the jail facilities by the 2015-16 Grand Jury, detention staff confirmed upgrades to the cameras system, confirming implementation of the recommendation. However, after upgrades were installed additional deficiencies were identified by detention staff.
Collections and Probation

2014-15 Investigation Synopsis

The Yolo County Collection Services (YCCS) is charged with collecting probation fees as well as a variety of fees for the court and other County departments. The Grand Jury investigated billing practices and collections specifically with respect to probationers and their fees. Probation fees and fines charged to those who commit crimes in Yolo County can amount to hundreds or thousands of dollars. YCCS is the office charged with collecting such fees. YCCS uses both manual and computer based accounting systems to manage fee collections. The Grand Jury identified concerns about the efficacy of the collection system and potential loss of outstanding fees due to backlogs in client (probationers) accounts, loss of personnel experienced in collections, and interface problems between YCCS and the Probation Department.

As a result of their investigation, the Grand Jury identified seven findings and five recommendations. The findings addressed a variety of concerns including billing statement deficiencies, collection procedures, and staff turnover; staff communication problems and computer system incompatibilities that hamper coordination between YCCS and Probation; and the management of returned mail backlog contributing to ineffective collections. In the light of these findings, the Grand Jury recommended modifications to the billing procedures, joint employee training among YCCS and Probation Department staff to bolster communication and coordination, updating business practices and software systems, and an evaluation of current staffing needs.

Recommendation Implementation

The Yolo County Administrative Office concurred with five Grand Jury findings. Various county agencies have implemented or committed to future implementation of five of the recommendations designated “R1” through “R5.” Appendix Table 3 lists each agency response. The Grand Jury recommendations address a number of issues to do with probationer fee collection procedures. The County committed to clarifying probationer billing statement content to include initial fees owed, balance carried forward, payments, remaining balances, and other details. The County also implemented a business process to help define the adult fee collection work flow. Also, in response to a recommendation, YCCS and Probation updated procedural manuals and define responsibilities for fee collections and continue to hold quarterly joint meetings to improve communications between the departments and report quarterly on the status of collections activity. Significantly, the Chief Financial Officer, in coordination with the Human Resources Department will determine if additional staffing or funding is needed to efficiently process the backlog of returned mail, a contributing factor delaying collections.

Animal Services

2014-15 Investigation Synopsis

Yolo County Grand Jury completed an investigation of Yolo County Animal Services, and found that the services offered to the County are hampered by high costs and conflicting expectations. The Grand Jury investigation found that the Yolo County Sheriff’s office manages animal services and animal control needs for local jurisdictions that do not possess their own capability. As a result, Animal Services responds to calls for the cities of Woodland and Winters under fee-for-service agreements. It was also found that the fee rates continue to rise dramatically while
the Sheriff’s Office is reticent to negotiate cost mitigating alternatives. Conflicting expectations stem from community desire for quick and available services; however, differences of opinion about such issues as euthanasia and what constitutes humane treatment of animals puts Animal Services in a thorny position.

During the course of the investigation, the Grand Jury became aware of a case of nepotism, in direct conflict with existing Yolo County policy, involving a supervisor and subordinate at Animal Services. Once the case was brought to the attention of the County administration, the administration acted quickly to transfer the subordinate to an alternative supervisor. However, the subordinate’s work function and location remained the same, and the former supervisor still directed the subordinate’s daily activities. The administration took no other corrective action.

The Grand Jury identified three findings and four recommendations. The findings revealed that the Animal Services shelter is only open to the public for limited hours and not at the most convenient times for public access. It was also found that the cost basis for fees charged to other jurisdictions was not clear, and that, in the nepotism case, it became clear that there are no provisions in the county code for specific consequences to supervisors for nepotism policy violations. These findings led to recommendations to make shelter services available for expanded hours, for the Cities of Woodland and Winters to develop alternative options for animal services, and for more transparency in service rate development and greater flexibility in negotiating contracts with local jurisdictions. The Grand Jury also recommended Human Resources amend the existing nepotism policy to hold violators responsible for their actions.

**Recommendation Implementation**

Table 4 in the Appendix lists agency responses to the recommendations. The 2014-15 Grand Jury received positive responses on two of four recommendations designated “R1” and “R3.” Recommendation R1 called for Animal Services to stagger work schedules to allow the shelter to increase open hours to the public. The County responded that further analysis was required to gauge the cost versus public benefit of expanded hours. The analysis was to be completed August 1, 2015. However, the current (May 2016) hours open to the public are unchanged from those maintained prior the recommendation. R3 requests the Yolo County Sheriff’s office to be more transparent in negotiating new fee schedules with Animal Services client jurisdictions. The County responded that the recommendation was already implemented and that the County continues to monitor the process for needed improvements.

**Yolo County Environmental Health Services Division: Food Trucks**

**2014-15 Investigation Synopsis**

The Yolo County Environmental Health Services Division (YCEHSD) is responsible for inspections, issuance of permits, collection of fees, and enforcing compliance with Health and Safety codes for food trucks operating in Yolo County. In response to the rising popularity of mobile food trucks as a common food service option in Yolo County, the Grand Jury investigated food truck operating permit utilization. The Grand Jury focused on food trucks operating at special events with specific attention to ensure the display of current county permit stickers was visible and accessible to food truck patrons.

The Grand Jury identified three findings and three recommendations (see Appendix Table 5). The findings noted that YCEHSD inspectors do not perform surprise inspections on food trucks,
inspectors rarely perform in-field or after-hours inspections. Hence, food trucks without permit stickers may operate outside YCEHSD inspectors’ normal business hours. The Jury also noted that food truck operators who are out-of-compliance are not ticketed or fined, and the current system for tracking food truck locations does not appear to be working. Recommendations included expanding permit inspections to include weekends and evenings, authorizing inspectors to ticket or fine food truck operators who are out of compliance, and utilizing GPS tracking technology on food trucks.

**Recommendation Implementation**

Although the 2014-15 Grand Jury did not request comments on these findings, YCEHSD concurred with the finding that permit inspectors are not authorized to ticket or fine food trucks out of permit compliance. It was noted in an Additional Comment, that as a result of the Grand Jury’s report, it came to the attention of the YCEHSD that some participants in the inter-county permit reciprocity program were not mailed a permit sticker when the reciprocity permit was issued. YCEHSD is now addressing this issue.

**Closing the Loop**

**2014-15 Investigation Synopsis**

In recent fiscal years, Yolo County Grand Jury consolidated final reports concentrated solely on then current investigations without systematic follow-up attention to actual implementation of the prior year’s recommendations. To better assess the efficacy of the Grand Jury process, the 2014-15 Grand Jury returned to the practice of including a continuity investigation into the status of the implementation process.

The Grand Jury found that nearly all local government entities fulfilled the requirement to respond to recommendations, and the large majority of responses were amenable to implementing the recommendation. In the course of attempting the more detailed review, the Grand Jury made separate requests for confirmatory information from a variety of subordinate agencies and individuals within the County government. The agencies and individuals provided what they could, but taken as a whole, the information tended to be fragmentary and not necessarily up-to-date. The Jury also found that there was no formal mechanism to publically review responses and actions taken as a result of Grand Jury recommendations. The Grand Jury submitted one recommendation to develop a single tracking system to combine findings and recommendations, responses, and the ongoing status of each item.

**Recommendation Implementation**

The County responded that the Yolo County Administrator’s Office has managed a single tracking system for several years and that no further action appears necessary to implement the recommendation to “develop a single tracking system.” Upon request a copy of the 2014-15 Grand Jury Reports Response and Follow-up Schedule was promptly provided to the 2015-16 Grand Jury, and a review of the schedule confirmed it was comprehensive and up-to-date. The recommendation contained a second element calling for consideration to the future ability to release the schedule information in a public document on an annual basis. Though the schedule originates as an internal working document, it contains information of significant Grand Jury and public interest. However, there is no existing practice of routine, periodic release to the public on any regular schedule. The Grand Jury acknowledges that actual implementation schedules
vary due to many factors including budget and acquisition processes. Publishing the schedule via the county’s website on a regular basis would be a reasonable and convenient way to keep both the Grand Jury and the public informed about the progress of implementing actions.

**Conclusion**

In response to the findings and recommendations published in the 2014-15 Grand Jury Final Report, this report documents the comments received and measures taken by the investigated parties and governing bodies. Agency and individual comments were timely and thorough in observance of statutory requirements and in the spirit of cooperation with the Grand Jury. A number of recommendations either have been implemented or will be implemented in the future. Three recommendations required further analysis at the time the responses were submitted. One of these, the recommendation to make reusable items available to the public at the Yolo County Central Landfill was ultimately implemented in April 2016, raising the positive responses to 9 out of 22 total recommendations. Of the 13 remaining recommendations, 11 will not be implemented, and two were subject to further investigation that did not result in implementation.

Negative responses are those that indicate the recommendation will not be implemented. The most common negative reason cited by respondents was that a recommendation duplicated an existing County policy or activity. In each case, the respondent agency explained what was duplicated and how the existing activity addressed the underlying issue prompting the recommendation. The Grand Jury concurs that such duplications are unnecessary when the existing activity addresses the root problem and is consistent with the spirit of the recommendation.

The potential benefit of the implemented recommendations demonstrates that the Yolo County Grand Jury serves as a useful agent for positive change.

**FINDINGS**

F1. Respondents’ comments contained in the 2014-15 Grand Jury Final Report were timely and comprehensive in addressing both findings and recommendations.

F2. The Planning, Public Works and Environmental Services respondents indicated an assessment plan addressing the possibility of utilizing solar panels on the Yolo County Central Landfill property would be implemented in the future but did not provide a time frame for completing the action as required by Penal Code Section 933.05(b)(2).

F3. The County maintains a *Grand Jury Reports Response and Follow-up Schedule* tracking implementation of Grand Jury recommendations, which contains important information of significant interest to the Grand Jury and the general public.

F4. The Grand Jury found that, while the *Grand Jury Reports Response and Follow-up Schedule* can be obtained by request, it is not currently released to the general public on a scheduled basis or conveniently available through internet access or other electronic means.
RECOMMENDATIONS

R1. The Yolo County Administrator shall post an updated version of the *Grand Jury Reports Response and Follow-up Schedule*, quarterly, on the publically accessible web page currently used for Yolo County Grand Jury Final Reports and Responses to Final Reports.

REQUIRED RESPONSES

- Yolo County Board of Supervisors – F1, F3 and F4; R1

INVITED RESPONSES

- Yolo County Administrative Officer – F1, F2, F3 and F4; R1
- Yolo County Counsel – F2; R1
- Director of Planning, Public Works and Environmental Services – F2

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BIBLIOGRAPHY

*2014-2015 Yolo County Grand Jury Final Report*, June 30, 2015:
http://www.yolocounty.org/business/community/grand-jury/yolo-county-grand-jury-reports

Responses to 2014-15 Yolo county Grand Jury Reports (also posted on the web page above)

- **Yolo County Response to: The Yolo County Central Landfill: Cutting Edge Technology**
- **Yolo County Response to: Monroe Detention and Leinberger Memorial Centers: Adapting Throughout Political and Physical Change**
- **Yolo County Response to: Collections and Probation: The System is Broken**
- **Yolo County Response to: Yolo County Animal Services: "If it walks, crawls, flies or slithers..."**
- **Yolo County Response to: Yolo County Environmental Health Services Division: Has the Food Truck You're Visiting Been Inspected?**
- **Yolo County Response to: Closing the Loop: How Yolo County Implements its Responses to the Grand Jury**
- **Yolo County Sheriff Response to: 1) Monroe Detention and Leinberger Memorial Centers: Adapting Throughout Political and Physical Change; and 2) Yolo County Animal Services: "If it Walks, Crawls, Flies or Slithers..."**


- 2014-15 Grand Jury Reports Response and Follow-up Schedule, Yolo County Administrator’s Office.

- California Penal Code Sections 925-933.6: [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=925-933.6](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=925-933.6)

**APPENDIX**

**2014-15 Final Report Response Tables**

The purpose of these tables is to provide a snapshot of the overall nature of responses to Grand Jury recommendations. The 2014-15 Yolo County Grand Jury Final Report recommendation details are contained in the full text of the Report. Respondents are listed in the left-most table columns. Columns to the right list the finding or recommendation by number designation with responses received from each respondent in rows below.

The 2014-15 Grand Jury Final Report did not consistently request comments on findings. Consequently, most respondents provided responses only to recommendations. The few exceptions where finding responses were requested or volunteered are noted in the footnotes for the applicable table. Not all respondents were asked to comment on all recommendations. Except where otherwise noted, shaded table cells indicate that no comment was requested of the given respondent for that recommendation. Abbreviations used in the tables are defined below:

- FA – Further Analysis Required
- NW – Not Warranted (reasons vary, see explanations in text)

**Table 1: Responses to Recommendations, Yolo County Landfill**

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<th>Respondent</th>
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\(^1\) Director, Department of Planning, Public Works and Environmental Services  
\(^2\) A program for reusable items diverted from waste was implemented in April 2016.  
\(^3\) Timeframe was not stated.
Table 2: Responses to Recommendations, *Monroe Detention and Leinberger Memorial Centers*

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<td>Probation⁴</td>
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¹ Yolo County Board of Supervisors  
² Sheriff, Yolo County  
³ Detention Commander, Monroe Detention Center  
⁴ Yolo County Chief Probation Officer

Table 3: Responses to Recommendations, *Collections, and Probation*

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¹ The County volunteered responses to findings as follows: agree with F1-F4&F7, partially disagree with F5, and wholly disagree with F6.  
² Director of Human Resources  
³ County Financial Officer  
⁴ Recommendation is already implemented.

Table 4: Responses to Recommendations, *Animal Services*

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<td>City Mgr Winters²</td>
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¹ City Manager, City of Woodland  
² City Manager, City of Winters  
³ The Sheriff’s Office comment under separate cover does not explicitly state the response of the agency. The Grand Jury is left to interpret the response as Implemented based on the apparent argument that additional action is not required.
Table 5: Responses to Recommendations, *Environmental Health Services Division*

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Table 6: Responses to Recommendations, *Closing the Loop*

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Table 7: Cumulative Responses by Respondent for Findings and Recommendations

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<th>Respondent</th>
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1 Volunteered responses (5 positive and 2 negative) to seven findings in the *Collections and Probation* report identified the respondent as “County” rather than a specific respondent. Since the responses were submitted on CAO letterhead, they are arbitrarily attributed in this table to the CAO.