

2009/2010 YOLO COUNTY GRAND JURY

FINAL REPORT

A Report for the Citizens of Yolo County, California

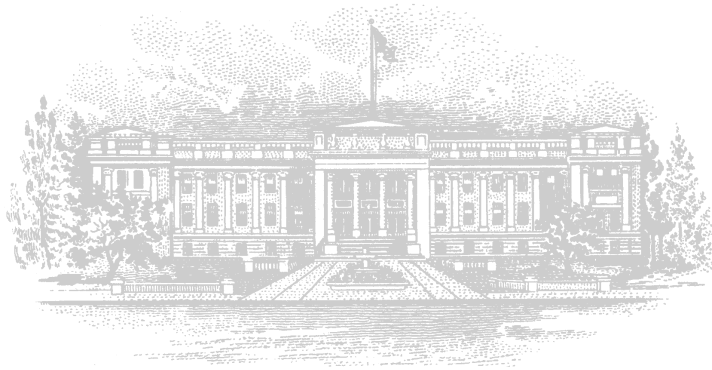


**June 30, 2010
Woodland, California**



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GRAND JURY

County of Yolo

P.O. Box 2142

Woodland, CA 95776

The Honorable Janet Gaard
Advising Judge to the Grand Jury
Superior Court of California, County of Yolo
725 Court Street
Woodland, CA 95695

June 30, 2010

Dear Judge Gaard,

The Grand Jury is pleased to present to you its Final Report for the year 2009-2010. During the 2009-2010 year, the Grand Jury

- reviewed 34 citizen's complaints from 27 individuals
- followed up on 12 of those complaints, investigating 8 in depth
- initiated 3 investigations of its own
- pursued 1 investigation from the preceding year
- carried out 4 oversight visits
- participated in 3 criminal indictment hearings at the behest of the District Attorney

Not all of the investigations are covered in the report. In some cases the allegations were not substantiated. In other instances, we simply ran out of time.

The members of the Grand Jury performed their multiple duties with energy, hard work, courtesy, fortitude, and good humor. It has been a great pleasure and privilege to work with them this year.

We very much appreciate the support we received from various county officials despite the additional demands placed on them by the current economic situation. Yolo County can be proud of its public servants. We hope that this report will help to illuminate the governmental structures and processes for county residents.

Sincerely,



Barbara A. Sommer
Foreperson, 2009-2010

**The 2009/2010
Yolo County Grand Jury**

Barbara A. Sommer, *Foreperson, Davis*

Maple Avery, *West Sacramento*

Omar (Sonny) L. Dodds, *Woodland*

Marie Kearney, *Dunnigan*

Earl M. Kynard, *Woodland*

Erich W. Linse, Jr., *Dunnigan*

Mike Maucieri, *West Sacramento*

Stanley Moorhead, *Woodland*

Linda Nelson, *Davis*

Shirley Stefano, *Woodland*

Kathleen Jean Stock, *Woodland*

Laura Melissa Turben, *Woodland*

Barbara Turpin, *West Sacramento*

Nancy Ullrey, *Woodland*

Enid Williams, *Woodland*

Enas H. Wilson, *Woodland*

The following were sworn in as Grand Jurors,
but were unable to complete their terms:

Jeanne Louise Binns, Deborah Chase,
Rick Fenaroli, John Littau,
Rebecca Marquez, James Reed,
Donna Slattery, Loretta Rae Teuscher,
Iris Velazquez, Richard Eric Worrell



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 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 the Board of Supervisors.

FUNCTION

A California Grand Jury's primary responsibility is to promote honesty and efficiency in government by reviewing the operations and performance of county and city governments, school districts, and special districts. Based on these reviews, the Grand Jury issues a report that states its findings and may recommend changes in the way local government conducts its business. Copies are distributed to public officials, county libraries, and the news media. 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 report on the required responses. There were no required responses to the 2006/2007 Grand Jury report.

The findings in this document report the conclusions reached by the 2007/2008 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.

The Grand Jury's final responsibility is to consider criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, the Grand Jury may investigate charges of malfeasance (wrong-doing), 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 govern-

ment employees. Grand Jurors are sworn to secrecy and, except in rare circumstances, records of their 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. Any juror who has a personal interest in a particular investigation is recused from discussion and voting regarding that matter.

HOW TO SUBMIT A COMPLAINT

Complaints must be submitted in writing and should include any supporting evidence available.

A person can request a complaint form at any local library, from the Grand Jury at P.O. Box 2142, Woodland, CA 95776, or from the Grand Jury's website at www.yolocountygrandjury.org.

REQUIREMENTS TO BE A GRAND JUROR

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

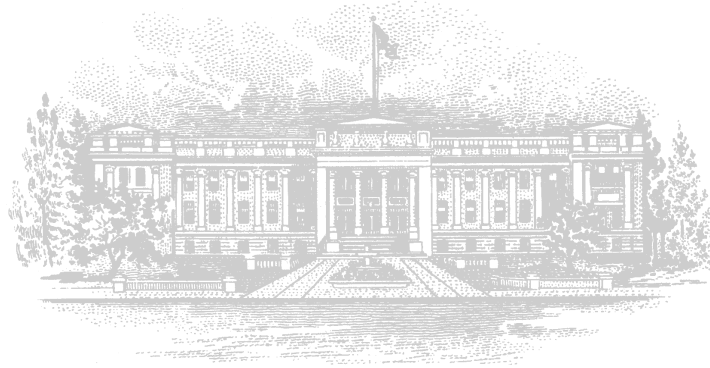
- Be a citizen of the United States.
- Be 18 years of age or older.
- You have been a resident of Yolo County for at least one year before selection.
- You are in possession of your natural faculties, of ordinary intelligence, of sound judgment and fair character.
- You possess sufficient knowledge of 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.

(continued on page 8)

- 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.

Following a screening process by the Court, Grand Jurors are selected by lottery.

Anyone interested in becoming a Grand Juror can submit their name to the Office of the Jury Commissioner, 725 Court Street, Room 303, Woodland, CA 95695, telephone (530) 406-6828 or obtain an application from the Grand Jury's website at <http://www.yolocounty.org/Index.aspx?page=786>.



INVESTIGATIONS & REVIEWS

Impact of Cache Creek Casino Resort on Yolo County

SUMMARY

The Grand Jury initiated a fact-finding investigation to understand the impact of the Cache Creek Casino Resort on Yolo County residents. The casino is owned and operated by the Yocha Dehe Wintun Nation (YDWN), whose tribal lands are near Brooks. The Grand Jury found that the casino has added significantly to the region's economy, and emergency services have improved for Capay Valley (Valley) residents. However, according to the county's citizen's advisory committee for tribal affairs, the casino's impacts are beyond remediation in the areas of traffic, noise, safety, and environment. The Grand Jury concurs that these negative impacts exist but believes some remediation may be possible if concerted effort is made. The Grand Jury found that funding for casino mitigation in Yolo County has not been administered appropriately. Lastly, the Grand Jury found that the YDWN has substantially expanded its county land holdings since it opened the casino and has the potential to convert that land as it sees fit.

REASON FOR INVESTIGATION

The Memorandum of Understanding (MOU) between the YDWN and Yolo County in October 2002 anticipated a variety of impacts on county residents and heightened demand for county services. The Grand Jury sought to determine compliance with certain portions of the MOU and to describe some of the casino's impacts now that it has been fully operational for five years.

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 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."

The Grand Jury chose to limit its inquiry to three subject areas covered by the MOU, and a fourth, related area: (1) traffic—identify the casino's current impact on traffic and identify problems to be mitigated; (2) public

safety and emergency services—identify the casino's impact on public safety in the Valley; (3) finances—understand how tribal funds provided to the county are used and overseen; and (4) growth of land holdings—quantify growth in land holdings since the casino began producing revenue. Other areas, particularly water and environmental impacts and housing demands, are among the Grand Jury's concerns that could not be addressed due to time constraints.

ACTIONS TAKEN

Document Review (citing only documents from which data were taken)

- Intergovernmental Agreement Between the County of Yolo and the Rumsey Band of Wintun Indians Concerning Mitigation for Off-Reservation Impacts Resulting from the Tribe's Casino Expansion and Hotel Project, October 2002 (casino and hotel, referred to as Memorandum of Understanding or MOU)
- Cache Creek Indian Bingo & Casino Expansion Project Environmental Evaluation, prepared for The Rumsey Band of Wintun Indians, May 2002, and Final Environmental Evaluation, October 2002, and amendments
- Development Agreement by and between Yolo County and the Rumsey Band of Wintun Indians 05-103 (golf course), 2005
- Wintun Indians Cache Creek Destination Resort Project Tribal Environmental Impact Report, April 2008
- Capay Valley Highway 16 Corridor Concept Plan, Capay Valley Vision, Inc., Final Draft October 2003, funded in part by a grant from the US Department of Transportation (final version January 2004)
- Agendas from Tribe-Council 2x2 meetings on 6/9/04, 11/3/04, 5/18/05, 8/31/05, 2/1/06, 5/11/06, 9/28/06, 2/12/07, 5/7/07 and 2/28/08 (all meetings held to date)
- Agendas and Minutes from Yolo County Advisory Committee on Tribal Matters
- Yolo County 2030 Countywide General Plan EIR, April 2009

- Applications for Tribal Mitigation Funds, 2003 through 2009
- Written or electronic responses to Grand Jury questions, including original research, from county officials during the period from 11/13/09 through 4/22/10
- California Statewide Local Streets and Roads Needs Assessment, California League of Cities, October 2009
- Yocha Dehe Wintun Nation informational online brochure, September 2009
- Midwest Political Science Association, Attention to State Legislation by Indian Nations in California, Boehmke & Witmer, 2006

Interviews

- Elected and non-elected members of Yolo County Administration
- Yolo County residents

WHAT THE JURY DETERMINED

The Cache Creek Casino Resort in Brooks expanded from a small bingo operation in the 1980s to a multimillion dollar destination resort which includes a multi-game casino, hotel, concert venue, a spa by 2005, and a golf course in 2008. Today, the casino is a major economic engine in Yolo County. It is the county’s largest private employer (2,500) and annually awards \$200M in vendor contracts, \$40M in combined payments to the state and Yolo County, and approximately \$3M donated to local civic organizations. Although the YDWN would not provide information, the Grand Jury understands that the trust land (reservation) is now home to fewer than 25 members plus children. These individuals are the direct and highly-compensated beneficiaries of profits from the casino. Clearly, the casino has had a tremendously positive financial effect on the once-impooverished YDWN, certain citizens, and the Yolo County region.

Indian nations possess inherent powers of self-government that predate the establishment of the United States. The United States holds legal title to tribal lands in trust, but the YDWN has the right to use the property and derive benefits from it. The YDWN is subject to federal laws unless a specific law provides otherwise, while state governments have no control or authority over Indian nations unless specifically authorized by Congress. State and local laws regarding matters such as taxation, zoning, land use

and the like do not apply. Indian nations often purchase land on their own and expand trust holdings via a “fee to trust” conversion through the US Department of the Interior, Bureau of Indian Affairs. Regarding taxation, (1) Indian nations pay payroll-related taxes if they are employers; (2) individual tribal members are subject to federal income tax, but are exempt from state income taxes if they live on and derive their income from reservation resources; and (3) land in trust is exempt, while land owned by the YDWN (“fee”) is subject to property tax. The fact that YDWN members do not pay state taxes does not preclude them from making political contributions to candidates for state office or lobbying regarding state legislation. The YDWN is among the most active of all California Indian nations in these activities.

The YDWN declined to be interviewed by the Grand Jury and refused to answer written questions regarding the casino and its relationship to Yolo County residents. Tribal representatives sent a letter to the Grand Jury via legal counsel stating, “...the Tribe is a sovereign governmental entity that is immune to the jurisdiction and process of state and local authorities.” Further, the letter stated, “...the Tribe is not subject to, and ... it will not participate in, any grand jury proceedings.” Thus, the Grand Jury was forced to complete its inquiry without benefit of facts and perspectives from the YDWN to inform this report.

Traffic

Volume: Widespread concerns about traffic and roads before and since the casino’s opening are well-founded. Data available from Caltrans show the increase in traffic between I-505 and Brooks, the main feeder route to the casino, from 2002 to 2006 (Table 1).

	2002	2006	Chg #	Chg %
Entrance to Casino	7,700	11,400	3,700	48%
SR 16 + Rd 89 (Guy’s Market)	10,600	14,300	3,700	35%
SR 16 + Rd 98 (@ Wldd Main St)	7,900	8,600	700	9%

The peak day, Saturday, had just over 13,000 casino trips on average in 2006, or 69% more than the 2002 average. At the peak hour, 5 to 6 PM, more than 800 cars pass through the casino gates. Most, if not all, of the 3,700 vehicle increase at SR 16 and Road 89 outside of Madison are headed for the casino.

Capacity: Capacity refers to the average vehicle delays. Currently, all casino feeder roads meet capacity limits established by the state and county. However, both the county’s 2030 General Plan and the citizen’s group Capay Valley Vision’s (CVV) 2003 study noted that traffic at the casino entrance and at the SR 16 and Road 89 intersection are projected to exceed capacity standards — CVV projecting this to happen in 2013 — unless road improvements are made. The burden for planning and a majority of the funding comes from the state, with the YDWN and county sharing the remaining costs.

Road Quality: The California League of Cities recently released a study on local road conditions in California. On a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68 (“at risk” category) and is projected to deteriorate to 48 (“poor” category) by 2033 without new funding. Yolo County’s average PCI is 67 (“at risk”). In Yolo County, the funding needed over the next 10 years to bring all pavement to good condition (PCI in the low 80s) amounts to almost \$500M, or an average of \$50M per year. The county’s proposed FY2009/10 budget for Roads was \$25M. However, only about \$16M available for structural improvements, with the balance devoted to personnel, supplies and equipment.

Public Transportation: The MOU anticipated the significant impact on traffic and roads due to the influx of patrons and employees into rural Brooks. The YDWN committed to two important measures to address these issues: (1) pay the county to construct a park and ride facility for patrons and employees, location to be determined; and (2) institute and provide mandatory employee bus shuttle service. Neither of these measures was implemented.

In January 2008, the YDWN and county agreed to drop the park and ride plan, deeming it unnecessary. Instead, the YDWN agreed to subsidize the county’s existing bus service between Woodland and the casino, with stops enroute. Employees who live along Bus Route 215 are encouraged but not required to take the bus, and they must pay their own fares. A recent study by the YDWN estimates only about 18% of all employees use the bus, although this figure would rise to perhaps 50% if bus service were more convenient or economical. These alternatives fail to take into account that half of the employees live in Sacramento County. The YDWN would not provide needed data about the location of its patron base, though county officials estimate it origi-

nates primarily from the Bay Area and secondarily from Sacramento.

Public Safety and Emergency Services

Public Safety: The casino expansion created increased workload on county law enforcement agencies and first responders in addition to the impacts on its citizenry. County data indicate a steep rise in certain crimes associated with the casino (Table 2)

	2002	2006	Chg #	Chg %
Drug-related	187	155	(32)	-17%
DUI	2	23	21	1050%
Vehicle Code	2	28	26	1300%
Assaults, Weapons	1	30	29	2900%
Felony Burglary	2	20	18	900%
Felony Theft	3	16	13	433%
Misdemeanor Gambling	0	17	17	100%
Crimes Against Children	4	1	(3)	-75%

CVV noted in its 2003 report that traffic accidents on SR 16 between I-505 and Brooks were about twice the state’s average, citing various rates for various segments, for 1999 to 2002, i.e., before the casino opened. The Grand Jury did not obtain updated data, but cites this as a pre-existing public safety issue.

Emergency Services: The MOU required the YDWN to construct, fund and maintain an on-site fire station with fully-trained personnel and emergency medical aid. The casino’s fire department has mutual aid agreements with neighboring fire and emergency aid departments. County managers state the YDWN has done an excellent job of staffing, training and cooperating with local first responders. The Grand Jury received anecdotal data stating response time is worse, compared to five years ago, in some areas of the Valley due to high traffic volume and increased reliance on expensive helicopter life flights for serious accidents, particularly when highly-attended performances were offered at the casino.

Fire Protection Districts (FPD) around the Valley generally reported significantly increased proportions of certain types of calls related to the casino over the period 2002 to 2006. In particular, casino-related traffic

accidents could easily account for half the traffic accident calls Valley FPDs answer in a year, with car fires next as a proportion of casino calls, compared with few if any calls in 2004.

Finance and Administration

Tribe-Council 2 x 2: The 2 x 2 committee was created to promote intergovernmental communication between the YDWN and Board of Supervisors (BOS) on matters of mutual interest. The committee is not empowered to make decisions on behalf of the entities its members represent. The MOU provided for public meetings every quarter, although only 10 meetings have been held in the past eight years. There have been no meetings in the past two years due to the divisiveness created by the ultimately-failed negotiations over the 2008 casino expansion proposal. Minutes have never been taken at the 2x2 meetings so the public cannot learn what discussions have transpired between the parties.

Advisory Committee on Tribal Matters (ACTM): The MOU established the ACTM to advise the BOS on all matters related to the MOU. Its work has been defined by evaluating, ranking, and recommending applications for tribal mitigation funds from individuals, businesses, organizations, and governmental entities. Mitigation funds have not been used for the aforementioned for a few years due to the county’s economic situation and the committee is in hiatus. ACTM members are appointed by the BOS.

Eight months after it was established in March 2003, the ACTM advised the BOS, “The quality of life and the character of the communities in the casino-affected areas have been permanently compromised in ways that cannot be mitigated. Moreover, no amount of funding will completely mitigate the adverse impact of traffic, noise, safety and ecological issues.”

Mitigation Funds: The MOU referenced both direct and intangible impacts on county infrastructure and services, for which the county negotiated reimbursements through Fiscal Year (FY) 2019-20. Payments equal less than 2% of the county’s annual budget but are unrestricted and therefore particularly valuable during times of economic strain. These payments, plus interest, increase steadily from \$1.9M in 2002 to a projected \$6M in FY2019-20, equaling approximately \$5.4M in FY2009-10. Annual

payments of \$43K are also made for county road maintenance. Despite this funding, the county estimates its casino-related law enforcement workload (Sheriff’s Office, District Attorney, and Public Defender) is currently underfunded by approximately \$600K. Total underfunding for all areas is unknown.

Tribal mitigation funds were planned to be allocated 60% for direct impacts and 40% for intangible impacts. However, the MOU allowed the BOS to direct mitigation funds as it sees fit, even if the funds are not used to mitigate impacts of the casino. Since the MOU, the BOS’ allocations have changed along with the county’s economic situation. Funding has increased for county departments with casino-related workloads while community-related funding has been eliminated.

Between 2002 and FY2009-10, the county has received \$32.9M in MOU mitigation funds and the earned interest. Of this, allocations are as follows:

- \$15.5M (47%) to the general fund, compared to the 40% originally contemplated,
- \$10.6M (33%) to impacted county departments (Table 3),
- \$6.4M (19%) to community residents and specified projects along the State Route 16 corridor between I-505 and the casino (Table 4), and
- \$0.4M (1%) in reserve.

	\$	%
Sheriff / Sheriff Patrols	3,460,000	32.5%
District Attorney	1,413,000	13.3%
Board of Supervisors for Casino Negotiation	1,275,000	12.0%
Tribal Office Operations	1,246,000	11.7%
Sheriff / One-time Allocation	1,000,000	9.4%
Public Defender	928,000	8.7%
Probation Services	328,000	3.1%
District Attorney / One-time Allocation	250,000	2.3%
County Administrator	241,000	2.3%
County Counsel	217,000	2.0%
Environmental Health	203,000	1.9%
Board of Supervisors	28,000	0.3%
Other	50,000	0.5%
	10,639,000	100.0%

TABLE 4

The Community: Mitigation Funding 2003/04 - 2009/10

	\$	%
Esparto Schools	1,071,000	16.1%
Esparto Comm Dev / New Season Inc	800,000	12.1%
Esparto Comm Medical Center Inc	252,000	3.8%
Esparto Farmer's Market	152,000	2.3%
Esparto Chamber of Commerce	127,000	1.9%
Esparto Traffic Calming	70,000	1.1%
Esparto Library	44,000	0.7%
Esparto Bus Shelters	11,000	0.2%
Total Esparto	2,527,000	38.1%
Individual & Business Mitigation	1,098,000	16.6%
Fire Departments / Emergency Svcs	1,059,000	16.0%
Yolo County Depts Direct Costs	466,000	7.0%
Yolo County Mitigation Studies	150,000	2.3%
CHP Traffic Control Costs	125,000	1.9%
Total State and County Direct Costs	741,000	11.2%
Capay Valley Vision	445,000	6.7%
RISE, Inc	342,000	5.2%
Guinda Improvements including Grange	135,000	2.0%
Madison Improvements	89,000	1.3%
Rumsey Improvements	62,000	0.9%
Capay Improvements	20,000	0.3%
Total Communities	306,000	4.6%
Yolo Land Trust	65,000	1.0%
Gambling and Drug Treatment Programs	39,000	0.6%
All Others	11,000	0.2%
Gross Amount Allocated	6,633,000	100.0%
Amounts Allocated but Unspent	(241,000)	
Net Amount Allocated	6,392,000	

With regard to impacted county departments, the Sheriff's Department garnered the lion's share of the funding, 42% of the \$10.6M, including on-going and one-time allocations. The focus of county funds has been law enforcement, except for 12% spent negotiating and arbitrating the YDWN's proposed 2008 casino expansion.

With regard to community mitigation projects (Table 4), the county is currently at a standstill due to organizational

issues and lack of resources. The Grand Jury identified several problems in the community projects allocations:

- At least two of the nine ACTM board members had conflicts of interest when they voted to recommend funding certain proposals either because a member or a member's spouse held a leadership role in a recipient organization. Lack of clarity in the minutes for some years makes complete analysis of board discussions and some votes impossible.
- The interlocking directorates and memberships among ACTM and recipient community organizations in the Valley preclude objective decision-making by the ACTM Board.
- ACTM minutes reflect that members and residents inaccurately believe ACTM funds are theirs to control for permanent funding for Valley community projects, ignoring other county priorities or other casino-related mitigation needs outside the Valley.
- Funds were increasingly used to support permanent operating costs such as career staff and basic operations costs rather than one-time mitigation.
- The BOS awarded \$800K, 12% of all community mitigation funding, to New Season Development of Esparto for a community development effort that will house one tenant, a hardware store with a staff of 15, plus related streetscaping. There is little, if any, opportunity to achieve the outcomes predicted by its proposal. New Season, with no staff and no track record, was incorporated only a few months before it received funding. New Season had two people who served on both its board and the ACTM committee, although the members abstained from voting on the funding request. New Season stated, among other impacts, its efforts would "create an economic revitalization throughout Yolo County."
- In some years, a substantial amount of the community funding went to very few households. Between FY2003-04 and FY2006-07, the BOS allocated \$4.3M to ACTM projects, of which \$340K (7.9%) went to only 28 residences.
- The BOS limited community funding to residents between I-505 and the casino, withholding the opportunity for mitigation from the many residents along other portions of the SR 16 corridor including the City of Woodland.

- Esparto received the lion’s share of the community funding, 38%, plus 29% of all funds directed to fire protection districts. During some years, an ACTM board member voted on funding requests for Esparto school district when the member’s spouse was a school board member.
- Funds were increasingly used for economic and community development efforts rather than mitigation, even though problems to be mitigated, such as roads, remained unfunded.
- Recipients were not required to “hire locally” to promote spending within the county.

Growth in Land Holdings

Since the opening of the casino, the YDWN has been steadily purchasing parcels in Yolo County that could be converted to reservation land, removing them from government oversight and county tax rolls (Tables 5 and 6). The pace of purchases has increased since 2007. As the YDWN continues to profit from the casino while the

county and state coffers continue to strain, the casino’s holdings will likely amount to a “stranglehold on the county” according to some county officials. Elimination of state funding for agricultural land preservation, the Williamson Act, which protects two-thirds of the county, is a similarly ominous development.

FINDINGS

Traffic and Roads

- F-1** Since the casino opened, traffic is the primary impact that has worsened for which there has been inadequate mitigation.
- F-2** The fact that the casino’s main feeder road is a state rather than county highway complicates planning and funding for repairs and maintenance. Severe economic strains on the state and county, coupled with Valley residents’ concerns over the kind and quality of proposed improvements, likely will cause traffic capacity to be problematic for years to come.

TABLE 5
Yocha Dehe Wintun Indian Land Holdings in Yolo County

<u>Holdings (Acres):</u>	<u>As of April 2004</u>	<u>As of January 2010</u>	<u>Chg Acres</u>	<u>Chg %</u>
Land in Trust (Reservation / US Govt.)	257.5	259.0	1.5	1%
Land in Fee (Owned by YDWN)	1,851.5	7,431.7	5,580.2	301%
Total Land Holdings	2,109.0	7,690.7	5,581.7	265%
Land in Trust as % of Total	12%	3%		
Land in Fee as % of Total	88%	97%		

TABLE 6
Yocha Dehe Wintun Indian Assessment Valuations in Yolo County

<u>Assessed Values (Dollars):</u>	<u>As of April 2004 (before Resort)^{1,2}</u>	<u>Added since April 2004 (after Resort)^{1,3}</u>	<u>Total</u>	<u>Chg \$</u>	<u>Chg %</u>
Assessed Land Value	1,784,316	12,720,357	14,504,673	10,936,041	613%
Assessed Structure Value	3,289,642	23,908,545	27,198,187	20,618,903	627%
Total Assessed Value	5,073,958	36,628,902	41,702,860	31,554,944	622%
Assessed Value as % of Total	12%	88%	100%		

¹ Excludes land in trust, i.e., tribal master community, casino, accessways to golf course

² The structure is a warehouse property in West Sacramento

³ Includes new golf course in 2008

F-3 Neither the YDWN nor the county is actively pursuing public transportation alternatives for employees and patrons which could reduce traffic as well as noise and light pollution.

Public Safety and Emergency Services

F-4 The Yocha Dehe Fire Department has spear-headed and financed training for most if not all volunteer firefighters in the surrounding area. Despite delays in response time due to traffic congestion, the fact that all the Yocha DeHe Firefighters are EMT-trained improves emergency health services to both casino patrons and surrounding residents.

F-5 The county estimates the actual operating costs for casino-related crime in the Sheriff, District Attorney, and Public Defender offices exceed \$1.5M annually, while funding is approximately \$900K, or about \$600K (40%) short of the need.

Finance and Administration

F-6 The county is adhering to the terms, though not the spirit, of the MOU with regard to distribution of the ACTM funds. Considerable negative impacts remain along the SR 16 corridor.

F-7 The county's decision to place a moratorium on ACTM funding for community projects is appropriate for two important reasons: (1) the county's highest priority is core functions rather than mitigation for a small segment of the county, and (2) the mitigation funds' allocation method is flawed and needs to be changed before more funds are spent.

F-8 The BOS did not exercise prudent oversight concerning conflict of interest issues with ACTM recommendations and the inappropriate award to New Seasons development.

F-9 The influence of Esparto-based organizations and individuals is evident in the funding that went to Esparto compared to other areas in the Valley.

F-10 Minutes of the Tribe-Council 2 x 2 meetings were not taken.

Growth in Land Holdings

F-11 YDWN land holdings have tripled and assessed valuations of fee land have increased more than six fold since the casino opened in 2004.

F-12 All but 1.5 of the 5,580.2 acres acquired since

2004 have remained as fee land, on county tax rolls.

F-13 Land owned by the YDWN is subject to being converted to trust land, which would (1) remove it from county tax rolls, and (2) create the potential for conversion to any use desired by the YDWN, as it is not subject to state and local zoning and other laws.

F-14 No one at the local or state level has authority over fee-to-trust conversions.

F-15 The county is at significant risk to lose agricultural land to development, given the opportunity for fee-to-trust conversion and the loss of funding for Williamson Act contracts.

RECOMMENDATIONS

Traffic and Roads

10-01 Improve traffic enforcement and warning signage along SR 16 and casino feeder roads.

10-02 Continue to work with Caltrans and the YDWN to hasten plans for SR 16 relief between I-505 and Brooks, or identify alternate route(s) to alleviate traffic.

10-03 Work with the YDWN to establish an employee program to subsidize public transportation passes to help reduce the number of cars going to the casino.

Law Enforcement, Emergency Services, Public Safety

10-04 Pursue greater contribution from the YDWN to eliminate the existing funding gap created by criminal activity attributed to the casino.

Finance and Administration

10-05 Before more ACTM funds are granted, develop allocation guidelines that will ensure fairness, transparency, and accountability. Consult with financial and legal professionals within county government to assist in developing the guidelines.

10-06 The first priorities when mitigation funds become available again should be residents between I-505 and I-5 plus the City of Woodland, along with Valley communities that have not yet received attention.

10-07 When meetings resume, initiate taking minutes at Tribe-Council 2x2 meeting to ensure accountability and transparency.

Growth in Land Holdings

10-08 Monitor and participate in the national debate regarding fee-to-trust conversions with an eye toward ensuring that Yolo County maintains its tax base and enhances the rural, agrarian nature of Capay Valley.

COMMENTS

The Grand Jury thanks and sends its appreciation to Yolo County employees for devoting many hours researching information and responding to multiple data requests.

REQUEST FOR RESPONSE

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

From the following governing body:

- Yolo County Board of Supervisors (Recommendations 10-01 through 10-08)

Yolo County Department Of Employment And Social Services

SUMMARY

The Grand Jury investigated the Department of Employment and Social Services in response to a complaint alleging mismanagement, favoritism, and fraud. The Grand Jury received witness testimony and reviewed documentation. The Grand Jury found questionable practices with regard to timekeeping, pay for non-work related activities, lay-off and promotion, employee evaluations, and pursuing client fraud.

REASON FOR THE INVESTIGATION

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 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.”

The Grand Jury investigated the Department of Employment and Social Services as a result of a complaint alleging mismanagement and favoritism within the department. Specific allegations included: (1) misrepresenting vacation and sick leave charges on time sheets, (2) using employee time for non-work related activities, and (3) reporting time spent checking e-mails by cellular phone or remote computers as time worked, despite the suspension of the telecommuting policy. The complaint also alleged that the county fails to pursue fraudulent claims by clients when the amount is less than \$5,000.

GLOSSARY

The following glossary is to assist readers in keeping track of the various abbreviations and terms used in this report.

At-will employees—Salaried employees who serve at the pleasure of a department director or the county administrative officer and are on continuous probation.

BOS—Board of Supervisors. The elected governing body that makes policy decisions and oversees the county budget and department programs.

CAO—County Administrative Officer. Oversees county budget and personnel administration.

DESS—Department of Employment and Social Services.

Provides outplacement services, child and adult protective services, and other related social services in Yolo County.

ELT—Executive Leadership Team. DESS top management and some supervisors. They meet regularly and administer the department.

HR—Yolo County Department of Human Resources. County-wide personnel department that keeps copies of all county employee records, and establishes and enforces personnel policies. This department reviews the job descriptions for county positions.

MQs—Minimum qualifications for a position listed in county job announcements. In order for an applicant to be considered for a specific job, they must meet the MQs for the position at the time they apply for the position.

XTO—Extra time off. Established in lieu of furlough days in response to the county’s budget shortfall. Employees accrue XTO and are not paid for that time off.

XTE—Extra time earned. Similar to compensatory time off (CTO) in that employees working more than 40 hours a week are allowed to accrue overtime and take it as paid leave at a later date.

ACTIONS TAKEN

The Grand Jury interviewed 20 people, including the complainant, DESS employees, other County employees, and a contracting agency employee. The Grand Jury interviewed DESS employees who were the subjects of the complaint as well as current and former DESS employees not subjects of the complaint. Interviewees included those with responsibilities and knowledge of the county’s policies in human resources, budget and accounting, auditing, and information technology systems.

The Grand Jury obtained and reviewed copies of bi-weekly time keeping records, activity calendars, and e-mails for selected DESS employees. The Grand Jury also reviewed DESS and Yolo County administrative procedures manuals and a copy of the county’s “at-will” employee listing, which is approved by the BOS. The Grand Jury reviewed a list of DESS files of closed potential fraud cases under \$5,000.

WHAT THE JURY DETERMINED

Misuse of Time Keeping

The Grand Jury found inconsistencies with regard to the reporting of vacation and sick leave time. In some

cases DESS uses a “by exception method.” Employees fill out a time sheet if they used any form of leave -- such as vacation, sick leave, or XTO -- or if they are filing a correction to a previous pay period. If no time sheet is filed, it is assumed by management that the employee worked the 80 hours for that pay period. Some, but not all, DESS employees use the “by exception” method for their time reports, depending on their supervisor. The ELT use the “by exception” reporting method, that is they file time reports only when on vacation, sick leave, or for other non-regular activity.

In reviewing calendars and e-mails, the Grand Jury found that DESS management kept incomplete records regarding employee absences. In two cases the Grand Jury found evidence that vacation and sick leave times were misrepresented. In one instance, it appeared that the employee supplemented county disability benefits by claiming to work part-time at DESS in order to receive full pay and continue to accrue full leave benefits. In another instance, the Grand Jury found evidence that an employee, who worked part-time, accumulated full-time sick and vacation time by failing to turn in time sheets for the pay periods covered.

During its investigation, the Grand Jury was informed that the county is installing a new electronic time keeping system that will be in place by the end of 2010. There will be a trial run in late May 2010. The system requires employees to use a password to enter times, and will send the information to the auditor’s database system. DESS supervisors will have access to the database to check employee’s time statements, but will not be able to make changes. DESS will no longer use “by exception” time keeping.

Non-Work Related Activities

All interviewees noted that their paid time was used for non-work activities (e.g., long lunch hours and time off for shopping). This time was allowed as a morale booster. Eight interviewees claimed that it was the ELT and supervisors who regularly took two-hour lunches or three to four-hour shopping trips during work hours. Other employees were not allowed to do this. In reviewing County policy, the Grand Jury determined that XTO or vacation time should be used for such non-work related time out of the office.

Telecommuting and Out-of-Office Work

With regard to telecommuting, previous DESS policy required written approval and an agreement of what work was to be performed prior to starting telecommuting. That policy was suspended in summer 2009,

and at present CAO approval is required.

The CAO has no contracts listed for telecommuting by cellular phone, and only a few DESS employees have approval to work from home, via computer and the Internet. County-issued cellular phones may be used to check in with the office when on leave or out of town for non-business reasons, but such contact does not count as being at work (unless the supervisor was notified in advance and had it posted on the supervisor's calendar). The Grand Jury found evidence that some managers inappropriately claimed to be telecommuting in violation of the department's written policy.

Favoritism

DESS has reduced its staff by at least 63 people since July 2009. The Grand Jury heard testimony that the DESS director selects employees for layoffs so that those employees would not feel targeted by co-workers. In addition, unit supervisors and division managers are not allowed to provide input regarding potential layoffs or other personnel changes, such as employee transfers. Staff members view this process and the decisions arising from it as either favoritism or possible retribution for disagreeing or questioning management.

The Grand Jury found evidence that at least one employee may have been inappropriately selected for a position in that the employee did not have the necessary education qualifications for the job. The MQs were changed at a later date by the BOS to allow less experience and education. This employee has since completed the education required to meet the original MQs. Another employee was seen by staff as inappropriately favored by having been moved into positions that will not be lost to layoffs.

The Grand Jury received testimony that older, more experienced employees have been selected for layoff rather than less experienced employees. Reportedly there is a lack of cooperation among co-workers, clients, and cooperating agency workers. Testimony regarding other forms of favoritism included unequal distribution of extra workload or clients, without explanation.

At the time of our interviews, assigning supervisors or division managers as at-will employees was possibly in violation of BOS procedures. The Grand Jury reviewed the at-will employee list and four DESS positions changed to at-will status do not appear on the BOS approved list of at-will employees. This appeared to circumvent the BOS process regarding staffing, pay, and positions. As these positions were reclassified at a time of layoffs, the at-will assignments added to the appearance of favoritism.

Performance Evaluations

HR requires annual employee performance evaluations. HR keeps file copies of all annual employee performance evaluations. Performance evaluations are also required when an employee changes position, and three months after beginning a new position.

It is written policy that employees be given copies of their performance evaluation and meet to discuss that evaluation with their supervisor. In some cases, this has not been done and there is no copy of their performance evaluation in the DESS personnel files. Some employees have not had annual performance evaluations for several years.

Staff members, who were interviewed, saw the lack of performance evaluations as a way to reduce their ability to gauge if their work performance meets the job requirements and as a way to reduce their ability to protest what appear to be arbitrary and capacious decisions regarding layoffs, employee transfers, demotions, or promotions.

Fraud Less than \$5,000

DESS has a Memorandum of Understanding with the District Attorney's office regarding, among other things, fraud investigations. The current MOU does not mention a dollar amount threshold for fraud investigations. There appears to be an unwritten agreement of not pursuing cases of potential fraud of less than \$5,000. The Grand Jury found several cases that fell into that category, and could not find any cost-benefit analysis with regard to the \$5,000 threshold.

FINDINGS

- F-1** The DESS "by exception" method of time keeping can engender fraud, either accidental or intentional.
- F-2** If properly used and managed, the new electronic time keeping system should help to reduce misuse of time reporting.
- F-3** The arbitrary allowance of paid time for non-work related activities suggests favoritism and may be a misuse of public funds.
- F-4** The CAO and DESS have not enforced rules for the use of XTE, telecommuting, and cellular phone use.
- F-5** HR did not exercise due diligence regarding the MQ for newly-hired or transferring DESS employees.
- F-6** Proposed employee layoffs do not include written criteria and input from all ELT and the

- employee supervisors.
- F-7** Within the department, there is a perception of favoritism concerning job and client assignments.
- F-8** At the time of the interviews, the policy regarding listing of at-will employees had not been followed.
- F-9** DESS has not followed its written policy regarding employee performance evaluations.
- F-10** Copies of the evaluations are not readily available to the employee.

RECOMMENDATIONS

- 10-09** Follow proper procedures for recording XTE and XTO.
- 10-10** Conduct an audit regarding DESS use of XTE.
- 10-11** Stop allowing paid work time for non-work activities.
- 10-12** Enforce the written rules for cellular phone use and telecommuting.
- 10-13** Enforce HR and BOS policy listing at-will employees.
- 10-14** Enforce MQ requirements listed in county job descriptions before approving the hiring of employees (whether new hires, transfers, or promotions). HR should not allow individual departments to make changes to the requirements without BOS approval.
- 10-15** Conduct employee performance evaluations as required by County policy.
- 10-16** Perform a cost-benefit analysis regarding fraud amount exclusions and amend the MOU to establish policy.

COMMENTS

Given the number of layoffs over the past few months, the low morale at DESS is not surprising. Many of the layoffs and budget reductions come in critical areas (such as Women, Infants, and Children and Child Welfare Services). However, the top down management of DESS, which does not include or even elicit input from affected staff, contributes significantly to the low morale.

The ELT's efforts to raise morale — such as putting on special events or lunches — seem to be ineffective because only selected staff members are allowed to participate. Even during a time of low morale, using county time for non-work related activities is inappropriate.

The Grand Jury notes that the BOS has revised the at-will position list as of March 23, 2010, which

eliminates concerns regarding whether or not the former list followed BOS policy.

REQUEST FOR RESPONSES

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

From the following governing bodies:

- Yolo County Administrative Officer (Findings F-1, F-4 through F-8; Recommendation 10-09, Recommendations 10-12 through 10-15)
- Yolo County Department of Human Resources (Findings F-1, F-4 through F-8; Recommendations 10-12 through 10-15)
- Yolo County Auditor (Findings F-2 and F-5; Recommendation 10-12)

From the following individual:

- Director, Department of Employment and Social Services (Findings F-6 through F-10; Recommendations 10-11, 10-12, 10-14 and 10-15)

Yolo County Housing Authority

SUMMARY

The Grand Jury investigated the Yolo County Housing Authority in response to a citizen's complaint. The agency did not address a very serious complaint on the part of an elderly resident regarding tenant safety. Also, there were shortcomings in the emergency pull cord system, which cannot be relied on to ensure safety for the elderly and disabled. The Grand Jury found the Yolo County Housing Authority violated its mandate to ensure tenant safety.

REASON FOR INVESTIGATION

California Penal Code Section 925 authorizes the Grand Jury to investigate all branches of county government to be assured they are being administered efficiently, honestly, and in the best interests of its citizens. An investigation of the Yolo County Housing Authority (YCHA) was conducted in response to a citizen's complaint regarding resident safety at its West Sacramento senior housing site, Riverbend Senior Manor (RSM), on Cummings and Lighthouse Drive. The complaint focused on the failure of management to deal with a disruptive tenant who repeatedly brandished a gun, peeped through windows, exposed himself, used threatening and abusive language, and screamed and howled throughout the night. There was also concern about the well-being of a minor who lived with the disruptive adult and reportedly was his caregiver.

ACTIONS TAKEN

The Grand Jury interviewed four YCHA staff and two RSM residents. In addition, the Grand Jury reviewed YCHA policies, job descriptions, written procedures available to tenants relevant to tenant safety and grievances, and results of recent YCHA unit emergency pull cord inspections performed by an outside firm (November 2009 and February 2010). During their visits, the Grand Jury performed visual inspections of the site exterior, walkways, common areas, and investigated safety conditions of living units at RSM. Time did not permit a review of YCHA emergency preparedness plans for senior and disabled residents.

WHAT THE JURY DETERMINED

The Yolo County Board of Supervisors created a Risk Control Policy Statement for YCHA in 2008, stating "the safety and well being of the residents and employees of the Housing Authority of the County of

Yolo is of the utmost importance." (Resolution 09-06). One of YCHA's purposes is to provide safe and affordable housing for low income, senior and other disadvantaged residents.

RSM is comprised of two independent living facilities for senior and disabled citizens who receive federal housing assistance, 66 units in all. It is adjacent to and shares management with Las Casitas that provides 73 units for federally-assisted families. The county manages the units and is subject to federal, state, and county administrative rules and guidelines.

The on-site property manager oversees tenant selection and orientation, rent calculations, budget administration, and the work of the two facilities' support staff. The program supervisor works among YCHA sites to direct daily operation, monitor work of subordinates, coordinate resident activities, and oversee inspections. The office is staffed four days a week, 8 AM to 5 PM. YCHA staff do not respond to medical emergencies or tenant alarms; residents must contact 9-1-1 or identify other assistance in such cases. YCHA maintains an 800 number for after-hours emergency repairs.

YCHA has a written grievance procedure for "disputes which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual." The YCHA Residential Lease Agreement permits lease termination if a tenant creates a safety hazard: "YCHA shall give written notice of the proposed termination of the lease (in a reasonable amount of time, not to exceed 30 days, when the health or safety of other tenants or the employees ... (is involved)." However, staff indicated the typical use of the grievance procedure is during the course of proposed termination of tenant lease and not to resolve for tenant-to-tenant complaints.

YCHA has an "Incident Documentation Form" through which tenants make written complaints about any issue they wish. There are no written policies on YCHA's responsibilities once it receives a completed "Incident" form. Staff stated their procedure is to review and respond to the report according to their opinion of the severity of the issue. Incident reports on tenant safety may be forwarded to YCHA senior management by supervisory staff if they consider the matter severe.

In this instance, the complainant submitted multiple incident reports, over the course of four or more months, regarding the disruptive tenant. The complainant did not use the official YCHA form, but reports contained the essential information. No action was taken by the YCHA. Staff acknowledged complaints were simply

read and filed. Eventually, the troubled tenant moved due to a medical crisis.

With regard to other safety conditions in the living units at RSM, building exteriors are equipped with Knox boxes that hold unit keys for emergency personnel. Nineteen impediments to foot and wheelchair travel were noted during YCHA's November 2009 inspection. These and three other impediments noted by the Grand Jury have been corrected.

Living units for seniors and the disabled are equipped with emergency pull cords in bedrooms and bathrooms. The cords are to be pulled in case residents need emergency assistance and cannot use a telephone. Pulling the cord is supposed to activate an exterior light and a siren to alert others for the need of emergency assistance. The Grand Jury could not confirm that this system is operational.

The Grand Jury received conflicting information from staff regarding how the critically-important pull cords worked, e.g., what alarms might be activated and whether alarms might automatically notify first responders. Despite a lack of clarity as to how the pull cord systems operate, staff seems to assume that the system works. As noted above, staff do not respond to pull cord alarms.

Inspectors are hired by YCHA to periodically inspect the units, and the most recent inspection included the pull cords. Maintenance workers accompany inspectors either to make repairs on-the-spot or prepare work orders. The February inspection revealed that cords in about one-third of the units were not accessible, either blocked by furniture or tied up too high to be reached by a person on the floor.

The review of the job descriptions revealed that neither of those for the two supervisory positions that have the most day-to-day-contact with and oversight of the tenants (Real Estate Housing Services Supervisor and Housing Specialist II or Project Manager) contained any specific statement regarding their roles in tenant safety.

FINDINGS

- F-1** Despite multiple complaints, the YCHA did not take action to deal with the disturbed tenant and thereby jeopardized the safety of other tenants.
- F-2** The failure to deal with the disturbed tenant posed a potential risk for a minor.
- F-3** The emergency pull cord system may or may not be effective, depending on whether cords are appropriately deployed inside the units, whether

the system is operating correctly, and whether alarms are detected and responded to by others.

- F-4** The job descriptions of staff who have direct oversight of housing projects do not adequately address tenant safety.
- F-5** Supervisory staff have not ensured compliance with established policies and procedures regarding responsiveness to tenant complaints.

RECOMMENDATIONS

- 10-17** Enforce eviction procedures to remove tenants who pose significant physical safety hazards to themselves or other tenants, in accordance with federal, state, and local laws.
- 10-18** Enhance the emergency pull cord system to ensure that emergency alarms actively notify an on-duty responder. Coordinate planning with tenant council to ensure the new system is sufficient, but not intrusive to tenant privacy. When on-site, staff should respond to pull cord alarms.
- 10-19** Include tenant safety in job descriptions, including those for senior management, and incorporate disciplinary measures for staff who fail to identify or act on tenant safety problems.
- 10-20** Promote monitoring and awareness regarding tenant safety issues. Reporting should be coordinated with tenant councils to promote accuracy and completeness.
- 10-21** Institute annual training sessions on safety and emergency preparedness for the entire staff and tenants.

COMMENTS

The Grand Jury is particularly concerned about the state of the senior and disabled residents' alarms at RSM because it is in an area well-known for gang activities. For this reason, the Grand Jury urges YCHA to enhance surveillance and safety measures at this site.

REQUEST FOR RESPONSE

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

From the following governing body:

- YCHA Board of Commissioners (Findings F-1 through F-5; Recommendations 10-17 through 10-21)

Department Of Alcohol, Drug, And Mental Health Services

SUMMARY

The 2009-2010 Yolo County Grand Jury reviewed the services provided by the Department of Alcohol, Drug, and Mental Health Services. The Grand Jury interviewed management within the department to obtain background information and to learn about methods of providing service. The department, like other county agencies, is experiencing budgetary problems that are impacting clients.

REASON FOR VISIT

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 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.” Pursuant to that statute, the 2009-2010 Grand Jury visited the Department of Alcohol, Drug, and Mental Health Services (ADMH) at 137 North Cottonwood Street, Woodland, CA.

The Grand Jury visited ADMH because it had been 10 years since the department has had a Grand Jury oversight visit. The visit took place on January 15, 2010. The Grand Jury’s investigation included conducting interviews and reviewing the department’s procedure manuals.

WHAT THE JURY DETERMINED

ADMH’s mental health target population is the seriously mentally ill adults and seriously emotionally disturbed children and youth with Medi-Cal or no insurance. The alcohol and other drug population is served based on state and federal guidelines, as funding allows. It complies with the federal Health Insurance Portability and Accountability Act (HIPPA) that sets the national standard for privacy of health information. ADMH also has its own departmental policy and procedure manuals. All employees have access to these manuals, both in a printed version and in an internal, online electronic version. All employees are required to review the manuals.

The department also is subject to state and county policies and procedures, and is routinely reviewed regarding their compliance to these. The state reviews take the form of cost report reviews, audits, program

reviews, and site certification. Frequency of reviews can range from one to three years, depending upon the reviewing agency (e.g., the State Controller or the State Department of Alcohol and Drug Programs) and the particular program being evaluated. In some instances, ADMH staff is assigned to assist reviewing agency staff.

Procedures and policies regarding releasing private, personal medical records are in the ADMH manual. In general, private individuals may get a copy of their records by completing a release of information form. Since the medical record could be long or complicated, a staff person may speak with the individual to help narrow the search for the requested information, rather than making a copy of the entire record. The individual must pay for the cost of copying the record. After receiving the completed release of information form, it takes ADMH approximately five days to respond to the request.

If another medical provider requests a copy of private medical records, a release of information form must be signed by the individual or the individual’s legal guardian. As with an individual request, it takes ADMH approximately five days to respond to the request after they receive the completed paperwork.

The most challenging privacy issues deal with “transition age youth” (ages 16-25 that are transitioning into adulthood and learning to be responsible for themselves). Depending upon the issue and criteria, described either in the California Family Code or the California Welfare and Institutions Code, parents may not be able to see or get a copy of their child’s medical record. The most common frustration for parents occurs when their child turns 18 years old, and legally the parents no longer have a right to review the medical records, unless the adult child consents. Under certain circumstances, such as sexual assault, parents of children as young as 12 years old may not be able to review medical records.

ADMH is beginning a quality review of how it manages its treatment plans. Treatment plans are reviewed annually, more often in some cases—typically with youth because of the nature of their issues, both biological and psychological. Medication may be part of an overall treatment plan for a client.

ADMH recently changed the process by which people are assigned appointments (the intake process) which reduced the amount of time people have to wait for their first appointment. The first step occurs when a person comes to ADMH seeking assistance; they are referred to the triage and care team who make an initial assessment of whether or not the person is in crisis. If

the person is not in crisis, he or she is scheduled to come to an orientation session. These group sessions are held twice a week. At these sessions, the potential clients are told what services they can expect, review financial information, and are given an appointment slip. In most cases, a person can get into an orientation meeting that same week and have an appointment within a week or two. There are usually five to eight people in an orientation meeting. However, if the person is perceived to be in a crisis, they are scheduled for an appointment that same day, or are referred to the hospital. On some occasions police may be called for assistance.

Prior to this intake process change, people would wait four to six weeks for an appointment. Frequently people would forget to show up for their appointments, complicating ADMH's ability to deliver services. Under this new intake process, there are fewer "no shows." In addition to the appointment slips, the department now gives reminder calls to clients one or two days before the appointment. Administrators in the department feel that the changed intake process leads to more efficient delivery of mental health services in the county.

More complicated intakes take longer to process. An example would be a "co-occurring" intake in which a client has both mental health issues and a drug or alcohol problem. ADMH partners with other county agencies, such as the Department of Health or the Probation Department, and has 80 contracts with other agencies and non-profits to provide services. According to one of these agencies, in outlying offices, the intake process works the same, but could take longer. In some cases, the other agency may take another month to get a psychologist appointment and 10 days to a month to see the psychiatrist for an appointment and a prescription. It is not unusual to take up to three months to get a prescription or to change medication.

Not all services are provided at the department site. Many of the community-based services take place in the field—usually homes, schools, or more neutral ground such as a coffee shop. Such field visits are especially helpful for transition age youth. Community-based services include teaching life skills, parenting skills, filling out Social Security Insurance applications, or helping the client to find housing.

ADMH provides residential mental health services in several locations. There is a hierarchy of residential services. The first level of care is board and care homes. Adults in board and care live in a residential setting, and the facility is unlocked. Board and care homes for children are referred to as group homes. There are board and care homes in the county, and ADMH also has

contracts for space in regional facilities.

Institutes for Mental Disease (IMDs) provide the next level of care. These are locked facilities for clients who do not meet the criteria to be hospitalized, but need a higher level of care than can be found at board and care facilities. Clients in this level of care are usually under conservatorship. There are no IMDs in Yolo County, so ADMH contracts with IMD facilities in the surrounding area.

The highest level of care is for clients who need to be hospitalized. For cases where the client needs to be hospitalized without consent, the department uses the psychiatric ward at Woodland Healthcare. ADMH also has two beds at Safe Harbor, a facility run by Yolo County Continuum of Care; which is a crisis residential program for acute clients, those with the potential to harm themselves or others.

Like all other county and state agencies, ADMH is facing difficult choices regarding what services it can provide in the coming months. It has faced budget and staffing cuts, yet is committed to providing mental health services. Most clients pay for their services, so the bigger issue is the non-paying client. The county can no longer afford to carry these clients. For ADMH to be fiscally sound, the department is considering how to restructure the way it conducts its business. It needs to have 80-95% of its clients paying for services, normally through medical insurance. Most of these clients likely use Medi-Cal since people with private insurance usually go to private mental health providers.

FINDINGS

- F-1** ADMH has a standard and well-documented set of procedures, among many other requirements, designed to protect client confidentiality and privacy, and has a procedure to make client records available upon request.
- F-2** ADMH is taking action to restructure and revise the way it conducts business to provide mental health services to Yolo County residents in light of budget and staffing cuts.

First 5 Yolo

REASON FOR THE INVESTIGATION

Visits were made to First 5 Yolo (First 5) as a result of a citizen's complaint regarding funds received by First 5, the perceived lack of transparency, and whether or not generally accepted accounting practices (GAAP) were used.

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 Grand Jury met with First 5 managers to discuss its funding and auditing procedures, and how the funds could and could not be used. They also obtained background information about the program.

WHAT THE JURY DETERMINED

First 5 began in 1998 with the passage of Proposition 10, the Children and Families Act. This Act provided for a 50-cent a pack tax on cigarettes to fund smoking prevention, health and early intervention programs for prenatal care and for children under the age of five.

A Board of Commissioners, appointed by the County Board of Supervisors, decides how the funds are to be spent. The funds are not to be diverted to programs other than First 5. At the time of the visit and audit, Yolo County's First 5 2009-2010 budget was \$3,895,245. These funds were to be used for:

- Improved Family Development (parenting home visits, in-home nurse visits, foster family recruitment and retention, the child advocate program, etc.);
- Improved Child Development (education stipends, child care, preschool programs, reading programs);
- Improved Health (access to dental care, Healthy Kids Insurance program, perinatal substance abuse education and training, car seat distribution and safety education); and,
- Improved Systems of Care (mental health provider education and access).

The funding is granted to existing county agencies and non-profit healthcare groups that are involved with child healthcare and education. These entities must pro-

vide the First 5 commissioners with a viable plan that can be carried out to complete the requested grant.

The Grand Jury reviewed the First 5's Six Year Sustainability Plan, their first two operational year budgets, a report listing the past year's accomplishments, and the procedure used by the Yolo County auditor to prepare information that is used by the independent auditor. The independent audit is completed at the end of each fiscal year (June 30). The audit information, reports, and copies of the budget, with a listing of funded partners, are available to the public and may be obtained by request.

FINDINGS

- F-1** First 5 funds are kept in a designated account and are spent in an open and fully transparent manner.
- F-2** The agencies and non-profits funded by First 5 grants have demonstrated to the First 5 commissioners that they can carry out their proposed plans.
- F-3** The grant contract limits administrative funds (not equipment or supplies) to a maximum of 10%.
- F-4** Independent auditors have determined that GAAP are being followed.

RECOMMENDATION

- 10-22** The First 5 Board of Commissioners should resist the state's attempts to put Proposition 10 funds into its General Fund.

REQUEST FOR RESPONSE

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

From the following governing body:

- First 5 Board of Commissioners (Recommendation 10-22)

Yolo County Juvenile Detention Facility

REASON FOR VISIT

The visit was part of the oversight role required in California Penal Code Section 919(b), providing that “The Grand Jury shall inquire into the conditions and management of public prisons within the county.”

ACTIONS TAKEN

The 2009-2010 Yolo County Grand Jury visited the Yolo County Juvenile Detention Facility (YCJDF), at 2880 Gibson Road, on December 11, 2009. They met with staff, toured the facility, obtained background information, and discussed results of recommendations made by previous grand juries.

WHAT THE JURY DETERMINED

The facility’s capacity is 90 detainees, with the typical occupancy being 82 to 86. On the day of the visit, there were 71 detainees — 25 from Yolo County plus 25 federal and 21 state detainees. The facility opened in August 2006. It was designed to have four PODs, but only three have been built. Each POD includes 18 rooms, consisting of 6 single detainee rooms and 12 double rooms. Each POD also includes two classrooms, with libraries, teacher area, whiteboards and computer stations, plus a supervised common room where detainees can eat meals together and watch television. There are adjacent exercise rooms, a control center, and showers.

The facility is also a State and Federal Contracting Detention Facility. Copies of state and federal inspections are available upon request.

The district attorney may charge some juveniles as adult offenders. Juveniles charged with adult offenses are held at the juvenile facility until adjudicated or until they reach 18 years of age, at which time they are moved to the adult facility.

Many of the juvenile sentences are for a specified number of days; others may be indeterminate, based on attitude and reason for detention.

Physical Plant

- Overall, the space is well lit and well designed. The temperature is regulated for comfort. No graffiti was seen and the neutral paint color was in good condition. Staff and administrators walk inside and outside the whole facility monthly, specifically to look for maintenance needs.

- The three receiving cells in the intake and booking area were clean and had drinking water and toilet facilities.
- One area, A-POD, is used to house females and boys younger than 14.
- The hallways were clear. Doors were closed and locked along the hallways.
- The exterior of the building and grounds were well kept.
- The storage areas were neat.
- Meals are prepared at the Monroe Detention Center to suit individual needs, including religion, diet, allergies, etc. Meals are delivered with the detainee name and needs written on them. The state pays for detainee breakfast and lunch under the school breakfast and lunch program. The county pays for snacks and the evening meal. Volunteers also bring in snacks, and on occasion bring in special meals or picnics.
- Rules of conduct were posted and are explained to detainees and visitors.
- The Control Room provides surveillance of PODs, corridors, open areas, classrooms, and exercise areas. The back-up unit is in the same room. Individual staff members monitor the console in four-hour shifts.
- The cameras record everything on two DVRs and recordings are kept for a year.

Staff And Security

- There is adequate staff to supervise detainees, and cover vacations and sick days.
- About half of the staff is bilingual, mostly in Spanish. Other language support is available to the facility.
- Most gang members are housed in C-POD. They are not separated by affiliation. Open movement is allowed in the POD as long as confrontations are avoided.

Health And Mental Health

- The staff receives training in suicide watch. Clothing for detainees is designed to minimize suicide risk.
- During booking, medical information is provided by the detainee. Medical and dental services are available. There is a medical professional on site during the day and on call at night. Detainees generally receive medical attention within four hours of complaint. A physician is available on call 24 hours a day.

- Evaluations for medical, dental, and mental needs or requests are done within 96 hours of booking, unless staff determines there is an immediate health risk.
- Mental health services are available on call, by EMTs and Yolo County Department of Alcohol, Drug, and Mental Health, when needed or requested by a health professional. Detainees needing mental health services are usually seen within eight hours.
- The Medical Department is accredited by the Institute of Medical Quality (IMQ).

Programs

- Some group therapy sessions, such as aggression reduction, are available.
- Detainees are required to use the exercise room for one-hour per day. Male and female detainees are offered the same exercises and equipment at different times.
- Vocational classes are available for computer skills, mostly during regular class hours.
- The work program allows those with good behavior to help at the nearby animal shelter or perform maintenance work.
- Community volunteers are on site most days, providing mentoring and living skills discussions. Mentors and volunteers are students from the local colleges and members of the community. The volunteer program is strong with qualified and interested people.

Educational Program

- The Yolo County Department of Education provides the teachers and curriculum for the classes at the facility. Normal ADA (Average Daily Attendance) applies and there is some federal support for the school programs, alternate education methods, and transition to regular education. The City of Woodland Library Literacy Program provides the GED program under contract with the Probation Department.
- There are six teachers (two per POD), with two substitutes. There is also a bilingual educator to assist in teaching the Spanish-speaking detainees.
- About 95% of the detainees attend school sessions.
- There were supplies and computers in the classrooms.

Grievances And Discipline

- Detainees can file a grievance form. These are kept on file for five years.

- According to staff, most grievances pertain to food portions (too small) and shower time (too short).
- Discipline seems to be administered fairly. Most discipline involves loss of privilege and activity participation, or lock down for serious cases.

Outside Contact

- Visiting times fit the schedule of the facility; special visiting times can be arranged, generally on weekends.
- Staff supervises the visits (at a distance), watching for improper actions or passage of contraband.
- Detainees may lose visiting privileges as a disciplinary measure.
- Visits by attorneys and clergy are in closed rooms, with staff supervision through windows.
- Detainees have access to telephones when in the common room or during exercise periods.
- There is limited free postage for indigent detainees.
- Detainees are aware that staff may read mail, but mail is generally only checked for contraband (drugs or money).

Personal Cleanliness And Clothing

- Detainees are allowed one shower a day. Minors shower individually in shower stalls, equipped with a door so there is privacy. Showers are supervised for time, but not directly viewed. Showers are cleaned daily.
- The detainees appeared well groomed. The facility has clothing that is seasonally appropriate.
- Slip-on style shoes are worn outdoors. Flip-flops are worn indoors.
- On intake, detainees are issued clothing, including underwear and shoes. This clothing is not assigned to them, nor is the clothing size necessarily specific to the person.
- Laundry is collected and washed as a group, without identifying which person had previously worn the garments. Laundered garments are retrieved by the individual from a pile of clothes.

Other Observations

- Rules are explained to detainees at intake and a booklet given to them to read.
- Separation of detainees is based on severity of crimes. Most of the detainees are in the PODS. Those found to have committed lesser crimes, such as drug use and running away, are usually sent to Diogenes Center, a supervised group home.

- TV is used in classroom settings for education and group programs. Staff controls commercial television viewing.
- In the classroom, male and female detainees are separated by an empty desk to prevent touching, etc.
- The facility was well kept and efficiently run.
- The staff was informative, well trained, disciplined, and tolerant.

FINDINGS

F-1 As there is no provision for individual laundry collection and washing, after each washing, individuals must select clothing (including underwear) from bulk piles assorted by size. If they cannot find the correct fit, they must make do with what is available.

RECOMMENDATIONS

10-23 Provide mesh wash sacks to detainees so they may keep track of clothing originally allocated to them, and to give the detainee a sense of ownership and self respect.

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

From the following individual:

- Chief Probation Officer (Recommendation 10- 23)

Monroe Detention Center

REASON FOR VISIT

California Penal Code Section 919(b) provides that: “The Grand Jury shall inquire into the conditions and management of public prisons within the county.”

ACTIONS TAKEN

The 2009-2010 Yolo County Grand Jury visited the Monroe and Leinberger Detention Centers (Yolo County Jail) at 2880 Gibson Road, on September 25, 2009. The Grand Jury met with the jail managers and staff, visited the jail, obtained background information, and reviewed the results of previous inspections. The visit included a briefing on confinement processes and a walk-through of the jail facilities. Various major areas within the centers were inspected, including the laundry, kitchen, exercise areas, and detention areas of both units.

WHAT THE JURY DETERMINED

The jail’s maximum capacity is 455 inmates – 313 at the Monroe facility and 142 at the adjacent Leinberger Center. Equipment is available for providing in-home custody for 20 additional inmates. They are fitted with ankle bracelets that register an alarm if they leave their residence. There are two portable Sobriety Units that can be used to monitor probationer blood alcohol levels.

As noted in the 2008-2009 Grand Jury report, the facility operates under a Federal Consent Decree, which restricts the number of inmates that can be housed. It also pointed out that the jail’s capacity has not kept pace with the population growth in the county. Adherence to the Consent Decree necessitates early release of inmates. There were 3,031 early releases because of overcrowding in 2009, which included 36 inmates charged with felony offenses (as of December 10, 2009). The limited capacity also requires moving inmates and re-designation of facility use as well as programs to segregate inmates by gang, political or ideological persuasion, and sexual orientation.

The jail houses people sentenced for one year or less, and those awaiting trial. As of December 4, 2009, there were 405 inmates in custody:

- 386 for 1 year or less;
- 11 for 1 to 2 years;
- 1 for up to 3 years;
- 1 for up to 4 years; and
- 5 for more than 4 years.

The rate of return to custody has been stable in numbers and percentages over the last three years. The

following information was compiled on April 22, 2009:

- 401 inmates were in custody;
- 79% of those inmates have previously been in Yolo County custody;
- 60% of inmates have returned to Yolo County custody two or more times since August 2005;
- 47% have returned three or more times.

The cost to keep an inmate per day is \$122.46. The Monroe Detention Center is a Contracted Prison Provider for federal and state governments for parole violators, inmates with minor crime convictions, or those waiting for court dates. The present contract rates are: the federal government pays \$64.32 per inmate per day and the state government pays \$77.17 per inmate day. When there are available beds at the detention facilities, the sheriff rents them to the federal government to house federal inmates at the contracted rate. That makes less space available for local detainees, but brings income to the county. In 2009, the income from state and federal inmate housing contracts was \$362,686. These funds go back into the Detention Center account to defray the cost of incarceration.

Physical Plant

- In the Monroe facility, there are 197 cells as well as three medical cells. Eighty-one cells can be converted to accommodate two people, which are always at capacity, 25 cells for females and 56 cells for males.
- Graffiti and scratched paint were noticed in the holding areas. Cells are checked daily and if graffiti is observed, inmates are instructed to remove it or face disciplinary action. Painting is done on an as-needed basis. POD A-2 was completely repainted in 2009.
- The holding area has access to drinking water and toilet facilities.
- The hallways were clear and doors were closed and locked.
- The exterior of the buildings and grounds appeared well kept.
- The kitchen area was clean. All knives were secured on cables and counted at the end of each shift.

Staff and Security

- The ratio of staff to inmates averages 1 to 22, including 20 officers and 2 sergeants for each shift. Staffing may be reduced by vacations, furloughs, illness, etc.
- Some of the staff are multilingual to accommodate the diversity of the inmate population.

- There have been no inmate escapes since the 2008-2009 Grand Jury visit.
- The security system where inmates and visitors enter the facility (the Sally port) appeared effective. There is backup control and a separate power source for the Sally port.
- Staff are required to attend training and continuing education sessions throughout the year.

Health and Mental Health

- The staff receives training in first aid, CPR, and suicide watch. Clothing for suicidal inmates is designed to minimize risk.
- Since the 2008-2009 Grand Jury visit, there have been no deaths or attempted suicides.
- The county contracts with a private provider for on-site and on-call professional staff to provide health services. Detainees are seen as soon as possible upon report of illness or a health concern. There also is a psychiatrist and physician on-site twice weekly; a dentist is available on-site every two weeks.

Programs

- Some sports and exercise equipment are available.
- Inmates can participate in vocational training such as gardening, painting, and custodial food preparation.
- The following programs also are available: parenting skills, anger management, drug and alcohol abuse reduction, religious services, Administrative-Segregation (AD-SEG) socialization and Women Escaping a Violent Environment (WEAVE). AD-SEG socialization is a program for inmates who have been in solitary lockdown to learn appropriate social skills allowing their return to general incarceration.
- There are funded educational programs. The City of Woodland Library Literacy Program provides education support, on a contracted basis, which is paid for by the Inmate Welfare Fund, at no cost to the taxpayers. This program can lead to an accredited GED degree, and approximately 10-12 inmates were participating at the time of the Grand Jury's visit. Inmates also have access to paperback books and other reading materials.

Grievances and Discipline

- Rules and procedures were posted on bulletin boards in each POD.
- Inmates may file grievances.
- An effort is made to ensure that dietary requests and needs (e.g., gluten free, vegetarian, allergies,

religious, etc.) are met. There were minimal complaints about the food.

- Discipline options range from verbal warnings to lockdown. Unruly individuals may be segregated from the group.

Outside Contact

- Inmates may use a phone upon request when outside of their cells.
- Limited free postage for indigent inmates is available from the Inmate Welfare Fund.
- As a normal practice, mail is not read by staff, however, it is checked for contraband.
- Visitation to all inmates, except those in lockdown, is available, per state regulations and according to the Detention Division Policy Manual, which defines visitors, variations to times, days and hours of visits, frequency of visits, attire, rules for visiting, family visits, professional visits, attorneys and clergy visits. The policy allows a minimum of two 30-minute visits per week, unless the inmate has had the privilege suspended. The visits are not recorded, but they are closely supervised.
- Visits with attorneys and clergy are confidential, unsupervised, and not recorded. Staff only observes from a distance.

Other

- The Grand Jury interviewed some Leinberger inmates without staff present. Inmates seemed forthcoming and had no complaints about the facility.
- The Policies and Procedures Manual review and updating has been completed, as recommended by the 2008-2009 Grand Jury. The updated policy manual has been reviewed and approved by the county counsel. The new Policies and Procedures Manual was introduced to staff during four training sessions in February and is now fully in effect.

FINDINGS

- F-1** The areas visited by the Grand Jury appeared to be clean and well maintained. The staff was informative and well trained.
- F-2** The number of inmates released early indicates that the confinement needs of the county are not being met.
- F-3** The return rate is significant and contributes to the overcrowding in the Monroe Detention Center.

RECOMMENDATIONS

- 10-24** The county should pursue additional federal and state funding for jail expansion to keep up with the county's population growth.
- 10-25** To reduce recidivism the county should consider seeking partnerships to provide additional educational and training programs for inmates.

REQUEST FOR RESPONSES

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

From the following governing body:

- Yolo County Board of Supervisors (Recommendations 10-24 and 10-25)

Woodland Fire Department

REASON FOR INVESTIGATION

California Penal Code Section 925(a) authorizes the Grand Jury to examine the books and records of any incorporated city or joint powers agency in the county, and to report upon the operations, accounts, and records of the officers, departments, functions and the methods or system of performing the duties of any such city or joint powers agency.

On June 2, 2009, the Woodland City Council passed Ordinance No. 1506 which established a new user fee for emergency services. The ordinance took effect on July 1, 2009. As this ordinance creates new user fees, the Grand Jury determined that an investigation was needed.

ACTIONS TAKEN

The Grand Jury focused its investigation on the Woodland Fire Department (WFD) and Fire Recovery USA, LLC (FRUSA), the fee collection agency. The Grand Jury interviewed key individuals and examined the following documents: Ordinance No. 1506, the service contract for fee collection, policies, procedures, and billing records of the two agencies pertaining to the new fees for emergency services.

WHAT THE JURY DETERMINED

The contract for collecting fees was awarded to FRUSA, a national organization with satellite offices throughout the United States. After an emergency services call, WFD personnel complete a computer-generated invoice which is e-mailed to FRUSA. FRUSA bills the insurance company of the involved parties. Uninsured parties are not billed. FRUSA receives 17% of all money collected. The remaining funds go to WFD. As of the writing of this report, FRUSA has collected 90% of the invoices they have submitted. If the insurance company denies the claim, FRUSA does not pursue payment.

The following are examples of how the billing works. If a suspected explosive device were located at a residence and called into authorities by a passerby and the device proved not to be explosive, FRUSA would bill the homeowner's insurance company a minimum of \$700.00 for the fire department's response, irrespective of the homeowner's responsibility. In the event of a pipe breakage on the property, the homeowner's insurance would be billed for the call regardless of any culpability of the homeowner.

In California, fire protection districts are authorized by the Health and Safety Code to provide rescue and

emergency medical services as well as to recover the reasonable costs resulting from these services. California Health and Safety Code Section 13916 states that the fee shall not exceed the reasonable costs of providing the service. FRUSA's billing rates are based on a price schedule used throughout the country; for example, \$435 for scene safety and investigation; and \$605 for car fires, scene safety, and fire suppression. The actual cost of the individual service is not taken into account.

City contracts are not required to undergo an open bid selection process. FRUSA was not an open bid selection.

WFD has not realized the economic benefits anticipated by the passage of Ordinance No. 1506. Its budget was cut in Fiscal Year 2009/10 by \$167,000 and the city loaned WFD money in anticipation of the potential revenue from the ordinance. Only \$20,000 was collected between July 1 and September 30, 2009. In order to collect the \$167,000, WFD would have to collect a minimum of \$13,916 a month.

FINDINGS

- F-1** The fees charged are based on a national schedule provided by FRUSA. They are not determined by WFD.
- F-2** The fees are not in compliance with California Health and Safety Code Section 13916.
- F-3** WFD entered into the agreement with FRUSA without an open bidding process for companies offering similar services.
- F-4** The fee recovery program does not appear to be meeting its projected revenue.

RECOMMENDATIONS

- 10-26** That the City Attorney advise the City Council on the legality of the program.
- 10-27** That a fiscal analysis be made to determine whether or not the program is cost effective.
- 10-28** That the WFD use an open bid process for companies performing similar services.

REQUEST FOR RESPONSE

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

From the following governing body:

- The Woodland City Council (Findings F-1 through F-4; Recommendations 10-26 through 10-28)

From the following individual:

- Woodland Fire Chief (Findings F-3 and F-4; Recommendations 10-27 and 10-28)

Esparto Community Services District

REASON FOR INVESTIGATION

California Penal Code Section 933.5 authorizes the Grand Jury to examine the books and records of any special purpose assessing or taxing district, located wholly or partially in the county, and to investigate and report on the method and system of performing the duties of such district. Pursuant to that statute, the Grand Jury investigated a complaint that the response of the Esparto Community Service District (ECSD) to the 2007-2008 Grand Jury report (published in 2009) was misleading with regard to the investigation of a lost deposit.

ACTIONS TAKEN

The Grand Jury met with the complainant to verify and understand the nature and scope of the complaint. Subsequently, the Grand Jury interviewed district personnel. They described how the ECSD is managed and what services it provides to the community. The Grand Jury also observed the methods and procedures used by ECSD employees to reconcile customer invoices, incoming payments, and bank deposits. Many of the issues originally reported in the 2007-2008 Grand Jury report were reviewed, along with the responses submitted by the general manager to that report. At the completion of the tour, the Grand Jury received and reviewed a copy of the 2007-2008 independent financial audit of the ECSD.

WHAT THE JURY DETERMINED

The Grand Jury found no evidence of financial irregularities. The ECSD staff was forthcoming and cooperative. ECSD's financial verification methods indicate sound business practices and provide for reconciliation between customer payments and bank deposits. Consecutively-numbered hard copies of each customer payment are made, become part of the deposit record, and are kept on file for two years. ECSD employees take the deposits to the bank. Each deposit is checked by three different employees, including the general manager, to verify contents and accuracy.

Washington Unified School District

SUMMARY

The Grand Jury investigated a complaint about student fighting and attacks on staff at the high schools in the Washington Unified School District (WUSD), West Sacramento. The Grand Jury visited and interviewed students and staff at both high schools and two elementary schools. None of those interviewed expressed security concerns.

REASON FOR VISIT

California Penal Code Section 933.5 authorizes the Grand Jury to examine the books and records of any special purpose assessing or taxing district, located wholly or partially in the county, and to investigate and report on the method and system of performing the duties of such district.

The Grand Jury received a citizen's complaint regarding incidents of students attacking staff, and fighting among students at River City High School (RCHS). In a subsequent interview the complainant also alleged that a similar situation existed at the Yolo Alternative Education Center (YAEC), a continuation school.

ACTIONS TAKEN

In order to investigate the allegations, the Grand Jury visited the WUSD office, RCHS, YAEC, Southport Elementary School, and Elkhorn Village Elementary School. The Grand Jury observed several teachers and staff with classes in session and also the counseling center at YAEC. During a class break, small groups and individual students also were interviewed.

WHAT THE JURY DETERMINED

Each school visited by the Grand Jury had a school safety plan and incident reports on file. RCHS has 29 surveillance cameras, 20 outside and 9 inside the buildings. They have five campus supervisors. Three vice-principals assist with security and safety.

The YAEC has no security cameras. They have two campus supervisors, an outreach specialist (counselor), and a school resource officer (West Sacramento Police Officer). During the classroom visits, students were actively involved with class work, they were polite and responsive to the teachers. Students that were interviewed were very open with their responses to questions from

the Grand Jury. They did not express concerns with regard to safety and security.

In the 2009-2010 school year at WUSD there have been incidents of fighting at both high schools. The school administrators who were interviewed stated the frequency of fights or disturbances had declined.

In an effort to create a safer environment, there is a dress code that requires uniforms at all elementary schools. At all school levels, clothing must avoid gang references. Staff at the YAEC has received training in de-escalation of potential violent situations. YAEC has a “real-time” computerized referral system called School-wide Information System (SWIS). Incidents are reported to the school counselor. With a few keystrokes, teachers and administrators using this system can reference an individual’s history of referrals and infractions. SWIS provides ready analysis of student background issues that assists in identifying and resolving problems.

FINDINGS

- F-1 None of those interviewed at YAEC expressed fear or safety concerns.
- F-2 School-wide Information System (SWIS) was used at YAEC. This system can provide an individual’s history of referrals and infractions.
- F-3 There are no security cameras at YAEC.

RECOMMENDATIONS

- 10-29 Adopt and use the School-wide Information System throughout the district.
- 10-30 Install security cameras outside and inside at YAEC.

REQUEST FOR RESPONSE

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

From the following governing body:

- Washington Unified School District School Board (Recommendations 10-29 and 10-30).

Esparto Unified School District

REASON FOR VISIT

California Penal Code Section 933.5 authorizes the Grand Jury to examine the books and records of any special purpose assessing or taxing district, located wholly or partially in the county, and to investigate and report on the method and system of performing the duties of such district. Pursuant to the statute, on January 15, 2010, the Grand Jury visited the Esparto Unified School District (EUSD) office at 26675 Plainfield Street, Esparto, CA.

ACTIONS TAKEN

The Grand Jury met with school officials and staff. The Grand Jury walked through the high school campus, the middle school campus, and toured the new district kitchen and multi-purpose center.

WHAT THE JURY DETERMINED

The new kitchen and multi-purpose center, completed in October 2009, are in the same building. The multi-purpose center includes a gym large enough for basketball games, other athletic events, school dances, or stage presentations. The stage area also can serve as a classroom. The kitchen is spacious and well equipped with a walk-in pantry, walk-in refrigerator, and a large freezer. In addition to the three sites in Esparto, the kitchen facility is designed to serve the Madison Continuation School. Custom food containers can be delivered by van to these sites.

The middle school is a large quadrangle of single-story manufactured classrooms, and is well equipped to meet the learning needs and challenges of the 21st century. For example, the principal demonstrated a new classroom computer system which projects images in real time to a large screen, TV, or monitor.

Due to reduced revenue, one district administrative position was eliminated, and the principal at the Madison site has assumed teaching duties as well. Staff accepted furlough days, ranging from six and one-half days for the superintendent, to five days for certificated staff, and to one day for some non-certificated staff. The high school day was reduced from seven to six periods, with plans to return to seven periods next year, if funding permits. In addition, EUSD hopes to add three advanced placement courses in 2010-2011.

Assembly Bill 825, a School and Library Improvement Block Grant (SLIBG) program passed in 2004, allows districts to move money from categorical funds

to district general funds, thereby helping to cope with funding cuts. EUSD received approximately \$800,000 from the state via SLIBG. Additionally, the Yocha Dehe Wintun Nation gave the district approximately \$335,000 to ease financial needs for the 2009-2010 school year.

The EUSD projects a 2-3% budget cut for the 2010-2011 school year. Despite staff reductions, class sizes have increased only slightly, with an overall average of 24 students.

Graduation rates are well above county and state averages. EUSD boasts a graduation rate of 90.4%, while the Yolo County rate is 79.7%, and the State of California rate is 80.2%.

Each year, from April through October, about 80 migrant students are enrolled and extra summer school is provided for these students. Student volunteers from UC Davis and Esparto High School help in these classes.

COMMENTS

The Grand Jury observed that EUSD is a well-functioning and modern school district prepared to face future educational challenges. Staff appeared enthusiastic, professional, and dedicated to providing academic growth. Students were respectful to teachers and others. The facilities observed were clean and well cared for at both the new middle school and the high school, parts of which are over 60 years old.

Despite the fact the migrant students have arrived every year for decades, the assimilation each year is challenging and difficult. Considering this difficulty we congratulate this district for the sustained effort.

Knowing that fiscal restraints will continue, EUSD is aware that population growth in the community may require future construction.



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

APPENDIX

Responses to the 2008/2009 Yolo County Grand Jury Final Report



Woodland Joint Unified School District (WJUSD)

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: WJUSD

WOODLAND JOINT UNIFIED SCHOOL DISTRICT

"Excellence for All"

Board of Trustees

Rosario Ruiz-Dark, President
Elaine Lylle, Vice President
Carol Souza Cole, Clerk
Bill Beermann
Warren Berg
Frank Glover
William Hems



Board of Trustees

435 Sixth Street
Woodland, CA 95695
Phone: (530) 406-3202
Fax: (530) 662-6956

District Website: www.wjUSD.org

Dr. Debra LaVoi, Superintendent

August 20, 2009

Honorable Janet Gaard
Judge of the Yolo Superior Court
Department 15
1100 Main Street, Suite 300
Woodland CA, 95695

RECEIVED
YOLO COUNTY
SUPERIOR COURTS

AUG 20 2009 REC'D Clerk
By *Edwina Harper*
Deputy

Re: Response to Yolo County Grand Jury Report by Board of Trustees
(Woodland Joint Unified School District)

Enclosed please find one original and five copies of the Board's response to the Yolo County Grand Jury Report for filing today. Please return the filed-endorsed copies to our office.

Sincerely,

Noemi Morones

Noemi Morones
Executive Assistant
Superintendent's Office
Woodland Joint Unified School District

Cc: Clerk of the Court

Board of Supervisors, Yolo County

Board of Trustees
Woodland Joint Unified School District

Mark Bonnett
Associate Superintendent
Business Services

Dr. Debra Calvin
Associate Superintendent
Educational Services

Michael Stevens
Associate Superintendent
Human Resources

**Response to Yolo County Grand Jury Report by
Board of Trustees of Woodland Joint Unified School District**

I. Introduction

The Board of Trustees for the Woodland Joint Unified School District (“Board”) hereby submits a response to the Yolo Grand Jury Report dated June 30, 2009. In the prior report dated June 30, 2008, it was stated that the Grand Jury recommended that the 2008-09 Grand Jury continue the investigation of the Woodland Joint Unified School District (WJUSD) including, but not limited to, compliance with the Brown Act. The following is a response to the findings and recommendations of the new report (June 30, 2009).

II. Response to findings

Finding F-1: Brown Act training has been conducted for all current Board members as recommended by the 2007-2008 Grand Jury

The District welcomes the acknowledgement regarding Brown Act training which was conducted on September 27, 2008 by Attorney Scot Yarnell from the law firm of Atkinson, Andelson, Loya, Ruud & Romo.

Finding F-2: The Board has initiated a program to ensure future Board members receive Brown Act training within six months of taking office, and current members receive refresher training every two years, but that requirement has not yet been incorporated into written Board Policy.

The newest Board Member, Mr. William Herms, was appointed to the Board on February 26, 2009. Training was scheduled for Mr. Herms, and held on July 23, 2009, thereby meeting the six month recommendation. New Superintendent Dr. Debra LaVoi, Associate Superintendents Mark Bonnett, Dr. Debra Calvin, and Mike Stevens, and Executive Assistant Marilyn Hisle also participated in that training.

The new requirements as noted in the finding were approved by the Board on May 28, 2009, as revised Board Policy 9240 Board Professional Development. See Appendix A.

Finding F-3: The WJUSD has placed itself in untenable and very costly position with regard to its current lease agreement on the Blue Shield property.

The Board will continue to study its options, given the current state of the economy and the impact of the state budget crisis on the District.

III. Response to Recommendations

Recommendation 09-01: The Board should continue its Brown Act training plan and incorporate training requirements into its written policy and procedures as soon as possible.

Response to Recommendation 09-01:

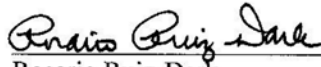
On May 28, 2009, the Board took action to approve Revised Board Policy 9240 Board Professional Development, which includes the recommended training for new and current Board members. See Appendix A.

Recommendation 09-02: It is imperative that the Board utilize the most effective and immediate funding mechanism to ensure that the property known as the Blue Shield building be purchased under the terms of Option 3 as described above.

Response to Recommendation 09-02:

The Board appreciates the in-depth analysis from the Grand Jury of the Blue Shield building lease. The Board will continue to study its options, including Option 3 as recommended. All avenues of action will be investigated, including the possibility of a General Obligation Bond. It is the intent of the Board to act in the best interests of the District.

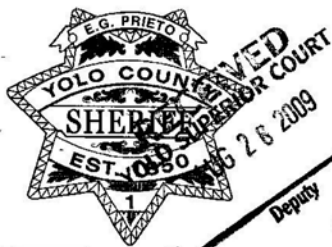
Dated: 8/13/09



Rosario Ruiz-Dark
President, Board of Trustees
Woodland Joint Unified School District

Monroe Detention Center

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: MONROE DETENTION CENTER



Yolo County Sheriff's Department

2500 East Gibson Road, Woodland, CA 95776

(530) 668-5280

Fax (530) 668-5238

(916) 375-6493

E. G. Prieto
Sheriff - Coroner

Tom A. Lopez
Undersheriff

Administration
(530) 668-5280
Finance
Personnel
Planning & Research

Cameron Training Facility
Commissary
Inmate Education
Inmate Programs
Inmate Training

Coroner's Section
(530) 668-5292

Field Operations
(530) 668-5280
Civil
Community Resources
Crime Prevention
Department Training
Investigations
Marine Patrol
Patrol
Search & Rescue
Aero Squadron
Cadets
Posse
Reserves
STARS

Animal Services
(530) 668-5287

Leinberger Detention
(530) 668-5254
Corrections
Inmate Work Programs

Monroe Detention
(530) 668-5245
Court Services
Corrections
Food Services
Records
Transportation

August 18, 2009

The Honorable Janet Gaard
Judge of the Yolo County Superior Court
725 Court Street, Room 308
Woodland, California 95695

Subject: Response to the 2008 – 2009 Grand Jury Report

Dear Judge Gaard,

The Yolo County Grand Jury visited the Yolo County Sheriff's Department's Monroe and Leinberger Detention Facilities on September 9, 2008. On or about June 29, 2009 we received a copy of their report. As requested by the Grand Jury's report, I am responding to their findings and recommendations.

Finding F-3

The Grand Jury's report cites that there is no written record of the Detention Division Policy & Procedures Manual (P&Ps) being reviewed.

Response

Though there is no written record of such annual audit, we routinely review our P&Ps on a regular basis throughout the year. In addition, our entire Detention Division operations are audited by the State of California's Corrections Standards Authority every two years. Our last CSA audit was conducted in 2008 and our P&Ps were determined to be in compliance with State regulations.

Finding F-4

The Grand Jury's report cites that many of our policies are greater than five years old.

Response

The Sheriff's Department is currently in the process of an update of our entire Detention Policy & Procedures manual. This project was implemented prior to our receiving the Grand Jury report, and as of the time of this writing, 60 P&Ps have already been updated. Our target date for completion is October of this year. Once this manual is completed, arrangements will be made for it to be printed and copies will be issued out to employees and key stakeholders. I am confident we will have the new manual issued to all involved employees by December of this year.

"Service Without Limitations"

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: MONROE DETENTION CENTER

Findings F-5 and F-6

The Grand Jury's report cites that incorrect and/or inappropriate sections of governing regulations have been referenced in our existing P&Ps.

Response

Appropriate referencing sections will be reviewed and corrected during the current update.

Findings 09-04 and 09-07

The Grand Jury's report finds that a P&P audit and a record for tracking such audit must be done annually.

Response

The Detention Division Commander will now be responsible to oversee an annual review of the manual and report his/her findings and recommendations to the Office of the Sheriff by April 1 of every year. Being that the new P&P manual will be effective in December of this year, the first annual report of review to the Sheriff will commence in 2011.

Findings 09-05 and 09-06

The Grand Jury's report finds that incorrect and/or inappropriate sections of governing regulations have been referenced in our existing P&Ps.

Response

Appropriate referencing sections will be reviewed and corrected during the current update.

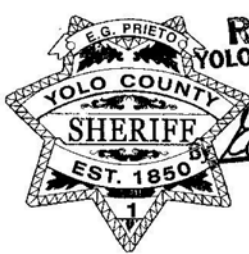
Please do not hesitate to contact me if I can answer any questions or provide additional information.

Sincerely,



Larry Cecchettini
Captain
Detention Division Commander

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: MONROE DETENTION CENTER



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AUG 26 2009

Eduardo Prieto
Deputy

Yolo County Sheriff's Department

2500 East Gibson Road, Woodland, CA 95776

(530) 668-5280

Fax (530) 668-5238

(916) 375-6493

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Court Services
Corrections
Food Services
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Transportation

TO: The Honorable Janet Gaard
Judge of the Yolo County Superior Court

FROM: E. G. Prieto, Sheriff~Coroner

SUBJECT: Response to the 2008-2009 Grand Jury Report

DATE: August 25, 2009

Background:

The Yolo County Grand Jury visited the Yolo County Sheriff's Department's Monroe and Leinberger Detention Facilities on September 9, 2008. On or about June 29, 2009 we received a copy of their report. I am responding to their findings and recommendations.

Findings:

1. Areas visited by the grand jury were found to be clean and well maintained.
2. The jail does not meet the confinement needs of the county.
3. A majority (87.6%) of policies and procedures have no record that the required annual audit has ever been conducted
4. A majority (82.5%) of policy and procedures are greater than five years old. There is a very high likelihood that policies, procedures, references or other factors have changed during that period, and have not been updated in the P & Ps.
5. Numerous policies and procedures incorrectly reference Title 15 as part of the California Administrative Code rather than California Code of Regulations.
6. A significant percentage of the P & Ps spot-checked reference incorrect and/or inappropriate sections of government regulations.

Recommendation:

09-03 Make jail expansion a top priority in the county's budget.

Response:

The Sheriff's Department agrees with the findings and recommendations of the report.

Recommendation:

09-04 Review and audit policies and procedures at least annually as required by S.O. No. A-600.

"Service Without Limitations"

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: MONROE DETENTION CENTER

Response:

Though there is no written record of such annual audit, we routinely review our P&Ps on a regular basis throughout the year. In addition, our entire Detention Division operations are audited by the State of California's Corrections Standards Authority every two years. Our last CSA audit was conducted in 2008 and our P&Ps were determined to be in compliance with State regulations.

The Sheriff's Department is currently in the process of an update of our entire Detention Policy & Procedures Manual. This project was implemented prior to our receiving the Grand Jury report, and as of the time of this writing, 60 P & Ps have already been updated. Our target date for completion is October of this year. When the manual is completed, arrangements will be made for it to be printed and copies will be issued out to employees and key stakeholders. I am confident we will have the new manual issued to all involved employees by December of this year.

Recommendation:

09-05 Determine the correct references for policies and procedures that currently reference California Penal Code, Section 4000 (approximately 70). Where possible, California Code of Regulations, Title 15 should be the primary reference.

09-06 Verify references for all remaining policies and procedures to ensure the manual (and therefore the facility) comply with governing statutes and corrections standards. Where possible, California Code of Regulations, Title 15 should be the primary reference.

Response:

Appropriate referencing sections will be reviewed, verified, and corrected during the Policy and Procedure Manual update.

Recommendation:

09-07 Track completion of the above recommendations and initiate procedures to ensure the Policy and Procedure Manual is being reviewed and audited as required.

Response:

The Detention Division Commander will be responsible to oversee an annual review of the manual and report his/her findings and recommendations to the Office of the Sheriff by April 1 of every year. The first annual report of review to the Sheriff will commence in April of 2011.

Please do not hesitate to contact me if you have any questions or if I can answer any questions or provide additional information.

Sincerely,



E. G. PRIETO
SHERIFF~CORONER



COUNTY OF YOLO

Office of the County Administrator

Sharon Jensen
County Administrator

625 Court Street, Room 202 • Woodland, CA 95695
(530) 666-8150 • FAX (530) 668-4029
www.yolocounty.org

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AUG 13 2009

Sharon Jensen
Deputy

August 5, 2009

The Honorable Steven Basha
Judge of the Superior Court
725 Court Street
Woodland, CA 95695

RE: 2008-09 Grand Jury Final Report

Dear Judge Basha:

The following is the response to the 2008-09 Grand Jury Final Report from the Yolo County Board of Supervisors and the County Administrator.

For purposes of readability we have included the Grand Jury's recommendations in italics.

09-03 *"Make jail expansion a top priority in the county's budget."*

This recommendation will continue to be a priority in the county's budget; however, jail expansion will only be possible if sufficient state and/or federal funding become available in the future.

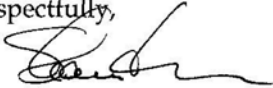
The cost of expanding the current jail is estimated at \$42 million, several times the funding currently available from the county. In an attempt to leverage available funds, in 2008-09 the county applied to the state and was tentatively awarded \$30 million to expand the existing jail facility. However, because the county was unable to resolve issues with the California Department of Corrections and Rehabilitation in finding an acceptable site for a proposed re-entry facility, the \$30 million for jail expansion became unavailable. The county is continuing to work with the state to identify alternative re-entry sites outside of Yolo County. If this effort is successful, the \$30 million award could be made available again. Although jail expansion continues to be a priority for the Board of Supervisors, current funding shortfalls limit the county's ability to expand the existing jail in the near future.

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: MONROE DETENTION CENTER

Additional Comments

The Board of Supervisors and County Administrator acknowledge the hard work and community service of the Grand Jury. Please feel free to contact me at any time should you need the assistance of my office.

Respectfully,



Sharon Jensen
County Administrator

cc: Members of the Board of Supervisors
County Counsel

Dunnigan Fire Protection District

RESPONSES TO THE 2008/2009 YOLO COUNTY GRAND JURY REPORT: DUNNIGAN FIRE PROTECTION DISTRICT



COMMISSIONERS

Sherrill Still
Yvonne W. Strong
Anita Tatum
Kelly Strong
Bob Becker

FIRE CHIEF

Dave Hunt

SECRETARY

Sherrill Jenkins

DUNNIGAN FIRE PROTECTION DISTRICT

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

November 19, 2009

Honorable Janet Gaard
Judge of the Superior Court, Department 15
1100 Main Street, Suite 300
Woodland, CA 95695

RE: 2008-09 Grand Jury Final Report

Dear Judge Gaard,

The following is our response to the 2008-2009 Yolo County Grand Jury Final Report specifically addressing the Dunnigan Fire Protection District Review Findings F-1 through F-3, and Recommendations 09-08 through 09-10 on page 19.

We agree with all three findings; F-1, F-2, and F-3. For purposes of readability we have included the Grand Jury's recommendation in italics with our responses following.

09-08: *"DFPD continue to maintain adequate staffing and equipment."*

This recommendation has been implemented.

We are committed to providing at least one paid full time firemen to be active at the fire station ready to support the volunteers in responding to emergency calls. We also actively pursue grant opportunities to acquire new equipment, and have established an impact fee mechanism to help meet the equipment and facility needs of future growth.

09-09: *"DFPD governing commission should pursue its 20-year plan."*

This recommendation has been implemented.

We have constructed a 20- year plan that addresses new growth, the facility, equipment and staffing needs that will be required to meet the new growth. We plan on taking any and all opportunities that may present themselves during the development stage of planning new communities to ensure the district needs are considered and met.

2008-09 Grand Jury Final Report Response (Cont.)

Page 2

09-10: *“Given the number of calls involving a need for emergency medical treatment, all firefighters should receive EMT certification.”*

This recommendation will not be implemented because it is not reasonable.

Although we understand the need for this recommendation, this recommendation cannot possibly be implemented. We strive to get as many volunteer firemen EMT certified as possible, but if this were a requirement for all volunteers our District we would lose a large portion of our roster. We actively provide training opportunities, including medical aid training, for all who wish to undertake the training and will consider ways to promote the EMT certification as much as possible. As a final note, we do require any paid firemen to be EMT certified as a condition of employment.

Respectfully yours,

The Dunnigan Fire District Board of Commissioners

