

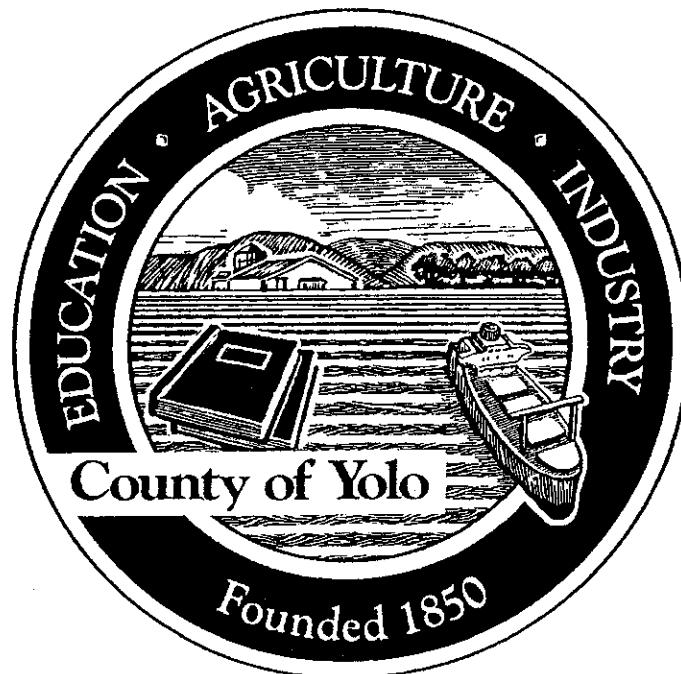
# **2001–2002 YOLO COUNTY GRAND JURY**

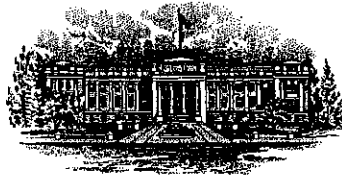
## **FINAL REPORT**

**A report for the citizens of Yolo County, California**

**June 28, 2002**

**Woodland, California**





**GRAND JURY**  
**County of Yolo**  
P.O. Box 2142, Woodland, CA 95776 • (530) 666-8225

Hon. Thomas E. Warriner  
Advisor Judge to the  
Yolo County Grand Jury  
Yolo County Superior/Municipal Court  
625 Court Street  
Woodland, CA 95695

June 28, 2002

Dear Judge Warriner:

As the foreman of the Yolo County Grand Jury, it is my duty to present to you, and to the citizens of Yolo County, the **Final Report of the 2001-2002 Yolo County Grand Jury**.

Service on a grand jury is certainly one of the manifestations of a free and democratic society. Jury service is both a privilege and a challenge. The general public is unaware of the magnitude of the demands made upon a grand jury. In addition, the rank-and-file practitioners of the law are vaguely aware of the mission of the grand jury and the significance of the volunteer hours dedicated to realize that mission.

The privilege of service was clearly demonstrated by the jurors' unflinching willingness to perform their duties under the mandate of the law. The challenge of serving can be demonstrated by statistics:

- . 13 complaints were received and logged for review;
- . 9 complaints moved to the status of investigation;
- . 15 indictment proceedings were heard and signed;
- . 4 legislative mandated tours and inspections of government agencies were conducted;
- . 7 public presentations were made to various community organizations;
- . 15 subpoenas were processed and issued;
- . 3,000 + juror hours were expended in the pursuit and judgment of fact; and
- . 9 specialized committees and sub-committees were established and charged.

The jury hereby thanks the multitude of county agencies who provided complete and competent cooperation in providing resources, information and staff support, thus permitting the jury to conduct its business with dignity and a high degree of professionalism.

The jury also thanks its advisory judge for his priceless, unswerving, timely, sage, and practical advice and counsel.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlotte I. Beal". The signature is written in dark ink and is positioned above the printed name.

Charlotte I. Beal  
Foreman  
2001-2002 Yolo County Grand Jury

# 2001-2002 Yolo County Grand Jury Final Report

## A Report for the Citizens of Yolo County

Grand Jury, P.O. Box 2142, Woodland, California 95776 • (530) 666-8225

### The 2001-2002 Yolo County Grand Jury

Sally Barrett, *Woodland*  
Charlotte Beal, *Woodland* (Foreman)  
Frank Cooper, *Woodland*  
Linda Cortez, *West Sacramento*  
Candace Cross-Drew, *Davis*  
Rush Darigan, *Davis*  
Ron Fisher, *Davis*  
Jerry Helm, *Woodland*  
Cherie Kindel, *West Sacramento*  
Ann Kokalis, *Davis*  
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Nadine Salonites, *Woodland*  
Rudy Sims, *Dunnigan*  
Janet Winn, *Woodland*

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## Introduction

The California Constitution requires each county to appoint a grand jury to guard the public interest by monitoring local government. The Yolo County Superior Court appoints 19 grand jurors each year from a pool of volunteers. The Yolo County Grand Jury is an official, independent body of the Court, not answerable to administrators or the board of supervisors.

Unlike grand juries in other states, 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 which may recommend changes in the way government conducts its business. Copies are distributed to public officials, county libraries, and the news media. The head of each government agency reviewed must respond to grand jury recommendations within 90 days. (See appendix for responses to the 2000-2001 grand jury report.)

The grand jury also investigates complaints from private citizens, local government officials, or government employees. Complaints must be submitted in writing and should include any supporting evidence available (you can request a complaint form at your local library or from the grand jury at P.O. Box 2142, Woodland, CA 95776). 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 to report its findings on citizen complaints.

The grand jury's final responsibility is to consider criminal indictments, usually based on evidence presented by the district attorney. On its own initiative, however, the grand jury may investigate charges of malfeasance (wrongdoing), misfeasance (a lawful act performed in an unlawful manner), or nonfeasance (failure to perform required duties) by public officials.

To be eligible for the grand jury, a citizen must be at least 18 years old, have resided in Yolo County for at least one year, exhibit ordinary intelligence and good character, and possess a working knowledge of English.

Following a screening process by the Court, grand jurors are selected by lottery. If you are interested in becoming a grand juror, submit your name to the Jury Commissioner, 725 Court Street, Room 303, Woodland, California, 95695, or telephone (530) 666-8600.

## Investigations

### **Yolo County Housing Authority**

#### **REASON FOR REVIEW**

In response to a citizen's complaint, the grand jury investigated some of the practices of the Yolo County Housing Authority (YCHA). Because the complaint addressed more issues than the grand jury could responsibly investigate in the time allowed, we decided to concentrate on those issues we considered most susceptible to improvement if the complainant's allegations proved true. Specifically, we investigated whether YCHA employees are being mistreated, whether there is meaningful oversight of YCHA operations and spending, and whether the recently formed Yolo Housing Foundation is of benefit to the citizens of Yolo County.

#### **BACKGROUND**

Established by the Yolo County Board of Supervisors in 1950 to administer public housing for low-income residents, the YCHA today owns low-income housing in the communities of West Sacramento, Woodland, Winters, Esparto, Knights Landing, and Yolo and administers migrant-labor camps in Davis, Madison, and Dixon. YCHA also administers the federal Section 8 housing program in the county, awarding vouchers to low-income residents who can use them to rent private housing from willing landlords.

The great majority, approximately 90 percent, of YCHA funding comes from the federal government, through the Department of Housing and Urban Development (HUD). The state of California and local communities provide the remainder.

Yolo County itself does not fund any of the YCHA programs, but has statutory responsibility for the housing authority through its board of commissioners, who are appointed to that office by the board of supervisors. The board of commissioners, volunteers who serve two- or four-year terms, set policy for the authority, appoint its executive director, and approve its annual budget (\$12 million in fiscal year 2000-2001).

In 1999, the YCHA commission established the Yolo Housing Foundation, a nonprofit corporation that will fund the development of permanent low-income housing in Yolo County.

YCHA's longtime director retired four years ago. In December 1998, following actions by the YCHA commission that appear to have contributed to the hostilities and

suspicious pervading the YCHA, the commission hired the current executive director.

In a 2001 vote, YCHA employees decided to join the Teamsters union. At the time of our investigation, contract negotiations were underway.

#### **FACTS**

##### **Workplace environment**

1. As a workplace, YCHA is festering with rumors, resentments, mistrust, hostility, and accusations of racism and sexism.
2. The executive director and, to a lesser degree, the YCHA commission are the focus of much of the resentment.
3. Witnesses say the executive director intimidates and demeans staff, especially female employees.
4. Employees complain about covert and overt racism that is tolerated or perpetrated by the director.
5. The director attributes staff complaints to resentment from Anglo employees about the hiring of a Hispanic director, and to changes he implemented on arriving at YCHA.
6. Employees feel they have no recourse. One Hispanic witness testified: "I don't think [the commission] has any idea [about the workplace environment], and I don't think they'd care if they did." Moreover, because grievances against the director are investigated by a law firm under contract to YCHA, employees distrust the fairness of the grievance procedure.
7. A 1999 lawsuit brought by three employees against the YCHA, its commission and director, is only the most glaring symptom of the workplace conditions prevailing at YCHA.
8. According to testimony we received, more lawsuits are likely if conditions do not improve.
9. Settling the lawsuit increased YCHA's insurance premiums. YCHA is insured through the Housing Authorities Risk Retention Pool (HARRP). As a direct result of the lawsuit (HARRP cited doubts about a YCHA commissioner's testimony and veracity as its primary reason for settling with the plaintiffs), YCHA now has a 50 percent deductible for errors and omissions coverage, instead of the standard 10 percent it previously paid, and its premium doubled.
10. According to an analysis of legal costs commissioned by the grand jury, "legal expenses related to personnel

*(INVESTIGATIONS: Yolo County Housing Authority—  
continued on next page)*

cases and grievances [are] the largest single type of legal expense of the Housing Authority, ... [comprising] one-third of all Housing Authority legal expenditures.”

11. In recent years, the YCHA commission required the presence of an attorney at all commission meetings in response to lawsuits by staff and what it perceives as staff hostility to the commission.

**Oversight of spending and operations**

12. The YCHA currently pays \$140 an hour for legal services.
13. The county counsel’s office charges \$80 an hour for the services of a staff attorney on contract to a special district or semiautonomous authority like YCHA per a Master Fee Resolution enacted by the Yolo County Board of Supervisors. That rate represents the real cost to the county of a staff attorney’s time.
14. The county counsel’s office is qualified to perform all types of legal work.
15. The YCHA spent \$146,990 on legal services in fiscal year 2001.
16. The director currently serves as president of the Hispanic Chamber of Commerce, and YCHA hosts the Chamber’s annual Hispanic Mixer as part of the community outreach authorized by the YCHA commission.
17. Although HUD requires regular accounting from the YCHA on the programs it runs with HUD money, a recent change in HUD rules increased the amount of federal money housing authorities may spend on operations (rather than housing programs).
18. At the request of the commission, YCHA employees now must sign out YCHA vehicles and maintain mileage logs, as county employees do.
19. The grand jury inspected the sign-out forms/mileage logs in use at YCHA at the time of our investigation and found them so incomplete and illegible as to be meaningless.
20. The personnel policies and procedure manual, in use at the time of our investigation and approved by the commission, vests the director with unilateral power for hiring and firing and lists “improper political activity” as sufficient justification for firing. The term “improper political activity” is not defined.
21. YCHA has used the same firm of CPAs to audit its financial records for the past eight years.
22. The CPA’s recommendations on needed improvements at YCHA are not implemented promptly. One recommendation, that YCHA tighten its internal controls over the Section 8 program, recurred in the audit reports for 1999 and 2000.

**Yolo Housing Foundation**

23. The YCHA commission established the Yolo Housing Foundation in response to HUD’s declared intention to

reduce its support of housing authorities and its concomitant encouragement for housing authorities to reduce their dependence on federal funds by creating nonprofit development corporations.

24. With the approval of the board of supervisors, YCHA can issue low-interest bonds to qualified nonprofits which can then use the bond money to purchase or develop properties to rent to low-income tenants. Any rent money left over after repaying YCHA accrues toward the purchase or development of more properties.
25. The Yolo Housing Foundation is registered as a nonprofit organization with the California secretary of state and with the Franchise Tax Board and Internal Revenue Service.
26. The Franchise Tax Board and IRS require detailed annual reporting from registered nonprofits, and those reports are public documents.
27. The bylaws of the Yolo Housing Foundation prohibit its officers (who are the YCHA commissioners) from receiving any salary; those bylaws cannot lawfully be changed without refileing with the secretary of state.

**CONCLUSIONS**

1. All of the staff we interviewed appeared dedicated to the mission of the YCHA. We were impressed with their compassion and dedication.
2. The discord within the YCHA is long-standing, bitter, and growing worse.
3. We cannot conclude definitively who at YCHA is responsible for the climate that exists there, but believe that both the staff and the director contribute to the overall unhappiness. Changes the director implemented early in his tenure may have contributed to the animosity that much of the staff expresses toward him.
4. Neither the YCHA commission nor the executive director appears to be making significant headway at improving labor relations within the agency. Much of the dissatisfaction appears entrenched and may be irresolvable.
5. Union representation is the best solution, and perhaps the only practical one, to employee grievances and disaffection. It will require the adoption of new personnel policies based on the terms of the contract negotiated.
6. Current oversight of the YCHA is insufficient. Although HUD oversees how its monies are spent and its programs run (and applies sanctions when housing authorities fail to meet its standards), the YCHA commission—a group of volunteers serving part-time—is not equipped to provide meaningful, regular oversight of the operations and staff of this agency.

*(INVESTIGATIONS: Yolo County Housing Authority—continued on next page)*

7. There are insufficient checks and balances. A law firm employed by YCHA cannot be expected to fairly investigate complaints against YCHA, just as a CPA employed by the YCHA does not provide truly independent audits of YCHA finances and operations.
8. There is a risk of at least the appearance of impropriety when the same individual, in his capacity as YCHA director, routes public funds to a private organization of which he is president.
9. Although the Hispanic Mixer is intended to be open to all staff and residents, its name may suggest to some people that it is limited to people of Hispanic origin. A different name might antagonize fewer people and seem more welcoming.
10. The Yolo Housing Foundation appears aboveboard, necessary, and admirable in its promise to increase the permanent stock of affordable housing in the county.

### RECOMMENDATIONS

- 02-01 The executive director should work with representatives of the labor union selected by YCHA staff to negotiate a fair and affordable contract promptly.
- 02-02 Until a union contract is ratified, the YCHA commission should replace the current personnel policies with policies more in line with county practice.
- 02-03 The YCHA commission should explore whether contracting with county counsel for legal services for the YCHA could make funds now being devoted to legal fees available for programs that assist the county's low-income residents.
- 02-04 The YCHA commission should ensure that audit recommendations are addressed without delay.
- 02-05 If it is not practical for the auditor-controller to annually audit the YCHA, the auditor-controller should at least spot check YCHA books at irregular, unpredictable intervals to provide at least partial independent audits.
- 02-06 The board of supervisors should review the findings of the Macias Consulting Group analysis of YCHA legal expenses commissioned by the grand jury and forwarded to the board.
- 02-07 The board of supervisors should reconsider the criteria it uses in selecting commissioners.

### RESPONDENTS

Executive Director, YCHA (recommendation 02-01)  
YCHA Commission (recommendations 02-01 through 02-04)  
Auditor-Controller, Yolo County (recommendation 02-05)

Board of Supervisors, Yolo County (recommendations 02-06 and 02-07)

### SOURCES

Since perceptions of hostile work environment are necessarily subjective, the grand jury interviewed a sample of 16 of the 40 current YCHA employees to try to get an accurate picture of the situation. We did not directly observe the workplace environment since a visit by the grand jury is an additional stressor; the presence of the grand jury at the YCHA would change the environment, negating the value of any observations we might have made.

The grand jury thanks the district attorney's office and our legal adviser for their counsel and considerable material assistance to this investigation.

### Persons Interviewed

Executive Director, YCHA  
General Services Manager, YCHA  
Member, YCHA Commission  
Former employee, YCHA  
14 supervisors, managers, and staff of YCHA  
County Counsel, Yolo County

### Documents Examined

YCHA mileage/vehicle sign-out logs  
"Yolo County Housing Authority: Analysis of Legal Expenditures for Fiscal Years 1999 to 2001," commissioned for the grand jury from Macias Consulting Group  
Harn & Dolan audit reports of the YCHA for 1999, 2000, and 2001  
"Yolo County Housing Authority Personnel Policy and Procedure Manual," March 2001  
Housing Authorities Risk Retention Pool correspondence to the YCHA  
Bylaws and Articles of Incorporation of Yolo Housing Foundation  
2001 balance sheet, Yolo Housing Foundation

## Yolo County Communications—Emergency Service Agency

### REASON FOR REVIEW

As part of its oversight of local government, the grand jury investigated reported problems at the Yolo County Communications—Emergency Service Agency.

*(INVESTIGATIONS: Yolo County Communications—Emergency Service Agency—continued on next page)*

## BACKGROUND

Established in 1988 to provide a variety of public safety services for the cities and outlying areas of Yolo County, the Emergency Service Agency answers 911 calls and dispatches the appropriate help.

The Emergency Service Agency operates under a Joint Powers Authority established by the county and the cities of Woodland, West Sacramento, and Winters. The City of Davis uses the agency's computer-aided dispatch system under contract.

## FACTS

1. At the time of our investigation, the dispatch center was understaffed, with only five dispatchers per shift instead of the six needed.
2. Dispatchers work 12-hour shifts. Because of the short-staffing, overtime is required and vacations or time-off are subject to cancellation.
3. It takes approximately four months to hire new dispatchers, who then serve a probationary period of 18 months. Six months is needed just to learn to answer the phones, and all employees are subsequently trained for another three weeks at a state academy.
4. Morale is low among the dispatchers and supervisors we interviewed: employees complain about management style and about not receiving evaluations.
5. The equipment in the dispatch center is antiquated, as are the car radios and shoulder microphones used by some patrol officers.
6. Officers report that they have trouble understanding radio transmissions from the dispatch center because of equipment problems and bleed-over from transmitters in other counties.
7. Outlying rural areas like Capay Valley, Cache Creek, Clarksburg, Putah Canyon, and County Road 40 are particularly troublesome for radio reception.
8. The dispatch center—a two-story building with no elevator—is not accessible to people with disabilities. It is also uncomfortable and depressing: the walls are covered with soot, there are neither windows nor ergonomic work stations, and the heating and cooling system works poorly.
9. Equipment is replaced only as needed, with the result that different generations of equipment are in use.

## CONCLUSIONS

1. The Emergency Service Agency needs a physical overhaul of its building and equipment.
2. Both officer and public safety are compromised by inadequate communications equipment.
3. Low morale is directly attributable to management style.

## RECOMMENDATIONS

- 02-08 The Joint Powers Authority and the director of the Emergency Service Agency should look into what changes are necessary to improve morale, including increasing staffing, updating equipment, and improving or replacing the building that houses the dispatch center.
- 02-09 The Joint Powers Authority and the director should closely supervise, and if necessary replace, the communications manager.
- 02-10 The director should follow the procedures in the employee manual concerning evaluations.
- 02-11 Equipment needs to be updated to meet present and future demands. The budget should include funds to provide and maintain a standard of safety and to bring the agency into compliance with the 800 megahertz mandate from the Federal Communications Commission.
- 02-12 The 2002-2003 grand jury should review the agency to determine if safety and management problems have been adequately addressed.

## RESPONDENTS

- Executive Director, Yolo County Communications-Emergency Service Agency (recommendations 02-08 through 02-11)
- Joint Powers Authority of Yolo County Communications-Emergency Service Agency (recommendations 02-08, 02-09, and 02-11)
- Yolo County Board of Supervisors (recommendations 02-08, 02-09, and 02-11)

## SOURCES

### Persons Interviewed

- 10 dispatchers and supervisors, Yolo County Communications-Emergency Service Agency
- Director, Yolo County Communications-Emergency Service Agency
- Communications Manager, Yolo County Communications-Emergency Service Agency
- Police officer, West Sacramento
- Police officer, Woodland
- Sheriff's deputy, Yolo County

(INVESTIGATIONS-  
continued on next page)



## **Esparto School District**

### **REASON FOR REVIEW**

The Grand Jury received several complaints about the sudden budget deficit experienced by the Esparto School District. Complainants requested a complete investigation of the district to address their concerns about poor or inappropriate communications, Brown Act violations, and suspicions of outright financial corruption.

### **BACKGROUND**

School financing in California is complex. School district budgets are based on revenue estimates made before the school year starts, but a major percentage of the actual revenue entitlement is not finally determined until the end of the school year, after the money has been spent. Anticipated revenues come primarily from the state and include payment for average daily attendance (ADA) and cost-of-living adjustments (COLAs), calculated according to state law and budget. The budget estimates are officially revised twice during the school year, once in December (the first interim report), and then in March (the second interim report), based on changes in ADA and other changes in expenditures. These interim reports are prepared by the school district and approved by the school board of trustees before being submitted to the county Office of Education. The estimated ending balance is submitted to the county Office of Education at the end of the school year, in June, and the actual ending balance is due September 15. If the estimates are incorrect, the school district can end up with a deficit or surplus of funds for the previous year.

School boards of trustees are responsible for planning, preparing, adopting, implementing, and evaluating a district's budget and for supervising the district superintendent and school principals.

California's Ralph M. Brown Act, enacted in 1953, requires that meetings of local government agencies, such as the Esparto school board of trustees, be open to the public. Meetings, as defined in the Brown Act, include "any congregation of a majority of the members of a legislative body...to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body." The Act prohibits any "use of direct communication" or "technological devices" by a majority "to develop a collective concurrence as to action to be taken on an item" by the legislative body. Using telephones, e-mail, and facsimile devices to develop such a collective concurrence falls within the prohibitions of the Brown Act.

### **FACTS**

1. The Esparto School District ended fiscal year 2000/01

with a deficit of approximately \$500,000. An incorrect budget submitted for school year 2001/02 showed a starting surplus.

2. A lengthy examination by the county Office of Education and by a temporary chief business officer (CBO) hired by the Esparto School District to review the financial records found no evidence of embezzlement or misappropriation of funds.
3. An outside audit done by an independent firm of auditors who had no previous relationship with the Esparto School District found no evidence of embezzlement or misappropriation of funds.
4. The budget deficit and the incorrect communication of a surplus were the result of a number of failures.
5. The previous CBO submitted an incomplete and inaccurate report in April 2001 for the second interim report.
6. In June 2001, that CBO again submitted an incomplete and inaccurate budget.
7. The previous superintendent of the Esparto School District failed to notice the lax bookkeeping and the lack of preparatory materials that should have accompanied the April interim report and 2001/02 budget that went to the board of trustees.
8. The board approved in June 2001 the new budget for year 2001/02 without properly reviewing the numbers. The board relied on the CBO and the superintendent to develop an adequate budget, even though the board had by then effectively dismissed those officers.
9. The board of trustees did not follow its own policies and procedures in developing and adopting a budget.
10. The CBO and previous superintendent did not always submit budgets on time for review and consideration by the school board as required by the Education code for financial reports.
11. The previous superintendent negotiated a union contract with the teachers' union that gave the teaching staff a cost-of-living adjustment (COLA) of 9.2 percent. The State had given the school districts a COLA of 9.5 percent, which was intended to cover not only the increased teachers' salaries, but also increased utilities cost and other cost-of-living increases the district was facing. This contract was neither submitted to nor approved by the board of trustees.
12. A vacancy in the human resource position at the Esparto School District office contributed to this lack of communication. The county Office of Education was not informed of stipend increases, staff increases, and other changes in compensation, and did not detect the resulting fiscal impact.
13. New expenditures were readily approved by the board

*(INVESTIGATIONS: Esparto School District—  
continued on next page)*

- of trustees without evaluating their impact on the budget.
14. Stipends for extra work and professional development by the certified staff were readily approved by the former superintendent and the board in the belief that a surplus existed.
  15. The district exceeded its budget throughout the year 2000/01 in the categories of credentialed staff, classified staff, utilities costs, and capital expenditures.
  16. The board was not aware of the budget deficit until it was informed by the county Office of Education in mid-August. The district subsequently started the school year 2001/02 with a deficit.
  17. Just as the new superintendent assumed his duties, in July 2001, he was informed of the budget deficit by the Office of Education.
  18. The new superintendent had to make cuts in the budget for 2001/02 because the budget signed by the board did not meet the district's obligations or contain sufficient reserves and because the school district was in danger of being taken over by the state.
  19. The new superintendent could balance the budget only by cutting positions that do not require early legal notice of dismissal: primarily classified payroll and certified staff stipends. Most other expenditures are obligations that, by law, must be met.
  20. It appears the board may be having 'serial' meetings, that is, private meetings or conversations about board issues between several board members at a time.
  21. The new superintendent has not consistently posted the location and meeting agenda 72 hours in advance, as required by the Brown Act.
  22. The Esparto board of trustees and the new superintendent have displayed a cavalier attitude towards the Brown Act requirements for open meetings.
  23. There is great distrust of the Esparto trustees within the community.
  24. The board was disrespectful to speakers at a public board meeting; in one instance a board member yelled at a speaker to "Put a sock in it!"
  25. Parents and teachers complain that the new superintendent has not responded to their queries promptly.
  26. The Esparto School District board of trustees has not met its promise to previous grand juries to revise district policies and procedures.

## CONCLUSIONS

1. The deficit did not occur at the end of the school year; rather it was the result of overspending throughout the year, mismanaging funds, and transferring funds without thought or consideration.
2. Neither the board of trustees, the then-CBO, the previous superintendent, or the county Office of Education ap-

- peared to be aware of this deficit.
3. The Office of Education's inability to detect Esparto's overspending is attributable to changes in the Esparto superintendent and CBO positions and a vacancy in the district's human resources office.
  4. The new superintendent had no part in creating the deficit.
  5. The lack of appropriate staff (i.e. clerical, CBO, human resources) hampered the new superintendent's ability to conform to Brown Act requirements and to respond promptly to queries.
  6. The district's communication of the fiscal realities to the community and staff has been ineffective. Parents and teachers became frustrated because they did not understand the budget problems and they felt they were not being informed.
  7. The community's distrust of the school board is partly the result of the board's own behaviors: its scant regard for the spirit of the Brown Act, the lack of respect and lack of courtesy displayed at board meetings, and poor communication skills.

## RECOMMENDATIONS

- 02-13 The board of trustees needs to develop a standard way of reviewing spending requests and monitoring expenditures throughout the year. The board should consider the budget for the entire fiscal year at each of the interims and provide an easy-to-understand graphic document illustrating the budget at a public meeting. All hirings, contracts, stipends, and capital expenses should be noted on this document, which would serve to guide all budget decisions for the current period. Other school boards in the county that use this method can provide simple models for this document. The standardized method of reviewing spending requests and monitoring expenditures should be incorporated into the board's policies and procedures.
- 02-14 Budget workshops given by the California School Board Association (CSBA) should be required of all new board members, and this requirement should be incorporated into the revised policies and procedures.
- 02-15 The county Office of Education should monitor the Esparto school district budget more closely for the next two years.
- 02-16 Despite budget problems, it is critical to have staff in key positions. The district should hire clerical staff for the superintendent and fill the empty position in

*(INVESTIGATIONS: Esparto School District—continued on next page)*

human resources. Having support staff will free the superintendent to devote his time to parents and students, the budget, the school board, and the other outreach necessary for a superintendent new to a community.

02-17 The board of trustees and the superintendent should develop additional ways of communicating with the community and with staff. Attending school and community functions is one way of opening informal channels of communication.

02-18 All trustees and the superintendent need once again to review the requirements of the Brown Act. Both the superintendent and the board should adhere strictly to both the letter and spirit of the Brown Act to help rebuild both trust and confidence. Both the board of trustees and the superintendent should remind themselves of the legislative intent of the Brown Act: "The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." The board and the superintendent should attend Brown Act training under the direction of the county counsel, not their own legal counsel. County counsel should provide confirmation to the grand jury that board members and the superintendent participated in Brown Act training.

02-19 The board should attend training in communications and board skills, including training provided by the CSBA or Office of Education, to learn to decrease confrontations during meetings. All board members should attend the free meetings hosted by the county Office of Education to learn from other school trustees ways of communicating with the community and with staff.

02-20 A system of checks and balances would help protect the school district from the type of financial problems it now faces. Since the previous financial advisory committee has been reorganized to serve the superintendent, the board of trustees needs its own independent financial advisory group. To help the board monitor the budget, a new financial advisory committee should be established and trained by (or at the direction of) the Office of Education as part of its oversight of the Esparto School District. The financial advisory committee would be a sub-committee of the board and would follow Brown Act requirements.

02-21 The Esparto school board should immediately update its policies and procedures, with a special focus on developing better methods for monitoring the budget. The California School Board Association website includes sample bylaws and suggested procedures for school boards. The Esparto school board should consult this resource when rewriting its policies and procedures. A copy of the revised policies and procedures should be sent to the grand jury.

**RESPONDENTS**

Esparto School Board of Trustees (recommendations 02-13, 02-14, 02-16, 02-17, 02-18, 02-19, 02-20, and 02-21)  
 County Office of Education (recommendations 02-15 and 02-20)  
 Superintendent, Esparto School District (recommendations 02-17 and 02-18)  
 County Counsel (recommendation 02-18)

**SOURCES**

The grand jury observed the Esparto school board by attending or watching videotapes of its meetings.

**Persons Interviewed**

Complainants  
 Superintendent, Esparto School District  
 Assistant Superintendent of Schools, Yolo County  
 President, Esparto School Board  
 Interim Chief Business Officer, Esparto School District  
 Member, Davis School Board  
 Teacher, Esparto School District  
 Former Trustee, Esparto School Board  
 Member, Financial Advisory Group  
 Trustee, Esparto School Board  
 Union Representative, California Teachers Association

**Documents Examined**

Complaint  
 Final Esparto Unified School District 2001-02 Budget, revised November 29, 2001  
 Second Interim Report, Fiscal Year 1999/00, dated March 8, 2000  
 Second Interim Report, Fiscal Year 2000/01, dated March 18, 2001  
 Unaudited Actual Financial Report for FY 2000/01, dated November 29, 2001  
 Esparto School Board Policies and Procedures  
 Minutes of Esparto School Board, 2000-2001  
 Agendas of Esparto School Board, 2000-2001  
 Five-year Financial Analysis of the General Fund of the

*(INVESTIGATIONS: Esparto School District-continued on next page)*

Esparto School District, by the Yolo County Office of Education  
Independent Auditor's Report, Esparto Unified School District, for the year ending June 30, 2000  
Esparto Unified School District Budget 2000/01, adopted June 20, 2001 (and rejected by the county Office of Education). Includes Budget Documents dated June 20, 2001  
Memorandum from Esparto Superintendent to Esparto School Board regarding recommended 2001/02 fiscal year budget reductions, dated October 23, 2001  
California Department of Education "Criteria and Standards Revisions for Budget and Interim Reports"  
California Department of Education "Observations on the Financial Accountability and Reporting Processes"  
News articles from the Daily Democrat on Esparto School Board Meeting  
Terminix Environmental Survey of Esparto Middle School  
Memorandum from Special Education Department, Esparto School District, Subject: Services  
Declaration of "No Confidence" by the Esparto Teachers Association, January 15, 2002  
Bylaws for the Financial Advisory Committee  
Business & Noninstruction Operation for the Financial Advisory Committee  
List of Members of the Financial Advisory Committee  
Letter from CTA to Superintendent, Esparto School District, regarding Brown Act Violations  
Letter from Superintendent, Esparto School District, to CTA regarding Brown Act Violations  
List of Esparto teacher and parent concerns regarding the Superintendent and the Board of Education for the Esparto Unified School District  
"Chapter 10 Understanding School Finance"  
EdSource Document "School Finance 2001-02"  
Miscellaneous budget assumptions and budget examples from other school districts  
California School Board Association Professional Governance Standards

## **Davis Gymnastics**

### **REASON FOR REVIEW**

In response to a citizen's complaint alleging improper financial arrangements between employees of the City of Davis and the Davis Gymnastics Team, the grand jury investigated the city's financial relationship with the club.

### **BACKGROUND**

The Davis Parks and Community Services Department

offers a variety of recreational services to the residents of Yolo County, including non-competitive athletic classes. Students who want to compete may join privately sponsored teams that participate in athletic competitions.

Some of these independent teams are funded by nonprofit organizations which employ the same instructors as the city programs. So the same coach may instruct gymnastics classes part-time for the city and, as an employee of a nonprofit, prepare athletes for competitions.

### **FACTS**

1. The Davis Gymnastics Team, a private nonprofit organization, funds coaching and administrative support for gymnasts who want to train for and participate in gymnastics competitions.
2. The organization pays its gymnastics coaches, who also work for the city as gymnastic instructors, quarterly.
3. The Parks and Community Services Department is familiar with the Davis Gymnastics Team, but does not support it financially, neither by providing venues for practices nor by paying for coaching.

### **CONCLUSIONS**

1. Our investigation found no evidence to support the complainant's allegation.
2. Both the Parks and Community Services Department and the independent teams provide valuable opportunities to the youth of Yolo County.

### **SOURCES**

#### **Persons Interviewed**

Complainant  
Gymnastics instructor  
Community Services Administrator, City of Davis

## **Woodland School Construction**

### **REASON FOR REVIEW**

Aware that parents of pupils at Woodland's Dingle Elementary School were angry that a multipurpose room promised that school was not being built, the grand jury inquired into Woodland Joint Unified School District policies for funding construction.

### **BACKGROUND**

Woodland voters passed a bond measure in 1999 to fund

*(INVESTIGATIONS: Woodland School Construction--continued on next page)*

construction at local schools. Work started at several schools in June 2001, but the multipurpose room promised for Dingle had not begun at the time of our inquiry.

### FACTS

1. The district needs matching funds promised by the state to construct the planned multipurpose buildings.
2. The district-wide construction plan addresses the needs of all Woodland schools.
3. The state matching funds have been delayed.
4. The district is modernizing schools and building new multipurpose rooms as funds become available; because state funds are delayed, less-expensive projects are being scheduled first.
5. Lack of communication by the school district about the reason for the delay resulted in confusion and a degree of mistrust among parents.
6. The district no longer employs a communications officer because of funding constraints.

### CONCLUSIONS

1. Implementation of the construction plan depends on the receipt of state funding, which is beyond the district's control.
2. School personnel need to better communicate with parents.

### RECOMMENDATIONS

- 02-22 The Woodland Joint Unified School District should improve how it disseminates information; school principals should inform parents about the plans for their schools and ask parent groups or PTAs to help them with community outreach.
- 02-23 All district employees should have accurate information about district plans and policies so they can answer parents' questions.
- 02-24 The district should work with local media to publicize school construction projects and provide regular updates.

### RESPONDENTS

Superintendent, Woodland Joint Unified School District  
(all recommendations)

### SOURCES

#### Persons Interviewed

Chair, Woodland Joint Unified School District Board of Trustees  
Parent representative

### Documents Examined

"Money Needed to Finish WJUSD projects," Daily Democrat, April 10, 2002

## Yolo County Flood Control and Water Conservation District

### REASON FOR REVIEW

In response to a citizen's complaint alleging that a farmer stole water from the Flood Control and Water Conservation District, the grand jury investigated the incident.

### BACKGROUND

The county Flood Control and Water Conservation District is responsible for maintaining a system of man-made irrigation canals and waterways and controlling water for agricultural use. The district employs field personnel, or ditch tenders, to monitor and assist in the distribution of water and record its use; office personnel then bill the appropriate users.

### FACTS

1. Water was not paid for at the time of use (the account was subsequently billed and paid).
2. The district contracted with MBK Engineers to conduct an investigation of this matter.
3. A new computer system to aid in billing has been installed.
4. Morale, trust, and communication between field personnel and office staff is very poor.

### CONCLUSIONS

1. The billing process was not properly followed.
2. Our investigation did not substantiate allegations of intentional misuse of the district's water.
3. Mistrust and low morale result from lack of communication between office and field personnel.

### RECOMMENDATIONS

- 02-25 The management office and field personnel should review and upgrade as needed the operations and billing procedures of the district.
- 02-26 The grand jury should review district operations for the next two years.

*(INVESTIGATIONS: Yolo County Flood Control and Water Conservation District—continued on next page)*

## RESPONDENTS

Board of Directors, Yolo County Flood Control and Water Conservation District (recommendation 02-25)

## SOURCES

### Persons Interviewed

District management, present and former  
District field personnel  
PG&E Official  
Complainant

### Documents Examined

MBK Engineers Investigation Memorandum  
PG&E Electric billing statements  
District water billing statements  
District "Ditch Tenders Handbook"

## Davis Farmers Market

### REASON FOR REVIEW

In response to a complaint alleging that state regulations prohibit the Davis Farmers Market from including vendors of crafts to participate in the market, the grand jury investigated whether the Farmers Market is in compliance with state and local laws.

### BACKGROUND

Certified in 1977, the Davis Farmers Market is now a popular, well-regarded twice-weekly marketplace for produce and crafts from mostly local growers and vendors. The Farmers Market is administered by an 11-member board of directors, some of whom are themselves market vendors, and a city-appointed manager. Vendors who wish to participate in the market must meet standards set by state and city regulations. Vendors pay the city a percentage of their sales to defray the costs of running the market.

### FACTS

1. The market is subject to state regulations (Title 3, Chapter 1, Subchapter 4, Article 6.5) which limit who may sell at the market and define what products may be sold. A city ordinance—14.01 030 (a) (6)—that states that the use of city property shall be determined by the city manager, is the authority for vendors of crafts to participate in the market.
2. The Farmers Market is in compliance with the state regulations and city ordinances that govern its operations.
3. The manager designates different market areas for the sale of different products, which include farm products,

flowers, and crafts. The manager also has authority to decide how best to display all products for the beautification of the market.

### CONCLUSIONS

1. Recognized throughout the state, the Davis Farmers Market is a unique asset to Yolo County.

### SOURCES

#### Persons Interviewed

Complainant  
Manager, Davis Farmers Market

## Yolo County Public Guardian

### REASON FOR REVIEW

In response to a citizen's complaint, and following a well-publicized case of embezzlement by an employee of the public guardian, the grand jury investigated the office's policies and procedures to ensure that appropriate safeguards have been implemented.

### BACKGROUND

The public guardian receives referrals for conservatorship from outside agencies like Adult Protective Services, Social Services, and Mental Health. Referrals also come from hospitals, physicians, and psychiatrists. Before petitioning the court to be appointed conservator of an individual or estate, the public guardian's office investigates whether all alternatives to conservatorship have been exhausted.

Guardianship or conservatorship can be appointed for a person, an estate, or both. As conservator of an individual, the public guardian is legally responsible for seeing to the daily food, clothing, shelter, and financial needs of mentally or physically disabled persons and authorizing medical treatment. As conservator of an estate, the office manages the estate's finances: taking control of the assets, collecting income, paying bills, investing money, and protecting assets.

The public guardian's office also handles the estates of people who die in Yolo County and have no will or next of kin in California and people whose families are unwilling or unable to act for them, or when ordered by the court. A fiduciary relationship exists between the public guardian and the people and estates it protects.

(INVESTIGATIONS: Yolo County Public Guardian—  
continued on next page)

**FACTS**

1. A loss of \$97,630.50 from a conservatee's account occurred between January 19, 2000, and May 8, 2001.
2. The loss was investigated by the public guardian's office and referred to the district attorney.
3. The individual responsible for the loss was prosecuted and sent to state prison. The missing funds were replaced by the bonding company.
4. Bank statements are now opened by one staff member, then date stamped, copied, and distributed to two other employees for review and tracking.
5. Accounts not directly controlled by the public guardian are tracked monthly.
6. An Elder Abuse Specialty Team was established by the public guardian's office, county counsel, the district attorney, and the police departments in the four cities in Yolo County to educate local financial institutions on fraud and to create a stronger support system.
7. An outside auditor was hired to evaluate the internal controls of the public guardian's office.
8. The public guardian has implemented new policies and procedures in response to the recommendations of the outside auditor.

**CONCLUSIONS**

1. The public guardian's office is dedicated to preventing another such loss.

**RECOMMENDATIONS**

- 02-27 The public guardian's office should continue to follow the internal control procedures recommended by the outside auditor and to perform random audits of the outside conservatees' accounts.

**RESPONDENTS**

Public Guardian/Administrator, Yolo County (recommendation 02-27)

**SOURCES**

**Persons Interviewed**

Public Guardian/Administrator, Yolo County  
 Receptionist, Public Guardian/Administrator's office  
 Accountant, Public Guardian/Administrator's office  
 Superior Court Judge, Yolo County

**Documents Examined**

New procedures regarding fraud  
 New procedures regarding internal controls  
 "Audit Report for the Fiscal Years Ended June 30, 2001 and 2000"

**Davis Cemetery District**

**REASON FOR REVIEW**

In response to a citizen's complaint alleging violations of the California Health and Safety Code by the Davis Cemetery District, the grand jury investigated whether the cemetery district was improperly allowing the cemetery to be used as an off-leash dog park.

**BACKGROUND**

Overseen by a board of directors appointed by the county supervisor who represents the district, the Davis Cemetery District is a special district, a local government entity that exists for the sole purpose of operating the Davis cemetery.

Gravesites are situated on the cemetery district's lands that are nearest the center of town. The undeveloped back part of the cemetery, approximately three acres, is reserved for future gravesites. For the last 20 years dogs have had access to this area to run off-leash, something that is not allowed in most of Davis, where a city ordinance requires dogs to be kept on leashes in most public places.

**FACTS**

1. The Health and Safety Code of California, in Chapter 7, section 8961, states that cemeteries shall be limited in use to burial in the ground of residents or taxpayers of the district.
2. The Health and Safety Code of California, Section 8961.11, states that land acquired by a cemetery for future use may be leased to another public entity for recreational use.
3. The cemetery district allows dog owners to use the undeveloped portion of the cemetery as an off-leash dog park.
4. The cemetery district has posted many signs instructing dog owners to stay off the graves and use only the back, undeveloped areas.
5. The cemetery district provides plastic bags and a garbage can for disposal of dog feces.
6. On at least one occasion dog feces were found in the gravesite areas.
7. The undeveloped acreage is not currently leased to any public entity.
8. There is currently no means to enforce the requirement that dog owners use only the undeveloped area.

**RECOMMENDATIONS**

- 02-28 To better comply with the Health and Safety Code

*(INVESTIGATIONS: Davis Cemetery District—continued on next page)*

and to allow for enforcement of posted rules, the cemetery district should lease its undeveloped land to a public entity, such as the city of Davis, for use as a dog park.

- 02-29 The Davis Cemetery District should explore the feasibility of providing separate vehicle access for dog owners at the back of the undeveloped area to reduce traffic near the gravesites.

**RESPONDENTS**

Davis Cemetery District (recommendations 02-28 and 02-29)

**SOURCES**

**Persons Interviewed**

Chair, Board of Directors, Davis Cemetery District



## Reviews

### **Yolo Adult Day Health Center**

#### **REASON FOR REVIEW**

In response to a citizen's inquiry about the resources available at the Yolo Adult Day Health Center, the grand jury reviewed the agency and its services.

#### **BACKGROUND**

Using funds provided by the state, Yolo County in the early 1980s established what became the first built-to-purpose non-residential center in California for adults who need help to live independently, combining both medical and social services to promote maximum well-being and optimal autonomy for its clients. The center opened in January 1984. In 1990, with the assistance of a grant from the California Department of Aging, the Caregivers Assistance Safe Approach (CASA) program was added to provide specialized services to individuals with Alzheimer's disease or related dementias.

The county owns the Woodland building that houses the program and holds the license to the center; a non-profit organization, the Friends of Adult Day Health Center, assists by raising funds and educating the public about the center's services. Today, the Yolo Adult Day Health Center serves 40-50 clients daily, promoting their independence and self-esteem through social services, rehabilitation, and health care, and provides resources for home caregivers.

#### **FACTS**

1. The staff of Yolo Adult Day Health Care provide help with everyday activities—walking, transferring, eating, grooming, and personal care—and with managing clients' medical conditions. The center also provides speech, physical, and occupational therapy and assists clients in obtaining other health care services.
2. Social workers help clients and their families adjust to the center and provide them with referrals to counseling and support groups.
3. The center offers activities that help clients maintain their physical, intellectual, and social abilities and foster their self-confidence.
4. The noon meal and all snacks are nutritious and accommodate clients' special dietary needs.
5. The goal of the CASA program is to stimulate participants, maximize their abilities, and provide respite to

home caregivers.

6. The center transports clients to and from home anywhere in the county.
7. Some of the costs of the CASA program are paid by the state and private organizations.
8. Otherwise, the cost of attending the center is paid by the client, Medicare, or private insurance.
9. The center is not large enough to accommodate the present demand.
10. Because the center's services are in high demand, a prospective client may have to wait four months or longer before being admitted into the program.
11. Once enrolled in the center, clients may remain until their condition improves enough so that they no longer have a need for the center's services.

#### **CONCLUSIONS**

1. The Yolo Adult Day Health Center is a credit to the county and an irreplaceable resource for people who are otherwise unable to care for themselves.
2. The grand jury was impressed with the outstanding care provided by the center.
3. More funding is required if plans for expansion are to be realized.

#### **RECOMMENDATIONS**

- 02-30 The board of supervisors should explore ways to provide more funds to enable the center to expand and accommodate an increasing and urgent need for its services.

#### **RESPONDENTS**

Board of Supervisors, Yolo County (recommendation 02-30)

#### **SOURCES**

##### **Persons Interviewed**

Program Supervisor, Yolo Adult Day Health Center

### **Yolo County Jails**

#### **REASON FOR REVIEW**

The state Penal Code instructs grand juries to inquire

*(REVIEWS: Yolo County Jails—  
continued on next page)*

into the condition and management of public prisons within their county. Yearly the Yolo County Grand Jury has reviewed the Monroe Detention Center and the Walter J. Leinberger Memorial Minimum Security Detention Facility. In the absence of complaints or obvious problems, the review has historically consisted of a one-day overview.

## BACKGROUND

### Monroe Detention Center

The Monroe Detention Center is the main jail for Yolo County. This 13-year-old, 93,000-square-foot facility is able to house 313 inmates of virtually every security classification. All controls and instrumentation are electronic, and Monroe is described as a direct supervision jail. When the inmates are out of their cells, they have access to indoor and outdoor exercise and recreation equipment, including television, table games, basketball, and soft-bound library books. Educational and social services include GED tutoring; literacy, parenting, and computer classes; alcohol and drug counseling; HIV counseling; anger management; and women's support groups. An on-site clinic staffed full-time by nurses or physician's assistants provides medical services.

Although no longer new, the Monroe Center is still considered a showcase facility, drawing professionals who come to observe how a modern, well-designed facility operates.

### Leinberger Center

The Leinberger Center is for sentenced inmates who may work to reduce their jail time. The 15,150-square-foot facility houses 112 male and 30 female lower-security inmates in dormitories. Increasingly, the facility also serves to house suitable inmates from the Monroe Center when that jail is full. Inmates have access to the same programs as are available at the Monroe Center.

## FACTS

1. The Yolo County detention facilities were still understaffed at the time of our review, though there had been a gain during the past year from a shortage of some 32 staff positions to a shortage of 15 staff positions.
2. A federal grant (Cops More) has provided funding for 12 more correctional officers at the Monroe Center.
3. The Sheriff's Department is requesting funding for another five correctional officers. This still leaves the detention facilities short fifteen positions, according to the Peace Officers Standard Training review.
4. Since it is difficult to recruit and train a large number of new officers at one time, recruitment and hiring is ongoing year-round.
5. Overtime expenditures for 2001-2002 are projected at \$600,000, down from \$832,067 for 1999-2000. This reduction of overtime reflects the hiring of new officers.
6. There will always be some overtime to staff the facility on holidays.
7. Staff turnover is fairly low. During 2001 ten correctional officers left: five did not complete their probation, three retired (but one returned), and two left for other reasons.
8. There are markedly fewer opportunities for female inmates to reduce their jail sentences through work than for male inmates.
9. To avoid favoritism, meals are delivered already dished so each inmate receives the same size servings.
10. Both detention facilities, no longer new, require more ongoing maintenance.
11. A deputy sheriff administers the Monroe Center and oversees a staff of correctional officers. The correctional staff is encouraged to acquire extra training and other professional development and is provided with uniforms and equipment to promote efficient work and positive morale.
12. Both the Monroe and Leinberger centers are approaching capacity during certain periods. The Monroe Center was designed to be expanded when necessary; the increasing population of Yolo County will soon require that expansion.
13. In the course of another investigation, the grand jury learned of one instance in which a visitor sign-in sheet was incorrectly used, resulting in an unauthorized visit.

## CONCLUSIONS

1. The grand jury found a safe, clean, mostly well-maintained facility staffed by well-trained correctional officers and sworn officers who take pride in their work.

## RECOMMENDATIONS

- 02-31 The Sheriff's Department should continue its efforts to fill available positions with qualified applicants and review pay schedules in comparison to other counties within commuting distance.
- 02-32 A sworn officer, with more training, experience, and judgment than correctional officers, should be present in the jail at all times. It is not realistic to expect that an on-call officer/administrator can respond to an emergency as if he or she were present.
- 02-33 The sheriff should develop work opportunities for women inmates whenever possible to achieve parity with the men.
- 02-34 Maintenance funding must keep pace as the buildings age. The sheriff and board of supervisors should make repairing or replacing unsafe surfaces such as unglued or worn carpet and loose tiles a priority.
- 02-35 The Sheriff's Department should tighten its controls

(INVESTIGATIONS: Yolo County Housing Authority—  
continued on next page)

over visitors to ensure that visitors sign-in correctly and meet only those inmates they are authorized to visit.

## RESPONDENTS

Sheriff, Yolo County (all recommendations)  
Board of Supervisors, Yolo County (recommendations 02-31, 02-32, and 02-34)

## SOURCES

The grand jury conducted two half-day tours of the facilities that included discussions with the sheriff, correctional officers, and sheriff's deputies and a brief interview with a willing inmate.

# Juvenile Hall

## REASON FOR REVIEW

The 2000-2001 grand jury recommended that the 2001-2002 grand jury revisit the Yolo County juvenile hall to determine whether the remedies recommended by that grand jury had been implemented.

## BACKGROUND

On August 26, 2001, the grand jury toured juvenile hall, a division of the Yolo County Department of Probation. Under the authority of California juvenile court law, juvenile hall helps protect the public from the delinquent acts of minors by providing for their safe and secure reception and temporary care.

The existing facility was built in the 1960s and expanded in 1976-1977 to its current capacity of 30 residents. Since the facility does not meet current needs, the county is constructing a new building which the superintendent of juvenile hall predicts will be completed in 2004, one year later than was reported to the 2000-2001 grand jury.

In its report the 2000-2001 grand jury recommended that mirrors should be installed in the control room that would permit staff to observe the monitors from their desk.

## FACTS

1. At the time of our review, line staffing was complete and the only vacancies were in the administration.
2. A recent study of salary schedules in comparable counties showed salaries at Yolo County juvenile hall are 11.2 percent lower than the average.
3. Typically, 25 percent of juvenile hall residents are classified "restricted," requiring closer supervision.
4. It is not unusual for the facility to house more than 40

children.

5. When Yolo County has more juveniles to house than it can accommodate, it can rent up to ten beds at Solano County's juvenile hall for \$150 per bed each day.
6. Staff can provide limited mental health care; cases requiring more expertise are referred to the county Department of Mental Health.
7. Schooling is provided to juveniles during their residence by one on-site teacher, who has an emergency credential, and an instructional aide. The students function at a wide span of grade levels and educational achievement.
8. Yolo County also employs a full-time specialist in drug and alcohol education at juvenile hall. Residents who need further professional intervention are referred to the Department of Mental Health.
9. Community volunteers assist the staff by providing residents with clothing, haircuts, treats, tutoring, and mentoring.
10. The grand jury observed water stains on the ceilings in the halls and cafeteria.
11. A mirror has been installed in the control room as recommended by last year's grand jury.

## CONCLUSIONS

1. The control room is still inadequate.
2. The grand jury was impressed by the positive attitudes and professionalism of the staff of juvenile hall.
3. The grand jury commends the Department of Probation and the Office of Education for employing the services of a highly qualified drug and alcohol education specialist and a dedicated teacher and aide.
4. Overcrowding may endanger both staff and residents.

## RECOMMENDATIONS

- 02-36 Salaries at juvenile hall should be brought in line with those in comparable counties to reduce turnover.
- 02-37 The board of supervisors should make completing the new facility before 2004 a high priority.
- 02-38 The Department of Probation should support its teacher's efforts to become fully credentialed.
- 02-39 The control room in the existing facility should be redesigned so that staff can work facing the monitors.
- 02-40 The Department of Probation should arrange with neighboring schools for in-service education for the juvenile hall teaching staff and for sharing instructional materials.

(REVIEWS: Juvenile Hall-  
continued on next page)

## RESPONDENTS

Director, Yolo County Department of Probation (recommendations 02-38 through 02-40)

Board of Supervisors, Yolo County (recommendations 02-36 and 02-37)

## SOURCES

### Persons Interviewed

Superintendent, Yolo County Juvenile Hall

Teacher, Yolo County Juvenile Hall

Director, Yolo County Department of Probation

# Yolo County Library

## REASON FOR REVIEW

The grand jury reviewed the county library system as part of its ongoing oversight of local government.

## BACKGROUND

In addition to branch libraries in Clarksburg, Davis, Esparto, Knights Landing, West Sacramento, Winters, and Yolo, the Yolo County Library also operates the county archives. A card from any branch of the Yolo County Library permits the holder to check out materials from any other county branch.

The Woodland Public Library is operated by the city of Woodland, not the county, and is linked to the Sacramento County public library system. Yolo County residents who wish to check out materials from the Woodland library must apply for a separate card.

## FACTS

1. Most branches include community rooms which are heavily used. At the West Sacramento and Esparto branches, the community rooms are in such demand that they are open for longer hours than the libraries themselves.
2. Growing populations of speakers of Russian and the languages of Southeast Asia have created a demand at the West Sacramento branch for more books and current periodicals in languages other than English or Spanish.
3. All branch libraries offer internet access.
4. State funding for libraries diminished after the passage of Proposition 13 and subsequent state deficits. The budget for the Yolo County Library comes from the county's general fund.
5. Although all branches need room to expand, the libraries in Winters, Yolo, Knights Landing, and West Sacramento are the most urgently in need of more space and repairs.

6. The bookmobile that brought library books to rural communities that lack a branch library has been out of service for the past three years and is currently inoperable.
7. Some librarians work at more than one library part-time because there is not enough demand to staff all the branches full-time.

## CONCLUSIONS

1. The grand jury was impressed with the helpfulness and dedication of the library staff we encountered.
2. The county librarian maintains enthusiasm and optimism despite the limits of operating and expansion funds.
3. In the absence of sufficient state or county funding, local bonds are one way to finance the expansion of Yolo County libraries.

## RECOMMENDATIONS

- 02-41 The Yolo County Library should add to its collection of materials in languages other than English and Spanish.
- 02-42 The board of supervisors should continue working to have state library funding restored and should consider other ways to fund needed library expansion.
- 02-43 The county librarian should investigate whether replacing the bookmobile with smaller vans would enable the library to restore service to outlying parts of the county.
- 02-44 If bookmobile service is restored, the county librarian should explore whether it is feasible for bookmobiles to carry laptop computers that could be used to access on-line catalogs.

## RESPONDENTS

County Librarian (recommendations 02-41, 02-43, and 02-44)

Yolo County Board of Supervisors (recommendation 02-42)

## SOURCES

The grand jury toured each branch of the Yolo County Library and examined the county archives.

### Persons Interviewed

County Librarian

Library staff and volunteers

## **Indictments**

The grand jury is empowered by the state Constitution to issue indictments, either on its own initiative or after hearing evidence presented by the district attorney. Although Yolo County grand juries rarely exercise this function, there are times when the grand jury, because it operates in secrecy, is a more suitable forum for hearing criminal evidence than an open court proceeding.

In November 2001, after five days of testimony and a day of deliberation, the Yolo County Grand Jury issued

indictments charging 15 defendants with various but related crimes of murder, attempted murder, kidnapping, rape, drug trafficking, and witness tampering.

The indictment hearings were a challenging and sometimes gruesome experience. We deeply appreciate the care taken by the Yolo County Sheriff's Department and the office of the District Attorney to ensure the safety and comfort of all participants—witnesses as well as grand jurors.

## Appendix

### Responses to the 2000-2001 Grand Jury Report

In accordance with Section 933(c) of the California Penal Code, the governing body of a public agency or its designated administrator must respond to grand jury recommendations within 90 days. Elected officials must respond within 60 days. If respondents disagree with grand jury recommendations, they must explain why.

Below are the recommendations from the 2000-2001 report. Each recommendation is followed by an extract of the official response. The complete report is available at public libraries in Yolo County. The complete set of responses is available for public review at the office of the clerk of the board of supervisors.

#### **Small Public Water Systems**

- 01-01 The county should provide funding for full staffing of the division of Environmental Health (EH) to assure the safety of rural water supplies.

The Board of Supervisors provided a 12 percent equity increase in April 2001 to ensure the continuation of full staffing for Environmental Health services. The Board also approved an additional Environmental Health Specialist position for fiscal year 2001-2002 to enhance the ability of our staff to fulfill its obligations regarding the safety of rural water supplies for Yolo County residents.

More monitoring, source protection, enforcement, and consultation will be carried out.

- 01-02 When contamination makes system water unsafe to drink, the Yolo County Health Department should require operators of water systems to provide bottled water to consumers within 24 hours.

Although existing laws allow boiling water as one of the temporary solutions to address bacterially contaminated drinking water, the Health Department concurs with the grand jury that bottled water should be provided to consumers within 24 hours after a system has been determined to be contaminated. The department agrees that despite its relatively higher cost, bottled water is more likely to be used by consumers than boiling water because of convenience. EH will immediately formulate a policy to require that bottled water be provided by the system operator for drinking, cooking, brushing teeth, and hand washing within 24 hours after a system has been determined to be bacteriologically contaminated.

#### **Juvenile Shelter**

- 01-03 The county Department of Employment & Social Services (DESS) should ask the Community Care Licensing division of the state Department of Social Services to investigate the management and supervision of the juvenile shelter for consideration of continued licensing.

The director of DESS has forwarded a copy of the grand jury report to the Community Care Licensing Division with a formal request that a review of the emergency shelter operations be conducted to ensure that all state regulations governing group home operations, supervision, and management comply with state regulations.

- 01-04 The Yolo County Board of Supervisors should require the directors of the departments of Employment & Social Services and Probation and the Public Defender to jointly develop and endorse a plan to bring the county into compliance with the Welfare & Institutions Code.

The Board of Supervisors concurs with the grand jury recommendation.

- 01-05 A draft of any such plan should be submitted for review by the Family and Juvenile courts, the Yolo County Family Law Bar Association, and the County Counsel prior to its codification.

The Board of Supervisors will ensure that any plan to bring the county into compliance with the Welfare & Institutions Code will be submitted for review by the Family and Juvenile courts, the Yolo County Family

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Law Bar Association, and the County Counsel prior to its codification.

- 01-06 The juvenile shelter should increase night-monitoring staff, reconfigure the facility to enable proper separation of wards by gender, and institute a random ward-monitoring system.

The director of DESS has forwarded this recommendation to the State of California Community Care Licensing Division for review and assurance that the juvenile shelter's physical plan and staffing ratios meet state regulations.

Additionally, while not required, the DESS has committed to expanded communications with the shelter director and staff to support the success of the existing contract. DESS/CWS management and supervisory staff have implemented regular monthly meetings with shelter staff and will provide relevant training resources which may increase shelter staff's knowledge and skills in providing services to this population.

### **Yolo County Procurement**

- 01-07 The chief purchasing officer (CPO), county counsel, and the auditor-controller should meet at least quarterly to assess the county's procurement system.

County staff will be recommending a policy council of identified county officials based on the American Bar Association's "2000 Model Procurement Code for State and Local Governments" to adopt and promulgate policies and procedures, consider and decide matters of policy, audit and monitor the implementation of policies and procedures, and consider and implement, as appropriate, recommendations for process improvement. Council members will be in frequent communication until the new system is functioning smoothly, and then will meet as needed.

- 01-08 The Board of Supervisors should reconsider the amendment to the Administrative Policy Manual that allows the county administrative officer (CAO) to approve \$10,000-25,000 service contracts. The CPO is clearly the purchasing professional within the county as prescribed by the State Code. As such, the CPO should have responsibility for all purchasing matters put before the Board of Supervisors.

This recommendation requires further analysis and will be addressed by a study being conducted by an independent consultant engaged by the CAO. County

staff expects to make a recommendation to the Board of Supervisors in December 2001.

- 01-09 A county procurement manual should be assembled from all relevant materials derived from the County Code and Administrative Policy Manual. A desktop guide and/or computer-generated assistance program would be beneficial both for reference and training.

This recommendation has not yet been implemented but will be addressed by a study being conducted by an experienced consultant engaged by the CAO. Staff expects completion of the manual by December 2001.

- 01-10 The County Code needs a section detailing a code of ethical conduct by all county administrative employees, with language on how to recognize conflict of interest in all county matters, including procurement. A similar reference should be included prohibiting county employees from accepting gifts and gratuities beyond a reasonable value.

All employees should be informed of the need for ethical conduct. This is one of the assignments of the procurement consultant. Regular training and administrative directives would be more effective methods of making county employees aware of conflict-of-interest concerns [than the County Code]. [County counsel] will work with the county administrative office to seek direction from the Board of Supervisors on establishing effective means of conflict-of-interest education and a code of ethical conduct.

- 01-11 Stand-alone procurement software should be developed separate from the current General Ledger system, especially in the vendor listing and updating functions. Alternatively, the county could establish a procurement system which operates as part of an integrated financial network based on the needs of the relevant administrative offices. Electronic transmission of proposals and quotes, bidding, and application to the vendor list merits further study and possible implementation.

This recommendation merits study. There are a number of stand-alone software applications available, but there are major advantages to being a part of the county's overall financial management system (GenLed). A survey of stand-alone applications and the practices of other counties will be prepared by

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staff for the policy council, and a recommendation will be presented to the Board of Supervisors on the costs, program implications, and possible time line for changes to the present system.

- 01-12 The duties of the CPO should include participating in the planning and budgeting process, and be so noted in the County Code.

Implemented. The assistant county administrative officer serves a chief procurement officer and also directs the county's budget process. The duties are spelled out in the classification description adopted by the Board of Supervisors. This affords greater flexibility than including such duties in the County Code but has the same board-approved authority.

- 01-13 The grand jury wholeheartedly encourages and supports the participation of our administrative personnel in professional groups or associations that will assist them in advancing Yolo County's procurement system.

The Central Services Manager, as purchasing agent, is a member of the California Association of Public Purchasing Officers. Staff involved in the procurement process will be encouraged to participate in professional associations and seminars this fiscal year.

- 01-14 An additional staff person should be considered to assist the CPO in developing and maintaining revisions to the County Code and Administrative Policy Manual, stand-alone software for procurement, a county procurement manual, and basic and advanced procurement training for relevant county personnel.

This recommendation is expected to receive consideration when the procurement consultant makes recommendations regarding staffing of the procurement function.

- 01-15 The duties and responsibilities of the assistant county administrative officer should be clearly delineated within the County Code, and the integration of the purchasing agent's responsibilities with this office noted. Minimum qualifications need to be established.

The duties, responsibilities, and minimum qualifications of the assistant county administrative officer are spelled out in the classification description adopted by the Board of Supervisors. This affords greater

flexibility than including such duties in the County Code but has the same board-approved authority.

- 01-16 No departments or executive agencies should be exempt from the established procurement system. All authority should be vested to the CPO and so noted in the County Code.

Implemented. Article 10, Chapter 2 of the County Code vests all purchasing authority in the office of the purchasing agent except in cases of emergency. The purchasing agent has been authorized to delegate some procurement authority to department heads. No department or agency is exempt from the established procurement system.

- 01-17 The County Code should specifically address the delegation of authority by the CPO and the policies and procedures to which those with procurement authority must adhere.

This is one of the assignments of the procurement consultant.

- 01-18 All changes to the County Code or Administrative Policy Manual should have the advice and consent of the auditor-controller, CPO, and county counsel. The Board of Supervisors should consider and approve all changes.

Changes to the County Code or Administrative Policy Manual occur only after approval by the Board of Supervisors. Department heads (including CPO, county counsel, and auditor-controller) are normally advised of and/or consulted about such changes through memoranda, meetings, or other means. County counsel reviews and approves the form of changes to the County Code.

- 01-19 A. The County Code should be updated with specific language on competitive bidding procedures. Current economic conditions should be taken into consideration in establishing purchasing thresholds.

- B. Sealed bids should be mandated for all purchases over \$10,000.

Currently under review by the procurement consultant. The recommendation that sealed bids should be mandated for all purchases and contracts over \$10,000 is subject to board review. At present, sealed bids for construction are required over \$6,500 and for purchase of goods over \$25,000.

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01-20 The administration of the bidding and award process (public notice, time periods, bid opening, identical low bids, adequate competition levels, appeals process, non-collusion affidavits, confidentiality, use of multiple vendors, etc.) needs to be clearly defined in the County Code and Administrative Policy Manual.

The administration of the bidding and award process is largely spelled out in the Public Contract Code. It is possible that the purchasing manual (presently being prepared by the procurement consultant) is the more appropriate location for the details of this process. Policy matters do not need to be included in the County Code.

01-21 Circumstances under which competition can be waived should be defined in the County Code and subject to approval by the Board of Supervisors. Similarly, the CPO's authority to approve or recommend a quote or bid which, based on quality or service issues, may not be the lowest bid, needs to be noted in the County Code. The conditions and reporting structure to the Board of Supervisors need to be defined as well.

This is one of the assignments of the procurement consultant. Policy matters do not need to be included in the County Code.

01-22 The local-vendor preference of 3 percent should be removed from the County Code to assure fair play and to maximize efficiency of tax dollars spent.

Staff will present this recommendation to the Board of Supervisors for their consideration.

01-23 The CPO and auditor-controller should include appropriate guidelines for payment criteria and price negotiations in the Administrative Policy Manual and any future procurement manuals or software.

Staff will be reviewing and presenting this recommendation to the Board of Supervisors for their policy consideration. It is possible that the purchasing manual is the more appropriate location for the details of this process. The purchasing manual is one of the assignments of the procurement consultant.

01-24 The Administrative Policy Manual and any future procurement manuals or guides should include policies and procedures which specifically address standard contracts, short-term contracts, rental or lease contracts, multi-year contracts, and option contracts.

All multi-year or option contracts should require approval of the Board of Supervisors.

This is one of the assignments of the procurement consultant. The approval for multi-year contracts needs further analysis and may be implemented differently from the recommendation.

01-25 To promote stability and efficiency in a climate of rapidly changing economic conditions, it may be prudent to encourage long-term contracting, especially in areas such as health care and maintenance. The Board of Supervisors should adopt a reasonable contracting term limit which allows the CPO maximum flexibility in obtaining the best overall value.

The county now encourages service contracts for up to three years for stable programs and five years for medical service contracts.

01-26 The auditor-controller's office should participate in all procurement matters and approve budgetary planning and payment schedules before any purchase order or contract is submitted to the Board of Supervisors. All policies and procedures would emphasize the importance of including the auditor-controller's office in the earliest phases of planning for any large purchases of goods or services. This will help ensure Yolo County's long-term economic welfare.

To maintain the independence of the auditor-controller's office for audit purposes, the role of the office relative to procurement matters is advisory only. Department heads should ensure that there are adequate funds before committing to purchases; the auditor-controller should review payment schedules on major purchases to ensure the adequacy of cash flows. Once an effective procurement process is established, auditor-controller review of each contract prior to going to the Board of Supervisors could result in unnecessary delays. In those instances, so long as the procurement process is followed, contract by contract review by the auditor-controller would not seem necessary especially since the county counsel is required by County Code to approve all contracts as to form.

01-27 The County Code should specify standards (including inspection and testing) for goods or services that cost more than a predetermined amount. The CPO or designee should be responsible for enforcing the

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standards to ensure that the county is receiving the best value for its purchase. All purchase orders or contracts should include penalties for noncompliance.

We agree that there should be a requirement for all purchase orders and contracts to specify standards according to the type of purchases. However, standards should not be predetermined in the County Code.

- 01-28 The County Code should include all relevant insurance requirements for vendors and service providers. The Risk Management department should help draft this addition.

Staff will be reviewing and presenting this recommendation to the Board of Supervisors for their policy consideration. It is possible that the purchasing manual is the more appropriate location for the details of this process. Insurance requirements are presently prescribed by Yolo County Public Agency Risk Management Authority and are contained in a manual maintained by that agency.

- 01-29 The County Code should prescribe progressive disciplinary measures for vendors or county employees who intentionally violate the county's policies and procedures.

There should be some penalty for the intentional violation of county policies and procedures. For vendors, those penalties should be part of the county's contract with the vendor. For employees, those penalties may be spelled out in contracts with collective bargaining representatives, the County Code, or the Administrative Policy Manual. Repeat offenders should receive penalties that are more [severe] than first-time offenders.

- 01-30 The county should establish an ongoing training program for all essential personnel that annually reviews policies and procedures, laws, and codes.

This is one of the assignments of the procurement consultant.

- 01-31 The program should provide basic training for those who are new or have minimum procurement responsibilities and advanced training for those intimately involved in procurement.

This is one of the assignments of the procurement consultant.

- 01-32 Training manuals and/or software should be an integral part of the training program.

This is one of the assignments of the procurement consultant.

- 01-33 The CPO should be responsible for developing and overseeing procurement training programs. All relevant administrative departments (county counsel, risk management, auditor-controller, information technology, human resources, etc.) should assist in developing and implementing procurement training programs.

This is one of the assignments of the procurement consultant.

- 01-34 The County Code should be amended to define procurement training programs as the responsibility of the CPO.

Staff will be reviewing and presenting this recommendation to the Board of Supervisors for their policy consideration. It is possible that the Administrative Policy Manual, purchasing manual, or position description is the more appropriate location for the description of the CPO's training responsibilities.

## **Woodland Community Development Department**

- 01-35 The City of Woodland should continue implementing the MAPCDD remedies promised the 2000-2001 grand jury.

The City of Woodland will continue to implement the MAPCDD remedies as promised.

- 01-36 The City of Woodland should, in its next budget, allocate the needed funds identified in the MAPCDD.

A number of vacant positions currently exist within the Community Development Department. Organizational restructuring and active recruitment for key positions are underway. The Community Development Department is at critical staffing levels. Workloads and priorities are being evaluated. With the number of changes in progress new organizational dynamics will occur and in time the Management Action Plan goals will be achieved.

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- 01-37 The 2001-2002 grand jury should review the operations of the CDD to determine if the promised remedies have been implemented and if the department is functioning professionally and consistently.

## **Yolo County Elections**

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- 01-38 The county should provide adequate space for the Elections Office to assemble election-day materials, conduct vote counts, and store ballots as required by law.

The county administrative office has collaborated with the county clerk-recorder to provide sufficient space to accommodate the immediate needs of the Elections Office. The county is currently in the process of contracting for services to develop a facility space plan. Included in this plan will be an assessment of facility needs of departments in the county administrative center. The plan will provide options to resolve various departmental space needs, including the needs of the Elections Office.

- 01-39 The Elections Office should work to improve the accuracy and timeliness of its communications with city clerks.

Sometimes city clerks (among others) pose questions to the Elections Office regarding developing/changing situations, that include incomplete or ambiguous information, or that just don't effectively target the needed information.

## **Juvenile Hall**

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- 01-40 The 2001-2002 grand jury should review the Juvenile Hall to determine if the promising remedies are working.

- 01-41 In the control room, at the very least, mirrors should be installed that would allow the person assigned to the room and sitting at the desk to glance up and observe the monitors.

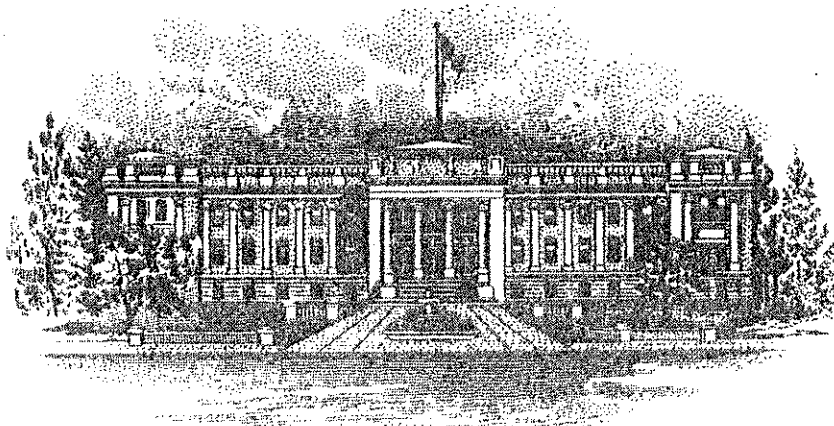
A 12" by 18" mirror has been installed in the control room to facilitate staff's observation of the monitors.

## **Yolo County Jails**

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- 01-42 Yolo County should keep hiring until the Monroe and Leinberger detention centers are fully staffed.

The 2000/2001 budget included supplemental funds to add ten correction officer and two sergeant positions. The 2001/02 budget further increased the number of jail staff by adding three correction officer positions. The additional positions will further enhance operations at the adult detention facilities and reduce the need for overtime.



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