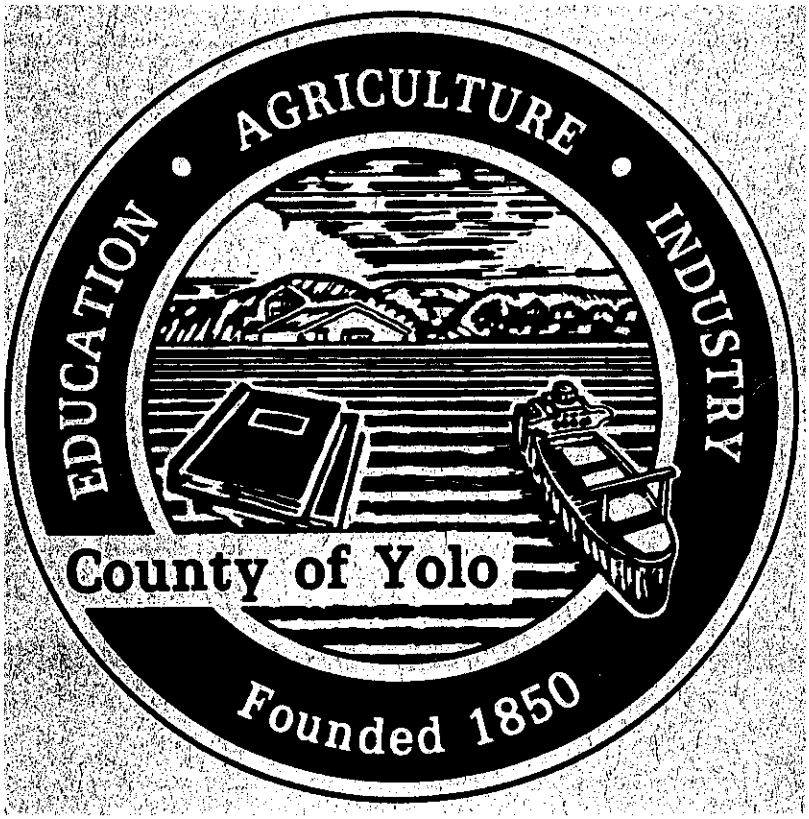
1997-1998

Yolo County Grand Jury Final Report



June 30, 1998
Woodland, California

1997-1998
Yolo County Grand Jury

Final Report to the Citizens of Yolo County

June 30, 1998
Woodland, California

June 30, 1998

The Honorable Doris L. Shockley
Advisory Judge to the Grand Jury
Judge of the Superior/Municipal Court
725 Court St., Room 111
Woodland, CA 95695

Dear Judge Shockley:

It is my pleasure to present to you the ***1997-1998 Yolo County Grand Jury Final Report***. The 19-member jury consisted of citizens from Clarksburg, Davis, West Sacramento, Woodland and unincorporated areas of Yolo County. During the one-year term three alternates were required. General meetings consistently had perfect attendance and were enriched by members' extensive knowledge and years of expertise.

During the year, the Grand Jury received 20 complaints. In a majority of the cases the Grand Jury resolved the situation, but due to jurisdictional constraints some complaints were unresolved.

The Grand Jury studied several County facilities and agencies. During the course of many of these investigations, due to an open exchange between the Grand Jury and County employees, many positive results were seen prior to the release of the report.

I would like to extend my appreciation on behalf of the Grand Jury to you and your staff for your assistance. Commendations should be given to the staff and offices of the Jury Commissioner, County Counsel, District Attorney, Auditor and General Services for being available upon request. All County offices accommodated the Grand Jury by releasing employees asked to appear.

After having served my second year on the Grand Jury, I can fully appreciate the process by which a citizen can bring a complaint before the Jury, and the mechanisms used to reach a fair and impartial resolution. I continue to maintain that the Grand Jury is a "watchdog" for the citizens of Yolo County and, in many cases, the last resort. This has been a sometimes frustrating but exciting and fulfilling experience.

Sincerely,

Charlotte I. Beal
Foreman

June 30, 1998

The 1997-1998 Yolo County Grand Jury* resolves that the attached report is adopted as the ***Final Report of the 1997-1998 Yolo County Grand Jury***.

Margreta M. Anderson, West Sacramento (*Treasurer*)

Charlotte I. Beal, Woodland (*Foreman*)

Steve Boschken, Davis

Laurie Caldwell, El Macero

Norman Callaway, Woodland (*Sergeant at Arms*)

Corinne Cooke, Davis

Rush Darigan, Davis

Susan B. Eager, Woodland

Vicki C. Goodner, Woodland

Rochelle I. Harry, Davis

Linda L. Herbst, Esparto

Leo R. Lopez, West Sacramento

William E. McElwain, Davis

John P. McMahan, Woodland (*Foreman pro tempore*)

William J. Owen, Davis

Jeanette Penner, Yolo

James Rathbone, Woodland

Donald J. Shebert, Clarksburg

Laurence R. Wenzel, West Sacramento

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* The following were sworn in as grand jurors but were unable to complete their terms: Rick Gonzales (Woodland), Della Thompson (El Macero) and Paul G. Zolnikov (West Sacramento).

WHAT IS THE GRAND JURY?

The California Constitution requires each county to appoint a Grand Jury. Grand Juries guard the public interest and provide citizens with a means to participate in oversight of local government. The Yolo County Superior/Municipal Court appoints 19 grand jurors each year. The Yolo County Grand Jury is an official body of the Court and is an independent authority, not answerable to administrators or the Board of Supervisors.

The California Grand Jury process was established by statue in 1880. Unlike Grand Juries in other states, a California Grand Jury's primary responsibility it to promote honesty and efficiency in government by reviewing the operations and performance of county government, city governments, school districts and special districts. Based on these reviews, the Grand Jury issues a final report that may recommend changes in the way government conducts its business. Copies are distributed to public officials, county libraries and the news media. The Board of Supervisors or the governing body of each government agency reviewed must respond to the Grand Jury findings and recommendations within 90 days after publication of the final report.

Another Grand Jury responsibility is to consider complaints submitted by private citizens, local government officials or government employees. Complaints must be in writing and should include any supporting evidence available. Grand jurors are sworn to secrecy and, except in rare circumstances, records of their meetings many not be subpoenaed. This secrecy ensures confidentiality of the complainant and any testimony offered to the Grand Jury during its investigations. The Grand Jury exercises its own discretion on whether to conduct an investigation or to report its findings on citizen complaints.

A third responsibility of the Grand Jury is to consider criminal indictments based on evidence presented by the District Attorney. The Grand Jury does not pass upon the guilt or innocence of the accused. The Grand Jury also investigates charges of malfeasance (wrongdoing) or misfeasance (a lawful act performed in an unlawful manner) by public officials.

To be eligible for the Grand Jury, a citizen must:

- be at least 18 years of age;
- reside in the county for at least one year before selection;
- exhibit ordinary intelligence and good character;
- possess a working knowledge of the English language; and
- not have served on the Grand Jury within one year, although the Court may choose to hold over up to 10 jurors to ease transition.

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.

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PUBLIC NOTICE

The findings in this document report the conclusions reached by the Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury's independent judgment; some findings are the opinion of the Grand Jury rather than indisputable statements of fact.

The California Penal Code specifies the duty, timeframe and format for responding to the Grand Jury reports. The governing board of the public agency which is the subject of the report must respond within 90 days of the date the Grand Jury submits its report to the Court. Other named respondents must comment within 60 days. Respondents must state whether or not they agree with each finding. If the responding person or entity disagrees with a Grand Jury finding, the respondent is required to explain the reason(s) for disputing the finding. In responding to each Grand Jury recommendation, the person or entity must report a summary regarding the implemented action, the timeframe for implementation, or an explanation if the recommendation will not be implemented or requires further analysis. If the recommendation requires further analysis, the respondent must identify the scope and parameters of the analysis and a timeframe for completion, not to exceed six months after publication of the report.*

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* Sections 933 and 933.05

YOLO COUNTY JUDICIAL POLICY ON COURT-APPOINTED MEDIATORS FOR DOMESTIC AND CIVIL MATTERS

BACKGROUND

An earlier Grand Jury received but took no action on complaints about the family mediation system within the Superior/Municipal Counts of Yolo County. The complainants believed they had found certain deficiencies in the system that affected the equitable treatment and due process of the parties involved. The complainants charged that:

- There is no procedure for disciplinary action against a mediator for improper behavior, conflict of interest or prejudicial statements during mediation;
- There is no procedure for court-monitored complaints-on-record against a specific mediator;
- There are no apparent criteria for selection of mediators;
- No conflict of interest statement is filed by the mediator before each assignment; and
- Before the court renews a mediator's contract, there is no court review of any complaints against him/her.

In response to the complaints, the 1997-1998 Grand Jury examined the court's policies and procedures governing the use and supervision of court-appointed mediators in domestic/civil matters. The court-appointed mediation system was established under Chapter 11 of the California Family Code. Section 3160 of the Family Code provides that each superior/municipal court shall make available a mediator in domestic/civil matters before the court. Section 3162 sets the standards of practice for mediators and #1815 establishes their professional and academic qualifications. Section 3163 requires the superior/ municipal courts to develop local rules of court specifically responding to "...requests for a change of mediators or to general problems relating to mediation." Under Section 3163 local courts were given the discretionary authority to determine, implement and enforce the specific rules that might be most judiciously applied in their respective jurisdiction. The Yolo County Superior/Municipal Court then developed such local Rules of Court of mediation policies, entitled "Rule Twenty." The proposed "Rule Twenty" was circulated to members of the Yolo County Bar Association and the California Judicial Council for review and comment. In November of 1996 the Bar Association's Family Law Committee submitted its own draft of the proposed "Rule Twenty" for court consideration. The

court's version of "Rule Twenty" was adopted by the Yolo County courts in December of 1996 and became effective on January 1, 1997.

FINDINGS

1. The 1997-1998 Grand Jury fully re-examined the issues raised and found competent evidence supporting the complaints.

2. A review of the policies and procedures set forth in both the court-adopted "Rule Twenty" and the Bar Association's draft indicates that neither document adequately addresses the deficiencies cited by the complainants.

3. In addition, there is on record within the courts an undated and unsigned document entitled, "Yolo County Superior/Municipal Court Grievance Policy/Procedures," which sets forth the goals of mediation, the grievance procedure and filing instructions. This document is nowhere mentioned in the current "Rule Twenty."

RECOMMENDATIONS

98-01 The Yolo County Courts and the Family Law Bar should jointly redraft "Rule Twenty" to:* [Findings 2 and 3]

a) Assure the avoidance of conflicts of interest or improper, unethical or unprofessional mediator behavior;

b) Establish procedures for monitoring complaints-on-record against a specific mediator;

c) Guarantee court review of any complaints filed against a mediator before the court contracts with him/her for subsequent services;

d) Provide for disciplinary action against any mediator violating the redrafted rules.

98-02 The separate grievance policy should be incorporated into "Rule Twenty." [Findings 2 and 3]

* The courts may wish to search the mediation system of other jurisdictions to locate any elements that might be incorporated into the Yolo County system.

RESPONDENTS

Yolo County Superior/Municipal Presiding Judge	All findings and recommendations.
President, Yolo County Bar Association	All findings and recommendations.

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ESPARTO SCHOOL BOARD BID PRACTICES

BACKGROUND

A citizen's complaint was received charging the Esparto School Board with unfair bid practices and a fraudulent act in bid acceptance.

Between the time these issues were raised at a School Board meeting and the Grand Jury interviews were held, the following actions were taken:

- The word 'sealed' was added to the proposal for bid requests.
- A minimum amount of $15,000 was set for competitive bids.
- Requests for competitive bids will be advertised in local newspapers.
- A qualified bidders list will be established.
- A letter of censure was issued to a contractor by the Contractor's State Licensing Board for the erroneous use of a contractor's license number[1].

The Grand Jury held interviews with school district administrators, with four current members of the Esparto School Board, and with involved contractors.

FINDINGS

1. The following evidence supported the complaint:
   a) Bid documents contained no stipulation that submitted bids be sealed.
   b) The contractor's license number and name on the bid did not match.
2. No Esparto School Board policy existed for competitive bidding minimums other than state-mandated amounts.

[1] Separate legal counsel for the School Board and for the contractor both gave the opinion that the incorrect contractor's license number of the bid for the remodeling of the science lab did not invalidate the bid.

3. An informal approach to advertising bids gave the impression of partiality.

4. No official list of bidders had been developed or maintained.

RECOMMENDATIONS

None.

MADISON COMMUNITY SERVICES DISTRICT

BACKGROUND

As a result of a citizen inquiry, the Grand Jury reviewed the Madison Community Services District and interviewed employees and directors of the District. The district encompasses mainly the unincorporated town of Madison and provides water, sewer, and street lighting for the town. It also maintains a small park.

FINDINGS

1. Five directors are authorized by their charter to serve on the Board of Directors. At the time of interviews, two directors' terms expired and were unfilled After January 1998, four directors' terms have expired and a quorum has not been present at a meeting since August, 1997. For a lack of quorum, bills often are paid without prior approval of the Board.

2. Several customers of the district, two of whom were directors, have been allowed to become grossly delinquent in the payment of their monthly bills without having their service interrupted as required.[2] Liens for delinquent accounts are not filed promptly with the County Clerk as stipulated in the Ordinances[3] and in some instances not at all. This permits the sale of property while unpaid and uncollectable bills for service exist.

3. A 10% service charge, compounded monthly, is levied monthly on unpaid bills. This results in an annual percentage rate of more than 200%.

4. The district has had difficulty finding citizens to serve on the Board of Directors.

5. At this time the district appears to be in satisfactory financial condition.

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[2] Madison Service District Ordinance No. 1. Section 23. Paragraph 23.1.
[3] Madison Services District Ordinance No. 1. Section 1.

RECOMMENDATIONS

98-03 The Yolo County Board of Supervisors should immediately appoint a Trustee to oversee the Madison Community Services District and should ensure that the vacancies on the Board of Directors are filled. [Findings 1 and 4]

98-04 Collection of accounts receivable and filing of liens should be enforced in accordance with District Ordinances. [Finding 2]

98-05 The service charge for delinquent accounts should be reviewed to establish a more appropriate service charge. [Finding 3]

RESPONDENTS

Yolo County Board of Supervisors	Recommendation 98-03 and its corresponding findings.
Director, Madison Community Service District	Recommendations 98-04 and 98-05 and their corresponding findings.

DEPARTMENT OF SOCIAL SERVICES SPECIAL INVESTIGATIVE UNIT

BACKGROUND

Due to a citizen inquiry, the Grand Jury investigated the polices and procedures regarding the operations of the Special Investigative Unit, Department of Social Services.

FINDINGS

1. Prior to January 1998 the unit was comprised of investigators, some of whom were POST certified (Police Officers Standards and Training). Two investigators were not POST certified. All were armed.

2. There was a philosophical difference between social service personnel and law enforcement personnel based on training and background. This caused tensions that even professional mediation was unable to resolve.

3. After a series of negotiations among the County Administrative Officer, the Department of Social Services and the District Attorney, the Board of Supervisors on January 6, 1998, approved the division of the Special Investigative Unit. Welfare Fraud Investigators (POST certified) were transferred to the District Attorney's Office. Non-POST certified investigators, now unarmed, were retained in the Department of Social Services as Early Welfare Fraud Investigators.

4. After this division, ready access to CLETS (California Law Enforcement Teletype System) was not equally available to all authorized users. This has recently been resolved.

5. Problems arose regarding the sharing of data between Welfare Fraud Investigators and Early Welfare Fraud Investigators. Efforts are now being made to facilitate the sharing of information between the two units.

RECOMMENDATIONS

98-06 Social Services and the District Attorney's Office should take prompt corrective action if personnel difficulties arise in the future. [Finding 2]

98-07 An evaluation by the Board of Supervisors and involved agencies should be made to determine if the Welfare Fraud Investigators and the Early Welfare Fraud Investigators should be combined in the future under the District Attorney's Office. [Finding 3]

98-08 Social Services and the District Attorney's Office should continue efforts to encourage open discussion and a free flow of information between Welfare Fraud Investigators and Early Welfare Fraud Investigators. [Finding 5]

RESPONDENTS

Yolo County Board of Supervisors	Recommendation 98-07 and its corresponding finding.
Yolo County Department of Social Services	All recommendations and their corresponding findings.
Yolo County District Attorney's Office	All recommendations and their corresponding findings.

UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION IN YOLO COUNTY

BACKGROUND

In response to a citizen's complaint, the Grand Jury interviewed employees of the University of California Cooperative Extension and the County Administrator's Office regarding a possible misuse of county funds in the administration of the U.C. Cooperative Extension program in Yolo County.

The Grand Jury also reviewed Yolo County's current control over expenditures of county funds by the U.C. Cooperative Extension Program.

FINDINGS

1. The University of California Cooperative Extension in Yolo County is a joint venture with federal (USDA), state (University of California), and local (Yolo County) governments.

2. The operation of the Yolo County Cooperative Extension office is the responsibility of the County Director, who is an employee of the University of California.

3. Yolo County provides approximately 15 per cent of the operating budget for the Cooperative Extension Program in Yolo County. These funds are designated for specific purposes.

4. There appears to be no commingling of Yolo County and U.C. Cooperative Extension budget items.

5. There is open and regular communication between the County Administrator's Office and the U.C. Cooperative Extension program in determining the budget and the allocation of county funds.

6. Although a questionable decision involving the possible misuse of county funds appears to have been made in 1994, it was corrected promptly (after 1 month), and the problem has not recurred.

RECOMMENDATIONS

None.

FAIR HOUSING PROGRAM

BACKGROUND

The Grand Jury, as part of its duties, met with employees from the Fair Housing Program who serve under the direction of the City of Davis Department of Parks and Community Services. Their mission is to handle mediation of landlord/tenant disputes and violations of Fair Housing regulations.

FINDINGS

1. The Fair Housing Program is funded by a grant from the Department of Housing and Urban Development (H.U.D.). It also receives funds from the cities of Woodland, West Sacramento, and Davis, plus Yolo County. Funds from the Yolo County Courts administer the court mediation program.

2. Most complaints are landlord/tenant disputes, which are resolved either by informational bulletins which outline the various rights and responsibilities of landlords/tenants or, if necessary, by mediation. Very few complaints are about violations of Fair Housing regulations. Violations are referred to H.U.D.

3. There is a small office staff. They do have a large volunteer mediator program for which there are no educational requirements. An optional 32-hour training program is provided by former mediators.

4. Other County agencies lack understanding of the Fair Housing Program.

RECOMMENDATIONS

98-09 The training program for mediators should be made mandatory. [Finding 3]

98-10 There is a need to improve interagency understanding of the Fair Housing Program. [Finding 4]

RESPONDENTS

Yolo County Board of Supervisors	All recommendations and their corresponding findings.
West Sacramento City Council	All recommendations and their corresponding findings.
Woodland City Council	All recommendations and their corresponding findings.
Davis City Council	All recommendations and their corresponding findings.
Director, Fair Housing Program, Davis	All recommendations and their corresponding findings.

GREENGATE SCHOOL

BACKGROUND

The Grand Jury received a citizen complaint expressing concern that the decision of the Yolo County Superintendent of Schools to combine the Greengate School and the Midtown School on the same campus posed a safety threat for the Greengate Special Education students. It was also alleged in the complaint that the parents of the Greengate students were not informed in advance of this decision.

Greengate School For Exceptional Students serves Special Education of Yolo County. Midtown School is an alternative education facility that serves at-risk youths of Yolo County. In the past 18 years, the schools often would occupy two adjacent but separate campuses. The Midtown School was located elsewhere in the last 18 months. Because of flooding, followed by demolition of the structures on the former Midtown campus, the Yolo County Superintendent of Schools took action to move the Midtown School to the Greengate site beginning September 1997.

The Grand Jury interviewed the complainant, administrators of both schools and a faculty member of the Greengate School. Grand Jury members toured the Greengate/Midtown facilities.

FINDINGS

1. During the period of the initial investigation by the Grand Jury, a fence separating the students of the two schools was installed by the Yolo County School Superintendent of Schools. The only unfenced access between the two schools is the back door of the Midtown classroom. This door is locked from the inside to prevent access by Greengate students to the Midtown classroom.

2. Midtown students are escorted at all times when on the Greengate area of the facility.

3. There is minimal sharing of office equipment by the two schools. Use of the equipment is billed to the appropriate school.

4. The faculty of Greengate School and the parents of the Greengate students have little or no participation in the decision-making process of the Yolo County Superintendent of Schools or in the implementation of decisions affecting their schools.

5. The Midtown School took over the building that the Greengate School previously occupied. This resulted in reduction of total classroom space used by the Greengate School for the indoor adaptive physical education program and the life-style classes, creating a negative impact on these classes.

RECOMMENDATIONS

98-11 More security of the Midtown back door should be considered to prevent possible problems arising from unescorted students from either campus using this door. [Finding 1]

98-12 Continued vigilance should be exercised so that unsupervised Greengate/Midtown students are not in contact with each other. [Finding 2]

98-13 The Yolo County Superintendent of Schools should solicit and consider the input and expertise of school faculty and administrators of both schools. The Yolo County Superintendent of Schools should keep the parents informed of proposed policy changes. [Finding 4]

98-14 Adequate space should be returned for Greengate's indoor adaptive physical education program and continued life-style classes. [Finding 5]

RESPONDENTS

Yolo County Board of Supervisors	All recommendations and their corresponding findings.
Principal, Midtown School	All recommendations and their corresponding findings.
Principal, Greengate School	All recommendations and their corresponding findings.

ASSESSOR-AUDITOR/CONTROLLER PROCEDURES

BACKGROUND

The Grand Jury received a citizen's complaint that the office of the Yolo County Auditor/Controller had failed to act promptly to correct a clerical error. The error resulted in an overpayment of a property tax refund to the complainant's company. The Grand Jury examined the checks and balances systems of the Property Tax Division of the Auditor/Controller's office and of the Assessor's office, conducting three interviews with key personnel.

FINDINGS

1. Property tax refunds are issued only after the Assessor's office supplies the Property Tax Division of the Auditor/Controller's office with a revised assessment.

2. The error was in the documentation of the revised assessment supplied by the Assessor's office.

3. There was a lengthy delay between the complainant's request for information about the overpayment and the final correcti This was caused principally by the need for two different offices to trace the error. Contributing to the delay were personnel changes and shortages of personnel in the office of the Auditor/Controller during the period the error was being traced.

4. This complaint presents an atypical problem. All personnel involved followed detailed established procedures for processing assessments, tax calculations and refunds. This normally would preclude such errors and provide for speedy correction if an error occurs.

RECOMMENDATIONS

None.

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SPECIFIC PLAN DEVELOPMENT PROCESS

BACKGROUND

In response to a citizen's complaint, the Grand Jury reviewed the City of Woodland's procedures for a Specific Plan for new developments. When a Specific Plan is needed for a new area of development, the city may pay the full cost up front and be reimbursed by individual property owners. Another option is that the cost of a Specific Plan be paid by a developer. The developer will be reimbursed by the landowners at the time that their properties are developed.

FINDINGS

1. The Community Development Department for the City of Woodland is responsible for reviewing costs incurred by a developer who has paid for a Specific Plan.

2. A draft Specific Plan is presented to the Woodland City Council for comment and changes during open meetings. There is a mechanism for discussion and changes from all involved at this time.

3. The Woodland City Council, after recommendations from their Community Development Department and public City Council meetings, set the assessment fees to be collected as the properties involved in the Specific Plan develop.

4. In the past, the City of Woodland has paid for all specific plans and has been reimbursed through the assessment process. The city has not included any interest on the monies used to produce the Specific Plan and has included only the actual cost. There is a concern that, when a private entity is paying for the Specific Plan, it may request interest to be included as part of the reimbursable cost.

RECOMMENDATIONS

98-15 The Community Development Department of the City of Woodland should provide and make public guidelines itemizing estimated reasonable costs for a Specific Plan. [Finding 1]

98-16 When setting assessment fee repayments, the Woodland City Council should be held accountable to all parties involved for the reimbursable amount incurred by the developer. [Finding 3]

98-17 If interest becomes part of the reimbursable costs of the Specific Plan, the Woodland City Council should evaluate the effect of this additional burden on individual landowners. [Finding 4]

RESPONDENTS

Community Development Department, City of Woodland	Recommendation 98-15 and its corresponding finding.
Woodland City Council	Recommendations 98-16 and 98-17 and their corresponding findings.

PUBLIC GUARDIAN/PUBLIC ADMINISTRATOR

BACKGROUND

During the process of investigating a citizen's complaint regarding a cemetery district, the 1996-1997 Yolo County Grand Jury requested information from the Office of the Yolo County Public Guardian/Public Administrator.

In a meeting with the acting Public Guardian/Public Administrator at the time, the Grand Jury was informed that the information was not available because the elected Public Guardian/Public Administrator had just left on an extended vacation. The Grand Jury was also informed that it would have to wait until the Public Administrator returned before receiving the materials because no one else knew the answers.

Due to time constraints the 1997-1998 Grand Jury continued with the investigation of this complaint.

The Public Guardian is an elected position. The Public Guardian acts on referrals for conservatorship from agencies such as Mental Health, Social Services, the Courts, attorneys and/or physicians.

The Public Administrator is appointed by the Board of Supervisors. The Public Administrator may handle estates of those who die in Yolo County without next of kin, without a will, without family who are able to act in their behalf and without agreement in settlement of the estate. It becomes the Public Administrator's responsibility to make burial arrangements, to secure, distribute and sell real property, to settle financial matters and to distribute the residuals of the estate.

Yolo County has a program for indigent burials. An indigent is a person with an annual income of less than $2000. Memorial services are held annually at a monument erected at the Woodland Cemetery to provide niches that contain the cremated remains of indigent persons.

FINDINGS

1. The assistant Public Guardian is appointed by the Public Guardian/Public Administrator and actually performs the function of the Public Guardian full time.

2. In the absence of the Public Administrator the assistant Public Guardian is responsible for the duties.

3. It was reported that no one in the Office of the Yolo County Public Administrator had knowledge or familiarity with any public administration information except the elected Public Guardian.

4. The Public Administrator's management style leaves the office in a weakened position and unable to meet its responsibilities.

5. The assistant Public Guardian/Administrator reported that he had no access to necessary information for the Public Administrative function of the office. No one could or would produce any requested documents until, with the help of the County Counsel, the requested information was furnished to the Grand Jury after the issuance of a subpoena.

6. In 1991, state law regarding the accounting of estates of persons served by the Public Administrator was changed by the legislature. The Public Administrator did not follow the change in the law, and as a result several thousand dollars, from a number of estates, were placed in office accounts, instead of the proper estate accounts.

7. The current Public Guardian has chosen not to run for re-election.

8. Indigent burial is accomplished through a contract for service, which stipulates that the County will pay $279.50 for cremation or $415.00 for direct burial. The family or friends must assume any additional costs. Most remains are cremated.

9. Bids for cremation and direct burial services have not been requested since 1992. The current contract for burial services originally was for two years. Since 1994, the contract has been renewed annually with the same funeral home in Sacramento County. The contract was recently awarded again, for three years to the same Sacramento County funeral home.

10. It was reported that Request for Proposals (RFP) is handled by the County Purchasing Department at the direction of the County Public Administrator. Funeral homes are rated on services provided according to a point system.

11. The present contract for burial service in Yolo County gives discretionary power to either the funeral director or the Public Administrator to determine cremation or direct burial.

12. The present contract for burial service stipulates mileage from the funeral home not to exceed 30 miles. This excludes service to numerous areas of Yolo County without additional cost.

13. Timely service is important in the removal of remains from a hospital, a nursing home or private residence.

14. The 1992 contract was not the lowest bid. The 1997 contract was not put out to a formal bid to funeral homes in Yolo County. In the past, the five Yolo County funeral home directors have expressed anger and frustration at the time spent to bid when the lowest bidder was not awarded the contract. This has occurred on several occasions.

15. The Grand Jury was informed that the Public Administrator's office records show that no business was done with the flying service that failed to scatter human remains.

RECOMMENDATIONS

98-18 The Public Guardian/Public Administrator should adopt a management style that encourages the staff to become knowledgeable regarding the internal procedures and policies of both the administrative and guardian responsibilities. The assistant Public Guardian/Public Administrator should know the entire operation before assuming the responsibilities of the office. [Findings 3, 4, and 5]

98-19 The Public Guardian/Public Administrator should open publicly the bidding process for indigent burial every two years and encourage participation of local funeral homes. The point system should be equitable and the criteria for all bids. [Findings 8, 9, 10, 11 and 12]

98-20 The Public Guardian/Public Administrator should give consideration to the distance indigent families must travel to a funeral home out of Yolo County, to the loss of revenue to Yolo County, and to the additional cost incurred by mileage limitations. [Findings 8, 9, 10, 11 and 12]

98-21 The elected Public Guardian should establish a relationship with the funeral homes in Yolo County and maintain it for both administrator and guardian cases. [Findings 9 and 14]

98-22 The County Auditor/Controller should review all contracts made by the Public Guardian/Public Administrator for burial services and banking services. [Finding 6]

98-23 Discretionary power for disposition of remains should be held only by the Public Administrator. [Finding 11]

98-24 The new Public Guardian, in cooperation with the County Counsel, should keep abreast of any changes in the law, and adhere strictly to them. [Finding 6]

RESPONDENTS

Yolo County Public Guardian/Public Administrator	All recommendations and their corresponding findings.
Yolo County Board of Supervisors	Recommendations 98-18, 98-19, 98-20 and 98-21 and their corresponding findings.
Yolo County Auditor/Controller	Recommendation 98-22 and its corresponding finding.
Yolo County Administrative Office	Recommendations 98-18, 98-21 and 98-22 and their corresponding findings.
Yolo County Counsel	Recommendation 98-24 and its corresponding finding.

ESPARTO COMMUNITY SERVICES DISTRICT (CSD)

BACKGROUND

The Esparto Community Services District is an independent special district, which provides water, sewage treatment and street lighting for the unincorporated community of Esparto. The five directors are elected to four-year terms. For the past two years, the position of superintendent/supervisor has remained unfilled. The District currently has three employees: an office manager, a leadman and a temporary assistant to the leadman.

In response to citizen complaints, the Grand Jury investigated the procedures and policies of the District, with particular emphasis on board meetings. The Grand Jury interviewed directors, staff, private citizens and Yolo County officials and reviewed agendas, minutes and tapes of meetings.

The Ralph M. Brown Act, enacted in 1953, requires meetings of local government boards and legislative bodies to be open and public.[4] Provisions for closed sessions are covered in amendments.

The 1996-1997 Grand Jury, after an investigation of the application of the Brown Act by governing bodies in Yolo County, recommended that these bodies require that their members and their appointees to boards, commissions and other legislative bodies receive instruction and training regarding the Brown Act. In addition, the Grand Jury recommended that these bodies request their respective legal counsels to provide them with such instruction and training annually.[5] The Board of Supervisors agreed and noted that the County Counsel already had held two training seminars at the time of the Board's response.[6]

The Board of Esparto Community Services District responded that they had received notice of the two seminars too late for their members to attend but that, "in the absence of any training provided by the County," they had voluntarily joined the California Special Districts Association (CSDA). Three directors had attended a CSDA seminar on the Brown Act in September 1996 and four had attended a similar seminar in February 1997.[7]

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[4] As defined by Government Code 54952.
[5] 1996-1997 Yolo County Grand Jury Report. June 1997. page 8.
[6] Response to Grand Jury Interim Report No. 1. June 17, 1997. page 8.
[7] Response to Grand Jury Interim Report No. 1. July 1, 1998. pages 1 and 2.

FINDINGS

1. The 1997-1998 Grand Jury has found that the recommendation of the 1996-1997 Grand Jury pertaining to the Brown Act had not been implemented.

2. The present board of the Esparto CSD, which includes two members elected for the first time in November 1997, has violated the Brown Act on at least two occasions by action taken on items not listed on the agenda.

3. There is a strong public perception that some members of the present board may have violated the Brown Act through serial meetings in which one board member discussed board business with another board member, who in turn discussed the same subject with a third board member prior to an open meeting.

4. The Office of County Auditor this year reviewed the board's agendas and minutes and issued a report concluding that both the present board and the previous board may have violated the Brown Act on occasion. To date the District has not responded.

5. The board has no policy requiring that members receive formal instruction in the Brown Act. Two present board members have attended seminars on the Brown Act provided by the California Special Districts Association.

6. The board's meetings are frequently conducted in a disorderly manner, with members of the public joining in discussions without requesting or receiving permission from the chair. Some motions are presented and never acted upon. The tone of discussions is at times raucous and uncivil. Board members seem unfamiliar with parliamentary procedure. Last year two present members attended a seminar led by the chairman of the County Board of Supervisors on how to conduct a meeting. This seems to have had little positive effect.

7. The board agendas contain a large number of items. Together with the failure of the board to conduct business expeditiously, this causes some meetings to run well past midnight. This was cited in the County Auditor's reports as a possible Brown Act violation because it may hinder public access to board discussions and actions.

8. Each meeting provides time for public comment on any matter NOT on the agenda. Public comment during discussion of agenda items seems virtually unlimited. This also contributes to the length of the meetings.

9. The physical arrangement of the meeting room is not conducive to orderly conduct of meetings. At times members of the public are seated with the directors in a conference room style rather than in a board-and-audience configuration.

10. Agendas have been changed after their original posting. However, the subsequent postings are within the legally required time frame.

11. Many agenda items are carried over from meeting to meeting without action, which also lengthens meetings. Some board members believe that having a superintendent/supervisor to provide necessary background information would assist the board in reaching decisions.

12. The board was in the process of filling the superintendent vacancy when it learned that the required Public Employees Retirement System (PERS) contribution was so large that the hiring was not financially feasible. This contribution is currently under negotiation.

13. The board has neither clearly defined policies nor a policy manual for either employees or directors. However, such a manual is being developed by a committee of two board members and three private citizens appointed by the board.

14. There is no control or supervision over the District's employees. Although the leadman and his assistant are certified as "operators in training," they lack the properly licensed supervisor required by state regulations.[8] Nominal supervision is provided by a licensed contractor who performs the necessary waste treatment tests. If the leadman does not apply by August 1, 1998 to take a licensing test in October, the District risks being in further violation of state regulations governing the operation of water and waste treatment plants.[9]

15. Some board members, in open meetings, have criticized staff members for their job performance. Although performance evaluations have been scheduled for individual employees in closed meetings, none has been carried out.

16. Through the failure or inability of one director to attend meetings regularly, the board often lacks its full capacity for deliberation or vote.

RECOMMENDATIONS

98-25 This Grand Jury repeats the recommendation of the 1996-1997 Grand Jury that members of all Brown Act legislative bodies in Yolo County (and specifically the board of the Esparto CSD) should be required to receive annual instruction and training in the provisions of the Brown Act. The Grand Jury further recommends that such training and instruction should be made available by the Board of Supervisors or the County Counsel on an annual basis. [Findings 1, 2, 3, 4 and 5]

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[8] Barclay's California Code of Regulations. Chapter 26. Article 5. No. 3707.
[9] Barclay's California Code of Regulations. Chapter 26. Article 4. No. 3683.

98-26 All current directors of the Esparto CSD should be required to receive instruction and training provided by the Board of Supervisors or the County Counsel on the proper conduct of meetings. In the future, all newly-elected directors should be required to receive such training and instruction. [Findings 6 and 9]

98-27 The directors of the Esparto CSD should retain a qualified facilitator to help assure proper conduct of their meetings until such time as training and instruction are available from the County or some other appropriate agency. [Finding 6]

98-28 The Grand Jury strongly urges the directors and constituents of the Esparto CSD to conduct themselves with dignity and civility during meetings. Maintaining order may necessitate the appointment of a Sergeant-at-Arms. [Finding 6]

98-29 The board should attempt to limit the number of agenda items, to take action in a timely manner and to keep discussion, both by directors and the public, within reasonable bounds. Such measures would enable the board to complete meetings at an hour when the public still could be expected to attend. [Findings 6, 7, 8 and 11]

98-30 In the absence of staff to provide background information on items of business requiring board action, board members should be designated to research and report such information to enable the Board to make informed decisions. [Finding 11]

98-31 The board should meet state regulatory requirements by appointing a properly-licensed supervisor within the time constraints presently facing the District. [Finding 14]

98-32 The board should continue to work closely with PERS officials to reconcile the financial problem created by the currently-required PERS contribution. [Finding 12]

98-33 The policy manual presently under development should be completed and the policies implemented as quickly as possible. The manual should cover policies for employees, board duties and training, minimum requirements for board attendance at meetings and other aspects of board service not delineated in ordinances. [Findings 12 and 16]

98-34 Directors should refrain from public criticism of employees. Each employee should have an annual job evaluation from the board in closed session, unless the employee requests a public hearing. This should be included in the policy manuals. [Finding 13 and 15]

98-35 The 1998-1999 Grand Jury should continue to monitor the Esparto Community Services District.

RESPONDENTS

Directors, Esparto Community Service District	All recommendations and their corresponding findings except recommendation 98-35.
Yolo County Board of Supervisors	Recommendations 98-25, 98-26 and 98-28 and their corresponding findings.
Yolo County Counsel	Recommendations 98-25 and 98-26 and their corresponding findings.

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CITY OF WOODLAND POLICE DEPARTMENT

BACKGROUND

The Grand Jury initiated a review of the City of Woodland Police Department because of published reports of high turnover of police officers. The Grand Jury members held interviews with sworn officers of all ranks and personnel within the City Manager's office.

FINDINGS

1. Although the men and women of the Woodland Police Department are highly committed and dedicated to their city and its citizens, there is low morale throughout the department.

    - Supervision of patrol officers is inconsistent. Rules and expectations vary from shift to shift. This lack of consistency results in job dissatisfaction.

    - Evaluations rely heavily on statistics, such as the number of citations and arrests. Competition to keep the number of citations high creates friction between officers on different shifts. In addition, the officers perceive that community support is low due to the community's perception of excess citation writing.

    - Officers believe that there is little opportunity for promotion.

2. Turnover rate is high.

    - In 1997, 13 officers left the department; three of these did not pass their probation.

    - The salary earned by a Woodland police officer is less than that for a comparable position in most surrounding jurisdictions. Woodland's standards and training have made its police officers ideal recruits for surrounding agencies that offer higher salaries.

    - Low job satisfaction contributes to the turnover.

3. Sixty per cent of sworn personnel live outside Woodland. The combination of low salary and housing cost makes it difficult for officers to live in Woodland. This undermines the idea of community policing. The salary difference is exacerbated by the commuting costs that the majority of officers living outside Woodland incur.

4. There are currently seven vacancies for sworn personnel and two vacancies for non-sworn personnel. At one time during the past year the number of vacancies reached eleven for sworn personnel, leaving the department understaffed.

5. A lack of experienced officers continuing with the department resulted in officers with less than two years experience providing the training for new officers. Eighteen months constitute an officer's probation period.

6. There is a high level of respect for the Chief of Police. However, he has not kept abreast of current leadership techniques and has not fulfilled his duties at a professional level.

    - An underlying factor is the Chief's consistent breaking of the chain of command. He has allowed officers to come directly to him without first seeking redress with their commanding officer. In some cases this has undermined the discipline of the commanding officer. Not all officers are allowed this privilege, causing tension within the ranks.

    - A recent Internal Affairs Investigation was compromised when the Police Chief provided the officer in question with details of the investigation before it could be initiated.

    - The Woodland Police Officer's Association's recommendations have been consistently ignored, including the popular Community Oriented Program.

7. There is not a regular performance review of the Woodland City Chief of Police.

8. The Woodland Police Officer's Association filed a complaint alleging Fair Labor and Safety Act violations regarding overtime pay. The City Manager states that this matter has been resolved.

9. During the course of the Grand Jury investigation, the morale of the Police Department reportedly has begun to improve.

10. The current Chief of Police has announced his retirement.

RECOMMENDATIONS

98-36 A policy should be established to ensure consistent discipline and treatment throughout all ranks of the Police Department. [Findings 1 and 6]

98-37 The Woodland City Council and the Woodland City Manager should monitor the morale level and turnover rate of the Police Department under the next Chief of Police. [Findings 1, 2, 4 and 5]

98-38 The Woodland City Council should review the salary scale of its police department compared with surrounding jurisdictions and investigate other incentive programs to make the City of Woodland Police Department competitive with other police departments. [Findings 2 and 3]

98-39 The City of Woodland Police Department should continue to explore and implement incentive programs to encourage officers to live within the city limits of Woodland. [Finding 3]

98-40 The next Chief of Police should develop a Community Oriented Policing program. [Finding 6]

98-41 The Woodland City Council should implement a procedure to review the performance of the Chief of Police on a regular basis. [Finding 7]

RESPONDENTS

City of Woodland Chief of Police	All recommendations and their corresponding findings.
City of Woodland City Council	All recommendations and their corresponding findings.
City of Woodland City Manager	All recommendations and their corresponding findings.
City of Woodland Police Officer's Association	All recommendations and their corresponding findings.

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YOLO COUNTY HOUSING AUTHORITY

BACKGROUND

The 1997-1998 Yolo County Grand Jury received two complaints regarding the Yolo County Housing Authority (YCHA). The first complaint addressed Brown Act violations. The second addressed perceived information gaps to residents in West Sacramento and the new Lighthouse Marina project.

The Yolo County Housing Authority is an independent agency created under the Health and Safety Code of the State of California. It is administered by a seven-person Board of Commissioners, which is responsible for the administration of their $11 million budget. They are served by a salaried Executive Director and staff. Each Yolo County Supervisor appoints one YCHA Commissioner. In addition, two more Commissioner appointments must be residents of the low-income housing that YCHA oversees, as per Housing and Urban Development (HUD) requirements. The term for each regular Commissioner is four years. Tenant Commissioners serve for two years. Each housing site is encouraged to form a resident council made up of residents.

The Yolo County Board of Supervisors is charged with three duties regarding the Housing Authority: appoint Commissioners, discharge Commissioners (for cause) and, at their discretion, assume control/responsibility for the Housing Authority in place of the Board of Commissioners.

FINDINGS

1. The area of authority between Commissioners and the Executive Director is not clear.

2. There is not a clear process for placing items on the agenda for Commission meetings.

3. Consistent follow-through on Commission actions is lacking.

4. The lack of parliamentary procedure results in meetings that are not conducted consistently and effectively.

5. There is inadequate in-service training for newly appointed Commissioners.

6. There is no policy for naming an Interim Director.

7. There are no guidelines for the qualification of, search for, or selection of a new Executive Director of the Housing Authority.

8. The Housing Authority does not currently accommodate special needs of Commissioners during the course of Commission business.

9. Recently the Board of Commissioners has resolved language barriers by the use of a translator.

10. Many of the County Supervisors do not interview applicants for Commissioner positions before making appointments. Commissioners are appointed on the consent agenda, without discussion.

11. It is common practice for Commissioners to serve unlimited successive terms.

12. Some Commissioners continue to serve past the expiration of their terms without being reappointed.

13. There is not a consistent method of announcing and filling openings for Tenant Commissioners.

14. The Board of Supervisors has recommended, with funding, a facilitator to assist the Board of Commissioners in general operations.

15. Information on the new Lighthouse Marina housing project has been given to the residents in the West Sacramento Housing site.

16. The position of Resident Initiative Coordinator, who acts as a liaison between the residents and the Housing Authority, has been left unfilled for long periods of time.

17. There is no federal requirement for resident councils. However, HUD encourages their formation.

18. There is a lack of communication between the Commission and the Resident Councils.

19. The State of California recommends one Tenant Commissioner be at least 62 years of age if possible.

RECOMMENDATIONS

98-42 The authority and responsibility of each Commissioner and support staff member should be clear and well-defined. [Finding 1]

98-43 There should be a written process for items to be submitted and to appear on the agenda. [Finding 2]

98-44 The Yolo County Housing Authority Executive Director should be responsible for a check list and timeline to ensure that Commission action items are followed through in a timely manner. [Finding 3]

98-45 All Commissioners should have training in parliamentary procedure. [Finding 4]

98-46 The Executive Director and the Commission Chair should provide in-service training for each new Commissioner upon appointment. [Finding 5]

98-47 There should be a policy for appointment of an Interim Director by the Board of Commissioners. [Finding 6]

98-48 The Commission should establish immediately a written policy for filling the position of Executive Director. [Finding 7]

98-49 Special needs accommodations should be made immediately for Commissioners. [Finding 8]

98-50 A quorum of the Board of Supervisors should interview candidates for Tenant Commissioner prior to appointment. [Finding 10]

98-51 Commissioners should be limited to two successive terms. [Finding 11]

98-52 Commissioners should not continue to serve without being reappointed. [Finding 12]

98-53 There should be a written procedure for recruiting Tenant Commissioners. [Finding 13]

98-54 The YCHA Board of Commissioners should accept immediately the Board of Supervisor's offer of a facilitator. [Finding 14]

98-55 The Yolo County Housing Authority should provide written information on progress of the Lighthouse Marina project to affected residents as soon as new information becomes available. [Finding 15]

98-56 In the future, the position of Resident Initiative Coordinator should remain filled, with any vacancy filled as soon as possible. [Finding 16]

98-57 The Board of Commissioners and the resident councils should adopt formal communication procedures. [Finding 18]

98-58 Commissioners and the Executive Director should be well versed in guidelines and policies defining their respective areas of authority and should adhere to them. [Finding 1]

98-59 Commissioner appointments no longer should be approved as consent agenda items. [Finding 10]

RESPONDENTS

Yolo County Housing Authority Board of Commissioners	Recommendations 98-42, 98-43, 98-44, 98-45, 98-46, 98-48, 98-49, 98-50, 98-54, 98-55, 98-57 and 98-58 and their corresponding findings.
Yolo County Board of Supervisors	Recommendations 98-50, 98-51, 98-52, 98-53 and 98-59 and their corresponding findings.
Executive Director, Yolo County Housing Authority	All recommendations and their corresponding findings.

CONSOLIDATION OF THE RIVER GARDEN FARMS AND KNIGHTS LANDING FIRE PROTECTION DISTRICTS

BACKGROUND

As recommended by the 1996-1997 Grand Jury, this year's Grand Jury continued to monitor the progress of the Local Agency Formation Commission (LAFCO) in consolidating the River Garden Farms Fire Protection District and the Knights Landing Fire Protection District. The 1995-1996 Grand Jury recommended, because of a lack of fire protection service, that the River Garden Farms area be annexed into an existing fire protection district.

The River Garden Farms area is in the northern part of Yolo County. It covers 8,105 acres of land west of County Road 98A to a point south of State Highway 45, then northeast to County Road 109A, with its southwestern border being the Colusa Basin Drainage Canal.

FINDINGS

1. For the past several years, Knights Landing Fire Protection District has provided fire service to the River Garden Farms area on an ad hoc basis, billing individual landowners when possible.

2. LAFCO initiated a consolidation of these two districts in May of 1997. This application was delayed by inaccurate maps, then was terminated in January of 1998 when a property tax exchange was not approved within the 30-day time frame required.

3. On January 15, 1998 Knights Landing Fire Protection District received a letter from their insurance carrier stating that the district was risking additional uncovered liability by providing service without a contract or payment.

4. The consolidation was reinitiated by LAFCO on January 26, 1998.

    - The Yolo County Board of Supervisors approved the property tax exchange to Knights Landing on February 24, 1998.

- Knights Landing Fire Protection District agreed to the property tax exchange for services and accepted the enlargement of their district.

- The tax exchange is paid from the County General Fund. In addition, River Garden Farms area will levy a special assessment.

5. During the course of this consolidation process, it was discovered that the River Garden Farms area was an existing fire protection district because an action for dissolution by the State of California in 1945 was not completed. This made the process a consolidation rather than an annexation.

6. On May 19, 1998 the County Board of Supervisors signed Resolution 98-94, which approved the consolidation of River Garden Farms Fire Protection District and Knights Landing Fire Protection District.

RECOMMENDATIONS

None.

YOLO COUNTY PUBLIC DEFENDER FOLLOW-UP REPORT

BACKGROUND

Following a report by the 1994-1995 Grand Jury, each successive Grand Jury has conducted a follow-up review of the Office of Public Defender. These reviews have followed recommendations made by each outgoing Grand Jury. The 1997-1998 Grand Jury reviewed the Office of Public Defender and found that, while some earlier recommendations have been implemented, several of the original problems still persist.

FINDINGS

A. Continuing Problems

1. The position of Chief Deputy Public Defender, although authorized by the County Board of Supervisors, has not been filled.

2. Attorneys in the Office of Public Defender have excessive caseloads and receive inadequate pay.

3. Turnover in the Public Defender's office is heavy because attorneys leave for other positions that offer smaller caseloads, shorter hours and better pay.

4. Staff members of the Office of Public Defender perceive that the County Board of Supervisors and the Office of the County Administrative Officer (CAO) hold them in low esteem.

B. Case Overload

5. According to the Caseload Standard, established by the *National Advisory Commission on Criminal Justice Standards & Goals* (*NAC*), the caseload of a public defender office should not exceed the following:

   - Felonies per attorney per year -- not more than 150;
   - Misdemeanors (excluding traffic) per attorney per year -- not more than 400;

- Mental Health Act cases per attorney per year -- not more than 200;
- Appeals per attorney per year -- not more than 25.

6. The felony caseload in the Public Defender's office in the first quarter of 1998 was 1,139. This was an increase of 51 per cent over the caseload of 782 for the same period of 1997. Each felony attorney handles between 350 and 400 cases a year.

7. Through February 1998, new felony cases assigned to the Public Defender's office had increased 26 per cent over the previous fiscal year. Juvenile cases had increased 46 per cent over the previous year. Misdemeanor cases were projected at 6,073 for this fiscal year. Last year two misdemeanor attorneys handled more than 5,000 cases.

8. Conservative projections for the rest of the fiscal year indicate a juvenile/mental health/probate caseload of approximately 748 cases per attorney per year. This compares with the NAC standard of 200 per attorney per year for this category of cases.

9. Seventy per cent of all cases handled by the District Attorney's office are defended by the Public Defender's office. The Public Defender, however, has only a small fraction of the number of attorneys available to the District Attorney.

10. Unlike the previous Public Defender, the current Public Defender carries his own felony caseload.

11. A "conflicts firm" currently is being retained to handle part of the caseload. This firm consists of attorneys in private practice who accept cases assigned by the pre iding judge.

12. Because of time limits imposed by the case overload, the Public Defender's Office risks being the target of malpractice suits charging inadequate representation.

13. If the caseload continues to grow and the staff is not increased, there is a strong possibility that, at some time in the near future, the Public Defender's Office will have to declare itself unavailable to the courts.

C. Staffing and Funding

14. The current staff of the Public Defender's Office consists of the Public Defender, 15 attorneys, three investigators and clerical personnel. Many of the attorneys have limited criminal law experience.

15. The office is in immediate need of four attorneys, one investigator and one clerical worker.

16. In the past 20 months, 12 attorneys have resigned.

17. The Office of the County Administrative Officer has been inconsistent in filling vacant positions. Some position have been filled, become vacant again and then have not been filled.

18. Ninety-four per cent of the funds budgeted for the Public Defender's Office goes to personnel. The total 1997-1998 budget for the Public Defender's Office is $1,871,576 compared with $7,273,449 for the District Attorney's Office.

19. The District Attorney's budget is augmented by Federal grants not available to the Public Defender.

20. Since the current Public Defender took office in April 1996, court-administered legal fees assessed against clients who met the criteria to receive defense have totaled $188,000. When collected, these fees go directly into the general fund.

21. Only a small percentage of the $188,000 has been collected by the County's Office of Revenue and Reimbursement, which relies on voluntary payment. Many clients are indigents who are unable to pay. However, the Office of Revenue and Reimbursement has not responded to the Public Defender's question as to why no legal steps have been taken to collect from clients who are able to pay.

22. The court-established fee for defending a misdemeanor case is $95. For a felony case it is $120, although defense of a felony case requires much more legal experience and a much greater investment of an attorney's time.

23. The Assistant CAO, who handles most correspondence between the Public Defender and the CAO's office, has little experience in dealing with the types of problems facing the Public Defender.

D. Positive Actions

24. The Public Defender has developed a *Policies & Procedures Manual* that is complete, clear and concise. It is updated as needed. Each employee has a copy.

25. The staff is provided with ongoing legal education.

26. Within the past 18 months, approximately $10,000 worth of resource materials has been added to the Law Library.

RECOMMENDATIONS

98-60 The position of Chief Deputy Public Defender should be filled immediately, thus freeing the Public Defender from part of his caseload and permitting him to devote more time to the administration of his office. [Finding 1]

98-61 All vacant positions in the Office of the Public Defender should be filled as quickly as possible, helping to decrease the case overload. [Findings 2 and 3]

98-62 The size and experience level of the Public Defender's staff should be increased to be consistent with the caseload handled by the office. This would improve morale, reduce turnover and make it possible to decrease the use of conflict firms for case overloads. [Findings 2, 3 and 5]

98-63 Compensation to staff members should be increased sufficiently to reduce turnover among current staff and to attract new employees. [Findings 2 and 3]

98-64 Legal fees assessed by the courts for felony cases should be increased to a level consistent with the difference between misdemeanors and felonies in attorney experience and case time required. [Findings 20, 21 and 22]

98-65 The Office of Revenue and Reimbursement should take legal steps to collect assessed fees from clients able to pay. While such funds do not accrue to the Office of Public Defender, they would increase the amount of the general fund. [Findings 20, 21 and 22]

98-66 The person designated by the CAO's office as liaison with the Public Defender should have criminal justice experience or knowledge. [Finding 23]

98-67 The Board of Supervisors and the CAO's office should consider the Public Defender's office as important and integral to the County's operation as the District Attorney's office or any other County department. [Finding 4]

98-68 The 1998-1999 Grand Jury should continue to monitor the Office of the Public Defender.

RESPONDENTS

Yolo County Public Defender	All recommendations and their corresponding findings except recommendation 98-68.
Yolo County Board of Supervisors	All recommendations and their corresponding findings except recommendation 98-68.
Yolo County Chief Administrative Officer	All recommendations and their corresponding findings except recommendation 98-68.
Yolo County Office of Reimbursement and Revenue	Recommendation 98-65 and its corresponding findings.
Presiding Judge, Yolo County Superior/ Municipal Courts	Recommendation 98-64 and its corresponding findings.

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YOLOBUS FACILITIES

Members of the 1997-1998 Grand Jury toured the Woodland facilities of the Yolo County Transit District, commonly know as Yolobus.

Terry Bassett, Executive Director of the Transit District, described the formation of Yolobus and its progress through the years to its present status as a transit district. He also reported that the recently-begun bus service to the Sacramento International Airport has been a success, with ridership higher than projected. Buses are owned by the Transit District but are operated under contract by the Laidlaw Company, which maintains them.

The Grand Jury then toured the shop facilities, the yard and the bus dispatch center, which is operated by Laidlaw. Drivers report daily beginning about 4 a.m. and are assigned to the buses and routes by the dispatcher.

It appeared to the members that this is an efficient and effective operation by both the Yolo County Transit District and the Laidlaw Company.

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YOLO COUNTY JUVENILE HALL

Members of the Grand Jury toured the Yolo County Juvenile Hall, led by Mel Losoya, Assistant Chief Probation Officer.

Mr. Losoya provided the following information:

- Age of inmates ranges from 10 through 18 years.
- Males and females are segregated in sleeping and holding rooms.
- Stated inmate capacity is 30. If capacity is exceeded, classrooms are used for additional sleeping space when classes are not in session.
- The number of probation officers has not increased since 1965. Each officer handles 20 to 40 cases.

There are two classrooms with a total of four computers. A Day Room contains recreational facilities. There are kitchen and dining areas where food is brought from the County Jail. Eating utensils are a special bendable plastic. The tour ended at the on-site Juvenile Court.

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YOLO COUNTY ELECTIONS OFFICE

At the invitation of the Yolo County Elections Office, a member of the Grand Jury served as an observer of the process of opening and counting absentee ballots for the California State Primary Election, June 2, 1998.

The Elections Office work observed included: signature verification, envelope opening, ballot sorting by precinct, envelope and ballot tally and voting machine tally. Damaged ballots were hand processed.

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PORT OF SACRAMENTO

As part of its duties, the Grand Jury, in company with the Sacramento County Grand Jury, visited the Port of Sacramento. The Port of Sacramento is an inland river port operating under the provisions of Part 6, River Ports Districts of the Harbors and Navigation Code of the State of California. It is an independent unit of local government. The Sacramento-Yolo Port District includes all of Sacramento County and the First Supervisorial District of Yolo County.

The policy-making body of the Port District is the Port Commission. It is made up of seven members -- two each appointed by Sacramento County and the City of Sacramento, one appointed jointly by both these bodies, and one each appointed by Yolo County and the City of West Sacramento. Currently, one Commissioner is a county supervisor while the other six are from the private sector.

Port facilities are located on approximately 150 acres of land in West Sacramento. An additional 420 acres south of the harbor are reserved for future development. The Port is accessed from San Francisco by passage up the Sacramento River and the 47-mile-long Sacramento Deep Water Channel.

Financed entirely by revenues from its services and operation of its facilities, the Port serves agri-business, the forest industry and industrial bulk shippers. Primary cargoes include rice, wheat, safflower, wood chips, logs and clay. Exports typically comprise more than 85 per cent of its cargoes. In 1997 the Port generated income of almost $11 million from 1,091,495 short tons of cargo.

The two Grand Juries viewed a videotape about the Port, followed by a presentation on the Port's operations, finances, work force, role in international trade, strategic plan and growth opportunities. This was followed by a question-and-answer session and a guided tour of the Port's docking, warehousing and materials handling facilities.

COUNTY AUDITOR/CONTROLLER BIDDING PROCESS

Members of the Grand Jury met on two separate occasions with the County Auditor/Controller to learn about the bidding process and final selection of an outside auditor to audit the county records. Members learned the background of the audit process and received information on bid solicitation, bid evaluation and bid ranking. Members felt that their goal as observers was achieved.

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YOLO COUNTY MORGUE

The Grand Jury visited the Yolo County Morgue. This facility is part of the Sheriff's Department and is adjacent to the main office of the Sheriff/Coroner.

The new morgue was built a little more than a year ago. There is a viewing area. The clean and well equipped facility is considered to be a model morgue.

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MONROE DETENTION FACILITY

The Yolo County Grand Jury visited the Monroe Detention Center, which is the main county jail.

The jail is staffed by sworn Deputy Sheriffs and Correctional Officers. The Jail Commander is a Sheriff's Captain.

The facility is crowded and, during the past year, internal configurations were changed to allow more space for female inmates. In the past, some female inmates were sent to facilities outside of Yolo County in order to comply with a Federal Consent Decree. The Consent Decree limits the number of inmates that may be housed in the Monroe facility.

Because of the Federal Consent Decree, most of the inmates at Monroe are felony inmates. Monroe also houses a limited number of Federal inmates. This was agreed when construction of the facility was partially federally funded.

The facility appears to be clean and well run. Inmates have educational opportunities.

The Yolo County Grand Jury also visited the Leinberger Minimum Security Facility, adjacent to the Monroe Detention Center. This facility was designed to house inmates held on misdemeanor charges. However, because of the Federal Consent Decree, it now houses mostly low-risk prisoners charged with felonies.

This facility appears well run and maintained.

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