

# 2019-2020 SUTTER COUNTY GRAND JURY FINAL REPORT



MW

*BEAUTIFUL VINES*  
Michael Willis  
Faith Christian HS

ENDORSED FILED

JUN 30 2020

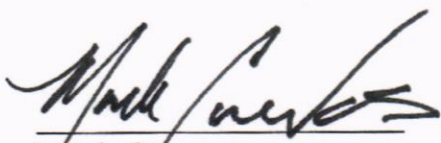
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER  
CLERK OF THE COURT  
By JACKIE LASWELL Deputy

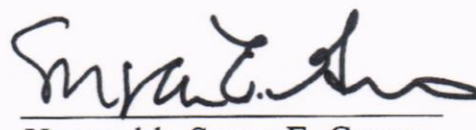
# **Final Report**

**of the**

**2019 – 2020**

## **Sutter County Grand Jury**

  
Mark Cuevas,  
Foreperson

  
Honorable Susan E. Green,  
Presiding Judge



## 2019-2020 SUTTER COUNTY GRAND JURY

Respectfully,

Handwritten signature of Mark Cuevas in black ink.

Mark Cuevas, Foreperson  
2019 – 2020 Sutter County Grand Jury

Handwritten signature of Heather Chambers.	Handwritten signature of Kelly Cummings.	unavailable
Heather Chambers, Yuba City	Kelly Cummings, Yuba City	Heather Esemann, Yuba City

Handwritten signature of Makayla Fawcett.	Handwritten signature of Kimberlee Ingraham.	Handwritten signature of Sylvia Johnson.
Makayla Fawcett, Sutter	Kimberlee Ingraham, Yuba City	Sylvia Johnson, Yuba City

Handwritten signature of Jessica Jopson.	Handwritten signature of Julie Kershaw.	Handwritten signature of Danika Mann.
Jessica Jopson, Rio Oso	Julie Kershaw, Yuba City	Danika Mann, Yuba City

Handwritten signature of Darrell Naruto.	Handwritten signature of Marco Ontiveros.	Handwritten signature of Charles Smith.
Darrell Naruto, Yuba City	Marco Ontiveros, Yuba City	Charles Smith, Yuba City

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Paul Tuttle, Yuba City	Richard Uren, Yuba City	Diane Uutela, Yuba City

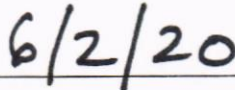
Handwritten signature of Noelle Zumoff.
Noelle Zumoff, Live Oak

P.O. Box A Yuba City Ca. 95992

Pursuant to California Penal Code Section 933(a), the Presiding Judge makes the findings that the forgoing report is in compliance with Title 4, Chapter 3 of the California Penal Code ("Powers and Duties of the Grand Jury").

A handwritten signature in black ink, appearing to read "Susan E. Green", written over a horizontal line.

Honorable Susan E. Green, Presiding Judge  
Superior Court of California, County of Sutter

A handwritten date "6/2/20" in black ink, written over a horizontal line.

Date



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# CRIMINAL JUSTICE

# **SUTTER COUNTY JAIL**

## **SUMMARY**

Pursuant to Cal. Penal Code §919 (b) the Sutter County Grand Jury (SCGJ) shall inquire into the condition and management of the public prisons within the county, which allows the SCGJ the ability to investigate how effectively the Sutter County Sheriff's Department administers the Sutter County Jail.

The 2019-2020 SCGJ inspected and toured the Sutter County Jail facility. Interviews were conducted with county contracted employees of the Sutter County Sheriff's Department, as well as multiple inmates housed within the Sutter County Jail facility. The SCGJ found various areas of concern regarding contraband being introduced into the Sutter County Jail facility, lack of surveillance cameras in a pertinent area within the medium security jail facility, and lastly an understaffing issue.

## **BACKGROUND**

The Sutter County Main Jail facility is located at 1077 Civic Center Boulevard, Yuba City, California. The Sutter County Sheriff's Department serves the County population of approximately 96,438. The Sutter County Jail was recently approved for a State Building Grant, which paid for 90% of the newly completed construction project for the expansion of the Sutter County Jail. This new expansion has provided 42 additional beds for the inmates, specifically 28 male beds and 14 female beds. The SCGJ was impressed by the state-of-the-art expansion which included new pod configuration, classroom capabilities, and an open-aired exercise yard.

The Sutter County Sheriff's Department had a new Sheriff elected in 2019, who has been proactively working with the Sutter County community showing transparency and a desire to see the community flourish successfully. The Sutter County Sheriff's Department is very engaged on social media pages to connect with the public, and participates in various community outreach events like 'Coffee with the Community', 'Slice with the Sheriff', 'Soft Serve with the Sutter County Sheriff' and many more. The Sheriff has also been receptive towards changes that need to be made from within the jail.

## **METHODOLOGY**

### **Tours:**

- Sutter County Main Jail Facility
- Sutter County Medium Security Jail Facility
- Sutter County Sheriff's Department Office
- South Placer County Jail

**Interviews:**

- Employees of the Sutter County Sheriff's Department
- City of Yuba City staff
- South Placer County Jail staff
- City of Yuba City Fire personnel

**Research:**

- Sutter County Sheriff's Office Jail Operations Manual
- Sutter County Jail Inmate Handbook
- South Placer County Jail documentation
- Sutter County Sheriff's Department Confidential correspondence
- Webpages:

[www.suttersheriff.org/](http://www.suttersheriff.org/)

<https://www.placer.ca.gov/>

<https://www.cdcr.ca.gov/>

<https://osfm.fire.ca.gov/>

<https://www.appeal-democrat.com/>

<https://leginfo.legislature.ca.gov/>

<https://www.google.com/maps>

<https://www.globalindustrial.com/>

**DISCUSSION**

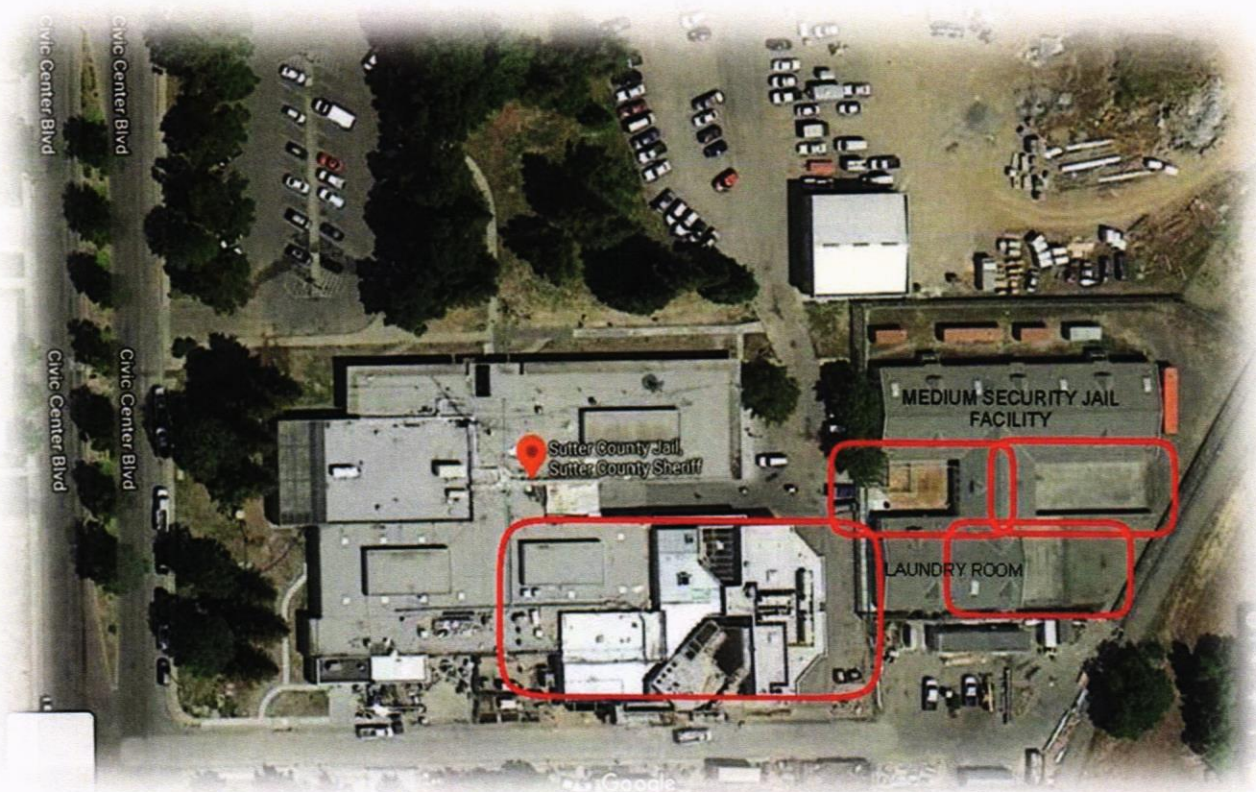
The SCGJ conducted multiple interviews with various Sutter County Sheriff personnel. During a final walkthrough of the Sutter County Jail, the SCGJ observed that the new expansion was not being used, which, according to staff interviews, was due to lack of staffing. The Sutter County Jail competes with other higher paying departments, which makes it difficult to interest applicants, but are striving to recruit new members to their department to resolve the personnel understaffing.

The SCGJ became aware that contraband is being smuggled into the jail and spoke with various Sutter County personnel about possible solutions. Contraband comes in many forms, including but not limited to, tobacco, cigarette lighters, items that can be weaponized, controlled substances, cellular devices, and much more. It was noted that most of the contraband was being brought in by the arrestees and occasionally by the public who have found opportunities around the unsecured exterior of the jail.



The 2018/2019 SCGJ recommended that the medium securities facility needs to be blocked off to prevent unauthorized public access, and to help prevent contraband from being introduced into the jail from outside sources. According to personnel, building a new security perimeter around the Sutter County Sheriff's Department facility is currently being budgeted. There are also two fenced in exercise yards located behind the facility with no netting or prevention in place to catch any contraband from being thrown over.

**Provided below is an aerial satellite photograph of the Sutter County Sheriff's Department specifically highlighting the open-aired exercise yards circled in red. The newly completed jail expansion is also circled in red for reference purposes.**



Inmates have access to these open-aired spaces while working in the laundry room or exercising in the fenced in yards. The SCGJ discussed the idea of overhead, fire marshal approved, netting being placed over the open-aired areas of the medium security facility. This could limit or prevent contraband from being thrown over these fences for inmates to obtain.

**Provided on the next page is a screenshot that was given to the SCGJ from Sutter County Sheriff's Department personnel of a possible preventative measure that can be put in place.**



**GLOBAL**  
globalindustrial.com

SEARCH Reorder 0 items (\$0.00)

CATEGORIES ACCOUNT & LISTS RESOURCES SOLUTIONS CLEARANCE TRACK ORDER HELP

Return to Category List Home > Safety & Security > Crowd Control > Security Fence & Nets > Debris Safety Netting

**BOEN SN-20016 Fire Resistant Safety Netting, 8.6 Ft. x 150 Ft., Black, 1 Roll**

Item #: WBB1501702

★★★★★

Enter zip code for delivery date estimate

**Price: \$160.95**

Save \$8.05 with 5% off\* when you use your Global Industrial Credit Card.

Save 5%\* | Apply Now

1 ADD TO CART

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**BOEN SN-20016 Fire Resistant Safety Netting, 8.6 Ft. x 150 Ft., Black, 1 Roll**

Improve the safety of on-the-street pedestrians and construction workers, and adjacent properties with Debris Defense Netting. Debris Defense Netting is your ultimate source protection from debris that falls from the working deck. Our heavy duty, fire resistant, OSHA Compliant debris netting can wrap a building into a cocoon of safety. The most advanced reinforced buttonhole design assures easy installation and optimum performance.

**Features:**

- Debris protection
- UV inhibited and resistant to temperature changes
- Fire retardant
- Hole openings approx. 1/4 in
- Meets OSHA specifications & NY Local Law 61
- Knitted polyethylene threads with reinforced border
- Vision barrier
- Wind protection
- Demolition Protection
- 150ft Roll

**SPECIFICATIONS**

**Product Specifications**

WIDTH INCHES	1500
HEIGHT INCHES	103
COLOR FINISH	Black
BRAND	Boen
DESCRIPTION	Fire Resistant Safety Netting
CONSTRUCTION	HDPE
MANUFACTURER'S PART NUMBER	SN-20016
APPROVALS OR CERTIFICATIONS	OSHA Compliant
PACKAGE QUANTITY	1
FIRE RETARDANT	Yes

When arrestees arrive at the jail the deputies use pat down and exchange of clothing searches. However, they cannot conduct a strip search or body cavity search without legal justification. Per California Penal Code 4030(e) and (f)<sup>2</sup>, many arrestees being brought in by deputies on small crime charges or DUI (driving under the influence) may not be strip searched without further reasonable suspicion that an individual is concealing weapons or contraband. The SCGJ found that the current search technique used on the arrestees is insufficient in preventing individuals intentionally being arrested for crimes that are not subject to body searches, which allows them to smuggle in contraband.

Other county jails, such as the South Placer County Jail, have been using full body scanners to help prevent contraband from entering the facilities. The SCGJ visited that jail solely to inspect their scanner, a "Tek84" which is used to detect metallic, nonmetallic, organic, and inorganic contraband. It can do so in a less intrusive manner, and takes as little as 4 seconds, while a strip search can take 15 minutes or more. The South Placer County Jail personnel stated that it has been extremely helpful in discovering contraband hidden internally and

<https://www.globalindustrial.com/>

<sup>2</sup> <http://www.search-california-law.com/research/ca/PEN/4030./Cal-Penal-Code-Section-4030/text.html>

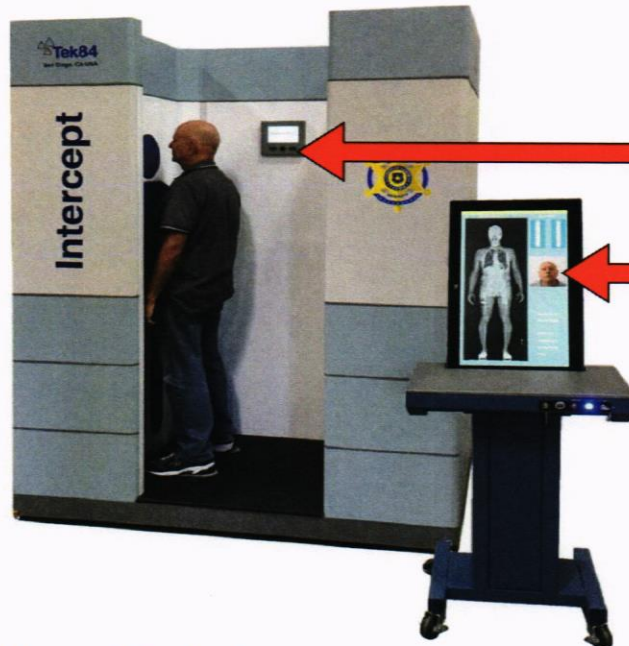
externally which could be missed during other searches, significantly dropping the numbers of contraband being introduced into the jail.

After our informative visit, the SCGJ mentioned the capabilities of the scanner to the Sutter County Sheriff's Department, and it was noted that a body scanner was currently being budgeted for their department.

Provided below is a brochure picture of the 'Tek84' scanner used at the South Placer County Jail



**Body scanner for High-Security Screening— Prisons, Jails, Customs**



Intercept's built-in camera ensures a positive match between the person and their scanned image.

### **Breakthrough Technology**

Prisons and jails are rapidly adopting body scanners to detect weapons and contraband hidden in body cavities and elsewhere on inmates and visitors. Unlike the units used in airports, these scanners use a low-level of x-rays transmitted through the body, similar to medical exams. More than 500 such body scanners are now installed in U.S. correctional facilities, manufactured by companies in Belarus, EU, Brazil and China.

*Intercept™* is a true breakthrough in this technology, scanning the person *vertically* instead of *horizontally*. Vertical scanning provides revolutionary benefits:

- The person remains stationary, not standing on a moving conveyer belt or platform;
- A quick 4-second scan, not 7-15 seconds
- Narrow width, removable top, built in wheels; easily clears doorways 34" wide by 80" high
- Quick setup: a few hours, not a few days
- No image distortion, objects appear in the image at the same location as on the body
- No waiting for a daily warm-up period; ready to scan at a moment's notice

### **Head-to-toe screening including body cavities**

- **Subject doesn't move**
- **4-second scanning**
- **Ultra-small footprint**
- **2-hour installation**
- **Best image quality**
- **On-screen photo**

**Tek84 is owned and operated in the USA. Our design staff has been at the forefront of body scanner innovation for 30 years.**



The Sutter County Sheriff's Department has installed a new high-tech video surveillance system to monitor the facility and the inmates housed within, to increase safety for inmates and personnel. However, there is a surveillance issue in the Sutter County Jail, specifically in the laundry room located within the Medium Security facility. The laundry room is adjacent to the medium security jail facility surrounded by chain link fencing. This fenced area is entirely accessible to the public and is an area of concern.

Inmates considered as "trustees" that have displayed good behavior are allowed in the laundry room to perform work duties. The SCGJ observed that there are zero surveillance cameras present in the laundry room, and very little supervision from Sutter County correctional officers during the time the inmates are in laundry room.

The SCGJ recognizes that managing a jail facility is a huge responsibility to maintain a safe and secure environment, not only for the staff, but also for the inmates. Our investigation revealed that the Sutter County Sheriff's Department is doing an admirable job at running and maintaining the jail, however there were some areas of concern that do need to be addressed.

## **FINDINGS**

- F1: There is a staffing issue within the Sutter County Sheriff's Jail facility.
- F2: The Sutter County Grand Jury found that there are drugs and other contraband present within the jail.
- F3: Lack of overhead netting in the medium security exercise yards.
- F4: The current search method for contraband has proven to be inadequate.
- F5: The laundry room has no surveillance cameras present.

## **RECOMMENDATIONS**

- R1: The Sutter County Sheriff's Department should expand jail employment to provide more manpower within the jail by December 1, 2021.
- R2: The Sutter County Sheriff's Department should invest in a full body scanner placed within the Sutter County Main jail by January 1, 2022.
- R3: The Sutter County Sheriff's Department should purchase and install overhead netting over the open-aired spaces/areas near the Medium Security facility and/or create a fenced off area preventing civilians from having access to this area by December 1, 2021.



R4: The Sutter County Sheriff's Department should place surveillance cameras in the laundry room by January 1, 2021.

#### **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

The following elected county official within 60 days:

- Sutter County Sheriff: F1 - F4 and R1 - R4

The following response is required within 90 days:

- Sutter County Board of Supervisors: F1 - F4 and R1 - R4

#### **DISCLAIMER**

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

# **Tri-County Juvenile Rehabilitation Facility and the Maxine Singer Youth Guidance Center**

## **SUMMARY**

California Penal Code 919(b) mandates that the Grand Jury shall inquire into the condition and management of the public prisons which includes Juvenile Detention Facilities in the county. To meet that requirement, the 2019-20 Sutter County Grand Jury (SCGJ) conducted an inspection of the Tri-County Juvenile Rehabilitation Facility and the Maxine Singer Youth Guidance Center on September 3, 2019. The SCGJ found that while the facilities are old, they are well kept except for two minor repairs that need to be addressed. A new complex, which will replace both facilities, is expected to be completed in 2022.

While conducting many interviews, the SCGJ determined the staff are dedicated to continuing the implementation of programs designed to motivate the youth and support rehabilitation. The school curriculum, provided by the Yuba County Office of Education (YCOE), is accredited and meets the requirements taught in schools statewide. The "Life Skills" and technical/vocational training being taught are lacking and need to be improved upon. The YCOE was successful in applying for and receiving a grant to implement two new programs, the "Hall 2 Home" and the Mentoring program, which will be beneficial to both the youth and the community.

## **BACKGROUND**

The Tri-County Juvenile Rehabilitation Facility (Juvenile Hall) and the Maxine Singer Youth Guidance Center (Camp Singer) are found at 1023 14<sup>th</sup> Street in Marysville, California. Both facilities supply Juvenile Detention Service to the counties of Sutter, Yuba and Colusa.

The Yuba County Probation Department is the primary agency responsible for the administration, staffing, care and safety of housed juveniles and the day to day operations of both facilities. The costs, however, are shared by Sutter County (44%), Yuba County (44%) and Colusa County (12%). There are nine other counties that contract with both the Juvenile Hall and Camp Singer on an as needed basis. These other counties pay \$4,000 per month per youth when housed in Juvenile Hall or Camp Singer. Both facilities are governed by the Board of State & Community Corrections (BSCC). Both facilities meet and adhere to the strict criteria set forth by the BSCC.

Juvenile Hall has a maximum capacity of 60 youths aged 12-18 years, 45 beds for temporary detention in the Juvenile Hall Building and a 15 bed Secure Housing Unit (SHU). The building was built in the 1940's and

renovated in 1976. Camp Singer was built in 1996 and is a minimum-security facility, next to the Juvenile Hall, with a maximum capacity of 60 youths aged 12-18 years in a dorm like setting. Both facilities will be replaced by a new +/- 20,080 sq. ft. complex and will be located across the street from their current location. At the time this report was written bids were being accepted and the projected date of completion is 2022.

## **METHODOLOGY**

### **Tours:**

- Juvenile Hall
- Camp Singer

### **Research:**

- County of Yuba Juvenile Justice Plans 2019 - 2020
- Tri-County Juvenile Hall Orientation Manual
- County of Sutter 2019 – 2020 Recommended Budget
- Yuba.org PREA chart
- Senate Bill 81
- BSCC Title 15 Minimum Standards
- Western Association of Schools and colleges (WASC) Accreditation
- Joint Power Agreement - JPA
- BSCC Inspection dated March 4, 2020
- PREA Policies and Procedures
- Prior Grand Jury reports from various counties
- Newspaper articles from the Appeal Democrat and the Territorial Dispatch

### **Interviews:**

- Juvenile Hall administration
- Juvenile Hall staff
- Camp Singer staff
- Male and Female youths confined at both the Juvenile Hall and Camp Singer
- Yuba County Office of Education staff
- Sutter County Probation staff



## DISCUSSION

On September 3, 2019, the SCGJ toured both facilities with staff administration. Taking into consideration that construction for the new facility will begin soon, the Grand Jury found two areas of concern. One being the carpet in the girl's dormitory in Juvenile Hall, which is torn and old. The second area of concern was signs of water seepage in some of the masonry walls in both buildings, however, we were informed that the walls are being waterproofed to control the problem. Both facilities are secure and provide a safe environment for both the staff and the youths. We learned that a new security camera system and a new telephone system were installed and working. Both systems will be used in the new complex when it is operational.

In the past five years there have been many changes to the laws that directly affect the Juvenile Detention Facilities in the state of California. The staff at the Sutter County Juvenile Hall and Camp Singer have done an admirable job of instituting and adhering to those changes. Standard staffing for both facilities includes 25 Juvenile Correction Officers (JCO) and 7 Supervising JCO's. In addition to the correctional officers, the facility is staffed by registered nurses, full time mental health counselors, full time clerical staff, a doctor, teachers and kitchen workers.

The Grand Jury was impressed with the philosophy of the staff members of both facilities. The staff treats the youth with respect and gives guidance. Staff strive to supply these kids the tools and support they need to succeed when they are released from juvenile hall. They do not want to see these youth become incarcerated adults. The staff uses a Positive Behavior Incentive Support (PBIS) program (Appendix 1). This program motivates the youth with positive behavior by giving the youths' "points" they can earn and use to buy snacks and sundry items. They can also use the points for a private meeting room for family to visit and bring outside meals. The youth's mental well-being is important and we commend the mental health program for providing a wide range of services to help all the youths with the many aspects they must deal with in such a difficult time in their lives.

The staff receive training on the Prison Rape Elimination Act (PREA). PREA sets stringent rules and regulations about any type of sexual interaction and creates a secure, safe and culturally sensitive environment. While researching this area, the Grand Jury became aware of an alleged "inappropriate incident" that was rumored to have happened at the Juvenile Hall involving a teacher and a student. The Grand Jury investigated the alleged incident and concluded that the allegations were unfounded.

The Yuba County Office of Education (YCOE) handles the curriculum at both facilities. YCOE is a licensed education provider that receives accreditation through the Western Association of Schools and Colleges (WASC). Courses include the same as taught in regular (age proper) schools in the Tri-County area. Students can get a High School Diploma or a General Educational Development (GED). In addition, college courses are



available with the proper credits applied to the student's educational history. Teachers are hired through the YCOE and all meet the strict standards set forth by the YCOE. Basic "Life Skills" (personal finances and how to fill out job applications/resumes) are taught at both facilities. The Grand Jury felt the subjects are limited and should include money management, food and nutrition knowledge, hygiene care and pregnancy awareness & management to increase the student's knowledge and awareness of Life Skills needed to survive in today's society. Camp Singer also provides training that includes basic tool knowledge, carpentry and gardening/lawn care. The Grand Jury finds the careers in technical/vocational training limited and more should be available such as culinary, auto repair, welding, (etc.).

YCOE recently received a million-dollar BSCC Title 11 Grant to develop and implement a combination "Hall 2 Home" (H2H) and "Mentoring" Programs. "The H2H program provides wraparound services to transitioning youth entering and exiting from the Tri-County Juvenile Rehabilitation Facility (TCJRF) to their community of residence. Services include individual and family therapy, parent training (behavior management, communication, daily scheduling, etc.), intensive case management including referral, school placement, and linkage to community resources (Appendix 2)"

YCOE will implement an evidenced based mentoring program which will match juvenile justice involved youth (Mentee) to a positive adult role model (Mentor) to support the safety, social, and emotional needs of the youth. Mentors and mentees will have monthly field trips that incorporate college/career exposure, community services and recreational activities (Appendix 2). The staff at YCOE is excited about these new programs and feel they will greatly help the youths and the community. We commend the YCOE for applying for and implementing these programs.

#### **Exit Interview:**

On May 26, 2020 the Sutter County Grand Jury conducted an exit interview with the Tri-County Juvenile Hall Administration to verify our findings. A document provided to the SCGJ, see (Appendix 3), shows the current complete list of Life Skills being offered to the youth. The options now being offered are an improvement compared to the March 10, 2020 description of available Life Skill courses, see attachment #. In light of this improvement the SCGJ rescinds Finding #2 and Recommendation #2. The SCGJ would like to commend the Tri-County Juvenile Hall on the structured and comprehensive Life Skill Programs

#### **FINDINGS**

F1. The carpet in the girl's dormitory of Juvenile Hall is old, torn and is presently a health and safety issue.

F2. There lacks a structured and comprehensive "Life Skills" program.

F3. Exposure to technical/vocational career training and opportunities is limited.

### **RECOMMENDATIONS**

R1. The Board of Supervisors give approval to replace the carpet or repair and sanitize the current carpet in the Juvenile Hall girl's dormitory by 12/31/20.

R2. The Yuba County Office of Education develop and implement a structured and comprehensive life skills program that should include money management, food and nutrition knowledge, hygiene care and pregnancy awareness and management by 06/31/21.

R3. The Yuba County Office of Education have in place more training and exposure to the technical/vocational career opportunities available to the youths (i.e.: culinary, plumbing, electrical, military etc.), obtain brochures and other written material describing these careers and their requirements, and assist youth in obtaining further information if they want to pursue a specific goal, by 09/01/21.

### **REQUIRED RESPONSES**

Per Penal Code Sections 933 and 933.05, the Sutter County Grand Jury requests responses as follows:

From the following elected county officials within 60 days:

- Yuba County Office of Education Superintendent respond to F2, F3 and R2, R3

From the following local governing boards within 90 days:

- Sutter County Board of Supervisors: Respond to F1 – F3 and R1 – R3
- Yuba County Board of Supervisors: Respond to F1 – F3 and R1 – R3
- Colusa County Board of Supervisors: Respond to F1 – F3 and R1 – R3

### **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses:

- Yuba County Chief Probation Officer respond to F1 - F3 and R1 - R3
- Deputy Superintendent of Institutes respond to F1 - F3 and R1 - R3

**DISCLAIMER**

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## APPENDIX

\*Excerpt from page 11 of Tri-County Rehabilitation Facility Orientation Manual

### PBIS PROGRAM

Positive Respectful Integrity Dependable Empower

Carden School, and Camp Singer, have created a set of rules and expectations for all youth to follow according to location. You will find the expectations posted in various areas of the facility. When you follow the rules and expectations, you can be recognized.

**You will be recognized for appropriate behaviors such as:**

- Cooperating and following staff directives
- Using appropriate language and volume
- Keeping your body and belongings to yourself
- Being prepared and managing your time
- Not asking for recognition!!

Tri-County Behavioral Rules & Expectations  
**Room/Bunk**

<b>P</b> ositive	<ul style="list-style-type: none"> <li>• Use your quiet inside voice</li> <li>• Keep noise levels low</li> <li>• Follow staff's directions</li> </ul>
<b>R</b> espectful	<ul style="list-style-type: none"> <li>• Respect other's personal space</li> <li>• Use intercom appropriately</li> </ul>
<b>I</b> ntegrity	<ul style="list-style-type: none"> <li>• Be contraband free</li> <li>• Follow the room standards</li> <li>• Avoid and report vandalism</li> </ul>
<b>D</b> ependable	<ul style="list-style-type: none"> <li>• Keep room neat and orderly</li> <li>• Ask for items at appropriate times</li> </ul>
<b>E</b> mpower	<ul style="list-style-type: none"> <li>• Take pride in your room</li> <li>• Make your bed and organize room</li> </ul>

Have **PRIDE** in all areas of the Facility!



- Behavior expectations are clearly listed on posters located around the facility.
- Staff will teach lessons on behavior expectations.
- Each youth gets a Token Card to track their acknowledgements.

**Token Cards:**

40	39	38	37	36	35	34	33	32	31		
1	TOTAL _____										30
2	NAME _____										29
3	DATE _____										28
4											27
5											26
6											25
7											24
8											23
9											22
10											21
	11	12	13	14	15	16	17	18	19	20	

Positive  
Respectful  
Integrity  
Dependable  
Empower

You will receive a token card daily. Staff will recognize when you're following the expectations by punching a hole in your card. You can turn in your punches on your Token Card for special items from our Pride store.

#### **How to Redeem your Punches?**

Staff will collect your Token Cards every night at bedtime and record your amount daily. You will receive order forms on store nights; you will fill them out and return to staff. Orders will be taken Friday and filled overnight. Store nights will be Saturdays, for non-food items, and Sundays for food items. Items will be priced according to value. Punches are earned and will forever remain at the Hall, if you return. Punches will follow you for the Hall to the Camp. If you choose to be removed from the Camp your punches will not move to the Hall with you.



<b>YCOE Lead Agency</b>		
<b>Partnership(s) with the Tri-County Juvenile Rehabilitation Facility, Sutter County Juvenile Probation, Yuba County Juvenile Probation, and Colusa County Juvenile Probation</b>		
	<b>Mentoring Program</b> Probation Referred Youth (15)	<b>Hall 2 Home (H2H) Program</b> All Student in the TCJRF
<b>Services</b>	<ul style="list-style-type: none"> <li>• Connection to a positive adult mentor</li> <li>• Facilitation of activities</li> <li>• Case management</li> <li>• Pro-social activities</li> <li>• College &amp; Career exposure</li> <li>• Life skills workshops</li> <li>• Team building activities</li> <li>• Academic counseling</li> </ul>	<ul style="list-style-type: none"> <li>• Transitional case plan</li> <li>• Warm hand off to community service providers</li> <li>• Parental support</li> <li>• Case management</li> <li>• College and Career readiness services</li> <li>• School support services</li> <li>• Child, Family, Team meetings</li> <li>• Individual therapy</li> <li>• Family therapy</li> </ul>
<b>Program Outcomes</b>	<p><b>Reduce risk behaviors in youth</b> Targeted interventions and supports will be provided in correlation to reducing criminogenic needs.</p> <p><b>To improve school performance</b> School support will be provided when transferred to district of residence.</p> <p><b>To improve pro-social behaviors</b> Youth will participate in mentor/mentee activities that increase pro-social behaviors.</p>	<p><b>Improve targeted behavior and connection to the community.</b> Targeted interventions and supports will be provided in correlation to reducing criminogenic needs.</p> <p><b>To reduce recidivism among juvenile offenders</b> Recidivism among individuals will be monitored to provide program outcomes.</p> <p><b>To improve school performance.</b> School support will be provided when transferred to district of residence.</p>
<b>Program Descriptions</b>	<p>YCOE will implement an evidenced based mentoring program which match juvenile justice involved youth (Mentee) to a positive adult role model (Mentor) to support the safety, social, and emotional needs of the youth. Mentors and mentees will have monthly field trips that incorporate college/ career exposure, community services, and recreational activities.</p>	<p>The H2H program provides wraparound services to transitioning youth entering and exiting from the TCJRF to their community of residence. Services include individual and family therapy, parent training (behavior management, communication, daily scheduling, etc.), intensive case management including referral, school placement, and linkage to community resources.</p>

## Facility Life Skill Programs

### Provider - Facility Intervention Counselor

Programs every Tuesday and Thursday.

#### **Budgeting** - Four 60-minute programs

- Grocery shopping
- Financial Responsibilities of a homeowner
- Simulation budgeting (Pick a job and a home. Created a budget from the information granted)
- Created a budget for which they were the main provider
- Created a budget that included those in their current living situation.

#### **Job Search** - Four 60-minute programs

- Identify your job skills
- How to prepare resumes
- How to prepare a resume with no work experience
- How to use volunteer experience on resume
- How to write a cover letter
- How to write an introduction letter
- How to fill out job application
- Mock Interviews

#### **Nutrition** - Eight 60-minute programs

- Nutrition Education
- Into to Nutrition
- Impact of diet and Lifestyle on Health
- Achieving Healthy Diet
- Physical Activity and Health
- Eating for your lifestyle
- Healthy Meal Planning
- Food groups how they impact your health
- Portion control

### Provider – H.P. Carden School teachers (YCOE)

Program provided each school day.

#### **Budgeting**

- Life skills math

#### **Career Readiness**

- Career interest survey
- Job research
- Guest speakers
- Career prep
- Senior project

### Provider – Yuba Sutter Arts Council (YCOE grant)

Program on Tuesday and Thursday

#### **Exposure to the Arts**

- Photography



- Music
- Ceramics

#### **Provider – Facility Medical**

Program provided to individuals as requested.

#### **Sex Health**

- Sexually transmitted disease information.
- Testing and treatment.

#### **Provider – Facility Staff and Medical**

Program information provided daily.

#### **Hygiene**

- Oral health and brushing teeth
- Hand washing
- Coughing and sneezing
- Body hygiene
- Grooming and clean attire
- Good sleep habits

#### **Provider – Hall to Home staff**

Program involved youth receive services weekly.

#### **Transition back to community**

- Positive community engagement opportunities
- Job and vocational skill building
- Completion of high school credits or General Education (GED) requirements

#### **Provider – Yuba County Public Health**

Program occurs once a month on Tuesday.

#### **Health and Wellness**

- Tobacco Education Program
- Local Oral Health Program
- Emergency Preparedness
- Adolescent Family Life Program

#### **Provider – Facility Kitchen staff**

Program 80 hours over four-week period.

#### **Youth culinary program**

- Healthy Nutrition
- Quantity food preparation
- Meal service
- Proper sanitation and safety practices
- Effective communication
- Quality customer service
- Receiving deliveries
- Basic baking skills
- ServSafe certificate

#### **Provider – YCOE/First 5/Sutter Co Children & Families Commission**

Program occurs weekly on Thursday.

#### **Best Parenting via Zoom**

- Child Development



From: [REDACTED]  
Date: Thu, Mar 5, 2020 at 3:48 PM  
Subject: RE: Sutter County Grand Jury Inquiry  
To: [REDACTED]

Hi [REDACTED]

The Camp has a gentleman from the Bayside Church program who comes in regularly to teach life skills. His main focus is finances. We also have a Yuba County Office of Education staff member who provides One Stop employment information and helps Youth with filling out job applications and resumes. We are working toward a more formalized life skills training program through Sutter Yuba Behavioral Health as well.

Yuba County Health and Human Services' Public Health Division provides some life skills to Juvenile Hall and Camp Youth in the form of emergency preparedness, oral health, tobacco education, and AFLP (Adolescent Family Life Program).

Please let me know if anything else is needed. Take care. [REDACTED]

From: [REDACTED]  
Sent: Wednesday, March 4, 2020 2:48 PM  
To: [REDACTED]  
Subject: Sutter County Grand Jury Inquiry

Good afternoon [REDACTED]

I have what I hope is an easy and quick question for you. As we are writing our report regarding Juvenile Hall and Camp Singer we found that we would like more detailed information/descriptions of the life skills that are being taught at both the hall and camp. Would you be able to help with this? Or can you put me in contact with whomever might be best answering this question? I thought I would attempt to get this information through an email so as to not take up too much of your or your staff's time.

Thank you again for your assistance!

[REDACTED]

# **LOCAL GOVERNMENT**

# **CITY OF LIVE OAK**

## **Government, Transparency and Finances**

### **SUMMARY**

Pursuant to the California Penal Code Section 925, the Sutter County Grand Jury (SCGJ) has the authority to examine local governments' financial health and conduct investigations related to county and city management of funds. As such, we examined Sutter County and its two cities as part of our efforts to check various local governments. It was after a visit to the City of Live Oak Council meeting in August 2019, that the SCGJ decided to investigate the finances, city management, and the City Council itself. We interviewed members of the city council, city management, and city personnel to discover that, while many lower level employees are hardworking and show a vested interest in the community, upper management is controlled primarily by expensive consultants with little to no oversight. This has caused unnecessary expense to Live Oak and opened the door to financial loss and litigation.

As part of the investigation, the SCGJ determined that professional service (consultant) contracts were missing common clauses that ensure claims for payment did not exceed financial caps or that Live Oak was not held responsible for litigation based upon poor consultation. Professional service contracts were not reevaluated regularly and competitive cost estimates were not obtained. Consultants were responsible for project delays, which unnecessarily cost the City hundreds of thousands of dollars in additional fees and the potential loss in grant monies. Even after such costly mistakes, consultants continue to work for Live Oak, without any consequences, even though one of the City council members regularly posed questions to the other Council members and City management for explanations regarding financial costs, payments and professional services.

Further, the SCGJ found the conduct of the City Council was not in line with City Municipal Code or with the State's Ralph M Brown Act (Brown Act) and ethics rules. The City Council has little or no debate, appears to vote without consideration of discussion items, and continues to disregard the Brown Act. If actions are found in violation of these laws, motions passed by the City Council may be considered null and void. During our investigation, the SCGJ found insufficient ethics training, instances where adherence to conflict of interest rules were not being met, and a lack of transparency and respectful conduct at City Council meetings.

The SCGJ recognizes this City Council has taken on a huge responsibility with little compensation<sup>3</sup> and out of a true interest for their community. Still, the SCGJ recommends that serious changes be made to improve

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<sup>3</sup> Government Code Section 36516, City Council members receive up to \$300 per month.



management, procurement of services, adherence to ethics and transparency laws, and rebidding of consultants' contracts in order to not risk more financial loss within the next few years' time.

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*The Sutter County Grand Jury found that the Live Oak City Council provides little oversight over professional service consultants leading to additional financial cost to Live Oak and found the conduct of the City Council is not in line with its Municipal Code, the Brown Act or ethics rules.*

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## BACKGROUND

The City of Live Oak is a small community of about 8,600 inhabitants 11 miles north of Yuba City. In a city of this size, it is not uncommon to have consultants work on planning projects or in positions where part-time employment would be sufficient. Employing an individual with special skills and certification would cost Live Oak a full-time position with full benefits, which would be an expensive proposition. Smaller cities can achieve a cost savings by utilizing part-time consultants. Governmental entities in the surrounding area have consultants working in similar positions to those in Live Oak.

Furthermore, federal, state, and local laws require city council members to:

- Attend ethics training within one year of taking office and repeat the training every two years.<sup>4</sup> The purpose of this training is to inform local officials of the many laws that apply to public service, as well as the unique ethical obligations public servants have.
- Conduct open meetings and that their deliberations be done openly.<sup>5</sup> This allows for public participation and ensures transparency.
- Complete the Statement of Economic Interests (Form 700) annually and submit to the California Fair Political Practices Commission.<sup>6</sup> This full disclosure allows citizens the opportunity to determine potential conflicts of interest in its public officials.

## METHODOLOGY

### Tours or visits:

- Live Oak City Hall
- City of Live Oak Wastewater Treatment Plant
- Site for Well Numbers 7 and 8, on Larkin Road, Live Oak, CA

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<sup>4</sup> California Assembly Bill 1234 (AB 1234)

Ralph M. Brown Act

<sup>6</sup> [www.fppc.ca.gov/Form700.html](http://www.fppc.ca.gov/Form700.html)

- Garden Glen subdivision development
- Live Oak City Council meetings

#### **Interviews:**

- City of Live Oak Council members
- City of Live Oak administration
- City of Live Oak staff
- Sutter County staff

#### **Research:**

- Live Oak, California, website
- City of Live Oak regular council and special council meeting agendas, minutes, video, and agenda packets
- City of Live Oak Water, Sewer, Storm Drain Committee meeting agendas and minutes
- Articles in the Appeal-Democrat
- Live Oak, California Water and Wastewater Rate Study, Final Report (Hansford Economic Consulting, July 13, 2017)
- City of Live Oak Annual Budget for 2018-19 and 2019-20
- State of California Department of Justice, Office of the Attorney General, online training course
- California Attorney General's Office, The Brown Act, pamphlet on Open Meetings for Local Legislative Bodies (2003)
- Open & Public V, A Guide to the Ralph M. Brown Act, League of California Cities (Revised April 2018)
- Rosenberg's Rules of Order, Simple Rules of Parliamentary Procedure for the 21<sup>st</sup> Century, (Revised 2011)

## **DISCUSSION**

### **Conflicting Finances and Conflicts of Interest**

Although the City Council makes decisions for Live Oak at a higher level, day-to-day business is conducted by the City Manager, who supervises about 20 City employees. The current City Manager was hired in April 2019. The previous permanent City Manager left Live Oak at the end of March 2018. In between this time, a consultant was acting as the interim City Manager and Finance Director. According to the Live Oak Municipal Code<sup>7, 8</sup>, the City Manager is responsible for making purchases and financial payment decisions on behalf of

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Live Oak Municipal Code 2.36.050, Powers and duties of the City Manager.

<sup>8</sup> Live Oak Municipal Code 3.20.080, Open market purchases and sales.



Live Oak up to \$25,000. The Finance Director ensures funding is available in the budget. Requests for payments on larger sums are placed on the City Council meeting agenda by the City Manager for final approval.

A consultant holding both the City Manager and Finance Director positions lacks the checks and balances concerning their own contract with Live Oak and could potentially charge more than approved by the City Council. The SCGJ is concerned with the lack of separation of duties given that Live Oak spent more money than initially approved by the City Council.

For instance, in Fiscal Year<sup>9</sup> 2018-19 the budget for consultants (professional services) on both the Water Enterprise Fund (Fund 12) and the Sewer Enterprise Fund (Fund 13) were overspent by \$89,634 [Appendix 1 and 2] and \$324,038 [Appendix 1 and 3] respectively. This is a total of over \$400,000 of unapproved spending. The SCGJ reviewed agendas for that time frame and found no mention of City Council's approval for the increased spending.

The annual budget is a plan for the upcoming fiscal year, primarily showing how tax monies will be spent. Each year, an outside auditing firm conducts a review of Live Oak's financial condition and produces a report called the Comprehensive Annual Financial Report (CAFR). In contrast with the annual budget, a CAFR presents a wider variety of important information intended to help the citizens understand actual expenditures or results of the prior year's financial activities, as well as, assesses financial risk. In the 2018-19 CAFR, multiple findings were cited, including one discrepancy for an invoice (\$41,786) not being paid until the following fiscal year. This was considered a significant deficiency by the auditors [Appendix 4] and occurred while the consultant filled both the financial director and interim city manager positions.

The SCGJ also discovered documentation of a Christmas holiday staff party that took place in 2018 at a Yuba City restaurant costing \$3,535. This included renting the facility, food, decorations and other expenses listed as "staff party" [Appendix 5]. The party attendees were Live Oak City Council members, City staff, consultants, and some of their family members. Since the invoice for the facility use and meal was over the \$1,000 staff approval limit, the Finance Director or City Manager would have to approve the transaction. Since the Finance Director and the interim City Manager positions were filled by the same individual, this person approved the costs without any checks and balance normally required by two or more individuals.

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<sup>9</sup> Fiscal Year – the period from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.



## City Council Meetings Run Amok

Per California AB 1234, each elected official must complete ethics training every two years and the training must encompass certain topics that require at least a two-hour period. The California Office of the Attorney General (OAG) has an online ethics course available free to any local government officials, which SCGJ members accessed as part of our evidence collection [Appendix 6]. Many city government leagues and institutes (Institute for Local Government, League of City Governments) offer two-hour online courses that will meet this requirement as well. In search of verification that each of the five city council members had the required training, the SCGJ found four of the five trainings were provided by legal counsel onsite. The SCGJ was unable to verify with the document(s) or in subsequent interviews that the subject areas covered satisfied the legal requirements [Appendix 7]. Only one offsite training certificate, from the League of Cities, displayed the topics covered but was more than two years old [Appendix 8]. In interviews with City Council members, the onsite training provided by legal counsel was less than two hours. In addition, two of the five Council members have not had training since 2015 and 2016 even though this is required every two years. Members of the SCGJ took the free online training available on the OAG website, to experience the time frame and content required to complete the course. On average, it took more than three hours to complete. Since this free online ethics training is approved by the State of California, it is unclear why Council members are not currently meeting this requirement.

For each of the Council members a Statement of Economic Interests (Form 700) was requested. These forms are required when assuming and leaving public office and required annually by April 1 of each year. Each form shows exactly what economic interest or investments the official has. Upon reviewing the documents, multiple forms contained discrepancies. During our interviews, a Council member claimed to own a farming business, but this was not indicated on his forms for the past two years. Another Council member completed the form only as a candidate and not as an elected official [Appendix 9]. Based on law, this person is subject to a fine for not filing prior to the deadline.<sup>10</sup> Without this form, it is not possible for city personnel and the public at large to know when Council members have a potential conflict of interest without knowing their economic interests or investments.

City councils are required to promote transparency by certain means as provided in the State's Brown Act as well as the City's Municipal Codes. The Brown Act defines the rules for meeting agendas, meeting recordings, and how to avoid a quorum (three or more Council members) in a public or private setting. The municipal codes determine how to conduct and adjourn a meeting, and who determines agenda content.

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<sup>10</sup> California Government Code, Title 9 Political Reform, Chapter 11 Enforcement, Section 91013



During the City Council meeting on January 15, 2020, the annual financial CAFR report was presented to council for review and acceptance. No motion to accept the CAFR was made or passed. At the following City Council meeting on February 5, 2020, the January 15, 2020, minutes stated:

*“Council Action: Verbal comment from the City audit firm received and annual audited financial statements accepted.”*

These minutes passed by a unanimous vote. No Council member made mention of whether the CAFR was truly approved by any of the Council members, since the Council never voted on this discussion item.

City Council held a closed Special Session meeting on August 15, 2019, to consider and recommend a vote to appoint the interim City Manager to a permanent position. From SCGJ interviews, we were unable to confirm whether the Mayor adjourned the meeting. The meeting continued with three Council members and the position made permanent by unanimous vote. It is unclear exactly what occurred during the meeting as the recorded session is missing about eight minutes in the middle of the recording, cut from the video streaming. No debate ensued prior to the vote and Council voted to make the position permanent. The video online was shown to Council members for comment and since then a portion of the video appears to have been altered where the video's beginning has been removed.

At the City Council meeting on June 19, 2019, the City Council considered reducing monthly wastewater rates to various businesses along the State Route 99 (SR 99) corridor due to the Live Oak Streetscape Project. Based on City Council's comments, the impact of temporary road closures was a concern. City Council was considering how Live Oak could help these businesses against any financial hardship for the project's duration. The City Council had discussed this and passed wastewater rate reductions for several businesses, but not for restaurants. Two of the five City Council members have financial ties to impacted restaurants and had recused themselves from voting, resulting in a 2-1 vote. A month later, the agenda for the August 21<sup>st</sup> City Council meeting listed two ordinances for discussion: an ordinance to reduce monthly sewer rates for restaurant and bar businesses on the west side of SR 99 and the other to reduce monthly sewer rates for restaurant and bar businesses on the east side of the SR 99. During the debate and vote on each of the ordinances, one for the west and one for the east side, the affected Council member recused himself due to financial ties to the affiliated restaurant. This allowed the other Council member to vote in favor of the ordinance in support of each other. A yes vote in support of one another's ordinance combined with the two other Council member's yes votes, made a majority, which was needed to pass the ordinance. Placing an item on the agenda where Council members have a personal conflict of interest is a clear Brown Act infraction.

The SCGJ examined City Council agendas and video recordings available online and was unable to find recordings or minutes for some of the City Council meetings. We reviewed the last two and half years of data



on their online record system. There was a slight change in the system in 2019, but this was taken into consideration. Still, in 2018 there are 16 meetings missing minutes with three missing videos. In 2019, there are four meetings missing a video and even more videos where the recording stops prior to adjournment. The Brown Act states that any audio or video recording of a public meeting shall be provided free of charge to the public. To our knowledge, these recordings need not be in a video format, but Live Oak has chosen to use a video system to meet these requirements. Therefore, a video of every meeting – special and regular – should be available online for the length of the required record retention period. Since the minutes and video recordings are missing, this is a Brown Act infraction.<sup>11</sup>

The Brown Act also states that the public must be allowed to comment on any related or unrelated topics during the meeting at times set forth in the agenda. This is also provided in Live Oak's own ordinances.<sup>12</sup> In several meetings in 2019 and 2020, SCGJ members witnessed instances where public attendees had to interrupt proceedings to remind the Council of the need to address public comments, because they wanted to speak on the issue. Although the meetings tend to have only a few people in the audience, public comment was consistently skipped during some of the debate. During these meetings, Live Oak's legal counsel did not object. Any agenda item that does not allow for comment or does not record the vote can be found null and void by a court of law.<sup>13</sup> This leaves Live Oak open to expensive litigation and would require a revote, on these agenda items with no guarantee of passage a second time.

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*Public commissions, boards, councils and other legislative bodies of local government exist to aid in the conduct of people's businesses. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed so that they may retain control over the instruments they have created. (Ralph M. Brown Act, Statement of Intent)*

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### **Contracts and Getting Your Money's Worth**

As a best practice, a complete contract would contain the following:

- Detailed scope of work or tasks, including a breakdown of activities to be performed for compensation
- Term limitations, which void a contract after a specific date and not allow charges without another approval

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<sup>11</sup> California Government Code Section 54953.5

<sup>12</sup> City of Live Oak, Municipal Code 2.40.040 (F)(3)

<sup>13</sup> California Government Code Section 54960.1.



- Fee caps to control total spending and limit excess charges without prior approval
- Liability insurance, either for the entire contract term or renewed annually, to avoid unnecessary costs to Live Oak for loss due to poor consultation.

Of the multiple contracts examined, only one contract demonstrated liability insurance. In another contract, the compensation was not to exceed "\$6, 5000.00" (sic), which made it unclear whether this was thousands or hundreds of dollars. Many of the contracts had no annual cap on fees, no term limitations on time, and no defined scope of work.

For example, a current consultant contract was originally approved in 1978 with renewed versions approved in 1984 and 2014, without periodic fee increases. No term limitations were listed in the contracts. Without specifying term limitations in the contract, Live Oak is not forced to consider other potentially less expensive options or whether the consultant's job performance is sufficient for the fees charged. The SCGJ reviewed City Council agendas for the past three years and found Live Oak had not considered or requested any quotes or bids for this position, or any other consultant held positions, except for one contract. This creates a potential situation where consultants could charge any fee without Live Oak knowing whether a less expensive option exists, since no request for consultant's bids were made.

The contract for professional accounting services, which include the finance director's charges, was originally prepared in July 2014 with no fee caps. Once the finance director became the interim City Manager for the 2018-19 fiscal year, this added an additional \$120,000 per year income to the consultant's annual billing of \$190,000 on average. The SCGJ was unable to verify whether overcharges were made. However, the general lack of checks and balances can lead to overcharging for services rendered.

In some instances, particularly for specialized equipment, it is difficult to find more than one vendor for replacement parts. To order these parts in a timely fashion, a city may opt to utilize a previous bidder as a future vendor. With consultants, this is not the case. For legal matters, planning and development, financial advice, and information technology, there are multiple providers within the greater Sacramento area and the bidding process creates the opportunity to save money. Although professional services do not require rebidding by law, competition creates the opportunity to save money, but also drives consultants to perform at their best to avoid losing their client. Without a defined scope of work, fee caps, and term limitations, consultants may continue to increase fees, overcharge, or not perform to the contract's expectations and cause expensive mistakes or delays to projects, when unchecked by management and City Council.

## City Water Finances in Hot Water

To meet requirements under the Mitigation Fee Act<sup>14</sup>, separate funds are used to account for activities related to providing customers with some type of service and the billing for each service. For example, Live Oak uses four enterprise funds to account for its water and sewer operations and accounts for water and sewer connection fees. For water, these funds are the *Water Enterprise Fund*, which primarily covers residential and commercial service, and the *Water Connection Fees Fund*, for connecting to City water. These activities are funded under separate accounts from general funds.

Based upon the Water Master Plan recommendations<sup>15</sup>, Live Oak decided to develop Well Numbers 7 and 8 to address its reliable water supply deficiencies on the east side of town. The Well Numbers 7 and 8 project was delayed several years. Because of the delays, the contractor required additional money before continuing with the project. The cost is more than funds could cover at that time, so Live Oak's financial consultants recommended authorizing a two-year loan for a total of \$350,000. City management anticipates income from the new Garden Glen subdivision project to cover the loan, but this is dependent on home sales. However, as of May 1, there are only seven homes sold according to the housing project website. At full build-out, there will be 170 homes for sale in the project.

This is not the first time the City Council has attempted to supplement a water fund. In 2018, a resolution was made to transfer \$200,000 from the General Fund each year for five years and an additional \$100,000 per year for five years for a total of \$1.5 million over a ten-year period to cover costs in the Water Enterprise Fund. This account has been losing money for years and City Council has tried various ways to cover the fund except raise water rates.

The 2017 Water and Wastewater Rate Study verified this fact. At that time, the report indicated net losses on the Water Enterprise Fund and that water rates have not increased since 2005. Based on this 2017 report, Live Oak charges the lowest water rate in the surrounding area [Appendix 10]. In general, the net income each year is decreasing [Appendix 11] so that the fund is projected to have a loss by the end of the 2020-21 fiscal year [Appendix 12]. Consequently, Live Oak has been out of compliance for years with its water loan covenant. This has resulted in Live Oak's inability to obtain funding for water infrastructure projects.

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<sup>14</sup> Government Code 66000-66025 adopted by Assembly Bill 1600 (AB 1600)

<sup>15</sup> City of Live Oak Water Master Plan, ECO:LOGIC Engineers – Consultants, December 2009



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*Without an immediate increase in water rates as recommended by the study, the SCGJ finds Live Oak would need to add additional funds from the general fund to cover future costs and bring future water supplies into compliance with State regulations.*

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## **FINDINGS**

- F1. The City Council created a conflict of interest by appointing the Finance Director (consultant) to be the interim City Manager, between April 2018 and April 2019.
- F2. The City of Live Oak is overspending on professional service contracts without City Council approval.
- F3. Ethics training for City Council has not been completed in the legally mandated periods and content.
- F4. City Council members have not disclosed potential conflicts of interest or maintained a current Form 700, as required by law.
- F5. For several City Council meetings no minutes or video recording are available online. Other video recordings are incomplete or inaudible.
- F6. The City Council meetings are not consistent with Brown Act regulations and City Municipal Codes concerning transparency and how meetings are conducted.
- F7. Live Oak is not requesting competitive bids for service contracts per standard best practices.
- F8. City Council has repeatedly neglected to require term limitations, caps on fees, and a detailed scope of work in professional service (consultant) contracts.
- F9. The Water Enterprise Fund is underfunded.
- F10. The Water Enterprise Fund does not comply with State regulations regarding the water loan covenant.

## **RECOMMENDATIONS**

- R1. City Council adopt an ordinance to ensure the separation of duties at upper management level within the next 90 days.
- R2. City Council create a new Ad Hoc committee to oversee consultant contracts and spending by the end of December 2020.
- R3. City Council members immediately take the free online mandatory ethics training and submit documentation to the City Clerk for records retention and to the Fair Political Practices Commission.



- R4. Those City Council members with incomplete or missing Form 700 statements immediately resubmit the form to the City Clerk for records retention.
- R5. City Council shall direct City management to consult with specialists to immediately remedy the technical difficulties with audio and video recordings and upload any missing recordings or minutes online for full transparency.
- R6. The City Council maintain proper decorum during meetings and conduct parliamentary procedure training (such as Rosenberg's Rule of Order) for themselves and committees under the jurisdiction of the City Council within 90 days.
- R7. City Council re-evaluate all services and consultants under contract with Live Oak, on performance and value, by July 1, 2021.
- R8. City Council direct the City Manager to examine contracts for scope of work, missing cap fees, term limitations, liability insurance coverage and make recommendations to City Council by the end of December 2020.
- R9. City Council remedy the missing revenue in the Water Enterprise Fund and come into compliance with State regulations regarding water covenant by the end of June 30, 2021.
- R10. City Council direct City administration to create and implement a water rate increase that utilizes the 2017 Water and Wastewater Rate Study's recommendations.

#### **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the Sutter County Grand Jury requests responses as follows:

From the governing body within 90 days:

- Live Oak City Council respond to F1-F10 and R1-10

#### **INVITED RESPONSES**

- City of Live Oak City Manager respond to F2, F8, and R5, R8.
- City of Live Oak Finance Director respond to F9-10 and R9-10.
- Sutter County Auditor Controller responds to F1 and F2.
- Sutter County Legal Counsel to F3 and F4.

## **DISCLAIMER**

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

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Appeal Democrat articles:

[https://www.appeal-democrat.com/news/live-oak-passes-status-quo-budget/article\\_17563be0-a919-11e9-b8f9-fb14de6a6c12.html](https://www.appeal-democrat.com/news/live-oak-passes-status-quo-budget/article_17563be0-a919-11e9-b8f9-fb14de6a6c12.html)

[https://www.appeal-democrat.com/news/live-oak-hires-interim-city-manager/article\\_5e4fd7e0-5c34-11e9-ba9c-2b9d03651805.html](https://www.appeal-democrat.com/news/live-oak-hires-interim-city-manager/article_5e4fd7e0-5c34-11e9-ba9c-2b9d03651805.html)

[https://www.appeal-democrat.com/news/live-oak-considering-water-rate-increase-for-residents-commercial-customers/article\\_99aa8582-7602-11e9-8e26-33c20d79e27a.html](https://www.appeal-democrat.com/news/live-oak-considering-water-rate-increase-for-residents-commercial-customers/article_99aa8582-7602-11e9-8e26-33c20d79e27a.html)

**STATEMENT OF REVENUES, EXPENSES  
AND CHANGES IN FUND NET POSITION  
PROPRIETARY FUNDS  
YEAR ENDED JUNE 30, 2019**

	Business-Type Activities - Enterprise Funds		
	Water	Sewer	Other Enterprise Funds
<b>Operating Revenues:</b>			
Sales and service charges	\$ 879,586	\$ 2,289,788	\$ 198,961
<b>Total Operating Revenues</b>	<b>879,586</b>	<b>2,289,788</b>	<b>198,961</b>
<b>Operating Expenses:</b>			
Salaries and benefits	423,258	615,662	1,038,920
Administration	25,173	56,999	82,172
Power	161,652	182,767	344,419
Insurance	27,305	102,702	130,007
Supplies	35,983		35,983
Repair and extension			242,186
Professional services			699,472
Depreciation expense			1,445,272
Other expense	41,511	72,739	114,250
<b>Total Operating Expenses</b>	<b>1,291,760</b>	<b>2,840,921</b>	<b>4,132,681</b>
Operating Income (Loss)	(412,174)	(551,133)	198,961
<b>Nonoperating Revenues (Expenses):</b>			
Interest revenue	1,975	68,098	7,815
Interest expense	(44,200)	(84,129)	(128,329)
<b>Total Nonoperating Revenues(Expenses)</b>	<b>(42,225)</b>	<b>(16,031)</b>	<b>7,815</b>
Income (Loss) Before Capital Contributions	(454,399)	(567,164)	206,776
Capital contributions	577,087		577,087
Changes in Net Position	122,688	(567,164)	206,776
<b>Net Position:</b>			
Beginning of Fiscal Year, as previously reported	6,741,288	25,024,924	333,332
Restatements	2,089,095	(2,089,095)	
Beginning of Fiscal Year, as restated	8,830,383	22,935,829	333,332
<b>End of Fiscal Year</b>	<b>\$ 8,953,071</b>	<b>\$ 22,368,665</b>	<b>\$ 540,108</b>



## City of Live Oak

## Fund 12

## Department 1200 - Water Enterprise



Acct No.	Description	Actual Activity FY 2017-18	Adopted Budget FY 2018-19	Actuals Thru FY 2018-19	Projected FY 2018-19	Proposed Budget FY 2019-20
<b>Water Expenditures cont.</b>						
5319	Small Tools and Equip	4,010	3,000	1,317	1,800	3,000
5321	Rents & Leases	6,522	6,700	4,160	5,500	6,700
5323	Communications	8,548	4,900	1,310	1,700	4,000
5325	Advertising	2,050	2,800	0	500	500
5327	Postage	8,641	10,500	5,076	6,800	7,000
5329	Printing & Copying	3,142	3,200	2,702	3,200	3,600
5331	Travel, Lodging & Meals	0	0	31	0	0
5333	Dues & Subscriptions	1,247	1,800	4,049	5,400	5,400
5335	Professional Dev	1,895	1,000	759	1,000	1,000
5337	Licenses & Permits	15,159	25,000	12,817	17,100	18,000
5339	Utilities	160,535	146,400	110,016	165,000	170,000
5341	Professional Services	123,286	101,800	118,768	158,400	164,000
	<i>\$13,000 audit services</i>					
	<i>\$37,000 accounting services 20%</i>					
	<i>\$10,000 City Engineer</i>					
	<i>\$11,000 Yuba City Lab</i>					
	<i>\$7,000 Alliant Networking Service</i>					
5343	Liability Insurance	14,627	15,000	15,397	15,400	15,400
5345	Property & Other Insur	8,986	9,300	11,709	11,700	11,700
5347	Vehicle Insurance	49	100	0	0	0
5349	Fidelity Insurance	199	200	199	200	200
5353	Special Departmental Expense	175	200	175	200	200
	Total Services/Supplies	464,563	442,600	352,275	476,100	515,800
5501	Principal	-	40,000	-	40,000	40,000
5503	Interest	45,900	45,000	22,100	45,000	43,500
	Total Debt Service	45,900	85,000	22,100	85,000	83,500
5705	Capital Projects	0	20,000	0	20,000	0
	<i>\$20,000 chemical tank restraint system</i>					
	Total Capital Outlay	0	20,000	0	20,000	0
5903	Legal Cost Transfer	7,187	9,700	5,162	9,700	8,200
5905	Finance Cost Transfer	10,571	14,900	9,632	14,900	14,700
5909	General Govt Transfer	7,338	10,100	9,648	10,100	14,900
5911	Engineering Transfer	1,507	1,200	1,200	1,200	5,400
	Total Interfund Transfers	26,603	35,900	25,642	35,900	43,200
	Departmental Grand Total	\$ 985,801	\$ 1,017,500	\$ 658,652	\$ 947,900	\$ 1,228,900

## City of Live Oak

## Fund 13

## Department 1300 - Sewer Enterprise Operations



Acct No.	Description	Actual Activity FY 2017-18	Adopted Budget FY 2018-19	Actuals Thru FY 2018-19	Projected FY 2018-19	Proposed Budget FY 2019-20
<b>Sewer Expenditures cont.</b>						
5311	Repair/Maint WWTP \$25,000 UV repairs \$15,000 SCADA \$5,000 misc plant repairs	34,881	40,000	57,371	76,500	75,000
5312	Repairs/Maint Collection System \$12,000 Ash St. lift station \$25,000 line/manhole repairs \$12,000 back-up pump \$14,000 backup var frequency drive \$9,000 misc lift station repairs	54,732	39,100	24,750	33,000	65,000
5313	Repair & Maint Buildings	353	5,000	0	0	3,000
5315	Repair & Maint Vehicles \$5,000 routine maint 5 vehicles \$3,000 trans work unit 117 \$2,000 routine maint vac truck	5,909	7,000	1,458	1,900	6,500
5317	Maint & Service Contracts \$18,000 UV Coombs Hopkins \$15,000 SCADA Stantec \$7,000 electrical maint Tesco \$15,000 generator servicing \$5,000 Hach	8,251	50,000	34,256	45,700	49,500
5319	Small Tools and Equip	6,953	4,500	5,713	7,600	9,900
5321	Rents & Leases \$1,500 copier lease	8,088	7,500	5,335	7,100	7,300
5323	Communications	15,029	16,400	4,384	5,800	8,500
5325	Advertising	359	0	0	0	0
5327	Postage	9,641	11,800	5,102	6,800	7,000
5329	Printing & Copying	3,206	3,200	3,084	4,100	4,200
5331	Travel, Lodging & Meals	0	0	0	0	0
5333	Dues & Subscriptions	1,899	2,600	1,395	1,900	2,000
5335	Professional Dev	311	40,000	541	700	30,000
5337	Licenses & Permits \$7,000 WWTP permit SWRCB \$3,000 FRAQMD generators \$2,000 SWRCP LS permit \$1,000 Sutter Co permit	12,189	15,500	18,803	25,100	19,000
5339	Utilities	164,216	195,100	17,799	23,700	24,400
5912	Utilities - Sewage Plant	0	0	78,929	105,200	108,400
5341	Professional Services \$22,000 audit 50% share \$64,000 accounting services 35% \$65,000 Yuba City Lab \$20,000 Bill Lewis	245,342	184,000	316,427	390,000	190,000
5343	Liability Insurance	31,735	32,700	33,407	33,400	33,400





**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL  
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor and Members of the City Council  
City of Live Oak California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Live Oak California, (the City) as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated June 30, 2019.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify the following deficiencies in internal control that we consider to be significant deficiencies:

**Periodically Review the Miscellaneous Payables Account**

During our audit of accounts payable and accrued liabilities, a journal entry was required to remove a miscellaneous expense that was paid in fiscal year 2018-19 in the Sewer Connection fund in the amount of \$41,786. We noted that this expense was accrued for in the prior fiscal year, however the related payable was not properly reduced in the current fiscal year. We additionally noted this expense was a one-time occurrence related to a unique subdivision improvement agreement. We recommend that the City perform a more thorough review of miscellaneous accruals.





# Staff party

CHK: 051201 11/7/18-12/7/18

010 5-1005-5353	Special Departmental Expense	TARGET - CANDLES – STAFF PARTY	17.37
010 5-1005-5353	Special Departmental Expense	DOLLAR TREE- STAFF PARTY	43.97
010 5-1005-5353	Special Departmental Expense	JOANN-STAFF PARTY	4.49
010 5-1005-5353	Special Departmental Expense	PARTY LAND - BALLOON	74.22
010 5-1005-5353	Special Departmental Expense	PARTY LAND - BALLOON	11.07
010 5-1005-5353	Special Departmental Expense	DOLLAR TREE- STAFF PARTY DECOR	6.44
010 5-1005-5353	Special Departmental Expense	CAKE LADY - STAFF PARTY CAKES	146.00
010 5-1005-5353	Special Departmental Expense	ROSS - STAFF PARTY DECORATIONS	62.46
010 5-1005-5353	Special Departmental Expense	THE REFUGE- STAFF PARTY	3,169.36

Source: Trial balance detail for fiscal year 2018-19, City of Live Oak

Control No: 341349

## Public Service Ethics Education Online Proof of Participation Certificate

**Date of Completion:** Feb 11, 2020**Training Time\*:** 2 hr. 37 min.

This course is an overview course on all public service ethics issues necessary to satisfy the requirements of Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, including the following:

- Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
- Laws relating to claiming perquisites ("perks") of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
- Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
- Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members; and
- General ethical principles relating to public service.

The Fair Political Practices Commission and Attorney General have reviewed this course for course sufficiency and accuracy.

◆

By signing below, I certify that I fully reviewed the content of the entire online AB 1234 course approved by the Attorney General and Fair Political Practices Commission and am entitled to claim two hours of public service ethics law and principles credit.

Jane Doe

Participant Signature

Participant Name

Sutter County Grand Jury

Agency Name

**NOTE TO PARTICIPANT:** Please provide a copy of this proof of participation to the custodian for such records at your agency. In addition, we recommend you make a copy of this proof of participation for your own records to retain for at least five years. To preserve the integrity of the online certification process; **these certificates are only available upon completing the online session.** \* To satisfy AB 1234 requirements, this certificate must reflect that the public official spent two hours or more reviewing the materials presented in the online course. If the certificate reflects less than two hours, the participant should have on file additional certificates demonstrating that the official has satisfied the entire two hour requirement.



**CERTIFICATE OF ATTENDANCE  
FOR CALIFORNIA GOVERNMENT CODE §53235 (AB 1234) TRAINING**

**PROVIDER** Rich, Fuidge, Lane & Bordsen, Inc.  
1129 D Street  
Marysville, CA 95901  
(530) 742-7371

**SUBJECT** AB 1234 Ethics Training

**DATE AND TIME** Thursday, December 8, 2016


**LOCATION** Live Oak City Hall  
9955 Live Oak Blvd.  
Live Oak, CA 95953

**LENGTH OF ACTIVITY** 2.0 Hours

By signing below, I certify that I participated in the California Government Code §53235  
(AB 1234) Training activity described above.

Dated: 12/21/16

  
Participant Name (print)

  
Signature





# INSTITUTE FOR LOCAL GOVERNMENT

1400 K Street, Suite 205, Sacramento, California 95814 ~ www.ca-ilg.org

## AB 1234 Ethics Proof of Participation Certificate

**Participant Name:** [REDACTED]

**Course Date:** September 30, 2015, 9:00-11:00 a.m.

**Location:** 2015 League Annual Conference and Expo, San Jose Convention Center, San Jose

**Eligible Credit:** 2 Hours (Requires Attendance for Entire Session)

This course is an overview course on all public service ethics issues necessary to satisfy the requirements of Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, including the following:

- Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
- Laws relating to claiming perquisites ("perks") of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
- Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
- Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members; and
- General ethical principles relating to public service.

The Institute for Local Government affirms that this course satisfies the guidelines issued by the Fair Political Practices Commission and Attorney General for course sufficiency and accuracy.

To be completed by participant:

By signing below, I certify that I signed in at this session, participated in the activity described above and am entitled to claim 2 ethics education credit hour(s).

[REDACTED SIGNATURE]

**NOTE TO PARTICIPANT:** Please provide a copy of this proof of participation to the custodian for such records at your agency. In addition, we recommend you make a copy of this proof of participation for your own records to retain for at least five years. If lost, a fee of \$20 will be charged for every certificate researched and reissued.



STATEMENT OF ECONOMIC INTERESTS  
COVER PAGE

2018  
Appendix 9  
Date Initial Filing Received  
Official Use Only

AUG 15 2018

Please type or print in ink.

City of Live Oak

NAME OF FILER (LAST)

(FIRST)

(MIDDLE)

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

City Of Live Oak

Division, Board, Department, District, if applicable

City Council

Your Position

City Council Member

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: \_\_\_\_\_

Position: \_\_\_\_\_

2. Jurisdiction of Office (Check at least one box)

☐ State

☐ Multi-County \_\_\_\_\_

☒ City of Live Oak

☐ Judge or Court Commissioner (Statewide Jurisdiction)

☐ County of \_\_\_\_\_

☐ Other \_\_\_\_\_

3. Type of Statement (Check at least one box)

☐ Annual: The period covered is January 1, 2017, through December 31, 2017.

-or-

The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through December 31, 2017.

☐ Assuming Office: Date assumed \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ Leaving Office: Date Left \_\_\_\_/\_\_\_\_/\_\_\_\_  
(Check one)

☐ The period covered is January 1, 2017, through the date of leaving office.

-or-

☐ The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through the date of leaving office.

☒ Candidate: Date of Election 11/6/2018

and office sought, if different than Part 1: \_\_\_\_\_

4. Schedule Summary (must complete) ► Total number of pages including this cover page: 2

Schedules attached

☐ Schedule A-1 - Investments - schedule attached

☐ Schedule A-2 - Investments - schedule attached

☒ Schedule B - Real Property - schedule attached

☐ Schedule C - Income, Loans, & Business Positions - schedule attached

☐ Schedule D - Income - Gifts - schedule attached

☐ Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

☐ None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS

STREET

CITY

STATE

ZIP CODE

(Business or Agency Address Recommended - Public Document)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed August 13, 2018

(month, day, year)

Signature

FPPC Form 700 (2017/2018)

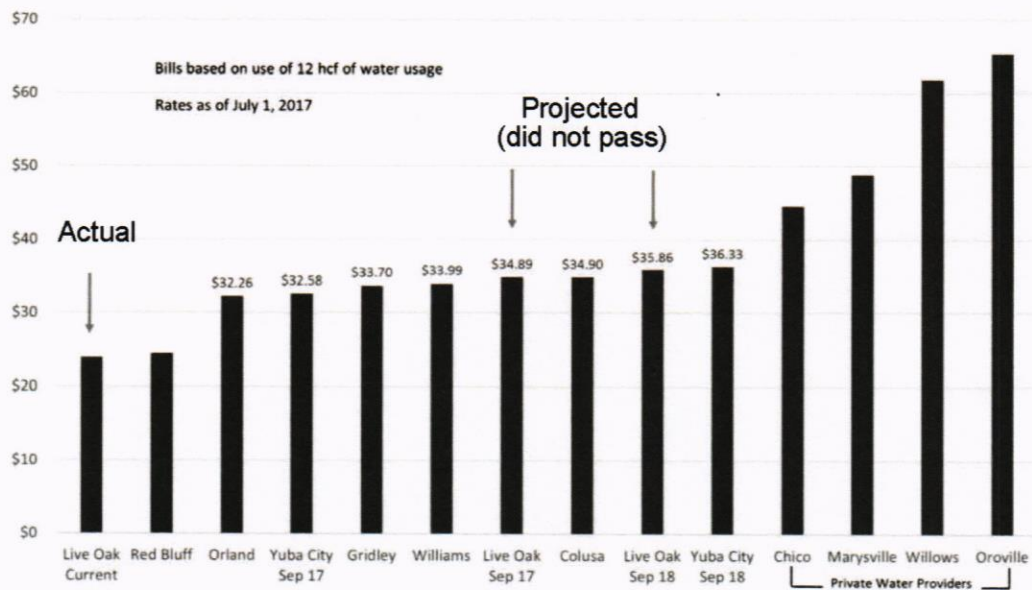
FPPC Advice E-mail: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

**Note from SCGJ:**

Live Oak rate increase planned in report for September 2017 was not passed by City Council. The Live Oak current billing, as seen on the left, has not changed.

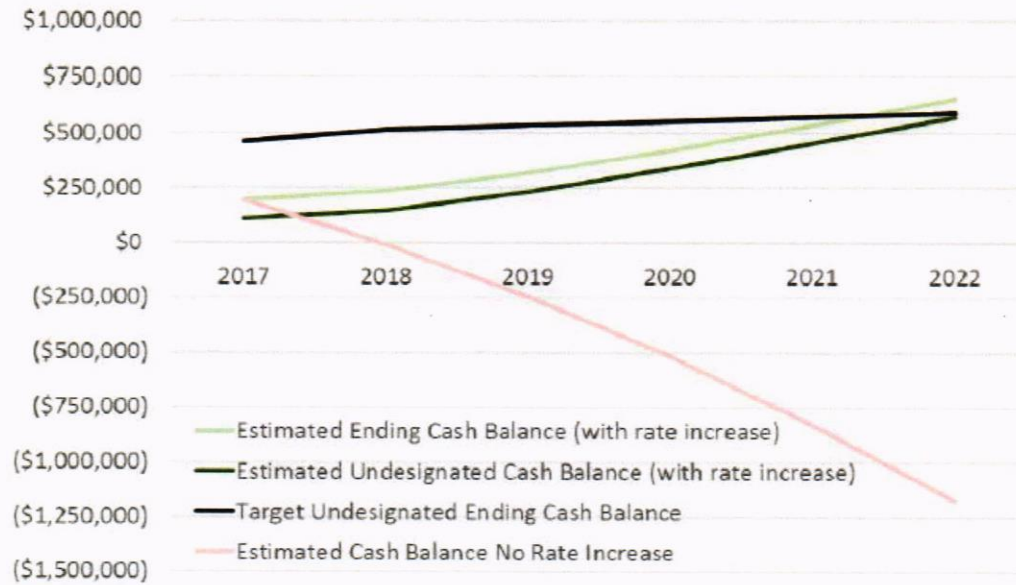
**Figure 12**  
**Comparison of Single Family Monthly Water Bill**



Source: City of Live Oak, California, Water and Wastewater Study Final Report by Hansford Economic Consulting, July 13, 2017



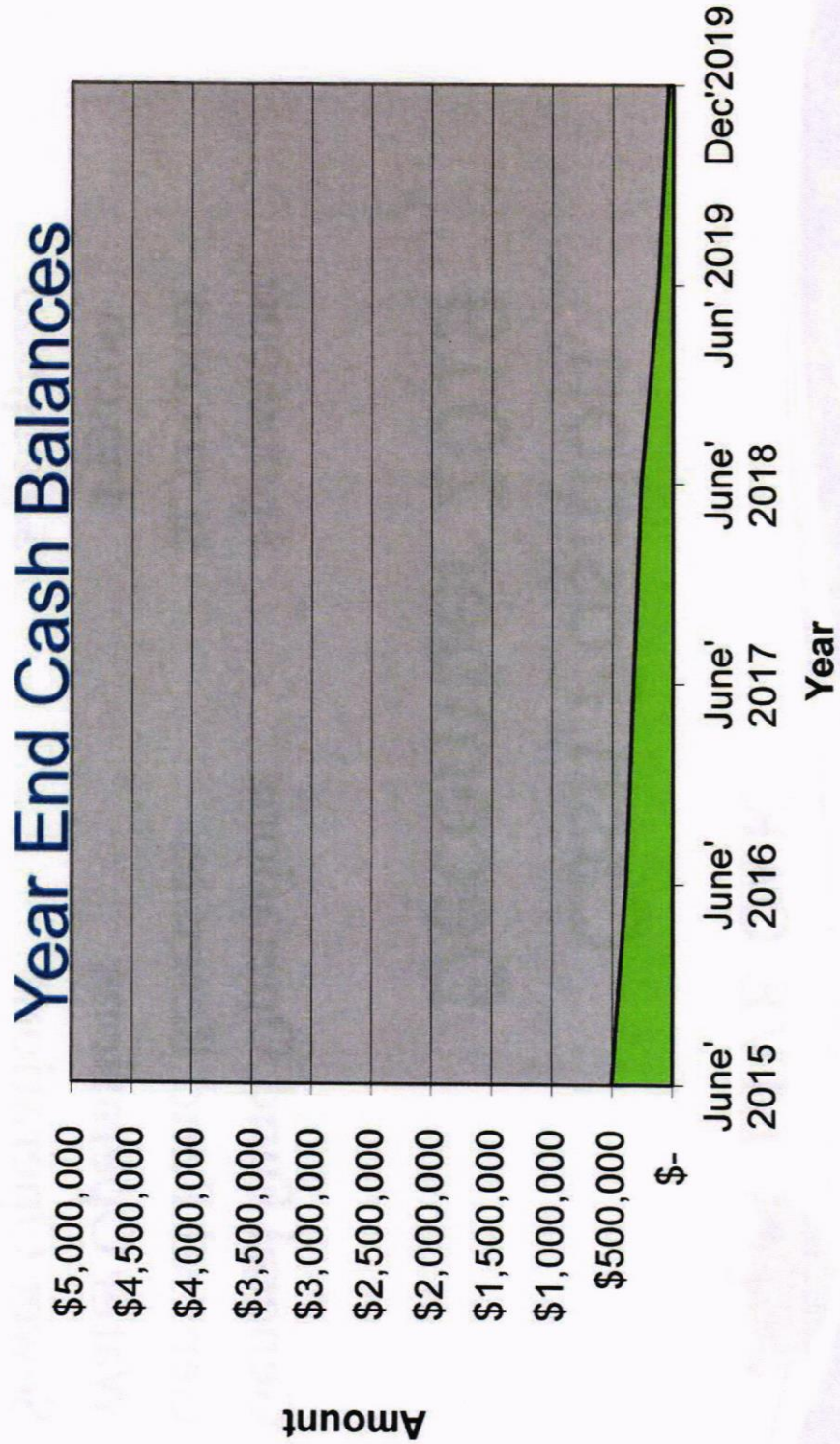
**Figure 11**  
**Estimated Water Fund Cash Balances**



Source: City of Live Oak, California, Water and Wastewater Study Final Report by Hansford Economic Consulting, July 13, 2017

# LIVE OAK

## City of Live Oak Water Operating Fund Year End Cash Balances



Source: Finance Update December 2019, submitted at Live Oak City Council meeting, March 4, 2020



# PUBLIC WORKS

# CITY OF LIVE OAK

## PUBLIC WORKS, PROJECT DELIVERY

### SUMMARY

Pursuant to the California Penal Code Section 925, the Sutter County Grand Jury (SCGJ) has the authority to investigate governmental agencies, their functions and any complaints against such agencies. As part of this process, the SCGJ examined Sutter County and its two cities as part of the effort to review various local governmental functions. It was after a visit to a City of Live Oak (Live Oak) Council meeting in August 2019, that the SCGJ decided to investigate the departmental functions within the city. This report specifically focuses on public works issues.

The SCGJ's investigation of Live Oak's practices and procedures in project management led to the conclusion that project delays were due to miscommunication and poor management amongst Live Oak administrators and City Council. Four (4) projects experiencing serious delays are used as examples of project management and oversight shortfalls. These include the installation of commissioned welcome signs, the Wastewater Treatment Plant Solar Project, the delays in maintenance for the Wastewater Treatment Plant and its infrastructure, and the delays to Well Numbers 7 and 8 completion.

With interviews conducted at all staff levels, the SCGJ found an absence of project responsibility and oversight by upper management due to inconsistent information and varying levels of understanding for each project's status by employees, managers, and the City Council.

### BACKGROUND

Live Oak is an incorporated city in Sutter County approximately 11 miles north of Yuba City. Live Oak encompasses an area of 3.12 square miles with an approximate population of 8,600.

"The Department of Public Works is responsible for a wide variety of services in the City of Live Oak. Services include the design, construction, operation, maintenance and improvements to the City's infrastructure, public rights-of-way, and treatment facilities."<sup>16</sup> Municipal employees fill some public works roles while employees from companies such as consulting and engineering firms and construction contractors fill other roles.

Live Oak's website features pages for various departments. One page is dedicated to the City Manager and features the City Manager's Progress Report that has not been updated since January 2018. The website states:<sup>17</sup>

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<sup>9</sup> Live Oak, California, Public Works/Utilities website.

<sup>17</sup> Live Oak, California website, City Manager's Progress Report.



“Going into this year, we have several unfinished projects that should be completed. These include:

- Installing attractive new Welcome to Live Oak signs on the north and south approaches to the city on Highway 99;
- Installation of solar facilities at the wastewater treatment plant designed to lower operating costs;
- Completion of a new community well adding much needed supply to the city’s water system;
- Upgrades to water mains to ensure more reliable supply, especially on the east side of the community;”

At least 3 of the listed items remain unfinished as of May 2020.

Between April 2018 and April 2019, Live Oak functioned with an interim City Manager. During this period, a consultant was acting as the interim City Manager and Finance Director. Live Oak hired a new interim City Manager in April 2019, who became permanent in August 2019.

## **METHODOLOGY**

### **Tours or visits:**

- Live Oak City Hall
- Live Oak Wastewater Treatment Plant
- Site for Well Numbers 7 and 8 on Larkin Road, Live Oak, CA

### **Interviews:**

- City Council members
- City administrators
- City staff
- County staff
- Professional Services (Consultants) retained by the City of Live Oak

### **Research:**

- City of Live Oak 2030 General Plan
- City of Live Oak Final 2030 General Plan and Environmental Impact Report (AECOM).
- City of Live Oak Wastewater Collection System Master Plan (ECO:LOGIC Engineers - Consultants, November 2009).
- City of Live Oak Sewer System Management Plan (Rolls Anderson & Rolls Civil Engineers, February 2017).

- City of Live Oak WWTP Solar Project Initial Study/Mitigated Negative Declaration (Michael Baker International, October 2016).
- City of Live Oak Water Master Plan (ECO:LOGIC Engineers - Consultants, December 2009).
- Live Oak, California website
- Live Oak City Council regular and special meetings, meeting agenda packets, minutes and videos
- City of Live Oak, Reports to City Council
- City of Live Oak Fiscal Year 2019-2020 Adopted Budget (July 17, 2019).
- Sutter County budget
- Sutter County Department of Public Works Improvement Standards (Revision 11-10, November 2010).
- Contracts for professional services for the City of Live Oak
- California Code of Regulations, Title 22, Division 4, Chapter 16, Article 2, Section 64554

## **DISCUSSION**

Through a series of interviews, it is apparent that Live Oak is very proficient at obtaining grants and funds to implement planned projects. After City Council approval, projects seldom get completed in a timely manner or on an approved project schedule.

### **“Welcome to Live Oak” Signs**

Using City funds and a private donation, Live Oak purchased two (2) “Welcome to the City of Live Oak” signs and planned to install them at the north and south ends of the City. These signs are sitting in Live Oak’s Corporation Yard [Appendix 1] awaiting placement. According to interviews, there are various responses as to why the signs have not been permanently displayed. Some responses include:

- Awaiting completion of the Live Oak Streetscape project on State Route 99 (SR 99),
- Planned southern location is not available as there is a gas main running through the location,
- The signs are not aesthetically pleasing to some of the current management or City Council members.

Whether these inconsistent reasons are why the delays continue to occur were not clear to the SCGJ, at the time of this report.

### **Wastewater Treatment Plant Solar Project**

Live Oak proposed the development of a solar energy system and its integration into the Wastewater Treatment Plant (WWTP) to provide additional power and reduce operating costs. The proposed site is located in the southwestern corner of the city, at 3450 Treatment Plant Road, Live Oak.



The solar panels are to be placed in two (2) areas within the 39.24-acre WWTP site:

- Over the existing administration building and adjacent parking area,
- In a 4.6-acre unused pond at the northeast corner of the site.

“The project would include the installation of approximately 3,883 square yards of panels to produce approximately 864,000 kilowatt-hours (kWh) of electricity per year. No offsite improvements will be necessary to complete the solar project. All connections to the existing WWTP electrical system will occur onsite”.<sup>18</sup>

Funding has been secured from the State Water Resources Control Board since 2018, as such the City expected to hire services for engineering planning and design in June of 2019. According to interviews with Live Oak City Council and staff, most are not aware of the existence or status of a solar project.

### **Wastewater Treatment Plant**

The City operates and maintains its own sewer system and Wastewater Treatment Plant (WWTP). The plant has the capacity to treat 1.4 million gallons per day (mgd), average dry weather flow.<sup>19</sup> Live Oak designed a new activated sludge tertiary treatment plant to comply with the California Regional Water Quality Control Board’s Waste Discharge Requirements.<sup>20</sup> The system experiences seasonal inflow and groundwater infiltration in some parts of the collection system, that are in poor condition.<sup>4,21,22</sup>

Live Oak completed major upgrades to the wastewater treatment plant in 2012 and last increased sewer rates in 2012. This system is now due for routine maintenance and repairs. The facility has received approval to obtain the specialized filters required, but still have ongoing maintenance and repairs.

Live Oak’s sewer collection system includes six (6) pump and seven (7) lift stations, one of which is over 60 years old. In September of 2018, the City issued a Request for Qualifications (RFQ) for the P Street Lift Station Rehabilitation Project (a process where Live Oak seeks Statements of Qualifications from professional service firms interested in providing the type of service requested). According to a staff report<sup>23</sup>, [Appendix 2] this station is in extremely poor condition and is in critical need of replacement. The current capacity of the overflow tank is at one-third ( $\frac{1}{3}$ ) of its desired capacity and requires no greater than a 20-minute response time. If the lift station stops operating, staff have roughly 20-minutes to resolve the issue. Otherwise, wastewater begins to back up through the system and may cause untreated wastewater to overflow into areas of the city.

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<sup>18</sup> City of Live Oak WWTP Solar Project Initial Study/Mitigated Negative Declaration, Michael Baker International, October 2016.

<sup>19</sup> City of Live Oak 2030 General Plan.

<sup>20</sup> California Regional Water Quality Control Board, Central Valley Region NPDES Permit No. CA0079022.

<sup>21</sup> City of Live Oak Wastewater Collection System Master Plan, ECO:LOGIC Engineers - Consultants, November 2009.

<sup>22</sup> City of Live Oak Sewer System Management Plan, Rolls Anderson & Rolls Civil Engineers, February 2017.

<sup>23</sup> City of Live Oak Report to City Council, Lift Stations Rehabilitation Update, August 7, 2019.



In May of 2019, Live Oak anticipated hiring a consulting firm by July 2019, to develop the lift station design plans. As of March 2020, Live Oak was still working with Interwest Consulting Group to hire a design services firm. The estimated repair cost to this lift station was \$900,000. This is only the first of six (6) lift stations in need of repair or replacement.

The total cost of deferred maintenance on an aging system so vital to Live Oak could be catastrophic in the event of a system failure. This deferred maintenance includes the repair, rebuilding, clean up and possible lawsuits if such a situation occurred. The Sewer Enterprise Fund has sufficient funds to maintain the sewer collection system's infrastructure, as long as monies are not diverted to other projects or other Enterprise Funds.

### **Water Supply and Distribution**

In 2008, Live Oak's water system consisted of five (5) groundwater production wells, a 1.4 million-gallon (Mgal) ground level storage tank and booster pump station, and a network of water distribution mains. Live Oak relies on Well Numbers 1A, 2A, and 3 for most of the water produced within the city while Well No. 4 supplements the supply system when needed.

To support the 2030 General Plan, Live Oak embarked on the process to develop and adopt master plans for water, wastewater, and stormwater management. Live Oak developed a Water Master Plan in 2009 to help identify existing water system issues and recommend system improvements to meet future growth within the City limits and within areas of the General Plan's Sphere of Influence (SOI).

"Well No. 5 was removed from service in 2019 due to concerns regarding the integrity of the well's annular seal and elevated nitrate and arsenic concentrations. The required well repair, and the addition of water treatment were determined to be too expensive. Without the use of Well No. 5, Live Oak is left with a water supply deficiency on the east side of town. During peak demand days, the deficit supply results in diminished flows and water pressure that are noticeable to residents."<sup>24</sup>

The Water Master Plan identified the system's reliable supply capacity at 2,100 gpm, for the existing conditions in 2008. A 3,320 gallons per minute (gpm) maximum day demand<sup>25</sup> (MDD) upon the system left Live Oak with a 1,220 gpm deficit in the MDD, as well as, a 1,435 gpm deficit in the MDD plus emergency fire flow demand<sup>26</sup>. Thus, peak demand periods and emergency fire flow requirements were not being met. This may be directly attributed to the loss of Well No. 5.<sup>27</sup>

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<sup>24</sup> Task 6 Final Report - New Well Sitting Study, West Yost Associates, April 2, 2015.

<sup>25</sup> California Code of Regulations, Title 22, Division 4, Chapter 16, Article 2, Section 64554.

<sup>26</sup> County of Sutter Department of Public Works Improvement Standards, Chapter 8 Water Supply System, Revision 11-10, November 2010.

<sup>27</sup> Water, Sewer, and Storm Drain Committee Meeting. April 18, 2019.



Based upon the Water Master Plan recommendations,<sup>28</sup> the City embarked on resolving the immediate water shortage crisis on the east side of town, and its plan for future growth needs. The study recommended a number of improvements with the primary recommendation consisting of developing a new well on the east side of SR 99 to address the reliable water supply deficiencies. The City decided to develop Well Numbers 7 and 8 to mitigate the loss of Well No. 5 and resolve the lack of sufficient water supply on the east side of town.

In August 2014, the City Engineer who oversees projects for Live Oak, met with West Yost Associates, Consulting Engineers (West Yost), to discuss the selection criteria for evaluating potential well sites. In 2015, Live Oak initiated task orders with West Yost to develop the New Well Siting Study and utilized West Yost for the design, engineering services and construction management, for the Well No. 7 project. The project design was completed in January 2017, with construction projected to start shortly thereafter. However, by August/September 2019, Live Oak requested construction to restart with a completion goal by the end of August 2020. Because of project delays, West Yost was unable to complete their contractual obligations. In January 2020, Live Oak hired Interwest Consulting Group [Appendix 3] to take over the engineering support and management services from West Yost to complete the Well No. 7 project.

Questions regarding the delays of Well No. 7 were asked during interviews with City Council members, managers, and staff. There was either no response as to the causes of the delays or differing opinions as to why the project had stalled. Regardless of the reason, what is known is the severity of the massive years-long delays. The project has exceeded its original budget. For example, in September 2019 a budget augmentation (increase) for construction management was made. Appendix 4, Table 1 Proposed Budget requests an increase of \$366,000 for Tasks 1, 9, and 10. In January of 2020, Live Oak authorized the professional services agreement to Interwest Consulting Group in the amount of \$240,000 (fiscal year 2019-2020) and \$360,000 (fiscal year 2020-2021). Finally, due to the project facing several delays, Live Oak approved a Change Order [Appendix 5] for design modifications and escalating construction cost by approximately \$71,500. To cover the cost increases for Well No. 7, Live Oak approved a resolution in 2020 [Appendix 6] to loan \$350,000 from the Sewer Enterprise Fund to the Water Connection Fund. The State's Community Development Block Grant (CDBG) awarded to pay for the Well No. 7 project is dependent on the completion date of August 2020. A proposed Well No. 8 CDBG was awarded and is contingent on the completion of Well No. 7.

There are two areas of concern about meeting the State of California's requirements. The California Code of Regulations,<sup>29</sup> requires that the MDD must be met to be in compliance. In addition, in order to qualify for state funding, the water rates must be able to financially support its facilities. Because these rates are not in

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<sup>28</sup> City of Live Oak Water Master Plan, ECO:LOGIC Engineers – Consultants, December 2009.

<sup>29</sup> California Code of Regulations, Title 22, Division 4, Chapter 16, Article 2, Section 64554.



compliance with state funding requirements, the City is not able to receive loans and grants from the State for water infrastructure projects and has used money from other City funds to financially support these water infrastructure projects.

Our investigation discovered there are other unfinished projects in Live Oak. Live Oak management is not taking responsibility for seeing project phases get completed per the approved project schedule. When projects encounter delays over an extended period of time, project costs tend to escalate. Reasons include one or more of the following for each project investigated: varying levels of understanding for each project; the absence of project responsibility and oversight by management; projects not adhering to an approved schedule; or deferred maintenance to, or the replacement of, vital public works infrastructure.

## **FINDINGS**

- F1. Multiple delays were found for vital public works projects over several years.
- F2. The City of Live Oak has not provided consistent explanations for work delays.
- F3. There is a lack of responsibility and accountability by the City of Live Oak management.
- F4. There is a lack of oversight by Live Oak City Council.
- F5. Lack of oversight and project management has caused delays and cost overruns, as well as, impacts to other systems and projects.

## **RECOMMENDATIONS**

- R1. Live Oak City Council to direct the City Manager to provide the following:
  - Quarterly report of projects to the Live Oak Council, starting by September 2020.
  - To restart the Water, Sewer and Storm Drain Committee meetings on a quarterly basis.
  - Quarterly report on the Water, Sewer and Storm Drain Committee meetings/activities to the Live Oak Council.
- R2. Live Oak City Council to direct the City Manager to immediately hold the City Engineer and respective Department Directors responsible for managing the delivery of professional services (consultants) contract tasks, milestones, project schedules and project completion in the prescribed timeframe and report status to the Live Oak Council within 90 days.
- R3. Live Oak City Council to direct the City Manager to ensure all future project is contractual with milestones, deadline, to assess monetary penalties for delays, and incentives clearly identified.



- R4. Live Oak City Council to direct the City Manager and/or the Department Directors to report on each project's status at Live Oak Council meetings, to inform the public and create transparency, starting by September 2020.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the Sutter County Grand Jury requests responses as follows:

From the following governing bodies within 90 days:

- Live Oak City Council respond to F1-F5 and R1-R4.

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses:

- Live Oak City Mayor respond to F1 - F5 and R2 - R4.
- Live Oak City Manager respond to R1-R4.
- City of Live Oak Water, Sewer and Storm Drain Committee respond to F1-F5 and R2-R4.

## **BIBLIOGRAPHY**

City of Live Oak 2030 General Plan

City of Live Oak Final 2030 General Plan and Environmental Impact Report (AECOM).

City of Live Oak Wastewater Collection System Master Plan (ECO:LOGIC Engineers – Consultants, November 2009).

City of Live Oak Sewer System Management Plan (Rolls Anderson & Rolls Civil Engineers, February 2017).

City of Live Oak WWTP Solar Project Initial Study/Mitigated Negative Declaration (Michael Baker International, October 2016)

City of Live Oak Water Master Plan (ECO:LOGIC Engineers - Consultants, December 2009)

City of Live Oak Fiscal Year 2019-2020 Adopted Budget (July 17, 2019)

Sutter County Department of Public Works Improvement Standards (Revision 11-10, November 2010)

## **APPENDIX**

Appendix 1 - Welcome to Live Oak Signage

Appendix 2 – Lift Station Rehabilitation Update

Appendix 3 – Agreement with Interwest Consulting Group for Engineering Services

Appendix 4 – Contract Amendment with West Yost for Well 7 Project

Appendix 5 – Well 7 Change Order 6.2

Appendix 6 – Resolution XX – 2019

## **DISCLAIMER**

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





"WELCOME TO LIVE OAK" Signage in the Live Oak's Corporation Yard

## Appendix 2



### City of Live Oak Report to City Council

**Meeting Date:** August 7, 2019

**Title:** Lift Stations Rehabilitation Update

**Location:** Citywide

**Recommendation:** Receive lift stations evaluation from E [REDACTED]

**Fiscal Impacts:** Undetermined.

**Contact Information:** F [REDACTED]



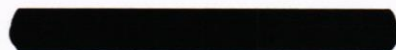


**City of Live Oak  
Report to City Council**

**Meeting Date:** January 15, 2020

**Title:** Agreement with Interwest Consulting Group for Engineering Services

**Contact Information:**



**Location:**

Citywide

For the past several years the City has utilized Interwest Consulting Group for plan check and building plan services. At this time, the City needs to update this service arrangement to process prospective plan check and building plan review services. With the expectation of permits to be pulled by the Garden Glen housing subdivision, the volume of services will be increasing significantly.

Furthermore, the City has significant need for additional engineering services surrounding pending capital project and street maintenance. The existing City Engineer will continue to oversee the Highway 99 project and related street improvement affecting the highway. The services provided by Rolls and Rolls Engineering will continue in its current focus and new services from Interwest Consulting Group will augment current hours provided by the City Engineer's firm. We do not expect any reduction in hours provided by Rolls and Rolls Engineering over the next three years.

The City needs engineering guidance and management services over several capital projects including the completion of Well 7, the P Street lift station, start-up and completion of Well 8, start-up and completion of the east-side water storage tank, major street maintenance projects, and other City capital projects. Funding for the notes items are in place from existing resources and approved grants. Other than plan check services, there is no need to increase the budget for these services at this time.

**Fiscal Impacts:**

General engineering expenses will come from existing budget appropriations for capital projects and existing operating budgets in the General Fund, Streets and Road, Water and Sewer Funds.

Plan check and building plan services will be contingent upon receiving building fees from prospective development including the Garden Glen housing subdivision.

**Recommendation:**

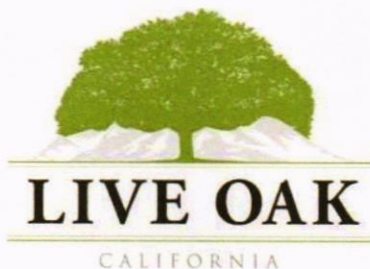
Authorize the City Manager and City Attorney to execute a professional services agreement with Interwest Consulting Group in the amount of \$240,000 for fiscal year (FY) 2019-20 and \$360,000 for FY 2020-21, with amounts for plan check services being contingent upon the receipt and prospective building fees to be collected by the City.

**Attachments:**

Interwest Consulting Proposal

Interwest Billing Rates





**City of Live Oak**

**Report to City Council**

**Meeting Date:** December 4, 2019

**Title: Location:** Contract Amendment with West Yost for Well 7 Project  
Well 7 Construction Site

**Recommendation:** 1) Approve the contract amendment with West Yost; 2) Approve the budget amendment resolution in the amount of \$350,000 from the Water Connection Fund; and 3) Authorize a \$350,000 2-year loan at 2% interest from the Sewer Enterprise to the Water Connection Fund.

**Fiscal Impacts:** \$350,000 loaned from Sewer Enterprise Fund to Water Connection Fund.

**Contact Information:** [REDACTED]



September 16,

Project No.: 482-14-15-09  
SENT VIA: EMAIL

[REDACTED]  
City of Live Oak  
9955 Live Oak Blvd.  
Live Oak, CA 95953

SUBJECT: Live Oak Well 7 Project- Construction Management Budget Augmentation Request

Dear [REDACTED]

The City of Live Oak (City) has requested to have West Yost prepare a budget amendment to update billing rates and include additional construction oversight budget needed to complete project construction and SCADA programming. The original project contract, dated March 3, 2015, assumed the project would be completed by the end of 2018. The project design was completed and bid in January 2017 and the on-site portion of the project was put on hold during construction. The City has recently requested project construction to restart with the goal of completing construction with a completion date on or before the end of June 2020. The original project budget for project management, engineering services during construction and construction management and inspection services (Tasks 1, 9, & 10 in the original project) were based on 2015 billing rates which have increased since the project was put on hold. In addition, the City is requesting an expanded scope of work for the construction management and inspection tasks and the addition of SCADA programming services. This budget augmentation request will address the rate increases and any additional scope items needed to complete the project within the projected construction timeframe.

Any remaining budget from the original project budget will be applied to this augmentation request. The balance of the original project budget remaining as of August 30, 2019 is \$91,153.

The following is the proposed scope of work and budget assumptions for this augmentation request:

#### **Task 1-Project Management**

The project management task includes project coordination for project execution, office administration, invoicing, and coordinating and reporting the progress of the project to the City. West Yost will monitor project progress, assign labor resources, review work products, respond to City requests and concerns, and maintain communications with City staff to ensure satisfactory completion of the work within the proposed schedule and budget.



September 16,  
2019

## **Task 9 - Engineering Services During Construction**

### Submittal/Shop Drawing Review

Review contractor submittals for conformance with the design drawings and specifications. Answer questions, review submittals, shop drawings, certificates, samples, test results, methods, schedules, and manufacturer's installation instruction required to be submitted by the construction documents for conformance with the design concept and specifications. Assumes review of up to twenty (20) mechanical/civil submittals and up to twenty (20) electrical, instrumentation and control shop drawings and submittals.

### Field Clarifications - RFI's

Review and respond to contractor's requests for information and clarifications during construction. Identify RFI's that may have a time or cost impact and notify the City. Assumes review of up to six (6) mechanical /civil RFI's and up to six electrical and instrumentation RFI's.

### Site

West Yost will attend bi-weekly construction progress meeting over a 10-month construction. ATEEM (Electrical and I & C Engineer) will attend up to four (4) project meetings or site visits during construction on an as-needed basis.

### Change Order Assistance

Prepare and negotiate project change orders.

### Progress Payments

West Yost will review progress payments on a monthly basis over the duration of construction.

### Record

West Yost will prepare as-built plans during construction. This task assumes 1-2 hours a week to complete this task. West Yost and ATEEM (Electrical and I & C Engineer) will prepare a final set of record "as-built" drawings upon completion of construction for City records.

## **Task 10. Construction Management and Inspection Services**

West Yost will provide part-time construction inspection and management services for a ten (10) month period during construction of the above ground well facilities and treatment system. West Yost will provide a construction inspector on a part time basis (assumes approximately 20 hours/per week for 36 weeks) during the estimated period of construction. Services will include:

- Lead weekly progress/planning meetings with the contractor and the City.
- Issue field memos, as required.
- Track submittals.

September 16, 2019

Page 3

- Facilitate planning required to schedule, to test, to startup and to commission the well and treatment operation.
- Prepare punch lists for both mechanical /electrical equipment.
- Witness and verify factory tests of equipment as required by specifications.
- Witness an oversee tests an start-up testing (mechanical an electrical/instrumentation).
- Maintain daily inspection records and other necessary documentation.
- Provide concrete materials testing.

#### **Task 11. Supervisory Control and Data Acquisition (SCADA) Services**

The following SCADA services will be provided by ATEEM:

- Provide Programmable Logic Control (PLC) programming of the local PLC.
- Provide MHI programming of the local MHI.
- Modify existing SCADA system and polling PLC (if required).
- Start-up testing of PLC/HIM and SCADA modifications.
- Document existing programming.
- Factory testing of PLC of Human Machine Interface (HMI) with

The proposed budget is shown in Table 1, below and an hourly breakdown is attached.

<b>Table 1. Proposed Budget</b>	
Current Contract Amount	\$528,884
Remaining Budget in Current Contract as of 8/30/19	(\$91,153)
Augmentation Request -Task 1 Project Management	\$20,404
Augmentation Request -Task 9 Engineering Services During Construction	\$162,247
Augmentation Request -Task 10 Construction Management and Inspection Services	\$183,356
Augmentation Request -Task 11 SCADA Services	\$26,313
Total Contract Amount (with additional budget)	\$830,051

Please contact me with any questions you may have regarding this budget augmentation request.

Sincerely

WEST. YOST ASSOCIATES



Project Manager





**City of Live Oak  
Report to City Council**

**Meeting Date:** February 19, 2020

**Title:** Well 7 Change Order 6.2

**Contact Information:** ( [REDACTED] )

**Location:** Well 7 Project Site, 11391 Larkin Road

The construction contract for the Well 7 project was awarded to T&S Construction in March of 2017. The project has faced several delays, of no fault of the contractor. Unfortunately due to the length of project delays, the original bid prices of several construction items as well as labor costs have increased. The original contract amount was \$1,558,747. Change Order 6.2 represents design changes and escalation costs due to delays, and represents approximately a 5% increase over the original contract price.

Our Project Engineer West Yost, as well as our Project Managers Interwest Consulting Group, have both reviewed this change order and confirm it is fair and necessary.

**Analysis:** Staff recommends Council approve Well 7 Change Order 6.2 and authorize the City Manager to sign.

**Fiscal Impacts:** Sufficient contingency funds have been budgeted to the project to cover the additional costs in Change Order 6.2.

**Recommendation:** Approve Well 7 Change Order 6.2 and authorize the City Manager to sign.

**Attachments:**

[PCO #6.2 \(Escalation Costs\).pdf](#)

# PROJECT ESTIMATE

Project: Well #7 Project Contractor:

T&S Construction

Owner: City of Live Oak

Date: 12/11/2019

ITE	DESCRIPTION	UNIT	QUANTI	LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
1	T&S Labor Increases	L	1.00	\$18,339.86	\$18,339.86				\$18,339.86
2	T&S Various Material Increases	L	1.00	\$12,252.16	\$12,252.16				\$12,252.16
3	Escalation of Pine Materials (Pace	L	1.00	\$6,841.52	\$6,841.52				\$6,841.52
4	Fence Sub Contractor Increase	L	1.00	\$4,002.60	\$4,002.60				\$4,002.60
5	Electrical Sub Contractor Increase	L	1.00	\$15,995.70	\$15,995.70				\$15,995.70
6	Extra Cost for Filter System Expansion	L	1.00	\$14,125.66	\$14,125.66				\$14,125.66

**\$71,557.4**

ITE	DESCRIPTION	UNIT	QUANTI	LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
1	T&S Labor Increases	L	1.00	\$15,947.70					
	As-bid labor (\$159,477.00)		10%						
	SUB TOTALS		15947	\$15,947.7	\$0.00	\$0.00	\$0.00	\$0.0	\$15,947.7
	UNIT COST=			LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
				15	15	5	5	15	
				Mark-up	\$0.00	\$0.00	\$0.00	\$0.00	
				Mark-ups	\$2,392.16	\$0.00	\$0.00	\$0.00	
				Total	\$18,339.	\$0.0	\$0.0	\$0.0	\$18,339.8

Mark-up

Mark-ups

Total

ITE	DESCRIPTION	UNIT	QUANTI	LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
2	T&S Various Material Increases	L	1.00	\$10,654.05	\$10,654.05				\$10,654.0
	As-bid Materials (\$71,027.00)		15%						
	General 15 % Increase in Materials								
	SUB TOTALS		10654	\$10,654.05	\$0.00	\$0.00	\$0.00	\$0.0	\$10,654.0
	UNIT COST=			LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
				15	15	5	5	15	
				Mark-up	\$0.00	\$0.00	\$0.00	\$0.00	
				Mark-ups	\$1,598.11	\$0.00	\$0.00	\$0.00	
				Total	\$12,252.	\$0.0	\$0.0	\$0.0	\$12,252.1



3	Escalation of Pipe Materials (Pace)				L	1.00							
	Pace Materials (Bid Time)				\$79,376.91	-1							
SUB TOTALS							\$0.00	\$0.00	\$0.00	\$0.00	\$5,949.15	\$5,949.15	\$5,949.15
UNIT COST=						5949							
							LABOR	EQUIP	SUB'S	TRUCKING	MATERIAL	TOTAL	
							15	15	5	5	15		
							Mark-up						
							Mark-ups	\$0.00	\$0.00	\$0.00	\$892.37		
							Total	\$0.00	\$0.00	\$0.00	\$6,841.50		\$6,841.50

[illegible]

ITEM	DESCRIPTION	UNIT	QUANTITY	LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
5	Electrical Sub Contractor Increase	L	1.00						
	Electrical Subcontractor (Increases)		1			\$15,234.00			
	<b>SUB TOTALS</b>			\$0.00	\$0.00	\$15,234.0	\$0.00	\$0.0	\$15,234.0
	<b>UNIT COST =</b>		15234						
				LABOR	EQUIP	SUB'S	TRUCKIN	MATERIA	TOTAL
	Mark-up			15	15	5	5	15	
	Mark-ups			\$0.00	\$0.00	\$761.70	\$0.00	\$0.00	
	Total			\$0.	\$0.0	\$15,995.	\$0.0	\$0.0	<b>\$15,995.7</b>

DATE	DESCRIPTION	UNIT	QUANTITY	LABOR	EQUIP	SUB'S	TRUCKIN	MATERIAL	TOTAL
6	Extra Cost for Filter System Expansion	L	1.00						
	<b>Expand Filter Pad</b>								
	Equipment								
	Crew/Tool Truck		8.0		202.				
	Backhoe		4.0		225.				
	Labor								
	Foreman		8.0		826.5				
	Operator		4.0		396.5				
	Laborer		16.0		1126.				
	Materials								
	Forms		17.0					109.4	
	Rebar		250.0					268.	
	Concrete		3.0					402.	
					69			128.7	





**RESOLUTION XX - 2019**

**A RESOLUTION OF THE CITY OF LIVE OAK, COUNTY OF  
SUTTER, STATE OF CALIFORNIA,**

**AMENDING THE CITY'S ANNUAL BUDGET FOR FISCAL YEAR 2019-20 FOR LOANING  
\$350,000 FROM THE SEWER ENTERPRISE FUND TO THE WATER CONNECTION FUND**

**WHEREAS**, the City Manager has prepared and submitted to the City Council a proposed budget for Fiscal Year 2019-20, starting July 1, 2019; and

**WHEREAS**, the City Council as the legislative body of the City has adopted the budget for Fiscal Year 2019-20 that authorizes certain disbursements and expenses to be made on behalf of the City; and

**WHEREAS**, the City Council has determined that it is necessary to amend such budget as deemed necessary for the efficient operation of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Live Oak as follows:

1. The City Council amends its budget by increasing appropriations in the Sewer Enterprise Fund 13 and Water Connection Fund 50:
  - Sewer Enterprise Fund 13: Increase Transfers to Other Funds by \$350,000 for a 2 year loan at 2% to the Water Connection Fund;
  - Water Connection Fund 50: Increase contribution to the Well #7 project by \$350,000 using the related loan from the Sewer Enterprise Fund (repayment will occur from future collection of water connection fees to be collected from new housing construction).

THE FOREGOING RESOLUTION of the City Council of the City of Live Oak was duly and regularly introduced, passed and adopted at a regular meeting of the City Council on the 4<sup>th</sup> day of December, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

[REDACTED]

**ATTEST:**

[REDACTED] \_\_\_\_\_  
City Clerk



# **SAFETY**

# **Yuba City Unified School District**

## **TRAFFIC SAFETY AT OUR SCHOOLS**

### **SUMMARY**

Pursuant to California Penal Code 925, the Sutter County Grand Jury (SCGJ) has the authority to investigate county, city, and local government entities. A grand juror brought up potential traffic and safety issues at Riverbend Elementary School (Riverbend) during peak volume pick up and drop off times. After observing pick up and drop off time periods at all eleven Yuba City Unified School District (YCUSD) elementary schools, the SCGJ looked more closely at two schools: Riverbend in Yuba City and Park Avenue Elementary (Park Avenue) due to significant problems observed. There were three areas of potential concern: established pick up/drop off procedures; student and driver behavior; and site conditions. The SCGJ interviewed school and district staff, parents, and the Yuba City police officer assigned as a school resources officer. The SCGJ reviewed relevant documents from the schools, district, and City of Yuba City.

### **BACKGROUND**

The safety of all of our children is of vital concern at our local schools. Over time, children have been injured while going to or from their schools. YCUSD has seventeen schools in rural and urban areas with a combined enrollment of nearly 13,000 students ranging from pre-kindergarten through twelfth grade. District boundaries cover over 200 square miles. The oldest schools have buildings more than 70 years old, with “new” schools that are less than twenty years old.

Riverbend (Appendix 1), located at 302 Stewart Road, Yuba City, is a kindergarten through 8<sup>th</sup> grade school. It was opened in 2007. Student enrollment was approximately 1,171 during school year 2019-2020. Park Avenue (Appendix 2), 100 Morton Street, is a kindergarten through 5<sup>th</sup> grade elementary school. It is an older school dating back to at least 1949. It is located in the southeastern sector of Yuba City in a well-established neighborhood. As of 2019-2020 school year, it had a student enrollment of approximately 550 students.

### **METHODOLOGY**

#### **Tours & Visits:**

- Yuba City Unified School District (YCUSD) Elementary Schools



## Interviews:

- School Personnel
- Parents
- Yuba City Police Officer assigned as a school resource officer
- YCUSD Personnel

## Research:

- Facilities Master Plan 2014 through 2024
- Yuba City Safe Routes to School Plan
- Agreement for Use of Motor-Vehicle Registration Surcharge Fees FRAQMD Agreement No. VF18-05 between City of Yuba City and Feather River Air Quality Management District FEB 25 2019
- Project Plans for School Crossing Improvements Projects for the City of Yuba City 3/21/19
- Letters to Parents from Riverbend and Park Avenue schools regarding pick up and drop off procedures.
- School diagrams and photographs.
- Yuba City Unified School District School Accountability Report Cards (SARC)

Park Avenue <https://www.sarconline.org/SarcPdfs/11/51714646053425.pdf>

Riverbend <https://www.sarconline.org/SarcPdfs/11/51714640113134.pdf>

## DISCUSSION

The SCGJ observed the peak traffic pick up and drop off times at each YCUSD elementary school, then investigated Riverbend and Park Avenue. Each school sent a letter (Appendices 3 & 4) to parents regarding pickup and drop off procedures in their passenger loading zones. The letters identified problem behavior by drivers that affected wait times and safety.

In general, both schools had well marked and maintained loading areas on their campuses. Crossing guards assisted students to cross nearby streets while school staff assisted students within the loading zones. School staff did not wear a safety vest or other visible sign of their role to promote safety during pick up and drop off times, however, crossing guards did. Pavement markings were limited. At Riverbend, overgrown vegetation interfered with the line of sight, not only of drivers but of pedestrians as well, causing safety concerns (Picture 1). This was swiftly corrected within several weeks after discussion with district personnel.

SCGJ observed parent and student behavior that caused safety issues and extended the wait time for other drivers to pick up their children:

- Double parking in the street preventing other drivers from safely passing or initiating turn maneuvers. (Pictures 2 & 3).

- Parents encouraging children to cross roads outside of crosswalks;
- Older students assisting younger students to cross the street midblock, often in front of moving traffic or busses (Picture 4);
- Using No Parking zones for pickup and drop off of Riverbend students, in particular, on Garden Highway;
- Illegal use of handicap parking spaces (Picture 5);
- Sitting for lengthy periods of time in the school loading areas preventing other parents from picking up or dropping off their own children (Picture 6);
- Drivers initiating U-turns mid-block or at a 'No U-Turn' intersection (Stewart Road and Garden Highway);
- Unsafe conditions (double parking, stopping in traffic lanes blocking others, cutting other vehicles off), were not addressed by school personnel when observed.

Riverbend has limited street parking. Both sides of Garden Hwy adjacent to the school are posted no parking zones. There is no crosswalk mid-block near the school front despite children crossing to parents on opposite side of Stewart Road. There is no designated loading zone on Stewart Rd.

While at Park Avenue, we learned of a "WalkSacramento" site survey of Yuba City schools. These surveys were part of the development of the Yuba City 2020 Safe Routes to School Plan (SRTSP). Yuba City, YCUSD, and Caltrans worked together to have the report produced. Its goal is to promote more walking and biking to reduce emissions from vehicles, for health and exercise, and identifying safety problems along routes near schools. To make the SRTSP, preliminary data was gathered from various sources including site visits, surveys, and multiple meeting opportunities with staff, parents, and the public. The emphasis is on education and encouragement rather than enforcement regarding the benefits of safely biking and walking to and from school.

The Feather River Air Quality Management District (FRAQMD) received a grant through Blue Sky Program Funds for a School Crossing Improvement Project, and then worked with the City of Yuba City to identify funding for the local cost share and gain approval of the project. Following the installation of purchased Flashing Beacons at eight designated high visibility crosswalks near schools within the city, pedestrian and bicycle safety is expected to improve. Both these projects are designed to improve the safety of our children.

The SCGJ determined that parental behavior was the cause of the majority of the problems with pickups and drop offs but improved when observed by officers who could issue citations. A method to identify problem drivers causing severe safety problems is needed to provide education for those drivers before a tragedy occurs.



## **FINDINGS**

- F1. One designated pickup/drop off zone is insufficient for Riverbend's 1,000+ student population during peak volume times.
- F2. Riverbend and Park Ave parents and students do not always comply with written pick up and drop off procedures.
- F3. No mid-block crosswalk on Stewart Road in front of Riverbend, leads to pedestrian jaywalking.
- F4. Drivers not following rules of the road create unsafe conditions.
- F5. Driver compliance increased when a peace officer was present.
- F6. Staff personnel did not address unsafe driver behavior.
- F7. There is no procedure in place for parents to report unsafe drivers.
- F8. School personnel did not wear identifying safety gear while guiding parents and students through loading & unloading areas.
- F9. There was a significant lack of street signage and curb markings adjacent to schools.
- F10. Riverbend Elementary School had overgrown vegetation obscured driver and pedestrian vision that created safety issues.

## **RECOMMENDATIONS**

- R1. YCUSD and the City of Yuba City work together to improve and expand pickup and drop off capability at Riverbend by December 2021.
- R2. School staff use multiple methods to educate Riverbend & Park Avenue parents and students in safe pick up and drop off areas/zones by the start of the 2020/2021 school year.
- R3. The educational staff design student programs to increase and promote traffic and pedestrian safety by the start of the 2020/2021 school year.
- R4. A survey be conducted to add a mid-block crosswalk on Stewart Road in front of Riverbend by December 2021.
- R5. Yuba City Police Department to increase periodic presence of a School Resource or Peace Officer as resources permit to deter unsafe behavior by drivers by start of 2020/2021 school year.

- R6. School staff to create a procedure for a concerned driver or parents to report serious traffic safety issues at the schools by December 31, 2020.
- R7. School staff to ensure all crossing guards, including school personnel, have adequate training and wear highly visible attire while monitoring pick up and drop off by start of 2020/2021 school year.
- R8. City of Yuba City to maintain curb painting and have clearly distinguished "No Parking" areas on the public streets adjacent to the schools by start of the 2020/2021 school year.
- R9. YCUSD to establish maintenance schedules for signage, curb and pavement markings, and overgrown vegetation on school premises by the start of 2020/2021 school year.

### **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the Sutter Grand Jury requests responses as follows:

From the following elected officials within 60 days:

- YCUSD Superintendent of Schools: F1 – F10 & R1 – R9

From the following governing bodies within 90 days:

- City Council Yuba City: F3, F4, F5, F9 & R4, R5, R8
- YCUSD Governing Board: F1 – F10 & R1 – R9

### **INVITED RESPONSES**

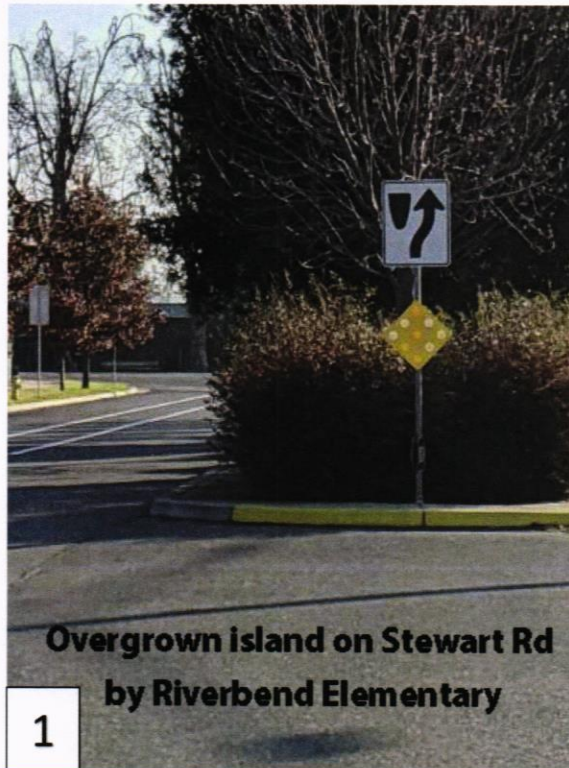
- YCUSD Director of Facilities and Maintenance: F1, F3, F9, F10 & R1, R4, R9
- Yuba City Director of Public Works: F1, F3, F9, F10 & R4, R8
- Yuba City Police Chief: F3 – F5, F7 & R4 – R6

### **DISCLAIMER**

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



## Riverbend Elementary Pictures







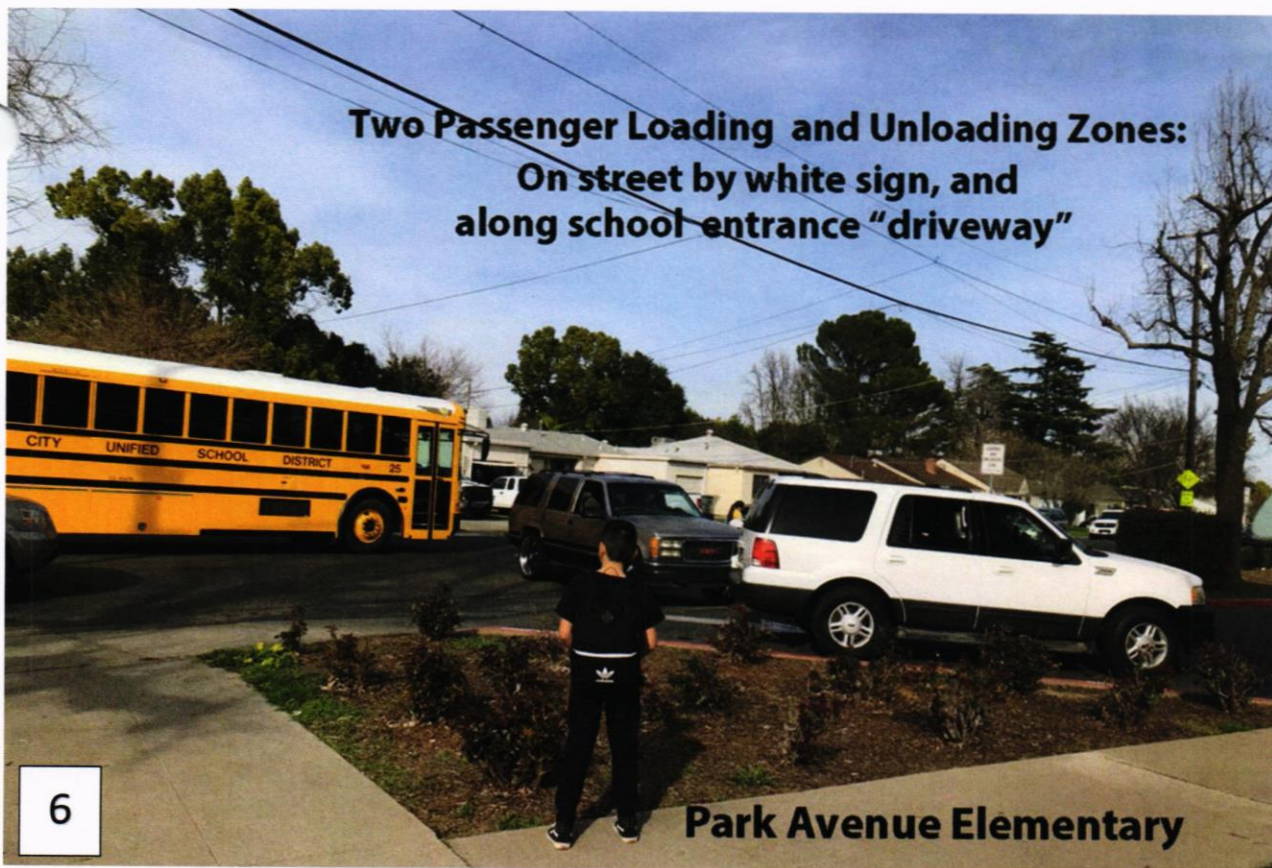


**Waiting in Handicapped parking  
at Park Avenue Elementary School**



**PARK AVENUE PICTURES**

**Two Passenger Loading and Unloading Zones:  
On street by white sign, and  
along school entrance "driveway"**





Site Safety and Circulation  
Riverbend Elementary School

- Gates & Fence Location
- Campus Access Point
- Fire Department Access
- Bus Circulation/Parking
- Parent/Car Circulation
- Pedestrian Circulation



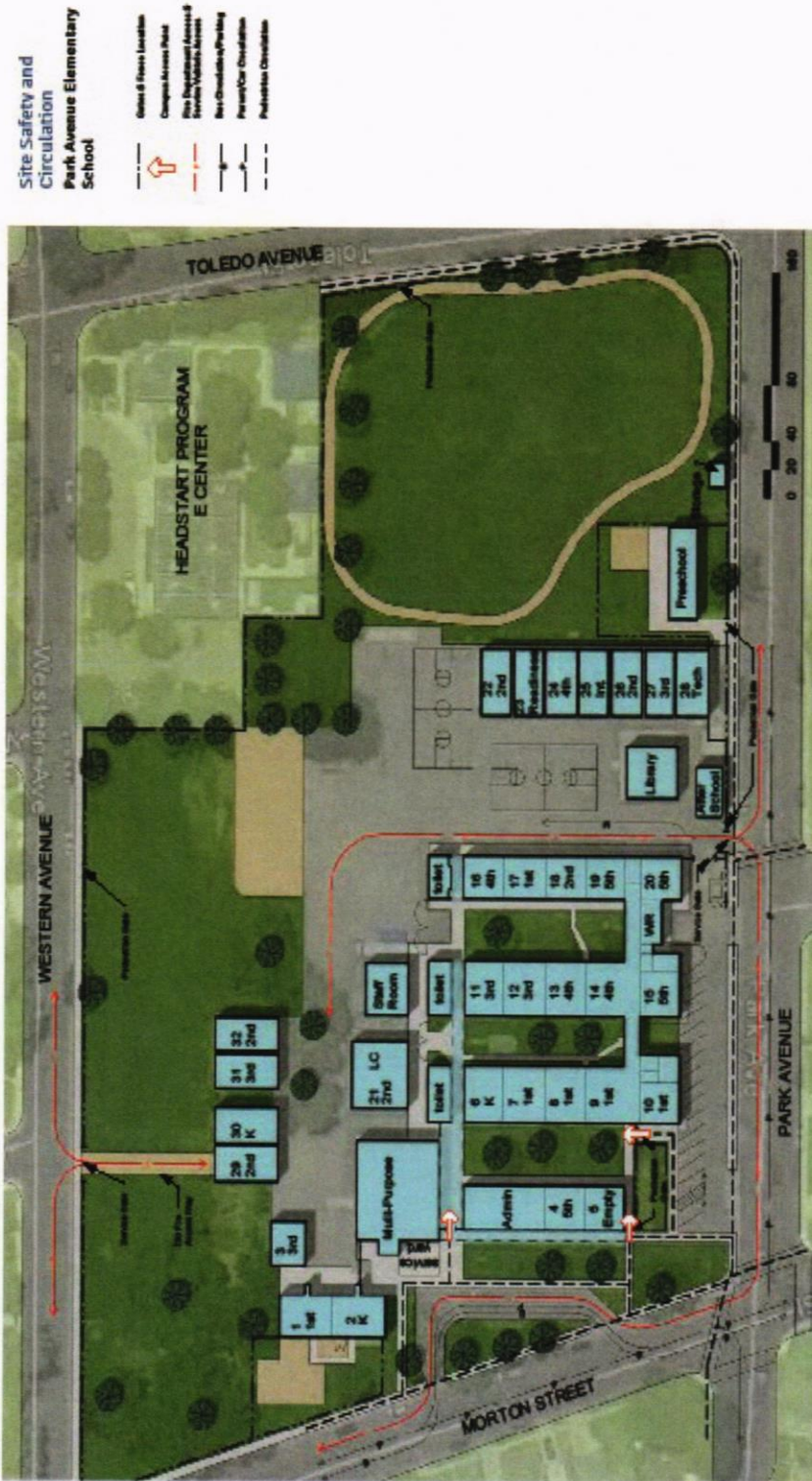
## No mid-block crosswalk on Stewart Road



Yuba City Unified School District Master Facilities Plan 2014-2024  
Educating Today's Students to Succeed In Tomorrow's World

nacht & lewis cpm





Riverbend Elementary (K-8)  
301 Stewart Road  
Yuba City, California 95991 (530) 822-3100

August 13, 2019

Dear Riverbend Parents/Guardians:

We are continuing to work on improving Riverbend's drop-off and pick-up traffic flow. The morning time school front drive-thru is meant to be a drop-off only. Please do not park your vehicle in the student drop-off lane. Parents that need extended time to assist their student(s) are encouraged to park their vehicle in one of the many parking lot spaces or along Stewart Road. We have placed various traffic flow aides in specific parking lot/drive-thru locations after observation, feedback, and consultation with YCPD and YCUSD.

Students can arrive to school beginning at 7:30am. In regards to the morning drop-off vehicle traffic flow, it would be very helpful if students were prepared with all of their items and have finished all of their communications with parents prior to the point the vehicle stops for drop-off in the drive-thru lane. There have been numerous incidences where vehicles remain stationary in the drop-off lane for an extended period of time. These types of delays add to the vehicle traffic flow problems. Always continue to move your vehicle forward, let your student exit your vehicle, and then continue to move forward and exit the school parking lot.

Students crossing the parking lot without using the crosswalk creates a serious safety concern. Please remind your student to utilize the crosswalk whenever crossing into the parking lot. Our crosswalk personnel will also try to become more efficient while crossing students by waiting until there is a break in the traffic. Also, they will wait until they have a larger group of pedestrians instead of letting small groups cross, which in turn adds to the traffic back up in the drive-thru.

During the afternoon, the lane closest to the administration building and library (painted yellow) is meant for student pick-up. The farther lane (South) is meant as a vehicle drive-thru. It is difficult for drivers to see students crossing from the pick-up lane to the drive-thru lane.

Students are not allowed to be picked-up/dropped-off at the East gate along Garden Highway. That portion of Garden Highway is labeled as a No Parking Zone by the City of Yuba City. Also, the Diamond Pointe Way gate is not meant to be used as a drop-off/pick-up point for parents using vehicles. The extra traffic is resulting in unneeded congestion in the neighborhood directly behind Riverbend. As a school, we strive to keep a positive working relationship with our school's neighbors. Handicap Parking spaces are not allowed to be entered or parked in without proper parking plates/decals. Also, vehicles are not allowed to double-park on any of the roadways in and around the school. Drivers need to follow all entering and exiting signs and blacktop painted information in our parking lot. YCPD has been made aware of these issues.

Please take a moment to discuss the importance of using proper pedestrian rules with your student. We are encouraging parents to be mindful of students, be courteous to other drivers, and abide by all vehicle safety laws. We are dedicated to student safety and would like to thank you for your help in this matter.

Sincerely,

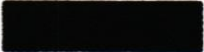
Principal

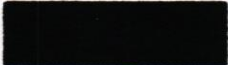
Cc: Tocco Green, YCUSD; Officer Charles Ernst, YCPD



**Park Avenue Elementary School**  
Yuba City Unified School District  
100 Morton Street, Yuba City, CA 95991  
Phone (530)822-5265 Fax (530)822-5279

*Home of the Panthers!*

  
*Principal*

  
*Assistant Principal*

Dear Parents and Families,

Safety is a high priority at Park Avenue School. Cooperation following procedures in the parking lot and on the streets around Park Avenue helps us keep our students and families safe.

- Please direct students to use the sidewalk and not walk through the parking lot. Following this rule yourself sets a great example for our students;
- If you need to get out of your car to meet your student, please park on the street, not in the driveway;
- Have your student get into your car on the passenger side of the car so they are not walking into traffic areas;
- Use crosswalks and follow the crossing guards' directions; do not encourage students to cross in the middle of the street .
- Please park only in areas for indicated for parking. Red zones are for emergency vehicles only.

By working together, we can keep our students safe.

Sincerely,

 principal

# **GRAND JURY APPLICATION**





**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER**  
Civil Grand Jury Nomination/Application Form

Please print legibly in blue or black ink. This application form and more information are available online at [www.suttercourts.com/general-info/grand-jury](http://www.suttercourts.com/general-info/grand-jury). Your response to the following questions will assist the Court in determining your eligibility and qualifications to serve on the Sutter County Grand Jury.

<b>Name:</b> First			Middle	Last
Home Phone:		Cell Phone:	Email:	
<b>Address:</b> Street		City	Zip	
<b>Mailing Address:</b> Street		City	Zip	
1. Age: _____ Date of Birth: _____ Place of Birth: _____ How long have you lived in Sutter County? _____ Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male				
2a. Employment Status: <input type="checkbox"/> Employed <input type="checkbox"/> Not Employed <input type="checkbox"/> Retired Occupation: _____ Employer: _____ (if retired or unemployed, write in your former occupation and employer) Education: (check highest level attained) <input type="checkbox"/> High School <input type="checkbox"/> College Grad <input type="checkbox"/> Post Grad				
2b. Additional Employment Questions: Have you ever been an employed by Sutter County? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state the agency: _____ Do you have any relatives employed by any local governmental entity within Sutter county? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state name, department, and relationship: _____ _____				

Spouse's Employer: _____ Spouse's Occupation: _____	
Have you ever been in the Military Service? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, Branch: _____ Occupation: _____ Period Served: _____	
<p>2c. If employed, please verify with your employer that he/she will permit your participation as a member in the Civil Grand Jury for the <b>entire one-year period</b> that the jury is in session. <b>Participation on the Civil Grand Jury is strictly voluntary. Your employer is not obligated to provide you with the time or pay your salary to participate.</b></p> <p>Are you able and willing to commit to a <u>minimum</u> of 4-10 hours per week, both during and after business hours, from July 1<sup>st</sup> through June 30<sup>th</sup> to work for the Civil Grand Jury and its committees? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>3. Do you have any physical or mental conditions that might limit your ability to perform the duties of a grand juror, which include prolonged walking, stair-climbing at site visits, prolonged sitting and standing, listening and concentrating during lengthy discussions, reading lengthy documents, etc.? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If you have a disability that would require a reasonable accommodation so that you can fully participate as a Civil Grand Juror, please describe the nature of the accommodation: _____</p> <p>_____</p>	
<p>4. To serve on the Grand Jury, a person <u>must</u> meet the following requirements pursuant to Penal Code § 893:</p> <ul style="list-style-type: none"> <li>• Citizen of the United States;</li> <li>• 18 years of age or older;</li> <li>• Resident of the County of Sutter for at least one year immediately before being selected;</li> <li>• Possess natural faculties, ordinary intelligence, sound judgment, and fair character; and</li> <li>• Possess sufficient knowledge of the English language.</li> </ul> <p><b>Do you qualify to serve based on the above requirements?</b> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>5. A person is <u>not</u> legally qualified to serve on the Grand Jury if any of the following apply:</p> <ul style="list-style-type: none"> <li>• The person is serving as a trial juror in any court of this state;</li> <li>• The person has been discharged as a grand juror in any court of this state within a year;</li> <li>• The person has been convicted of malfeasance in office or any felony or other high crime; or</li> <li>• The person is serving as an elected public officer.</li> </ul> <p><b>Do you qualify to serve based on the above requirements?</b> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>6. Have you ever served as a member of the Civil Grand Jury? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, state the county and year(s): _____</p>	
<p><b>Please answer the following questions. You may attach additional sheet(s) if necessary.</b></p> <p>7. Why do you want to be a Civil Grand Juror, and what contributions would you hope to make as a member?</p>	



8. Do you have any personal interest in the function of the Grand Jury or the subjects and matters of their investigations?

9. Are you on social media platforms?

☐ Yes ☐ No

If yes, which platform(s):

How often do you post?

- ☐ Facebook
- ☐ Instagram
- ☐ Snapchat
- ☐ Other (specify): \_\_\_\_\_

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Other (specify): \_\_\_\_\_

**I declare under penalty and perjury that the information provided is true and correct to the best of my knowledge.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[3]

## RECRUITMENT SURVEY INFORMATION

The California Rules of Court, rule 10.625, require the Court to request certain demographic data from Grand Jury applicants. The following information is not considered in the selection process and is used for statistical purposes only.

- Race/Ethnicity: ☐ American Indian or Alaskan Native ☐ White  
☐ Asian ☐ Black or African American  
☐ Hispanic or Latino ☐ Native Hawaiian or Pacific Islander  
☐ Other Race or Ethnicity. Please Specify: \_\_\_\_\_  
☐ Decline to Answer

**Complete and Return to:**

Sutter Superior Court  
Office of the Jury Commissioner  
1175 Civil Center Blvd  
Yuba City, CA 95993