

2022 - 2023

SUTTER COUNTY GRAND JURY ANNUAL REPORT



SUPERIOR COURT OF CALIFORNIA

COUNTY OF SUTTER

*Cover Page Designed by Robbie Mitchell

Final Report

of the

2022 – 2023

Sutter County Grand Jury



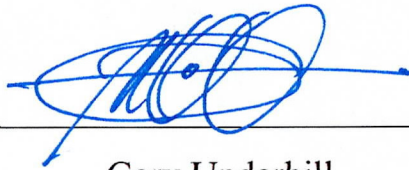
Gary Underhill,
Foreperson



Honorable Susan E. Green,
Presiding Judge

**Report
of the 2022-2023
Sutter County Grand Jury**

Gwyn Baker, Art Cremer, Kyle Davy, Bobbi Escalante-Hayward, DeJuan Glover, Lori Ann Griffin, Mark Harmon, Dr. Jennifer Anne Kellogg, William Richard Leonard III, Alan Malecha, Tim McGee, Mari Murphy Joseph Oliva, Bijan Parhizgar, Steven Bradley Reyes, Dianne Ryan, Dustin Sullivan, Mary Tice



Gary Underhill

2022-2023 Sutter County Grand Jury Foreperson

June 2, 2023

Date

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').



Honorable Susan E. Green, Presiding Judge

Superior Court of California, County of Sutter

June 7, 2023

Date

The Honorable Susan E Green

June 2, 2023

Sutter County Superior Court
1175 Civic Center Boulevard
Yuba City, CA 95993

Dear Judge Green,

Upon the requirement of California Penal Code Section 933(a), we the 2022-2023 Sutter County Grand Jury wish to present before the Superior Court and the residents of Sutter County our final report.

This year's Grand Jury deserves special honors and praise. They conducted themselves in accordance with the highest standards of ethical behavior and commitment to the community. Many obstacles were faced while investigating matters of great interest to the people of Sutter County. The year long term began with a significant shortfall of grand jurors, a problem that persisted until a full jury was empaneled in early November 2022. A lack of manpower did not prevent this group from performing their duty diligently. Additionally, the Grand Jury confronted some uncommon internal challenges that would have caused other similar citizen bodies to give up hope of fulfilling our duties as a grand jury. I wish to commend my fellow jurors for fulfilling their oaths regardless of the toll taken. Also, no amount of thanks can be sufficient for the assistance given by the Court especially Judge Laura J. Davis and Judge Sarah H. Heckman. Whether it be the long search to fill juror vacancies, handling routine requests, or troubleshooting far greater problems, in the end the Court always was willing to serve the needs of the Grand Jury. And finally, I wish to thank the California Grand Juror's Association for their guidance and invaluable resources, as well as the County Counsel attorneys for their assistance this year.

I would like to thank Grand Jury Pro-Tem, Bradley Reyes, without whose endless efforts I could not have successfully served as foreman this year.

A great thank you is given to our Secretary, Gwyn Baker. She has done an outstanding job in keeping an accurate record of the Grand Jury's proceedings.

Special accolades must be given to Mary Tice and Jennifer Kellogg, who were two of our standout jurors. They took on extra leadership responsibilities when needed and were some of the most important people I relied upon in seeking resolution to some of the toughest issues confronted by the Grand Jury.

I would like to recognize the remaining members of the 2022-2023 Sutter County Grand Jury. They sacrificed endless hours with their families and friends to serve the residents of Sutter County. I was honored to serve as their Foreman. I truly enjoyed co-laboring with them on behalf of the citizens of Sutter County.

Representing the Sutter County Grand Jury for this year, I would like to put forward the 2022-2023 Final Report.

Respectfully Submitted,



Gary M. Underhill
Foreman
2022-2023 Sutter County Grand Jury

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Gwyn Baker *

Bobbi Escalante-Hayward

Mark Harmon

Alan Malecha

Joseph Oliva

Dianne Ryan

Gary M. Underhill

Art Cremer

DeJuan Jeray Glover *

Dr. Jennifer Anne Kellogg *

Tim McGee

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Dustin Sullivan

Kyle Davy *

Lori Ann Griffin

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Mari Murphy *

Steven Bradley Reyes

Mary Hannah Tice

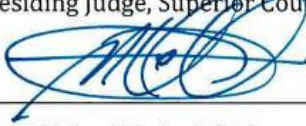
*Not Pictured

GRAND JURY APPROVAL

California Penal Code 933(a) states:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

In conformance with the aforementioned Penal Code requirement, the 2022-23 Sutter County Grand Jury approves and respectfully submits this report to the Honorable Judge Heckman, Presiding Judge, Superior Court of California, County of Sutter.



Gary Michael Underhill, Foreperson
Yuba City, CA



Gwyn Baker
Yuba City, CA

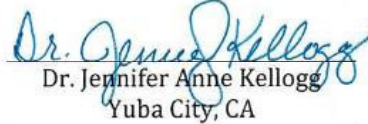


Mark Harmon
Yuba City, CA

Joseph Oliva
Yuba City, CA



Art Cremer
Yuba City, CA



Dr. Jennifer Anne Kellogg
Yuba City, CA



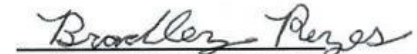
Bijan Parhizgar
Yuba City, CA



Kyle Davy
Yuba City, CA



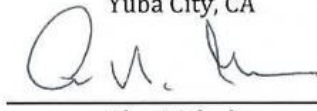
William Richard Leonard III
Yuba City, CA



Steven Bradley Reyes
Yuba City, CA



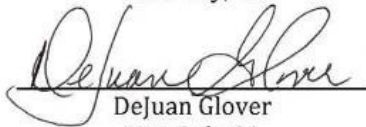
Bobbi Escalante-Hayward
Yuba City, CA



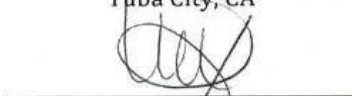
Alan Malecha
Yuba City, CA



Dianne Ryan
Yuba City, CA



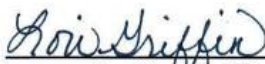
Dejuan Glover
Live Oak, CA



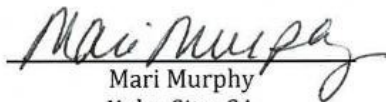
Tim McGee
Yuba City, CA




Dustin Sullivan
Yuba City, CA



Lori Ann Griffin
Yuba City, CA



Mari Murphy
Yuba City, CA



Mary Tice
Yuba City, CA

California Grand Juries – An Overview

The Grand Jury is primarily an investigative body created by the United States Constitution's Fifth Amendment and the California Constitution and is part of the county judicial system. It is advised by the Sutter County Superior Court and is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial and are offered to the public in their final report.

The primary duty of the grand jury is to evaluate local government entities through a systematic fact-finding process and to investigate citizen complaints. The objective of the investigations is to produce beneficial reports that persuade local officials to run agencies more effectively and efficiently. The final report is the result of investigative efforts and is the only public record of that endeavor. Grand jurors are sworn to secrecy and, other than the final reports, their work is kept strictly confidential.

The Civil Grand Jury is comprised of a group of ordinary citizens. Sutter County impanels a Grand Jury of 19 members for a one-year term that begins July 1st and ends June 30th the following year.

The grand jury's fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the grand jury acts as a representative of county residents in promoting government accountability.

The Penal Code requires the Grand Jury to:

1. Inquire into the condition and management of the detention facilities within the County
2. Investigate and report on the operations, accounts and records of county and other local public agencies, officers, departments or functions
3. Inquire into the willful or corrupt misconduct in office of public officers
4. Submit a final report of its Findings and Recommendations no later than the end of its term to the Presiding Judge of the Superior Court

Conditions for Juror Recusal

Under Penal Code section 916.2 grand jurors who have been employed during the prior three years by a local government agency must recuse themselves from the investigation of their employing agency. In addition, the Political Reform Act, which prohibits government officials and employees from having financial conflicts of interest, applies to grand jurors and can require their recusal from all aspects of a grand jury investigation and report. Grand jurors must also recuse themselves in situations involving other types of real or perceived conflicts of interest or bias.

Members of the 2022-23 Sutter County Grand Jury recused themselves from parts of the investigations this term when any of these conflicts of interest conditions existed during the jury's investigating and reporting process.

SUTTER COUNTY GRAND JURY 2022-2023



Continuity Compliance Report

Summary

The 2022-2023 Sutter County Grand Jury (SCGJ) reviewed the responses to the investigative reports issued by the 2021-2022 Grand Jury to assess compliance with the California Penal Code. The complete text of these reports can be accessed at the following website:

<https://www.suttercourts.com/general-info/grand-jury/reports>.

This website also provides links to the responses given by various county officials and other agencies to the *Findings* and *Recommendations* contained in the reports.

Grand Jury investigations have little value unless recommendations are taken seriously by responding entities and are addressed in a manner transparent to the public. Positive actions to Grand Jury recommendations are extremely important, yet late, incomplete, and missing responses continue to drop out of public view.

The 2022-2023 Grand Jury sought to determine the level of response of each agency recently investigated by the Grand Jury and what systems and processes may be available to increase agency response.

Background

California Penal Code Section 933(a) requires the Grand Jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Governing bodies or department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a Grand Jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)). This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations.

Penal Code Section §933.05 states that the body or official is required to select one of four possible responses to the Recommendations (PC §933.05(b)):

1. The Recommendation has been implemented, with a summary of the action taken.
2. It will be implemented, with a timeframe for implementation being provided.
3. It requires further analysis, with an explanation and the scope of the analysis and a timeframe for response being provided of not more than six months from the release of the report. or

4. It will not be implemented because it is not warranted or is not reasonable, with an explanation being provided.

This Continuity Implementation Compliance Report focuses on responses to the Recommendations made by the 2021-2022 Grand Jury. They studied the responses of the government and agencies cited in the Findings and Recommendations from these three 2021-22 Reports:

- **Sutter County Corrections and Rehabilitation Reform**
- **City of Live Oak**
- **Sutter-Yuba Behavioral Health**

Methodology

The 2022-2023 Grand Jury evaluated responses to the 2021-2022 Grand Jury recommendations to ensure compliance with the governing sections of the Penal Code (PC §933.05(b)). The following criteria were considered:

1. If a response indicated that a recommendation had been implemented, did it include a summary of what was done?
2. If a response indicated that a recommendation would be implemented, did it include a summary and time frame for what would be done?
3. If a response indicated that a recommendation required further analysis or study, did it include an explanation of the scope, parameters, and time frame of the proposed analysis or study?
4. If a response indicated that a recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

The SCGJ interviewed the following individuals:

- Sutter County Sheriff Department Staff
- Sutter County Employees
- Sutter County Elected Officials
- Sutter County Appointed Staff
- SYBH Staff
- Sutter County Auditor/Controller Administrative Staff
- Sutter County Health and Human Services Administrative Staff

The SCGJ toured or visited the following facilities:

- Sutter County Jail
- Tri-County Youth Rehabilitation Campus
- Live Oak City Council Meetings
- Sutter Yuba Behavioral Health Building
- Psychiatric Health Facility

The SCGJ reviewed the following documents:

- Agendas and Minutes from Live Oak City Council meetings
- SYBH MHSA plan and stakeholder's agendas
- Claim forms for SYBH from Sutter County Auditor's Office
- Work Orders SYBH for projects associated with SYBH Facilities
- CHARTIS report and recommendations
- Internal communications (emails) from HHS and SYBH
- Training modules for HHS and SYBH on funding (Module 5 BH Financing 101) (CWDA Realignment)
- SacValley Medshare Participation Agreement
- Independent Contractor Agreement with Steven Leahy
- DHCS letter on MHSA amendments to funding use
- Agendas and Minutes from Sutter Yuba Behavioral Health Advisory Committee
- Live Oak City Council Meeting Agendas
https://liveoakca.granicus.com/ViewPublisher.php?view_id=1

The 2022-2023 Grand Jury reviewed responses to prior 2021-2022 Grand Jury reports as follows:

- The Grand Jury attended and reviewed Board of Supervisors meetings and agenda items and minutes concerning the prior Grand Jury report responses.
- Grand Jury members interviewed county staff and Board of Supervisors and asked for summaries and time frames for responses still to be implemented.
- The Grand Jury documented the status of report responses from the 2021-2022 jury term.
- The Grand Jury reviewed responses in which a final resolution has not been reached or communicated and those that are to be implemented at a future date.
- The Grand Jury held interviews regarding responses that still needed implementation.
- The Grand Jury requested documentation to verify implementation where needed.

This Grand Jury seeks to create a framework that could be used by succeeding juries to keep open Grand Jury reports in public view and responding agencies accountable. We envision each subsequent Grand Jury will continue to report tracking for the prior year and monitor and address open responses.

Glossary

ARPA: American Rescue Plan Act

AWOL: Absent/Away Without Leave; a term used to describe when a person who is hospitalized on a psychiatric hold (5150), leaves the psychiatric health facility without discharge by the hospital

BOS: Board of Supervisors

CAO: County Administrator Office

CFD's: Community Facility District fees / Community Financial Districts

CO: Correctional Officer

Chartis: Clinical Quality Solutions Company that advances patients' safety and clinical quality through four lines of business.

CMSP: County Medical Services Program

CWDA: County Welfare Directors Association

DHCS: Department of Health Care Services

FY: Fiscal Year

HHS: Health and Human Services

Ligature Point: Point where a cord, rope, bedsheet, or other fabric material can be looped or tied to create a sustainable point of attachment that may result in self-harm or loss of life

LO: The City of Live Oak

LOCC: Live Oak City Council

MHBG: Mental Health Block Grant

MHSA: Mental Health Services Act

PES: Psychiatric Emergency Services

PHF: Psychiatric Health Facility–Psychiatric Health Facilities provide 24-hour inpatient care for those who are mentally disordered, incompetent, or others as described in Divisions Five and Six of the Welfare and Institutions Code

SCGJ: Sutter County Grand Jury

SYBH: Sutter Yuba Behavioral Health

Discussion

Sutter County Corrections and Rehabilitation Reform: Great Progress, Headed in the Right Direction

The 2022-2023 Sutter County Grand Jury (SCGJ) completed its required annual inspection of the Sutter County Jail along with a visit to the Tri-County Youth Rehabilitation Campus and the Maxine Singer Youth Guidance Center in Marysville. The SCGJ toured the Sutter County Jail, located at 1077 Civic Center Boulevard in Yuba City on January 6, 2023.

SCGJ in the follow up of the 2021-2022 SCGJ report found Sutter County Sheriff's Department and the BOS made significant strides to be competitive in pay and secure staffing for the jail. As a result 80% of the open CO positions have been filled.

Even though recent events have indicated that some contraband is making its way into the jail, Sutter County has secured funding to purchase a K-9 unit dedicated to the jail. Additionally, Winn Communities has donated a vehicle which will be assigned to the jail K-9.

Jail: Sutter County Corrections and Rehabilitation Reform: Great Progress, Headed in the Right Direction F3

GJ Report	F3. Drugs are still getting into the Sutter County jail.
Recommendation	R1. Sutter County should invest in a drug-sniffing dog for use in the jail. (in response to finding F3)

<p>Response</p>	<p>Response to F3:</p> <p>The Sheriff’s Office agrees, and we have made substantial improvements in recent years to help reduce the amount of contraband coming into the jail. To continue to work towards improvements, the Sheriff’s Office has taken additional steps to address the issue of contraband.</p> <p>First, the Sheriff’s Office has budgeted for a narcotics detection K-9 for FY (fiscal year) 22/23, and we anticipate this being approved by the Board of Supervisors. The budgeted amount of this purchase is approx. \$12,000.00.</p> <p>Second, is adding additional metal screening to the open-air roof of the exercise yard adjacent to the men’s dormitory. The Sheriff’s Office has found the existing screen is large enough for smaller items (i.e. narcotics in pill form) to fall through to the floor. The additional screen will overlay and greatly reduce the size of the openings covering the exercise yard. This project will be completed the week of June 11-15, 2022, at a cost of approximately \$16,650.00</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The K-9 purchased was a 1-year-old female yellow lab. Purchase price was \$6,500. In addition, the Sutter County Sheriff’s office has received a donation for a vehicle for the jail K-9.</p> <p>The netting has been installed over the exercise yard greatly reducing the size of the openings for contraband to fall through.</p>

Jail: Sutter County Corrections and Rehabilitation Reform: Great Progress, Headed in the Right Direction F4

<p>GJ Report</p>	<p>F4. The Sutter County jail is under-staffed.</p>
<p>Recommendation</p>	<p>R2. Sutter County should follow the recommendations presented in the Sutter County Sheriff’s Organization Assessment and Staffing Study regarding the hiring of additional jail staff. (in response to finding F4)</p>
<p>Response</p>	<p>Response to R2:</p> <p>The Sutter County Sheriff’s Office agrees it should follow the recommendations outlined in the Organizational Assessment. However, we believe in a measured approach to filling these positions and we are currently working with the County Administrator’s Office on plans for implementation.</p> <p>As noted in Recommendation #9 of the Organizational Study, it says to add “2.0 FTE (Full Time Equivalent) correctional officers per shift when the closed control room and related housing unit reopens to ensure the facility has proper resources given staff absences” (Page 34). Post pandemic, the jail population has remained relatively low and the jail’s medium facility is still not being used to house incarcerated persons. The Sheriff’s Office believes we can work towards additional staffing in future budgets as the jail population gradually increases.</p> <p>Additionally, the Board of Supervisors has approved the addition of an administrative sergeant position to help with jail oversight and this is also a recommendation outlined in the Organizational Study.</p> <p>The Sheriff’s Office continues to be dedicated to meeting or exceeding industry standards for the care and custody of those we supervise. We appreciate the recommendations of the Grand Jury and further thank you for accepting these responses on behalf of the Sheriff’s Office.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The Sutter County Jail is still understaffed. However, there is progress being made to fill those positions. They have made significant gains in hiring new COs and only a few positions remain unfilled as of March 2023.</p>

Jail: Sutter County Corrections and Rehabilitation Reform: Great Progress, Headed in the Right Direction F5

<p>GJ Report</p>	<p>F5. Sutter County Sheriff’s Office staff are underpaid, which can lead to low morale and high staff turn-over.</p>
<p>Recommendation</p>	<p>R3. The excellent, in-depth report by Management Partners on the Sutter County Sheriff’s Department budget should be a cause for action for the Sutter County Board of Supervisors. (in response to finding F5)</p>
<p>Response</p>	<p>BOS Response to F5: The Board of Supervisors agrees with the finding. Due to limited resources and higher salaries in other counties or cities, Sutter County has found it difficult to stay competitive in the market for employees across the board. While prevalent in all departments, this problem is especially persistent in the Sheriff’s office. In February 2022, the Board of Supervisors approved a memorandum of understanding (MOU) with the Sutter County Peace Officers Association, representing sworn law enforcement personnel. The MOU provided ongoing raises in 2022 of an average of 14.73% (low of 9.2%, high of 23.6%) that brought salaries for sworn positions closer to market parity. Subsequent to this increase other jurisdictions provided across the board raises five to eight percent, exasperating the County’s inability to recruit and retain qualified employees. Over the past 10 years, Sutter County has supported public safety at an increasing rate, which takes resources away from other vital county functions. The County has little ability to raise revenue to support the anticipated rise in public safety costs. This is the reason that the Board of Supervisors voted to place a sales tax measure on the ballot for voter consideration. Without additional revenue, the Board will have to decrease service levels in order to remain competitive in the market for employees, especially those who provide crucial public safety services.</p> <p>Response to R3: The recommendation will not be implemented because it is not warranted or is not reasonable. Prior to the release of the Grand Jury’s report, the County had concluded negotiations with the Sutter County Peace Officers’ Association and had approved a memorandum of understanding that included substantial raises for sworn personnel, so actions were already being taken. The Correctional Sergeant recommended in the report was added in the FY 2022-23 budget adopted by the Board and County Administrator continues to work with the sheriff on implementing other recommendations.</p>

**2021-22 Grand Jury
Follow up Response**

In an ever-changing job market, attracting and retaining employees will remain vital for essential governmental factions to be properly staffed. The recent 12% wage increase, approved by the Sutter County Board Of Supervisors, has allowed the Sutter County Sheriff's Department to offer competitive and enticing salaries to capture the necessary human resources required to properly run their department.

City of Live Oak: Crisis of Municipal Disfunction

The 2021-2022 Sutter County Grand Jury’s investigation found areas of dysfunction within the Live Oak City Council which resulted in a loss of revenue for the City. The LO City Council failed to fill a vacant seat on the council. This problem was compounded when the council failed to pass the annual budget on time and authorize the collection of the CFDs and special assessment taxes. The Sutter County Grand Jury recommended that the Live Oak City Council pass the budget in a timely fashion, pass authorization to collect the annual CFDs and special assessment in a timely manner, and establish budget workshop dates with all members of the city council participating to understand the proposed budget and to discuss areas of concern.

The Live Oak City Council agreed with most of the Grand Jury’s findings and recommendations. The Live Oak City Council has done an outstanding job at repairing the dysfunction. They have filled the vacant seat, which has allowed them to pass the 2022-2023 Annual Budget 6 weeks ahead of schedule before the State’s deadline to have such budgets adopted. The Council scheduled three budget workshops in which all five council members attended. They have authorized the collection of the CFDs and the special taxes. The Live Oak City Council is working together for the good of the people that they serve.

City of Live Oak: Crisis of Municipal Dysfunction Reports Sutter County Code Enforcement F1

GJ Report	F1: When the LO City Council did not appoint a council person to fill the vacant council seat it cost the citizens of Live Oak financially.
Recommendation	R1: The City Council of Live Oak will pass the budget in a timely fashion.

<p>Response</p>	<p>LOCC Response to F1:</p> <p>Disagree in part.</p> <p>The City of Live Oak had nine applicants for the open City Council seat. Six of those were moved to a vote, and each of the six candidates failed on a 2-2 vote each time. Five of the six candidates Santana and Woten voted yes and Thiara and Ghag voted no. The sixth candidate Thiara and Ghag voted yes and Woten and Santana voted no. However, it should be noted that we disagree in part because not all candidates are necessarily qualified to fill the position.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The recommendation has been implemented.</p> <p>The City Council passed the 2022-2023 Annual Budget ahead of schedule on May 18, 2022 by a vote of 4-1. This is approximately 6 weeks before the State’s deadline to have such budgets adopted.</p>

**City of Live Oak: Crisis of Municipal Dysfunction
Reports Sutter County Code Enforcement F2**

<p>GJ Report</p>	<p>F2: The City Council of Live Oak did not pass the budget in a timely fashion.</p>
<p>Recommendation</p>	<p>R2: The City Council of Live Oak will establish budget workshop dates with sufficient time to resolve any concerns prior to voting on the budget resolution.</p>
<p>Response</p>	<p>LOCC Response to F2: Agree.</p> <p>The City Council was presented with the final 2021-2022 Annual Budget for approval at the June 2, 2021 meeting and it was moved to the June 16, 2021 meeting. The budget was then tabled at the June 16, 2021 meeting. There was a budget workshop and then a special council meeting to approve the budget. However, only Council Members Woten and Santana were present. Council Members Thiara and Ghag were absent. At the following seven meetings the budget was presented for adoption and failed each time to a 2-2 vote. The dates for those seven meetings were June 29, 2021; July 7, 2021; July 14, 2021; June 21, 2021; August 4, 2021; September 9, 2021; September 15, 2021. Each time Council Members Woten and Santana voted Yes while Council Members Thiara and Ghag voted No. At the December 20, 2021 Council meeting, the City Council passed the 2021-2022 Annual Budget by a vote 4-0. It is to note that the original budget that was presented to the City Council on June 29, 2021, for approval was the same that was passed at the December 20, 2021 Council meeting. There were no changes between the original presented budget and the budget that was adopted.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The recommendation has been implemented.</p> <p>The FY 2022-2023 Annual Budget had three workshops. Those dates were; March 30, 2022; April 6, 2022 and April 20, 2022.</p>

**City of Live Oak: Crisis of Municipal Dysfunction
Reports Sutter County Code Enforcement F3**

<p>GJ Report</p>	<p>F3: The City Council of Live Oak scheduled a budget workshop to resolve the budget deadlock, but all members of the council did not attend.</p>
<p>Recommendation</p>	<p>R3: All members of the City Council will participate in any scheduled budget workshops to understand the proposed budget and to discuss areas of concern.</p>
<p>Response</p>	<p>LOCC Response to F3:</p> <p>Agree.</p> <p>At the request of Council Member Thiara, a budget Workshop was scheduled for June 29, 2021. Council Members Woten and Santana attended; however Council Members Thiara and Ghag did not attend. The Grand Jury did commend the two Council Members who took part in the scheduled budget workshop as well as commended them in making a great effort to work cooperatively with the rest of the Council.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The recommendation has been implemented.</p> <p>All five Council Members attended all three budget workshops for the FY 2022-2023 Annual Budget.</p>

**City of Live Oak: Crisis of Municipal Dysfunction
Reports Sutter County Code Enforcement F4**

<p>GJ Report</p>	<p>F4: The City Council of Live Oak did not pass the authorization to collect the annual CFDs and special assessments by September 2021, therefore these could not be added to the tax rolls.</p>
<p>Recommendation</p>	<p>R4: The City Council of Live Oak will pass the authorization to collect the annual CFDs and special assessments in a timely manner, so that these levies can be added to the current tax rolls.</p>
<p>Response</p>	<p>LOCC Response to F4:</p> <p>Agree.</p> <p>The 92-1 and 2004-1 CFDs were presented to the City Council for adoption on August 4, 2021 and failed on a 2-2 vote. Council Members Woten and Santana voted Yes while Council Members Thiara and Ghag voted No.</p> <p>The special assessments were presented to the City Council for adoption on September 1, 2021 and failed on a 2-2 vote. Council Members Woten and Satana voted Yes while Council Members Thiara and Ghag voted No.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>The recommendation has been implemented.</p> <p>The CFDs 92-1 and 2004-1 were adopted for collection at the August 3, 2022 City Council meeting by a vote of 3-2. The special assessment taxes for Lighting maintenance for FY 2022-23 was passed on September 21, 2022 by a motion of 3-2.</p>

**City of Live Oak: Crisis of Municipal Dysfunction
Reports Sutter County Code Enforcement F5**

GJ Report	F5: This year’s CFD taxes could not be collected. This has cost the city over \$800,000 in budget reserves.
Recommendation	R4: None
Response	<p>LOCC Response to F5:</p> <p>Agree.</p> <p>CFDs were presented to the City Council for adoption. Council Members Woten and Santana voted Yes while council Members Thiara and Ghag voted No resulting in over \$800,000 in lost Revenues. Instead of the City taking funds out of the general fund, the City used the ARPA funding to make up the difference for the lost revenue.</p>
2021-22 Grand Jury Follow up Response	The CFDs 92-1 and 2004-1 were adopted for collection at the August 3, 2022 City Council meeting by a vote of 3-2.

Please note Council Member Thiara did respond in a letter to the GJ, even though he was neither required nor requested to respond.

Sutter-Yuba Behavioral Health: Behind the Times

The 2021-2022 SCGJ wrote an extensive report on Sutter Yuba Behavioral Health (SYBH). Their findings and recommendations were centered around safety on the Psychiatric Health Facility (PHF) unit, general appearance, and upkeep of the main campus of SYBH, and lastly on the use, understanding/training, and application of funding.

The BOS responded to the 2021-2022 Grand Jury report within the required time. Through the interview process the 2022-2023 SCGJ learned that teams from HHS, SYBH and the CAO drafted the response and presented the response to the Sutter Yuba Behavioral Health Advisory Board and the BOS to be voted on for approval. Additionally, a requested but not required response from the Department of Health Care Services (DHCS) was received. No independent response was received from invited respondents, California Governor's Office, Yuba County Board of Supervisors or Sutter Yuba Behavioral Health Advisory Board.

SYBH and HHS, as well as DHCS agreed with some of the findings of the 2021-2022 SCGJ report. Even though SYBH and HHS did not agree on some of the findings, many of the accompanying recommendations were or are going to be implemented. Of significance is addressing the safety issues on the PHF and funding.

SYBH and HHS have taken the 2021-2022 SCGJ report seriously. They appear to be dedicated to resolving safety issues identified in the report. They contracted with an independent consultant to identify safety issues on the PHF. The consultant confirmed many of the 2021-2022 SCGJ findings and many of the recommendations made by the consultant mirrored those in the SCGJ report. There were additional safety concerns identified beyond the 2021-2022 SCGJ findings, including 178 ligature points.

HHS and SYBH have done a remarkable job in a short amount of time, addressing many of the funding issues raised in the 2021-2022 SCGJ report. They have hired an independent consultant with significant expertise in public funding. They have and continue to provide education, training, and improved communication inter-departmentally around MHSA and realignment funding. They have improved communication and resources within the auditor-controller office with their departments. This dedication to improving utilization and training on funding will undoubtedly be a benefit to SYBH but more importantly, to those who are served by SYBH.

Sutter-Yuba Behavioral Health: Behind the Times F1

<p>GJ Report Findings</p>	<p>F1. The patient rooms at the Sutter-Yuba Behavioral Health (SYBH) Psychiatric Health Facility (PHF) contain multiple Ligature Points. Among staff and administrative personnel interviewed, there was a general awareness of these issues but no apparent sense of urgency to address them.</p>
<p>GJ Recommendation</p>	<p>R1. SYBH and the County must take the Ligature Points concerns seriously. SYBH needs to perform a needs assessment to clearly identify the issues and submit a comprehensive request to the County. The County, in turn, needs to share a sense of urgency and prioritize funding as soon as possible. These should be resolved by July 31st, 2022.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F1:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>SYBH is aware of ligature points in the facility. Staffing to supervise patients and ligature points is utilized in the facility. Facility-based efforts have been made to address and mitigate these points, such as placing metal plates in bars to prevent clients from tying off to them. Addressing ligature points is an ongoing process. SYBH will continue to work with Sutter County General Services to address ligature points throughout the facility to include shower heads, toilet pipes, doorknobs, and hinges.</p> <p>BOS/SYBH/HHS Response to R1:</p> <p>This Recommendation has not yet been implemented, but will be implemented in the future.</p> <p>SYBH is aware of ligature points in the facility and takes them seriously. As previously noted, addressing ligature points is an ongoing process. As part of this process, SYBH will perform a needs assessment to identify issues of concern and will work with Sutter County General Services to implement recommendations. This will be completed with an estimated date of June 2023. The completion of this item will be dependent on funding, supply-chain issues, labor and installation availability. Staff supervision of clients and ligature points will be continued per current practice.</p>

<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings</p>	<p>The Grand Jury recommends that a needs assessment be completed by July 31, 2022. This Recommendation will not be implemented because it is not reasonable. Given that the County has 90 days to respond to the GJ Report, which was released on June 24, 2022, it is not reasonable to require that this item be completed by July 31, 2022. Despite this, SYBH agrees that this item should be addressed as noted above.</p> <p>DHCS Response to F1:</p> <p>Ligature risk points were identified by DHCS evaluators during the June 30, 2022 site visit. SYBH PHF has indicated in writing that it intends to reduce ligature points and is researching upgrades to the facility physical plant to eliminate the identified ligature risks present on the PHF of the doorknobs, door hinges, shower heads, shower dials, and exposed pipes in bathrooms. In subsequent site visits over the next several months, DHCS will closely monitor the facility's progress to ensure that the facility's proposed plans regarding physical plant to eliminate ligature risks are fully implemented. The site visits will include announced and unannounced site visits. The department will offer any appropriate assistance the facility may request in order to reach this goal in a timely manner.</p>
	<p>This recommendation has mostly not been implemented as of January 31, 2023. On November 15, 2022 Chartis Clinical Solutions performed an Environmental Risk Assessment for SYBH-Psychiatric Health Facility (PHF). Their findings included and supported many of the same findings in the SCGJ 2021-2022 report.. Chartis identified over 178 ligature risks on the PHF. As of January 31st, 2023 HHS/SYBH has correctly re-installed ADA grab-bar in the bathroom and removed an old camera that was non-functional.</p> <p>General Services has done several walk-throughs with SYBH/HHS staff to see the recommendations Chartis made. There is a planned walkthrough with contracted company, Gordian, scheduled for February 13th, 2022. The walkthrough to review the project, including cost estimate and timeframe to complete the project. Upon obtaining the cost estimate, SYBH will identify funding. Currently, HHS and SYBH stated this will most likely come from</p>

**2021-22 Grand Jury
Follow up Response**

Realignment Funds. Additionally, SYBH/HHS is submitting an application for the PHF ligature improvements to CMSP.

DHCS did an unannounced onsite review of SYBH and the PHF in June 2022. This included a tour of the physical facilities, facility documents and records, patient records, and policies, patient records, and policies and procedures and staff interviews. DHCS attempted another unannounced site audit on November 28th, 2022. At the time, SYBH PHF was on COVID response testing. DHCS decided to not conduct the audit and would return in the future.

Sutter-Yuba Behavioral Health: Behind the Times F2

<p>GJ Report Findings</p>	<p>F2. Based on site observations of the SYBH PHF Unit, various doors did not appear secure, leaving certain areas potentially vulnerable to unauthorized patient access.</p>
<p>GJ Recommendation</p>	<p>R2. SYBH needs to perform an assessment of all access points with the PHF Unit and address any necessary modifications to ensure proper security and controls are in place for the safety and well-being of both the patients and the staff while mitigating AWOL opportunities. These should include: the doors leading to the staff break area just south of the nurses’ station inside the PHF unit. The door leading from the breakroom to the south side of the building by the parking lot. The double doors to be replaced at the entrance of the PHF unit. Half “Dutch” door to the medication room.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F2:</p> <p>The board of Supervisors/SYBH/HHS disagrees wholly with this Finding.</p> <p>All doors leading to the exterior areas of the PHF are and have been electronically badged via controlled, secure access. Upon the Grand Jury’s visit to the PHF, one interior door that leads to the supervised break area did not have an electronic, badged access point. However, this has been addressed with the installation of an electronic, badged access point on this door, preventing access to the break area.</p> <p>BOS/SYBH/HHS/BOS Response to R2:</p> <p>This Recommendation requires further analysis.</p> <p>An internal assessment has been conducted and an electronic badge access point was added to the door leading to the staff break area just south of the nurses’ station inside the PHF unit. As noted previously, an electronic badge access point has always been on the door leading from the breakroom to the south side of the building by the parking lot. An external safety specialist will be retained by</p>

<p>DHCS</p> <p>Response to Findings</p>	<p>SYBH to determine if additional enhancements are needed. The analysis will be completed by December 24, 2024.</p> <p>The Grand Jury noted that “...there was an AWOL from this access point [referring to the double doors at the entrance of the PHF unit] several years ago due to a malfunctioning, lower-powered magnetic locking mechanism. This has been replaced with new magnetic hardware.” The new magnets are rated at 1,000 pounds, meaning that 1,000 pounds of energy would be needed to force the doors open. SYBH does not believe that new magnetic locking mechanisms are needed. Additionally, while the double doors could use reconditioning, SYBH does not believe they need replacement. Therefore, this portion of the Recommendation will not be implemented because it is not warranted.</p> <p>The portion of the Recommendation to install a half “Dutch” door to the medication room will require further analysis. The analysis will look into whether this style of door will enhance safety without impacting clinical care. The analysis will be completed by December 21, 2022.</p> <p>DHCS Response to F2:</p> <p>The Sutter County Grand Jury (SCGJ) reported that one door on the PHF, “across from the nurses’ station and part of the open area patients use as their day room[...] has a sign that says “AWOL Risk” but there is no locking mechanism on the door.” Badge activated system was installed on this door on March 11, 2022, after the 2021 SCGJ site visit, which resolves this concern. The SCGJ further noted that once you enter the back “break room” where the isolation rooms are located, “It appeared to the SCGJ there was no locking mechanism preventing patients from exiting to the exterior from this break room and isolation room location. There was only a push bar on the door which allowed easy patient access to the outside. The door was lockable from the outside to the inside.” This door is locked via controlled electronic badge access and has always been a locked door prior to the SCGJ visit. DHCS evaluators and SYBH PHF staff demonstrate that the locks were functional and secure. In addition, a review of SYBH PHF’s policies and procedures showed that points of egress are limited to very specific uses and mental health court hearings, once conducted outside of SYBH PHF, are conducted via video to prevent patients from leaving the facility without staff’s knowledge. SYBH PHF has</p>
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	<p>a current fire clearance that conforms to the Fire Marshal’s requirement for fire and life safety as required in the PHF regulations.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>GJ 2022/2023 did an onsite visit and tour of the SYBH and PHF on December 2nd, 2022. During the tour, 2022/2023 GJ confirmed the door across from the nurse’s station was electronic badge access. There is not a ‘dutch’ style door installed in the medication room. Per interviews conducted by SCGJ, SYBH/HHS are considering a ‘pass through’ style door to mitigate patients' access to the medication room.</p> <p>Chartis Quality Solutions suggest a door that includes a secure service hatch.</p>

Sutter-Yuba Behavioral Health: Behind the Times F3

<p>GJ Report Findings</p>	<p>F3. The perimeter fencing at the SYBH PHF Unit’s outdoor recreation area is vulnerable to the exchange of contraband, due to easy public access. It creates a sense of being “locked” in, which is not welcoming or comforting for the patients.</p>
<p>GJ Recommendation</p>	<p>R3. SYBH and the County need to take all necessary measures to ensure constant supervision and safety of the perimeter of the outside fenced in recreation yard on the PHF unit to resolve the potential exchange of contraband. The simple practice of 1:1 of a mental health care worker to a patient is not enough to sufficiently address the situation. Contraband can be placed inside the fence at any time due to the openness of the current fencing system, not just during recreation or fresh air breaks.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F3:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>SYBH takes security at the facility seriously while also attempting to create an atmosphere conducive to rehabilitation. The County has received quotes to install new fencing, which has smaller openings to help mitigate the risk of passing of contraband and may pursue this as funding becomes available. All clients are observed when in the fenced area, and SYBH works consistently through site inspection and client supervision to ensure that contraband is not being exchanged.</p> <p>BOS/SYBH/HHS Response to R3:</p> <p>This Recommendation will not be implemented because it is not reasonable.</p> <p>“Constant supervision and safety” of the fenced in recreation yard would require 24 hour a day, 7 day a week staffing assigned to the fence to ensure that no contraband is passed through the fence. This is unreasonable. SYBH currently has a policy whereby staff comb the backyard area at the beginning of every shift to ensure that no contraband is in the backyard. Clients are always accompanied in the</p>

<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings</p>	<p>fenced in recreation area by staff, meaning that no client is ever in the area without supervision. Additionally, the new camera system will provide additional staff oversight of the recreation area and a new alarm system that alerts staff to an AWOL attempt has been installed and implemented.</p> <p>DHCS Response to F3:</p> <p>DHCS understands the concerns that the fence creates a sense of being “locked” in, which is not welcoming or comforting for the patients. To ensure the safety of patients and staff, PHFs are required to maintain a secure environment. Regulations applicable to SYBH PHF require that the fence be safe and in good repair. During the site visit, DHCS evaluators examined the fence to determine whether it is safe and in good repair. PHF’s fence did not have any missing slats and was observed to be in good condition. Although the fence is accessible to the public, SYBH PHF’s logs did not contain any incidents involving contraband in the facility. SYBH PHF’s policies and procedures require the outdoor recreation area to be utilized during scheduled times under the direct observation of staff. Additionally, security guards check the area outside of the fence for contraband as part of their routine grounds check. Based on the site review, SYBH PHF is adequately managing the risks of contraband being passed through the fence.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>BOS/SYBH/HHS partially disagreed with the finding and recommendation. However, the fencing was addressed in the Chartis report, dated November 15th, 2022. Chartis identified the current fencing as vulnerable to elopement, contraband, and injury by ligature. Chartis recommends a solid surface enclosure. Through interviews and site tour, SYBH indicated there is desire to address the fencing with a solid surface enclosure depending on cost, funding, and supply chain.</p> <p>SYBH/HHS are submitting for grant funding to CMSP to address fencing.</p>

Sutter-Yuba Behavioral Health: Behind the Times F4

<p>GJ Report Findings</p>	<p>F4. The perimeter fencing at the SYBH PHF Unit’s outdoor recreation area is an AWOL risk.</p>
<p>GJ Recommendation</p>	<p>R4. SYBH needs to address the serious issue of AWOL from the PHF unit by means of the chain link fence recreation area. One option is to remove the chain link fence and replace it with concrete block. This would address the risk of AWOL, reduce the risk of contraband, and create a more welcoming and inviting recreation area for those on the PHF unit.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F4:</p> <p>The Board of Supervisors/ SYBH/HHS disagree partially with this Finding.</p> <p>SYBH takes security at the facility seriously while also attempting to create an atmosphere conducive to treatment. Individuals admitted to the PHF, per Welfare and Institutions Code 5150, are admitted civilly for treatment, no criminal reasons. Hence, the importance of maintaining a rehabilitative atmosphere is imperative. An AWOL risk assessment is conducted with clients upon admission to the PHF. Those clients that are at risk for AWOL are denied backyard privileges and managed by discretion of the treating psychiatrist.</p> <p>The County has received quotes to install an “anti-climb” fence, which has smaller openings to prevent hand and footholds to mitigate risk of AWOL from the facility. SYBH will further investigate and may pursue this option as financial resources allow.</p> <p>BOS/SYBH/HHS Response to R4:</p> <p>This Recommendation requires further analysis.</p> <p>It is SYBH staff’s opinion that concrete walls limit visual access to nature and contribute to a feeling of being “locked in” more than a chain-link style fence. Additionally, concrete block walls are</p>

<p style="text-align: center;">DHCS Response to Findings</p>	<p>typically associated with facilities that serve a punitive purpose, such as jails. Despite this, SYBH will conduct an analysis of the feasibility of a concrete wall which will include costs and client feedback about having a concrete wall versus a chain-link fence. As noted in our response to Finding 3, staff is investigating plans to install an anti-climb fence should our analysis of a concrete wall not be favorable. The analysis will be completed by December 24, 2022.</p> <p>DHCS Response to F4:</p> <p>DHCS evaluators observed a tall fence that is curved inwards at the top to discourage AWOLs. Although the fence could be scaled, SYBH PHF has not established a pattern of frequent AWOLs from the fence. The outdoor recreation area is subject to scheduled use times and direct staff observation. Also, SYBH PHF has established AWOL policies and procedures to prevent patients’ eloping from the locked facility without the approval or knowledge of the facility staff. DHCS has no objection to the SYBH PHF making changes to a further secure fence if that is desirable.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>Chartis recommended a solid surface enclosure. SCGJ 2021/2022 had recommended a solid surface type of enclosure, concrete block. During the tour and subsequent interviews, SYBH/HHS agrees a solid surface enclosure would be a good solution. SYBH/HHS are in the process of accepting quotes to replace the current fencing with a solid surface type. SYBH/HHS stated they are submitting an application for a grant to CMSP that will request funds for the fencing as well as ligature points.</p> <p>DHCS stated SYBH PHF “has not established a pattern of frequent AWOLs from the fence”. SCGJ does not know what parameters/guidelines/rules define “<i>frequent pattern of AWOL</i>”. The SCGJ 2021-2022 found there were four AWOLs within a 6-month period, three of those from the fence. DHCS also states they found no missing slats and the fencing to be in good repair. SCGJ site tour on December 2, 2022. It was noticed there were missing slats (minimal) on the east side of the fencing near the access gate.</p>

Sutter-Yuba Behavioral Health: Behind the Times F5

<p>GJ Report Findings</p>	<p>F5. Based on site observations and interviews with staff, the Video Monitoring System at the PHF Unit is an old and antiquated system. Components of the system are non-operational including many of the cameras. Repairs of the current system are either cost prohibitive or not possible due to the age of the system.</p>
<p>GJ Recommendation</p>	<p>R5. SYBH has identified a replacement Video Monitoring system and submitted its request. This system plays a key role in the facility’s security, safety, and sense of well-being for both patients and staff. SYBH and the County need to recognize the importance of this system and prioritize funding by July 31st, 2022.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F5:</p> <p>The Board of Supervisors/SYBH/HHS agrees with this Finding.</p> <p>SYBH has been awarded grant funds that will pay for the installation and purchase of new camera equipment. The Fiscal Year 2022-23 budget has sufficient appropriations necessary to cover the expenses of installing the new camera system. A contractor to install the system has been identified and purchase order completed for equipment and installation. New video camera and affiliated equipment has been ordered as of August 2022 and is scheduled for installation.</p> <p>BOS/SYBH/HHS Response to R5: This Recommendation has not yet been implemented but will be implemented in the future.</p> <p>SYBH has been awarded grant funds that will pay for the installation and purchase of new camera equipment. The Fiscal Year 2022-23 budget has sufficient appropriations necessary to cover the expense of installing the new camera system. A contractor to install the system that has been identified and purchase order completed for equipment and installation. New video camera and affiliated equipment has been ordered as of August 2022 and is scheduled for installation. Installation of the equipment will be completed by June 2023.</p>

<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings</p>	<p>The Grand Jury recommends that a Video Monitoring system needs to be funded by July 31, 2022. This Recommendation will not be implemented because it is not reasonable. Given that the county has 90 days to respond to the GH Report, which was released on June 24, 2022, it is not reasonable to require that this item be completed by July 31, 2022. Despite this, SYBH agrees that this item should be addressed as noted above.</p> <p>DHCS Response to F5:</p> <p>PHF regulations do not require video systems. Video systems are used to aid the facility to evaluate the quality and appropriateness of patient care and for resolving identified problems which occur in common areas of the PHF. However, the safety and security of a PHF setting requires direct observation by staff of the patient milieu. During the site visit, DHCS evaluators reviewed the facility policy and procedure to ensure that any video systems are not used to substitute for in-person staff supervision of the milieu. During the tour, SYBH PHF administrative staff stated that some cameras are inoperable. Although PHF regulations do not require video systems, interviews with staff revealed that SYBH PHF was awarded grant funds to pay for an updated video system in Fiscal Year (FY) 2022-23. SYBH PHF does not have a specific date when the video system will be updated. Based on the site review, SYBH PHF is adequately complying with applicable regulations regarding supervision.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has been implemented. SYBH secured grant funding through MHBG and ARPA. They were able to purchase and install a new CCTV system for the PHF and the Psychiatric Emergency Services. This included 10 cameras and a video monitoring system to record 366 days of storage of video. Invoices were paid to Granite Data Solutions and Gaynor Telesystem. These were split between accounts 103 (PES) and 107 (PHF). A total of \$41,143.43 was used.</p>

Sutter-Yuba Behavioral Health: Behind the Times F6

<p>GJ Report Findings</p>	<p>F6. SYBH use of private security is inefficient and lacks good use of the services.</p>
<p>GJ Recommendation</p>	<p>R6. SYBH needs to re-evaluate where contracted security services are located on the grounds and the scope of services provided.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F6:</p> <p>The Board of Supervisors/SYBH/HHS disagrees wholly with this Finding.</p> <p>SYBH’s primary facility located at 1965 Live Oak Boulevard, is a multi-use site, consisting of Behavioral Health services and a transitional shelter staffed by Public Health. Private security is provided through a contract approved by the Sutter County Board of Supervisors and managed by Sutter County General Services. The contract calls for “patrol of suspicious activity, trespassing, vandalism, panhandling, theft of any kind, aggressive and/or violent behavior or any other illegal activity...”. The Grand Jury report indicates that SYBH staff felt there was no reason to have security personnel on the PHF as “they felt safe with policy and procedures in place for aggressive or dangerous behaviors.” SYBH agrees with staff’s assessment and believes that having uniformed security scheduled full time on the PHF would detract from the rehabilitative (rather than correctional) nature of the treatment facility. PHF staff may call security at any time to respond from the campus.</p> <p>BOS/SYBH/HHS Response to R6:</p> <p>This Recommendation will not be implemented because it is not warranted.</p>

<p style="text-align: center;">DHCS Response to Findings</p>	<p>HHS, of which SYBH is a part, cares about campus safety. SYBH’s primary facility, located at 1965 Live Oak Boulevard, is a multi-use site, consisting of Behavioral Health services and transitional shelter staffed by Public Health. Private security is provided through a contract approved by the Sutter County Board of Supervisors and managed by Sutter County General Services. The contract calls for “patrol for suspicious activity, trespassing, vandalism, panhandling, theft, of any kind, aggressive and/or violent behavior or any other illegal activity...”. The contractor’s scope of services is evaluated based on the needs of the campus.</p> <p>The Grand Jury report indicated that SYBH staff felt there was no reason to have security personnel on the PHF as “they felt safe with policy and procedures in place for aggressive or dangerous behaviors.” SYBH agrees with staff’s assessment and believes that having uniformed security scheduled full time on the PHF would detract from the rehabilitative (rather than correctional) nature of the treatment facility. PHF staff may call on-site security at any time to respond from the campus as needed.</p> <p>DHCS Response to F6:</p> <p>DHCS evaluators reviewed the security contract approved by the Sutter County Board of Supervisors and managed by Sutter County General Services to see how the security services intersected with the services provided by SYBH PHF. The contract calls for “patrol for suspicious activity, trespassing, vandalism, panhandling, theft of any kind, aggressive and/or violent behavior or any other illegal activity” for the outside perimeter of the campus. The use of security guards does not fall within the scope of DHCS’ oversight because the contract does not include any provisions for security guards to provide services or perform functions required by the PHF regulations.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has not been implemented.</p>

Sutter-Yuba Behavioral Health: Behind the Times F7

<p>GJ Report Findings</p>	<p>F7. SYBH Policy and Procedure of recording an AWOL and Hazard/Incident Report is antiquated. It lacks sufficient information and structure to monitor and record AWOL incidents in a concise and professional manner.</p>
<p>GJ Recommendation</p>	<p>R7. SYBH needs to update Policy and Procedure of recording of AWOL and related Hazard/Incident Report. The system should include:</p> <ul style="list-style-type: none"> • Digitally date/time stamped signatures of any personnel that needs to be included of AWOL and Hazard/Incident Report • SYBH should consider a specific time frame for when <i>each</i> personnel who needs to sign, review and finalize the AWOL report, no more than 7 days is recommended. • The system should include an “addendum” form, including a digital time/date stamp, if additional information about the AWOL has occurred from the original document time frame.
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response toF7:</p> <p>The Board of Supervisors/SYBH/HHS disagrees wholly with this Finding.</p> <p>SYBH Policy and Procedures related to AWOL and Hazard/Incident reporting conforms with State and County regulations and guidance. SYBH PHF policies and procedures are reviewed to conform with current best practices and will continue to be reviewed on an ongoing basis.</p> <p>BOS/SYBH/HHS Response toR7:</p> <p>This Recommendation will not be implemented because it is not warranted.</p> <p>SYBH Policy and Procedures related to AWOL and Hazard/Incident reporting conforms with State and County regulations and guidance.</p>

<p>DHCS</p> <p>Response to Findings</p>	<p>DHCS Response to F7:</p> <p>Based on a review of SYBH PHFs records, SYBH PHF is compliant with its AWOL policies and procedures approved by DHCS.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has not been implemented.</p>

Sutter-Yuba Behavioral Health: Behind the Times F8

GJ Report Findings	F8. Based on SCGJ observations, the signage at the County’s PHF Unit is inadequate, outdated, and in very poor shape.
GJ Recommendation	R8. SYBH and the County need to add to and or replace the facilities exterior building site and street signage that has appropriate names and lighting.
BOS/SYBH/HHS Response to Finding and Recommendations	<p>BOS/SYBH/HHS Response to F8:</p> <p>The Board of Supervisors/SYBH/HHS agrees with this Finding.</p> <p>In recognition of aging signage, eight (8) exterior signs at SYBH have been installed with the County’s new logo and an easier to read, blue background.</p> <p>BOS/SYBH/HHS Response to R8: This Recommendation has been implemented.</p> <p>Eight (8) exterior signs at SYBH have been installed with the County’s new logo and an easier to read, blue background.</p> <p>An analysis will be conducted to determine a) the need for sign lighting and b) the fiscal feasibility of installing sign lighting. This portion of the Recommendation requires further analysis. The analysis will be completed by December 24, 2022.</p>
DHCS Response to Findings	<p>DHCS Response to F8:</p> <p>DHCS evaluators observed that eight (8) new exterior signs at SYBH PHF campus have been installed with the County’s new logo and include an easier to read, blue background.</p>

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This recommendation has mostly been implemented. There are eight new exterior signs on the SYBH campus that are current. As of February 10, 2023 there is no lighting on the monument sign facing Live Oak Blvd. SYBH/HHS has done research into utilizing a solar powered source for the monument sign. Communication with SCGJ indicates they will use a small unit to test out the feasibility of solar at minimal cost (\$330).

Sutter-Yuba Behavioral Health: Behind the Times F9

GJ Report Findings	F9. The beds in the Isolation Rooms at the PHF Unit are an old version that leave the patient in an uncomfortable position if restraint is required.
GJ Recommendation	R9. SYBH and the County need to address the importance of ensuring the comfort of patients in need of isolation and possible restraint. SYBH needs to identify and submit a replacement request to the County. The County in turn needs to recognize the importance by prioritizing funding by July 31st, 2022.
BOS/SYBH/HHS Response to Finding and Recommendations	BOS/SYBH/HHS Response to F9: The Board of Supervisors/SYBH/HHS disagrees wholly with this Finding. SYBH is concerned about the safety and comfort of all patients. Page 86 of the Grand Jury’s report provides a pictorial example of a bed appropriate for an isolation room and recommends that SYBH install this type of bed. SYBH notes that the bed pictured in the report and those used by SYBH are identical to those installed in the isolation rooms at the PHF. These beds have been in use by the facility for many years. Additionally, the California Department of Healthcare Services (DHCS), the state body that licenses the PHF, has reviewed the site multiple times and has not required replacement of the beds.
DHCS Response to Findings	BOS/SYBH/HHS Response to R9: This Recommendation will not be implemented because it is not warranted. DHCS Response to F9: During the June 30, 2022 onsite review, DHCS evaluators examined the bed frame, mattress and restraints to ensure compliance with PHF regulations. The restraints are cloth or other soft material, sanitary, and complete so as not to cause harm to the patient. Based on the inspection of the Restraint and Seclusion room, SYBH PHF maintains a clean bed with a mattress designed for use with the bed frame, all of which are in good condition, and consistent with the PHF regulations. SYBH PHF physical restraints devices have been approved by the Fire Marshal as required in regulations
2021-22 Grand Jury Follow up Response	This recommendation has not been implemented.

**2021-22 Grand Jury
Follow up Response**

BOS/SYBH/HHS stated the recommendation would not be implemented because it was not warranted. During our site tour SCGJ became aware that due to recent, significant rains, there was an extensive amount of standing water and drainage issues with the parking lot, mostly the asphalted area. In interviews, SYBH stated there is now some concern about safety.

There have been some repairs made to the gravel area of the parking lot as well as lighting upgrades. SCGJ observed during the site tour some patches of asphalt, with significant alligator cracking in the asphalt, had been repaired. Upon further observation by SCGJ, during heavy rains it appears there is standing water in the asphalt area, including the newly repaired areas. SYBH/HHS and General Services were aware of the drainage area and stated they are looking at options to address the drainage. This includes the possibility of a sump-pump to utilize during significant weather events.

Sutter-Yuba Behavioral Health: Behind the Times F11

<p>GJ Report Findings</p>	<p>F11. The building and grounds at the County’s PHF Unit show lack of regular maintenance. The vegetation is overgrown. Weeds growing up in sidewalks as well as in large unplanted areas. The exterior walls, concrete walkways, garbage receptacles are dingy or outright dirty. The window information signage is unprofessional in appearance.</p>
<p>GJ Recommendation</p>	<p>R11. SYBH and the County need to take the initiative to clean up, enhance, and consistently maintain the overall appearance of the SYBH facility.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F11:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>Sutter County General Services routinely maintains the property at 1965 Live Oak Boulevard and is responsive to the needs of SYBH when requested. At times, the site vegetation may be overgrown between scheduled lawn maintenance. General Services staff provide maintenance at regular and “as requested” intervals that meet the needs of the facility and which address safety hazards. SYBH agrees that window signage becomes worn over time. SYBH has reviewed and replaced window signage to ensure that currently posted signage is clear, unworn, and easily read.</p> <p>BOS/SYBH/HHS Response to R11:</p> <p>This Recommendation will not be implemented because it is not warranted.</p> <p>SYBH remodeled portions of the interior of the PHF facility in 2019. This included new flooring, asbestos abatement, new paint, and the installation of a sprinkler system. Additionally, replacement of many pieces of furniture, such as patient beds, nightstands and chairs in the common area has occurred.</p> <p>Sutter County General Services routinely maintains the property at 1965 Live Oak Boulevard and is responsive to the needs of SYBH when requested.</p>

<p style="text-align: center;">DHCS Response to Findings</p>	<p>DHCS Response to F11:</p> <p>Based on DHCS evaluators' visual inspection of SYBH PHF physical plant on June 30, 2022, SYBH PHF, including the grounds, is maintained in a clean and sanitary condition and in good condition to ensure safety and well-being of clients, staff, and visitors. The buildings and grounds are free of environmental hazards that may adversely affect the health or welfare of clients.</p>
<p style="text-align: center;">2021-22 Grand Jury Follow up Response</p>	<p>BOS/SYBH/HHS stated this recommendation was not to be implemented nor warranted. SCGJ did observe during the site visit on January 6, 2023 the SYBH campus appeared to have enhanced exterior upkeep. There was removal and replacement of old signage on the windows and doors. The grounds were cleaner and the grass areas neat.</p>

Sutter-Yuba Behavioral Health: Behind the Times F12

<p>GJ Report Findings</p>	<p>F12. Based on those interviewed and a review of budgetary documents, it appears some SYBH and Health and Human Services (HHS) management and key fiscal staff lack sufficient knowledge/understanding of the budget practices. This includes MHSA and Realignment funding.</p>
<p>GJ Recommendation</p>	<p>R12. SYBH and HHS need to reevaluate the scope and value of their training program, as well as their outside 3rd party consultant contract(s) to make sure it is being used effectively.</p> <p>R13. SYBH needs to provide proper training and education to ensure sufficient knowledge/understanding of MHSA and Realignment funding in order to maximize support to the county programs dependent on this funding.</p> <p>R14. SYBH and HHS need to assess its current staff, training and processes related to its budget. They then need to develop standardized processes/procedures to facilitate necessary communication between department heads and key fiscal personnel as it relates to internal reporting, discussion, and evaluation of ongoing budgetary goals and or issues, etc.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F12:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>HHS and SYBH management staff are knowledgeable of budget practices, however, staff will work to increase the general knowledge of managers and supervisors overall as related to fiscal processes, including funding sources for management and supervisory staff related to the programs they are assigned.</p> <p>BOS/SYBH/HHS Response to R12:</p> <p>This Recommendation has not yet been implemented but will be implemented in the future.</p> <p>HHS staff overseeing behavioral health programs will view “Module 5-Behavioral Health Financing 101”, provided by the California</p>

<p>BOS/SYBH/HHS</p> <p>Response to Findings and Recommendations</p>	<p>Behavioral Health Directors Association. This course reviews Mental Health Services Act, Realignment and Medi-Cal funding for Behavioral Health programs. Additionally, regular budget meetings, which will include an educational component, will be staffed by HHS administration. Consultant performance via contracts in these areas will be reviewed for effectiveness. These action items will be completed by June 30, 2023.</p> <p>BOS/SYBH/HHS Response to R13:</p> <p>This Recommendation has not yet been implemented but will be implemented in the future.</p> <p>HHS staff overseeing behavioral health programs will view “Module 5-Behavioral Health Financing 101,” provided by the California Behavioral Health Directors Association. This course reviews Mental Health Services Act, Realignment and Medi-Cal funding for Behavioral Health programs. Additionally, budget meetings, which will include an educational component, will be established by HHS administration. Consultant performance via contracts in these areas will be reviewed for effectiveness. These action items will be completed by June 30, 2023</p> <p>BOS/SYBH/HHS Response to R14:</p> <p>This Recommendation has not yet been implemented but will be implemented in the future.</p> <p>More specifically, the areas for improvement identified by the Grand Jury have also been identified by both HHS Administration and County Administration. As such, work has been underway to identify areas for immediate improvement, including identifying additional resource needs, as well as areas for additional communication and training for existing staff. The Grand Jury appropriately recognized, in its background and discussion, that “the funding for county behavioral health is very complex.” The Grand Jury’s observations and resulting recommendations are well taken. It Is anticipated that additional work will continue, with the intent that tangible improvements in processes, procedures, and general understanding of the interrelationship of programs and budgets, are recognized and will be completed by June 30, 2023.</p>
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<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings and Recommendations</p>	<p>DHCS Response to F12:</p> <p>DHCS does not have applicable enforcement language in its Mental Health Services Act (MHSA) performance contract with counties to provide or require performance evaluations of staff at the county level. DHCS does not have the requisite authority to determine if SYBH management and staff lack the appropriate knowledge and understanding of the budget practices. Training and development of county staff is a county responsibility.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has not been implemented, but will be implemented in the future.</p> <p>HHS administrative staff have scheduled future budget meetings with the intent to educate the general knowledge of managers and supervisors overall as related to fiscal process. This includes funding sources for management and supervisory staff related to the programs they are assigned. These meetings were scheduled to take place on January 17, 2023, January 23, 2023, January 24, 2023, January 26, 2023, January 30, 2023 and January 31, 2023.</p>

Sutter-Yuba Behavioral Health: Behind the Times F13

<p>GJ Report Findings</p>	<p>F13. Based on Sutter County Grand Jury research and those interviewed, there is no regular meeting of key fiscal staff, department heads, and directors to address changing budgetary issues. Currently, this is done once a year or on an “as needed” basis. This has created some issues with timely budgetary reporting.</p>
<p>GJ Recommendation</p>	<p>R15. There should be regularly scheduled meetings between Department Heads, Branch Directors, Administrators, and key fiscal staff. For transparency purposes, these meeting updates should be presented to the Sutter Yuba Behavioral Health Advisory Committee as well as Sutter County Board of Supervisor Meetings.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F13:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>HHS and SYBH agree that the Department Fiscal meetings should increase in frequency. HHS and SYBH management, to include directors, meet to discuss budgetary issues on a recurring basis that may be increased up to once a week as needed. This meeting serves to increase the general knowledge of managers, and non-finance professionals as related to fiscal processes, including funding sources for management staff related to the programs they are assigned to.</p> <p>BOS/SYBH/HHS Response to R15:</p> <p>This Recommendation has not yet been implemented but will be implemented in the future.</p> <p>More specifically, the areas for improvement identified by the Grand Jury have also been identified by both HHS Administration And County Administration. As such, work has been underway to identify areas for immediate improvement, including identifying additional resource needs, as well as areas for additional communication and training for existing staff, to include topic related communication with other stakeholders such as Behavioral</p>

<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings and Recommendations</p>	<p>Health Advisory Committee and Board of Supervisors. The Grand Jury appropriately recognized, in its background and discussion, “the funding for county behavioral health is very complex.” The Grand Jury’s observations and resulting recommendations are well taken. It is anticipated that additional work will continue, with the intent that tangible improvement in processes, procedures, and general understanding of the interrelationship of programs and budgets, are recognized and will be completed by June 30, 2023</p> <p>DHCS Response to F13:</p> <p>DHCS monitors the timeliness of MHSA-related submissions and appropriate fund allocations. Historically, the county had not met the deadline for its Annual MHSA Revenue and Expenditure Reports (ARERs) submissions. However, in more recent years, the county has improved and has submitted on time. Additionally, as of FY 2017-18, DHCS records show that SYBH has provided timely Three-Year Plan and Annual Updates. The county submitted a plan of correction for their deficiencies related to their triennial review and are taking steps to ensure Plans, Updates, and ARERs are submitted on time. DHCS does not have the requisite authority to review or require a county intra-departmental meeting frequency.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has partially been implemented. SCGJ reviewed interdepartmental documentation (emails, calendars) verifying increased communication between administrators and staff on training and understanding of complex funding.</p>

Sutter-Yuba Behavioral Health: Behind the Times F14

<p>GJ Report Findings</p>	<p>F14. Based on Grand Jury research and those interviewed, the existing SYBH Electronic Health Care Record System is inadequate.</p>
<p>GJ Recommendation</p>	<p>R16. Based on the grand jury’s research, a new Electronic Health Care Record System has been defined and budgeted by SYBH. SYBH needs an implementation plan. The County needs to prioritize and approve funding for a complete EHR for outpatient, inpatient, and PES.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p>	<p>BOS/SYBH/HHS Response to F14:</p> <p>The Board of Supervisors/SYBH/HHS disagrees partially with this Finding.</p> <p>SYBH contracts with Kings View Corporation, a third-party provider, to implement its electronic health record (EHR). The Fiscal Year 2022-23 MOU between SYBH and Kings View includes the transition to a new EHR that will provide improved functionality throughout the system, to include inpatient services on the PHF.</p> <p>BOS/SYBH/HHS Response to R16:</p> <p>This Recommendation has been implemented.</p> <p>SYBH contracts with Kings View Corporation, a third-party provider, to implement its electronic health record (EHR). The Fiscal Year 2022-25 MOU between SYBH and Kings View includes funding for and the transition to a new EHR that will provide improved functionality throughout the system, including outpatient, inpatient and PES.</p>

<p style="text-align: center;">DHCS</p> <p style="text-align: center;">Response to Findings and Recommendations</p>	<p>DHCS Response to F14:</p> <p>PHF regulations do not require the use of electronic health records. SYBH PHF utilizes a hybrid system of paper based medical records and electronic health records to document clinical care. While on-site, DHCS evaluators reviewed the paper-based, typed or handwritten, progress notes, treatment plans, discharge plans and aftercare plans to evaluate the services provided by SYBH PHF. The current medical record system meets regulatory requirements. SYBH PHF anticipates transitioning to the new electronic health record in FY 2022-23</p>
<p style="text-align: center;">2021-22 Grand Jury Follow up Response</p>	<p>A new electronic medical records program called Credible has been acquired through Kings View Corp. and has a rollout date of April 2023.</p>

Sutter-Yuba Behavioral Health: Behind the Times F15

<p>GJ Report Findings</p>	<p>F15. Based on site observations, review of county plans for the Gray Avenue Building, and SYBH administration interviews, the 1965 Live Oak Blvd Building is no longer adequate to house the Psychiatric Health Facility (PHF) and other SYBH offices/programs.</p>
<p>GJ Recommendation</p>	<p>R17. The County needs to work with HHS to perform a needs assessment and begin developing a long-term strategy to address the clear need for a new facility for SYBH which includes housing the PHF Unit.</p>
<p>BOS/SYBH/HHS Response to Finding and Recommendations</p> <p>DHCS Response to Findings</p>	<p>BOS/SYBH/HHS Response to F15:</p> <p>The Board of Supervisors/SYBH/HHS disagrees wholly with this Finding.</p> <p>DHCS last visited the 1965 Live Oak Blvd Building, specifically the PHF, on June 30, 2022, as a result of the Grand Jury Report. During this visit, and numerous previous site reviews for outpatient and inpatient services, SYBH has not received feedback from DHCS, the state entity responsible for monitoring SYBH, that the Live Oak building is not an adequate facility to house SYBH services.</p> <p>BOS/SYBH/HHS Response to R17:</p> <p>This Recommendation will not be implemented because it is not warranted.</p> <p>DHCS last visited the 1965 Live Oak Blvd Building, specifically the PHF, on June 30, 2022, as a result of the Grand Jury Report. During this visit, and numerous previous site reviews for both outpatient and inpatient services, SYBH has not received feedback from DHCS, the state entity responsible for monitoring SYBH, that the Live Oak building is not an adequate facility to house SYBH services.</p> <p>DHCS Response to F15:</p> <p>Based on DHCS evaluators' onsite physical plant inspection of SYBH PFH conducted on June 30, 2022, the building located at 1965 Live Oak Boulevard complies with the PHF physical plant regulatory requirements.</p>
<p>2021-22 Grand Jury Follow up Response</p>	<p>This recommendation has not been implemented.</p>

SUTTER COUNTY GRAND JURY 2022-2023



**SCSO: Staffing and Jail Improvements
While Facility Conditions Heat Up**



SUMMARY

The Sutter County Grand Jury (SCGJ) completed its annual tour of the Sutter County Jail in Yuba City on January 6, 2023. The SCGJ also toured the Tri-County Youth Rehabilitation Campus and Maxine Singer Youth Guidance Center in Marysville on December 9, 2022. The SCGJ found staff at both facilities work to ensure a safe and inclusive environment for all inmates and youth. Programs are provided to inmates and youth for life improvement and to reduce recidivism.

The SCGJ found several recommendations from the previous years' grand juries have been completed and recognize the efforts that have been made by the Sutter County Sheriff Office (SCSO).

Significant strides have been made in reducing staffing shortages across all divisions at Sutter County Sheriff Office. Progress has been made in the jail from previous Grand Jury recommendations. These include: the installation of netting over the medium security yard, a body scanner to help detect/prevent narcotics and other contraband from entering the jail, and funding and securing of a K-9 for the Jail Division. This will further prevent narcotics/contraband entering the jail. SCSO has also secured a donation of a vehicle for the K-9 and handler for the Jail Division.

SCGJ recommends a cost estimate for the replacement of the original evaporative cooling system to an updated system in the older section of the Sutter County Jail. SCGJ recommends the Board of Supervisors (BOS) identify and secure funding for replacement of the old cooling system at the Sutter County Jail. SCGJ recommends BOS consider funding a grant-writer position for public safety to secure funding for public safety.

BACKGROUND

Adult Facilities

The 2022-2023 SCGJ conducted its inspection of the Sutter County Jail, interviewed staff, and reviewed relevant documentation related to the jail. The Sutter County Jail is located at 1077 Civic Center Boulevard in Yuba City. The jail capacity is 396 inmates. The jail usually houses 140 to 150 inmates, with an average length of stay of 1 to 1.5 years. There are two sections of the Sutter County Jail, the original 1977 building and a newer addition completed in 1999. There are 148 minimum security facility beds, 62 felony dorm beds, and 52 single-cell maximum security bed units.

Onsite medical staff are contracted through Wellpath. Wellpath is responsible for overseeing, planning, coordinating, and developing health care delivery to the jail. Mental Health and counseling services are provided by Sutter Yuba Behavioral Health and medical service provider Wellpath.

Various ancillary classes are offered at the facility for the inmates. Due to Covid, many programs were stopped due to restrictions for public safety. Some programming was opened again at the end of 2022 and a Program Coordinator position was created with the goal to expand services and programs offered.

On-site programs currently offered include:

- MAT Program (Medication Assisted Treatment) - this program is designed to give in-house and after-release treatment options for those addicted to opioids.
- EASS Program (Early Access Stabilization Services) - this program provides mental health counseling, therapy (group and individual), and restorative services to those who have been deemed incompetent to stand trial.
- Food Server's Program: this program provides incarcerated persons the ability to receive credit and "milestones" for 1 day time served for every 15 days they work in the kitchen. They can also get certified for "Safe Serve" and use the certification when released.
- Education Program: incarcerated persons can receive training in a variety of basic life skills or credits towards their General Education Diploma (GED).
- Probation Program Services
- Training in Anger Management, Moral Reconciliation Therapy, Life Skills, and Healthy Relations.

Other inmate activities include religious services, Alcoholics Anonymous, Narcotics Anonymous, and grooming services.

Youth Facilities

On December 9, 2022, the SCGJ conducted its annual tour of the Tri-County Juvenile Rehabilitation Center and the Maxine Singer Youth Guidance Center. The Tri-County Youth Rehabilitation Campus is located on 14th Street in Marysville. A new facility is being built across the street with anticipated completion in early summer of 2023. The new location will provide an up to date, safer, and more secure facility.

The Yuba County Office of Education provides instruction to youth at their education level. Students earn credits and can graduate with a high school diploma. The program is WASC (Western Association of Schools and Colleges) accredited which means the youth are provided with a grade-level standards-based education. Youth who participate in classes and programs are eligible to earn open recreation awards. There is one full time teacher, as well as substitutes, para-educators, and part-time special education teachers. The coursework is approved, high school curriculum per California Education Code.

WELLPATH Medical Services is the designated health agency for Tri-County Juvenile Facility and Maxine Singer Center.

Meals are served cafeteria style from an on-site kitchen. The kitchen staff work with the medical and facility staff to provide customized meals for youth with special needs diet(s) and food allergies. Meals are nutritious and follow state guidelines. Snacks are available if desired by the youth.

Programs offered are peer mentoring program, a therapy dog is utilized for group(s), individual, and family sessions. The programs offered are helping youth develop healthy relations and self-growth. Volunteer programs including Alcoholics Anonymous (AA), and Narcotics Anonymous (NA) meetings, religious services, and mentor programs are available. The youth facility faces volunteer shortages and funding challenges.

Camp Singer offers welding classes for eligible youth. The SCGJ was able to see some of the impressive welding projects Camp Singer youth had completed. Family programs offered are parenting classes, parent partners and visitation, family reunifications services, substance abuse counseling, gang awareness counseling, and vocational training.

Youth are allowed one hour each evening for family visits. Professional visits have no limit on duration. Youth are allowed to use the pay telephone.

Both the Juvenile Center and the Maxine Singer Center were clean with an environment of inclusion, temperature was comfortable, and the staff were open and displayed a caring approach whose primary focus is on the safety and success of the youth. The staff strive to reduce recidivism and provide the youth with tools and support they need when released from juvenile facility. Facility wide use of PBIS (Positive Behavior Interventions & Support) has been beneficial. Some of the youth who have been released from the juvenile center, return for visits with staff who have supported and positively impacted them.

The anticipated completion of the new facility in mid-2023 will provide an updated facility which provides a safe and secure environment. The new facility is located across the street from the current location in Marysville.

METHODOLOGY

The SCGJ visited the following facilities:

- Sutter County Jail 1077 Civic Center Blvd. Yuba City, CA 95993
- Tri-County Youth Rehabilitation Center 1023 14th Street Marysville, CA 95901
- Maxine Singer Youth Guidance Center 1023 14th Street Marysville, CA 95901

The SCGJ interviewed the following individuals:

- Jail Staff
- Maxine Singer Youth Guidance Center Staff
- Sheriff
- Sutter County Administrator
- Tri-County Juvenile Rehabilitation Center Staff
- Undersheriff

The SCGJ reviewed the following documentation and resources:

- Appeal Democrat Articles
- Board of State and Community Corrections Inspection Report
- Board of State and Community Corrections Unannounced Inspection Report
- Board Of Supervisors Meeting Minutes and Agendas
- Sutter County Maxine Singer Youth Guidance Center Website
- Sutter County Sheriff Department Website

GLOSSARY

BOS Board of Supervisors

BSCC The California Board of State and Community Corrections

EASS Early Access Stabilization Services

GED General Education Diploma

MAT Medical Assisted Treatment Program

PBIS Positive Behavior Interventions & Support

SCGJ Sutter County Grand Jury

SCSO Sutter County Sheriff's Office

WASC Western Associations of Schools and Colleges

DISCUSSION

State Inspections: Grand Juries and Board of State and Community Corrections

All California Grand Juries are mandated to inspect any public prison located within their county.

“Section 919 (b) of the Penal Code mandates that the grand jury inquire into the conditions of any public prison within the county. Sections 919 (a), 925, and 925(a) authorize the grand jury to investigate county and city jails and other detention facilities.”

The required facility inspection is done to ensure the care, safety, and well-being of those being detained is adequate. The Sutter County Jail is in Yuba City, Sutter County. The Tri-County Rehabilitation Campus and the Maxine Singer Youth Guidance Center are in Marysville, serving Sutter County youth.

SCGJ inspected all campuses in December of 2022 and January of 2023. In general, SCGJ found the organizations, the staff, programs, and facilities are serving the community well. A concentrated effort to ensure opportunities of traditional education, trade/vocational courses, and life skills learning are being offered to those in the facilities. Adequate mental and physical health programs are provided. Some areas of facility improvement that would enhance Sutter County Jail are discussed later in this section.

The California Board of State and Community Corrections (BSCC) 2020-2022 Biennial inspection of the Sutter County Jail and Court Holding facility was completed August 19, 2021. Pursuant to Penal Code Section 6031, these inspections are performed to determine compliance with the Minimum Standards for Local Detention Facilities outlined in Titles 15 and 24 of the California Code of Regulations. The inspection consists of a review of the Sutter County Jail and Court Holding facility policy and procedure manual, a site visit to review operations, documentation, and interviews with administration and inmates. The inspection results found no outstanding items of noncompliance with Title 15 and no corrective action was required.

January 26, 2023, the BSCC conducted an unannounced inspection of the Sutter County Jail and found no items of noncompliance with Title 15 of the California Code of Regulations were identified and no corrective action was required.

Reducing Contraband in the Jail



Sutter County Deputy Ethan Brooks, Jail K-9 Baily, Sutter County Sheriff Barnes

The previous three grand juries have focused on two main areas within SCSO. One of those being the presence of narcotics and other contraband entering the jail. Those grand juries made recommendations for a body-scanner, cameras in the laundry room, overhead netting installed in a recreation yard, and the purchase of a K-9 dog for the jail for detection of drugs.

The recommendations from these grand juries were taken seriously by SCSO and implemented. SCSO purchased a full-body scanner and installed a camera in the laundry room following the recommendation of the 2019-2020 SCGJ. Statistics on the body scanner are not kept, however jail staff have seen a decline in the amount of contraband found in the body cavity since its introduction. The SCSO did not install the netting over the yard that year but did in subsequent years. Even with these improvements, the 2021-2022 SCGJ found drugs had continued to enter the jail. 2021-2022 SCGJ thought a drug-alerting canine could be of great value in finding and reducing the presence of drugs/contraband in the jail. This would further ensure the safety of inmates and staff and therefore made this recommendation in their report.

SCSO agreed with the recommendation and has identified a yellow Labrador to serve as their Narcotics and Articles K-9 for the jail unit. The purchase cost for the dog was \$6,500. The expected start date will be September or October of 2023, after training for both the K-9 and officer. The SCSO was also able to

secure a vehicle for the jail K-9 unit through a donation of a 2015 Ford Explorer (\$13,251) from Sutter County Reserve Sheriff Association.

Staffing

Previous grand juries had also focused on staffing at SCSO. Sutter County Sheriff Office has been plagued with staffing issues for many years, escalating to critical shortages in 2022. In December of 2022, the Sheriff's Office had only two dispatchers for the entire department. This forced the county to contract with Yuba County to provide 911 services during the overnight hours.¹ At that time, SCSO had nine vacancies in dispatch and 17 in the Operations Division, much of that affecting patrol. In March of 2022, SCSO had 18 vacancies in the Jail Division.

Measure A "Essential Services Measure", a proposed 1% sales tax over a nine-year period, publicly supported by Sutter County Administrator (CAO) and the Sheriff, was voted down in November of 2022. Supporters of the measure, including the Sheriff and the CAO stated the 1% increase in sales tax would have helped alleviate staffing issues not only at SCSO, but across multiple departments who are also experiencing critically low staffing². Even if Measure A had passed, the Sheriff stated it would have been a temporary fix to the staffing situation and further action would be necessary for a long-term solution. After many public discussions and presentations from county departments, including Human Resources on salary surveys from surrounding counties, the BOS approved a salary increase and other incentives to public safety in September of 2022³.

This salary increase did help to attract new hires to SCSO. As of March 2023, of the 62 non-administrative staff positions in the Jail Division, there are only 11 vacancies: essentially creating an 83% staffed division, up from 71% the previous year. Of these 11 vacancies, two are waiting for a hire date and five more are in backgrounds. If all five pass backgrounds and the two with hiring dates are successfully hired, the Jail Division will be 95% staffed.

The increase in Jail Division staffing is critical in its timing. As we move out of the COVID-19 pandemic era and statewide-emergency rules and mandates enacted to reduce the spread of COVID-19, the populations within the jails and prisons are likely to increase to pre-pandemic levels. In April of 2020, California Judicial Branch adopted 11 temporary rules including \$0 bail for misdemeanors and some "lower-level" felonies to reduce jail populations and reduce the spread of COVID-19⁴. This meant many individuals who would have normally been housed in local jails for a period of time, were booked and released, thus lowering the overall population in SCSO jail. Sheriff Barnes in his response to previous grand juries shared data from 2018 and 2019 that showed SCSO overall jail population was lower than other similar jails. SCSO agreed staffing in the Jail Division was a concern, however felt a measured approach was appropriate since the average daily population remained relatively low, even pre-pandemic. Given the recent successful hiring practices, staffing the jail has been a priority. There appears to be a proactive approach to SCSO regarding staffing the jail, measured or otherwise.

In August of 2022, the Operations Division at SCSO had 17 vacancies in patrol, leaving the division staffed at just 67% (non-administration). Operations Division includes patrol, detectives, civil, court deputies, and sergeants. When staffing entered this critical stage, it had a cascading effect on the Operations Division. SCSO was forced to move resources (staff) from less critical programs and services like community outreach, homeless engagement, and court security to critical needs such as patrol⁵. In March of 2023, SCSO reported only 3 vacancies within the Operations division, including patrol. Operations Division is now close to 96% staffed, not including administration. This is impressive, given there are public safety recruitment issues across the nation, particularly in law enforcement.

SCSO has done a remarkable job of re-staffing the Support Services Division. Dispatch services are arguably the lifeline between the community and emergency services. In many cases, these individuals are not only the crucial link between life saving measures and critical communication for citizens, but also for the public safety officers. For years, the nation has been in a chronic and painful deficit of emergency services personnel. It was only exacerbated by the pandemic. A quick search on the internet, and one can see communities of any size ranging from San Francisco to Sutter County, suffering from staffing shortages of many emergency personnel, but in particular with emergency 911 dispatch^{6,7,8}.

A further examination reveals a common thread as to ‘why’ there is a shortage of personnel in the field. Poor pay, high-stress, demanding shift-work, multi-tasking skill sets including: communications, technology, speed typing, handling multiple conversations and information with multiple individuals, in order to communicate critical information in a short amount of time, all contribute to the challenge of finding the right fit for the job⁹. Attracting job applicants to the profession is challenging to begin with given these demands. Add in a salary range that was upwards to 17% less than surrounding agencies, it was difficult to find and keep employees in the dispatch position at SCSO. Additionally, not all who apply and pass the application process, are able to pass the training process. This is an exacting position and not all have/or can develop the skills required for the demands of the job.

In December of 2022, SCSO had two dispatchers of 12 positions, less than 17% staffed. In March of 2023, SCSO had seven dispatchers with five vacancies, bringing staffing up to a little over 58%. Of the five vacancies, there were four people in the background process, having passed the initial stages of the employment process. If all were to pass pre-employment, hire, and pass training, SCSO dispatch would be close to 92% staffed. Again, an impressive change within a year.

The profession(s) of public safety are demanding. The individuals and groups that serve Sutter County have been taxed throughout the pandemic, as have other communities. Our public safety personnel, especially within the SCSO, have continued to provide safety and protection with critically low staffing for many years. In November of 2022, the citizens of Sutter County did not support Measure A, increasing the sales tax for 1% over a nine-year period. The BOS did increase salaries and added other inducements to encourage interest in SCSO both for new employees and to retain experienced personnel. This has had a positive impact on *current* staffing at SCSO. It may be challenging in the near future to maintain staffing if a long-term solution is not agreed upon within the community.

Air Conditioning System in Older Section of Jail

The air conditioning system in the older portion of the jail is an evaporative cooling system that was part of the original construction of the jail in 1977. Generally speaking, this type of commercial cooling system has a life expectancy of about 15-20 years.^{10 11} This system is antiquated and is beyond its useful life and needs to be replaced. During the hot summer days, the cooling system is not sufficient to keep the jail facility within an acceptable temperature range. Between May and September of 2022 there were 50 days over 100 degrees in Yuba City. In the first two weeks of September there were 9 days consecutively that were over 100 degrees and 3 over 110 degrees.¹²

In the summer of 2022, SCSO staff noted there were multiple days in which the older section of the jail reached temperatures just above 85 degrees for several hours. To combat the heat, staff handed out ice packs to the inmates and brought in portable air conditioning units from the fire department on the most extreme days. On some of these days, the power was so taxed, the power grid within the jail was affected as well.

During interviews, SCGJ discovered over 80% of the inmates and jail staff were affected by poor air conditioning in the older section of the jail. Jail staff often are required to wear both a utility belt and a vest that adds to being overheated. It is not an option for gear to be removed or adjusted for safety reasons. It may seem logical to a lay person to move inmates to a different section of the jail where the more efficient cooling system is located. However, this is not possible due to the classification of inmate(s) and where they can be housed. SCSO cannot move inmates into other sections if they are not within the same classification (high risk, misdemeanor, felony, etc.).

To date, there have been no formal complaints lodged by an inmate or staff regarding the air conditioning or excessive heat in the jail. The current administration has no logs of any medically treated heat related incidents. The jail and medical staff closely monitor those inmates who take certain medications, often psychotropic medications, that can cause a person to be sensitive to heat.

An estimate for replacement was obtained approximately a year ago. At that time, the cost was approximately three million dollars (\$3,000,000). Due to the lapse in time, replacement costs are most certainly higher today.

A simple estimate of the cost to replace the existing evaporative cooling system with a new condensing air conditioning system can be based on the cost per square foot of the new system. Using the cost of \$200/square foot to estimate the cost for the 42,821 square foot building, it would be about \$8,564,200.

The improvement of the air conditioning system in the jail would be paid from the Sutter County General Fund. This project would be budgeted as a capital improvement project. As with other capital improvement projects, funding is limited with many competing priorities. Other funding sources need to be researched and determined viable in order to reduce the direct burden on the county general fund.

Public Safety Grant Writing Position

Sutter County Public safety positions have been stretched for a considerable amount of time. There are some ancillary functions that have been unable to be performed due to workload, lack of staffing and funding challenges. The SCGJ is advocating for the addition of a Public Safety Grant Writer role. This role would be able to research and apply for grants that may be available through various channels.

The purpose of the position is working with the public safety sector to identify needs and apply for grants to meet those needs. This involves research, drafting, and submitting compelling proposals that will help secure public safety funding that could be used in various areas. Grants have many varied uses such as vital equipment, training, technology, vehicles, and in some cases program management. The use of grants could free up resources and monies without a cost to the department or Sutter County. Grants are a way for Sutter County public safety departments to receive funding beyond the limits of the general fund and operational budget. This can help fill the gap between the department's resources and needs.

Sutter County has seen much success with the addition of the Development Officer role in December 2021. This position provides grant writing for the library and museum. The success has been in obtaining grants for improvements to both the Library and Museum. The position was first filled in December 2021. By researching, identifying, and applying for grants the position was able to secure grants in the amount of \$408,936 for the museum and \$152,936 for the library in the last fiscal year. There is anticipation there will be one or two library awards this year. The monies obtained via grants well exceeds the positions budgeted costs of \$97,700 for FY 23-24.

With a focus on securing funds via methods other than taxation, the position has also leveraged \$3,000 in individual donations to the library literacy programs. The Development Officer working with library personnel, was able to secure an additional \$1,500 donation for the literacy program. While these are not grant monies it does show what can be accomplished by a role whose focus is on securing funding for various programs.

A public safety grant writer whose focus is on obtaining grants has the potential to secure funding which can support programs full-time employees are managing today. Currently, the SCSO has mid-level and administrative staff researching and applying for various grants and funding. This is adjunct to their normal duties and is not their primary function, experience, or training. Having a dedicated position for an experienced grant writer would free up employee time to focus on their primary duties of public safety.

FINDINGS

F1: The Sheriff Department has consistently acted on recommendations and implemented those recommendations to reduce narcotics and contraband from entering the jail. These actions have greatly reduced the infiltration of narcotics and contraband into the jail, providing a safer environment for jail staff and inmates.

F2: While staffing remains a challenge, significant progress has been made in staffing at Sutter County Sheriff Office. The staff efficiency and morale continue to improve as staffing levels increase.

F3: The current evaporative cooling system in the older section of the jail is not adequate, creating unsafe working conditions for the jail staff and unsafe living conditions for the inmates.

F4: Sutter County has secured grant funds through the grant writing functions of the Development Officer position (libraries and museums) that well exceeds the cost of this position.

RECOMMENDATIONS

R1: General Services should obtain a current cost estimate for the replacement of the air conditioning system in the old section of the Sutter County Jail by December 1, 2023. (F3)

R2: Board of Supervisors should research, identify, and begin funding the capital improvement fund for the new cooling system for Sutter County Jail by June 30, 2024. (F3)

R3: Board of Supervisors should create a Public Safety Grant Writing position to research possible funding for facility improvements via grants by June 30, 2024 . (F4)

REQUIRED RESPONSES

- Sutter County Board of Supervisors
- Sutter County Sheriff's Department

APPENDIX

- Letters BSCC



February 7, 2023

Sheriff Brandon Barnes
Sutter County Sheriff's Office
1077 Civic Center Blvd.
Yuba City, CA 95993

2023 UNANNOUNCED INSPECTION, PENAL CODE 6031, SUTTER COUNTY JAIL (TYPE II FACILITY)

Dear Sheriff Barnes:

Pursuant to Penal Code section 6031 (b), on January 26, 2023, the Board of State and Community Corrections (BSCC) staff conducted an unannounced inspection of the Sutter County Jail. The focus of the unannounced inspection was to verify continued compliance with 1263 Clothing Supply (during the intake process), 1265 Issue of Personnel Care Items (issued), 1272 Mattresses (definition serviceability) of Title 15 of the California Code of Regulations (CCR), Minimum Standards for Local Detentions Facilities.

BSCC INSPECTION

Title 15. CCR Minimum Standards

The inspection consisted of a site visit, a walkthrough of the intake process, interviews with administration staff, an inspection of mattresses being issued, and the issue of personal care items. During the onsite inspection, we found no items of noncompliance with the Title 15 of the California Code of Regulations (CCR), Minimum Standards for Local Detentions Facilities sections we inspected.

CORRECTIVE ACTION PLAN

No items of noncompliance were identified during the unannounced inspection for Title 15, Minimum Standards for Local Detention Facilities, and no Corrective Action Plan is required.

Please contact me at steven.wicklander@bscc.ca.gov for any questions.

Sincerely,

STEVEN WICKLANDER

Linda M. Penner, Chair
Kathleen T. Howard, Executive Director

WWW.BSCC.CA.GOV

Gavin Newsom
California Governor

Brandon Barnes
Sheriff
Page 2

Field Representative – Facilities Standards & Operations Division

cc: Presiding Judge, Juvenile Court, Sutter County*
Grand Jury, Sutter County*
Chair, Board of Supervisors, Sutter County*
County Administrator, Sutter County*
Chad Niswonger, Captain, Sutter County Sheriff's Office (Electronic Copy)
Kristie Garza, Lieutenant, Sutter County Sheriff's Office (Electronic Copy)

* Complete copies of this letter are available upon request and at www.bscc.ca.gov.

- **Sutter County Reserve Sheriff Association**



Agenda Date: February 14, 2023
Agenda Placement: CONSENT CALENDAR
Agenda Item MT# 5191

SUTTER COUNTY BOARD OF SUPERVISORS

Board Agenda Staff Report

To: Honorable Board of Supervisors
From: Brandon Barnes, Sheriff-Coroner
Department: Sheriff Coroner
Subject: Approval to accept a donation of a K9 vehicle with an estimated value of \$13,251 from Sutter County Reserve Sheriff Association and approval to add the K9 vehicle to the Sutter County Jail Capital Asset Listing (BU 2-301) (4/5 vote required) (MT5191)

Recommendation:

It is recommended that the Board takes the following actions:

1. Accept donation of a K-9 vehicle, a 2015 Ford Explorer, with an estimated value of \$13,251 from Sutter County Reserve Sheriff Association for the Sutter County Jail Budget Unit 2-301 (4/5 vote required); and
2. Authorize to add the donated K-9 vehicle, a 2015 Ford Explorer (C232301005), to the County Jail Budget Unit 2-301 Capital Asset Listing.

Background:

Sutter County Reserve Sheriff Association has donated a K-9 vehicle, a 2015 Ford Explorer, with an estimated value of \$13,251 to the Sutter County Jail. The FY 2022-23 County Jail Adopted Budget includes the addition of a K-9 dog to implement a K-9 Program within County Jail. Using a K-9 Program in the County Jail offers benefits such as narcotics searches, cell extractions, officer protection, reduced use-of-force incidents, and riot control. However, adding a new K-9 dog would also require purchasing a K-9 vehicle for the K-9 dog and the dog handler transportation. Sheriff Barnes requested staff to solicit donations for a K-9 vehicle rather than burden the General Fund for the vehicle purchase.

The County Jail staff worked tirelessly with Sutter County Reserve Sheriff Association to find funding to purchase a suitable K-9 vehicle. Sutter County Reserve Sheriff Association has purchased and equipped a 2015 Ford Explorer with an estimated value of \$13,251 to serve the County Jail K-9 Program transportation needs. Staff requests Board approval to accept the donation and add the vehicle to the County Jail Capital Asset Listing.

The Sutter County Sheriff's Office is grateful for the donation. A donation such as this provides much needed additional resources to increase the security and safety of the County Jail. This donation from Sutter County Reserve Sheriff Association is not only a generous gift but it shows the association's dedication to Sutter County, support to law enforcement, and the safety and wellbeing of the County Jail.

Prior Board Action:

This item has not been previously considered by the Board.

Board Alternatives:

No viable alternative recommendations are available.

Other Department and/or Agency Involvement:

Sutter County Reserve Sheriff Association

Action Following Approval:

SCSO will add the donated vehicle to Capital Asset Listing for County Jail, Budget Unit 2-301.

Fiscal Impact:

The acceptance of the donation would provide fiscal relief to the General Fund for \$13,251. There is no budget amendment required.

Countywide Goals and/or Top Priorities Compliance:

This recommendation aligns with County-wide goals B and C:

“Operate County government in a fiscally and managerially responsible manner to ensure Sutter County remains a viable and sustainable community to live, work, recreate, and raise a family.”

“Maintain strong commitment to public safety (including Law Enforcement, District Attorney, Public Defender, Probation, Fire, Emergency Management, and related services.”

Standing Committee Review:

This item has been agendaized as a consent item with approval from the County Administrative Officer due to the non-controversial nature and no General Fund fiscal impact.

Respectfully Submitted,

s/ *Brandon Barnes*
Sheriff-Coroner

Kim Randhawa
Kim Randhawa,

Endnotes

1. https://www.appeal-democrat.com/news/sutter-county-to-temporarily-shift-dispatch-services/article_26463586-74dd-11ed-80c2-cb330592ce58.htm
2. https://www.appeal-democrat.com/news/urgent/keeping-up-with-costs-sutter-county-sheriff-highlights-department-challenges/article_c9e3ff28-5a4a-11ed-98fb-ff66f1b00e2d.html
3. <http://suttercountyca.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=1631&Inline=True>
4. <https://newsroom.courts.ca.gov/news/judicial-council-adopts-new-rules-lower-jail-population-suspend-evictions-and-foreclosures>
5. <https://www.cbsnews.com/sacramento/news/sutter-county-desperate-for-deputies-with-patrol-vacancies/>
6. <https://www.npr.org/2022/08/22/1118843624/a-rural-washington-emergency-dispatch-center-closes-as-911-operator-shortage-per>
7. <https://www.sfchronicle.com/sf/article/911-dispatch-staff-shortage-17641748.php>
8. <https://www.cbsnews.com/sacramento/news/911-dispatcher-shortage-hits-area-department/>
9. <https://www.route-fifty.com/public-safety/2019/11/barrett-greene-emergency-dispatcher-shortages/161238/>
10. <https://www.unitedmech.com/blog/commercial-hvac-life-expectancy>
11. <https://www.kalamundaplumbing.com.au/air-conditioning/evaporative-cooling/>
12. <https://www.ncei.noaa.gov/>

SUTTER COUNTY GRAND JURY 2022-2023



Sutter County Public Buildings and Properties: Behind the Curve

SUMMARY

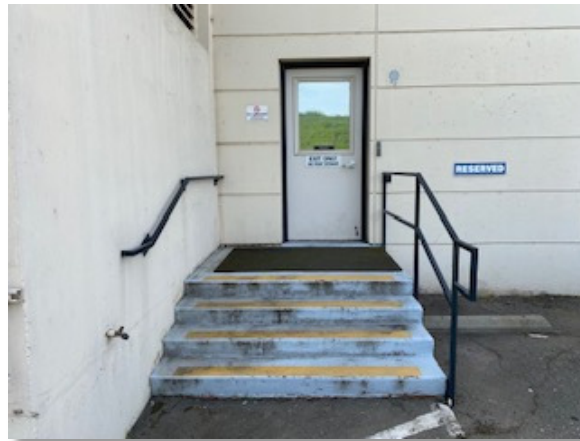
The 2022-2023 Sutter County Grand Jury (SCGJ) found that some Sutter County Public Buildings and Properties are not currently compliant with the Americans with Disabilities Act¹ (ADA). It is difficult to report ADA issues and other complaints. Navigating through the Sutter County website, <https://www.suttercounty.org>, can be challenging, especially for those that find technology hard to use. The County of Sutter Americans with Disabilities Act Transition Plan Update² (Transition Plan) is not accessible on the county's website.

The SCGJ, upon inspection, also discovered four Sutter County controlled boat launches in need of maintenance, repairs, and updates.

Implementing changes will make communicating information more efficient between departments and help keep the public informed. The public will feel more comfortable knowing there is a system in place to easily address their issues and monitor progress.

BACKGROUND

One of the SCGJ members began their term in a wheelchair. This juror was unable to access the grand jury room without the assistance of several other jurors because there is no ADA compliant ramp at this entrance (see photo below). To access the SCGJ room a juror must use their Sutter County issued electronic key card.



SCGJ member entrance.

The General Services Department authorized all jury members electronic key cards to access the main building at another entrance which does have an ADA compliant ramp. However, this entrance only leads to an interior hallway. This does not allow the disabled juror equal accessibility to the SCGJ room if they were to come by themselves. Also, the exterior light (used to illuminate the doorway of the north wing, see photos below) at the end of the hallway is the only working

light after hours illuminating the entire north hallway. This light does not function consistently, and it makes for a very dark and unsafe environment.



North wing looking South.



North wing looking North.

The unequal accessibility to the SCGJ room sparked an inquiry and eventually an investigation into the ADA compliance throughout Sutter County's public buildings and properties.

The inquiry began by trying to locate the Transition Plan, which is required by Federal Law, Section 504, Rehabilitation Act of 1973³. The act states that any organization receiving federal funds must conduct a self-evaluated transition plan. After an exhaustive search, it was determined that there was no publicly published Transition Plan nor was there any easy way to report a non-compliance ADA issue.

At this point, the SCGJ decided it was time to investigate the Transition Plan and reporting system. During this investigation, information had also been revealed regarding the poor conditions of the Sutter County buildings and properties including the four county-controlled boat launch facilities.

METHODOLOGY

The SCGJ visited the following public buildings and properties:

- Sutter County Grand Jury Room
 - 463 Second St.
- Sutter County Buildings
 - 446 Second St. (Annex)
 - 466 Second St.

- Sutter County Boat Launch Facilities
 - Tisdale Boat Launch
 - Live Oak Campground Launch
 - Yuba City Boat Launch
 - Boyd’s Boat Pump Launch

The SCGJ interviewed the following individuals:

- Sutter County Development Services Department staff member
- Sutter County General Services Department staff member

The SCGJ reviewed the following documentation:

- Rehabilitation Act of 1973, Section 504
- County of Sutter Americans with Disabilities Act Transition Plan Update
- Sutter County Website
- Sutter County Facility Master Plan Space Study Power Point Presentation⁴
- Sutter County Board of Supervisors Special Meeting/Study Session July 21, 2020⁵
- Sutter County Boat Launch 2020 Power Point Presentation⁶
- Sutter County Board of Supervisors Regular Session September 29, 2020⁷
- County of Sutter Department of Public Works Improvement Standards⁸

DISCUSSIONS

The SCGJ interviewed the Sutter County General Services staff member and Sutter County Development Services staff member. All interviews were conducted inside the SCGJ room.

The Interviews

Interview #1

Master Plan Space Study

During an interview with the General Services Department staff member, we were provided with the Sutter County Facility Masterplan Space Study (Space Study). This Space Study was developed by the Development Services staff, General Services staff, and the Architectural firm of Nichols, Melburg & Rossetto. Each building was given a grade indicating its condition (Appendix A). They were letter graded with “A+” being in excellent condition and “F-” being in the worst condition. Most of the Sutter County Buildings were graded “C-” or below.

The Space Study helped prompt further investigation into the condition of Sutter County's buildings and properties. In the General Services interview it was reported that there were too many buildings and properties for an understaffed General Services Department to maintain with insufficient funding.

Sutter County Boat Launch Facilities

The Sutter County Boat Launch Study 2020 (Boat Launch Study) was also presented to the SCGJ. This study was developed by a former Deputy County Counsel employee, and reviewed by the General Services, Development Services, County Counsel, and County Administrator. It was presented to the Sutter County Board of Supervisors on September 29, 2020.

Both the Space Study and Boat Launch Study prompted the SCGJ to conduct random inspections of the exterior of various Sutter County Buildings as well as all four of the Sutter County Boat Launches.

Sutter County Website

On a positive note, the SCGJ was shown how to access the county's website to file an ADA complaint or compliance issue. Although it was not easy to navigate, it was available to the public on the Sutter County website.

Interview #2

The next interview was with a Development Services staff member to obtain the Transition Plan and to establish completion dates of items found in it. During this interview, the SCGJ discovered that funding for planning/development is available at the beginning of the fiscal year but is reallocated throughout the year to meet the needs of greater priorities. As a result, some of the ADA compliance repairs/upgrades are stalled until the next fiscal year or when the funds become available again.

The Inspection

The Boat Launch Study provided a lot of information on the poor conditions of the four boat launches in Sutter County. These conditions include needed repairs to the floating docks, the need for ADA compliance repairs and/or updates, as well as the environmental impacts that these launches are having on businesses and communities downstream from them. The report even provided recommendations for repairing these launches. The ADA improvements that were identified were limited to new signage and repainting of the parking spaces. It was also discovered that the revenue collected from these boat launches is only one-third of the cost to maintain and repair these launches. The grant funding received was for one-time improvements/construction

and not ongoing maintenance. Bottom line, the cost of the maintenance and repair of the boat launches exceeds the revenue and grant funds combined (Appendix B).

Grand Jury members visited the four Sutter County boat launches. These launches are Boyd Pump Boat Ramp, Tisdale Boat Launch, Live Oak Campground Launch, and Yuba City Boat Launch. During the inspections, the SCGJ found that some of the recommendations from the Boat Launch Study were never completed. In addition to the work identified in the Boat Launch Study, these inspections found that significant additional maintenance and repairs were needed, including the need for ADA compliance upgrades.

Boyd Pump Boat Ramp

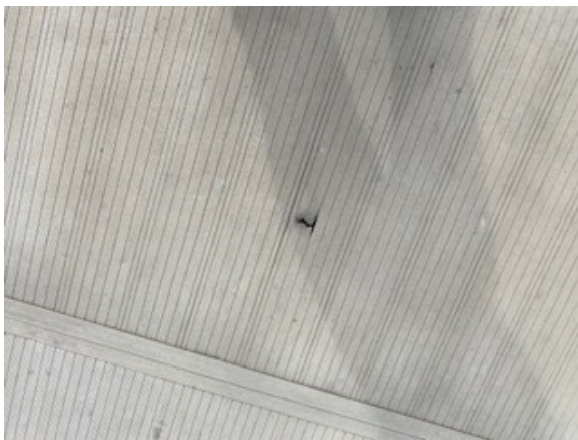
During the inspection of the Boyd Pump Boat Ramp, it was found to be in poor condition with debris laying around on the ground, a hole in the floating dock, potholes and what appeared to be bullet holes in the facility sign.



Facility sign.



Parking lot with trash.



Hole in floating dock.



Parking lot with pothole.

Tisdale Boat Launching Facility

During rising river levels, the Tisdale Boat Launching Facility must be closed. Once water levels recede, the State of California Department of Water Resources is responsible for the cleanup of debris and the costs related to it. Sutter County is only responsible for the continued maintenance and repairs of the facility.



Facility sign.



Floating dock not installed.



Downed telephone pole near the launch.



Launch with no floating dock.



Debris from rising waters.



Debris from rising waters.

Live Oak Riverfront Park Boat Launching Facility

Live Oak Riverfront Park Boat Launching Facility is by far the best launch facility because all the recommendations in the Boat Launch Study were met. It is ADA compliant, clean, and presentable. Contributing to the excellent quality of maintenance and cleanliness could be the fact that a caretaker is living full-time on the property.



Facility sign.



Floating dock.



Floating dock.



ADA compliant parking & bathroom facility.

Yuba City Boat Launch

The Yuba City Boat Launch needs the most attention. Not all the findings from the Boat Launch Study were corrected or repaired. The conditions of the restrooms, port-a-potty, and garbage bins are a major public health concern.



Facility sign.



Road conditions inside facility.



Road conditions inside facility.



Port-a-potty and dumpster near launch.



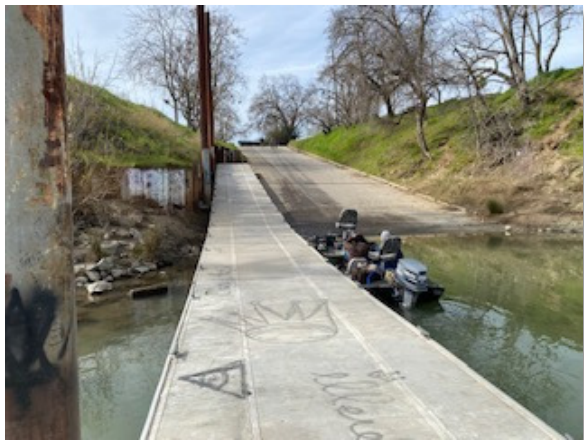
Restroom conditions.



Poor signage and garbage.



Poor signage conditions.



Floating dock with graffiti.



Floating dock with graffiti.



Floating dock hinge pin.



Parking lot condition.



Parking lot condition.

The Outcomes

SCGJ Room Accessibility

The inability for a jury member with a disability to equally access the SCGJ room is not acceptable. A juror should be able to access the SCGJ room through the same entrance as all the other jury members. If a jury member cannot access this room by themselves then they are not able to fulfill their civic duty in a meaningful and purposeful way. Each individual juror should not have to rely on another juror to conduct their business when the SCGJ's "Rule of two" does not apply. "Rule of two" means that two grand jury members shall be present when conducting interviews, inspections, and tours.

Sutter County Website

The Sutter County website is a difficult platform to use because through extensive searches and even using specific key words, information for ADA compliance is not readily available to the public. By comparison to the Yuba City ADA Accessibility & Resources site, they have the information to submit complaints, look through transition plans and even show accommodation policies in their area. Sutter County does not have any of that information readily available for its citizens nor do they have an ADA coordinator that they can submit complaints to and be assured that their complaints have been heard and that someone will be looking into the complaints in the future.

Sutter County Transition Plan Annual Updates

Access Survey and Phasing Schedule – Facilities (Appendix A of The Sutter County Transition Plan) shows a lot of issues that need to be upgraded, repaired, or even replaced to meet ADA compliance. This schedule is supposed to be updated yearly according to the Transition Plan. These updated schedules were requested by the SCGJ but have not been provided at the time of writing of this report. The targeted date for completion of all projects is 2028.

An ADA Project is defined by the County as a remodeling or refurbishing of a space that requires all recognized areas be brought up to current ADA guidelines. Internal documents show that all ADA recognized issues and completion of work required by the Transition Plan be conducted by the Project Management Team. The Transition Plan for facilities states that it is not feasible to immediately repair or remove all accessibility issues due to budget constraints.

Internal reporting documents show there has been no ADA reported issues in the past 12 months. Reporting issues are extremely difficult on the current Sutter County website. However, a large ADA Project (1160 ADA Project from the Transition Plan) was completed this year at Civic Center Boulevard.

Computerized Maintenance Management System⁹

Sutter County has no Computerized Maintenance Management System (CMMS). The current method of reporting is over 20 years old. It is a series of reports and spreadsheets to communicate between Sutter County departments. When asked for information showing the completion of the items found during the Transition Plan, neither General Services nor Development Services were able to provide this information. Which hindered the SCGJ from evaluating their progress within their targeted completion dates.

Although the purchase of a CMMS is not part of the Sutter County Transition Plan, it would be beneficial to Sutter County if one were purchased. It would simplify, modernize, and improve operations and communications between the Development Services and General Services Department. It would allow staff to keep track of upgrades, repairs, maintenance, ADA compliance issues/projects, and completion dates. More importantly, through a public portal this system needs

to be able to report to the public what has been addressed and what actions have been taken to comply with its own Transition Plan.

Boat Launch Facilities

Even though the Sutter County Board of Supervisors know the conditions of the boat launches, they have not been updated or repaired. The conditions of the roads leading to the boat launches are also in disrepair, which could cause damage to vehicles or personal injury. The County presented in the Boat Launch Study that it could return oversight of these launches to their proper owners or obtain the funding to maintain and make the proper repairs/upgrades. It was noted as well that it is costly to fix some of the environmental concerns that were found in the Boat Launch Study.

FINDINGS

- F1. There is no access to the Grand Jury Room to allow someone in a wheelchair to access the jury room without assistance.
- F2. It is difficult for Sutter County citizens to view annual updates of what has been repaired or replaced to meet ADA compliance since the publishing of the County of Sutter Americans with Disabilities Act Transition Plan 11 years ago.
- F3. Sutter County website is difficult to navigate and find resources related to ADA compliance. This makes it challenging for the public to file complaints, review the Transition Plan, and check on updates.
- F4. There is no modern CMMS (Computerized Maintenance Management System) to initiate maintenance/repair orders (either by the public or Sutter County Employees) and to be able to monitor its progress and completion.
- F5. There is no county ADA coordinator to manage and monitor the annual updates to the Sutter County Transition Plan and to provide customer service to Sutter County residents.
- F6. Some of the Sutter County boat launches are overdue for much needed maintenance and repairs as the grants were for one-time improvements/construction and ongoing maintenance.
- F7. The cost for maintenance/repairs, water safety, and ensuring that the boat launches are ADA compliant exceeds the available revenues because the boat launch fees have not been adjusted with inflation.

RECOMMENDATIONS

- R1. General Services and Development Services should build an ADA compliant ramp to the SCGJ room entrance so that all jury members have equal accessibility to the SCGJ room. This should be completed by September 30, 2023. (F1)
- R2. General Services and Development Services should maintain due diligence and management practices of the Transition Plan to ensure that all items found in 2011 are on track for completion within 15 years of those findings. This should be completed by September 30, 2023. (F2)
- R3. General Services should revise the Sutter County website to make it more user friendly and easy to navigate for ADA and all maintenance related issues. This should be completed by September 30, 2023. (F3)
- R4. General Services and Development Services need to gather information from other local government entities on their CMMS to determine the appropriate customized CMMS (Computer Maintenance Management System) that will meet the needs of Sutter County and purchase that program. This should be completed by September 30, 2023. (F4)
- R5. The Board of Supervisors should either add the responsibilities of an ADA coordinator to an existing staff position or develop an ADA coordinator position and fill the position. Make publicly known of this position and how the public can contact this staff member. This should be completed by August 31, 2023. (F5)
- R6. The Board of Supervisors should renegotiate grant funding for each individual boat launch facility, include the current cost of maintenance and repairs, and ensure that these funds are used only for Sutter County boat launch facility maintenance and repair. This should be completed by August 31, 2023. (F6)
- R7. The Board of Supervisors should increase boat launch fees to help offset the cost of maintenance and repairs as well as making these launch facilities ADA compliant with equal accessibility and making water safety a priority. This should be completed by August 31, 2023. (F7)

REQUIRED RESPONSES

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

From the following elected county officials with 60 days:

- Sutter County Board of Supervisors: Respond to findings (F1 – F6).

INVITED RESPONSES

- Sutter County General Services Director: Respond to Findings (F1 – F4).
- Sutter County Development Services Director: Respond to Findings (F1 – F4).

ENDNOTES

¹“State and Local Governments.” *ADA.gov*, 15 Mar. 2023, www.ada.gov/topics/title-ii/#:~:text=Title%20II%20of%20the%20ADA%20requires%20state%2Flocal%20governments,particulate%20in%20different%20programs%20than%20available%20to%20others.

² Sutter County Department of Public Works. *County of Sutter Americans With Disabilities Act Transition Plan Update*. Sutter County Board of Supervisors, 27 Sept. 2011.

³ “Section 504, Rehabilitation Act of 1973.” *DOL*, www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973.

⁴ Nichols, Melburg & Rosseto Architects. *Sutter County Facilities Master Plan*. pp. 1–38.

⁵ *Presentation and Study Session of the Draft Facility Master Plan Space Study - Sutter County, California*. suttercountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1824&MediaPosition=&ID=2563&CssClass=.

⁶ General Services, et al. *Sutter County Boat Launch Study 2020*. pp. 1–29.

⁷ *STUDY SESSION - Sutter County, California*. suttercountyca.iqm2.com/Citizens/Detail_Motion.aspx?Frame=&MeetingID=1735&MinutesID=1379&MediaPosition=&ID=14810&Type=Unknown&CssClass=videoMeeting.

⁸ Department of Public Works. “County of Sutter Department of Public Works: Improvement Standards.” *Sutter County*, Sutter County Board of Supervisors, Nov. 2010, www.suttercounty.org/home/showpublisheddocument/2598/637554856376670000.

⁹ “What Is a CMMS?” *IBM*, www.ibm.com/topics/what-is-a-cmms. Accessed 22 Feb. 2023.

APPENDIX A

County-Owned Facilities					
Address	Department	City	Condition	Year Built	Sq. Ft.
10321 Live Oak Blvd.	Library - Barber Branch	Live Oak	B	1950	1,920
1077 Civic Center Blvd	Sheriff's Office/Main & Medium Jails	Yuba City	D	1980/1994	75,525
1130 Civic Center Blvd	Dev Svcs/DA/EMS/Sheriff/Assy. Gallagher	Yuba City	B+	1982	19,060
1160 Civic Center Blvd	BoS/CAO/COCO/HR (2nd Floor Vacant)	Yuba City	B	1982	19,060
1190 Civic Center Blvd	Assessor/IT	Yuba City	A+	1983	6,495
1333 Butte House Rd.	Community Museum/Ettl Hall	Yuba City	B	1975	8,874
142 Garden Hwy	AG/Farm Advisor	Yuba City	B/C-	1953	12,001
1425 Veterans Memorial Circle	Veterans Memorial Hall	Yuba City	D	1978	11,575
1435 Veterans Memorial Circle	Elections Office/Storage	Yuba City	C+	1995	6,000
144 Gibson Ave	General Services (Custodial/RCD/Shop)	Yuba City	D		2,842
1445 Veterans Memorial Circle	HHS/Adult Services & Public Health	Yuba City	C-	1991	23,758
146 Garden Hwy	General Services (Admin/B&G/Shop)	Yuba City	B+	1981	5,644
190 Garden Hwy	HHS/Social Services	Yuba City	B-	1965	10,853
1965 Live Oak Blvd.	HHS/Behavioral Health & Social Services	Yuba City	D+	1935	35,100
2147 California St.	Library - Sutter Branch	Sutter	C	1957	1,060
275 Samuel Dr.	Road/Fleet	Yuba City	D+	1970	9,415
433 2nd St.	Clerk-Recorder	Yuba City	D+	1900	5,503
463 2nd St.	Sheriff's Training Center	Yuba City	C-	1992	6,804
446 2nd St.	Superior Court Annex - HHS Admin	Yuba City	D-	1910	2,500
463 2nd St.	Auditor/DA/GJ/IT/Tax Collector	Yuba City	D+	1953	28,295
466 2nd St.	Hall of Records/Board Chambers	Yuba City	D+	1891	4,984
512 2nd St.	Information Technology	Yuba City	D+	1955	4,758
595 Boyd St.	Probation - Adult	Yuba City	C-	1988	10,880
750 Forbes Ave.	Library - Main Branch	Yuba City	B-	1972	23,230
3098 Acacia Ave.	Road Shop	Sutter			6,186
2560 Pacific Ave	Road Shop/Yard (Trowbridge)	East Nicolaus			600
					342,922

County-Owned Fire Stations					
Address	Department	City	Condition	Year Built	Sq. Ft.
1280 Barry Rd	Oswald-Tudor Fire Station	Yuba City	D-		6,146
2340 California St.	Fire Station #6/EOC	Sutter	A-	2001	8,485
3100 Howsley Rd	Pleasant Grove Fire Station	Pleasant Grove	n/a		1,500
1988 Nicolaus Ave	East Nicolaus Fire Station	East Nicolaus	n/a		1,200
					17,331

Leased Facilities					
Address	Department	City	Condition	Year Built	Sq. Ft.
430 Center St	Probation - Juvenile	Yuba City	C+	1950	7,170
539 Garden Hwy (Ste A, B, C, D)	HHS/Social Services	Yuba City	D+	1991	9,100
543 Garden Hwy (Ste B)	HHS/Social Services	Yuba City	D+	1991	5,500
545 Garden Hwy (Ste A1, A2)	HHS/Social Services	Yuba City	D+	1991	3,500
545 Garden Hwy (Ste B)	HHS/Behavioral Health	Yuba City	D+	1991	3,500
680 N Walton Ave	HHS/Welfare Call Center	Yuba City	A	2001	16,900
809/809A Plumas St	HHS/Behavioral Health	Yuba City	D	1960	5,622
4853 Olivehurst Ave	HHS/Behavioral Health (Hmong Center)	Olivehurst	C-	1970	832
604 B Street	Public Defender	Yuba City			2,350
1531 Butte House Rd (Ste A)	HHS/Children Welfare Services	Yuba City	B	1960	2,500
Gray Avenue (812, 828, 840, 850, 860)	Leased / HHS / Vets Food Bank	Yuba City	F-	1967	122,076
					179,050

APPENDIX B

SUTTER COUNTY BOAT LAUNCH STUDY 2020

REVIEWED BY:
GENERAL SERVICES
DEVELOPMENT SERVICES
COUNTY COUNSEL
COUNTY ADMINISTRATOR

Summary of Sutter County Boat Launches



Number of Boat Launches:

4



Historic Annual Expense:

\$245,000 - \$350,000

(Excluding any "Major" Expense)



Cumulative Annual Income:

\$25,000 - \$60,000



Future Annual Expenses:

\$300,000 - \$450,000



Foreseeable Upcoming Major Expenses:

\$385,000-\$600,000

Overall Expenses Summary for the Launches

TISDALE

- Annual Costs: \$50,000
- One-Time Costs: \$125,000 - \$400,000

LIVE OAK

- Annual Costs: \$175,000
- One-Time Costs: \$125,000

YUBA CITY

- Annual Costs: \$25,000
- One-Time Costs: \$325,000

BOYD'S PUMP

- Annual Costs: \$30,000
- One-Time Costs: \$35,000

COUNTY WIDE

- Estimated that the County will need at least 1.0 FTE for maintenance and upkeep on the launch facilities.
- Estimated that the County will need at least 0.5 FTE for enforcement of parking rules and regulations.

SUTTER COUNTY GRAND JURY 2022-2023



Local Government Report

Rough Roads Ahead for Yuba City

Rough Roads Ahead for Yuba City

Summary

In the California County of Sutter, on the west bank of the Feather River sits Yuba City, the county seat. For decades Yuba City has prided itself for having a thriving small business community, healthy growth, and a decent quality of life. A number of growing threats affect the way of life in our community. The 2022-2023 Sutter County Grand Jury conducted an investigation on the threat imposed upon Yuba City from severe deteriorating conditions of its road pavement infrastructure. We studied the rising costs to maintain city streets and the limits to adequately finance those costs with current revenue. We also looked at the budget and how growth has impacted the roads. Based on our findings the Grand Jury is making recommendations on how best to resolve this developing crisis. These recommendations include prerequisite research to support the following recommendations for Yuba City. These are meant to improve the credibility of the city's case to the public. Included in our investigation were interviews with public officials, public documents, newspaper articles, and fiscal reform websites.

Background

The transportation infrastructure of Yuba City is key to commerce, employment, safety, education, and recreation. The most important part of that infrastructure is the city's road pavements which are the most used and undervalued physical asset of our community. With new growth, comes new roadways, and transportation upgrades. However, within Yuba City the transportation upgrades have not kept up with the growth. The current roadway infrastructure requires consistent maintenance and funding. The 2022-2023 Sutter County Grand Jury became aware of some of the current repair practices typically used for short-term repairs which have been applied excessively to defer expenses. This practice, although temporarily reducing the fiscal impact, has created a looming fiscal crisis. During our inquiries with city officials, it became apparent the current funding for road pavement maintenance and refurbishment is severely deficient. Different revenue sources such as taxes, infrastructure improvement grants, Community Facility District fees, and special assessments were examined as possible solutions. The growing problems of degrading street transportation infrastructure has proved to be more challenging than the current appropriated funds can meet. City officials have been conscious of the growing degradation of Yuba City's roads. General funding for such improvements is limited and there are equally important areas that require funding in the community.

Yuba City's population growth has been strong yet variable throughout the twentieth and early twenty-first centuries. As shown in Table 3-1, the population in Yuba City has increased by 4%

(2,611 additional residents). Sutter County’s overall population increased by 3 percent, while the population of the unincorporated area of the county decreased by 1%.

Table 3).-1. According to Department of Finance estimates released in 2020, the estimated 2020 Yuba City population was 70,458 (most recent data available, as of March 2021)

Table 3-1: Population Trends in Yuba City and Neighboring Jurisdictions (2010 to 2019)					
<i>Jurisdiction</i>	<i>Population</i>			<i>Absolute Change</i>	<i>% Change</i>
	2010	2015	2019	2010-2019	2010-2019
Sutter County Total	94,737	96,383	97,490	2,753	3%
Live Oak	8,392	8,496	8,840	448	5%
Yuba City	64,925	66,982	67,536	2,611	4%
Unincorporated Sutter County	21,420	20,905	21,114	-306	-1%
Marysville	12,072	12,263	12,627	555	5%

Source: SACOG 2020; California Department of Finance, E-1 Population Estimates, 2019.

Methodology

Interviews:

- Yuba City Administration Staff
- Sutter County Administration Staff
- Sutter County Development & Public Works Staff
- Sutter County Finance Staff
- Yuba City Public Works Staff
- Yuba City Finance Staff

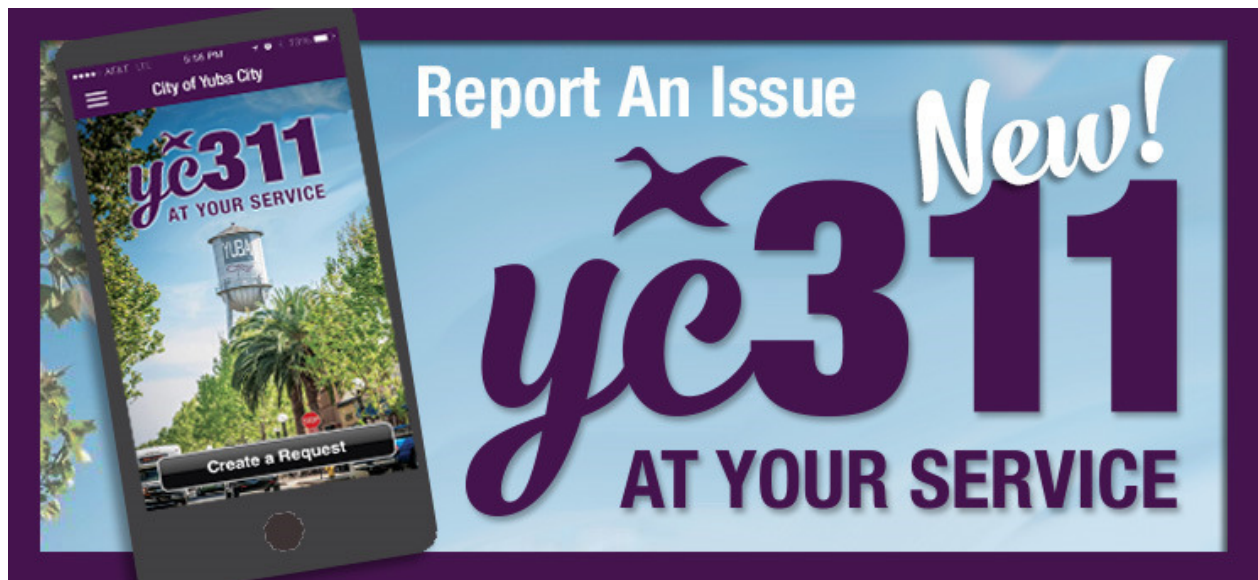
Research:

- Appeal Democrat Newspaper Articles
- California State Proposition 172 (1993)
- California State Tax proceeds and distribution
- City of Yuba City Budget 2022-2023
- City of Yuba City Council Agenda and Minutes
- City of Yuba City Council Meetings
- City of Yuba City Development Services Staff (presentation)
- City of Yuba City General Plan
- Yuba City Application 311 reporting for road conditions
- Yuba City Community Facilities Districts (CFD)

Discussion

Early in our term, we had a presentation by Sutter County officials that briefly mentioned challenges related to maintaining the county roadways. This included roads located within the City of Yuba City. Jury members agreed and voiced their own concerns and experiences with local roadways. An inquiry into budgetary items led to this investigation. The 2022-2023 Sutter County Grand Jury encountered many difficult challenges that frustrated the progress of investigating this issue. We nonetheless sought to perform our duty for the people of Sutter County.

The Yuba City Public Works Department is responsible for the construction, maintenance, repair, and rehabilitation of all city streets. During a review of the budget with a city official, the Grand Jury discovered street conditions are in serious need of repair. These conditions are so serious, they have impacted driver safety and vehicle maintenance. A further review of the city budget revealed shortfalls in funding of road projects. Road conditions are degrading at varying stages due to age and regular use. Unfortunately, the growing deferred costs are increasing exponentially while funding is stagnant. The Public Works Department is deficient in the funds necessary to maintain city roadways. Yuba City has created an app for residents to report road infrastructure problems called “YC311.” It is a helpful tool for the community and assists the department in identifying areas of road repair and rehabilitation need.



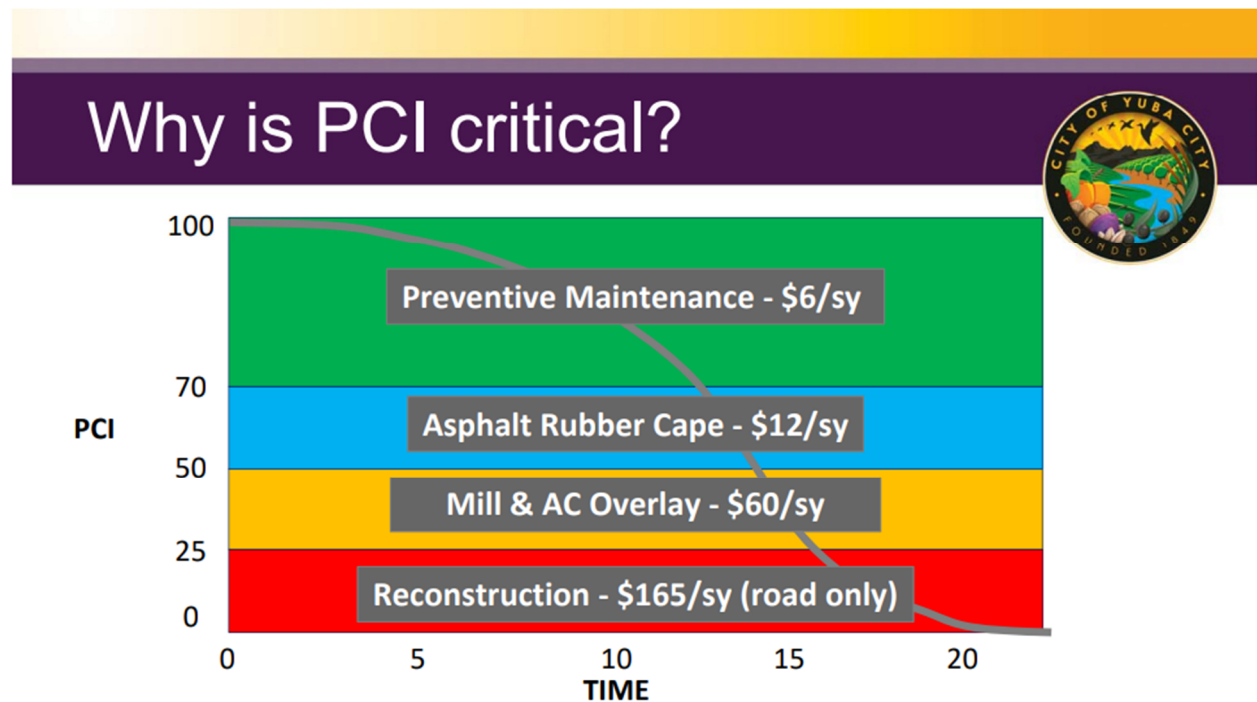
A Snapshot of Today's Yuba City Roads

“Well maintained roadways decrease commute times, reduce wear and tear on vehicles and allow for the efficient transportation of goods,” said California Transportation Secretary David S. Kim (2019). <https://dot.ca.gov/news-releases/news-release-2019-079>.

Road infrastructure is a vital foundation to any thriving community. Well maintained roads provide a network for economic and social activities. Yuba City Public Works receives approximately 300 road related complaints per year through the department's YC311. Our current average road condition is rated 54 PCI (Pavement Condition Index) out of a possible 100, which is considered Fair/Poor.¹ The discovery of these mediocre conditions concerned our body greatly. This average rating is applied across all 255 miles of Yuba City's Roads. The PCI was developed by the U.S. Army Corps of Engineers and is widely used throughout the United States. This makes it the most objective means to measure the conditions of the road pavements of Yuba City.²

Currently, the problem is moderate in severity. The overall budget for the City of Yuba City's Public Works is 40 million dollars per year. Of that, five to six million dollars are spent on total road infrastructure. This includes accessories such as sidewalks, stop lights, etc. Currently 1.5 million dollars is spent per year for roadway maintenance, repair, and rehabilitation. To save money when maintaining the city's older roads, asphalt rubber capping and some other methods are frequently used to repair the surface of many streets. This costs about twelve dollars per square yard. This process is cheaper in the short run at addressing such streets that are breaking down and is used to defer more extensive solutions into the future.

Table 1: Costs per square yard to maintain the road pavements based on method.³



Example Photograph 1: Average condition of the road pavements of Yuba City today.



Road Maintenance: Falling through the Cracks

These deferments come at a great price for the future of Yuba City. While the current state of streets for the city may be Poor/Fair or a 54 PCI out of 100, that will change very quickly. Within two years (using 2022 as a starting point) the average condition of Yuba City’s roads will deteriorate to a poor rating.⁴ The situation will grow significantly more dire over twenty years from 2022 until 2042. These conditions are expected to produce an average PCI of 16 for the city’s streets by 2042, which is very poor. These projections of road pavement deterioration in the years ahead are the result of gross underfunding for maintenance of Yuba City’s streets.

Example Photograph 2: The future of road pavements for Yuba City in a generation.⁵



As badly needed maintenance is deferred because of lack of funding, the deterioration in the city's streets will increase further, which will require more money to be spent later to correct the compounding problem. If Yuba City keeps with its road maintenance budgeting practices, within 20 years all roads will be in "failed" condition. Those deferred expenses will result in 759 million dollars needed to fund road pavement maintenance and refurbishment up to today's Poor/Fair condition by 2042. Trying to take care of city roadways with a budget that cannot keep up with the growing deterioration would lead to a decline from 54 down to 16 PCI.⁶ In comparison, Yuba City could defer a lower amount of 298 million dollars in maintenance during this timeframe if it spent 13 million dollars a year to keep par with the current PCI of 54. If the city sought to fund road maintenance and refurbishments up to the California state average with 20 million dollars per year that would mean 43 million dollars would be the total deferred cost over the 20-year period. The purpose in spending less money per year on taking care of Yuba City's roads is supposed to save the taxpayers' money. However, the opposite would result.

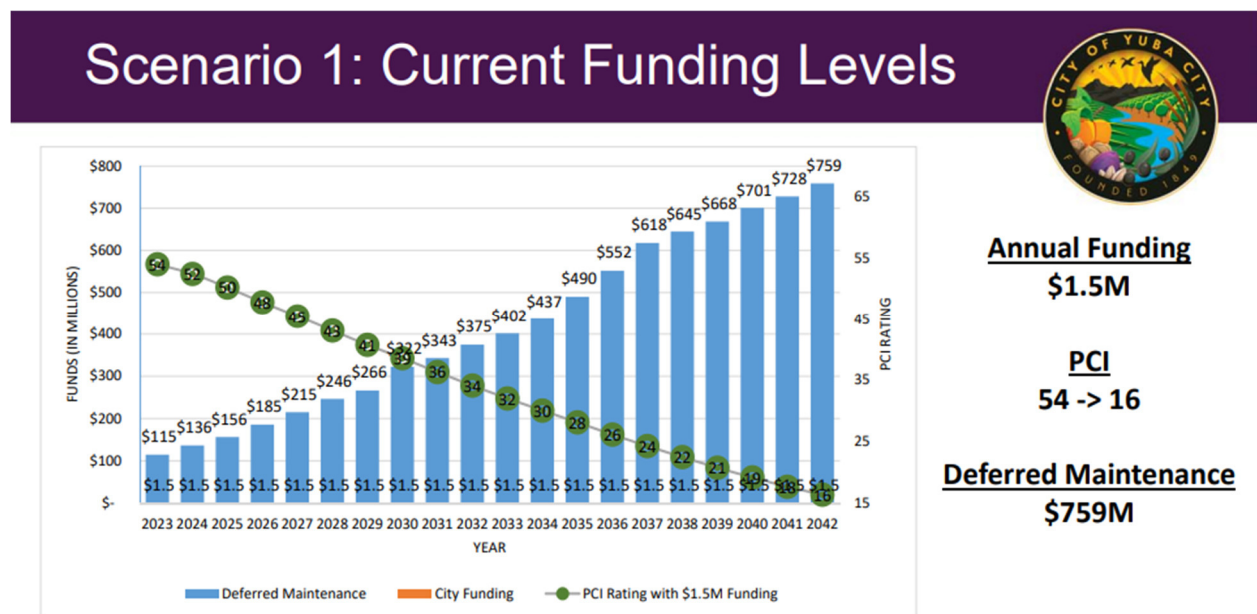
Not properly attending to city streets today means more deterioration develops over time. This means more money *will be* spent later to maintain the status quo. Short term fixes will compound the state of deterioration in the long run. It would be wiser to spend more now, rather than exponentially more in the future. Not spending what is necessary for the roadways of Yuba City would also likely increase the true cost to the user in automotive maintenance and perhaps accidents. If that were to happen, it would threaten public safety.

Difficult Choices Must Be Made

The Sutter County Grand Jury sought to discover why the road system for Yuba City is in its current state of disrepair and is deficient in funding. We looked at the funding for municipal road maintenance and refurbishment to find answers.

Public Works draws monies from the state gas tax to help provide for Yuba City roadways. Additionally, it receives income from grants to support city streets. A grant writing firm, Blair and Associates was contracted in 2020 to find and request government grants for Yuba City. One such grant provides four million dollars for development of Garden Highway. However, it comes with conditions of use. Some of those funds must be used to create bike lanes, sidewalks, and other street accessories. Another grant source is the Community Development Block Grants provided by the United States Department of Housing and Urban Development. Beyond government grants, Yuba City receives road pavement funding from the State of California's Transportation Development Act. Some part of the funding challenges for maintaining and developing the city's road pavements might come from additional grants, but that seems to be an area that is largely tapped to the practical limit.

Chart 1: Shows over time road pavement conditions deteriorating throughout Yuba City and how current funding will fall further behind.⁷



Yuba City uses CFDs (Community Facilities Districts) for additional sources of funding. CFDs are a form of property tax levied on homeowners. They are expected to bring in approximately \$275,000 from CFDs this year. While CFDs may provide funding “in perpetuity”, only a small portion is spent on road maintenance and refurbishment. This income source is not sufficient to fund the multi million dollars needed to maintain the city's roads.

Despite these funding sources beyond the general fund, problems persist regarding the city being able to maintain the roads at current conditions, which are fair/poor. The budget for road pavements throughout Yuba City is one and a half million dollars and is far below the 13 million dollars a year needed to even accomplish this modest task. The Sutter County Grand Jury examined other solutions such as promoting more growth to bring into Yuba City's coffers supplementary tax revenue. Notable growth unfortunately is a challenge due to the need for more infrastructure to attract further business and development. More roads and better roads are a large part of that additional infrastructure. Infrastructure costs money, and Yuba City Public Works lacks the money needed.

During the Sutter County Grand Jury's quest to find a solution to this dilemma we looked to see if cost savings could be found elsewhere in the budget. Our investigations showed that there is no part of the budget that could be trimmed that could make up the 11.5 million dollars necessary to keep the roads in their current condition and 18.5 million to bring them up to the state average condition. That amount of money could not be shifted from another part of the budget without significantly harming core municipal services.

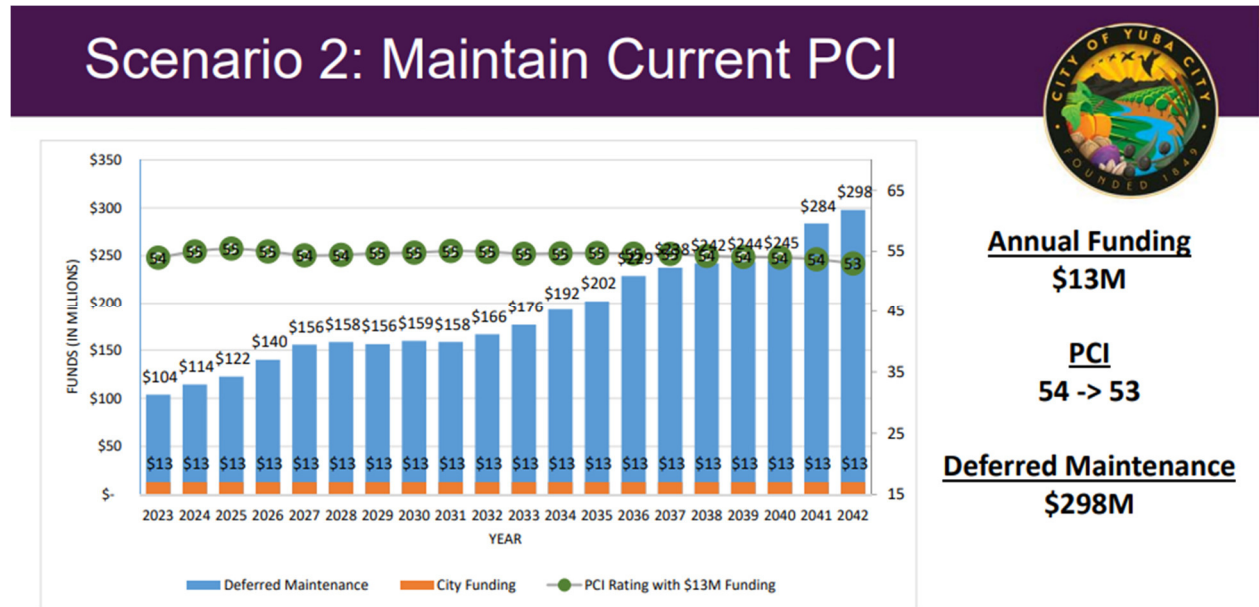
We asked members of Yuba City government about what type of sources could generate the revenue necessary to close this funding gap. Yuba City currently has a budget of 1.5 million for road maintenance but needs closer to 13 million per year to just keep our roads at the current condition. Most California cities with a population over 50,000 have a local tax tailored only for roads. Yuba City is the rare exception of a town without a local sales tax. The Grand Jury found that a one percent sales tax increase would produce approximately 14.5 million dollars a year in new revenue.⁸ That would more than ensure that the city had the necessary funding to service Yuba City's roads at current conditions and even improve them beyond the status quo for at least through 2042.

The Yuba City Council formed an Ad-Hoc Committee from its own body to study the funding challenges for the city's roads and to examine possible solutions. The city is leaning toward a sales tax levy and has hired a marketing firm to design a strategy to help sell the proposal. The amount of 135,000 dollars has been appropriated for this purpose, with an added authorization of perhaps 40,000 dollars for hard costs.

Taking the Public's Temperature and Proving the City's Case

As the Grand Jury neared the end of its investigation and after engaging in a process of elimination, we landed on the difficult proposal of a sales tax to solve the funding crisis with Yuba City's roads. It is the only way that we could determine that a minimal funding shortfall of at least 11.5 million dollars could be made up. However, the Grand Jury is aware that such a solution may not be popular.

Chart 2: The funding level needed to maintain current road pavement conditions and keep deferred maintenance costs down into the future.⁹



Measure A (a county-wide 1% sales tax for a period of 9 years) failed with voters in Sutter County during the 2022 Midterm Elections.¹⁰ We believe that seeking greater input from local voters through various outreach efforts and survey(s) may help the city learn best how to write a ballot measure and market it to the public. We also believe that an independent audit should be authorized by the Council of Yuba City. The Yuba City government should demonstrate to voting residents that they have exhausted every reasonable opportunity to find cost savings in the general fund to significantly finance the city’s road maintenance and refurbishment. This “proof in the pudding” ought to be made available for public viewing as published findings of an independent audit. An audit may have some upfront costs, but if its results help the city make a credible case to the people, then it will more than pay for itself in the long run.

One of the best ways that the government of Yuba City can seek to avoid the fate of Sutter County’s Measure A is to write a sales tax proposal that specifically tailors the raised tax money to be spent only on road maintenance and refurbishment. Once again, the case must be made, “these new tax dollars will not become a slush fund.” The public voting threshold for a specifically tailored tax (2/3 popular vote requirement) may be higher than a tax proposal meant for multi-purpose use (simple majority of 50 + 1), but it will also reinforce the credibility of the city’s case that such new tax dollars would only be spent on the roadways.¹¹ Yuba City should work toward offering the public justification for a new sales tax. That might be difficult at first. However, that ought not to stop the effort to make an honest case. Those in municipal government are public servants and have a moral responsibility to do no less in service to the people.

To gain a popular mandate, you must first earn it or as the former and late British Prime Minister Margaret Thatcher once said, “First you win the argument, then you win the vote.” No shortcuts.

Findings

- F1 - The road pavements throughout Yuba City currently require extensive maintenance and refurbishment to sufficiently provide for critical transportation infrastructure.
- F2 - The budget for the road pavements of Yuba City is inadequate to improve or even maintain their current Poor/Fair condition into the future.
- F3 - Yuba City has created an App “YC311” to make it easier for residents to report road maintenance concerns.
- F4 - The Yuba City Council is attempting to address the serious problems with the deteriorating municipal road pavements and is struggling to find a funding solution.

Recommendations

- R1 - The City Council of Yuba City must create a funding plan by April 30, 2024 to finance the program that the Public Works Department has formed for continuous improvements of the road pavement conditions throughout Yuba City. (F1, F2)
- R2 - The Yuba City Council must make efforts to survey and determine the public's views on a sales tax for additional funding to address road pavement maintenance by December 31, 2023. (F4)
- R3 - The Sutter County Grand Jury recommends that the Yuba City Council authorize an independent audit to be completed by April 30, 2024, to examine if additional cost savings can be found to help pay for road maintenance and refurbishment. The audit findings must be made available to the public. (F1, F2, F4)
- R4 - The Yuba City Council should propose a sales tax to only Yuba City voters by the next election to increase funding for only road pavement maintenance and refurbishment for Yuba City. (F1, F2, F4)

Request For Required Responses

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing bodies within 90 days:

- City of Yuba City Council: Respond to Findings (F1, F2, & F4), Respond to Recommendations (R1-R4)

APPENDIX

Chart 3: The funding needed to bring road pavement conditions up to the state average and to reduce deferred maintenance costs to even much lower levels into the future.¹²

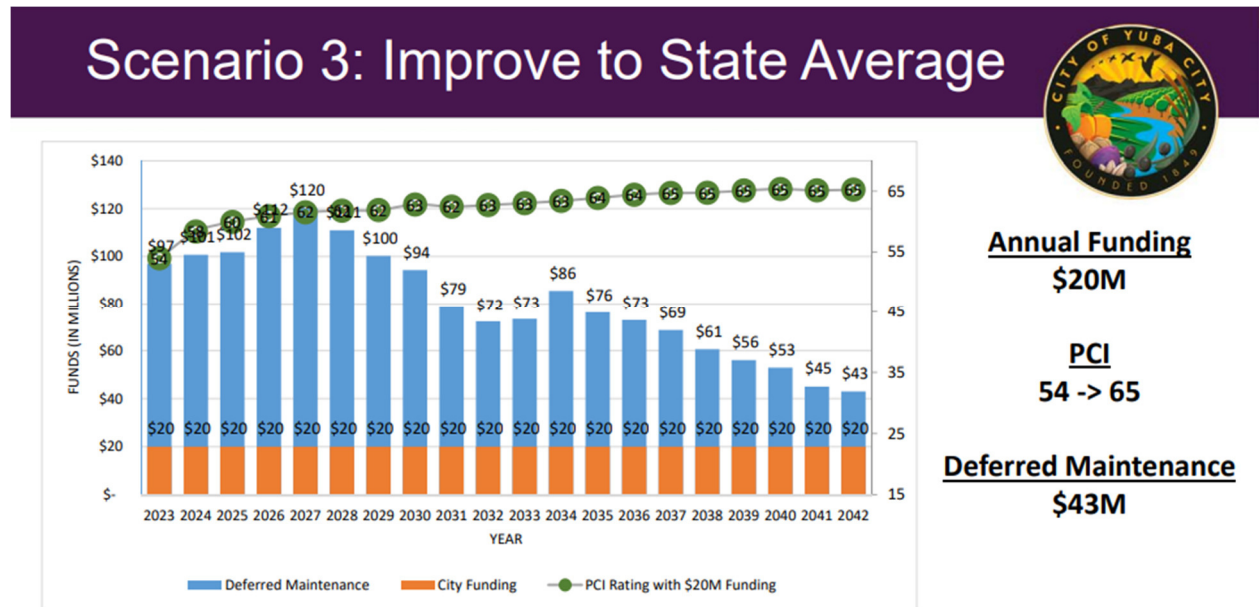


Figure 1. Different Types of Revenue Amounts for the 2022/2023 General Road Fund for Yuba City.

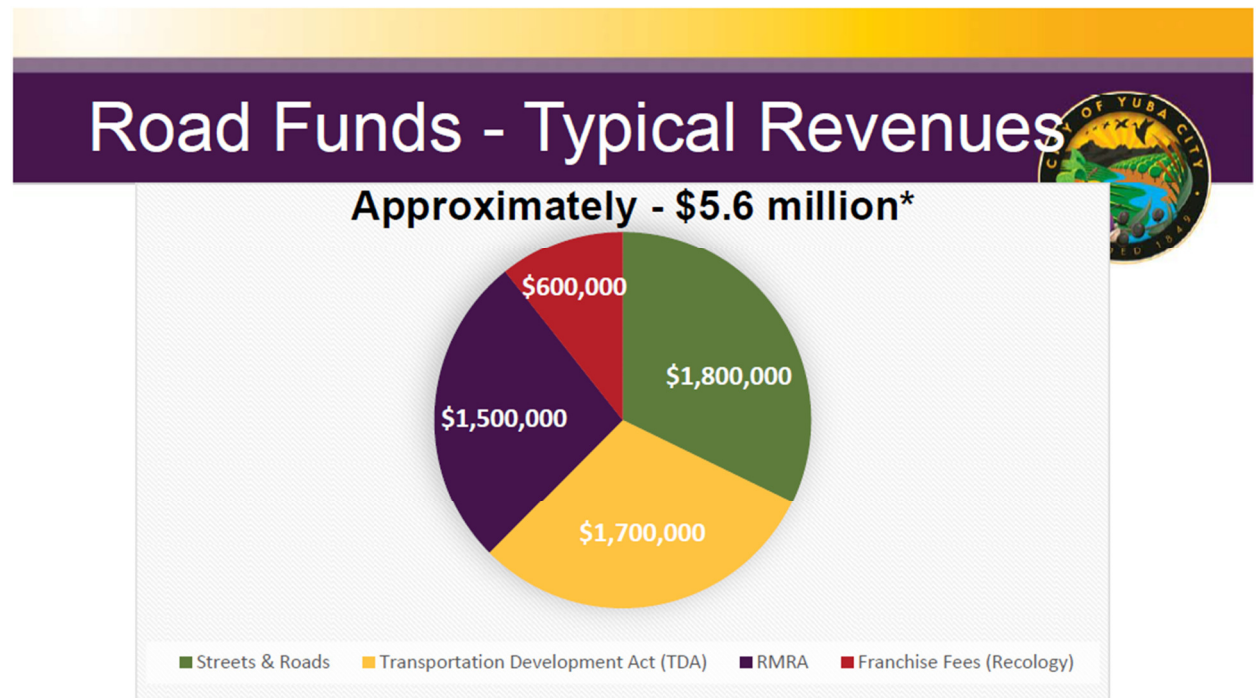


Figure 2. 2022/2023 Yuba City Public Works Department Budget

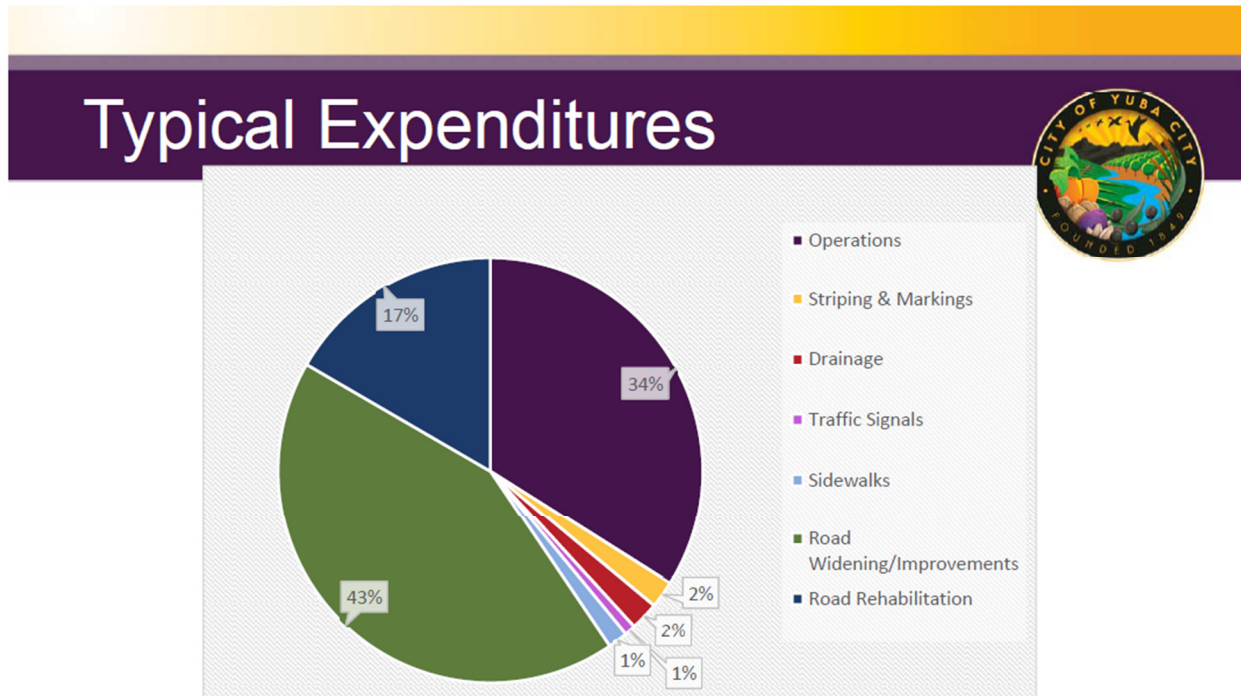


Figure 3. Pavement Condition Index for judging the condition of road pavements.

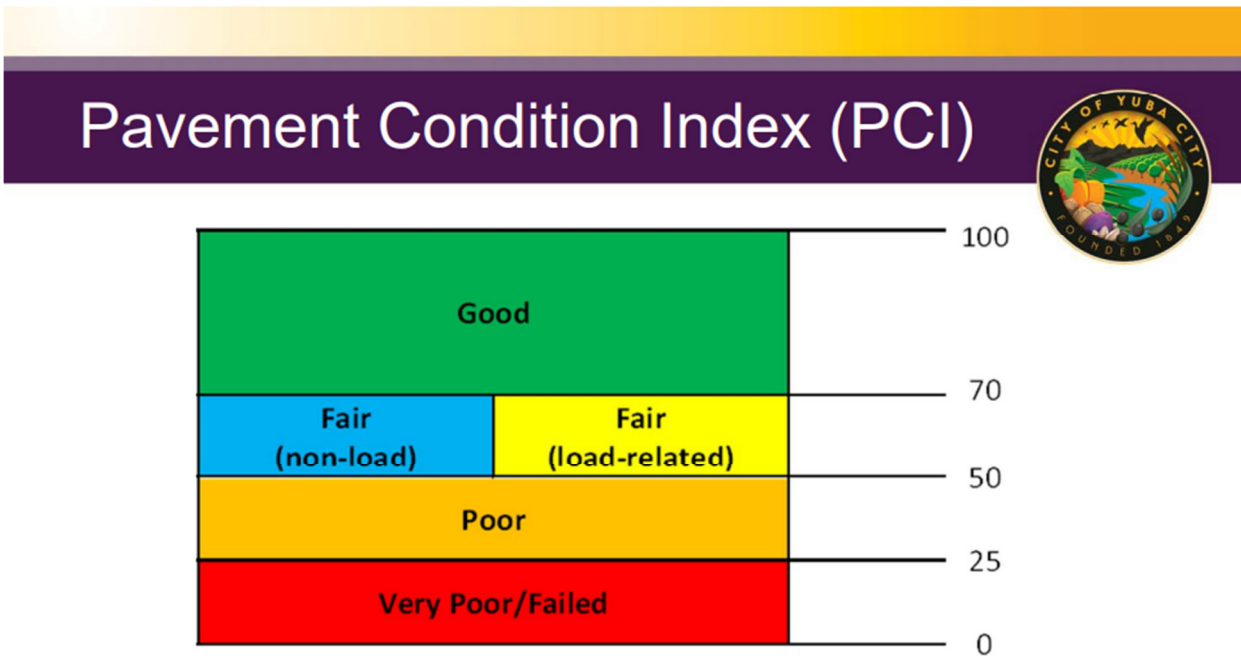


Figure 4. Proportion of Yuba City Roads in Different States of Condition.

Category 1 (Very Good/Good) = 17.3%
Category 2 & 3 (Fair) = 47.1%
Category 4 (Poor) = 26.3%
Category 5 (Very Poor/Failed) = 9.3%

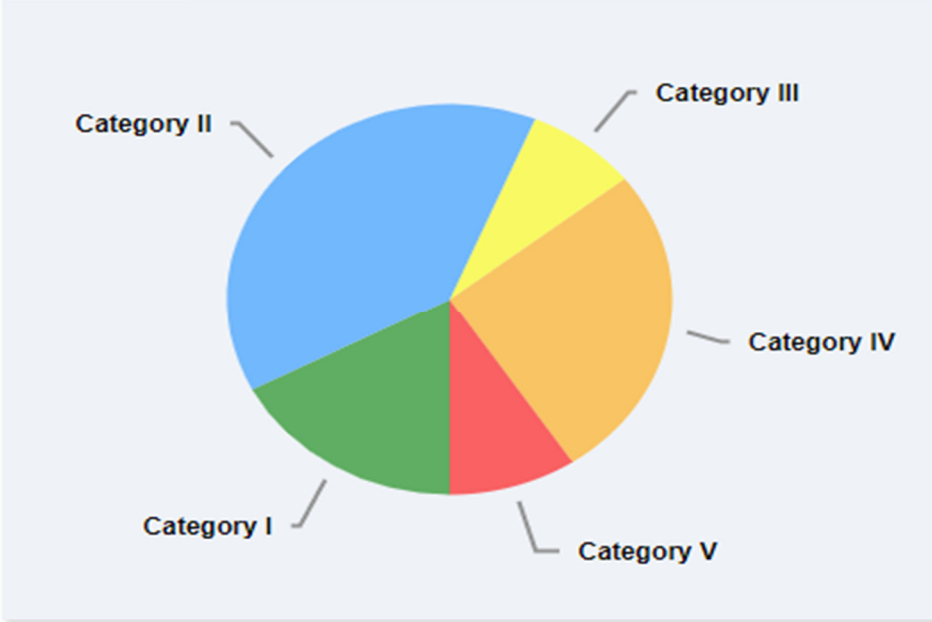


Figure 5. Comparing the cost efficiency of different methods for road pavement maintenance and refurbishment.

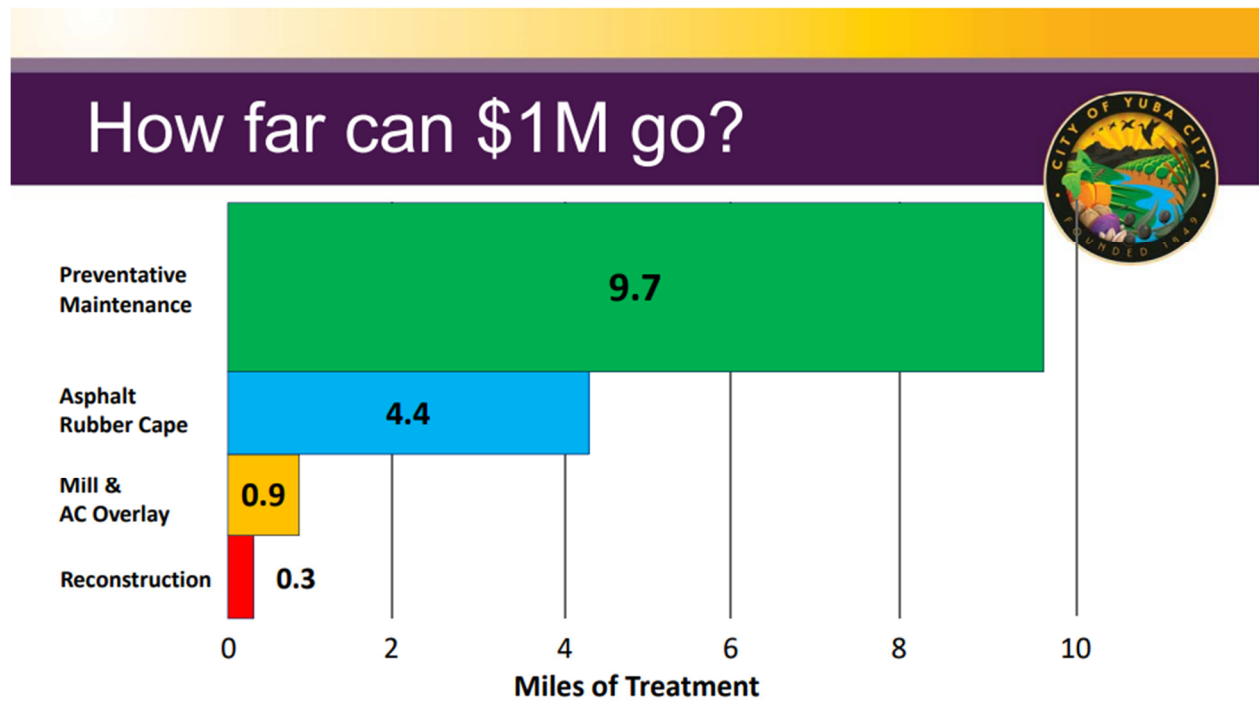
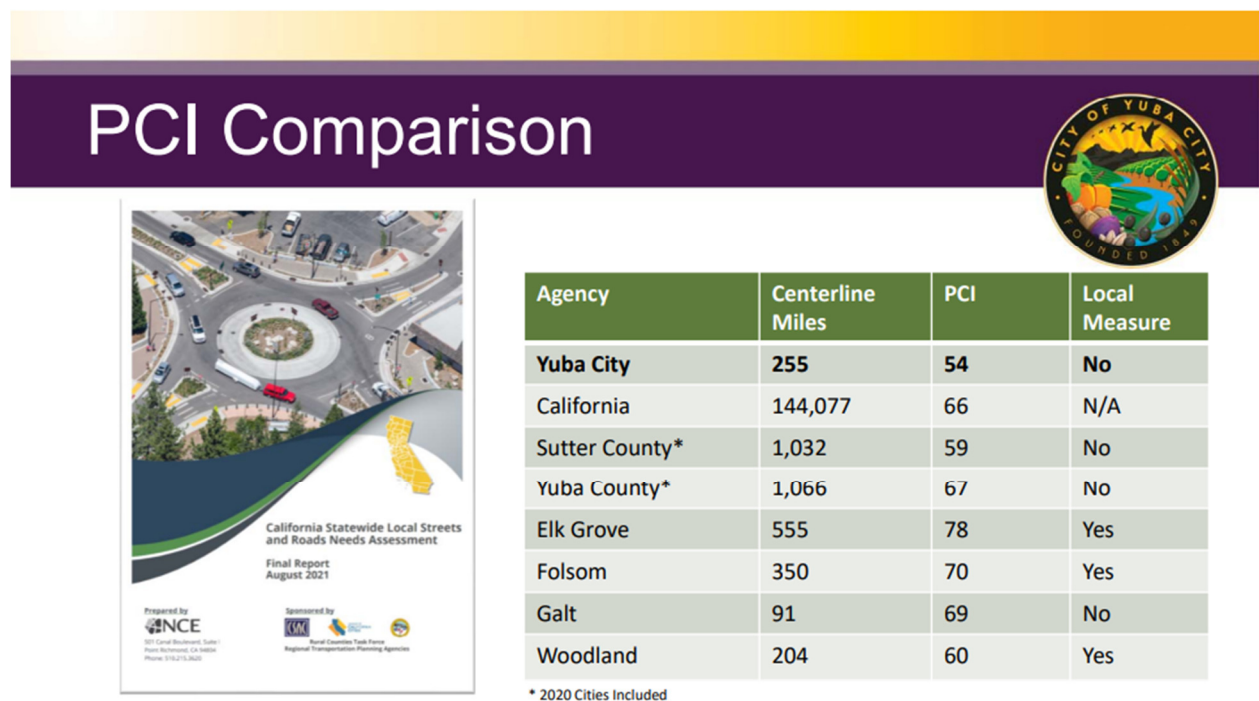


Figure 6. Comparing Yuba City's PCI to other communities in California.



¹ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, California*. March 7, 2023. Internet Streamed Video. 00:34:01. <https://yubacityca.portal.civicclerk.com/event/63/media>

² Bryce, J.; Boadi, R.; Groeger, J. “Relating Pavement Condition Index and Present Serviceability Rating for Asphalt-Surfaced Pavements.” *Transportation Research Record: Journal of the Transportation Research Board*. 2673 (3): 308-312.
https://en.wikipedia.org/wiki/Pavement_condition_index

³ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁴ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁵ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁶ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁷ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁸ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

⁹ Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

¹⁰ “Sutter County 2022 General Election Official Results.” *Sutter County, California, Clerk-Recorder*. November 8, 2022.

<https://www.suttercounty.org/home/showpublisheddocument/5981/638053148379400000>

¹¹ “Adopted Annual Operating Budget: Fiscal Year 2022-2023.” *City of Yuba City, CA, Finance Department*.

¹² Langley, Diana. “Yuba City Council Meeting.” *City of Yuba City, CA*.

SUTTER COUNTY GRAND JURY 2022-2023



Sutter Yuba Behavioral Psychiatric Health Facility Unit Safety Improvement and Funding

Summary

The 2022-2023 Sutter County Grand Jury is advocating for the safety of the citizens of Sutter County that require specific mental health treatment. The Sutter County Health and Human Services Department in conjunction with the Sutter County General Services Department are actively pursuing a process of reducing ligature safety issues (anything that could be used to create a sustainable attachment point for hanging or strangulation) within the Sutter Yuba Behavioral Health Psychiatric Health Facility (SYBH)(PHF). The Grand Jury has researched the professional process of evaluation and real time solutions that are actively implemented in resolving such safety issues.

Funding for Sutter County Health and Human Services is provided through categorical monies provided by California State and Federal funding programs. Funding shortfalls in the Sutter County Health and Human Services for the SYBH Facility improvements are of concern. These funds are earmarked for specific purposes, such as treatment, and cannot be used for facility maintenance or improvements. The Realignment legislation of 1991 removed local control of certain aspects of mental health spending.

Background

The 2021-2022 Grand Jury Report recommended that the Sutter Yuba Behavioral Health Department address observed safety and liability issues within the Sutter Yuba Behavioral Psychiatric Health Facility. A tour of the Sutter Yuba Behavioral Psychiatric Health Facility was performed on December 02, 2022, by the 2022-2023 Grand Jury. The tour yielded many unaddressed safety issues and facility deficiencies, specifically in the Psychiatric Health Facility Unit. Some ligature points and safety hardware presented by a previous Grand Jury recommendation had been completed. Upon inquiry into the progress of the project, the Grand Jury was informed that there had been a professional inspection company, Chartis Clinical Quality Solutions, who had provided an assessment and that it was in the evaluation process. For purposes of transparency the Grand Jury opened an investigation into the process.

The investigation process presented funding challenges for facility improvements. There were monies that had been budgeted for improvements in 2020 and 2021 budgets, but the projects were not started, and the budgeted funds were redistributed in the 2022 budget.

Methodology

- Understanding the evaluation, procurement, and implementation process for Sutter Yuba Behavioral Health Facility improvements (See figure 1.1)
- Learning about the types of funding and funding sources (See figures 1.2 and 1.3)

Figure 1.1

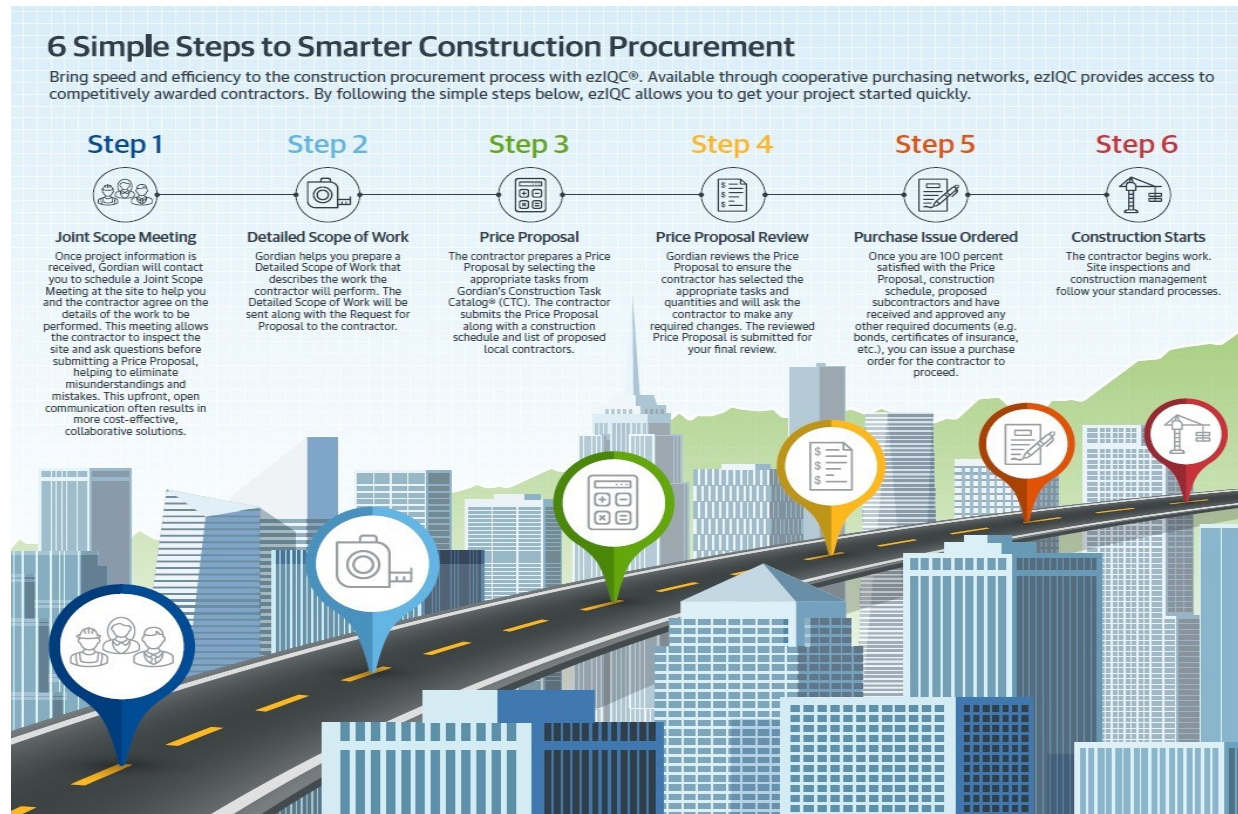
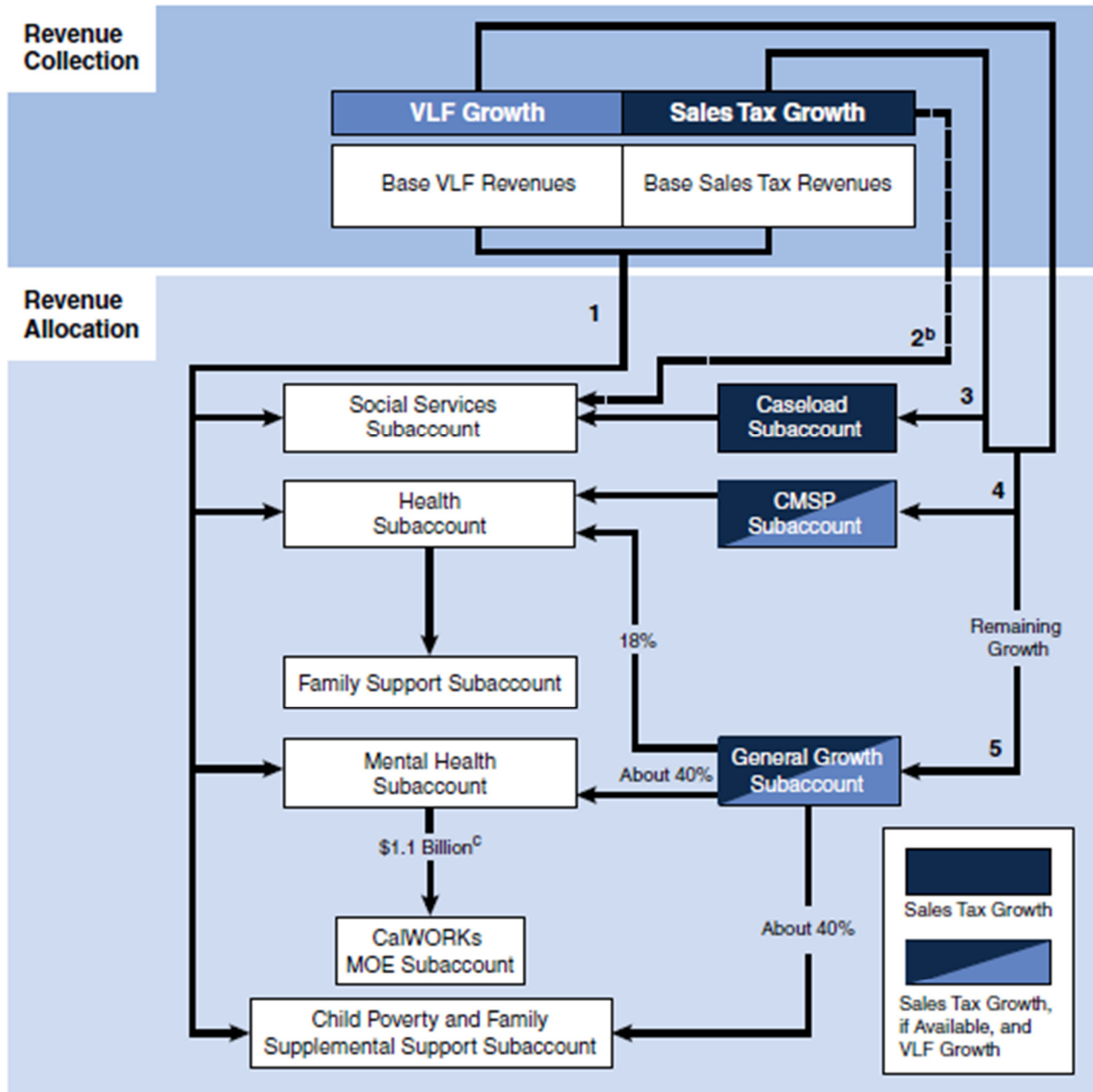


Figure 1.2

How Funds Flow In 1991 Realignment^a

Local Revenue Fund



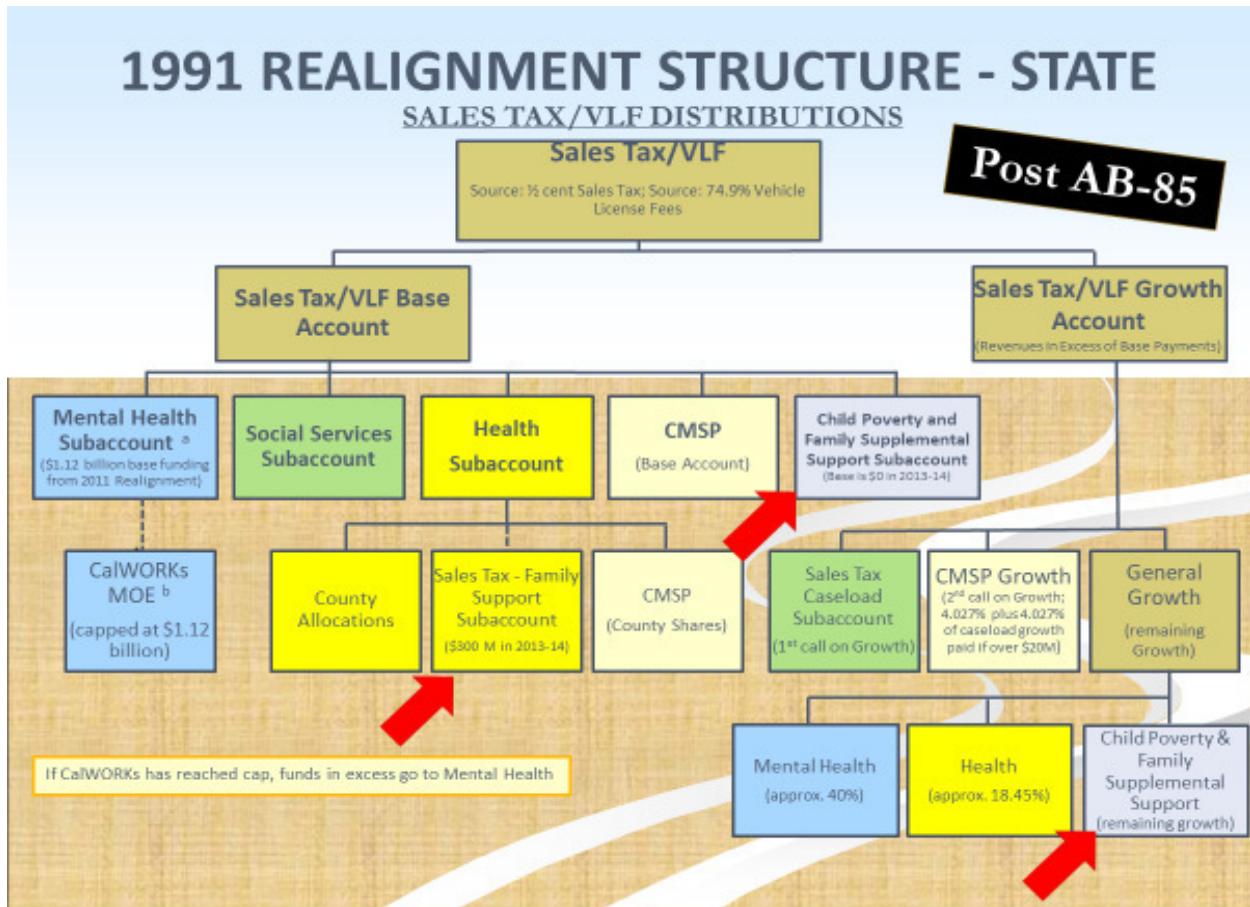
^a Figure generally shows how funds flowed before 2017-18 and how funds will flow after 2022-23.

^b This allocation of the sales tax growth did not occur until 2017-18, but will continue after 2022-23.

^c Funds transferred to the CalWORKs MOE Subaccount are backfilled by 2011 realignment funds.

VLF – vehicle license fee; CMSP – County Medical Services Program; and MOE – maintenance of effort.

Figure 1.3



Tours and Site Visits:

- Sutter Yuba Behavioral Health (SYBH) Building at 1965 Live Oak Blvd.
- Sutter Yuba Psychiatric Health Facility Unit (PHF)

Interviews:

- Sutter County General Services Staff
- Sutter County Financial Services Staff
- Sutter Yuba Behavioral Health Administration Staff
- Sutter County Health and Human Services Administration

Research:

- Chartis Assessment - Clinical Quality Solutions Company - Sutter Yuba Behavioral Psychiatric Facility Unit Environmental Risk Assessment (ERA)
- 1991 California Realignment Funding
- 2011 California Realignment Funding
- Revenue and Taxation Code, sections 7285 through 7290
- Local Sales Tax Proceeds
- California Mental Health Services Act (MHSA)
- Director of Health and Human Services presentation and responses to 2022 -2023 Grand Jury Continuity Report Attachments A through N
- Sutter County General Services Director digital interview February 8, 2023
- Sutter County Health and Human Services Administration Staff digital follow up interview February 3, 2023
- Sutter County Board of Supervisors Agenda Item 3510. May 25, 2021 - Approval of the use of Sourcewell Easy IQ Indefinite Delivery, Indefinite Quantity Cooperative Procurement Program on an as needed basis for construction projects for the period of May 25, 2021, through October 1, 2025 (MT 3510)
- Chartis Clinical Quality Solutions - Environmental Risk Assessment for Sutter-Yuba Behavioral Health - Psychiatric Health Facility dated November 15, 2022
- Sutter-Yuba County Behavioral Health Contractor Reference List -January 23, 2023
- Sutter Yuba Behavioral Health Psychiatric Health Facility Unit ligature replacement list

Discussion

In review of Sutter Yuba Psychiatric Health Facility compliance Standard Operations Protocol (SOP), it became apparent that there were unaddressed ligature points of safety concern. The SOP states that the Program Manager for the Sutter Yuba Psychiatric Health Facility Unit is responsible for addressing the safety and the liability of the unit which are out of compliance with state regulations and guidelines. The procedure for correcting safety and liabilities issues requires the manager to submit a work order to Sutter County General Services. General Services will then visit the facility to evaluate and identify the work to be performed to address the issue or concern. General services will then either utilize in-house staff or an outside vendor as needed to correct the safety and liability issues. Sutter County General Services uses the Easy IQ process of project management and improvements to complete county construction projects.

In response to the 2021-22 Grand Jury report recommendations, the services of an independent consultant, Chartis Clinical Quality Solutions were procured by Sutter Yuba Behavioral Health. The purpose was to develop independent professional risk assessment findings of the facility conditions.

The Chartis Assessment is a comprehensive evaluation of risk assessment. The assessment includes a review of policies and procedures, staff training, communication systems, equipment and supplies, and response planning. The findings of the assessment provided valuable insight into ligature points and in areas of safety improvement.

In the case of the Sutter Yuba Behavioral Psychiatric Health Facility Unit, the Chartis Assessment findings support the previous recommendations of the Grand Jury in 2021-2022. This assessment identifies additional evidence to support the 2022-2023 Grand Jury's recommendation for increased funding for these types of improvements. Additionally, the Chartis Assessment findings can inform future Grand Juries of past facility conditions when touring the Sutter Yuba Behavioral Psychiatric Health Facility Unit by identifying specific areas to focus on during the visit. The assessment also provides a framework for evaluating the unit's emergency management program. Overall, the Chartis Assessment can serve as a valuable tool for supporting and enhancing the safety and improving the conditions of the Sutter Yuba Behavioral Psychiatric Health Facility Unit.

The 2021-2022 Grand Jury conducted a tour of Sutter Yuba Behavioral Health Psychiatric Health Facility Unit, and they identified several safety issues within the facility. Their findings and recommendations were included in the 2021-22 Grand Jury Annual Report. Some of these findings identified multiple Ligature Points in the patient rooms, vulnerability to the exchange of contraband through the fencing of outdoor recreation area, an outdated and old video monitoring system, inadequate and deteriorating signage, and a general upkeep of the grounds and parking lot of the facility.

The Grand Jury conducted a follow up tour of the Sutter Yuba Behavioral Health Facility in 2022 to determine the progress that has been made to resolve these issues. The 2022-2023 Grand Jury found that Sutter Yuba Behavioral Health and Sutter County Health Human Services staff have taken steps to resolve some of the issues. They have replaced the signage, installed a new video monitoring system, are pursuing the process of obtaining the cost to replace the recreation yard fencing, and assessing the cost of installing a sump pump to improve parking lot drainage. While there has been an attempt at fixing and repairing the above items, the ligature points remain a safety issue and are in the process of being addressed.

There is a total of 178 ligature points identified by the Grand Jury and the Chartis Environmental Risk Survey that should be addressed in the Sutter Yuba Behavioral Health Psychiatric Health Facility Unit to reduce the loss of life and financial liability. A list of ligature points has been provided in this report. They include various exposed hardware from doorknobs and hinges on the doors of the patient's rooms. The restrooms have exposed ligature points such as shower heads, shower curtain rods, and exposed toilet pipes. Patients also have access to phone cords that could be used as a source of strangulation, soap dispensers, paper towel dispensers, and several other items that put patients at risk. These items should be replaced or fixed in a manner that improves the safety of the patients, reduces the loss of life, and assists staff efficiency.

Management and staff of Sutter County Health and Human Services, Sutter County Board of Supervisors, and Sutter Yuba Behavioral Health Facility have acknowledged the existence of the Ligature Points and have stated that they are of high priority. An interview with Health and Human Services Staff acknowledged that there was a suicide attempt within the past several years. Since the release of the 2021-2022 Grand Jury report, there appeared to have been few actions taken which would support a sense of urgency to resolve these issues. During interviews performed in the fall and winter of 2022 with staff and managers, it was stated that the reason items have not been corrected was due to "Budgetary Issues."

As of January 31, 2023, management has informed the Grand Jury that two items concerning ligature points and safety issues have been addressed by the reinstallation of the grab bar in the ADA (American Disability Act) bathroom and the removal of the old camera in the recreation area. Sutter County General Services is currently working with a contractor through the Easy IQ contract system to provide a bid for the remaining recommendations in the Chartis Environmental Risk Assessment specifically regarding ligature points.

The 2022-2023 Grand Jury recommends the Health and Human Services Director conduct an audit of HHS funding and allocation to assure resources are funded and available to complete the urgent required safety repairs to the SYBH PHF unit by end of December 2023.

Funding

The traditional funding methods for Health and Human Services are 1991 Realignment Funding, 2011 Realignment Funding, local sales tax proceeds, and Mental Health Services Act.

The 1991 and 2011 Realignment funding, also known as the Public Safety Realignment or the Criminal Justice Realignment, is a California state law that shifted responsibility for certain criminal justice programs and services from the state to county governments.

As part of the Realignment funding, counties in California receive a portion of the state's sales tax revenue to support these new responsibilities. This funding is provided through the Local Revenue Fund, which receives a percentage of the state's sales tax revenue and is then distributed to counties based on their population and other factors.

The amount of funding that Health and Human Services receives from the 2011 Realignment varies depending on the specific county and the amount of sales tax revenue generated within that county. Health and Human Services receives a portion of the sales tax revenue that is generated from certain transactions, including those related to alcohol, tobacco, and motor vehicle fuels. This revenue is then

used to support Medicaid programs in California, including those that provide mental health and substance abuse services. Overall, the 2011 Realignment has helped to increase funding for health and social services in California, and the Health and Human Services plays a critical role in ensuring that these funds are used effectively to support the health and well-being of Californians.

The Mental Health Services Act (MHSA) is a California law that provides funding for mental health services for individuals with severe mental illness. The act was passed in 2004 and is funded by a 1% tax on personal income over \$1 million. The purpose of the MHSA is to transform the mental health system in California by expanding access to services, promoting recovery, and improving the quality of care. The act provides funding for a wide range of services, including prevention, early intervention, crisis intervention, and ongoing treatment and support.

The MHSA requires counties in California to develop a three-year plan for how they will use the funds provided by the act. The plans must be developed in collaboration with stakeholders, including individuals with mental illness, family members, and mental health professionals. The plans must prioritize services that are evidence-based, culturally competent, and person-centered. The act also established the Mental Health Services Oversight and Accountability Commission to oversee the implementation of the act and ensure that funds are being used effectively. Overall, the MHSA represents a significant investment in mental health services in California, with the goal of improving the lives of individuals with severe mental illness and their families.

Currently there is no district tax in Sutter County, only the statewide sales and use tax of 7.25% (6.00% State, 1.00% Local Jurisdiction, .25% Local Transportation Fund). Jurisdictions can impose a district tax for general or specific purposes (minimum rate of 0.125% and in 0.125% increments up to 2.00% cap in a county). A General-Purpose Tax needs the approval of $\frac{2}{3}$ vote of the Board Supervisors and the majority of voters. A Specific Purpose Tax (an expenditure plan is required) requires a $\frac{2}{3}$ vote of the Board of Supervisors and $\frac{2}{3}$ majority of voters.

The 2022-2023 Grand Jury has presented methods to present the recommended actions and documentation for the 2023-2024 Grand Jury Health and Human Services Committee, stakeholders, and local citizens regarding the safety of the Sutter Yuba Behavioral Psychiatric Health Unit.

Findings

- (F1) Ligature points are an unresolved safety concern in the Sutter Yuba Behavioral Psychiatric Health Facility.
- (F2) There is a deficiency in funding of non-categorical money for facility repair work specifically for the Sutter Yuba Behavioral Psychiatric Health Facility Unit.

Recommendations

- (R1) HHS Director to conduct an audit of HHS funding and allocation to assure resources are funded and available to complete the urgent required safety repairs to the SYBH PHF unit by end of December 2023 (in response to F1 and F2)

Required Response

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

- Sutter County Board of Supervisors: Respond to Findings (F1-F2) and Recommendation (R1)





Invited Response

- Sutter County Health and Human Services

Appendix A

This document presents the shortcomings of California Realignment Funding from a presentation by the Legislative Analyst’s Office which is the California Legislature’s Nonpartisan Fiscal and Policy Advisor.

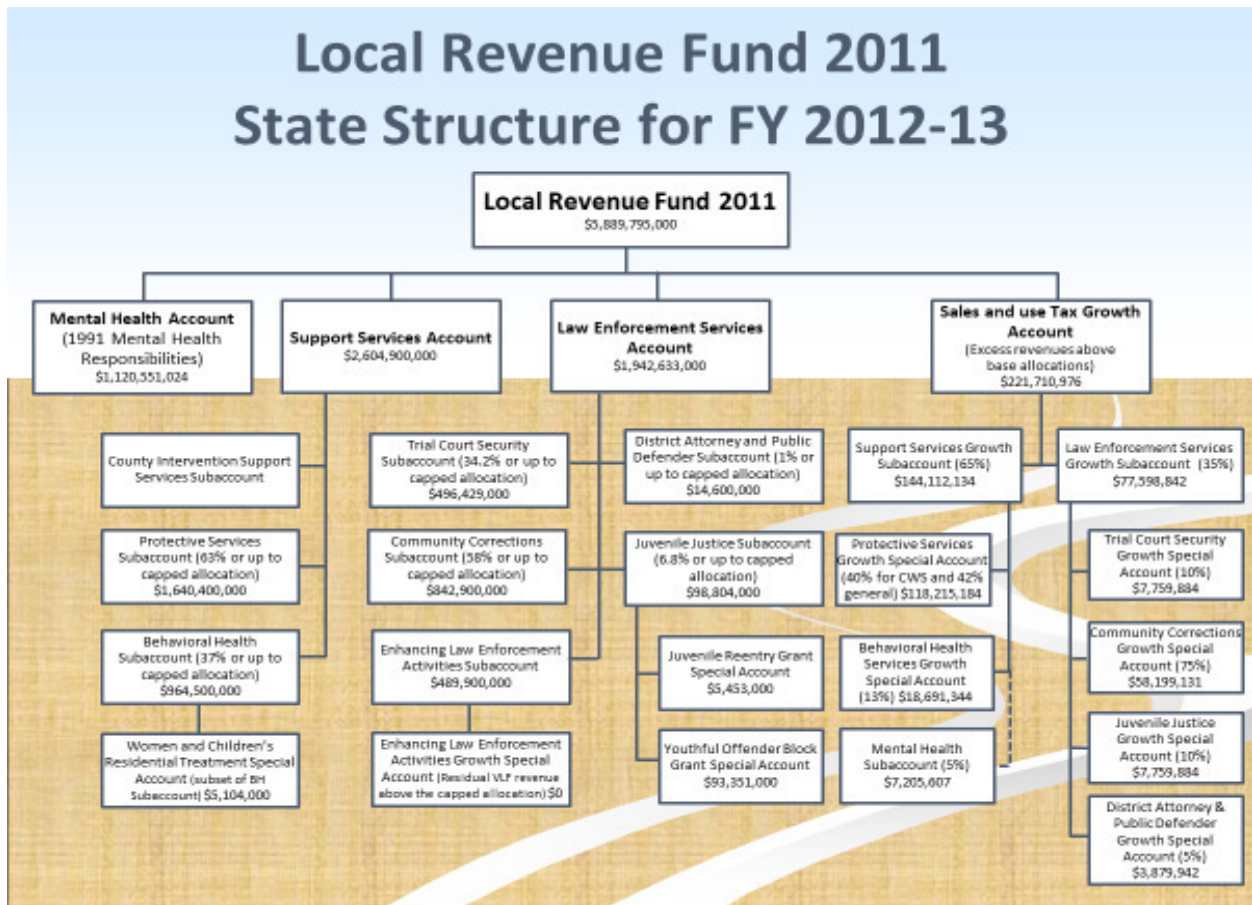
Realignment No Longer Meets Many Principles

Principle	Shortcomings
 Counties' share of costs reflect their ability to control costs in the program.	Changes in entitlement program requirements over time have resulted in counties' share of cost exceeding their ability to control costs.
 Revenues generally cover costs over time.	Realignment revenues may not be sufficiently robust. Programs costs do not decline when revenues decline. Social services programs costs now exceed realignment revenues. Unclear if costs for health and mental health responsibilities are in line with realignment revenues.
 Flexibility to respond to changing needs and requirements.	Despite changes to program requirements, use of revenue remains limited for counties. Counties do not receive funding based on level of need among their populations for some programs.
 Funding is transparent and understandable.	Revenue structure is extremely complex, making it difficult to track the flow and use of funds. Specifically, changes to the flow of funds—to achieve General Fund savings and address IHSS costs—have made the structure unintelligible.

LAO

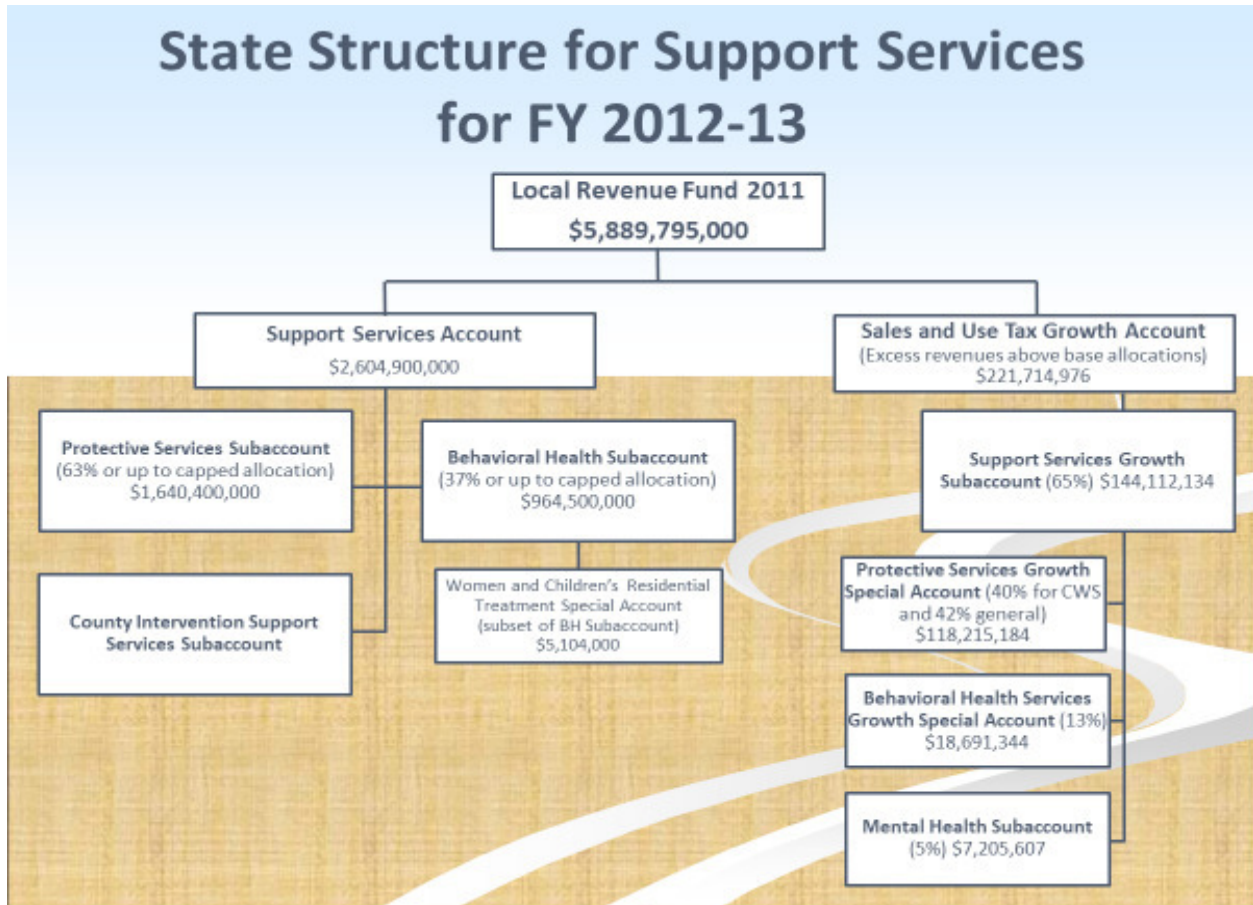
Appendix B

This flow chart maps the distribution of local funding (local sales tax distribution). This was presented by the County Welfare Directors Association of California.



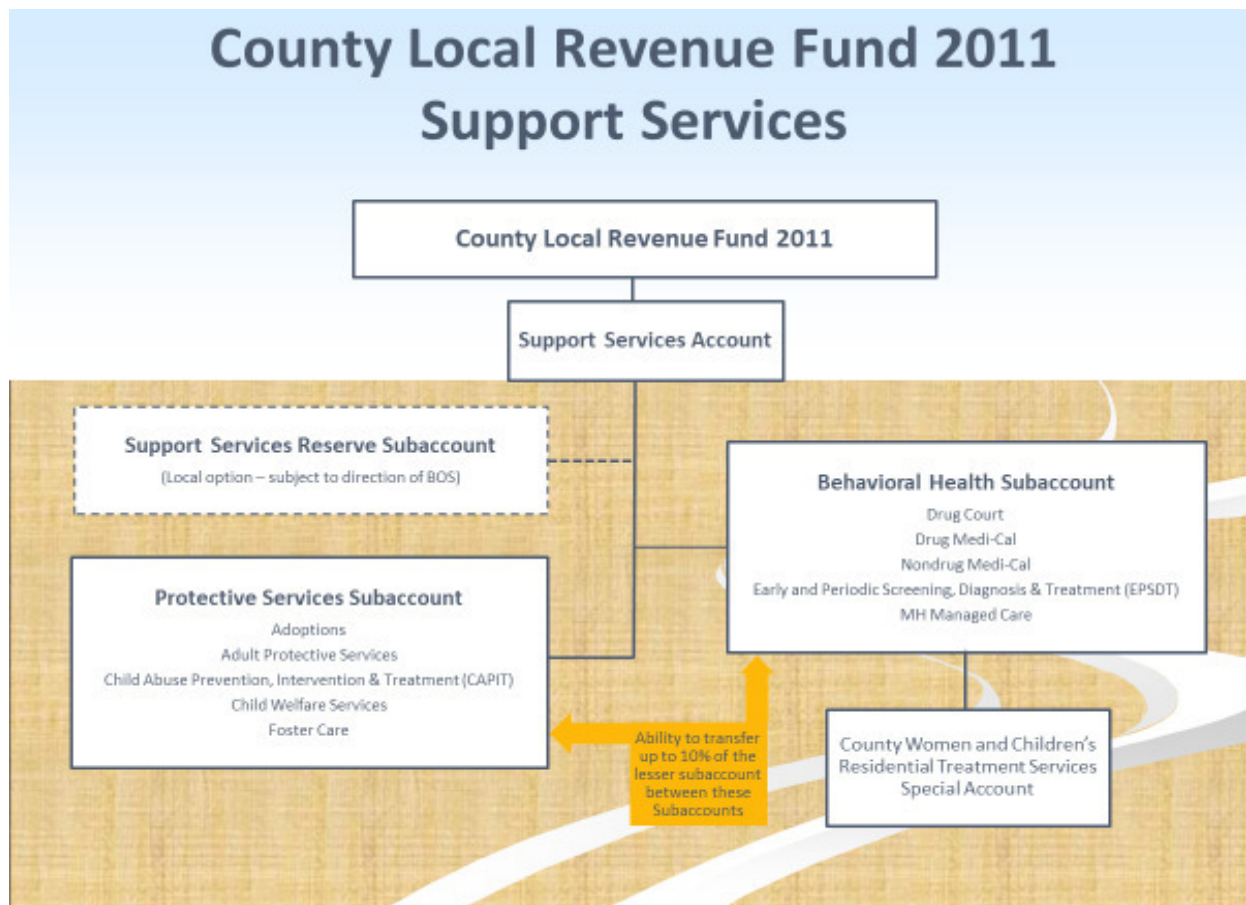
Appendix C

This flow chart maps the California State Structure for distribution of local funding (local sales tax distribution). This was presented by the County Welfare Directors Association of California.



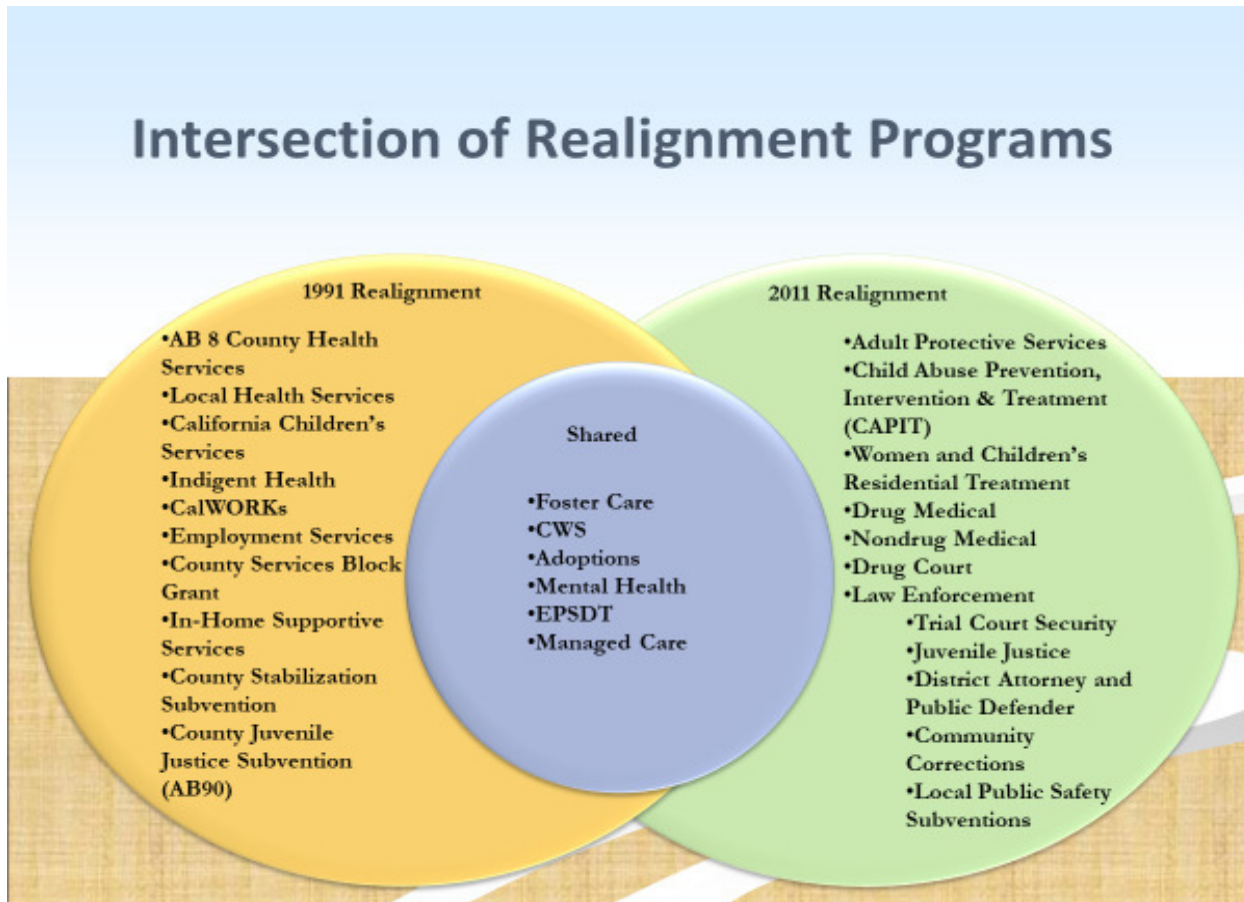
Appendix D

This flow chart maps the financial accounts responsible for distribution of funds for local funding. This was presented by the County Welfare Directors Association of California.



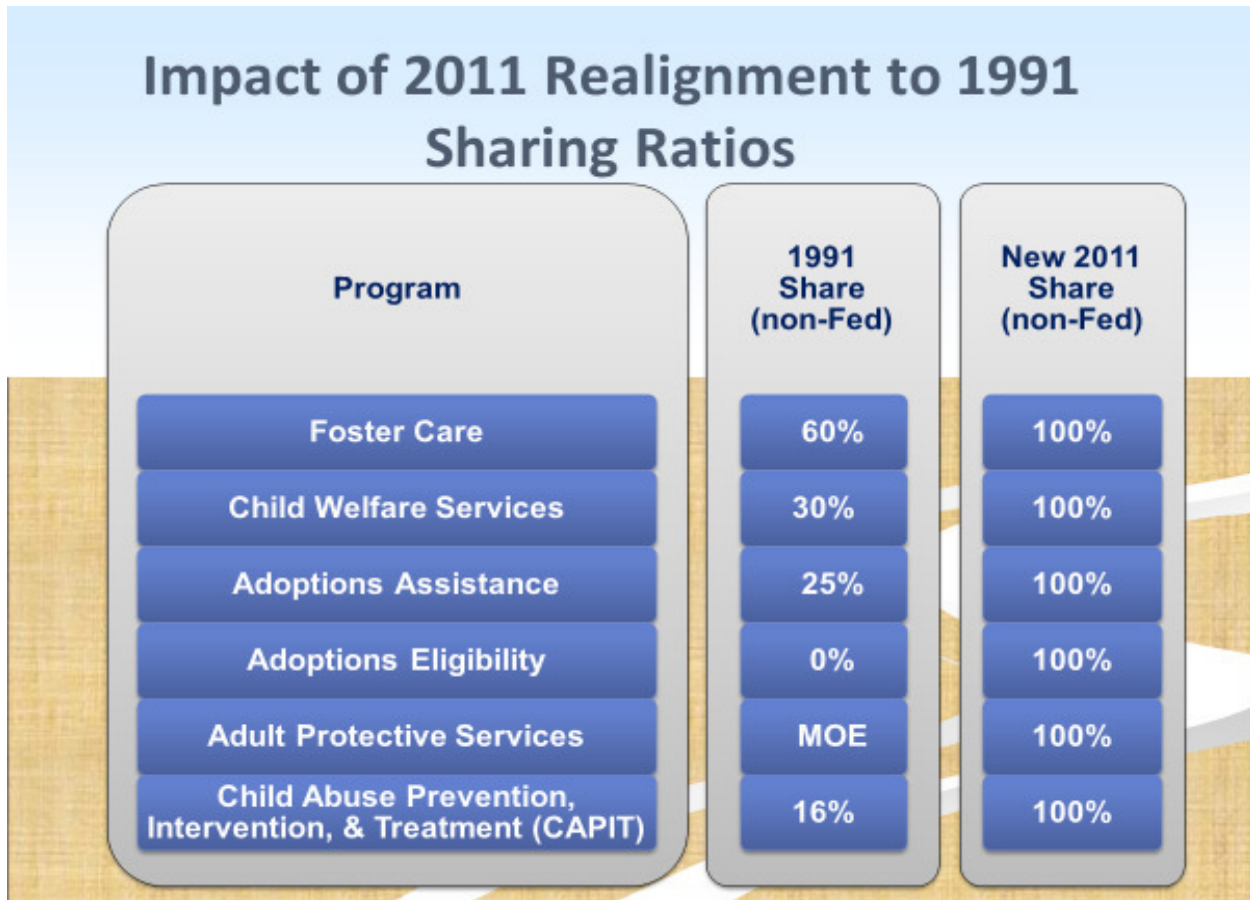
Appendix E

This diagram represents the entities that are funded by the California 1991 Realignment Program and the 2011 Realignment Program. There are some shared funding responsibilities. This was presented by the County Welfare Directors Association of California.




Appendix F

This diagram represents the entities that have shared funding by the California 1991 Realignment Program and the 2011 Realignment Program. This was presented by the County Welfare Directors Association of California.



Appendix G

This is a copy of the Chartis Environmental Risk Assessment which was contracted by the Sutter Yuba Behavioral Health Facility for an independent assessment of Safety and Liability issues in the Psychiatric Facility Unit.


FORMERLY KNOWN AS THE GREELEY COMPANY

Sutter-Yuba Behavioral Health - Psychiatric Health Facility

Environmental Risk Assessment
11/15/2022 - 11/15/2022
Findings By Priority

Priority 2

1. Physical Environment - Access Control / Security - (Potential Vulnerability)

The updates to access control systems (badge access to staff break area), in conjunction with existing magnetic locks and self-closing/self-securing/locking doors appears to appropriately manage the risks associated with patient elopement.

There are a number of doors throughout the unit (see ligature risk assessment for detail) that do not self-close/self-secure/lock; these doors provide access to spaces in which there are ligature and other risks to patients and/or staff. This includes the medication room door, which requires modification (or perhaps replacement) in order to appropriately support the dispensing of medications to patients while maintaining the safety of staff.

General Building; Behavioral Health; Support Services; Care of the Behavioral Health Patient; Environment of Care; Safety and Security; Policy, Guidelines and Process Design; Process Improvement; Issue Analysis & Prioritization;

A-0144 §482.13(c)(2);
A-0701 §482.41(a); A-0724 §482.41(c)(2)

(SM)

Recommendation: It is recommended that corrective actions as outlined in the ligature risk assessment be implemented through the Sutter County General Services work order process; while a dutch door is a common strategy for medication rooms, space considerations, etc. may indicate modification of the door to include a secure service hatch, an example of which can be found here: <https://www.capecodsystemscompany.com/store/ccskg167.product.asp>

2. Physical Environment - Ligature Risks - (Potential Vulnerability)

There are a number of ligature risks present throughout the environment, including spaces (rooms, bathrooms) in which patient activities can be unobserved. See ligature risk assessment for detail of findings.

General Building; Behavioral Health; Care of the Behavioral Health Patient; Environment of Care; Safety and Security; Policy, Guidelines and Process Design;

A-0144 §482.13(c)(2);
A-0701 §482.41(a); A-0724 §482.41(c)(2)

(SM)

Recommendation: Implement corrective actions through Sutter County General Services work order process.

3. Physical Environment - Patient Furnishings - (Potential Vulnerability)

In patient rooms throughout the facility, the bedside tables are not of ligature-resistant design/construction. There are metal loops on the front of the

General Building; Behavioral Health; Environment of Care;

tables and removable drawers that could be used for self-harm.

Safety and Security; Care of the Behavioral Health Patient; Policy, Guidelines and Process Design;

A-0144 §482.13(c)(2);
A-0701 §482.41(a); A-0724 §482.41(c)(2)

(SM)

Recommendation: It is recommended that a design similar to that pictured here: <https://medlinecapitalquote.com/products/fusion-night-stand/> be considered for replacement of existing non-ligature resistant tables.

4. Physical Environment - Security of Exterior Perimeter / Exterior Patient Areas - (Potential Vulnerability)

The current chain link fencing arrangement, including access gates, etc. do not provide the highest level of protection against elopement, passing of contraband, etc. Additionally, there are ligature and elopement risks associated with the overhead shelter arrangement.

Behavioral Health; General Building; Care of the Behavioral Health Patient; Environment of Care; Safety and Security; Policy, Guidelines and Process Design; Process Improvement; Issue Analysis & Prioritization;

A-0144 §482.13(c)(2);
A-0701 §482.41(a); A-0724 §482.41(c)(2)

(SM)

Recommendation: It is recommended that consideration be given to a solid surface enclosure that provides protection against patient elopement (no points where grip, etc. can be established). An example of a potential solution can be found here:

<https://trefencing.com/project-spotlight-acadia-riverwoods-10-tall-fence/>
A design such as this, with "built-in" accommodations to allow for patients to continue to interact with visitors, should help to provide an appropriately safe and healing environment.

To that end, it is also advisable that a behavioral health environmental design resource be consulted to assist in the design and sourcing of materials; an example of such a firm can be found here: <https://www.bhfcllc.com/>

Priority 3

5. Physical Environment - Cleaning of Patient Areas - (Potential Vulnerability)

In several locations, particularly in the seclusion rooms, there was evidence of sub-standard detail cleaning. The bases of the seclusion room beds were noticeably soiled and there were areas of the floor that were stained.

General Building; Behavioral Health; Environment of Care; Infection Prevention; Policy, Guidelines and Process Design; Educational Support at the Point of Care and Service;

A-0701 §482.41(a); A-0724 §482.41(c)(2); A-0750 482.42(a)(3)

(SM)

Recommendation: Recommend reviewing detail cleaning expectations with EVS leaders/line staff, in coordination with Infection Prevention resources, to ensure

appropriate cleaning and disinfection of patient care spaces. Monitor for ongoing compliance.

6. Physical Environment - Exterior Signage - (Potential Vulnerability)

The exterior signage identifying the facility has been appropriately upgraded, but has not yet been provided with illumination (internal or external).

General Building; Behavioral Health; Environment of Care; Policy, Guidelines and Process Design;

A-0701 §482.41(a); A-0724 §482.41(c)(2); A-0726 §482.41(c)(4)

(SM)

Recommendation: As the current signage does not appear to support internal illumination, it is recommended that external illumination be installed, in accordance with municipal guidance for sign illumination.

7. Physical Environment - Hazardous Materials & Wastes Risks - (Potential Vulnerability)

In the utility room in the seclusion room area, there were several unlabeled spray bottles with liquid contents. All secondary containers must be labeled in accordance with the OSHA Hazard Communications Standard.

General Building; Behavioral Health; Safety and Security; Policy, Guidelines and Process Design; Educational Support at the Point of Care and Service;

A-0701 §482.41(a); A-0724 §482.41(c)(2)

(SM)

Recommendation: Ensure all secondary containers, including spray bottles are labeled in accordance with: <https://www.osha.gov/Publications/OSHA3636.pdf>; provide education to line staff as applicable.

8. Utility Systems Management - Maintenance of Utility Systems - (Potential Vulnerability)

During the facility tour, it was noted that the return / exhaust fans in several of the patient bathrooms and the shower room were not operating.

General Building; Behavioral Health; Environment of Care; Equipment Management; Policy, Guidelines and Process Design;

A-0701 §482.41(a); A-0724 §482.41(c)(2); A-0726 §482.41(c)(4)

(SM)

Recommendation: Implement corrective actions through work order process; monitor for ongoing compliance.

Priority 4

9. Life Safety Management - Corridor Doors - (Potential Vulnerability)

The corridor door for patient room 20 had holes in the door, potentially increasing the risk of smoke passage.

General Building; Behavioral Health; Environment of Care; Life Safety Code; Policy, Guidelines and Process Design;

A-0701 §482.41(a); A-0724

§482.41(c)(2); A-0710
§482.41(b); K-363

(SM)

Recommendation: Door should be repaired through work order process and monitored for ongoing compliance.

Appendix H

A general itemization of fixtures recognized for replacement from the Chartis Assessment.

<u>NUMBER</u>	<u>ITEMS TO BE REPLACED</u>
37	Doors needing ligature resistant hinges
4	Double doors exiting PHF needing ligature resistant hinges
2	Locked seclusion doors needing ligature resistant hinges
37	Doors needing ligature resistant door handles
9	Ligature resistant soap dispensers
9	Ligature resistant toilet paper dispensers
10	Ligature resistant paper towel dispensers
9	Ligature resistant toilet seat cover holders
17	Ligature resistant fire alarm covers
9	Ligature resistant bathroom faucets
2	Ligature resistant ADA pull down bathtub seats
2	Ligature resistant grab bars
3	Ligature resistant thermostat covers
7	Ligature resistant self close door hinges
21	Ligature resistant bedside tables
Unknown	Tamper resistant screws of various size
Unknown	Ligature resistant vent covers of various sizes
Unknown	Tamper resistant electrical outlets

Discussion needed on if lights need to be replaced in all rooms. Discussion needed on how to make plumbing around toilet and sinks LR. Gaps around light fixtures and fire alarm strobes need caulking. 178 items to be replaced.