



**2006-2007 Yuba County Grand Jury  
Final Report**

**Yuba County Water District**

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## Subject of Investigation

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**Yuba County Water District**

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## Reason for Investigation

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This investigation was undertaken to evaluate and resolve longstanding issues still in question from the 2004-2005 and 2005-2006 Yuba County Grand Jury investigative reports pertaining to the Yuba County Water District, headquartered in Brownsville.

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## Background

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Yuba County Grand Jury investigation of the Yuba County Water District (YCWD) began in 2004. Citizen complaints were filed at that time and the investigation grew to include allegations of Brown Act violations, misuse of district equipment, district funds, overtime, annexation irregularities, and violations of YCWD citizens' voting rights. The 2004-2005 Grand Jury recommended the investigation continue and the 2005-2006 Grand Jury pursued many of the same issues. These previous investigations discovered mismanagement, YCWD Board of Directors infighting, lack of general procedural standards, and lack of civility at public meetings. It is against this background that the present Grand Jury began its investigation of the YCWD.

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## Method of Investigation

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One priority for the Grand Jury was to assess the response of the two previous Grand Jury investigations and determine whether the Yuba County Water District had addressed and corrected issues as identified by those juries. The 2005-2006 Grand Jury recommended that this year's jury continue the investigation as the 2004-2005 jury had done for its successor. Consequently, the investigation began with an exhaustive review of previously generated reports. The Grand Jury also met with the District Attorney's office to establish if they had taken any action with regard to the recommendation made in the 2005-2006 Grand Jury final report relating to Brown Act violations. With that information in hand, the Grand Jury studied the current structure of the organization and observed monthly Board of Directors meetings.

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## Facts and Observations

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With the employment of a new general manager for operations and legal counsel attending every Board of Directors meeting, things have changed for the better. As a result, Board of Directors meetings have become more professional and citizens are allowed ample time to speak and be heard.

The YCWD provided monthly information to the Grand Jury detailing its budgets and finances. YCWD also provided agendas for upcoming meetings, and minutes of Board of Directors meetings.

The District Attorney's office has not pursued an investigation of the YCWD for potential wrongdoing related to violations of the Brown Act as detailed in the 2005-2006 Grand Jury Final Report.

Annexation of new customers into the water district has been a major issue for several years. In the fall of 2006, the YCWD Board approved new annexation procedures and also approved the annexation of a large group of customers. These annexations are expected to take place in the near future. According to the General Manager of the District there were only two customers who had previously paid for annexation and did not receive services, and these two customers would be annexed with the first group. The General Manager stated that any customer wanting water service through the YCWD would be annexed and receive service. The YCWD is not a mandatory service. Many area residents choose to supply their own water through the use of private water wells.

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## **Findings and Recommendations**

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### **Finding 1**

New annexation procedures have been established to resolve long-standing water delivery issues within the district.

### **Recommendation**

Prompt implementation of annexation rules by the YCWD Board of Directors is recommended, including a proposed timeline and plan for funding and completion of this phase.

### **Finding 2**

Professional management and legal guidance at the district are contributing to system maintenance and procedural and organizational improvements.

### **Recommendation**

That the YCWD maintain strong professional management throughout the organization, and legal counsel at all Board of Directors meetings.

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**PASSED and ADOPTED by the Yuba County Grand Jury on the 6th day of March 2007.**

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## **Response Required**

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**Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Grand Jury Judge of the Yuba County Superior Court within 90 days from:**

**Yuba County Water District Board of Directors**

## **California Penal Code**

### **Part 2 of Criminal Procedure**

#### **Title 4. Grand Jury Proceedings**

##### **Chapter 3. Powers and Duties of Grand Jury**

###### **Article 2. Investigation of County, City, and District Affairs**

###### **§ 933. Finds and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition**

(a) 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. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **§933.05. Responses to findings**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

## **NOTE TO RESPONDENTS**

The legal requirements affecting respondents and responses to grand jury findings and recommendations are contained in California Penal Code § 933.05. The full text of the law is included herein.

Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all respondents, California Penal Code § 933.05 is summarized as follows:

### **How to Respond to the Findings**

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

### **How to Report Action in Response to Recommendations**

Recommendations by the grand jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires that a detailed explanation of the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

## **Budgetary or Personnel Recommendations**

If either a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the grand jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings or recommendations.

## **Appearance Before the Grand Jury**

Prior to the publication or release of the grand jury findings, the grand jury may request a personal appearance by the person or entity to discuss the proposed findings.

## **Time to Respond, Where and to Whom to Respond**

Depending upon the type of respondent, California Penal Code § 933.05 sets forth the response times and to whom the response must be made:

1. **Public Agency.** The governing body of any public agency must respond within (90) days. The response must be addressed to the grand jury presiding judge. For fiscal year 2006/07, responses should be forward to:

The Honorable Debra L. Givens  
Yuba County Superior Court  
215 Fifth Street, Suite 200  
Marysville, CA 95901

2. **Elected Official or Agency Head.** All elected officers or heads of agencies which are required to respond must do so within sixty (60) days. The response must be address to the grand jury presiding judge, Debra L. Givens (address above), with a copy provided to the Board of Supervisors.