THE SUTTER COUNTY
BOARD OF SUPERVISORS'
RESPONSE TO THE

2006-2007

SUTTER COUNTY GRAND JURY
FINAL REPORT

Larry Montna
Stanley Cleveland, Jr.
Larry Munger
Jim Whiteaker
Dan Silva
District No. 1
District No. 2
District No. 3
District No. 4
District No. 5
September 21, 2007

The Honorable Christopher R. Chandler
Presiding Judge of the Superior Court of California
County of Sutter
466 Second Street
Yuba City, CA  95991

Dear Judge Chandler,

On behalf of the Sutter County Board of Supervisors, I am herewith submitting their response to the findings and recommendations of the 2006-2007 Grand Jury.

As in the past, I would be happy to meet with the Grand Jury to discuss any or all of these issues.

Sincerely,

LARRY T. COMBS
County Administrative Officer

LTC:js
THE SUTTER COUNTY BOARD OF SUPERVISORS’ RESPONSE TO THE 2006-2007 SUTTER COUNTY GRAND JURY FINAL REPORT
TABLE OF CONTENTS

AUDIT AND FINANCE COMMITTEE 1

SUTTER COUNTY ANNUAL AUDITS / AUDITOR-CONTROLLER 1
COUNTY EMPLOYEE PENSION AND PAY DECISIONS PROCESS 15
MANAGEMENT AUDITS 33
MILEAGE REIMBURSEMENT 37

COUNTY GOVERNMENT COMMITTEE 42

SUTTER COUNTY BOARD OF SUPERVISORS 42
SUTTER COUNTY CLERK-REGISTRAR OF VOTERS 49
SUTTER COUNTY EMPLOYEE RETENTION AND RECRUITMENT 53
SUTTER COUNTY LIBRARY 62

CRIMINAL JUSTICE COMMITTEE 67

SUTTER COUNTY JAIL 67
SHERIFF’S DEPARTMENT 70
YUBA-SUTTER JUVENILE HALL CAMP SINGER YOUTH GUIDANCE CENTER 77

FIRE AND EMERGENCY SERVICES COMMITTEE 84

SUTTER COUNTY FIRE SERVICES MANAGER 84
LIVE OAK FIRE STATION 90
OSWALD-TUDOR FIRE STATION 96
ROBBINS-SUTTER BASIN FIRE PROTECTION DISTRICT 100
SUTTER FIRE STATION 104

HEALTH, MENTAL HEALTH, & SOCIAL SERVICES COMMITTEE 108

SUTTER COUNTY CHILDREN & FAMILIES COMMISSION 108
SUTTER-YUBA MENTAL HEALTH SERVICES & PSYCHIATRIC EMERGENCY SERVICES 118

PLANNING AND ENVIRONMENT COMMITTEE 124

LEVEE REPAIR/UPGRADE/MAINTENANCE 124
COMMUNITY SERVICES DEPARTMENT (PLANNING DIVISION) 128
SUTTER COUNTY PUBLIC WORKS DEPARTMENT – TRAFFIC 132

ATTACHMENTS 139

ATTACHMENT A: AUDITOR-CONTROLLER’S RESPONSE
ATTACHMENT B: SUTTER COUNTY TAXPAYERS’ ASSOCIATION LETTER DATED MARCH 23, 2006
ATTACHMENT C: CLERK-RECORDER’S RESPONSE
ATTACHMENT D: SHERIFF-CORONER’S RESPONSE
ATTACHMENT E: SUTTER COUNTY CHILDREN & FAMILIES COMMISSION’S RESPONSE
AUDIT AND FINANCE COMMITTEE

SUTTER COUNTY ANNUAL AUDITS / AUDITOR-CONTROLLER

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Audit and Finance Committee began the year by reviewing the Sutter County 2004-2005 annual audit. The audit was not submitted within the term of last year’s Grand Jury; consequently, the responsibility of reviewing the audit was carried over to this year’s Grand Jury.

On October 4, 2006, Robert Stark, Sutter County Auditor/Controller, met with the 2006-2007 Grand Jury to review the parameters of the office of Auditor/Controller (A/C) including its duties, staffing, functions, and needs. On October 5, 2006, the Audit and Finance Committee met in joint committee with the Board of Supervisors’ Audit Committee to discuss the 2004-2005 annual audit performed by the independent auditing firm, Smith and Newell, Certified Public Accountants. Mr. Stark and Ms. Rhonda Putnam, Assistant Auditor/Controller also attended this meeting.

On April 25, 2007, the 2006-2007 Sutter County Grand Jury Audit and Finance Committee received a draft of the financial results for the fiscal year ending June 30, 2006.

This report combines the Grand Jury’s review of both annual audits and the operations of the Auditor/Controller Department.

Board of Supervisors’ Comments

The Grand Jury has not described how it received a copy of the draft June 30, 2006 Audit Report. The Independent Auditor (Smith & Newell) followed the procedure used in Sutter County for several years, and provided copies of the draft Audit Report to only the Auditor-Controller and the County Administrative Officer. These two departments review the draft, and typically discuss any errors they discover or any disagreements they have with the Independent Auditor prior to the release of the final Audit Report.

For reasons which remain unclear, a member of the Grand Jury Audit Committee demanded a copy of the draft Report from the Independent Auditor. When this request was denied, the Committee obtained a copy of the Report from some other source—which had to be the Auditor-Controller himself. There is nothing, per se, wrong with the Grand Jury receiving the draft Audit Report, although the manner in
which they received it raises questions concerning the relationship between the County Auditor-Controller—the official who is being audited—and the Audit and Finance Committee. A more proper approach would have been to convene a public meeting of the Joint Grand Jury/Board of Supervisors Audit Committee, and ask the Independent Auditor to present the draft Report.

There is, however, a larger issue. As will be discussed below, the Grand Jury inexplicably chose to reach conclusions based on the draft Report. In doing so, they misinformed the public, and raised issues concerning their objectivity and judgment.

DISCUSSION

The accounting firm of Smith and Newell performed the 2004-2005 and 2005-2006 independent annual audits of the Sutter County financial statements as of June 30, 2005 and June 30, 2006, respectively, by analyzing the financial results prepared by the A/C’s office. For both fiscal years, the opinion of the independent auditor is as follows:

The financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Sutter and respective changes of the financial position and, where applicable, cash flows thereof in conformity with generally accepted accounting principles.

In the Management Report accompanying the (2005–2006) audit report, Smith and Newell stated, “We noted no matter involving the internal control over financial reporting and its operation that we considered to be material weaknesses.”

Smith and Newell, after considerable work, reported that the financials prepared by the auditor/controller accurately represent the fiscal state of the county for the years 2004-2005 and 2005-2006.

Board of Supervisors’ Comments

The Grand Jury either does not understand or has deliberately misrepresented the comments they quote from the Independent Auditor’s Report. Essentially, these comments are made contingent upon the Auditor-Controller making correcting entries to the County’s books that the Independent Auditor has identified as necessary during the audit process. In at least the last three fiscal years that have been audited, the Independent Auditor has found significant, and sometimes material,
errors in the Auditor-Controller's accounting that the Auditor-Controller has been required to correct before the statements quoted by the Grand Jury are made.

To illustrate our point, we refer to the Fiscal Year 2003-04 Audit Report. That year, the Independent Auditor made the following finding in the Management Report:

"04-1 INACCURACIES IN FINANCIAL RECORDS

Condition

In the process of conducting the audit for the June 30, 2004 financial statements, we noted the unadjusted general ledger as presented to use for audit contained material misstatements. In order to issue an unqualified audit opinion on the financial statements, we were required to write numerous adjustments because of incorrect recording of current year activity as well as prior year audit entries which had not been recorded by the Auditor Controller.

Criteria

Government auditing standards require independent auditors to evaluate unadjusted misstatements of financial statements and to make a determination of whether the net unadjusted audit differences cause the financial statements to be materially misstated.

Effect of Condition

The unadjusted financial statements contained materially misstated account balances and activity.

Recommendation

We recommend that all proposed audit adjustments as agreed to by the Auditor Controller be recorded in the primary accounting records of the County. We also recommend that the County
review policies regarding adjustments or activity recorded direct to fund equity.” (All emphases added.)

After the adjustments required by the Independent Auditor were made by the Auditor-Controller, the Independent Auditor included essentially the same statement quoted above by the Grand Jury in the Final Audit Report; i.e.:

“...the financial statements...present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the County as of June 30, 2004, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.”

To put it succinctly, the Independent Auditor’s statements quoted by the Grand Jury are not necessarily indicative of an Auditor-Controller who has done an excellent job maintaining the County’s records. A more extensive, or perhaps more objective, inquiry by the Grand Jury would have revealed that there have been chronic and material problems with the Auditor-Controller’s accounting.

Finally, as noted above, we believe the Grand Jury misinformed the public by inexplicably using the draft June 30, 2006 Audit Report as a basis for its conclusions. The final Report (on page 7 of the Single Audit Report) stated that:

“...we noted certain matters involving the internal control over financial reporting and its operation that we consider to be reportable conditions. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect County of Sutter’s ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. Reportable conditions are described in the accompanying schedule of findings and questioned costs as item 06-1 and 06-2.”
While these two reportable conditions were not deemed to be material weaknesses, their existence paints a different picture of the Auditor-Controller’s performance than the one presented by the Grand Jury.

The Grand Jury Audit and Finance Committee noted the following comparative financial analyses for Sutter County over the past three years:

### Governmental and Business-Type Activities

<table>
<thead>
<tr>
<th>Analysis of Statement of Net Assets</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assets</td>
<td>$102,671,291</td>
<td>$114,042,216</td>
<td>$151,812,420</td>
</tr>
<tr>
<td>Liabilities</td>
<td>$14,418,341</td>
<td>$16,786,490</td>
<td>$14,183,294</td>
</tr>
<tr>
<td>Net Assets</td>
<td>$117,089,632</td>
<td>$130,828,706</td>
<td>$165,995,714</td>
</tr>
<tr>
<td>Invested in capital assets,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>net of related debt</td>
<td>$42,518,703</td>
<td>$45,830,297</td>
<td>$83,881,069</td>
</tr>
<tr>
<td>Restricted</td>
<td>$3,492,044</td>
<td>$34,536,070</td>
<td>$31,201,421</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>$42,242,203</td>
<td>$16,889,359</td>
<td>$22,546,636</td>
</tr>
<tr>
<td>Total Net Assets</td>
<td>$88,252,950</td>
<td>$97,255,726</td>
<td>$137,629,126</td>
</tr>
</tbody>
</table>

At the end of each fiscal year, the county reported positive balances in all three categories of net assets; however, there has been a significantly large percentage decrease in the amount of Unrestricted Net Assets reported for years-ending 2005 and 2006. Unrestricted assets are those primarily available to finance future services needed for the County. Restricted assets are those assets that have a designated purpose and are generally unavailable for any other use. A portion of the decrease in unrestricted assets can be explained as auditing changes the county was required to perform as a clarification of the Comprehensive Implementation Guide of GASB 34, issued in 2005. It provided that, for presentation purposes in audited financial statements, certain assets are classified differently.

### Board of Supervisors’ Comments

The Board of Supervisors is unclear what point the Grand Jury is making. It is true that, due strictly to an accounting change (GASB 34), there has been a significant reduction in the County’s Unrestricted Net Assets reflected in the June 30, 2005 and the draft June 30, 2006 Audit Reports, and offsetting increases in other asset categories. The Board believes that two statistics are important, and reflect a financially healthy County: 1) the County’s Total Net Assets grew from approximately $88.2 million to $137.6 million from 2004-2006; and 2) from 2005 to 2006, after
the accounting change occurred, the County’s Unrestricted Assets increased from approximately $16.9 million to $22.5 million.

The Audit and Finance Committee met with the auditor/controller to discuss ideas for use of the unreserved General Fund balance as of June 30, 2006, which totals $26,465,618. Suggested ideas from this meeting that would effectively use this money are the following:

- A partial payment on the county’s $35.6 million obligation to CalPERS for the County’s unfunded pension obligations. The County is paying CalPERS 7.75% interest on this obligation. If the county made a partial payment, the obligation would be reduced, saving the interest otherwise paid on the larger amount, with the remaining payments decreasing proportionately.

- A one-year pre-payment of the employee health/welfare cost to CalPERS which is approximately $12,000,000, resulting in an interest-paid savings.

**Board of Supervisors’ Comments**

_The Board of Supervisors addresses the above paragraph in its response to one of the Audit and Finance Committee’s recommendations (see pages 15-16 of this Response.)_

The 2004–2005 and 2005-2006 Management Reports list a number of recommendations by Smith and Newell, Certified Public Accountants, for improving financial processes and controls in the auditor/controller’s department and other departments of the County. The Audit and Finance Committee found that many of these recommendations were repeated year after year because changes were not implemented or only partly implemented. The number of unimplemented recommendations carried over from past years raises questions about the credibility and efficiency of the auditor/controller’s department.

An overview of audit recommendations over the past six years has been compiled as noted below:
The responsibility for failure to implement the audit recommendations is not confined solely to the auditor/controller. Inter-departmental cooperation at both leadership and working levels is required to implement many of these changes. The animosity that has festered across department boundaries and the overall lack of leadership from the Board of Supervisors, the County administrative officer, and department heads in correcting these relationships is apparent to the Grand Jury, and change is needed.

**Board of Supervisors' Comments**

The Grand Jury is either terribly misinformed or is deliberately misrepresenting this issue. In fact, the Auditor-Controller is the person primarily at fault for the tardiness in implementing the Independent Auditor’s recommendations. The Auditor-Controller is, by statute, the County’s Chief Accounting Officer. As such, he has the primary responsibility for implementing the recommendations. In doing so, he must, on occasion, provide leadership and assistance to other County departments. Per the Auditor-Controller’s FY 2007-08 Budget Narrative, he “is responsible for the fiscal records of the County.” His mission statement states to “provide excellent fiscal and management service.”

The Board of Supervisors and the County Administrative Officer have been greatly concerned with the Auditor-Controller’s failure to implement the Independent Auditor’s recommendations, and the Board has given clear leadership and direction. In a report on the Auditor-Controller dated September 2, 2004, the County Administrator told the Board of Supervisors, in part, that:

"The FY 2002-03 Independent Audit was required to be completed by March 31, 2004 Federal Circular No. A-133, Subpart C.320). As of this writing, it is still in draft form."
Furthermore, after having the reports and knowing the requirements for almost three months, Mr. Stark has not completed the Management Report and Findings Corrective Action Plan, which has always been completed by his office. He has also not done the Management Discussion and Analysis, which is a new report required this year. As a result, my office has taken responsibility for these reports, and I have included the appropriate related recommendations regarding this matter for your Board's action. The failure to complete the audit could imperil the receipt of the federal funds by the County, and make it virtually impossible to obtain financing in the capital market, should the Board decide to do so. Moreover, an audit that is completed so late reflects poorly on the County. (Emphases added.)

The County Administrative Officer then made the following recommendation, which was approved by the Board of Supervisors on September 7, 2004:

"...Direct the Auditor-Controller to prepare a draft Corrective Action Plan for implementing the recommendations in the Independent Auditor's Management Report, by September 13, 2004, and submit the plan to the CAO for approval and submission to the Board of Supervisors/Grand Jury Audit Committee and State Controller. Direct the Auditor-Controller and all County departments to implement the Corrective Action Plan approved by the CAO."

In subsequent years, the Auditor-Controller has simply not complied with this directive or otherwise fulfilled his duties. The Final Audit Report for the Fiscal Year ending June 30, 2006 set forth 16 recommendations of the Independent Auditor. (In preparing its Report, the Grand Jury, as discussed above, inappropriately relied on the June 30, 2006 draft Audit Report, which listed 19 recommendations.) Of the 16 recommendations in the final Report, five can be resolved solely by the Auditor-Controller, and the remainder by the Auditor-Controller working with individual departments.

It bears noting that one of the recommendations, regarding the development of a Policies & Procedures Manual, involving only the Auditor-Controller's office was first made in the Independent Audit Report issued in 1995. The Auditor-Controller has yet to implement this
recommendation, even though the Board of Supervisors hired a consultant to assist him in doing so.

The Audit and Finance Committee believes receiving the audit report on time is essential for improving efficiency and effectiveness in the operations of the county's financial processes and controls in achieving integrity and accountability in the duties and functions of the auditor-controller's office.

Last year's Grand Jury recommended the Board of Supervisors take immediate action regarding the county's financial information technology systems. The Board of Supervisors hired the firm of Harvey M. Rose to provide a Staffing and Workload Analysis of the Sutter County Auditor/Controller's Office. The results of the analysis address information systems and are reported separately from this report.

FINDINGS

The 2006-2007 Sutter County Grand Jury has several concerns:

- Many of the numerous audit comments disclosed by Smith and Newell were carried over from previous years. The independent auditor reported that of the 19 recommendations for improvement, 11 from the prior year were not implemented, and many were carried over from previous audits.

- Consistently late completion of the annual audit report is unacceptable. Receiving the audit report 15 months after the end of the fiscal year audited is inefficient. Due to the unacceptably late delivery of the 2004-2005 audit report, the county was unable to institute corrective actions recommended by the independent auditor in a timely manner. The 2005-2006 audit report was delivered in draft form in late-April, ten months after the close of financial reporting period and as of mid-May, there is no work in progress to review and complete the audit.

- According to Smith and Newell, "the County does not have an updated, written procedures guide for performing many of the current financial processes. Lack of organized written procedures has contributed to significant operating difficulties within the County."

The Grand Jury notes, at the March 27, 2007 Board of Supervisors meeting, the auditor-controller presented a draft County-Wide Procedures (a policy and procedures) manual. Upon closer examination of the draft manual by Audit and Finance committee, it was found that the draft is woefully short of a "County-Wide Procedures" manual. It is nothing more than a collection of previous policies or statements without departmental correlation, direction, or a comprehensive approach to guiding
departments in handling accounting and auditing activities. Some information is clearly out of date. For example, telephone numbers on pages of the Safety Policy and Procedures section are incorrect. The County has not used a departmental 741 telephone prefix in many years. The draft contains irrelevant and useless information. What does “Facts about Tranquilizers and Caffeine” have to do with, how and what information is supplied to the auditor-controller’s office for payment of accounts receivable?

**Board of Supervisors’ Response**

*The Board of Supervisors generally agrees with these findings. The Board notes that:*

- The Independent Auditor’s Final Audit Report for the fiscal year ending June 30, 2006 set forth 16—not 19—recommendations. The Grand Jury, as noted earlier in our response, inexplicably relied on a draft version of the Report.

- The late completion of the annual Audit Report in recent years has been due to delays caused by the Auditor-Controller.

- The Board of Supervisors retained a consultant to assist the Auditor-Controller in completing the Policy and Procedure Manual. The Auditor-Controller now indicates he doesn’t have time to complete the Manual.

- As noted, the Board has given clear direction concerning the completion of the annual Audit Report in a timely manner and the implementation of the Independent Auditor’s recommendations. The Auditor-Controller has not complied with this direction.

**RECOMMENDATIONS**

1. The Grand Jury recommends the county administrative officer and the auditor-controller direct their staffs to jointly develop a plan to implement the Management Letter recommendations. The County administrative officer and the auditor-controller should be required to explain any inability to implement these recommendations to the Board of Supervisors and the citizens of Sutter County.
Board of Supervisors’ Response

The Board of Supervisors disagrees with this recommendation because it is unnecessary. As described on page 11 of this Response, the Board of Supervisors has already given clear direction to the County Administrative Officer and the Auditor-Controller with respect to implementing the management letter recommendations. The latter, who is a separate elected official, has chosen not to comply with the Board’s instructions the last few years.

2. The Grand Jury recommends the auditor-controller and the County administrative officer cooperate in getting the data to the independent auditor on time so that the audit report can be completed in a timely manner.

Board of Supervisors’ Response

While the Board concurs with this recommendation the way it is written, we must emphasize that a lack of cooperation in getting data to the Independent Auditor is not the reason that the Audit Report has not been completed in a timely manner in recent years. The problem is that the Auditor-Controller has failed to fulfill his responsibilities with respect to the Audit. The County Administrative Officer, who has a comparatively minor role in the completion of the Audit, has fully and timely met his responsibilities.

Consider, for example, the FY 2005-06 Independent Audit:

♦ The Independent Auditor scheduled the audit to begin on November 27, 2006. The Auditor-Controller notified her that he would not be ready to start the audit until January, 2007.

♦ On January 25, 2007, the Independent Auditor discussed with the Assistant Auditor-Controller the pending items of the Audit, and pointed out that the Audit could not be complete until these pending items were cleared. The pending items were not cleared by the Auditor-Controller until March 16, 2007.

♦ On April 24, 2007, the draft Audit Report and the requisite client representation letters were sent to the Auditor-Controller and the County Administrative Officer. The County Administrative Officer returned his signed client representation letter on May 29, 2007. The Auditor-Controller
returned his revised client representation letter almost two months later on July 23, 2007.

The Independent Auditor issued the final audited financial statements on July 27, 2007—almost four months after the March 31, 2007 deadline.

3. The Grand Jury recommends the auditor-controller focus on completing updated and accurate policies and written accounting procedures for the use of all departments within the county, as recommended by the Harvey M. Rose report, and that the auditor-controller's office provides periodic updates to the Board of Supervisors as to the status of completion of the recommendations.

Board of Supervisors’ Response

This recommendation is directed primarily toward the Auditor-Controller, who is a separate elected official. His response is included in Attachment A. The Board of Supervisors agrees with the recommendation.

4. The Grand Jury recommends the Board of Supervisors investigate opportunities to generate higher effective returns on the General Fund’s Unreserved Balance.

Board of Supervisors’ Response

It is unclear whether the Grand Jury’s recommendation is directed toward the County’s investment policies or its suggestion (see pages 6-7 of the Grand Jury Report) that the Board of Supervisors use a portion of the County’s $26,465,618 Unreserved General Fund Balance (as of June 30, 2006) to make a “one-year prepayment of the employee health/welfare cost to CalPERS, which is $12,000,000...”

If the former is the Grand Jury’s intent, the recommendation should have been directed to the County Treasurer-Tax Collector, who is a separate elected official and solely responsible for investing, through the Pooled Treasury, all County funds. For the record, the Board of Supervisors believes the public’s funds should be invested conservatively, and, based on the reports filed by the Treasurer-Tax Collector, believes this is being done.

If the latter was the Grand Jury’s intent, the Board of Supervisors disagrees with the recommendation. The Board notes that:
The Grand Jury Report states this idea was developed when the Audit and Finance Committee, "...met with the Auditor-Controller to discuss ideas for the use of the Unreserved General Fund Balance as of June 30, 2006." Perhaps not coincidentally, the idea has been on the Sutter County Taxpayers' Association website for several months.

The Auditor-Controller has never discussed nor presented this idea to the County Administrative Officer or the Board of Supervisors. If Mr. Stark had any such recommendations, they should have been presented to this Board along with his analysis supporting them.

Neither the Board of Supervisors, the County Administrative Officer, and the CalPERS official we have spoken with have any idea what is meant by "the employee health/welfare cost to CalPERS," how this cost was calculated to be $12,000,000, and who performed the calculation.

It is unclear to the Board of Supervisors why the Grand Jury and Auditor-Controller discussed "ideas" for the use of the Unreserved General Fund Balance (as of June 30, 2006) of $26,485,618. The Unreserved General Fund Balance was actually "used" in the FY 2006-07 County budget. In round numbers, approximately $7 million was used to fund the operating budget, $12 million to re-establish designations, and $7.2 million to increase the Designation for Capital Projects.

The Grand Jury's recommendation to make a one-year pre-payment of $12,000,000 would, even if it made sense otherwise, reduce the Designation for Capital Projects by $12,000,000.

5. The Grand Jury recommends the County administrative officer work cooperatively with the auditor-controller to develop a County budget that more accurately projects actual expenditures.

Board of Supervisors' Response

The Grand Jury has provided no narrative or background material which explains why this recommendation is being made. Consequently, the Board of Supervisors disagrees with the recommendation. The Board notes that the County budget is carefully prepared by a process which
includes significant involvement by department heads and the County Administrative Officer and his staff. This process has worked well, and is a major reason the County is in excellent financial condition.

While the Auditor-Controller, pursuant to State law, plays a relatively small role in the preparation of the Proposed County Budget, he could make spending projections more accurate by preparing the County's A-87 Cost Plan in a timely manner. He did not complete the FY 2007-08 Cost Plan, which was supposed to be done by December 31, 2006, until June 2007—after the FY 2007-08 Proposed Budget was completed.

◆

RESPONDENTS

Sutter County Board of Supervisors
Larry Combs, County Administrative Officer
Robert Stark, Auditor-Controller
AUDIT AND FINANCE COMMITTEE

COUNTY EMPLOYEE PENSION AND PAY DECISIONS PROCESS

INTRODUCTION

County employee salary and pension benefits have been contentious issues this past year. There has been much discussion and posturing about cost, affordability, and the long-range impact on the county; however, there has been little financial analysis of impacts presented by either those in favor or those opposed to actions taken. The long-term financial impacts of pension changes and employee pay decisions are not simple to understand and deserve more study, but the Grand Jury believes that this report is a good beginning to refocus debate and discussion on financial impacts, now and going forward.

For the most part, what’s done is done, but questions remain. This report addresses these questions. Due to the complexity of this subject, the Grand Jury has divided the “Discussion” portion of this report into three areas: the decision process, the financial impact on the county to date, and an understanding of future obligations.

DISCUSSION

The Decision Process

Given the enormous financial implications for Sutter County, the decision-making process employed by the Board of Supervisors was, in the opinion of the Grand Jury, flawed. We arrive at this conclusion based upon several factors:

1. The Board disregarded its own rules governing employee compensation and benefits: Section 15.1 of the Sutter County Rules Governing Employee Compensation, Benefits, and Working Conditions states, “The auditor shall advise the board regarding policy matters concerning the contracts or amendments to it.” The provision was ignored despite protestations from the auditor and private citizens.

Board of Supervisors’ Comments

Actually, the Grand Jury’s comment is incorrect. On August 31, 2004, the Board of Supervisors approved the agreements with various employee collective bargaining groups which, in part, granted the new retirement benefits. The Auditor-Controller appeared and addressed the Board before these agreements were acted upon. At that time, he quoted from the PERS actuarial report on the retirement benefits, and specifically mentioned the cost of the benefits. However, he objected only to the fact
that the agreements had been placed on the consent calendar by the staff which prepared the agenda. He never expressed concern about the cost, per se. Two days later, at a meeting which was taped and has been transcribed, Mr. Stark told the Chairman and Vice-Chairman of the Board that he wasn’t concerned with the cost because he assumed it had been correctly analyzed, and volunteered that had the agreements not been placed on the consent calendar “...you wouldn’t have heard a peep from me.”

It bears noting that Mr. Stark had received the retirement benefits himself about eight months earlier. As noted, he had the same PERS reports the Board and County Administrative Officer had, and had been documentably aware for some time that the County had negotiated the benefit with employees. He had the time and resources to do whatever study he wished and interacted frequently with Board members and the CAO during this eight month period. When he finally did address the Board, he never objected to the cost of the new benefit.

2. Lack of public participation: Public participation in this process was effectively discouraged. Those citizens, or citizen groups, who questioned either the wisdom or methodology employed in these decisions were essentially labeled as either misinformed or antagonistic. More troubling is that citizens were granted the right of public comment only after the decisions were, “a done deal.”

Board of Supervisors’ Comments

The Grand Jury is expressing an opinion on things that happened two years before they took office. Unless the Grand Jurors were personally involved at the time, it is unclear how they reached the conclusions they did. The Grand Jury is simply mistaken in asserting that citizens were granted “...the right of comment only after the decisions were ‘a done deal.’ ” Any citizen could have commented on the August 31, 2004 Agenda Item—just like the Auditor-Controller did.

3. Motivation: The increase in pensions granted by the board in 2004 was not the result of intensive collective bargaining demands by employees and their representatives. This recommendation was proposed by the Personnel Director to the board and represented to the public as a way to “stay competitive” with surrounding public entities and a means of retaining personnel. Retirements in Sutter County rose significantly in the wake of the 2004 increase and the status of recruitment and retention in Sutter County today is dramatically worse.
Enriching pensions tends to hasten, rather than delay, employees’ separation from county service among those employees eligible for retirement.

**Board of Supervisors’ Comments**

**The Grand Jury is again mistaken.** The pension increases granted by the Board in 2004 were the result of a collective bargaining process that consumed several months, and included employee concessions. Retirements arose in 2005 primarily because, as the Auditor-Controller himself noted with respect to one of his employees, some employees who otherwise would have retired in 2004 delayed their retirement until 2005 when the new benefits took effect.

4. **Perception:** The increases in the pensions for top managers, as a result of actions taken over the past three years are staggering. Because the process began with management, recommendations were made to the board without independent consultation, and the board acted without the benefit of public participation, or, apparently without a full understanding of the long-term consequences, citizens have a right to be concerned. Benefits enjoyed by the decision-makers are real and substantial; the benefits to the county and its taxpayers are uncertain. The Grand Jury is not implying that these changes were engineered to primarily benefit those responsible for making them; however, if that was their intent, they could not have designed a better process for leaving that impression.

**Financial Impact on County**

Salaries and pension benefits of county employees have been substantially increased over the past three years. County administration and the Board of Supervisors have repeatedly pronounced that pay and benefit increases are required to keep pay competitive with other counties and to retain employees. The Board of Supervisors have assured the public that they have worked very hard to understand the financial impacts, and that the county can afford the increases in pay and benefits. One supervisor declared that there is “no pension hole” during a recent Board of Supervisors’ meeting. Yet, as presented in the draft 2005/2006 Financial Audit report, annual pension costs have increased from zero in 2003 to over $7 million in fiscal year 2006; and pension liability has increased from being over-funded, almost $38 million at the end of fiscal 2000, to being under-funded, almost $36 million, as of June 30, 2005. About 36% of this change is due to the pension benefit increase and the balance is due to investment earnings being less than the assumed earnings rate of 7.75%. All together this represents a change in county pension liability of $73 million in just five years.
*Forward looking data presented in this report is based on actuarial projections. Actual results will vary from forecasts depending on actual investment earnings rates, actual employee retirement decisions, and future pay and benefit decisions.

Salary increases granted this year have been dramatic. A 5% Cost of Living Allowance (COLA) increase was approved by the Board of Supervisors in December for many employees. A range adjustment of 5 or 10% was approved for some employees in February. Then, after a cooling-off period, a one or two range adjustment was approved in March for top management and elected officials to relieve salary “compression”. Since each increase in the salary range represents approximately 5%, salary increases for some job titles totaled 15% in the past five months.

The Grand Jury is unaware of any analysis presented prior to the approval showing what the pension costs of these increases might be. Analysis prepared by CalPERS for the Grand Jury shows that due to the pay increase, if employees complete one year of service, the pension liability of the county is expected to increase $5.4 million. Salary levels for additional county employees will be due for review in the next few months. These pay increases will no doubt further increase the unfunded pension liability.

**Future Obligations**

**2004 Pension Increase Approval Process**

Sutter County's pension plan investments are managed by CalPERS, as are most counties' plans. In addition to managing investments, the CalPERS actuarial department determines the long-term liability and the pension accrual rates necessary to insure plans will be funded. Funding requirements are calculated using the current fund balance, an assumed future earnings rate of 7.75% per year, assumed salary increases based on each individual's age and service, and the demographics of the current employee population. To avoid sharp changes in pension plan accrual rates and costs, CalPERS employs "smoothing" calculations applied to plan investment gains and losses and amortizes the impacts of plan changes over about a 20-year future period. Two plans are maintained for the County; the Miscellaneous Plan for most employees, and the Safety Plan for law enforcement and fire personnel.

During the late 1990's CalPERS pension investment earnings were above the 7.75% return assumption. By fiscal 2000 the value of pension assets in Sutter County's plans grew to $153M, an incredible $37.8M above county actuarially determined liabilities. Since the plans were over-funded, payments to the plans were reduced to zero in 2001-2003. Unfortunately, as the "dot-com" bubble burst and the impacts of the 9-11 terrorist attack worked their way through the financial markets the plans' growth slowed or they incurred losses in value from 2001 through 2003. The impact of changes in plan values can take up to two years to work its way through to pension cost increases. On July 1, 2003, pension accrual rates were set at 2.484 % for the Miscellaneous Plan and 5.337% for the Safety Plan, up from zero for the past 3 years, but still low by historical standards.
Annual pension payments to retirees are calculated by multiplying the plan’s percentage rate, times the years of service at retirement, times the employee’s rate of pay. As of 2002, the calculation was 2% times the number of years of service times the average of the three years of highest salary. In December of 2002, the salary portion of the calculation for the Miscellaneous Plan was changed to the single highest year of earnings, the last year before retirement for most employees. This began a series of significant benefit increases.

The process of changing retirement-plan benefits is complicated and contains many steps. It is carefully monitored by CalPERS. CalPERS maintains five plans for employees in the Miscellaneous Plan as follows:

- 2% at age 55
- 2% at age 60
- 2.5% at age 55
- 2.7% at age 55
- 3% at age 60

**Board of Supervisors’ Comments**

The Board will generally defer further comments on the Grand Jury’s analysis to our responses on its findings and recommendations. We note, however, that the reader should be aware that: 1) the CalPERS plans each operate somewhat differently; and, 2) in comparing one public agency’s retirement benefits to another, the analysis must include all the retirement-related benefits such as health care, spousal survivorship, annual cost-of-living adjustment limits, salary structure, etc. The Board believes that, all factors considered, the County had a retirement plan that was not competitive with other governmental agencies before the 2004 amendments, and now has a plan which has rough parity with the State of California’s.

In January of 2004, the Board of Supervisors took a key step in a series of pension plan benefit increases when they agreed to increase the Miscellaneous Plan retirement benefits to 2.7% times the years of service with employees eligible to retire at age 55. In August of 2004, the Board of Supervisors agreed to increase the Safety Plan retirement benefits to 3% times years of service with Safety employees eligible for retirement at age 50. The Grand Jury cannot find evidence that a formal actuarial evaluation of the cost of plan changes was presented to the Board of Supervisors prior to either decision. At this point, the plan changes were effectively a “done deal,” but the CalPERS process remained to be completed before the plan changes could be formally adopted.

To complete that process, Sutter County Personnel Director, Joann Dobelbower, requested an actuarial evaluation of the impact of the plan changes agreed to in January
and August. On October 14, 2004, Richard Santos, Associate Pension Actuary, CalPERS, sent the evaluation to Ms. Dobelbower with this message:

"Warning: We expect to mail the next annual valuation report to you by the end of October 2004. The next annual valuation will use a new set of actuarial assumptions and reflect the increase in industrial disability benefits required by the Arnett decision. These changes may cause your contribution rate to increase substantially, beginning with the 2005-06 fiscal year. We strongly recommend that if possible, you wait until you receive the next annual valuation in October before making a decision to amend your plan based on the information in this report. In particular, the estimates of your 2005-06 contribution rate for the current plan and the amended plan shown on page 3 of this report may be significantly understated" (underlining added by the Grand Jury).

The evaluation showed that the pension accrual rate (Miscellaneous Plan) would change from 7.813% to 13.899%, an increase of 6.086%.

On October 19, 2004, CalPERS sent Sutter County its annual valuation report as of June 30, 2003 showing a rate increase to 11.558% without the plan changes. On November 12, 2004 Ms. Dobelbower sent a letter to the Board of Supervisors stating that the cost of the plan (Miscellaneous Plan) changes in the present value of employee benefits would be $26 million, the change in accrued liability would be $16 million and the pension accrual rate change would be 6.086%, but no mention was made that additional accrual rate changes would be implemented July 1, 2005. The plan changes together with the actuarial rate changes resulted in a rate increase from 7.813% as of July 1, 2004 to 17.243% as of July 1, 2005 for an added cost of about $4 million annually. Unless CalPERS is able to achieve exceptionally high rates of investment returns, rates are likely to remain at these levels for many years.

**Pension Accrual Rates 2000 through 2007**

![Graph showing pension accrual rates from 2000 to 2007.]

*Source: CalPERS Actuarial Department*

*The Sutter County Board of Supervisors' Response to the 2006-07 Grand Jury Report*
CalPERS monitors the formal pension plan changes for all of its user organizations and assures the Grand Jury that the process used included all the required steps and notice. However, it seems clear that the public and probably the board was not fully apprised of the pension cost situation during the board’s decision-making January through December 2004. Was there intended deception or less than full disclosure in the decision-making process? We don’t know; but it appears that decisions were made without a full understanding of the financial implications.

So, are Sutter County’s pension plan benefits now competitive with other counties? Yes, certainly. As of January, 30, 2007, 82% of CalPERS plans use benefit rates less than the 2.7% per year of service now in use by Sutter County and 47% still use three-year salary averaging to compute pension benefits versus Sutter County’s single highest year method.

It is also worth noting that these very generous pension benefit increases for government employees occur while private business is moving away from defined benefit plans which guarantee payment levels in favor of defined contribution plans (IRA and 401K plans) where the employee takes the risk of plan investment returns.

**2007 Salary Increase Approval Process**

The process for the current round of pay increases began in December 2006 with a 5% COLA approved for many Miscellaneous employees. In January 2007, a 3% COLA was approved for Safety employees together with a pension plan update to single highest year for pension calculations. This made the Safety Plan consistent with the Miscellaneous Plan in this regard.

In February, some non-management employee groups were granted an additional 5 or 10% increase to bring their pay closer to other government organizations based on a comparative compensation study done by the Personnel Department. There was no information presented detailing the total cost of pay increases to the county, or the impact of the increases on pension costs. Management and elected officials were also proposed for this increase, but recognizing severely negative citizen reaction, the board approved a 60-day hold on those increases. On March 27, 2007, approximately 42 days later, the board approved the increase for management and elected officials with no change to the original proposal, and the increase was retroactive to February 17, 2007.

The Board of Supervisors seems to be seeking pay parity with faster-growing counties containing stronger commercial bases, while maintaining Sutter County’s rural nature and agriculture focus. Both may be worthwhile objectives, but are they financially compatible?
FINDINGS

1. The process of increasing pensions and salaries established by county administration and the board in 2004 and repeated in 2007 has resulted in mistrust and confusion.

Board of Supervisors’ Response

The Board of Supervisors disagrees with this statement, although clearly it is a subjective one and could be viewed as subject to the interpretation of the individual. The process that was followed is consistent with State law and is one that has been used by many boards of supervisors and city councils throughout the State for many years. Any “mistrust and confusion” results primarily from an organized effort on the part of a few individuals to politicize the process and the Auditor-Controller to “wag the dog” and divert attention from his own misdeeds. Furthermore, the members of the Board of Supervisors are elected by the citizens of Sutter County and take that duty, and the responsibilities incumbent upon them, very seriously. To imply that even one member of the Board, much less all of them in concert would abdicate that fiduciary responsibility is simply absurd.

2. The pension cost financial impact on the county is significant. Reduced earnings on the pension plan investments managed by CalPERS, coupled with the increase in the pension formula, has increased annual pension costs from zero in 2003 to over $7 million in 2006.

Board of Supervisors’ Response

The Board of Supervisors agrees with the statement in part. It is accurate to state that the pension costs have increased over the past three to five years. However, the Board of Supervisors disagrees with the tone and presentation of the information, due primarily to the fact that the statement provides no further explanation for the unusually low cost (zero) in 2002, and the subsequent increase in costs.

Beginning in fiscal year 2000-01, CalPERS lowered the required employer contribution for both the Safety and Miscellaneous plans (including the annual “normal cost”) to 0% (as a percentage of payroll), which they did for the majority of member agencies, due to the excessive earnings experienced by CalPERS on a statewide basis and the fact that most agencies were found to be over-funded to CalPERS at that time. The required employer contribution rate for the Safety plan was actually set at 0% for the fiscal years 1998-99 through 2002-03.
Starting in fiscal year 2003-04, pension rates and related costs began to rise due primarily to losses experienced in the investment market. By Fiscal Year 2005-06, the other comparison point that the Grand Jury reflects in their statement, the historic losses of the investment market had affected the CalPERS member agency accounts, and CalPERS was required to increase the required employer contribution. At that time, rates were also increased in Sutter County to account for the approved plan amendments, as well as other actuarially determined plan losses.

As of 2007, CalPERS investments have largely recovered from the significant losses of the early decade, and the funded status of Sutter County’s two pension plans has improved. (Please note that for the first time in a number of years, the Actuarial Value of Assets, which is used to determine the annual rate and to calculate the Unfunded Liability and Funded Status, is actually less than the true Market Value of Assets.)

It should be noted that, due to decisions made by the CalPERS Board of Directors in an effort to reduce volatility and significant rates swings, the full impact of market improvements will be reflected over time. Therefore, we will see a graduated improvement in rates and funded status.

3. Impacts of pay increases, far exceeding the recent CalPERS actuarial assumptions, will add to these costs in future years.

**Annual Pension Costs**

![Graph showing annual pension costs](image)

Source: Independent Auditor’s Report for Years 2003-2006 prepared by Smith and Newel CPA’s and Bartig, Basler and Ray, CPA’s Inc. ($Millions)
Board of Supervisors’ Response

The Board of Supervisors agrees with this statement conceptually. It is unquestionable that with each pay increase the cost of benefits that are related to pay would increase proportionally. Again, in making these decisions the Board is always faithful to its fiduciary responsibility.

4. The pension liabilities for the Sutter County Miscellaneous Plan and Safety Plan have gone from excess assets of $37,753,418 on June 30, 2000 to an unfunded liability of $35,654,865 between fiscal 2000 and June 30, 2005, a change of $73 million in only 5 years.

![Pension Liabilities Chart](image)

Source: Independent Auditor’s Report Years 2003-2006 prepared by Smith and Newel CPA’s and Bartig, Basler and Ray, CPA’s Inc. ($Millions)

Board of Supervisors’ Response

The Board of Supervisors concurs with the statement in part. As previously stated, it is accurate to state that the pension costs have increased over the past three to five years. However, the Board of Supervisors disagrees with the tone and presentation of the information, due primarily to the fact that the statement provides no further explanation for the unusually high funded status at the end of 2000 valuation year, and the increase in the liability of the plans in subsequent years.

5. Several months elapsed between the initial approval of the pension benefit change and its formal adoption. One of the CalPERS pension program benefits is
the option for employees to purchase years of service to enhance their retirement payments. The purchase cost is calculated at the present value of the increase in future pension payments. Several employees took advantage of this interim period to purchase service years at a cost calculated from the previous plan’s 2% times years of service. Since the Board had already approved the change, this was a risk free investment, and immediately upon formal adoption of the 2.7% rate, the value of the purchased years of service increased between 11.5% and 40% depending on the age of the employee. This “gain” must be paid for by Sutter County. If someone in the private sector used this type of information to trade a stock, it might be called insider trading. Under the rules of the public pension administration, it is just part of the benefit.

**Board of Supervisors’ Response**

_The Board of Supervisors is unaware as to whether or not any County employees took advantage of this option, and wonder how the Grand Jury gained access to confidential information, or, if in fact they did? This option is provided by CalPERS, during this time period, as stated by the Grand Jury. If employees did so, we believe that the statement made is essentially correct, but lacks significant financial detail. While the County must, over time, pay for the cost of the benefit, as the employee pays for the additional years purchased, it should be noted that those payments are applied to the County’s CalPERS account._

_With regard to the implication that employees who took advantage of this PERS program were somehow guilty of wrongdoing, we strongly disagree. This program is authorized by State law and administered by PERS. Any employees that chose to avail themselves of the benefits of this plan are by definition within the law. As we all know, there are many laws that grant benefits to specific groups with which one might disagree. If the Grand Jury feels that the law with regard to this particular benefit should be changed, such comments would better be directed to the Governor and Legislature._

6. The increase to unfunded pension liabilities caused by this year’s salary increases is expected to total $5.4 million as computed by CalPERS at the request of the Grand Jury. This will add to the current $35.6 million unfunded pension obligation. The present value of pension benefits for five Sutter County managers increased by more than $100,000 each, assuming they continue employment for one year to take advantage of the single highest year calculation of their salary.
Increase in Pension Value due to 2007 Pay Increases for Five Unnamed Sutter County Employees
(Assumes employee works for one year)

Employee A $145,000
Employee B,C $130,000
Employees D $123,000
Employee E $100,000

Board of Supervisors’ Response

The Board of Supervisors concurs with the statement in part. It is our understanding that the Grand Jury met with a representative of CalPERS, and that, based on information provided by staff in the County Administrative Office, the CalPERS representative calculated the estimated $5.4 million increase in liability.

However, we disagree with the limited analysis in the Grand Jury’s statement regarding the pension benefits for the “five Sutter County managers.” While a few employees, due to the combinations of factors including extensive length of service and salary rate, will have the opportunity to receive a significant increase in their individual pension benefit over the course of their lifetime, it should be realized that the majority of Sutter County employees will receive a much more moderate increase in their individual lifetime benefits.

Additionally, it should be noted that the present value of pension benefits is an estimate of the total value of the retirement benefit, which is the full lifetime benefit that an individual can be expected to receive if all actuarial assumptions are realized. Therefore, the selected information presents an extremely inaccurate and misleading picture. Actuarial assumptions are just that — “assumptions”. If the selected employees work the assumed number of years, live the assumed number of years, etc., those employees will, in fact, realize the stated increase over the lifetime of their retirement. However, actuarial calculations also assume that there will be other “offsets”, through additional assumptions, such as those employees who do not work as many years, live as long, etc. The end result is an overall calculation that, over time, equals out to the stated liability as a whole.

7. Even with the many authorized and unfilled positions, Sutter County payroll costs reported to CalPERS increased 42% from 2000 to 2005, an annual growth rate of 7.3%.
Total Payroll Costs Reported to CalPERS by Sutter County

Source: Audited Financial Reports ($ millions)

Pay Increases for Selected Positions

Source: Sutter County Personnel Department

Board of Supervisors' Response

The Board of Supervisors concurs with the facts of the statement, with the understanding that the Board of Supervisors cannot confirm the numbers cited. However, while the facts may be technically correct, we believe that the implication is misleading, as it implies that the growth in payroll costs reported to CalPERS are a direct result of salary increases alone. Growth in payroll costs is normal and is influenced by two factors: 1) wage and benefit rates, and 2) the total number of authorized and/or filled positions.

In the fiscal year 1999-2000, there were 894.51 authorized positions, approximately 775 filled positions, and total salaries paid were $28,760,285. In the fiscal year 2005-2006 there were 935.93 total
authorized positions, approximately 851 filled positions, and total salaries paid equaled $40,327,577. Therefore, during this time period, there was an approximate 5% increase in the number of approved positions, an approximate 10% increase in the number of filled positions, and an approximate 40% increase in total salary cost. As one can easily see, the facts regarding what contributed to the increase in payroll costs are more complex than implied by the simple statement made in the Grand Jury Report.

8. The process for approving pension and pay increases lacks any credible analysis of the long-term financial impacts on the county or any external/independent evaluation of competitive pay with other governmental organizations at, or before, the actual point of decision making. When asked if the county prepares any long term financial forecasts beyond the one year budget, the CAO said, “not since Proposition 13.”

Board of Supervisors’ Response

The Board of Supervisors strongly disagrees with this statement, and would note for the 2007-2008 Grand Jury that this is a perfect example of the type of innuendo and misstatement that erodes the credibility of the Grand Jury Report and the conclusions that it reaches. The County Administrative Officer and his staff are professionals in the field of county management. The current CAO has been in office for 24 years and is respected throughout the State for his fiscal management. To wit, the County of Sutter has not had any significant fiscal difficulties during his tenure, while other counties throughout the State have gone through significant cutbacks and layoffs during the difficult fiscal times suffered by the State.

An analysis of pension and pay increases was performed by the CAO and his staff prior to making recommendations to the Board of Supervisors. To state that the process “lacks any credible analysis of the long-term financial impacts on the county” is simply nonsense. Beyond that, to imply that the Board of Supervisors, who are all independently elected officials, would allow such an unprofessional process, much less approve costly increases without credible assurance of the long-term sustainability of the County’s positive fiscal position is equally absurd. Further, to imply that there was no external/independent evaluation of competitive pay with other governmental organizations, when the pay and benefit study presented to the Board was prepared by an independent outside consultant, is, at best, misleading. To then bolster this misleading information by mis-quotting the CAO in an effort to support the Grand
Jury's desired conclusion underscores the biased and politically charged agenda present in this Grand Jury Report.

9. Although the county is able to fund current pension costs, those funds will no longer be available to fund other services. Pension costs are likely to remain at current high levels for a number of years putting a higher priority on pensions than on services to county residents.

**Board of Supervisors' Response**

The Board of Supervisors agrees with the statement in part: the county is able to fund pension costs. Beyond this, the statement is simply political hyperbole. Compensation to County employees is part of serving the public because without employees the County could not provide service and without quality employees, the service would be at a lower level. To attract and retain quality employees the County must provide competitive compensation. This helps to ensure the provision of quality services to the citizens of the County. The Board is committed to doing so.

**RECOMMENDATIONS**

1. The Grand Jury recommends that the board contract with an independent personnel consultant to do a competitive pay and benefits analysis prior to considering the next pay increase. This should be used for all positions, but especially for management and elected positions, since there seems to be no process of check and balance. Under current procedures, management produces studies, the board approves, and everyone gets a raise.

**Board of Supervisors’ Response**

The Board of Supervisors agrees with the recommendation, but not with the statements made to support it. The Board of Supervisors did, in fact, have the benefit of an independent personnel consultant when considering the recommendations of staff. The consultant prepared the base report and analysis of salary and benefit comparisons between Sutter County, 14 counties, and 10 cities. These reports were reviewed by the Board during salary discussions and were presented to the public at a meeting of the Board of Supervisors, at which we assume members of the Grand Jury were present. In addition, the Grand Jury receives a complete copy of the Agenda for each Board meeting, so the report, including the specific statement “Last summer a consultant was retained to assist in conducting the total compensations study.”, was in the hands of the Grand
Jury. This fact makes it inexplicable to us that the Grand Jury could make the statements contained in their findings and in this recommendation.

An independent consultant, specializing in position recruitment, will be retained to analyze the County’s pay and benefits and particularly those related to management and elected positions.

2. The Grand Jury recommends that in future salary increase deliberations, the Board of Supervisors proceed in accordance with Section 15.1 of the Sutter County Rules Governing Employee Compensation, Benefits, and Working Conditions. “The Auditor shall advise the Board regarding policy matters concerning the contracts or amendments to it.” This must occur before “it’s a done deal,” and with sufficient time and information to allow the auditor to reasonably prepare.

Board of Supervisors’ Response

The Board of Supervisors must again note that the Grand Jury apparently intentionally took language out of context to match its political agenda, also modifying it to state “contracts” rather than “contract”. Section 15.1 of the County Rules Governing Employee Compensation, Benefits and Working Conditions, referred to in this recommendation, is part of a section that is labeled “Retirement”, and the full quote of Section 15.1 is:

“Persons other than elective officers holding County employment shall be members of the State Employees Retirement System as provided by law and the terms of the contract in effect between the County and the State Employees Retirement System. The Board may amend the contract as provided by law. The Auditor shall advise the Board regarding policy matters concerning the contract or amendments to it.”

While the Board concurs that its policy should be followed and that it did not request the Auditor to provide input, the requirement is placed on the Auditor, not the Board. Furthermore, as noted earlier, the Auditor was aware, starting in January of 2004, that this benefit was being considered and did provide his advice to the Board.

The Board of Supervisors will solicit the Auditor’s advice, under Section 15.1, however, as Mr. Stark has demonstrated repeatedly, he does
not always respond to requests from the Board or comply with Board adopted policies.

3. The Grand Jury recommends that the Board of Supervisors engage and involve the public, to the fullest practical extent, in future discussions involving pay and benefit changes. This could include, for example, a citizens’ advisory panel.

Board of Supervisors’ Response

The Board agrees with this recommendation and currently engages the citizens in discussions of County decisions to the extent they wish to be involved and is practical. This does not, however, mean that each citizen is involved to the extent that the individual wishes. The Board members are elected to represent all of the citizens of Sutter County, not just a few who may have an opinion, or disagree with the Board, on a particular issue. Each Board member solicits input from their own constituents and the Board as a whole receives input at open Board meetings.

4. The Grand Jury recommends that the Board of Supervisors direct the county administrative officer or the auditor-controller to prepare a three- to five-year projection of county financials at least annually and that these projections be updated to reflect pension, pay, or other major costs for review during the decision process.

Board of Supervisors’ Response

The Board does not agree with this recommendation. While the County must, and does, act with a view to the future, it is virtually impossible within the current financial structure of the State, its policies, and politics to accurately forecast the financial resources that will be available to the County over the next three-to-five years. All one has to do is observe the State budget process to determine that it is always a challenge to maintain the current funding. Beyond that, the County would need to do some sophisticated economic modeling to attempt to gage local income, such as sales tax and property tax, during that time. While such efforts can be undertaken, there is a cost to doing them – additional staff and consultants – and, at the end of the process the County would have no better than an educated guess regarding its costs and the financing available to meet those costs. Until counties have stable funding, such as was attempted by passing Proposition 1A a few years ago, there is no real benefit to such efforts. Due to this fact the County has used a conservative approach to budgeting which has been very successful. The County of
Sutter is recognized as one of the few counties in the State that has never had a significant budget problem, even when the State was going through significant financial problems and drastically reducing the funding available to counties. Until more stable and predictable funding is available to counties the Board does not feel that the cost of implementing this recommendation would be matched by the benefits received from it.

RESPONDENTS

Sutter County Board of Supervisors
Larry Combs, County Administrative Officer
Robert Stark, Auditor-Controller
Director of Personnel
AUDIT AND FINANCE COMMITTEE

MANAGEMENT AUDITS

INTRODUCTION

The operations of the Sutter County Auditor-Controller’s office were audited in October 2006 at the direction of the Board of Supervisors. The audit, conducted by an independent firm retained by the county (the Harvey M. Rose Accountancy Corporation), resulted in numerous recommendations designed to improve the performance of the auditor-controller’s office.

“The Rose Report,” whose recommendations were approved by the Board of Supervisors, poses the obvious question: Would other departments of Sutter County benefit from an independent management audit? The 2006-2007 Sutter County Grand Jury has reached the conclusion that the answer is definitely “yes.”

DISCUSSION

No established independent management audit program exists in Sutter County. Key components of a management audit include the review of departmental procedures and processes, staffing and workload analysis, effective use of resources, effectiveness of information technology systems, effectiveness of interdepartmental cooperation and processes, and flexibility in making changes. With the exception of “The Rose Report” referenced above, few, if any, independent management audits have been performed in Sutter County in 20 years, according to Larry Combs, County Administrative Officer (CAO). In lieu of independent management audits, “reviews” of department heads are conducted by the county administrative officer.

Often, in discussions with those in positions of responsibility, the Grand Jury received the same set of comments:

“You just don’t understand the issue.”
“Everyone has that problem.”
“It is not our fault.”

An independent management audit would motivate a fresh look at the issues restraining the effectiveness of county departments. Among the arguments in favor of establishing a systematic program of independent management audits in Sutter County, four are most compelling:
1. Independence

A significant factor leading to the acceptance of "The Rose Report," is that it was performed independently and therefore perceived to be unbiased. Had the same set of recommendations emanated from the county administrative officer, the Board of Supervisors or the auditor-controller, it is doubtful that they would have been well received, especially given the current dynamics of Sutter County government.

2. Perspective

Any entity, including county government, can benefit from fresh ideas and perspectives. This sentiment was endorsed by the county administrative officer. During a meeting with the Grand Jury, the county administrative officer, after acknowledging that his department had never been independently audited, stated that he thought an audit of his office was "a pretty good idea."

Sutter County government finds itself at a crossroads. As of this writing, the positions of personnel director, public works director, planning division chief, and fire services manager are vacant or occupied on an interim basis. An independent management audit will provide the incoming leadership with an independent evaluation of the processes and procedures in their respective departments.

3. General Plan

The General Plan, adopted November 25, 1996, established the requirement of department evaluations to assure a department's ability to provide service.

Section 3.a of the General Plan reads: "Facility and service standards relate directly to a community's values and goals. Standards are used to quantify the specific amount or type of a facility or service that is required to maintain a desired quality of life." Despite this requirement, no standards are currently employed to determine the appropriate levels of fire or law enforcement protection afforded to the unincorporated areas of Sutter County.

Section 3.A-4 of the General Plan reads: "Where the County provides services, it should seek the most efficient and cost effective means of doing so. Such opportunities should be evaluated and pursued by individual county departments and may include the use of volunteers, student interns, contract employees and private sector companies." An independent management audit would be an important step in ensuring these criteria are met.

SUMMARY

As it did with "The Rose Report," Sutter County would benefit greatly by establishing a multi-year program of independent management audits. The Board of Supervisors has the responsibility and duty to ensure that all county departments are functioning
effectively and cooperatively. The way to assure the county’s citizens that there is real accountability in their government is to open the door to an independent outside review.

RECOMMENDATIONS

The Grand Jury recommends the Board of Supervisors establish a multi-year program of independent management audits. This program should give priority, in the sequence of audits, to the Fire Department, Sheriff’s Department, and the Personnel Department.

Board of Supervisors’ Response

The Board of Supervisors disagrees with this recommendation as it is written.

The County has, in recent years, retained independent consultants to conduct management audits of departments when the Board or County Administrative Officer believed that serious management and performance issues might exist, or the department’s functions were of such a complex nature that an outside viewpoint might be useful in improving efficiency. Management audits were conducted of the Assessor’s Office (1993), the Auditor-Controller’s Office (1993 and 2007), the Animal Control Division (2007), and one is currently scheduled for the Information Technology Department. The Board believes this approach has been effective and efficient. The Board notes that management audits are both expensive and time-consuming, and should only be done in specified circumstance with specific objectives.

In taking this position, the Board wishes to make clear that the County and its departments are routinely audited in various fashions. First, the County, pursuant to State law, has a comprehensive financial and management audit conducted each year by an independent, private-sector CPA firm. The audit is performed jointly with the County Grand Jury, and the firm or individual conducting the audit is referred to as the Independent Auditor.

Second, County Departments which receive Federal and/or State funding are frequently audited, in various fashions, by these levels of government. The financial reporting and monitoring requirements for some of these departments has reached the point, as the County Administrative Officer commented in his Fiscal Year 2004-05 Budget message, where considerable time and energy is devoted to complying with them with little discernable benefit to the public.

In addition, some departments voluntarily have audits conducted by competent outside agencies. As the Sheriff-Coroner notes in his response to the Grand Jury Report, the Sheriff had the State Commission on Peace
Officers Standards and Training conduct a management study of his office in 1992.

Finally, the Board of Supervisors intends to review the County's Internal Audit Program, and begin performing such audits on a systematic, ongoing basis. This Program will, along with other factors, help identify situations in which an independent management audit is desirable.

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RESPONDENTS

Sutter County Board of Supervisors
Larry Combs, County Administrative Officer
AUDIT AND FINANCE COMMITTEE

MILEAGE REIMBURSEMENT

INTRODUCTION


SUMMARY

Sutter County has a policy for supervisorial mileage reimbursement which offers a member of the Board of Supervisors the option of receiving either $100.00 per month for miles driven within Sutter and Yuba Counties or reimbursement for the actual miles driven.

DISCUSSION

Mileage records show a difference in the total mileage driven on many of the log dates to the same location. The committee questions the discrepancy of mileage figures for identical trips within the mileage logs examined.

Mileage amounts consistently ending in a zero for most destinations indicates that actual figures are not reflected, and this appears to result in an overstated amount. At the 2007 reimbursement rate of 48.5 cents per mile, ten miles, for example, equals $4.85, and over an extended period can add up to a sizable amount of erroneous reimbursement from the county coffers. This is not to suggest that possible fraud is occurring, but that inefficient, inaccurate record keeping and inflated rounding-off is costing the county.

FINDINGS

1. In examining 2006 mileage logs, it has been determined by the committee that questionable estimates, not actual miles driven, have been recorded and reimbursed.

Board of Supervisors’ Response

Although the Board is not aware of any specific incident to which the Grand Jury is referring, we concur that miles reported and claims filed should reflect, to the extent practical, the actual miles driven and not an estimate.
For clarification on this point regarding the estimate of mileage, it is not unusual for a Board member to travel a significant number of miles throughout the County looking at various issues and talking with constituents. For instance, if there are several planning issues on the Agenda for the Board's consideration, Board members may, over the days prior to the Board meeting, drive to one of the sites on the way to another meeting. Since they simply turn off the main road they are traveling to and from the primary meeting they might not note the actual additional mileage and only add an estimate on to the trip they are reporting. Or, if they are going to various sites in the unincorporated area, they may mix a private trip with visits to a site under consideration or visits with constituents – again resulting in an estimate of the County business related trip miles. Board members, however, are very mindful of County dollars being spent and, if anything, probably underestimate the mileage they claim to the County for business related travel.

2. A policy change made in 1990/1991 resulted in conflicting and ambiguous wording regarding the calculation of mileage eligible for reimbursement to the Board of Supervisors. A lack of vigilance on the part of county administrative staff, the Board of Supervisors, and County Counsel (who authorizes Board of Supervisors mileage reimbursement) allowed the error to go undetected until observed by the complainant. On March 27, 2007 the Board of Supervisors adopted an ordinance amending the Board's mileage and automobile allowance that corrects this situation.

The Grand Jury was troubled by the cavalier and dismissive attitudes of the county administrative officer and the county counsel when questioned concerning this matter. Notwithstanding their elected office, the Board of Supervisors should be held accountable to the same standards as any county employee.

Board of Supervisors' Response

The Board of Supervisors recognizes that an error was made by an employee of the County when preparing a change to the County Ordinance Code in the early 1990s and, therefore, the statement in the first paragraph of the finding is correct. The fact is, however, that the correct policy intent was applied throughout the intervening years.

The Board of Supervisors disagrees that the County Counsel and County Administrative Officer exhibited "...cavalier and dismissive attitudes when questioned about this manner." The Board notes that apparently this is simply the opinion of one Grand Juror. According to the County Counsel:

The Sutter County Board of Supervisors’ Response to the 2006-07 Grand Jury Report
“This so-called questioning of County Counsel took place during an unannounced visit from a single member of the Grand Jury. The person asked questions regarding County Travel Policy. He did not present any evidence of inaccurate travel claims. He asked me questions about the County Travel Policy and to the extent I was able to answer them, I did. Because there appeared to be Policy matters that I could not address, I referred this person to the County Administrative Officer, who is the Policy advisor to the Board of Supervisors. At no time during this conversation was the County Counsel cavalier or dismissive.

Moreover, the Grand Jury misunderstands the role of County Counsel in approving travel claims of the Board of Supervisors. Pursuant to Government Code §29707, Board member claims are presented to the County Counsel ‘who shall endorse upon it his written opinion as to its legality.’ This means that the County Counsel examines the claim to determine if it is the type of claim which is compensable by the County and whether the claim is regular on its face. The County Counsel does not, and has no ability to, determine the veracity of mileage or other travel expenses claimed.”

When first presented with the problem by the Grand Juror in question, the County Administrative Officer was concerned, and conducted a prompt investigation of the matter. When the investigation determined that a simple error had been made years ago, and that no improper payments had been made by the Auditor-Controller, his concern diminished. A public report was filed with the Board explaining the error and asking the Board to make the appropriate change in the appropriate Ordinance. The implication that this issue was more significant than described is both inappropriate and misleading. The seriousness with which the County Administrative Officer viewed this matter is demonstrated by the actions he took.

(RECOMMENDATIONS

1. The Grand Jury recommends any supervisor requesting reimbursement for actual miles driven on county business must record the miles accurately.

The Sutter County Board of Supervisors' Response to the 2006-07 Grand Jury Report

Page 39 of 139
Board of Supervisors’ Response

The Board of Supervisors concurs, and will endeavor to comply with this recommendation immediately—with the caveat described above under the finding related to this issue.

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2. Those individuals approving mileage records must validate that the miles recorded are reasonable.

Board of Supervisors’ Response

The Board agrees with this recommendation, but notes that the Auditor-Controller is the County officer charged with auditing claims prior to payment. We would also note that we do not believe that any inappropriate claims have been filed by a Board member, or paid by the Auditor-Controller. Our conclusion is based on the fact that we are aware that the Auditor’s Office audits all claims extensively. If the Auditor-Controller found what he considered to be an inappropriate claim, his fiduciary responsibility would require him to request more information, reject payment, or submit the claim to the full Board with a request that the Board deny payment. Since the Auditor-Controller did not take any of these actions regarding a Board member’s claim prior to the publishing of this Grand Jury Report, we assume that he believed all of the Board member claims he processed to be correct and appropriate for payment.

Also, as an additional comment, we would refer the reader to the clarifying comment we made under the first finding in this section.

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3. The Grand Jury recommends an audit be conducted of Board of Supervisors’ mileage logs for 2006. If systematic problems are found, those problems should be pursued on an individual basis. In the event of overpayment, the recipient must repay Sutter County.

Board of Supervisors’ Response

The Board of Supervisors does not agree with this recommendation based on the response to the prior recommendation. The Auditor-Controller is the County officer charged with such audits and he conducts them on virtually every claim and, we believe, pays particular attention to those submitted by Board members and the County Administrative Officer. He questions those claims that he feels are inappropriate and
exercises his statutory authority to present such claims to the Board of Supervisors for authorization or rejection.

For the reasons stated earlier, we do not believe that any Board member has made a claim for more mileage than would be appropriate and, in fact, believe the opposite to be true – that the norm would be for the Board members to claim fewer miles than they actually travel.

**RESPONDENTS**

Board of Supervisors  
Larry Combs, County Administrator  
Ronald Erickson, County Counsel
COUNTY GOVERNMENT COMMITTEE

SUTTER COUNTY BOARD OF SUPERVISORS

INTRODUCTION

The 2006-2007 Sutter County Grand Jury examined the public conduct of the Sutter County Board of Supervisors and the county administrative officer. The scope of the examination was limited to the manner in which the Board and county administrative officer conducted themselves during public meetings, their public statements, and, in one instance, an e-mail transmitted to all county employees. Two members of the Grand Jury were tasked to attend every Board of Supervisors’ regular session meeting. The meetings are held in the Board of Supervisors Chambers, Hall of Records Building, 466 Second Street, Yuba City.

SUMMARY

Even casual observers of Sutter County government are aware of the rancor that exists between members of the Board of Supervisors and various community organizations and citizens. Among the consequences of this rancor have been name calling, character assassination, and the necessity to have armed deputies attend Board of Supervisors meetings. This spectacle is on display not only in the Board Chambers, but also reported in the local media.

Given the atmosphere of acrimony that has existed for too long, a dispassionate review by the Grand Jury of Board of Supervisors’ conduct may enlighten the Board and inform the public.

DISCUSSION

The origin of rancor involving the Board of Supervisors and various community organizations is irrelevant. Distilled to the most basic analogy, it is not as important why the kids are fighting as it is that they stop. Further, the Board of Supervisors and county administrative officer clearly have a higher duty to conduct themselves in a manner befitting their offices than the groups and individuals with whom they are engaged. This higher duty arises from the simple fact that, unlike those other groups and individuals, the Board of Supervisors and the county administrative officer may speak for themselves, but they represent the citizens of Sutter County—even those citizens with whom they disagree.

Few would argue with the premise that good government is the product of a healthy exchange of ideas. Such an exchange of ideas becomes quite difficult in an environment poisoned by recriminations and name calling. Recent Board of Supervisors meetings
featured District 3 Supervisor, Larry Munger, referring to a speaker as a “peon” and County Administrative Officer, Larry Combs, accusing the auditor-controller of “lying.”

District 4 Supervisor, Jim Whiteaker, composed a letter, dated December 29, 2006 (exhibit attached), written on county letterhead assailing, according to unnamed constituents, a local taxpayers group as “whackos.” Mr. Whiteaker was proud enough of his effort to send a copy of his letter to the local newspaper. During a meeting with the Grand Jury on January 24, 2007, District 5 Supervisor and Chairman of the Board of Supervisors, Dan Silva, was questioned about the propriety and legality of writing this letter on county letterhead. While not commenting on the legality of the issue, Chairman Silva indicated that he, personally, would not have used county letterhead for such a letter. Additionally, Mr. Silva stated that the Grand Jury’s suggestion that a session with the Board of Supervisors and county counsel outlining the legal issues involving use of county letterhead and communication for non-official business and campaign purposes “sounded like a good idea.” Such a session has not occurred.

Yet another example illustrative of the depths to which public discourse has sunk is an unsolicited e-mail that Mr. Whiteaker sent to all county employees on March 28, 2007. This e-mail (exhibit attached), in addition to explicitly attacking a particular citizens group appears designed to appeal to county employees by advising them of his desire to raise their salary and pensions. Mr. Whiteaker’s e-mail is self-aggrandizing, polarizing, and well beneath his office.

All should agree that it is the right of every county citizen to have his or her voice heard and their concerns addressed. Regrettably, the Grand Jury often observed certain members of the Board of Supervisors appearing inattentive, distracted, and sometimes openly hostile. Although the Grand Jury has witnessed occasional improvement in the demeanor of the Board of Supervisors, the actions of certain members reveal an arrogance--real or perceived--that, in the interest of better government, must cease.

On April 17, 2007, during the Board of Supervisors meeting, the consequences of this arrogance were clearly on display. As the Supervisors selected the county’s representatives to a Citizens Advisory Committee, which will recommend ways to fund the critically needed repairs to our levees, the meeting degenerated into a shameful spectacle. District 2 Supervisor, Stanley Cleveland, questioned whether Supervisor Whiteaker had called him a “liar” and the two engaged in a demeaning dialogue. Chairman Silva, despite his assurances to the Grand Jury that “he encourages public participation,” denied public comment on the Board’s nominees to the Citizens Advisory Committee until after the final vote was taken. Chairman Silva then proceeded to mischaracterize the actions of a citizens group and then yelled at them to “be quiet” as members of that group attempted to correct him. Following adjournment of the meeting, Chairman Silva engaged in a shouting match with an audience member, and the two were separated by two uniformed deputies.

The Grand Jury is aware that the office of supervisor is difficult, demanding, and often thankless. Those that serve all of us are to be commended for the contributions they
make. That notwithstanding, each member of the Board of Supervisors sought their office and must conduct themselves in a manner befitting it. Sutter County deserves no less.

Board of Supervisors’ Comments

The Board of Supervisors disagrees with most of what the Grand Jury has asserted in this section of its Report. Essentially, it appears the Grand Jury has taken a few isolated instances, and tried to convince the public that a serious issue exists in County government—i.e., it is the proverbial attempt to make a “mountain out of a molehill,” in furtherance of a political agenda. The Board is particularly dismayed that the Grand Jury has reported as fact an event which simply never occurred, and believes the Grand Jury owes the Board and the public an explanation for this misconduct. The Board offers the following specific comments to some of the Grand Jury’s assertions:

♦ The Grand Jury states that, “...rancor exists between members of the Board of Supervisors and various community organizations and citizens.” This is not true. Board members regularly interact cordially and effectively with a wide variety of community organizations and, as individuals, participate in many of these organizations.

What is true is that one organization, the so-called Sutter County Taxpayers’ Association, has been regularly attacking the Board at Board meetings and through the media, since September 7, 2004. Any objective review of the facts will reveal that this group functions essentially as a political action committee for County Auditor-Controller Robert Stark, who was indicted on criminal charges and had several accusations concerning his performance in office made by the Fiscal Year 2004-05 and 2005-06 Grand Juries, respectively. The Taxpayers’ Association donated thousands of dollars to Mr. Stark’s re-election campaign and believes, despite overwhelming evidence to the contrary, that Mr. Stark is the victim of a massive conspiracy involving, among others, Board members, the District Attorney, and the Sutter County Superior Court Judges. (See Attachment B.)

In its attacks on the Board of Supervisors and County staff members, Association members often present as fact data which are distorted or fictitious. The attacks are often of a personal nature. Nevertheless, these people have almost always been treated with courtesy and consideration by the Board. There have been a few occasions, however, when
individual Supervisors have reacted with frustration or anger. The Grand Jury has cited virtually all of these instances as evidence that a significant, chronic problem exists. This simply is not true.

- The Grand Jury criticizes the County Administrative Officer for "...accusing the Auditor-Controller of lying" at a recent Board of Supervisors meeting. The Grand Jury's criticism is misdirected, and perhaps indicative of its eagerness to attack the Board of Supervisors and Mr. Combs.

Clearly, the Grand Jury should have been concerned with a much larger issue—specifically, the accuracy of Mr. Combs' statement. The Auditor-Controller is an elected official and a County officer, so obviously it would be a serious issue if he was, in fact, lying to the Board of Supervisors and the public. Moreover, Mr. Combs, as County Administrative Officer, has a duty to inform the Board whenever he believes someone is providing it with false information.

We believe that any objective review of the discussion in question will conclude that Mr. Stark was not telling the truth. The Grand Jury's failure to even ask this question brings into question its own values and motives.

- The Grand Jury asserts in its Report that, at the April 17, 2007 Board of Supervisors' meeting:

"Chairman Silva then proceeded to mischaracterize the actions of a citizens group and then yelled at them to 'be quiet' as members of that group attempted to correct him. Following adjournment of the meeting, Chairman Silva engaged in a shouting match with an audience member, and the two were separated by two uniformed deputies."

The first sentence is a mischaracterization. To be accurate, Chairman Silva made a correct comment concerning the actions of the Taxpayers' Association. Two of the Association's officers, without seeking recognition from the Chairman, loudly and emotionally shouted an objection from the back of the Board chambers. Since these two people were, by any standard, out of order, Chairman Silva appropriately instructed them to be quiet.
The second sentence is fiction. Following the adjournment of the meeting, Chairman Silva left the Board chambers and went directly to his vehicle. He absolutely did not engage in a shouting match with an audience member (nor anyone else) and certainly was never separated from this fictional character by two uniformed deputies. This has been confirmed by several witnesses, including the deputies on duty that night.

The Grand Jury owes the people of the County an explanation of why and how they included this blatantly false incident in their Report.

* The Board completely rejects the Grand Jury’s claim that certain Board members appear “...inattentive, distracted, and sometimes openly hostile.” This innuendo simply has no basis in fact.

We believe that most members of the public who interact with the Board of Supervisors, either individually or collectively, know that we feel honored to represent the public, and take our duties seriously.

** RECOMMENDATIONS **

1. Transparency in the operation of county government is essential to real accountability and an informed citizenry. An open and public discussion of matters of importance to the county can only serve to restore some of the trust and civility recently lost and that Sutter County deserves in the operation of its government. Therefore, the Grand Jury recommends the Board of Supervisors limit those items placed on their consent calendar to a minimum.

**Board of Supervisors’ Response**

The Board of Supervisors disagrees with this recommendation, largely because it indicates a lack of understanding by the Grand Jury about the “consent calendar,” and implies the Board has used this mechanism improperly.

The consent calendar consists of items which are routine, of relatively minor importance, or for which Board policy has already been established. Placement on the consent calendar means that an item will not be specifically discussed by the Board, and will be adopted, along with the other consent items, in one motion by the Board.
Consent items are still listed individually on the agenda, and supported by a staff report that is available to the public. Most items are placed on the consent calendar after they have been reviewed by a Board Committee at a separate, publicly-noticed meeting. Each agenda for a Board of Supervisors meeting clearly states that any consent calendar item will be discussed separately at the request of a Board member or any member of the public. The Board Chairman makes the same announcement before the Board acts on the consent calendar.

The Board of Supervisors believes the current consent calendar process is completely “transparent,” and serves the Board and the public well.

2. The Grand Jury recommends that the county counsel conduct a session with the Board of Supervisors for the purpose of outlining the legal and ethical issues governing the use of county assets in the conduct of the business of the Board of Supervisors, including letterhead and e-mail.

**Board of Supervisors’ Response**

The Board of Supervisors disagrees with this recommendation, both because it is unnecessary, and incorrectly implies that Board members have improperly used County assets.

Each member of the Board of Supervisors has, pursuant to law, received ethics training or specialized courses. County Counsel is available to advise on any legal or ethical questions Supervisors may have. The Board of Supervisors is not aware of a single instance in which any Supervisor has illegally or unethically used County assets, including letterhead and email.

3. The Grand Jury strongly recommends that members of the Board of Supervisors and the county administrative officer dedicate themselves to creating an atmosphere of mutual civility and respect in the conduct of their offices. A positive first step would be for all parties involved to begin anew, with the understanding that good and well-meaning people will and do disagree. Ascribing nefarious motives to one another only polarizes and confuses the public. As the county endeavors to confront serious problems, solving those problems may well depend on the ability of all concerned citizens to work together.
Board of Supervisors' Response

The Board of Supervisors disagrees with this recommendation because, again, it implies some degree of misbehavior on the part of the Board, individual Supervisors, or the County Administrative Officer. While an individual may occasionally make a statement that he later regrets or retracts, we believe the Board and staff consistently treat people with courtesy and respect—sometimes in the face of extreme provocation.

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RESPONDENTS

Sutter County Board of Supervisors
Larry Combs, County Administrative Officer
INTRODUCTION

On January 19, 2007, members of the 2006-2007 Sutter County Grand Jury County Government Committee met with Sutter County Clerk, Joan Bechtel, in her office. The purpose of the visit was to review the performance of electronic voting machines now that a full election cycle has occurred. Also of concern were the closing of numerous polling places, especially in the more rural areas of the county, and mandated mail-in only ballots in precincts with fewer than 200 registered voters.

SUMMARY

Ms. Bechtel began by thoroughly explaining the use of the electronic voting machines and her support of the system Sutter County uses. She also mentioned that former Secretary of State, Bruce McPherson, was very supportive of electronic voting systems, while newly elected Secretary, Debra Bowen, appears to have reservations regarding their reliability and security.

DISCUSSION

Sutter County uses the Sequoia Electronic Voting System. The Sequoia System has, as required by law, been certified by the Secretary of State’s office. The first time these machines were used was for the primary election in June 2006. Extensive training by representatives of Sequoia was conducted. Although some problems were experienced in the primary election, these problems were resolved prior to the November general election.

The Sequoia System creates a paper record of all votes cast and the Elections Department can, and did, account for every single electronic vote cast in Sutter County.

In order to minimize concerns expressed regarding the possibility of voting machine tampering, the machines were placed at polling places in such a way as to allow poll workers to observe the back of the machines where the “yellow button” used to reset the machine, should it malfunction, is located. No attempt to tamper with any voting machines was observed by poll workers or voters.

Finding polling places meeting the Americans with Disabilities Act requirements is one reason fewer polling places are available. Difficulty in recruiting sufficient numbers of qualified election personnel was also addressed.
FINDINGS

1. Ms. Bechtel stated that there are approximately 24,000 permanent absentee voters registered in the county. There tends to be a higher voter turnout for absentee/mail ballots (about 63%).

Board of Supervisors' Response

The Board of Supervisors concurs with this finding.

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2. Due to the rapid growth occurring within the county, Ms. Bechtel anticipates the boundaries of supervisorial districts will have to be redrawn in the near future. When this happens, precinct boundaries will also need to be redrawn.

Board of Supervisors' Response

The Board of Supervisors concurs that precinct boundaries will need to be reviewed, and probably redrawn, when redistricting of the five supervisorial districts occurs. As explained below, the Board believes redistricting should not occur until 2010.

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3. At the conclusion of the meeting, the Grand Jury members were taken on a tour of the election facilities. Especially noted was the area where the voting machines are stored when not in use and the area where ballots are counted. These areas are separate from the day-to-day operations area and appear to be very secure, thereby making tampering with the machines unlikely.

Board of Supervisors' Response

The Board of Supervisors concurs with this finding.

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RECOMMENDATIONS

1. Given the importance of participatory government, the Grand Jury recommends that the Sutter County Elections Department make a concerted effort to reopen as many polling places as possible, particularly in rural areas of Sutter County where polling places have recently been closed. It is believed that in so doing, voters will not feel "left out" of the election process.
Board of Supervisors’ Response

This recommendation is directed to the County Clerk-Recorder, who is a separate elected official, so no response from the Board of Supervisors is necessary. The County Clerk-Recorder’s response to the Grand Jury report is attached as Attachment C.

2. In areas where voting by mail is determined to be the only option, the Grand Jury recommends an aggressive effort is needed to inform those voters why a mail-in ballot is the only way to make their voice heard. This will reinforce the premise that voting is a constitutional right, and that every vote counts.

Board of Supervisors’ Response

This recommendation is directed to the County Clerk-Recorder, who is a separate elected official, so no response from the Board of Supervisors is necessary. The County Clerk-Recorder’s response to the Grand Jury report is attached as Attachment C.

3. The Grand Jury recommends the Board of Supervisors should redraw the lines of supervisorial districts prior to the next election to accurately reflect changes in the population distribution.

Board of Supervisors’ Response

The Board of Supervisors disagrees with this recommendation. The Board’s viewpoint is that redistricting should occur prior to the 2010 election, assuming no significant population shifts have occurred prior to that date.

The Board notes that earlier this year, the County staff reviewed the population of the five supervisorial districts. Four of the five districts had essentially the same population. One district (District 2) had a noticeably smaller population. The staff observed that redistricting now to correct this imbalance would require significant changes in all the districts. Since there are no elections scheduled in District 2 until 2010, there is no compelling reason to redistrict now.
RESPONDENTS

Sutter County Board of Supervisors
Joan Bechtel, Sutter County Clerk-Registrar of Voters
COUNTY GOVERNMENT COMMITTEE
Sutter County Employee Retention and Recruitment

COUNTY GOVERNMENT COMMITTEE

SUTTER COUNTY EMPLOYEE RETENTION AND RECRUITMENT

INTRODUCTION

Persistent vacancies for skilled positions in the upper levels of county government, especially the Sheriff's Department, have become a cause for great concern for the Grand Jury and the citizens of Sutter County. The 2006-2007 Sutter County Grand Jury County Government Committee undertook an investigation to determine the causes, effects, and possible solutions to this continuing recruitment and retention problem. Interviews were conducted with Sutter County Personnel Director, Joann Dobelbower, her deputy, Patti Leland, and Sheriff Jim Denney. During the investigation process, the committee also conducted meetings with Larry Combs, County Administrative Officer, Clay Castleberry, Interim Public Works Director, and current and former employees of Sutter County, who were asked for their impressions and opinions regarding ways to recruit and retain key employees.

SUMMARY

The problem of employee retention and recruitment in Sutter County is not new. A brief review of the record indicates that the major justification cited for salary increases awarded to county management in 2001, 2004, and 2007 was to address retention and recruitment difficulties. Additionally, the changes in the pension formula, which substantially increased pensions in 2004, and again in 2007, were made, according to Personnel Director, Joann Dobelbower, to “keep personnel from leaving Sutter County.”

While it is possible that the retention and recruitment problems facing the county would be worse without the pay and pension increases awarded in 2004 and 2007, the Grand Jury finds it doubtful that the problems could be much worse. As of this writing, among the open positions are:

Assistant County Administrative Officer
Personnel Director
Public Works Director
Deputy Director, Water Resources
Sutter County Fire Services Manager
Planning Division Chief
Civil Engineers

Persistent vacancies in key areas of county government obviously diminish its ability to deliver services to its citizens. Otherwise, those positions would be unnecessary and hopefully not exist. This problem may best be illustrated by the status of the Public
Works Department. Although Sutter County has authorized positions, and by inference a need, for six civil engineers there are currently only two employed. Interim Public Works Director, Clay Castleberry, identified the position of Deputy Director, Water Resources, as the single most important vacancy. The individual who holds that position will interface with all areas of county, state and federal government, including regional agencies, on flood control issues. Mr. Castleberry described that role as "vital"; and yet, incredibly, that position has remained vacant for more than a year.

The committee acknowledges that while vacancies will and do routinely occur in the running of any government entity, the problem is acute in Sutter County. The problem and resulting effect is most striking within the Sheriff’s Department.

The following table reflects the authorized and filled positions within the Sheriff’s Department, and were provided to the Grand Jury by the Personnel Department.

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<tr>
<th>Year</th>
<th>Positions Authorized</th>
<th>Positions Filled</th>
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<td>2007</td>
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Statistics provided to the Grand Jury by the sheriff reveal an alarming and growing trend; crime is rising while arrests are falling. The implications of this are obvious and disturbing. Equally disturbing is the seeming indifference shown by county officials to this very serious problem. The Grand Jury encountered shoulder shrugs and excuses, but no ideas or solutions other than a proposed increase in salary and benefits which are, at best, a short-term solution to recruitment and retention. When asked how long the shortage in authorized positions in the Sheriff’s Department might last, the personnel director’s response was “forever.” The county administrator's only response when presented with this issue was, “Yeah, everyone has that problem. I’ve been robbed three times.” The sheriff stated he is reluctant to hire additional staff because when Yuba City assumes responsibility for services the county is now providing, he may have to lay off deputies. The Grand Jury finds these responses and attitudes unacceptable.
FINDINGS

1. The Grand Jury finds that a serious and persistent problem exists within Sutter County in the area of employee retention and recruitment. While this problem has been present for some time, no progress has been made toward solving it. Looking at recent pay raises solely through the prism of aiding employee retention and recruitment, one must determine that there is no evidence the raises have worked. Further, the Grand Jury finds that the ten percent "across the board" increase approved by the Board of Supervisors does not reflect the careful, extensive, and thoughtful analysis required under these circumstances and asserted by the Personnel Director. The Grand Jury also notes the absence of any meaningful public participation in the awarding of the pay raises.

The Grand Jury finds that substantial increases in the PERS pension formula approved in 2004, and again in 2007, have had little, if any, impact in the area of employee retention and recruitment. The Grand Jury must note that since the personnel director recommended and the Board of Supervisors approved the richest pension formula available through PERS, for the purpose of retaining and recruiting key personnel, she, herself, has left county service.

Board of Supervisors' Response

The Board of Supervisors disagrees with the findings set forth in the preceding two paragraphs, and expresses its displeasure with the County Government Committee's inappropriate comment concerning the retirement of the former County Personnel Director.

It is fairly well-known that, for a variety of reasons, governmental agencies throughout California—if not the nation—often experience difficulty finding and retaining quality employees. Nevertheless, since the pay increases approved by the Board earlier this year, we have enjoyed considerable success in filling many key positions. Since late April, 2007, three civil engineer positions, the Deputy Director of Public Works-Water Resources, the Public Works Director, the Planning Division Chief, a Principal Planner, and the Fire Service Manager, have all been filled. The Personnel Director recruitment attracted a qualified candidate, who unexpectedly declined the position.

The ten percent "across the board" pay increase, and other employee pay increases, are the product of a professional analysis performed by an independent consultant. We are puzzled as to why the Grand Jury concluded the analysis was not extensive and "thoughtful." They are simply wrong. We are equally puzzled by their assertion that there was a lack of "meaningful" public participation. The pay raises were discussed
at length at two Board meetings, and some members of the public participated.

The Committee’s comment made with respect to the Personnel Director leaving County service after making the recommendations to raise the PERS benefits is gratuitous, and an unwarranted attack on a valued and respected employee with over twenty-seven years of dedicated service. In fact, the employee in question retired two and one-half years after she received the retirement benefit and only then to pursue a long-sought opportunity to work with children in an educational/religious setting. This innuendo is demeaning to the Grand Jury, and particularly to a Committee which has seen fit to lecture others on the need for civility in government. (See pages 25-27 of the Grand Jury Report.)

2. The Grand Jury finds there is no process or procedure in place to conduct exit interviews. Despite the often repeated claims that people are leaving county employment for “higher wages” and “higher pensions,” the Grand Jury finds this is not the whole story. Employees leave for myriad reasons ranging from job satisfaction to low morale and every reason in between. Although there is an Employee Separation Report form (REV:01-11-06), the Grand Jury finds that this form is not used consistently.

Board of Supervisors’ Response

The Board of Supervisors concurs in part with this finding. The County has not had a formal process or procedure for exit interviews. On an as-needed basis, the Personnel Department has met with departing employees at their request or the request of management. Departmental managers often conduct informal interviews.

The Board disagrees with the statement that the Employee Separation Report form is not used consistently. The County requires the Employee Separation Report form for all employees who leave the County and the Personnel Department follows up with departments on any incomplete or missing Employee Separation Report forms. A Separation Report is consistently required every time an employee separates from the County. In addition, our rules also require a letter of resignation for all regular employees, per Personnel Rules and Regulation Section 21.1 which states:

“A written resignation signed by the employee shall be submitted to the appointing authority at least two weeks (10 working days) in advance of the expected termination
3. The Grand Jury finds a troubling lack of imagination in the Personnel Department. Due to the importance of the position of the Deputy Director, Water Resources, and the fact that it has remained vacant for over a year, the Interim Director of Public Works, Clay Castleberry, suggested the use of a “head hunter” to recruit a qualified candidate for that position. Despite the inescapable logic of that suggestion, it was denied.

Board of Supervisors’ Response

The Board of Supervisors disagrees with this finding. The former Public Works Director decided not to recruit for the Deputy Director, Water Resources position, for the first six months that it was vacant, from February 2006 through August 2006, as he wished to fill the position with an Associate Civil Engineer. In August of 2006, the Public Works Director decided that he wanted to recruit for the position at the Deputy Public Works Director level, and the recruitment began on August 11, 2006. This is a very specialized position and very hard to fill, but a candidate was recruited and accepted the position, but changed his mind shortly thereafter. It was at that point that there was some discussion between the Public Works Department and Personnel Department regarding the use of a recruitment firm, referred to by the Grand Jury as a “head hunter.” Sutter County had never used a recruitment firm, and there was limited discussion of using one for a position that was not at the department head level. The recruitment by the Personnel Department was successful and the new Deputy Director will begin work around the first of October.

The Interim Public Works Director specifically recommended that a recruitment firm be used for the Public Works Director position. At the time he did so, however, the County Administrative Officer made the decision not to use a recruiting firm for the Public Works Director position because it is costly and the Personnel Department had always previously been successful in attracting quality candidates. When the recruitment was not successful, the County Administrative Officer changed his position and retained a recruiting firm to perform the recruitment. We would note, however, that it still took several months to attract a quality candidate,
who took office September 1st. Since that time, the County has used the same firm for two other recruitments, which are still in process.

4. The Grand Jury further finds a troubling lack of depth within the upper levels of Sutter County government. In sports parlance, it is referred to as not having a "deep bench." One would expect there would be more talented and able individuals, within government, who would be in a position to rise through the ranks and assume many of the positions now left vacant.

Board of Supervisors’ Response

The Board of Supervisors partially disagrees with this finding. County management has always endeavored to hire and retain capable employees with the potential to serve effectively as senior managers. We have had considerable success in this area. The following is a list of some of the higher level management positions that have been filled by existing employees in the last few years:

Assistant Chief Investigator
Assistant County Administrator (prior)
Assistant County Counsel
Assistant Director Human Services, Health
Assistant Director Human Services, Welfare and Social Services
Assistant Director Weights and Measures
Assistant Registrar of Voters
Building Inspection Division Chief
Chief Investigator District Attorney
County Counsel
Correctional lieutenant
Deputy Chief Probation Officer (2)
Deputy County Administrator (2)
Deputy Director Child Support Services
Director of Public Health Nursing
Division Commanders
Emergency Services Manager
Fire Captain
Fire Services Manager
IT Director
Medical Fiscal Manager
Patrol Lieutenants (2)
Planning Division Chief
Program Manager – Alcohol and Drug
Program Manager – Children’s System of Care
Program Manager – Youth Services
Public Guardian
Public Works Director (prior)
Undersheriff

Nevertheless, it must be acknowledged that maintaining the “deep bench” referred to by the Grand Jury is an ongoing struggle. One problem is that Sutter County is located near several larger cities and counties which have higher salary and benefit structures. Our employees can accept higher paying positions in these cities and counties without relocating their families.

Other problems are more generic throughout our society. We would be surprised if members of the Grand Jury were not familiar with the problems being experienced by all employers as a result of the aging “baby boomer” population. In summary, the net effect is that there will be less than half the working age population available that has been available for the last thirty years when the “baby boomers” retire. This problem has been discussed and publicized for the last ten years, and all employers are challenged by it.

County management has been aware of the issues we will face, and has been involved in transition planning for the retirement of the “baby boomer” generation for several years. We believe the best way to maintain our “deep bench” is to offer a competitive salary structure and a retirement plan that encourages younger employees to locate and stay here. The retirement benefits approved a few years ago, and the recent pay increases were part of this program. Ironically, both these efforts have been maligned by the Grand Jury.

RECOMMENDATIONS

1. The Grand Jury strongly recommends an extensive evaluation of the recruitment and retention process within the county. This evaluation should be conducted by parties outside Sutter County government. In recruiting and hiring a new personnel director, the county should hire an individual with the imagination, innovation, and forward thinking that has been lacking in that position in recent years. Clearly, significant problems exist and those charged with solving those problems have appeared unwilling or, more likely, incapable of solving them.
Board of Supervisors’ Response

The Board of Supervisors, although we do not disagree with the concept proposed, disagrees with the implications of the statements made within the recommendation. We have an excellent Personnel Department, one that has always been willing to look at new ideas. We do not agree that “significant problems exist and those charged with solving those problems have appeared unwilling or, more likely, incapable of solving them.” We will, however, hire a new Personnel Director who has the imagination, innovation, foresight, and capability to take on the personnel and recruitment/retention problems faced by Sutter County in today’s world.

2. The Grand Jury is unimpressed with the efforts of either the Sheriff or the Personnel Director to creatively and urgently address these problems. As advised, recruitment is a very competitive process; as a result, the county needs strategies beyond mere advertisements in the local paper and on internet websites to attract quality personnel. Innovative and aggressive strategies are vital in this employment arena; the citizens of Sutter County should expect as much.

Board of Supervisors’ Response

The Board of Supervisors views this recommendation as a negative commentary rather than a recommendation. We disagree with the negative assertions and believe that both the Personnel Department and Sheriff have attempted to be creative in the recruitment of Deputies, as those are the positions to which we assumed the recommendation refers. Sutter County has been, and will continue to be, innovative in its recruitment efforts. Please note that the Sheriff-Coroner, who is a separate elected official, comments on this finding in his response to the Grand Jury (see Attachment D).

3. The Grand Jury recommends the implementation of a process to conduct exit interviews with all individuals leaving the employment of Sutter County. These interviews, if requested by the employee, should be conducted by personnel outside of his or her department.

Board of Supervisors’ Response

The Board of Supervisors agrees conceptually that expanding our exit interview process would be of benefit. The Personnel Department will
evaluate the type of exit interview process changes that are necessary as a part of the recruitment and retention strategy evaluation that will be performed by the recruitment firm hired by the County to prepare the report recommended by the Grand Jury.

RESPONDENTS

Sutter County Board of Supervisors
Larry Combs, County Administrative Officer
Jim Denney, Sheriff
Personnel Director
COUNTY GOVERNMENT COMMITTEE

SUTTER COUNTY LIBRARY

INTRODUCTION

The County Government Committee of the 2006-2007 Grand Jury initiated an investigation of Sutter County Library's policy regarding internet usage in response to a citizen's complaint. The committee reviewed the library's general operation as well.

Members of the committee visited the library in September, October, November, and April. During these visits, interviews were conducted with the Director of Library Services, Roxanna Parker, and Reference Librarian, Steve Lim. In addition, several telephonic conversations were conducted with Ms. Parker.

DISCUSSION

The committee has a favorable opinion regarding the overall operation of the library. The library is clearly striving to fulfill its mission as an integral part of the community. In addition to those functions generally associated with a library, Sutter County Library conducts special programs, such as an adult literacy program, which has approximately 400 participants annually. Sutter County Library received a grant from the Bill and Melinda Gates Foundation that made it possible to purchase eleven new computers for public use and was one of four libraries, nationwide, recognized for its use of the funds provided by the grant.

At the time of our initial inquiry, the library had no written policy or procedures covering public internet usage. The Committee finds this troubling in light of the findings of the 2000-2001 Grand Jury and the response of the Board of Supervisors.

The findings of the 2000-2001 Grand Jury are as follows: "The director and each member of the library staff is concerned about the possibility of library patrons (especially youth) using the library computers to access inappropriate materials on the internet. To reduce the possibility of that happening, the computers are each located as to be visible by the staff from their normal work areas. The director is currently working to update and strengthen the computer use guidelines. The guidelines will more clearly spell out the requirements for internet use. The emphasis will be to use the internet facilities in a responsible and appropriate manner."

The response from The Board of Supervisors was as follows: "The Board of Supervisors agrees with this finding, and has in fact, been concerned with this issue since Internet use became available in the Library. Library staff has attended, and will continue to attend, workshops and informational forums on the subject of Internet usage in public
libraries. Library guidelines will continue to emphasize responsible and appropriate internet use.” Ms. Parker stated at our April visit that she was not aware of the 2000-2001 Grand Jury concerns until brought to her attention by this Grand Jury!

Subsequent to the initial visit of the committee, Ms. Parker proffered several explanations for the delay in establishing written policy for internet usage. Among them: her extended vacation; her assertion that the library has a contract with the Sacramento Public Library System and that she was relying on them to test a new filtering program and if the program was successfully tested, it would likely be implemented in Sutter County pending approval by the Board of Supervisors. Ms. Parker also mentioned the apparent inability of county counsel to find sufficient time to draft such policy.

At the April 3, 2007 meeting, it was learned that because Sutter County Library is connected to the Sacramento Public Library System’s computer server, which has just installed an internet filtering system, Sutter County Library computers are now filtered by default.

It is the opinion of the Grand Jury that had this issue just come to light in September 2006, a delay of at least seven months in establishing written policy and procedures for internet usage at the library would be unacceptable. The fact that there has been a delay of at least seven years is indefensible. The absence of a written policy clearly indicates either a reluctance, or inability, on the part of the library director to establish one.

On March 23, 2007, Ms. Parker telephoned the vice-chairman of the County Government Committee to advise that the county counsel’s office had prepared a policy statement for internet use at the library. The proposed policy will go before a Board of Supervisors committee on March 26, 2007. If approved by the committee, it will be presented to the Board of Supervisors for adoption. Ms. Parker provided a copy of the proposed policy to the County Government Committee.

Committee members again met with Ms. Parker on April 3, 2007 to clarify whether or not the library was in compliance with the Children’s Internet Protection Act (CIPA) passed by Congress in December 2000, to address concerns about access to offensive content over the internet on school and library computers. Ms. Parker stated that until adoption of an internet use policy, Sutter County is not in compliance with CIPA. She also stated that because Sutter County does not receive any funding support for internet access or internal connections from the “E-rate” program, it was not required to be in compliance.

Subsequent to meeting with Ms. Parker on the afternoon of April 3, the Board of Supervisors did approve the Sutter County Library Internet Use Policy.

**FINDINGS**

1. The library has ten public adult computers with filtered internet access.
Board of Supervisors’ Response

The Board of Supervisors partially agrees with this finding. At the time of the 2006-2007 Grand Jury review, the Library had sixteen public adult computers with unfiltered internet access (ten workstations designated for internet use, and six workstations reserved for word processing and other computer applications) in a staff-supervised area. With implementation of filtering in July 2007, the Library has sixteen public adult computers with filtered internet access in a staff-supervised area.

2. The library has eleven public teen computers with filtered internet access.

Board of Supervisors’ Response

The Board of Supervisors largely agrees with this finding. At the time of this 2006-2007 Grand Jury review, the Library had twelve public teen computers with unfiltered internet access in a staff-supervised area. With implementation of filtering in July 2007, the Library has twelve public teen computers with filtered internet access in a staff-supervised area.

3. The library has seven juvenile computers with no internet access.

Board of Supervisors’ Response

The Board of Supervisors largely agrees with this finding. At the time of the 2006-2007 Grand Jury review, the Library had six juvenile computers with no internet access and one juvenile online public catalog in a staff-supervised area. With implementation of filtering in July 2007, the Library has six juvenile computers with filtered internet access and one filtered online public catalog in a staff-supervised area.

4. The library has a recently adopted a written policy statement governing internet usage.
Board of Supervisors’ Response

The Board of Supervisors agrees with this finding. The Board of Supervisors approved the Sutter County Library Internet Use Policy on April 3, 2007.

RECOMMENDATIONS

1. The Grand Jury recommends the library director closely monitor the public computers at the library and report to the Board of Supervisors on at least an annual basis, whether or not the internet filtering system is working, and if not, recommend changes to improve the system.

Board of Supervisors’ Response

The Board of Supervisors partially agrees with this recommendation. The Sutter County Library Internet Use Policy makes the Library voluntarily compliant with the Children’s Internet Protection Act; affirms the right and responsibility of parents and legal guardians to determine and to monitor their children’s use of Library materials and resources; and authorizes staff who become aware of subject matter that would interfere with the maintenance of a safe, welcoming and comfortable environment for the public, to ask the internet user to end a search or change a screen. All public Library computers are located in staff-supervised areas. Library staff will review the implementation of the Sutter County Library Internet use Policy on at least an annual basis. Any recommended changes will be reviewed by County Counsel before being brought to the Board of Supervisors.

2. The Grand Jury recommends that Sutter County seek to participate in the “E-rate” funding support program under CIPA.

Board of Supervisors’ Response

The Board of Supervisors partially agrees with this recommendation. The E-rate program is administered by the Schools and Libraries Division of the Universal Service Administrative Company, not the Children’s Internet Protection Act (CIPA). Sutter County Library is already receiving E-rate discounts for all Library voice lines and data lines. Sutter County Library receives its internet access through the Sacramento Public Library as part of its contract for library services.
Sacramento Public Library is not a direct internet service provider and cannot provide a vendor discount in the E-rate program.

RESPONDENTS

Sutter County Board of Supervisors
Roxanna Parker, Sutter County Director of Library Services
CRIMINAL JUSTICE COMMITTEE

SUTTER COUNTY JAIL

INTRODUCTION

On October 30, 2006, members of the 2006-2007 Grand Jury Criminal Justice Committee visited the Sutter County Jail at 1077 Civic Center Blvd., Yuba City, with a follow-up visit in April 2007. Lewis McElfresh, Jail Commander, conducted a tour of the facility.

MISSION STATEMENT
JAIL COMMANDER’S PHILOSOPHY

“It is imperative that we always display a professional demeanor in front of the inmates and to the public who visit the jail and remember it is not personal; it is just your duty.

“Know and understand the internal and external stakeholders, their needs and how best to serve them.

“Consistency between teams and officers is the key to gaining compliance from the inmates. To ensure consistency we must know the law, policies and procedures and apply them fairly and equally.

“It is important to ensure all inmates follow the rules and understand there will be consequences to their actions.

“Be constantly vigilant to your surroundings and report any weaknesses in our security, policies and procedures or the need for new ideas and/or equipment that can make our job easier.

“Cooperation with other divisions within the Sheriff’s Department, other divisions within the county, other law enforcement agencies and the public will only further our mission of providing the best service to our community.

“Be diligent in your duties and foster a positive working atmosphere by emphasizing professionalism and teamwork.

“Every member of the jail division should strive to ensure the jail division is the most professional, structured and consistent division within the sheriff’s department.”
SUMMARY

The Sutter County Jail is one of four divisions in the Sheriff's Department. There are two inmate sections in the jail: an area for general inmates, and a maximum-security area which is used to segregate gang members, persons in protective custody (e.g., child molesters), no-bail felons, and inmates awaiting transportation to prison facilities. The entire jail can house 352 inmates, including a capacity of 62 in maximum-security. For female inmates, there is a capacity of 72, including 32 in maximum-security. There is a daily average population of 290 inmates, and approximately 25,000 meals are served every month.

The jail is staffed by correctional officers (rather than sworn deputies, which is common practice in other counties). There is a full-time nurse and access to mental health personnel when needed.

FINDINGS

The exterior and interior of the jail were found in good condition. The committee observed no peeling paint, graffiti, unpleasant odors, or other signs of deterioration. All areas toured were clean and orderly, including the booking area, exercise area, sleeping facilities, and showers. Inmates are encouraged to participate in housekeeping duties and are assigned certain tasks, such as mopping floors and cleaning toilets. Inmates work in the kitchen, but because there is the possibility that inmates could submit claims for workman's compensation, the kitchen staff has put in a budget request for four additional staff members.

Capt. McElfresh reported there is a shortage of space in maximum-security, the women's section, isolation, and holding. Visiting space is inadequate. The room is less than ten feet square, with a bank of six telephones.

Swamp coolers provide cooling, as there is no central air conditioning system.

In 2006, there were no suicides, escape attempts, or deaths. In 2007, to date, there has been one inmate death. Though under standard investigation, there is no indication that the county jail was negligent.

Programs available to inmates include church services, Outside Work Release, and substance abuse counseling.

RECOMMENDATIONS

The Grand Jury recommends a study be conducted on space requirements and update the facilities to accommodate projected growth in inmate population. Jail staff should be included in the planning.
For health and safety reasons, the Grand Jury recommends the installation of a central air conditioning system for more effective cooling during summer heat.

**Board of Supervisors’ Response**

*No response is necessary from the Board of Supervisors.*

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**RESPONDENTS**

Jim Denney, Sutter County Sheriff
INTRODUCTION

In the fall of 2006, the Grand Jury invited many of the Sutter County department heads to speak at its meetings. Sheriff Jim Denney joined the November meeting and spoke to the issues facing his department and presented reports prepared by his staff. One of the key issues he presented was the inability to fill many of his authorized positions. Sheriff Denney noted that he had about twenty vacancies among the 146 authorized positions. Reports presented showed that calls for service were increasing rapidly, that reported felonies were increasing, and that felony arrests, as a percentage of reports, were decreasing. The problem of adequately covering the county’s increasing law enforcement work load, while many positions were unfilled, compelled the Grand Jury to take a closer look.

SUMMARY

Sutter County is experiencing increasing levels of reported crime as the county grows. Yet, the Sheriff is authorized 146 positions in 2007, down from 153 positions in 2002. As of April 1, 2007 only 119 positions were filled. In addition to covering unincorporated areas of Sutter County, the Sheriff provides law enforcement for the City of Live Oak under contract, and for “recently” incorporated areas of Yuba City under the Master Tax Exchange Agreement (MTA) reached with Yuba City in 2000. To cover these areas, available force is allocated to areas of greatest need, leaving other areas with less coverage and extended response times, and more required overtime by deputies. One solution to this situation is to fill open positions. This has proved difficult because, according to the Sheriff, levels of pay in Sutter County are less than other law enforcement organizations within commute distance from Sutter County. Work load may also be a factor since the reduced force is required to cover the assigned areas and so overtime is often required. The MTA creates further complications, since it can be terminated by Yuba City with 12 months’ notice. All of these factors create a situation of limited force to cover increasingly complex law enforcement needs with no clear solution apparent.

DISCUSSION

Managing an increasingly complex law enforcement environment with decreasing authorized force/deputies presents a difficult management task. Unfilled positions make the task even more difficult. There are many possible actions to relieve the problem; the most obvious is to request increased authorized force. This approach has its difficulties. For example, Sheriff Denney says he is reluctant to request additional force while the MTA is in place, since if Yuba City terminates the agreement, officers patrolling those areas would have to be reassigned or laid off. The MTA does say that the city and county will cooperate in the force rearrangement, but the sheriff believes it does not provide adequate protection for his deputies, so he has not requested additional
force, even as calls for service have increased. In any case, additional authorized force provides little benefit if the openings cannot be filled.

Since the authorized force has not changed, there are two causes of unfilled positions. First, there must be force losses causing the openings and second, there must be difficulty in finding candidates to fill the openings that occur. In regards to the second cause, there is currently a shortage of qualified candidates for law enforcement positions in the Sacramento area. According to the Sutter County Personnel Department and others interviewed, young people today do not tend toward law enforcement careers. Many law enforcement groups, including the California Highway Patrol, are depleting the pool of available candidates by adding officers. This creates a very competitive market for qualified candidates. Recruiting outreach efforts are left to the Sheriff’s Department and seem to be limited to recruiting at local training academies.

The Sutter County Personnel Department keeps key jobs, such as sworn deputies and dispatchers, permanently open, but does little direct outreach to find candidates to fill these positions. There may be recruiting opportunities at job fairs or even additional posting of openings available on the Peace Officers Standards and Training website. Some law enforcement agencies are using special programs to sponsor cadets or entice them with programs which reimburse training costs for those hired who satisfactorily complete an initial period on the job.

Sheriff Denney indicated that lack of competitive pay and benefits compared to other law enforcement agencies is a major cause of both force losses and difficulty in attracting candidates, and recent increases in both pay and benefits should help alleviate this problem. The Grand Jury asked the Sutter County Personnel Director, Joann Dobelbower, when these changes would enable Personnel to resolve the problem of unfilled positions. She said “probably never”, since the department has always had unfilled positions.

Retaining valued employees is always important but particularly so in the current situation. While fair pay is no doubt an important issue, job fulfillment or job satisfaction is also very important. Elements of job satisfaction vary from person to person but include: a sense of being a valued contributor, opportunity for advancement or job rotation, predictable work routine, pleasant work environment, and supportive supervision. These elements require constant effort by supervisors even in the best of circumstances. Achieving job satisfaction becomes extremely difficult when consistently running 10 to 15% below authorized force levels with high turnover.

Interviews with several people indicate that Sheriff Denney’s “top down” management style and certain departmental policies aggravate a difficult situation; for example, rotating officers between detective assignments and patrol assignments encourages deputies to move on to the district attorney’s office or other departments if they are seeking detective work as a career. In addition, the use of non-sworn officers in the jail,
while it may save money, reduces the potential pool of officers with patrol capability and creates two employee force pools which must be separately managed.

The burden of extra overtime is made more difficult, since policies exist which require it be recorded as compensating time (up to certain limits), then require that levels of compensating time be taken before vacation, then stopping vacation accruals when unused vacation hits certain levels. A program of thorough/confidential exit interviews by an independent party (maybe the personnel group) may provide a better understanding of causes of employee losses.

Other possibilities for easing the force problem include increasing community outreach through volunteer programs using retired peace officers, interns, auxiliary personnel, and community members, though these are admittedly difficult to implement in times of shortage.

The Sheriff Department’s coverage of the “recently incorporated areas of the City of Yuba City” is an issue that needs to be more urgently addressed by the county administrative officer. In 2000, an agreement was reached (Master Tax Agreement) with Yuba City to provide law enforcement for portions of South Yuba City and the Tierra Buena area. The belief was that additional portions of those areas would be soon incorporated and when the percent of population inside the city reached 82% and 90% respectively, the city would take over patrol duties. However, the additional annexations still have not taken place and the agreement has no formal ending date. Under the agreement, the county receives $600,000 per year in tax receipts to cover its costs. The Yuba City Police Department gave notice in early 2006 that it would take over duty on January 1, 2007. However, it withdrew the notice in December 2006.

In January, the County Administrative Officer’s Office revised the Master Tax Agreement and presented it to Yuba City administration with the objective of having a new agreement in place within “30 days.” Negotiations reached an impasse when Yuba City calculated that for the Yuba City Police Department to take over patrol duties it would cost $1,200,000 to $1,400,000 per year, significantly more than the $600,000 they were required to provide under the Master Tax Agreement. As of early May, there were no discussions underway and the committee found no one willing to predict when the situation would be resolved. This adds significantly to Sheriff Denney’s difficulty predicting future patrol requirements.

The bottom line is that the force level problem needs to be vigorously attacked on every front, not just by seeking pay increases. The sheriff’s department and the county personnel department must accurately determine the required force. They must aggressively pursue recruitment, and address the issue of job satisfaction among current and new officers. The Board of Supervisors can help with the work load/overtime problem by releasing the sheriff from providing armed deputies to protect them from the public each Tuesday night.
Other issues observed during the investigations included complaint procedures at the jail, providing feedback to crime victims on the status of investigating their cases, and assigned deputy coverage of outlying areas of the county.

On two occasions it was noted by the committee that citizens came to the attended window at the jail and requested complaint forms. Their reception was less than welcoming. In both cases, the requestors were told that the department was out of forms and that the duty person would have to make a copy. Then the requestors were informed that they would have to be interviewed by a supervisor before being given a form. The entire process took about twenty minutes and was intimidating enough that both requestors considered just leaving before receiving a form. This was in contrast to the experience of requesting a complaint form at another local police department, where a pleasant person simply pulled a form from a drawer and asked if there was anything else they could do.

During Sheriff Denney’s visit to the Grand Jury in November, he was asked if providing feedback to the victims on the status of the investigation of the crimes they reported was part of regular procedures. After looking into the issue and finding that feedback was not provided as a regular part of the process, the sheriff reinstated the policy of callbacks to crime victims to keep them informed about the progress of their cases. Citizen reaction to this change has been very positive and the Grand Jury appreciates the sheriff’s quick reaction. Likewise, when queried about the rising incidents of theft in the south county, Sheriff Denney responded by increasing coverage of that area and permanently assigning deputies to that area. This has also been very well received by the citizens of the south county.

FINDINGS

Felony reports are on an increasing trend while arrests are decreasing. Arrests as a percent of reports have decreased since 1997 from 62% to 28% according to statistics provided by the department.

![Graph showing crime reports and arrests 1997 through 2006]
Authorized force levels have been declining over the past five years, and 15% of those positions are unfilled according to information provided by the sheriff. As of May the active force was 122, the lowest level in several years. Twelve of the active positions are filled with people in field training assignments, on medical leave, or on light duty status. Full duty staff is 23% below authorized levels.

**Sheriff's Department Overtime Expense**

($000)

![Graph showing overtime expense from 2004 to 2007.]

*Actuals through May 10, 2007 annualized.*

Overtime costs in the sheriff’s department have increased 329% since 2004. Beyond the cost implications, heavy overtime requirements create an increasingly difficult work environment for deputies and correctional officers.

Openings for deputies and other positions, such as dispatchers, are maintained by the personnel department continuously. Standard procedures for filling county jobs are followed. Outreach and special recruiting efforts are left to the sheriff’s department. Some options for identifying or developing candidates are not used. For example, the Grand Jury could not find Sutter County openings listed on the Peace Officers Standard and Training (POST) website.

**RECOMMENDATIONS**

The Grand Jury recommends Sheriff Denney request the Commission on Peace Officers Standards and Training conduct an Overall Management Assessment of his department. There is no charge to the department or the county for this service.

The Grand Jury recommends complaint procedures at the jail be reviewed and updated so that the process of providing complaint forms is prompt and not intimidating.
The Grand Jury recommends policies be reviewed and reconsidered in light of the staffing problems. These include rotation of detectives and providing an upgrade program for jail personnel to reach sworn officer status. Another consideration is to increase the use of "assigned" or "resident" deputies who are familiar with their communities.

The Grand Jury recommends greater community outreach through use of volunteers (retired officers, interns, or community members) be employed.

**Board of Supervisors' Response**

Although the Grand Jury has listed the Board of Supervisors as a respondent, all of the recommendations are within the purview of the Sheriff-Coroner, who is a separate elected official. The Sheriff-Coroner has responded to these findings and recommendations (see Attachment D). For the record, the Board of Supervisors agrees with the Sheriff's responses.

On page 50 of its Report, the Grand Jury discusses the Master Tax Exchange Agreement between the City of Yuba City and Sutter County, and the staffing issues some of its provisions have created for the Sheriff-Coroner. The Board of Supervisors notes that on August 21, 2007, the City Council and the Board of Supervisors, with the full cooperation and support of the Police Chief and Sheriff-Coroner, approved an amendment to the Master Tax Exchange Agreement which, effective January 1, 2008, will relieve the Sheriff-Coroner of his responsibility for providing law enforcement services in the incorporated area north of Franklin Avenue. This will mitigate several of the Sheriff's staffing issues, and allow him to devote additional resources to other areas of the County.

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**RESPONDENTS**

Jim Denney, Sutter County Sheriff
Larry Combs, County Administrative Officer
Sutter County Personnel Director
CRIMINAL JUSTICE COMMITTEE

YUBA-SUTTER JUVENILE HALL
CAMP SINGER YOUTH GUIDANCE CENTER

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee and Criminal Justice Committee conducted an on-site visit to the Yuba-Sutter Juvenile Hall on October 23, 2006. Committee members interviewed Frank Sorgea, Superintendent of Institutions who provided information concerning the facility, daily operations, and the detainees. Lunch and a tour of the facility followed the interview. Staff and juvenile detainees were cooperative and pleasant during this interaction with committee members.

Yearly inspections are made by both the Sutter and Yuba County Health Departments. Additionally, both Sutter and Yuba County Grand Juries report on this facility.
MISSION STATEMENT OF YUBA-SUTTER JUVENILE HALL

"The Yuba County Probation Department's mission is to promote the health and safety of the community through programs of prevention, intervention, treatment, and detention services."

SUMMARY

The Yuba-Sutter Juvenile Hall is a bi-county facility serving both Yuba and Sutter Counties. The facility is located at 1023 - 14th Street, Marysville, CA. The Juvenile Courts, Juvenile Justice Commissions, and Juvenile Probation Departments of both counties govern this facility. In addition to the detention center for correctional services, the Camp Singer Youth Guidance Center is located at this site. Camp Singer, or Boot Camp, is for low-risk detainees.

DISCUSSION

The main facility is antiquated, but well maintained. A surveillance system is in place providing security and safety and it is monitored from a centralized control room twenty-four hours a day. Fire alarms and sprinklers are in place and operational. A large recreation yard is located behind the main facility and is completely enclosed with hurricane fencing. Routine checks are conducted by staff to ensure that the fencing has not been tampered with. This area is not protected from the street or surrounding levee.

All inmates are given a complete physical examination upon entry. On-going health care is provided by the Yuba County Health Department. A county health officer visits the facility almost daily to conduct "sick call." Inmates are not allowed personal clothing items. Clothing and toiletry items are provided by the facility. Religious services are conducted weekly by various churches. Attendance is a personal choice.

Facility staffing has maintained the ratio of one group counselor to every ten detainees. This is accomplished using both full and part time staff. The staff has developed a positive approach program, using a system of rewarding points daily for self-control, completion of tasks, and cooperation. Inmates have zero points in the morning and can earn a total of 100 in a day. Youths that maintain an average of 98 points earn extra privileges. Behavior problems are dealt with on a positive and personal level. A grievance and complaint process for minors is in place.

The facility is strongly committed to providing the educational needs of the inmates. Yuba County schools test all detainees and develop a course of study for each. Classrooms are on-site, and credentialed teachers are provided by the Yuba County Office of Education. Community volunteers enhance the educational program, teaching trade skills.

The Sutter County Board of Supervisors' Response to the 2006-07 Grand Jury Report

Page 78 of 139
Meals are prepared on-site and served in the dining hall. As part of the tour, the Grand Jury was invited to have lunch and visit/interview the staff and detainees present during a lunch hour. The meal was well balanced and appealing.

The facility's site, between a levee and a railroad berm, has always presented unique problems for this institution; for example, in the event of a train accident such as a derailment or chemical spill, an emergency evacuation plan must be in place.

The levee, which is behind and overlooks the facility's recreation area, provides opportunity for persons observing the detainees and possibly passing contraband and/or attacking detainees or staff. Because of its close proximity to a residential area, a plan for recovering escapees is essential.

Mr. Sorgea shared some of his department's concerns regarding the facility:

**Booking or intake process:** There is no separate and secure area for this. Visitors and those juveniles being booked pass through the same area at close quarters. The opportunity for acts of violence is high at this time.

**Visitation:** There is a need for a "no contact" visitation room. A complete separation of the detainee and visitors, such as windows and phones as commonly used in jails, would prevent smuggling of contraband by parents or any other visitor and prevent acts of violence between the visitors and detainees.
The total budget for the Yuba-Sutter Juvenile Hall is $4,000,000 for fiscal year 2006/2007. The costs are shared by both Sutter and Yuba Counties on a per capita basis.

FINDINGS

1. In the event of a flood, railroad accident, riot, fire, etc., an emergency response plan is in place. Mr. Sorgea stated there are staff, vehicles, and a pre-determined site available in case an evacuation is ordered.

Board of Supervisors’ Response

The Board of Supervisors agrees with this finding. According to Frank Sorgea:

“*These facilities operate in an environment in which any number of potential threats to life and property exist. We have managed these contingencies through development of comprehensive policies and procedures which dictate specific activities in the event of an emergency up to and including building evacuation procedure.*”


2. A plan for remodeling the intake and visitation rooms has been formulated. Construction has not begun.

In the building which houses the classrooms and gymnasium, at least two exits were blocked by storage sheds or other items. This was done intentionally to prevent escapes, but now presents a potential evacuation problem in the event of a fire or other emergency. It was observed that the ceiling and wall insulation is in poor condition.

Security in the exercise yard is severely inadequate. This problem is not new for the facility, as indicated by past grand juries from both counties. A means of blocking the view of the recreation yard from the street and levee is essential for staff and detainee safety.

An escape policy is in place which details the notification procedure from the control room to authorities.
Board of Supervisors’ Response

The Board of Supervisors agrees with this finding and notes that Mr. Sorgea has informed us that a detailed escape notification procedure is incorporated into the Juvenile Hall policy and procedure manual.

RECOMMENDATIONS

1. The Grand Jury supports Mr. Sorgea’s recommendation that separate intake and no-contact visitor areas be constructed as soon as possible.

Board of Supervisors’ Response

The Board of Supervisors agrees with the recommendation. According to Mr. Sorgea, preliminary architectural design development was undertaken this past year. We anticipate the availability of competitive State grant funding to provide for remodeling of existing juvenile facilities. Upon securing funding, significant modification to the existing intake and visitation areas will occur. The goal will be to create separate facility entrances—one to be used by law enforcement agencies and the second to be used by the general public.

2. The Grand Jury recommends that Juvenile Hall obtain a waiver from the fire department allowing them to block the fire exits.

Board of Supervisors’ Response

The Board of Supervisors concurs with Mr. Sorgea’s recommendation that this recommendation will not be pursued. He explains that in regard to pursuing a waiver from the local authority, the recommendation will not be necessary because Yuba County has developed an alternative means of compliance which provides for safety and security. The doors which had been blocked have had the barriers removed. Program supervisors have been advised to accommodate the potential for a compromise to security. This is a large building with 10 exits. The exits which had been blocked were areas from which minors had escaped in the past.
3. The Grand Jury recommends that the installation of the insulation in the gymnasium be properly completed.

Board of Supervisors’ Response

The Board of Supervisors agrees with the recommendation. Mr. Sorgea states the gymnasium and classrooms are housed in a large warehouse-type structure which was modified to be more accommodating. When the building was constructed, it was insulated with fiberglass insulation lined with a fiber membrane. The membrane was compromised by minors throwing balls into the product. No easy fix is readily apparent for this issue. Further deterioration of the insulation has been stopped by use of an enclosed arena structure within the building. This issue will be reviewed with architectural staff during the remodel of the facilities.

◆

4. The Grand Jury recommends that Mr. Sorgea investigate options available to restrict access to the levee behind the recreation area.

Board of Supervisors’ Response

The Board of Supervisors agrees with the recommendation. The issue identified by the Grand Jury relates to the proximity of the levee located west of the Juvenile Hall recreation yard. From the levee, one can easily look into the recreation yard and the entire north side of our facilities. This poses a potential threat from would be assailants and those who would desire to place contraband into the secure parameter. The levee system has been incorporated into a bi-county bicycle pathway, and is often utilized by bicyclists and persons jogging or walking for exercise. According to Mr. Sorgea, he has taken steps to provide a visual barrier from the 14th Street side, as well as incorporating an angled wire mesh crown to the top our 16-foot high perimeter fence. There have been no escapes from the yard since these improvements were completed. The issue here is not the escape of wards, but protection of wards from evildoers on the outside of the fencing. As a matter of policy, the recreation time for those minors who may be specifically targeted by outsiders, is conducted in the enclosed recreation area incorporated in the Security Housing Unit. In addition, staff inspects the yard prior to minors being allowed into the recreation area.

Mr. Sorgea will investigate options to restrict access to the levee behind the recreation area and anticipates meeting with Levee District
Officials to discuss possible options. One option might include installation of an eight-foot tall mesh fence at the crown of the levee, or restricting access to the levee from 14th Street to the intersection with the railroad levee to the east. Another option which does not involve the levee district would be to install security slats on the west fence extending from 14th Street to include the north side of the yard.

RESPONDENTS

Frank Sorgea, Superintendent of Institutions, Bi-County Juvenile Hall
Chris Odom, Chief Probation Officer, Sutter County
Steve Roper, Chief Probation Officer, Yuba County
Brian Aronson, Presiding Judge of Juvenile Court, Sutter County
James Curry, Presiding Judge of Juvenile Court, Yuba County
FIRE AND EMERGENCY SERVICES COMMITTEE

SUTTER COUNTY FIRE SERVICES MANAGER

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee interviewed Chief Charles Vanevenhoven on November 7, 2006. The purpose of this meeting was to learn about fire and emergency services available to the residents of Sutter County. Chief Vanevenhoven retired in December of 2006.

MISSION STATEMENT OF THE SUTTER COUNTY FIRE DEPARTMENT

"To prevent the loss of life, environment, and property in Sutter County through the prevention and mitigation of fires, medical, hazardous materials, disasters, and other emergencies by emphasizing training and equipping fire department personnel for effective intervention and promoting public safety through education and code enforcement."

SUMMARY

Under policy direction of the Sutter County Board of Supervisors and general administrative direction of the Director of Community Services, the Fire Services Manager plans, organizes, and directs county fire services, including fire prevention, suppression, hazardous material response, and investigation. He serves as Fire Chief for all County Service Areas (CSA's) and is responsible for related public safety issues.

Sutter County has four CSA's which are governed by the Board of Supervisors and directed by the Fire Chief:

1. CSA-C: East Nicolaus Fire Station, staffed by 14 volunteers

2. CSA-D: Pleasant Grove Fire Station, staffed by 18 volunteers

3. CSA-F: Live Oak Fire Station, Sutter Fire Station, and Oswald-Tudor Fire Station, each staffed by four career personnel and approximately ten volunteers

4. CSA-G: Unincorporated areas immediately adjacent to Yuba City. The county contracts with Yuba City for fire services in this area. The CSA is managed by the city, but the Sutter County Fire Chief administers the budget.
DISCUSSION

The following information was obtained during the interview with Chief Vanevenhoven:

County fire management personnel consists of one fire chief and two captains. There is an officer on duty at all times.

A fire district map outlining the various fire districts was provided to the committee (see previous page). The Fire Chief is responsible for service to approximately 325 square miles within Sutter County.

Recruitment and retention issues have plagued the Live Oak, Sutter, and Oswald-Tudor stations over the past few years. A Reserve Firefighter Program is currently being developed for the Live Oak station to improve the staffing situation.

Response time in the urban areas of Live Oak and Sutter averages less than five minutes. Response times in the rural areas and the all-volunteer departments vary. The emergency dispatch center for all fire service areas, except Yuba City and Sutter Basin (Robbins), is located at the Sutter County Sheriff’s office. The dispatcher receives the call and dispatches or “tones out” to the appropriate fire station. Each station has a distinct tone that will activate a pager carried by all fire personnel. When fire personnel receive a call, the emergency incident communication is by mobile and portable radios on dedicated frequencies. Yuba City personnel are dispatched by the Yuba City Police Department, and Yolo County receives emergency calls and dispatches Robbins personnel.

Sutter County is part of a statewide master mutual aid agreement. When available, this county will provide emergency services anywhere in the state. The most common request for resources during fire season is to combat wildland fires and those encroaching on urban areas.

Within Sutter County, a mutual aid agreement provides for automatic sharing of emergency resources between adjacent agencies. For example, if there is a structure fire in the community of Sutter, the Yuba City Fire Department automatically dispatches an engine to the scene, and vice versa.

Maintenance for all county fire vehicles and equipment is performed by the appropriate county department. There is a program which provides for vehicle/equipment replacement, as necessary. If the required maintenance cannot be completed in-house, the work is contracted out.

FINDINGS

1. Increased residential development and subsequent added population in the county have a direct impact on the ability to provide required services. An
increase in the number of service calls, and no increase in the number of staff positions, has created an untenable situation.

**Board of Supervisors’ Response**

The Board of Supervisors disagrees with this finding as we believe the Grand Jury is overstating the situation. According to Chief Vanevenhoven, and as quoted by the Grand Jury in paragraph 3 below, “the total number of career firefighters is borderline sufficient.”

2. The county receives $250,000 per year in special fire tax receipts. Revenue has not increased along with the increase in population. Additional funding mechanisms have not been developed. The county fire service does not receive revenue from the General Fund.

**Board of Supervisors’ Response**

The Board of Supervisors’ disagrees with this finding and believes that the financial status of CSA F is understated. The revenue in CSA F is expected to increase in FY 2007-2008 because of a significant increase in the assessed valuation within the City of Live Oak. Specifically, the contractual payment by the City of Live Oak will increase from an estimated $190,000 in FY 2006-2007 to $322,763 in FY 2007-2008. Additionally, the secured property tax revenues are higher. Also, the Community Services Department is researching the possibility of proposing an increase of the “Special Fire Tax” to the voters of CSA F so that an additional six career firefighters could be added to CSA F if desired by the voters. The Board of Supervisors agrees that the CSA, like other CSAs, does not receive General Fund Revenue.

3. According to Chief Vanevenhoven, within CSA-F, the total number of career firefighters is borderline sufficient. Sutter County and its fire departments depend heavily on volunteer firefighters and mutual aid. Volunteers are not as plentiful or readily available as in past years due, in part, to changes in social attitudes regarding community service, or other personal obligations.

All career and volunteer firefighters are to be commended for their commitment and dedication in providing this vital service to the county.
RECOMMENDATIONS

1. The Grand Jury recommends the county develop an aggressive recruitment and retention program to address current staffing shortages and to accommodate the inevitable growth of the county.

Board of Supervisors’ Response

The Board of Supervisors’ disagrees with this finding as stated. If it pertains to career firefighters, the following information will help to put this issue in perspective. Since January of 2000, two Fire Captains have retired, the Fire Services Manager retired, and one lieutenant resigned. With the exceptions of the Fire Services Manager, there has been no problem in filling the vacancies. We don’t consider retirement a retention issue. With respect to the Fire Services Manager recruitment, the Community Services Department, County Administrator and Board of Supervisors reviewed a study by the Sutter County Personnel Department which demonstrated that the compensation was low. Therefore the Board approved a salary increase and a new recruitment was commenced. The position has now been filled.

If this paragraph refers to recruitment and retention of volunteer firefighters, we agree that additional efforts should be made.

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2. The Grand Jury recommends that alternate and/or additional funding mechanisms be developed to provide the necessary revenue for fire and emergency services commensurate with county growth.

Board of Supervisors’ Response

Please see the response to the second finding (above).

3. The Grand Jury recommends the expeditious filling of the position vacated by Chief Vanevenhoven in December 2006. While it is understood that Captains Yager and Root are providing interim services, this vital county position should be filled as soon as possible.

Board of Supervisors’ Response

This recommendation is now moot, because the position, as noted above, has been filled.

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RESPONDENTS

Sutter County Board of Supervisors
Larry Bagley, Sutter County Director of Community Services
Sutter County Personnel Director
Sutter County Fire Services Manager
INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee conducted an on-site visit to the Live Oak Fire Station, located at 2745 Fir Street in Live Oak, on April 2, 2007. The visit consisted of an interview with Captain Dan Root, Interim Fire Chief, and a tour of the facility. The purpose of the visit was to assess the station’s over-all ability to provide fire and emergency services. Mr. Larry Bagley, Sutter County Director of Community Services, was also present.

SUMMARY

The City of Live Oak is one of several rural Northern California communities experiencing rapid growth. Fire and emergency services are directly impacted.
Currently, Live Oak contracts with Sutter County for its fire protection and emergency services. The fire station is part of County Service Area F, (CSA-F).

The committee reviewed several topics with Captain Root and Mr. Bagley, such as the contract, staffing and alternative resources, recruitment and retention, budget, future planning for community growth, and the facility overall.

DISCUSSION

The City of Live Oak contracted with Sutter County approximately ten years ago for fire services. CSA-F receives funding from a special fire tax, property taxes, and a service contract with the city. At the time of this interview, Mr. Bagley stated that the city and county are renegotiating the contract.

The Live Oak Station has four career firefighters who provide services 24-hours a day, seven days a week, by working extended and rotating shifts. Captain Root stated that a standard work week is approximately 50 hours, including overtime.

The county also uses volunteer firefighters to supplement career firefighters. Volunteers are self-referred or recruited from the local community and near-by community college fire academies. They receive the same training as the career firefighters, but are not paid a salary. The Live Oak Station has ten volunteers, of which Captain Root stated six or seven are active. The volunteers can choose to take a shift and stay at the fire station, or be on call and respond to an alarm.

Volunteers are not as readily available as in the past. Fire personnel have stated that some volunteers/students, after having completed the academy and meeting other training requirements and certifications, leave for career employment elsewhere.

Extra-help (seasonal) firefighters are also used in the fire department. Seasonal staff is available on a short-term basis, typically during planting/harvesting seasons; but with department approval, they could be used at other times. There are approximately four seasonal staff.

Mutual aid agreement is a means by which the fire department accesses additional resources as needed in response to emergencies. Locally, the fire services have automatic aid agreements wherein resources are provided to a specific area by adjacent agencies. Fire personnel expressed some concern with mutual-aid. Should two stations receive simultaneous calls, they would not be available to support other stations.

Captain Root and Mr. Bagley discussed the proposed Reserve Firefighter Program which uses trained volunteers or students. Reserve firefighters would be paid a flat rate of $100.00 per shift and scheduled for at least two shifts monthly. The program, if approved, will be implemented at the Live Oak Station at the request of the City of Live Oak. Mr. Bagley stated this will hopefully improve the staffing situation.
Captain Root led a tour of the station, which was built in approximately 1951 and has been remodeled two or three times. The large room where the interview took place was actually a mobile home attached to the station. The station has a new generator, and Captain Root pointed out that installation will cost an estimated $60,000. He stated he has not been able to find a local company to complete the project.

Station personnel have constructed a covered driveway at the back of the station for the fire trucks. There is no designated (secure) parking for fire personnel or visitors. Because the station is located close to surrounding homes, there is no room to expand the station except up or out to the street. Attached to the station is a sheriff’s substation, which looks run down. The sleeping area for the firefighters is one small room housing five beds. This station looks its age.

**FINDINGS**

1. Firefighters are dedicated professionals and should be commended for their commitment to community service.

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this finding.*

2. Although the city contracts with the county, the City of Live Oak owns the building, property, and some of the equipment in inventory. Sutter County has provided additional equipment to this station over time. The age, location, and condition of the station make it inadequate for future expansion.

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this finding.*

3. Given the growth Live Oak is experiencing, fire and emergency services will be negatively impacted. Current staffing in this department may be inadequate for future growth. During this visit (and in other visits and interviews with Sutter County fire personnel), it was noted that there are recruitment and retention issues. There has been a significant decrease in the number of career firefighters.
Board of Supervisors’ Response

The Board of Supervisors disagrees with this finding. Since January of 2000, two Fire Captains have retired, the Fire Services Manager retired, and one Lieutenant resigned. Other than the Fire Services Manager recruitment, there was no problem in filling the vacancies. Retirement is not considered a retention problem. As noted, the Fire Services Manager position has now been filled.

4. The county depends heavily on volunteers and mutual-aid. Emergency responses are being made by staff who are uncertain as to what resources or manpower will be available. The various emergency response mechanisms and capability need to be reviewed.

Board of Supervisors’ Response

The Board of Supervisors agrees that with volunteer firefighters there is not a certainty with respect to how many are available during an emergency. This is an issue with any volunteer-oriented fire service agency. The City of Live Oak and Sutter County are considering a Reserve Firefighter program to supplement the resources and manpower at the Live Oak Station.

5. According to staff, the funding mechanism is limited in raising monies to address the needs of the department.

Board of Supervisors’ Response

The Board of Supervisors disagrees with this finding. The revenue in CSA F is expected to increase in FY 2007-2008 due to a significant increase in the assessed valuation within the City of Live Oak. Specifically, the contractual payment by the City of Live Oak will increase from an estimated $190,000 in FY 2006-2007 to $322,763 in FY 2007-2008. Additionally, the secured property tax revenues are higher. Also, the Community Services Department is researching the possibility of proposing an increase for the “Special Fire Tax” to the voters of CSA F so that an additional six career firefighters could be added to CSA F if desired by the voters.
RECOMMENDATIONS

1. The Grand Jury recommends an independent management audit be conducted to analyze the operation and staff requirements for each station within the county. Staffing should be authorized and funded based upon levels established in the audit.

Board of Supervisors’ Response

*The Board of Supervisors disagrees with this recommendation. The Board of Supervisors has the ultimate authority to determine the level of service and financial resources for the operation of the fire services. It seems unreasonable to expect the Board to approve and fund the recommendations of a study that hasn’t been done yet. Also, it should be noted the management audits would themselves be expensive.*

*[][]*

2. The Grand Jury recommends the county support the Reserve Firefighter Program. If successful, this program should be considered for countywide use.

Board of Supervisors’ Response

*The Board of Supervisors agrees with this recommendation.*

*[][]*

3. The Grand Jury recommends the county consider greater use of extra-help positions to increase staffing flexibility at reasonable cost.

Board of Supervisors’ Response

*It is unclear to the Board of Supervisors what the Grand Jury is recommending. Is it referring to extra-help career firefighters or clerical staff? The clerical needs of the Fire Services are covered within the Community Services Department.*

*[][]*

4. The Grand Jury recommends the county encourage the City of Live Oak to build a new fire station.
Board of Supervisors' Response

The Board of Supervisors agrees that an additional Fire Station should be built in the City of Live Oak, preferable on the East side of Highway 99 because when a train passes through the City of Live Oak it results in a slower response time. However, the Live Oak City Council is responsible for governing the City, and the Board is not in a position to determine or speculate upon what priorities the City should set.

RESPONDENTS

Sutter County Board of Supervisors
Larry Bagley, Sutter County Director of Community Services
Sutter County Interim Fire Service Managers
INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee visited the Oswald-Tudor Fire Station located on Barry Road south of Yuba City on December 11, 2006. The current facility was dedicated in 1968. It is in County Services Area-F (CSA-F) and is staffed by career personnel and volunteers. This station has the distinction of housing Sutter County’s “Hazmat” response vehicle due to its geographical location within the county.

SUMMARY

The committee’s visit consisted of an interview with Lieutenant Kenny Clark of the Oswald-Tudor Station. The purpose of the interview was to review the station’s ability to provide quality fire and emergency services to the district. Following the interview, a tour of the station and grounds was provided.

DISCUSSION

The committee was interested in staffing, including the number of firefighters at this station, employment status, work schedules, recruitment, and retention. Also of interest
was the fire department's budget and funding. Mutual Aid Agreements were explained. The station's structural design and condition were reviewed.

FINDINGS

1. The career and volunteer firefighters are to be commended for their commitment to community service. Emergency responses are being made with limited available personnel. Currently, four career firefighters assigned to this fire station provide services 24 hours a day, seven days a week.

Board of Supervisors' Response

The Board of Supervisors agrees with this finding with the caveat that emergency responses are being made within the level of service requirements of the county.

2. The Volunteer Firefighter Program is an important resource for Sutter County. The volunteers supplement the staffing at the fire station(s). With a change in social attitudes and personal commitments, the volunteers are not as plentiful or readily available as in past years. Recruitment and retention of volunteers is a problem and impacts the quality of fire and emergency services in CSA-F. New housing development and community growth with increased population and no increase in staff also compounds the problem.

Board of Supervisors' Response

The Board of Supervisors disagrees with this finding. In the City of Live Oak and the community of Sutter, the level of volunteers has decreased in recent years. However, at the Oswald-Tudor station, the number of volunteer firefighters are more plentiful and readily available than in recent past years. Also, in the CSA F area covered by the Oswald-Tudor Station, there are no new housing developments and minimal population growth. This is due to county policy that residential developments occur within incorporated cities or rural communities which have water and sewer resources.

3. Supplemental resources of firefighters and equipment are provided through a Mutual Aid Program within Sutter County and its fire departments, including the Yuba City Fire Department.
Board of Supervisors’ Response

The Board of Supervisors agrees with this finding and would add that we also receive Mutual Aid from all fire departments in Sutter County, Yuba County, Butte County, Colusa County, Yolo County and occasionally from Sacramento County. Since Mutual Aid is reciprocal, we also provide it to the other agencies mentioned above.

4. The tour revealed some obvious renovations and remodeling to the aged fire station. Lieutenant Clark explained the station’s history and changes made over the years; i.e., installation of new door locks to accommodate security of county and personal property, and automatic roll-up bay doors which supplement security and enhance response time. One fire truck remains unsecured when not in use and is not protected from weather, possible vandalism, or theft. The current fire station and its parking bays are not sufficient to house the fire trucks and equipment or allow for expansion. The committee viewed the living quarters for the firefighters as cramped and uncomfortable.

Board of Supervisors’ Response

The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

1. The Grand Jury recommends Sutter County establish criteria for the number of firefighters hired and assigned to fire stations. Considering the growth in development and population in the county while the number of firefighters has remained static, the Grand Jury recommends the County Fire Services Manager re-evaluate the force requirements for proper delivery of emergency services.

Board of Supervisors’ Response

The Board of Supervisors agrees that the Fire Services manager should review annually the force requirements for proper delivery of fire services. He does this annually during the county budget process. Currently each of the stations has the requisite career firefighter personnel established in the budget. Population growth in the unincorporated county has been minimal since county policy requires that residential development occur in incorporated cities and rural
communities with water and sewer resources. In CSA F there has been significant population growth within the City of Live Oak.

2. The Grand Jury recommends that the county develop a program for recruitment of volunteer firefighters to run in conjunction with an annual review of staffing.

Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation.

3. The Grand Jury recommends the Oswald-Tudor Fire Station be remodeled or replaced to provide security for equipment and enhance the living quarters.

Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation. During FY 2007-2008 we are removing an existing older building in the back of the station. The Fire Service intends to request in a future budget authorization to replace the removed building with additional apparatus bays.

RESPONDENTS

Sutter County Board of Supervisors
Larry Bagley, Sutter County Director of Community Services
Sutter County Interim Fire Services Managers
FIRE AND EMERGENCY SERVICES COMMITTEE
ROBBINS-SUTTER BASIN FIRE PROTECTION DISTRICT

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee conducted an on-site visit to the Robbins Fire Station located on Santa Clara Street in Robbins, CA on December 11, 2006 to assess and evaluate Sutter County’s ability to provide quality fire protection and emergency services in the district.

SUMMARY

The Robbins-Sutter Basin Fire Protection District is an independent district governed by a three-member Board of Commissioners (Gerald Alonso, Henry Richter, and George Van Ruiten). The fire department staff consists of 19 volunteers, four of whom are Emergency Medical Technicians. These volunteers are to be commended for providing essential services to the Sutter Basin community.

During the on-site visit, Sam Martin, Fire Chief; Tad Dickerson, retired Fire Chief; and George Van Ruiten, District Commissioner, presented an overview of the department
and cordially answered questions asked by the committee. The discussion included a review of the service area map, review of staffing and training procedures, communication system and equipment, and firefighting equipment. Following the interview, a tour of the station was provided.

DISCUSSION

The district has approximately 900 residents. Approximately 85-100 emergency calls per year are received and dispatched to the department through Yolo County.

The department has mutual aid agreements with Sutter and Yolo Counties. These agreements allow them to draw personnel and/or equipment from either county, as necessary.

Volunteers receive the same training as career personnel. Training of volunteers is conducted during bi-monthly meetings.

FINDINGS

1. The fire station houses three fire trucks. Two additional trucks are stationed at other locations within the district. The committee noted that one of the bay doors was not functioning properly, which could limit the department’s ability to use a vehicle.

   Board of Supervisors’ Response

   The Board of Supervisors agrees with this finding. Sutter County Fire Services was not aware of this problem since Robbins is an independent district.

   ◆

2. As an independent district, this fire department receives no funds from Sutter County, but is funded by its own community property taxes and fundraisers.

   Board of Supervisors’ Response

   The Board of Supervisors agrees with this finding as it is consistent with fire services throughout the county. The general fund historically has not contributed to any of the fire services throughout the county.

   ◆
3. Commissioner Van Ruiten expressed concerns over the effect on the district of unfunded government mandates and the district’s ability to comply.

**Board of Supervisors’ Response**

*No Board of Supervisors’ response is necessary, although we note that we agree unfunded State and Federal mandates are a significant issue.*

4. In discussion with the Director of Community Services and staff, the committee learned of the following potential sources for funding:

- National Volunteer Firefighters Council [www.firegrantsupport.com/afg](http://www.firegrantsupport.com/afg)
- California Department of Forestry/Fire Protection (916) 653-5123

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this finding.*

**RECOMMENDATIONS**

1. The Grand Jury recommends the firehouse bay door be repaired, as it did not adequately close.

**Board of Supervisors’ Response**

*This recommendation is directed to the Robbins-Sutter Basin Fire District, so no response by the Board of Supervisors is necessary.*

2. The Grand Jury recommends that the Robbins-Sutter Basin Fire District seek assistance from Sutter County in writing grants for unfunded mandates and for assistance in identifying other sources of funding.

**Board of Supervisors’ Response**

*This recommendation is directed to the Robbins-Sutter Basin Fire District, so no response by the Board of Supervisors is necessary.*
RESPONDENTS

Sutter County Board of Supervisors
Larry Bagley, Sutter County Director of Community Services
Sam Martin, Chief, Robbins-Sutter Basin Fire Protection District
FIRE AND EMERGENCY SERVICES COMMITTEE

SUTTER FIRE STATION

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Fire and Emergency Services Committee conducted an on-site visit to the Sutter Fire Station located at 2340 California Street, in the community of Sutter on April 2, 2007. The visit consisted of an interview with Captain Dan Yager, one of two Interim Sutter County Fire Services Managers, and a tour of the facility. The purpose of the visit was to assess the station’s over-all ability to provide fire and emergency services.

SUMMARY

The Sutter Fire Station is part of County Service Area F (CSA-F), one of several fire districts within the county. This fire station provides services to the community of Sutter and supports other stations as needed. The Sutter County
Emergency Operations Center is housed at this site. This location was chosen for the Emergency Operations Center based on geography and emergency flood plan information which indicated the community of Sutter is not likely to flood.

DISCUSSION

Reception by the staff on the day of the visit was friendly and courteous. Captain Yager provided a tour of the Emergency Operations Center as well as the fire station. Points of discussion included staffing and supplemental alternatives, recruitment and retention, scheduling, size and adequacy of the station, equipment, and funding.

FINDINGS

All Sutter County firefighters are to be commended for their commitment to community service.

This fire station was built three or four years ago. The outside grounds were clear and clean. The fire station and the lot size are adequate for the current inventory of equipment and personnel, with space for future expansion.

The Sutter County Emergency Operations Center is a large, single-story room equipped with communication/information systems. Work areas are designated for each agency of the emergency response team. Should the Emergency Operations Center be put into operation, it is equipped to support a lengthy mission. The fire station’s facilities (i.e., showers, bathrooms, kitchen, and sleeping quarters) are available for use by the Emergency Operations Center.

The Sutter Fire Station is similarly staffed as others in CSA-F. There are four career firefighters assigned to this station to provide 24-hour, seven days a week coverage. Three lieutenants work 24-hour shifts on a rotating basis. One fire apparatus engineer works three 12-hour shifts plus one 24-hour shift per week. Fire apparatus engineers are assigned temporarily to other stations to provide coverage for fire apparatus engineers who are taking time off. The standard work week consists of approximately 60 hours, including overtime.

A volunteer firefighter program is used throughout CSA-F. The Sutter Fire Station has approximately eight active volunteers. The volunteers are a very important part of delivering fire and emergency services considering they supplement the limited number of career firefighters. Volunteers receive the same training as career firefighters. Essentially unpaid, volunteers come primarily from the local community, Yuba Community College and Butte Community College Fire Academies.
Extra-help (seasonal) firefighters are also part of the firefighting force. There are four seasonal firefighters normally assigned to CSA-F. Sutter Fire Station's seasonal firefighters are sometimes shared with other stations. For example, some of the volunteers in CSA-C (East Nicolaus) and CSA-D (Pleasant Grove) are not available at all times. A seasonal firefighter is shared with the East Nicolaus and Pleasant Grove fire departments during October. Availability of seasonal firefighters varies from year-to-year or season-to-season.

Mutual aid is important in providing fire and emergency services. Locally, the county fire services have automatic mutual aid agreements providing for responses from adjacent agencies when requested. The county is also part of the statewide master mutual aid agreement in which the county will provide resources anywhere in the state, if available.

A Reserve Firefighter Program is under development in the City of Live Oak. If successful, this pilot program could be expanded to the rest of the county, addressing staffing issues.

Emergency responses are being provided by limited personnel. New development and community growth has increased the number of calls for service. The quality of fire and emergency services is impacted. During on-site visits and interviews, fire personnel have indicated that there is a shortage of firefighters, and that recruitment and retention issues exist in CSA-F.

Funding for county fire departments is generated from general revenues such as property taxes and a special fire tax.

**Board of Supervisors' Response**

_The Board of Supervisors agrees overall with the findings. However, for clarification of the discussion of the shortage of firefighters and recruitment/retention issues, these issues relate to the volunteer firefighters and not the career firefighters. Also, in the community of Sutter there has been in recent years new housing, but this has not impacted the quality of fire services._

◆

**RECOMMENDATIONS**

1. The Grand Jury recommends an independent management audit be conducted to analyze the operation and staff requirements for each station within the county. Staffing should be authorized and funded based upon levels established in the audit. Results of this audit could also form the basis for the safety element of the General Plan update.
Board of Supervisors’ Response

The Board of Supervisors disagrees with this recommendation. The Board of Supervisors has the ultimate authority to determine the level of service and financial resources for the operation of the fire services. The Board cannot agree to fund whatever recommendations emerge from a study that has not yet been conducted. In addition, such a management audit could also be costly.

2. The Grand Jury recommends the county develop a volunteer firefighter recruitment program.

Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation.

3. The Grand Jury recommends the county support the Reserve Firefighter Program concept under development for the City of Live Oak. If successful, this program should be considered for county-wide use.

Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation.

RESPONDENTS

Sutter County Board of Supervisors
Larry Bagley, Director of Community Services
Captains Dan Yager and Dan Root, Interim Sutter County Fire Service Managers
HEALTH, MENTAL HEALTH, & SOCIAL SERVICES
COMMITTEE

SUTTER COUNTY CHILDREN & FAMILIES COMMISSION

INTRODUCTION

The 2006-2007 Sutter County Grand Jury Health, Mental Health, and Social Services Committee has studied the Sutter County Children & Families Commission (SCCFC) to determine whether it is effectively serving the children and families of Sutter County. Committee members have attended the commission’s monthly meetings, study sessions, and a number of program events; conducted interviews with individuals associated with the commission; followed up on last year’s 2005-2006 Grand Jury report and reviewed evaluations of the 2005-2006 programs performed by Duerr Evaluation Resources.

MISSION STATEMENT OF THE SUTTER COUNTY CHILDREN & FAMILIES COMMISSION

“The mission of the Sutter County Children & Families Commission is to provide a comprehensive system of information, programs, and services which support all Sutter County children and families and which ensure that each child is prepared to enter school healthy and ready to learn.”

SUMMARY

The SCCFC began with the passage of Proposition 10, the California Children & Families First 5 Initiative/Act of 1998, which taxed tobacco products in California in order to fund programs to serve families and all children, pre-natal through age five. Each California county was to begin its own First 5/Children & Families Commission and administer its own trust fund. The Sutter County share of annual tax royalties is about $1,200,000.

The SCCFC and its trust fund were established by the Sutter County Board of Supervisors in May 2001 (Ordinance 1307, Sections 2 and 3). Deborah Coulter was named Executive Director, and nine commissioners were appointed by the board to oversee the management and development of the agency and various programs it would eventually create and support. The following programs are presently supported and fully or partially funded by the commission:

- **BRIGHT FUTURES** provides free health and developmental screenings to all Sutter County children under the age of six. The screenings are a “fun” way to check a child’s health and developmental progress. Screening stations include: literacy
HEALTH, MENTAL HEALTH & SOCIAL SERVICES
Sutter County Children & Families Commission

(books are given to take home); speech; motor skills (catch a bean bag, hop, skip); cognitive (checklist of skills with emphasis on those necessary for kindergarten readiness); behavioral health; nutrition; dental; hearing; and vision. Bright Futures is generally held one Wednesday per month at Franklin Hall at the Yuba-Sutter Fairgrounds in Yuba City from 10:00 a.m.-1:00 p.m.

- **A CHILD DEVELOPMENT BEHAVIORAL SPECIALIST** is responsible for the development, implementation, maintenance, and coordination of programs and procedures involving child development and behavior for children from birth through age five. The specialist works with individual children and their families, and provides training classes to parents, teachers, and child caretakers.

- **FAMILY SOUP**, a bi-county agency, has an agreement with SCCFC to provide a broad range of services to families of special needs children from birth through age five, including: (1) case management; (2) parent liaison; such as family activities, forms and application assistance, and interpretation, when needed; (3) support groups for families of children with autism spectrum disorders or ADD/ADHD; (4) transportation assistance; (5) therapeutic horseback riding; (6) resource library; and (7) goals to improve the quality of life of children with special needs.

- **FREE IMMUNIZATIONS** are available to any child within Sutter County at the Sutter County Health Department. All childhood immunizations are included.

- **SCHOOL READINESS** focuses on planned programs and family literacy to transition a child from home to a school environment. Weekly and drop-in classes with "fun" themes promote reading, learning, physical activities, nutrition, and safety. Every child enrolled in the School Readiness Program receives a backpack filled with supplies to be used at home. It is currently offered at Bridge Street School, King Avenue School, and Park Avenue School in Yuba City. A pilot program began in March 2007 at Luther School in Live Oak and will continue in the fall.

- **SMART START**, a four-week intensive half-day summer program which prepares children who have had little or no preschool experience to enter kindergarten in the fall. An open house and three workshops provide parents with information about other SCCFC-funded programs, migrant education, special needs programs, and health insurance. Smart Start is currently in use in three of ten elementary school districts, including Brittan Elementary, Live Oak Unified, and Yuba City Unified. School sites include Luther Elementary in Live Oak, Brittan Elementary in Sutter, and eight of eleven elementary schools in Yuba City: April Lane, King Avenue, Park Avenue, West Walton, and Bridge Street, with the addition this year of Central Gaither, Barry, and Lincoln Schools.

- **SUTTER COUNTY SMILES** is a mobile dental van used in collaboration with Peach Tree Clinic, Yuba City Unified School District, and the SCCFC. Children are referred by physicians, teachers, or Bright Futures dental screenings. The van is

The Sutter County Board of Supervisors’
Response to the 2006-07 Grand Jury Report

Page 109 of 139
placed at various schools or migrant education sites. A licensed dentist and dental assistant provide full service dentistry.

- **TOOL BOX FOR TOTS** is a weekly television series presented on Comcast Cable Channel 19. The program presents timely topics for parents; i.e., infant nutrition and health, early childhood development, and problem solving. Previous shows are available at Comcast On Demand.

- **A MINI-GRANT PROGRAM** provides monetary grants to individuals and groups who have developed unique programs which will enhance the health and learning of children from birth through age five. These grants are $2,500 to $3,000.

**INTRODUCTORY DISCUSSION**

In her response to the recommendations of the 2005-2006 Sutter County Grand Jury, Ms. Coulter agreed with some of the findings and subsequently enacted a few minor positive changes. Some recommendations were described as “not warranted,” so the following issues remain of concern to the 2006-2007 Grand Jury:

- Outreach -- small number of children served
- Immense reserve fund - $5,400,000
- Composition of the board
- The “foundation” concept

**DISCUSSION**

**Outreach—small number of children served:** The mission of the SCCFC is to “provide a comprehensive system of information, programs, and services which support all Sutter County children and families and which ensure that each child is prepared to enter school healthy and ready to learn”. While a strong beginning has been made to fulfill this mission, the Grand Jury believes that it is time to identify and offer program services to children and families beyond initial target groups.

**FINDINGS**

For fiscal year 2005-2006, there were approximately 7,400 eligible children in Sutter County. Although 2,044 children were served, regrettably, the vast majority (73%) did not receive any services from the SCCFC. According to the commission’s budgetary numbers, Yuba City contains approximately 65% of the county’s population, but consumes 82% of the commission’s program monies.

School Readiness and Smart Start are budgeted in 2006-2007 for $570,000, representing 45% of the proposed program budget. Of the 23 public elementary schools and many public and private preschools in Sutter County, only seven have been
targeted. Program outreach to Sutter and Live Oak has been minimal. Few families have been served in the Meridian, Robbins, Nicolaus, Rio Oso, East Nicolaus, or Pleasant Grove communities. The primary reasons given by the commission when questioned is that these outlying areas are “not cost effective” or “if parents were truly interested, they would make an effort to participate.”

In order to reach a maximum number of children at the programs’ beginnings, these seven sites were selected because they had the lowest Academic Performance Scores (API) and a high number of low-income families. Continued reliance on these criteria is a concern to the Grand Jury. Proposition 10 says that program participation should not be determined by socio-economic or residency factors. Focusing on children on the basis of low API scores and low-income status in their schools potentially eliminates a population of children equally deserving of program benefits.

Similarly, it is a concern that the Sutter County Smiles program is almost exclusively accepting children who have or are eligible for Medi-Cal or do not have other dental insurance. In other words, children who have private insurance are not being served. For the partial year May 1 through October 31, 2006, 480 children received dental services.

It is understood that a clinician has been hired to screen and assure enrollment in Medi-Cal, or another type of payment, prior to service being provided. This eligibility screening conflicts with Families First 5 Initiative guidelines, which raises a concern about budget priorities. Would the $30,000 clinician salary be better spent by driving the mobile dental van to children in outlying areas?

In 2005-2006, the commission funded no new programs beyond allocating $50,000 for mini-grants. This year, 2007-2008, six requests for proposal were being considered ranging from $22,000 to $149,000, but none were accepted; however, 29 new mini-grants totaling $51,000 were awarded in May 2007.

**Board of Supervisors’ Response**

These findings are beyond the Board of Supervisors’ purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)

**RECOMMENDATIONS**

**BRIGHT FUTURES:** The committee commends this screening program and the attempts made to set up stations at various school sites. The Grand Jury recommends the SCCFC expand this program to include additional locations.
SCHOOL READINESS: The Grand Jury recommends the SCCFC increase outreach to parents to ensure they understand the benefits of this program and that their children may attend at any of the established sites, regardless of where they live in the county.

SMART START: Smart Start teachers receive specialized training, but kindergarten teachers also understand what children need to know in order to succeed when they start school. To facilitate outreach to those children who have little or no previous school experience, kindergarten teachers or intern teachers could be recruited to conduct “mini” Smart Start classes before school opens in the fall.

SUTTER COUNTY SMILES: The Grand Jury recommends all children through age five, regardless of insurance coverage (Medi-Cal, private, or none) be treated in this “kid friendly” dental van. The van should be scheduled to visit all areas of the county.

NEGLECTED CONSTITUENCIES: Presently, District 2 (Yuba City) has SCCFC services. The other districts have few or no direct services thereby ignoring many eligible children and parents. The Grand Jury highly recommends the Board of Supervisors take back responsibility for the SCCFC by making it a county agency which reports to the board. Each supervisor would be accountable to constituents (and their children) in his or her district in overseeing the delivery of program services.

The Grand Jury strongly recommends that the SCCFC avoid restrictive and selective eligibility and adhere to Proposition 10’s intent of making the programs and services “...universally and continuously available to children until the beginning of kindergarten.” The SCCFC must fulfill its Mission Statement and the spirit of Proposition 10 by seeking out and welcoming into its programs, all children from birth through age five and their families.

*Board of Supervisors’ Response*

*These findings are beyond the Board of Supervisors’ purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)*

DISCUSSION

*Immense reserve fund - $5,400,000:* Proposition 10 Tobacco Tax money is apportioned by the state to each county based on the number of births within that county in any given year. Sutter County’s birth rate is approximately 1,200 births per year, so the 2005-2006 allocation was $1,200,000. County children’s commissions may also apply for more money from the state via grants and augmentation funds.
FINDINGS

In the last two years, only 65% to 70% of the annual budget has been utilized. The reserve has grown to $5,400,000, twice as large as any of the county’s other 44 funds. Although attention to cost-saving measures (such as the use of volunteers) is commendable, the Grand Jury is concerned that available resources are not being used to benefit all our children and families. Of our five supervisorial districts, District 2 (Yuba City) has received the lion’s share of benefits.

Arguments supporting the size of this reserve do not stand up under scrutiny. Projected declines in tax revenue have not been supported by fact. The fund is not likely to “go away,” as a change to cut funding would require a 2/3 vote by the state legislature.

Board of Supervisors’ Response

These findings are beyond the Board of Supervisors’ purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)

RECOMMENDATION

The Grand Jury believes that a $5,400,000 reserve is extremely excessive. Money should be put to active use to benefit families and children.

Board of Supervisors’ Response

These findings are beyond the Board of Supervisors’ purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)

DISCUSSION

Composition of the board: On May 8, 2001 (Ordinance 1307, Sec. 2, 75-002), the Sutter County Board of Supervisors established the SCCFC. Eight city or county employees and the Judge of the Juvenile Court were selected as commissioners (Ordinance 1395, Sec. 1). These positions were essentially the county’s existing Family Intervention Team (FIT) which was designed to assist older children, teenagers, and their families. Currently, the nine commissioners are: Edmund Smith, Director of Sutter County Human Services; Christine Odom, Chief of Sutter County Probation; Dr. Olga Gonzalez, pediatrician of the Sutter County Health Department; Joan Hoss, Assistant Director of Human Services for Mental Health; Nancy Aaberg, Superintendent.
of Yuba City Unified School District; Brian Aronson, Judge of the Juvenile Court; Richard Doscher, Yuba City Police Chief; Lori Harrah, Assistant Director of Sutter County Human Services; and Jim Whiteaker, member of the Sutter County Board of Supervisors. The city and county positions of the SCCFC remain the same as they were when established six years ago, "...to serve at the pleasure of the Board of Supervisors," with no term limits.

The committee has noted that attendance was spotty among commissioners during the years 2005 and 2006. Two commissioners attended 84% of the time, the best attendance. The police chief was able to attend 57% of the time and the judge 42% of the time. Very few members of the public attended SCCFC meetings, and there was minimal discussion with representatives from other agencies or with the public. Meetings seemed rigidly structured and not welcoming to the public.

The Grand Jury believes it is time to change the makeup of the SCCFC board to better meet the intent of Proposition 10 which is to serve our county's children from birth through age five. Although it offered a logical and strong start for the fledgling SCCFC, the focus of FIT (substance abuse, family violence, juvenile delinquency, poor health, families experiencing serious difficulties involving law enforcement, the court system and probation) is very different from issues critical to children and families during the years from conception through kindergarten.

FINDINGS

This Grand Jury agrees with the 2005-2006 Grand Jury recommendation that the Board of Supervisors seriously reconsider the ordinances and change the SCCFC's composition.

The official response to the 2005-2006 Grand Jury Final Report by the Board of Supervisors was, "The above recommendations are directed toward the Sutter County Children & Family Commission, which is not a county agency. Therefore, no response by the Board of Supervisors is necessary." The Grand Jury believes that the Board of Supervisors, as the only body who can change these ordinances, must accept the responsibility for reviewing them when improvements are necessary to meet the intent of Proposition 10. The Board of Supervisors must be responsible for supervising the work of the commission to ensure the SCCFC continuing success and growth. Otherwise, the Grand Jury and the citizens of Sutter County are left with no recourse when the director simply decides that change is "not warranted."

Since four of the five supervisorial districts are clearly underserved, one would expect that those supervisors would be concerned that a portion of their constituencies are being neglected and ignored.
Board of Supervisors' Response

The Board of Supervisors does not agree, at this time, with the finding set forth in the first paragraph. The Board does agree that the SCCFC is a County agency and that the Board has a responsibility with respect to the structure and appointment of its governing body. The Board disagrees that it has any oversight responsibility or authority other than the appointment of the governing body.

RECOMMENDATIONS

The Grand Jury recommends that the Board of Supervisors establish the SCCFC as “an agency of the county...” and that the board carry out its duty of overseeing the expenditure of Proposition 10 tax dollars to benefit all Sutter County children.

The Grand Jury again strongly recommends that the Board of Supervisors restructure the SCCFC board with individuals whose expertise and interests lie within the realm of child development from birth through age five. Terms of service should be established and lack of regular attendance should constitute an automatic resignation. Members should be selected from a combination of county employees and non-county employees to be consistent with the intent of Proposition 10.

The Grand Jury believes that selecting new SCCFC members who are more attuned to the needs of families and children would revitalize the commission.

Board of Supervisors' Response

The Board has established, in accordance with §130140.1 of the State Health and Safety Code, the SCCFC is an agency of the County. Therefore, we agree with this finding.

The Board does not agree, at this time, with the remainder of these recommendations. We will, however, schedule the item for discussion at a future Board meeting to gain public input.

DISCUSSION

The “foundation” concept: Some of the SCCFC board members see the commission as a “foundation” that funds and supports programs which may not be of its own creation. Its role as a foundation, with a large tax-based endowment, is to allocate funding to individuals, private groups, local agencies, and city and county departments.
to develop, implement, and administer programs which meet Proposition 10/First 5 criteria.

FINDINGS

The concept of being a “foundation” causes the SCCFC to view its role more as a money manager than as a manager of projects and programs meeting the needs of all children of Sutter County. The SCCFC seems reluctant to break away from the status quo and initiate new programs or try new ideas.

The process the SCCFC uses to encourage petitioners to submit proposals and concept papers is confusing and unclear. The committee was unable to ascertain whether a written process for review and evaluation exists. There is no apparent protocol for grant review nor are there consistent timelines established, resulting in months of waiting by applicants. The selection process is generally restricted from open public scrutiny. Proposed projects that seem to have merit have been abandoned. For example, the CARES program, currently offered in Yuba County which funds training for childcare providers, has been abandoned in Sutter County by its creator, the Children’s Planning Council, a bi-county agency, because of numerous changes in the grant-writing format. Individuals and agencies have told the Grand Jury committee they will no longer participate in SCCFC funding because of problems in the process. The ultimate losers are our children.

The committee has learned that SCCFC is requesting proposals for School Readiness mini-grants. Preprinted forms and guidelines are available to help applicants through the process; however, the application is not available on-line, despite advertising to the contrary. Forms can only be obtained from the commission office.

Board of Supervisors’ Response

These findings are beyond the Board of Supervisors’ purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)

RECOMMENDATIONS

The Grand Jury recommends that the SCCFC focus on its role of program development and less on its role as keeper of the purse strings. It needs to return to its original use of a voluntary advisory panel consisting of a group of non-commission, parent-children advocates whose role is to develop a grant-writing and grant-issuing process which includes the public reading, debating, and selection of proposals to benefit the children of Sutter County.
The Grand Jury recommends that the SCCFC develop a generic grant application process and form.

**Board of Supervisors' Response**

*These findings are beyond the Board of Supervisors' purview. The Sutter County Children and Families Commission has responded to them. (See Attachment E.)*

**RESPONDENTS**

Sutter County Board of Supervisors  
Deborah Coulter, Executive Director, SCCFC
HEALTH, MENTAL HEALTH & SOCIAL SERVICES

SUTTER-YUBA MENTAL HEALTH SERVICES & PSYCHIATRIC EMERGENCY SERVICES

INTRODUCTION

Sutter-Yuba Mental Health Services was created in June 1969 as a bi-county agency which provides mental health and other services to residents of both Sutter and Yuba Counties. It is the only bi-county mental health department in California.

The 2006-2007 Sutter County Grand Jury Health, Mental Health, & Social Services Committee conducted an on-site visit to Sutter-Yuba Mental Health at 1965 Live Oak Blvd. in Yuba City on February 12, 2007. The purpose of this visit was to follow up on the 2005-2006 Grand Jury observations and recommendations. Joan Hoss, Director of Sutter-Yuba Mental Health Services and Tom Sherry, Assistant Director, engaged the committee in an in-depth discussion of the department’s programs and provided a comprehensive tour of the facility.

SUMMARY

Sutter-Yuba Mental Health Services provides psychiatric services to children and adults who are experiencing serious or ongoing mental health problems. All services are provided at the Live Oak Blvd. facility, except under special circumstances.

Psychiatric emergency services are available without cost to the client. Other services are fee based, depending on the client’s ability to pay. Most medical insurances as well as Medi-Cal and Medicare are accepted. Services are available for clients who are unable to pay through funds provided by the State of California.

Psychiatric emergency services are available 24 hours per day, seven days per week.

DISCUSSION/FINDINGS

During the committee’s on-site visit to the mental health facility, follow-up items from the 2005-2006 Grand Jury report were noted:

Signage previously reported as obscured appears to have been corrected through regular maintenance of nearby landscaping. Departmental directional signs in front of the building have been repositioned to make it less confusing to clients and visitors. A large American Disabilities Act sign has been placed in front of the Psychiatric Emergency
Services Clinic to indicate the correct entrance. In addition, a ramp for wheelchair accessibility to the clinic entrance has been added.

Smoking near the outside entrance and exit doors appears to be an ongoing concern.

The parking lot remains unpaved.

Parking Lot – Sutter-Yuba Mental Health

As a result of extensive remodeling, the reception area in the Psychiatric Emergency Services area has been reconfigured to provide complete privacy to clients during the intake process.

Continued construction is in progress in the Psychiatric Health Facility/Inpatient Unit. Two additional bedrooms, an accessible shower, and handicapped accessible toilet areas are being completed.

Installation of a sprinkler system for fire control was addressed in last year’s report. Sutter County building code does not require such a system. A change in the remodeling
project to eliminate installation of a sprinkler system was submitted to Public Works by the Department of Health & Human Services and was subsequently accepted by the Board of Supervisors.

Information is being gathered with regard to purchasing a new computer system. The language platform of the computer is outdated and has become a problem when needing to be updated to accommodate required changes in government regulations. A work group has been organized to continue “shopping” for a new system that meets the needs of this county.

This department has been given permission to use $750,000 to expand affordable housing for the mentally ill. The monies are granted through the Mental Health Services Act. Completion of a memorandum of understanding is in progress with the Sutter County Housing Authority. The Board of Supervisors in both Sutter and Yuba Counties has approved this memorandum of understanding. Expanded housing is needed in both counties. Units must be purchased by the end of this year. Approximately 12-15 units could be purchased with $750,000. A consultant has been hired who is knowledgeable about housing for the mentally ill. An application for a continuum of care plan has been submitted to the Department of Housing and Urban Development (HUD). Grants are pending.

In addition to information received on the above follow-up items, the following information was obtained during the 2.5 hour on-site visit of February 12, 2007:

- The Board of Supervisors sets the policy for the Sutter-Yuba Mental Health Department, because it is part of Sutter County government; however, the department does not receive money from either Sutter or Yuba County’s General Fund. It is funded by both state and federal monies.

- Insurances, Medi-Cal, and Medicare are billed by the department for mental health services. Billing is audited by the State of California, and such auditing is frequently five years in arrears, the maximum time allowed by the state. Fiscal Year 2001-2002 was being audited at the time of the committee’s visit. Medi-Cal often does not pay in a timely manner forcing the department to keep a reserve for operating capital.

- Insurances are not billed for client substance abuse treatment. Reimbursement for this treatment is provided through state grants. Applications for various federal grants have been made, but to date, no federal grants have been received.

- Psychiatric support for clients under age 18 is provided by the Children’s System of Care. A staff of 50 provides outpatient services. Family Intervention and Community Services (FICS) are wrap-around services where staff goes into homes or provides school-based services to those individuals with less serious
needs. Internally, there is another staff of 50 who provide long-term care services. The director stated the bi-county area does not have a sufficient number of clients under age 18 to warrant an inpatient psychiatric facility. However, in the event of serious and varied immediate crises, the department uses specialty inpatient programs available in Sacramento, Vallejo, the Bay Area, and other Northern California locations. The director also stated that while this may be inconvenient for families, these specialty programs provide the most successful outcomes.

- Currently, the Sutter-Yuba Mental Health facility includes a 16-bed unit licensed by the State Department of Mental Health as a Public Health Facility (PHF) for inpatient care of clients over the age of 18. Upon discharge from the inpatient facility, the client receives follow-up outpatient care. Two new private psychiatric health facilities serving the northern state region have opened in Yuba City. Clients requiring both psychiatric and medical care are sent to Sacramento, Woodland, or other facilities, if available.

- Ms. Hoss spoke of department outreach to ethnic groups. She feels everyone for whom English is not the primary language is underserved. Within the Hmong culture, there is a reluctance to seek mental health services. The primary difficulty in serving Hispanics is a language barrier. The department has hired a Hmong therapist and two Spanish-speaking therapists. Additionally, there is a Punjabi-speaking therapist on staff currently being trained to focus primarily on substance abuse programs for children.

- The Mental Health Department has a unique outreach program and agreement with Del Norte Clinics to outstation some of the department's staff. Mental health intervention is provided to clients identified by the clinic staff. Services are rendered according to cultural and individual needs of the client in familiar surroundings. There are three clinics involved in this agreement: Richland Clinic on Garden Highway in Yuba City, Lindhurst Family Health Center in Olivehurst, and Del Norte Clinic on Market Street in Yuba City.

- Artwork depicting several ethnic groups and pictures of old Marysville and Yuba City have been placed throughout the mental health facility in an attempt to help clients feel comfortable and welcome.

- The Federal Government requires the Mental Health Department to generate Project Improvement Plans (PIP). The Sutter-Yuba Mental Health Department PIP's programs have become models for other counties throughout the state, according to Ms. Hoss, because its "Evidence-Based Practice" programs are very successful.
Board of Supervisors' Comments

Unfortunately, the PIPs are not models for the state. However, the Mental Health Department has implemented and incorporated into treatment programs more evidence-based practices than most, if not all, other California counties.

- Following completion of a PIP's program, clients and families are requested to complete a “Consumer Satisfaction Survey,” which covers the range of services and quality of assistance received. Each consumer category is covered: Youth Under Age 18, Families of Youth, and Adults. The “Mental Health Services Evaluation” tabulations of May 2006 indicated the averaged responses for each category were excellent: 80-90% positive!

Board of Supervisors' Comments

Per State requirements consumers complete consumer satisfaction surveys during two testing periods each year. This is unrelated to our PIPs. The satisfaction levels have been quite high, as reflected in the Grand Jury's findings.

RECOMMENDATIONS

1. The Grand Jury recommends a definitive smoking area at least 25 feet from entrances and doors to the facility. This would facilitate better enforcement of the county smoking ordinance.

Board of Supervisors' Response

The Board of Supervisors agrees with the recommendation. The Mental Health Division will work with the Public Works Department in the implementation of this recommendation. This recommendation should be implemented by June 30, 2008.

2. The parking lot remains unpaved. It has not been determined whether or not a new Department of Human Services building will be built. Should this building be erected, it would destroy any paving that would be done at this time. In the interim, the Grand Jury recommends the parking lot be graded and additional gravel be applied to fill in existing holes. This would alleviate standing water and provide safe, clean access to the buildings for both clients and employees.

The Sutter County Board of Supervisors’ Response to the 2006-07 Grand Jury Report

Page 122 of 139
Board of Supervisors' Response

The Board of Supervisors agrees with the concept of this recommendation. The Mental Health Division will work with the Public Works Department to study its fiscal feasibility. We anticipate making a decision on whether to proceed in the next fiscal year.

♦

RESPONDENT

Joan Hoss, Director of Sutter-Yuba Mental Health Services
PLANNING AND ENVIRONMENT COMMITTEE

LEVEE REPAIR/UPGRADE/MAINTENANCE

INTRODUCTION

Due to its potentially devastating impact on the citizens of Sutter County, no single issue is of more importance than flood control. The 2006-2007 Sutter County Grand Jury examined the current issues surrounding flood control and Sutter County's ability and readiness to address them. As part of our inquiry, the Grand Jury met with Dan Silva, Chairman of the Board of Supervisors, Larry Combs, County Administrative Officer, Diane Fales, Secretary/Manager of Reclamation District 1001, and Clay Castleberry, Interim Director of Public Works.

DISCUSSION

There are approximately 282 miles of levees in Sutter County. Major levees include the Feather River, Sacramento River, Sutter Bypass, and Bear River levees. The levees are the last line of defense protecting the lives and property of most residents of Sutter County. The upgrading, repair, and maintenance of these levees is governed by a confusing and overlapping variety of reclamation districts, levee districts, drainage and irrigation districts, maintenance areas, the State Department of Water Resources, FEMA, and the Army Corps of Engineers. Other involved parties include the State Department of Fish and Game, U.S. Department of Fish and Wildlife, city councils, boards of supervisors, the Governor, the State Legislature, and Congress. Issues surrounding flood control are complex and fluid. Decisions regarding these issues do not reside exclusively within Sutter County. Further complicating the problem are the ever-evolving standards imposed by the state and federal governments.

Recognizing the regional nature of flood control, Sutter County is a founding member of SAFCA (Sacramento Area Flood Control Agency.) SAFCA was formed in 1989 to address the area's vulnerability to catastrophic flooding. Created through a Joint Exercise of Powers Agreement, (with the City of Sacramento, County of Sacramento, American River Flood Control District, and Reclamation District 1000) SAFCA's mission is "to provide the region with at least a 100-year level of flood protection as quickly as possible while seeking a 200-year level of protection over time." The California State Legislature passed the "Sacramento Area Flood Control Agency Act" in 1990 giving SAFCA broad authority to finance flood control projects. Assessment districts have been established by SAFCA to fund its projects. Although Sutter County is a member of SAFCA, only the southern most part of the county falls under SAFCA's jurisdiction. Further, the only project currently identified by SAFCA in Sutter County will have little positive impact on its current residents in the event of flooding.
The economics and geography involved in flood protection are even more problematic for residents of the southern portion of Sutter County. Current funding options require a “property value to cost of repair ratio” that cannot presently be met. Simply stated, the value in the property does not justify the cost of protecting it. Injury is then added to insult due to the fact the levee repairs planned for the northern part of the county will likely make any flooding in the south county significantly worse.

There is no question that extensive and costly repairs are needed on Sutter County levees. In 2007, core tests and aerial examinations of the area’s levees were conducted to determine their condition and, concurrently, the Army Corps of Engineers is in the process of re-mapping the area to establish our current level of flood protection. If, as expected, the new maps establish that areas of Sutter County are in a flood plain, two immediate and negative consequences for county residents will ensue. First, flood insurance will become mandatory, and substantially more expensive, for nearly all property owners who have mortgages. Secondly, building codes forbid construction in a flood plain. Consequently, any structures built would need to be elevated above the level of predicted flooding.

Given this set of circumstances, the focus of the issue of flood control is funding. For several years Grand Jury reports and Sutter County citizens have expressed great concern over the condition of Sutter County’s aging levees and urged the Board of Supervisors and county administration to take the necessary steps to set aside funds for levee repair, maintenance and upgrades. Regrettably, this has not happened.

In the November 2006 General Election, voters approved Proposition 1E, a four billion dollar bond issue to provide funding for flood protection and levee upgrades statewide. Sutter County will be required to come up with millions of dollars in matching funds which the county does not currently have. It is anticipated that projects requiring Proposition 1E funding will need to be identified and the required matching funds will need to be in reserve prior to the awarding of any such funds. In February 2007, the Sutter County Board of Supervisors, Yuba City, and Live Oak voted to create a 15-member Sutter County Local Share Funding Citizens’ Advisory Committee. The committee held its first meeting in May. The mission of this committee is to develop ways to raise the county’s matching funds.

Property owners in SAFCA’s jurisdiction approved, by over 81%, an increased assessment on their property taxes to cover their share of the matching funds required by Proposition 1E. While this impacts relatively few Sutter County residents, SAFCA’s efforts were successful and may serve as a model for the Citizens’ Advisory Committee as they develop their recommendations.

Sutter County has retained lobbyists in both Washington, D.C. and Sacramento to advocate on our behalf regarding funding for needed flood control projects. Although they couldn’t identify any concrete results, Supervisor Silva and Larry Combs believe these efforts are both necessary and productive.
SUMMARY

This Grand Jury is aware of the enormity of the challenge facing Sutter County in addressing and achieving flood protection. The regional nature of the issue requires coordination with other entities and jurisdictions regarding planning, funding and compliance. The Grand Jury is generally impressed with the knowledge and understanding of the issues displayed by county officials but less impressed with the county's action or, more specifically, lack of action in addressing what they acknowledge as the most important challenge facing the county. While the Grand Jury is pleased to note the recent creation of the Regional Citizens Advisory Committee, it is unfortunate that it has taken this long for it to be established.

RECOMMENDATIONS

1. In determining the best and most equitable way to raise the monies needed to qualify for Proposition 1E funds, the Citizens Advisory Committee has a unique opportunity to serve the community. Therefore, the Grand Jury recommends the committee listen carefully to any and all concerns and/or suggestions voiced by Sutter County residents. Further, the Grand Jury urges the county to endow the Regional Citizens Advisory Committee with the power and autonomy necessary to present a plan of action that has credibility with the citizens of Sutter County.

Board of Supervisors' Response

The Citizens’ Advisory Committee, after receiving considerable public input, has presented its report and recommendations to the Board of Supervisors and the City Councils of Live Oak and Yuba City.

2. The Grand Jury has no micro recommendations regarding flood protection and levee repair issues. However, its macro recommendation is that Sutter County continue to inform its citizenry as to the enormity of the challenge, mobilize the community behind a plan once it has been agreed upon, and better educate its residents as to the potential consequences of continued inaction. Action is vital and while no one can predict how much time remains to solve these problems, the time to begin has passed.

Board of Supervisors’ Response

The Board of Supervisors generally concurs with this recommendation, and notes that it has retained a consultant to prepare and present a public information plan.

The Sutter County Board of Supervisors’ Response to the 2006-07 Grand Jury Report
RESPONDENTS

Sutter County Board of Supervisors
Regional Citizens Advisory Committee
PLANNING AND ENVIRONMENT COMMITTEE

COMMUNITY SERVICES DEPARTMENT (PLANNING DIVISION)

INTRODUCTION

Members of the Planning and Environment Committee of the 2006-2007 Sutter County Grand Jury met with representatives of the Sutter County Community Services Department on February 1, 2007. The purpose of the meeting was to review the planning process as it relates to the county General Plan. Present were Larry Combs, Sutter County Chief Administrative Officer, who facilitated the meeting, Community Services Director, Larry Bagley, Danelle Stylos, Planning Division Chief, and Lisa Wilson, Senior Planner.

SUMMARY

Mr. Combs gave an overview of the General Plan. He stated that a general plan is a land use document written by county planning staff and approved by the Board of Supervisors. General plans are designed to have an approximate 20-year life span with changes and updates made as needed during that time. Sutter County’s current General Plan was adopted in 1996 and has had many changes since its adoption, but no formal update.

Sutter County’s General Plan has defined boundaries within the county called spheres of influence. Spheres of influence are the logical future boundaries of the cities within the county. Currently, Yuba City’s sphere of influence boundaries are Pease Road on the north, Township Road to the west, Bogue Road to the south and the Feather River on the east. The city of Yuba City wants to expand its sphere of influence to south of Bogue Road. Live Oak and Yuba City are the only incorporated cities within Sutter County.

Two issues of importance to the citizens of Sutter County illustrate the importance of the General Plan update: Measure M and Ranchette Zoning.

DISCUSSION

While no mention is made in the current General Plan regarding growth and development in south Sutter County, voters approved Measure M (advisory vote only) in November 2004. This development (subsequently named “Sutter Pointe”) encompasses some 7,500 acres of agricultural land and is located in the north portion of the Natomas Basin. At build-out, Sutter Pointe will have approximately 39,000 residents on 2,900 acres, and 4,600 acres dedicated to industrial/commercial development. Extensive work to strengthen surrounding levees has been done and more is needed to meet the 100-year flood protection level. In a November 2006 letter to county government
officials, Lester Snow, California Director of Water Resources, recommended limiting construction in flood prone areas until levees are improved.

The rezoning of agriculture land (20-acre minimum) into smaller parcels for residential use, ranchette (RAN) zoning, has become a contentious issue. As explained to this committee, the original intent was to permit family farming entities to split off smaller portions of their land to accommodate family members, who wished to remain on the land, to build their own homes. This deviation from the original intent of this part of land use zoning has allowed residential development on agricultural land. Ranchette zoning has created three- to ten-acre residential parcels which often times generate disagreements between the ranchette owner and the neighboring farmer. Noise, environmental pollution, health concerns, and unpleasant odors are typical complaints this zoning has generated.

By law, a General Plan may be amended a maximum of four times per year. Since 1998, there have been many zoning changes to Sutter County’s General Plan. Of those changes, 33 were to change AG zoning to RAN zoning, with 15 of these RAN zoning changes occurring since May 2006. One of the requirements of California’s Environmental Quality Act (CEQA) is that whenever several rezoning requests are lumped together into one general plan amendment, the cumulative effect of that rezoning must be evaluated prior to action by the Board of Supervisors. The committee has not been able to document that this “cumulative effect” review required by CEQA has occurred when approving ranchette zoning. The interim Planning Division Chief, Ms. Wilson, stated they do review for CEQA on each parcel for rezoning.

The county Planning Division is in the process of developing an update to the General Plan. A request for proposal has been issued to planning consultant firms for work on the General Plan update. Selection of the successful consulting firm is expected by mid-year. Ms. Stylos stated that Sutter County budgeted $1,200,000 in 2006-2007 to begin the work, including $600,000 for consultant fees. Completion of the update is expected to take between two and three years.

Subsequent to the Planning and Environment Committee’s visit with the Planning Division staff, we have learned that Danielle Stylos is no longer employed by Sutter County. How this new vacancy will impact the ability of the Planning Division to accomplish its duties, especially in the light of beginning a General Plan update, is not known at this writing.

RECOMMENDATIONS

1. The Grand Jury recommends that development in that portion of south Sutter County commonly referred to as Sutter Pointe, especially with respect to the ability of the county to provide public safety services, be carefully and thoroughly addressed in the General Plan update. The Grand Jury also recommends that the
Sutter County Planning Division ensure infrastructure development parallels the issuance of building permits.

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this recommendation. The public safety services will, for clarification, be carefully and thoroughly addressed in the Sutter Point Specific Plan and Environmental Impact Report.*

♦

2. Recognizing the pressures on county officials for minimally controlled growth and development, both from inside and outside the county, the Grand Jury recommends the General Plan update include language and mechanisms for interested Sutter County citizens to participate in determining how best to address these issues over the duration of the General Plan.

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this recommendation. Sutter County follows State law regarding public participation and will involve the public in a proactive manner during the Comprehensive General Plan Update.*

♦

3. The Grand Jury recommends that during the course of updating the General Plan, particular attention be given to current “ranchette” zoning, which is not working as intended.

**Board of Supervisors’ Response**

*The Board of Supervisors agrees with this recommendation that Ranchette Zoning be given particular attention during the Comprehensive General Plan Update.*

♦

4. The Grand Jury recommends the county counsel determine whether the analysis of the cumulative effect of rezoning is in compliance with CEQA.
Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation. The Planning Division staff appropriately followed CEQA law. As a matter of policy, County Counsel reviews all items placed on agendas, further ensuring compliance with CEQA.

♦

5. The Grand Jury recommends those involved in the General Plan update make a special effort to consider the impact of development in surrounding counties on Sutter County. Doing so will provide Sutter County with the opportunity to be proactive rather than re-active in decisions regarding our county.

Board of Supervisors’ Response

The Board of Supervisors agrees with this recommendation and would add that Sutter County currently proactively reviews development proposals in adjacent jurisdictions for impacts on Sutter County and challenges any impact that would adversely affect the County.

♦

RESPONDENTS

Board of Supervisors
Ronald Erickson, County Counsel
Sutter County Community Services Department (Planning Division)
PLANNING AND ENVIRONMENT COMMITTEE
Sutter County Public Works Dept. - Traffic

PLANNING AND ENVIRONMENT COMMITTEE

SUTTER COUNTY PUBLIC WORKS DEPARTMENT – TRAFFIC

INTRODUCTION

Traffic congestion and resulting problems are of major concern to many citizens of Sutter County. New development (mostly residential), changing commute patterns, as well as changes in the types of vehicles using county roads and overburdened state highways all contribute to increased traffic volumes. Since Sutter County Public Works is the department responsible for our county roads, the 2006-2007 Sutter County Grand Jury observed its response to citizen complaints in south Sutter County to evaluate its ability to manage traffic concerns.

SUMMARY

Commuters and commercial vehicles are increasingly using rural Sutter County roads in the Pleasant Grove area to bypass the congestion and traffic problems on nearby highways. The California Highway Patrol (CHP) began dedicating more officers to the area in the fall of 2006 in response to citizen complaints. In January 2007, the CHP facilitated a meeting held at Pleasant Grove Elementary School to discuss further citizen concerns. In addition to CHP Captain Scott Silsbee and several other CHP officers, Sheriff Jim Denney and four of his deputies, Clay Castleberry, Interim Director of Public Works, Supervisor Dan Silva, and three members of the Sutter County Grand Jury were also in attendance. Caltrans was not represented. Since that meeting, Sutter County Public Works has responded by adding traffic controls such as stop signs, speed “bumps,” radar speed indicators, and increased signage on Pleasant Grove Road and at Pleasant Grove Elementary School.

DISCUSSION

Over the past 5-10 years, development in Placer and Yuba Counties, and the Yuba City area has resulted in increased traffic on state highways 65, 70, and 99 by commuters to the Sacramento area and by commercial vehicles supporting the development projects. As this traffic volume has grown, backups along these highways have correspondingly increased. Drivers seeking alternate routes are more frequently using rural county-maintained roads to avoid tie-ups, particularly at commute times. Major problem areas include Highway 70 at East Nicolaus; Highway 99/70 at Riego Road, and, although not in Sutter County, Highway 65 in the City of Lincoln in Placer County. Traffic from Placer County is also using east-west roads such as Riego, Catlett, and Marcum Roads to link the Roseville and Lincoln areas with Highway 99/70 as a route to downtown Sacramento, Natomas, and the Sacramento International Airport.
Citizens living in the unincorporated area of Pleasant Grove complained to the CHP in the fall of 2006 about high volume, high-speed “commuter” traffic using these roads. Complaints also targeted heavy truck traffic, especially “rock” trucks using local roads, and vehicles speeding past Pleasant Grove School.

Captain Silsbee began the meeting with a review of the collision history on local roads showing that while accidents have actually been reduced overall since 2004, injury accidents on Pleasant Grove Road are up 166% and total accidents on Pleasant Grove Road are up 81%. Citations are up 53%. Captain Silsbee also noted that 65% of citations are given to local drivers and 35% to drivers from outside the Pleasant Grove area. The CHP force assigned to Sutter County in January was 35 officers, including office staff and the recent addition of eight CHP officers, thanks in part to support from Sheriff Denney and other county personnel.

Supervisor Silva spoke pessimistically about the probability of lasting relief. He described pending projects by Caltrans to resolve traffic congestion as being at least five years away. He declared that expected approval of the Placer Vineyards development in Placer County would exacerbate the problem. Mr. Silva summed up by commenting that the situation is likely to get worse before it gets better. He offered no suggestions, possible solutions, or recommendations.

**Board of Supervisors’ Comment**

*The Board of Supervisors notes that it has initiated litigation against Placer County and its Placer Vineyard development. The traffic impact of that development is a major component of the litigation. Supervisor Silva was not at liberty to discuss potential litigation when the meeting with the Grand Jury was held.*

During the public comment period of the meeting, attendees mentioned the traffic light on Highway 99/70 at Riego Road where maneuvering a commercial truck for a left turn during the morning commute is difficult; the 4-way stop sign delays on Highway 70 at East Nicolaus; and the Highway 65 tie-up as it passes through downtown Lincoln. Several people commented on the problem of truck traffic moving through the area between Highway 70 and Placer County. Attendees commented that trucks and commuter traffic not only exceed the speed limit, but fail to slow down when locals try to either enter or leave their driveways, creating an unsafe and dangerous situation. It is especially hazardous during “commute” hours. One person made an impassioned plea for reduced speed limits in front of Pleasant Grove Elementary School on Howsley Road. Several people asked that stop signs be placed at various intersections on Pleasant Grove Road, including Catlett, Striplin, and Marcum Roads.

Clay Castleberry, Interim Director of Public Works, was asked to comment. Mr. Castleberry began by saying that he was there to listen rather than speak. He then stated that options for implementing lower speed limits were limited, because the safe
speed limit as defined in state law was the 85th percentile of average speed measured in a study. He indicated that under the conditions, he doubted that a study would show a speed lower than the current 55 MPH speed limit. He also said that adding stop signs would require a “study” but made no commitment to any action.

Sheriff Denney reflected that the Pleasant Grove area was his first assignment when he joined the department 31 years ago and that, while traffic enforcement is the responsibility of the CHP, Sutter County takes it very seriously. He noted that his department’s responsiveness would improve in April when 911 calls from cell phones would be directed to his dispatch. At that time, new GPS technology would be able to pinpoint the caller’s location to within 30 feet.

As a result of the January meeting, Public Works installed a four-way stop at the intersection of Pleasant Grove Road and Catlett Road.
“Farm Equipment” signs were added in Pleasant Grove and Rio Oso.
In April, solar-powered radar speed indicators were installed at Pleasant Grove School (and four other rural county schools).

Double yellow lines will be added soon on Pleasant Grove Road near Striplin Road to curtail passing on that busy portion of the road. A follow-up meeting was held in late March to assess the results of the changes and inform the public of additional changes planned.

FINDINGS

The Sutter County Public Works Department has taken a measured approach to address some of the identified traffic problems; i.e., adding one four-way stop sign, four solar-powered speed indicators, and additional signage. The 2006-2007 Grand Jury thinks these actions are a step in the right direction, but considerably more needs to be done—sooner rather than later. Actions taken by Captain Silsbee, Mr. Castleberry, and the Public Works Department have been well received by local citizens.

Projects that will hopefully relieve the congestion on State Highways 65, 70, and 99 are several years from reality.

In the foreseeable future, development in surrounding areas, especially Placer County, will continue to make traffic congestion worse. Injury accidents on Pleasant Grove Road between Riego Road and Forty-Mile Road were up 161% in 2006 over 2004. According to Mr. Castleberry, there are more accidents on Pleasant Grove Road than on any other county road in Sutter County.

Board of Supervisors' Comments

The Grand Jury suggests a regional approach to traffic problems with other partner cities and counties, and CALTRANS. Sutter County is doing that with membership in the Sacramento Area Council of Governments (SACOG). Sutter County is also trying to partner with Placer County and Roseville in the construction of Riego Road Interchange. CALTRANS has funded about half of the interchange, and Sutter County has been trying to partner with Placer County and others for a fair share of the remaining costs.
Traffic conditions in the Pleasant Grove area are an ongoing concern for local residents. People seem to be generally satisfied with the additional coverage provided by the CHP.

Accidents on Sutter County roads are tracked on maps in both the Public Works Department and at the CHP office in Yuba City.

RECOMMENDATIONS

1. The Grand Jury recommends Sutter County Public Works Department regularly review accident rates on county roads and take action proactively to maintain the safety of Sutter County citizens on its roads rather than waiting for rising citizen complaints to motivate a response.

Board of Supervisors’ Response

The Board of Supervisors agrees with the recommendation. The Public Works Department regularly reviews accident rates on County roads and takes proactive action to maintain safety. Public Works maintains an accident map and it was used to justify actions taken in the Pleasant Grove Area, where we believe the accident rate will be lower than otherwise, considering the great increase of traffic in the area.
2. The Grand Jury recommends the Sutter County Board of Supervisors work with Caltrans and other agencies in surrounding counties to expedite projects on Highways 99, 70 and 65, and other projects that will relieve congestion on the highway system, which causes drivers to seek alternate routes over inadequate county roads. It is time the Board of Supervisors partner with surrounding counties and Caltrans to develop a regional traffic circulation philosophy that enables the construction of a seamless transportation system.

Board of Supervisors’ Response

The Board of Supervisors agrees with the recommendation. Due to our efforts, more funding has been approved this year as part of the Statewide Bond Issue for these highways than has ever been approved before. Funds were approved, in part, for the Tudor Bypass; full funding for a parallel bridge on Highway 99 at the Feather River; partial funding for an interchange at Riego Road; and partial funding for the Highway 70, East Nicholas Bypass, which will be used to complete four lanes between Marysville and Sacramento. Most of this work will be in Sutter County. Of the State Bond Funds for Highway 99, Sutter County has been proposed for a greater share of these funds than any county in the SACOG region, due to the efforts of Sutter County representatives and staff. It has, indeed, been a good year for funding these needed projects.

♦

RESPONDENTS

Sutter County Board of Supervisors
Clay Castleberry, Interim Director of Public Works
ATTACHMENTS

Attachment A: Auditor-Controller's Response

Attachment B: Sutter County Taxpayers' Association letter dated March 23, 2006

Attachment C: Clerk-Recorder's Response

Attachment D: Sheriff-Coroner's Response

Attachment E: Sutter County Children & Families Commission's Response
The Honorable Christopher R. Chandler  
Presiding Judge of the Superior Court of California  
County of Sutter  
446 Second Street  
Yuba City, California 95993

Dear Judge Chandler:

Submitted herewith is the Auditor-Controller’s Office response to the 2006-2007 Grand Jury Final Report. Penal Code § 933(c) and § 933.05 require my office to respond to the findings and recommendations of the Grand Jury. This response is submitted directly to you pursuant to Penal Code § 933.05(f).

I commend the individual members of the Grand Jury for their public service.

I share the Grand Jury’s concerns in making Sutter County government work better. I am looking forward to working constructively and positively with the Board of Supervisors and the County Administrator’s Office to implement improvements with the objective of increasing the County’s efficiency and effectiveness.

By law I am also required to send a copy of this report to the Sutter County Board of Supervisors, after which they will have another 30 days to write their response. I am complying with that requirement. I trust that my response will likewise be distributed to all recipients of the Grand Jury’s report and all recipients of the Board of Supervisor’s response.

Sincerely,

Robert E. Stark, CPA  
Auditor-Controller

Co: Sutter County Board of Supervisors

One (in order presented)

“The Grand Jury recommends the county administrative officer and the auditor-controller direct their staffs to jointly develop a plan to implement the Management Letter recommendations. The County administrative officer and the auditor-controller should be required to explain any inability to implement these recommendations to the Board of Supervisors and the citizens of Sutter County.”

The Auditor-Controller responds—We agree and as of August 27, 2007 we are in the process of implementing all the recommendations which the Auditor-Controller has authority to implement and we are working with County administrative staff on implementing the rest.

Two

“The Grand Jury recommends the auditor-controller and the County administrative officer cooperate in getting the data to the independent auditor on time so that the audit report can be completed in a timely manner.”

The Auditor-Controller responds—We agree and have provided the outside auditor with the data requested in a timely manner and continue to work with the County administrative officer to provide information when their involvement is required or beneficial.

Three

“The Grand Jury recommends the auditor-controller focus on completing updated and accurate policies and written accounting procedures for the use of all departments within the county, as recommended by the Harvey M. Rose report, and that the auditor-controller’s office provides periodic updates to the Board of Supervisors as to the status of completion of the recommendations.”

The Auditor-Controller responds—We agree. The procedure manual is coming along as time allows. Significant progress has been made on the payroll section due to the availability of a contract payroll professional accountant and analyst.

Four

“The Grand Jury recommends the Board of Supervisors investigate opportunities to generate higher effective returns on the General Fund’s Unreserved Balance.”

The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.
Five

"The Grand Jury recommends the County administrative officer work cooperatively with the auditor-controller to develop a County budget that more accurately projects actual expenditures."

The Auditor-Controller responds—We agree. The Auditor-Controller’s Office works cooperatively with the County administrative officer to provide timely and relevant management information and financial information in accordance with generally accepted accounting principles. Additionally we prepare the A-87 Cost Plan in accordance with Federal requirements which can be used as a resource for budget preparation of many service departments. The County administrative officer prepares the budget recommendations to the Board of Supervisors.

Auditor-Controller’s response to Recommendations on Grand Jury Report, page 18

One

"The Grand Jury recommends that the board contract with an independent personnel consultant to do a competitive pay and benefits analysis prior to considering the next pay increase. This should be used for all positions, but especially for management and elected positions, since there seems to be no process of check and balance. Under current procedures, management produces studies, the board approves, and everyone gets a raise."

The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.

Two

"The Grand Jury recommends that in future salary increase deliberations, the Board of Supervisors proceed in accordance with Section 15.1 of the Sutter County Rules Governing Employee Compensation, Benefits, and Working Conditions. “The Auditor shall advise the Board regarding policy matters concerning the contracts or amendments to it.” This must occur before “it’s a done deal,” and with sufficient time and information to allow the auditor to reasonably prepare."

The Auditor-Controller responds—We agree. The Auditor-Controller’s Office stands ready to provide this advice when requested. Since the Auditor-Controller’s Office has not historically been a party to the deliberations we have not voluntarily provided the advice since we had no knowledge of the proposals when they were being deliberated.

Three

"The Grand Jury recommends that the Board of Supervisors engage and involve the public, to the fullest practical extent, in future discussions involving pay and benefit changes. This could include, for example, a citizens’ advisory panel."
The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office.

Four

“The Grand Jury recommends that the Board of Supervisors direct the county administrative officer or the auditor-controller to prepare a three- to five-year projection of county financials at least annually and that these projections be updated to reflect pension, pay, or other major costs for review during the decision process.”

The Auditor-Controller responds—We agree with the recommendation but this is outside the responsibility of the Auditor-Controller’s Office. We will, of course, follow the Board’s direction if directed to prepare a projection.
March 23, 2006

Mr. McGregor W. Scott  
United States Attorney  
501 I Street, Suite 10-100  
Sacramento, Ca 95814

Dear Mr. Scott:

We need to make you aware of abuse of authority involving conflicts of interest and the violation of civil rights of the citizens of Sutter County by the judicial system. These abuses of power include the shutting down of opposition, attempts to silence citizenry, and a threat to eliminate the independence of elected officials.

We need your help to protect the civil rights of citizens in Sutter County, California, from judges and elected officials who are conspiring to force our elected Auditor-Controller Robert Stark to resign or be removed from office through the use of a manipulated grand jury. There are obvious conflicts of interest in the officials’ positions and actions that are detailed below.

**Abuse of Power and Conflicts of Interest**

The legal advisor to the 2005-2006 Sutter County Grand Jury is Judge H. Ted Hansen. Judge Hansen is also the judge presiding over the criminal case against Sutter County elected Auditor-Controller Robert Stark.

On Thursday, February 23, 2006 the Grand Jury held a meeting of the Joint Grand Jury/Board of Supervisors Audit Committee. Don Covey is chairperson of the grand jury Audit Committee. Six members of the Sutter County Taxpayers Association (SCTA) attended the meeting as did six or seven other grand jurors, Auditor-Controller Robert Stark and his assistant Ronda Putman, County Administrative Officer Larry Combs, County Supervisors Dennis Nelson and Larry Munger, several county staff members and independent auditor Merilee Smith who contracts with both the county and the grand jury. The fact that Smith contracts with and serves both the county and the grand jury is a conflict of interest.

The questions put to Stark by Covey were prepared and designed to intimidate Stark and his assistant Ronda Putman (Putman is fighting two accusation charges.) Repeated questions dealt with an additional issue that was referred to the grand jury by the Board of Supervisors (at the recommendation of Combs) in December 2005. Stark respectfully refused to respond to those questions which pertained to this new referral under Section 939.6 of the California Penal Code which forecloses grand juries from receiving unsworn evidence not admissible at a trial of action. There is a strong indication that this grand jury will try to indict Stark again to further damage his chances at re-election in June of this year.
The last item on the agenda for the meeting was “public comment.” Covey tried to adjourn the meeting without allowing members of the public to speak. SCTA member Elaine Miles objected. Covey gave Miles two minutes and then rudely interrupted her several times before abruptly adjourning the meeting.

The following day, Rick Dais, Sutter County Taxpayers Association member, went to Covey’s place of business and during a discussion with Covey asked who had prepared the questions Covey asked of Stark. Covey responded “the court.” When pressed by Dais, Covey confirmed the questions were prepared by Judge Hansen. So, now you have the grand jury legal advisor, Judge Hansen, and the judge presiding over Stark’s criminal trial, Judge Hansen, providing the questions to the grand jury which is further investigating Stark at the request of the board of supervisors. This is a major conflict of interest. Attached are affidavits by Dais and Ron Reavis who witnessed the conversation with Covey. In addition, it was a known fact that Covey had a bias against Stark before he was seated on the grand jury. Elaine Miles can verify to this bias. Where was the grand juror screening process to ensure fairness? Obviously, there was none; rather, the grand jury appears to be stacked. There are legitimate questions which need to be answered as to how the grand jury members were selected.

There is a continuing pattern to what is happening with the grand jury. Enclosed is a copy of a letter dated December 12, 2005 from Charles and Patricia Miller detailing their experience of having the grand jury shut down despite overwhelming evidence (five affidavits and the CPS worker’s own notes) of wrongdoing by county officials. In the Miller case, Judge Robert Damron presided over the grand jury in 1998-99 when their case was before the grand jury. Judge Damron pulled the challenge to the Miller’s guardianship of their three granddaughters into his courtroom from another judge so he would have control.

**Background**

The 2004-2005 grand jury was led by District Attorney Carl Adams to indict Auditor-Controller Robert Stark on 13 felony counts over disagreements on posting practices. No funds were ever misappropriated by Stark. This action followed years of conflict between Stark and County Administrative Officer Larry Combs. Combs did not and does not want Stark to hold county managers and employees accountable to county, state and federal accounting policies and practices. There have been many disagreements between them over accounting issues. In August 2004 Stark blew the whistle on the county’s plans to increase the pensions of all county employees by 35 percent which would indebted the county $31.4 million to the California Public Employees Retirement System. The vote to increase the pensions was done on the “consent” calendar with no public hearing. This planned action was hidden from Stark by Combs despite the fact that county policy states that the auditor-controller was to review spending plans in advance of board action. Other major conflicts involve reimbursement costs charged by the county’s Information Technology department without backup documentation required by state and federal agencies for federal monies received.

The indictments of Stark by the Grand Jury followed in May of 2005 as retaliation for Stark blowing the whistle on the pension increase. Stark appealed the indictments and the California Supreme Court on February 22, 2006 sent Stark’s appeal back to the appellate court with direction to show cause why the charges should not be dismissed.
It is interesting to note that of the 30 seated grand and alternate grand jurors, there were only 16 grand jurors remaining when the indictments were issued. It appears that a number of the grand jurors refused to be a part of the conspiracy.

**Requested Action**

The county will certainly not investigate itself. The grand jury is controlled by those we are asking you to investigate and the state attorney general’s office is involved in the criminal case, therefore, has a conflict of interest. We are asking for your help in investigating county officials for wrong doing, abuse of power, conflicts of interest and conspiracy in violation of Stark’s civil rights under Sections 241 and 242 of Title 18 of U.S.C.

The corrupt actions of Sutter County officials are costing the taxpayers of Sutter County millions of dollars in increased pension costs, wrongful termination lawsuits, and lawsuits by citizens who have been abused by county government. Stark’s legal fees are now over $200,000 and climbing. Lawsuits are sure to follow which will cost the taxpayers more.

Enclosed is contact information for those individuals listed in this letter. Please contact me at the above address or call me at 530-673-1191.

Sincerely,

[Signature]

Robert Mackensen
President

Encls. – 4

cc  Alberto Gonzales, Attorney General of the United States, w/encls.
    Chad Coulter, FBI, w/encls.
    Bill Lockyer, California Attorney General, w/encls.
    Steve Westly, California State Auditor
    California Commission on Judicial Performance, w/encls.
    Senator Diane Feinstein, w/encls.
    Senator Barbara Boxer, w/encls.
    Congressman Wally Herger, w/encls.
    Senator Sam Aanestad, w/encls.
    Assemblyman Doug LaMalfa, w/encls.
    Don Bricker, Publisher, Appeal-Democrat, w/encls.
    Rick Rodriguez, Senior Editor & Executive Vice President, Sacramento Bee, w/encls.
    Tom Nadeau, Sacramento Bee
    Tom Sullivan, KFBK Radio, w/encls.
    Bob Harlan, KUBA Radio, w/encls.
    Ron Branson, J.A.L.L., w/encls.
AFFIDAVIT OF RICK L. DAIS

STATE OF CALIFORNIA

COUNTY OF SUTTER

BEFORE ME, the undersigned Notary Public, personally appeared Rick Dais, who, having been first duly sworn by me, deposes and says that:

1. On Thursday, February 24, 2006, I went to see Don Covey at his place of business, Yuba City Florist on Plumas Street in Yuba City, at 11:30 a.m. to discuss with him his rudeness to Citizens for Change member Elaine Miles at the Grand Jury/Sutter County Joint Audit Committee meeting the day before, Wednesday, February 23, 2006.

2. During the conversation, I asked Covey where he got the questions he asked Auditor-Controller Robert Stark at the meeting the day before.

3. Covey responded that he got the questions from the court, whereupon I stated “Judge Hansen” in a questioning tone.

4. Covey then said, “Yes, Judge Hansen.”

5. I stated, again in a questioning tone, “The judge gave them to you?” and then stated “I assumed they came from Carl Adams.

6. Covey responded with a “No.”

7. I then stated “And, if not from Carl Adams, Larry Combs.”

8. Covey said that they didn’t come from either one of them.

FURTHER AFFIANT SAYETH NAUGHT.

_________________________ (SEAL)

_________________________ (SEAL)

The foregoing instrument was acknowledged by me this ______ day of _________, 2006,

by: __________________________________ who is personally known by me or who has

produced:

________________________________ as identification and who did take an oath.

______________________________ (SEAL)

Notary Public
State of California

My Commission Expires: California Jurat Certificate

Attached
CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California
County of SUTTER ss.
☐ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], not Notary)

1

2

3

4

5

6  

Signature of Document Signer No. 1  

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this 7th day of March, 2006, by

(1) Rick L. Davis

Name of Signer

☐ Personally known to me
☐ Proved to me on the basis of satisfactory evidence to be the person who appeared before me ( ) ( )

(2) 

Name of Signer

☐ Personally known to me
☐ Proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Affidavit of Rick L. Davis

Document Date: 3-07-06 Number of Pages: 1

Signor(s) Other Than Named Above: N/A

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AFFIDAVIT OF RONALD GARRY REAVIS

STATE OF CALIFORNIA

COUNTY OF SUTTER

BEFORE ME, the undersigned Notary Public, personally appeared Ronald Garry Reavis, who, having been first duly sworn by me, deposes and says that:

1. On Thursday, February 24, 2006, I went with Rick Dais to see Don Covey at his place of business, Yuba City Florist on Plumas Street in Yuba City, at 11:30 a.m. Rick wanted to discuss with Covey his rudeness to Citizens for Change member Elaine Miles at the Grand Jury/Sutter County Joint Audit Committee meeting the day before, Wednesday, February 23, 2006.

2. During the conversation, Rick asked Covey where he got the questions he asked Auditor-Controller Robert Stark at the meeting the day before.

3. Covey responded that he got the questions from the court. Rick asked Covey if they were from Judge Hansen.

4. Covey then said, "Yes, Judge Hansen."

5. Rick asked Covey if the judge gave them to him and then told Covey that Rick assumed the questions came from Carl Adams.

6. Covey responded with a "No."

7. Rick then said "And, if not from Carl Adams, Larry Combs."

8. Covey said that they didn't come from either one of them.

FURTHER AFFIANT SAYETH NAUGHT.

Ronald Garry Reavis

The foregoing instrument was acknowledged by me this ______day of ________, 2006,

by: ___________________________ who is personally known by me or who has produced:

_____________________________ as identification and who did take an oath.

________________________________ (SEAL)
Notary Public
State of California

My Commission Expires:
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sutter

On 3/13/02 before me, JILL SHOREY-NOTARY PUBLIC
personally appeared DONALD GAMY REAVIS

Name(s) of Signer(s)
☐ personally known to me
☒ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

JILL SHOREY
Commission # 1356326
Sutter Public - California Sutter County

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Affidavit of Donald Gamy Reavis
Document Date: 3/13/02 Number of Pages: 1
Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer

☒ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing: Self
Sutter County Grand Jury  
P. O. Box A  
Yuba City, Ca 95992

Dear Sutter County Grand Jury:

The purpose of this letter is to share information with you and ask for an investigation of county officials.

First, let us say that we feel that members who serve on grand juries have a heavy responsibility to the citizens of the county and we believe that grand jurors take their responsibilities seriously with every intention of serving the citizens.

That said, we also know from personal experience and extensive research that grand juries can be manipulated and led. In 1998 we asked the Sutter County Grand Jury to investigate Sutter County Child Protective Services, Ed Smith, Larry Combs and other county officials for perjury and conspiracy. We supplied extensive documentation of the conspiracy and wrong doing and testified before that grand jury on February 11, 1999. That grand jury took no action. At the time, we believed that they were shut down by county officials since our evidence was overwhelming. Our suspicions were confirmed in June of 2004 when a 1998-1999 Grand Jury member told us that members of the grand jury wanted to investigate our case but were not allowed to. We were also told by another member of that grand jury that John Hagar, foreman of the 1998-1999 grand jury, repeatedly met with Judge Damron without another grand juror present which is contrary to the rules of grand jury operation.

We are enclosing our "Evidence Binder" prepared for a Congressional Inquiry held by Congressman Joe Baca in San Bernardino on March 13, 2004 which contains information presented to the 1998-1999 Sutter County Grand Jury, including five affidavits proving CPS lied to the court. The Addendum (Section 10) concerning interference with the grand jury and the conspiracy to return our granddaughters to their mother to prevent a lawsuit against Sutter County was added in late September 2004. We have all the CPS documents from both Yuba and Sutter counties in our possession since we filed a lawsuit against Yuba County and therefore were entitled to all of the records. We will share these documents with the Grand Jury if the members desire.

Also enclosed are four documents from the Internet which talk about the rights, duties and operations of grand juries that we feel may be of interest to you.
We are bringing this information to your attention is to make you aware that grand juries can and have been manipulated by district attorneys, county officials and judges. It happens all the time. It happened in our case right here in Sutter County. We sincerely believe that last year's grand jury (2004-2005) was manipulated by District Attorney Carl Adams to bring indictments against elected Auditor-Controller Robert Stark because county administration wanted to get rid of Mr. Stark who had been at odds with county administration for years over inappropriate expenditures and actions by county officials. As an elected and independent Auditor-Controller, Mr. Stark performed his duties well as the citizens' watchdog. County administration did not like that.

We urge you to investigate the shutting down of our grand jury case. We caution this grand jury, however, not to share this information with District Attorney Carl Adams, with any of the Sutter County judges and with other county officials because we firmly believe that, should you decide to investigate this matter, county officials will once again do everything in their power to shut the investigation down since it now involves interference with a grand jury by a judge and a district attorney which is illegal. Because there are major conflicts of interest with the district attorney and Judge Damron, you have the right to seek legal assistance outside the county and we urge you to do so.

We are willing to testify under oath to the veracity of any of our statements.

Sincerely,

Original Signed By:

Charles W. Miller
Patricia A. Miller

Encs. - 5
Contact Information

Robert Stark  
Sutter County Auditor-Controller  
463 Second Street  
Yuba City, Ca 95991  
530-822-7127

Ronda Putman  
Sutter County Auditor-Controller’s Office  
463 Second Street  
Yuba City, Ca 95991  
530-822-7127

Judge H. Ted Hansen  
466 Second Street  
Yuba City, Ca 95991  
530-822-7360

Elaine Miles  
487 Anita Way  
Yuba City, Ca 95993  
530-671-7916

Don Covey  
Yuba City Florist  
669-A Plumas Street  
Yuba City, Ca 95991  
530-673-9060

Rick Dais  
1576 Jones Road  
Yuba City, Ca 95991  
530-674-7758

Larry Combs  
Sutter County Administrative Officer  
1160 Civic Center Blvd.  
Yuba City, CA 95993  
(530) 822-7100

Ron Reavis  
2351 Madrone Street  
Sutter, Ca 95982  
530-821-0436

Supervisor Dennis Nelson  
1160 Civic Center Blvd.  
Yuba City, Ca 95993  
530-822-7106

Charles & Patricia Miller  
1699 Sharon Drive  
Yuba City, Ca 95993  
530-673-6562

Supervisor Larry Munger  
1160 Civic Center Blvd.  
Yuba City, Ca 95993  
530-822-7106

Carl Adams  
Sutter County District Attorney  
446 2nd Street  
Yuba City, CA 95991  
(530) 822-7330

Merilee Smith  
1425 Butte House Road  
Yuba City, Ca 95993  
530-673-9790
August 8, 2007

The Honorable Christopher R. Chandler  
Presiding Judge of the Superior Court of California  
County of Sutter  
466 Second Street  
Yuba City, California 95991

Dear Judge Chandler:


Grand Jury Findings

"Ms. Bechtel stated that there are approximately 24,000 permanent absentee voters registered in the county. There tends to be a higher voter turnout for absentee/mail ballots (about 63%)".

Registrar Response

The Registrar agrees that there tends to be a higher voter turnout for absentee/mail ballots. There were 26,195 absentee/mail ballots issued for the November 7, 2006 General Election. 17,638 ballots were voted and returned. That is a 67% voted and returned rate.

Grand Jury Finding

"Due to the rapid growth occurring within the county, Ms. Bechtel anticipates the boundaries of supervisory districts will have to be redrawn in the near future. When this happens, precinct boundaries will have to be redrawn".
Registrar Response

The Registrar agrees that precinct boundaries will have to be redrawn when Supervisorial districts are redrawn due to population growth in Sutter County.

Grand Jury Findings

“At the conclusion of the meeting, the Grand Jury members were taken on a tour of the election facilities. Especially noted was the area where the voting machines are stored when not in use and the area where ballots are counted. These areas are separate from the day-to-day operations area and appear to be very secure, thereby making tampering with the machines unlikely”.

Registrar Response

The Registrar agrees that the areas in which the voting machines are stored and the area where the ballots are counted are very secure, thereby making tampering with the machines unlikely.

Grand Jury Recommendation:

“Given the importance of participatory government, the Grand Jury recommends that the Sutter County Elections Department make a concerted effort to reopen as many polling places as possible, particularly in rural areas of Sutter County where polling places have recently been closed. It is believed that in so doing, voters will not feel “left out” of the election process”.

Registrar Response

Election staff has evaluated every polling place in Sutter County, but two, that will be used for the 2008 elections. The two polling places are schools that have been unavailable for evaluation. They will be available in the next few weeks.

The polling places must meet the (HAVA) Help America Vote Act requirements for disabled voter access. The polling places must also have sufficient electrical access and power for electronic voting equipment.

We have purchased with Federal grant funds equipment that enables some polling places to meet the accessibility requirements that could not do so in the past.

The following are either new polling places or re-opened polling places that are being added to our polling locations list for the 2008 elections.

East Nicolaus Fire Department
1988 Nicolaus Avenue
East Nicolaus, CA
Robbins Community Hall  
17540 Pepper Street  
Robbins, CA

Live Oak Community Resource Center  
10720 Live Oak Blvd.  
Live Oak, CA

Meridian Elementary School  
15898 Central Street  
Meridian, CA

Sutter Community Church  
2900 Acacia Avenue  
Sutter, CA

United Pentecostal Church  
2649 East Onstott Road  
Yuba City, CA

The election staff is aggressively recruiting poll workers to man these additional polling locations who have the desire to serve and can be trained on issuing paper ballots and the use of the electronic voting equipment. They, also, must be able to learn voting rules and regulations and the security measures necessary to ensure the safety and integrity of each person’s vote.

**Grand Jury Recommendation**

“In areas where voting by mail is determined to be the only option, the Grand Jury recommends an aggressive effort is needed to inform those voters why a mail-in ballot is the only way to make their voice heard. This will reinforce the premise that voting is a constitutional right, and that every vote counts”.

**Registrar Response**

In areas where vote by mail is the only option, the election staff will be mailing a notice to the voters prior to the February 5, 2007 Primary Election that will explain that there is not a polling site for their precinct that meets the necessary access requirements for all voters. The notice will inform the voter that prior to the election he/she will be mailed a paper ballot and a stamped envelope addressed to the Elections office for the return of their voted ballot.

**Grand Jury Recommendation**

“The Grand Jury recommends the Board of Supervisors redraw the lines of supervisorial districts prior to the next election to accurately reflect the changes in the population distribution”.
Registrar Response

The redistricting of the supervisorial districts is beyond the purview of the County Clerk-Recorder-Registrar of Voters.

Respectfully submitted,

[Signature]

Joan Bechtel
Clerk-Recorder-Registrar of Voters
July 8, 2007

The Honorable Christopher R. Chandler, Presiding Judge
Superior Court of California, County of Sutter
446 Second Street
Yuba City, CA 95991

Re: Sheriff's response to the 2006-07 Grand Jury final report

Dear Judge Chandler,

On June 5, 2007, the Sutter County Grand Jury submitted its report to the Sutter County Superior Court and this office received a partial copy as it related to the Sheriff's Department on June 28, 2007. The Grand Jury findings as they relate to Sheriff's Operations are included in three major committee sections of the report, namely the Audit and Finance Committee, County Government Committee and the Criminal Justice Committee. Throughout the Grand Jury report are several critiques, criticisms, assumptions and findings that I disagree with.

What I find most puzzling is that some of the Grand Jury's listed findings includes findings that the Sheriff's Department was specifically asked about and supplied information on weeks before the report was finished only to now find that this information was not included in the final report and the finding was contrary to the information supplied. This response will address the findings and recommendations of these committees.

COUNTY GOVERNMENT COMMITTEE
Sutter County Employee Retention and Recruitment

Finding: "The committee acknowledges that while vacancies will and do routinely occur in the running of any government entity, the problem is acute in Sutter County. The problem and resulting effect is most striking within the Sheriff's Department."

Response: We disagree with this finding. While we agree that recruitment and retention is an on-going challenge, this comment as stated in the findings leaves one with the impression that the problem of recruiting law enforcement personnel is more severe at the Sutter County Sheriff's Department than with other agencies and to that we disagree.
statement that "the focus of FIT is very different from issues critical to children and families during the years leading from conception to Kindergarten" could not be further from the truth. The commissioners coming from the FIT Policy Board represent hundreds of years of experience both as citizens and as professionals working with thousands of families who do represent this community. As individuals, they do understand the needs of the citizens of this community, especially those who can most benefit from services to help their children become successful in school and in the community and later as adults. That having been said, the commissioners do not bring pre-conceived ideas about the children-services delivery models and have been receptive to many new ideas and approaches for all citizens of this community.

SCCFC disagrees with the Grand Jury’s assertion that, "the county carry out its duty of overseeing the expenditure of Proposition 10 funds". By law, SCCFC cannot become a traditional county agency. In the state law, the county agency option (Health and Safety Code. Section 140130.1) allows Commission to choose a structure in order to conduct business, issue contracts, and make purchases, “as an agency of the county with independent control over the strategic plan”. Unlike other county agencies, the County Administrator and Board of Supervisors do not have direct control over the funds. While the legislation allows staff to be employed by the county (as is done at SCCFC), it expressly states that the Commission has control over the strategic plan. The Commission is a separate political entity, similar to a Local Agency Formation Commission (LAFCO) or a board of education. Only the Commission can execute decisions over the funds. The Board of Supervisors is always allowed to review and make comments about the strategic plan.

To infer that the commissioners are not attuned to the needs of families and children in this community fails to recognize the success of the programs already in place serving hundreds of citizens. The commissioners have been very good about managing the funds and developing strong programs for Sutter County, including providing a strong reserve so that the programs and services will continue long into the future. SCCFC considers that any attempt to change this structure would not be in the best interests of children and families of Sutter County and as such, they will not be acting upon this recommendation.

4. Recommendation: The ‘Foundation” Concept (Grand Jury Report 06/07, Pg. 87-88)

We disagree with these recommendations and find that further action is unwarranted.

SCCFC disagrees with the Grand Jury’s assertion that, “it is reluctant to break away from the status quo and try new ideas”. In recent years the SCCFC has recognized their interest in supporting the programs and services that have been evaluated and proven beneficial for children and families. This had led SCCFC to support these programs for a period of years as "core programs", as noted in the 2007 Strategic Plan. SCCFC is not alone in this regard, as many of the county commissions find themselves making the transition from funding agencies (foundation model) to service-oversight agencies (service model). This is occurring as the county commissions’ discern their role, the capacity of their local providers, and the limited impact of their funds to meet the needs of the children and families of their counties.

SCCFC has always established a timeline for proposal development and review. It is not clear how this information has avoided public scrutiny, as it has been a matter of public record. The Grand Jury has acknowledged that the mini-grants have been distributed in its own report. In the seven years of its existence SCCFC has distributed all of its funds in methods that meet public laws and public accounting standards.
The Community Improvement Project proposals (large grants) have been a continuing process. The proposal steps and guidelines were very clear. All of the applicants were rejected because they did not meet expectations about management, organization, evaluation standards and data-driven program practices in their proposals. Every one of these applicants was given the chance to amend their proposals and the deadlines were extended for all. The Commission is still reviewing their applications in the current round of funding.

SCCFC did post the recent School Readiness Mini Grant application form online. It is not online now because the grant period has now closed but it was online during the period of time when the application was open. SCCFC has obtained documentation of this posting from the Information Technology Department and is available for the Grand Jury to review. It is not clear why the Grand Jury would make this comment.

The CARES program was funded under a matching grant from the California First 5 Commission. From time to time a program will not fulfill the expectations of their program evaluation. The grantee was also given six months to address these issues. The disposition of the CARES program is a matter of public record in the SCCFC minutes. A review of those minutes will indicate that there were performance reasons for the demise of the Sutter County CARES. There are also evaluation reports that substantiate this decision. It is always unfortunate when any agency makes a choice not to work with partners to improve the conditions of people within its community.

SCCFC will not take action on this recommendation. Subrogating the responsibility of grant making is not appropriate for the commission, nor is it an appropriate role for an advisory committee. SCCFC will continue to make use of its ad hoc advisory groups to consult on subject-matter issues. It will continue to execute its authority over funding decisions as prescribed by law.