

# SUTTER COUNTY CIVIL GRAND JURY 2020-21 FINAL REPORT



**CONTINUITY - *The Three R's – Recommendations, Responses & Results***

**FIRE & EMERGENCY SERVICES – *Is Sutter County Playing with Fire?***

**GRAY AVE PROPERTY – *Making it Right, Gray Ave Finally Sees the Light!***

**NATOMAS BASIN CONSERVANCY – *Fowl Play in Natomas Basin?***

**CODE ENFORCEMENT – *Fight the Blight, Keep Sutter Beautiful!***

**Final Report**

**of the**

**2020-2021**

**Sutter County Grand Jury**

A handwritten signature in black ink, appearing to read 'Charles Smith', written over a horizontal line.

**Charles Smith**  
**Foreperson**

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

**Honorable Susan E. Green**  
**Presiding Judge**





## 2020-2021 SUTTER COUNTY GRAND JURY

The Honorable Susan E. Green  
Sutter County Superior Court  
1175 Civic Center Boulevard  
Yuba City, CA. 95993

May 10, 2021

Dear Judge Green:

In compliance and accordance with California Penal Code Section 933(a), the empaneled 2020-2021 Sutter County Grand Jury would like to submit their final report to the Court and the residents of Sutter County.

I would like to start by saying that it has been a pleasure to be part of the 2020-2021 Grand Jury. This year's Grand Jury consisted of dedicated, knowledgeable and energetic jurors who started off working as a team that continued throughout their term.

During that time, we had numerous obstacles and distractions that we had to overcome. First of all, our term began late and we had to start out running right from the get go due to the Covid pandemic. As everyone knows, Sutter County was in a lockdown situation which meant the Grand Jury was very limited on taking tours of the government facilities and it was almost impossible to get a sit down face- to- face interview with anyone. Luckily one of our jurors, Randy Helvey, had the skills and desire to set up a Zoom system for us that worked throughout the year. This enabled the Grand Jury to have plenary meetings along with committee meetings, group interviews and virtual tours. As time progressed, the Covid restrictions lessened and we were able to function more efficiently.

Early on, the Grand Jury made a list of 15-18 topics that we could focus on. We had discussions on them and chose five or six topics that we thought would benefit the citizens of Sutter County the most. One topic we chose not to report on was the Covid pandemic. This is a national issue that affects every county, and the rules were changing on a daily basis. There was a good possibility that by the time the report was finished and published it would be outdated.

The Grand Jury was able to tour the Sheriff's office and jail, as required by law. We concluded that the areas of concern were being improved upon, with the exception of the lack of personnel. This concern seems to resonate nationwide with most law enforcement agencies.

Once the members decided on which areas to investigate and report on, they devoted numerous hours every week to complete the reports. I am impressed with how they worked together as a team and how willing they were to help each other. The Grand Jury would like the citizens of Sutter County to know that we are proud to put our names on this report and we sincerely hope that good changes will happen because of it.

P.O. Box A Yuba City Ca. 95992



## 2020-2021 SUTTER COUNTY GRAND JURY

The Grand Jury would like to thank the Honorable Susan E. Green- Presiding Judge, and the Honorable Sarah Heckman- Grand Jury Mentor/Advisor, for their trust and confidence in us. Their advice and guidance was a great benefit to the Grand Jury. It has been an honor to have worked with both.

The Grand Jury would like to thank Jackie Laswell, Grand Jury Clerk for Sutter County Courts for doing an outstanding job with her assistance and expertise in administrative matters relating to the Grand Jury.

I would personally like to thank our Pro-Tem, Heather Esemann, for being so organized, efficient and making my job much easier.

The Grand Jury thanks our Secretary, Jessica Jopson, for doing a fantastic job.

The Grand Jury would also like to thank all the government agencies we spoke with and their employees for their cooperation with us throughout the year.

This year's Grand Jury has shown its dedication and gratitude to the citizens of Sutter County by presenting this report and having the opportunity to serve our community.

It is my pleasure to add my signature with all my fellow jurors who worked so hard to get the report published.

As Foreperson of the Grand Jury this year, it has been an honor and privilege to interact with the Grand Jury and all the people of our community. Sutter County is a great place to live and to be proud of. Thank you all for allowing us to serve this community.

Respectfully Submitted,

Charles E. Smith

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2020-2021 Sutter County Grand Jury Foreperson

## GRAND JURY APPROVAL

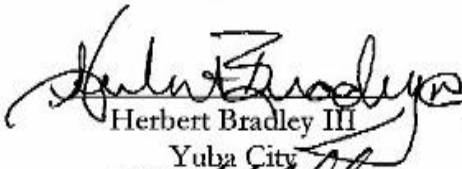
California Penal Code §933(a) states:

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

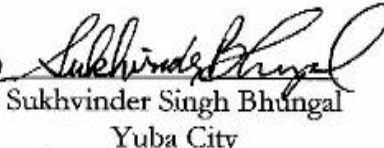
In conformance with the aforementioned Penal Code requirement, the 2020-2021 Sutter County Grand Jury approves and respectfully submits this report to the Honorable Susan E. Green, Presiding Judge, Superior Court of California, County of Sutter.



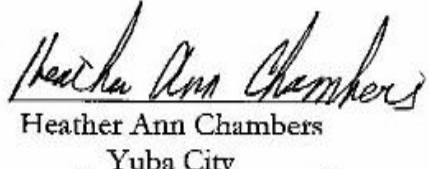
Charles Smith, Foreperson  
Yuba City



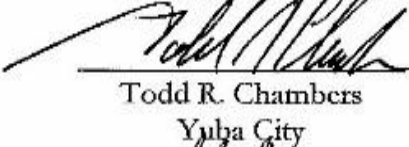
Herbert Bradley III  
Yuba City



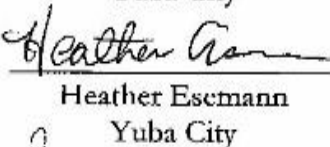
Sukhvinder Singh Bhungal  
Yuba City



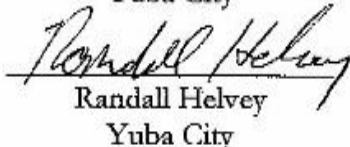
Heather Ann Chambers  
Yuba City



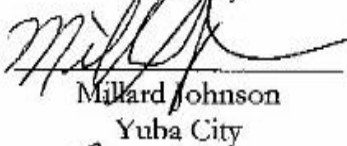
Todd R. Chambers  
Yuba City



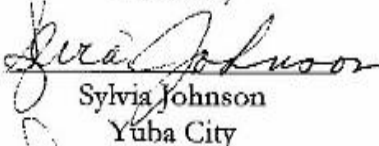
Heather Esemann  
Yuba City



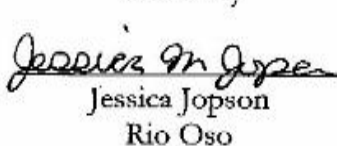
Randall Helvey  
Yuba City



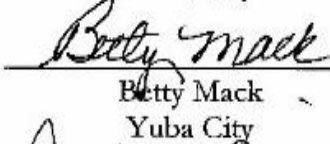
Millard Johnson  
Yuba City



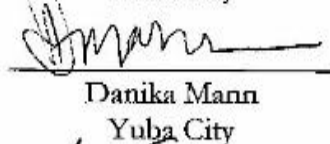
Sylvia Johnson  
Yuba City



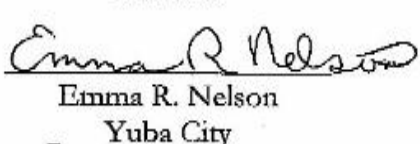
Jessica Jopson  
Rio Oso



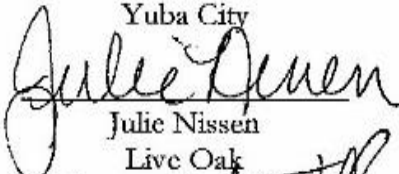
Betty Mack  
Yuba City



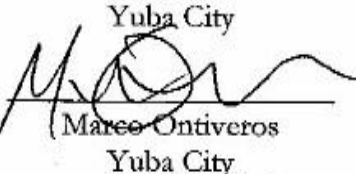
Danika Mann  
Yuba City



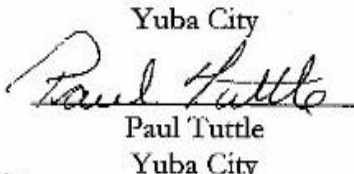
Emma R. Nelson  
Yuba City



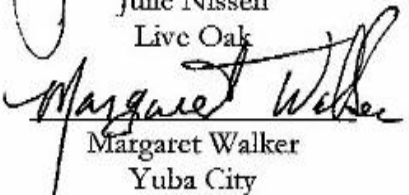
Julie Nissen  
Live Oak



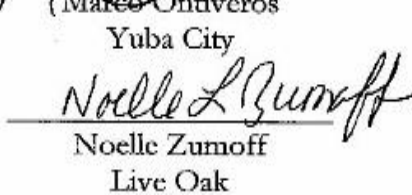
Marco Ontiveros  
Yuba City



Paul Tuttle  
Yuba City



Margaret Walker  
Yuba City

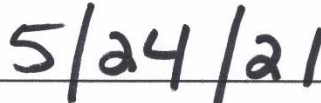


Noelle Zumoff  
Live Oak

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

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

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

A handwritten date "5/24/21" in black ink, written over a horizontal line.

Date

# 2020-2021 Sutter County Civil Grand Jury Final Report

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**CONTINUITY**  
**THE THREE R'S –**  
**Recommendations, Responses and Results**

**STATUS OF RESPONSES TO THE**  
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**2020-2021 Sutter County**  
**Civil Grand Jury Final Report**



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**Continuity: The Three R's - Recommendations, Responses and Results**  
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## SUMMARY

The 2020-2021 Sutter County Civil Grand Jury reviewed the responses to the five investigative reports issued within [the Final Report of 2019-2020 Sutter County Grand Jury filed 6-30-2020](#) to assess compliance with the California Penal Code. The complete text of these reports can be accessed at the following website:

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

The website also provides links to the responses given by various counties and other agencies to the Findings and Recommendations contained in the reports.

## REASON FOR THE STUDY

Grand Jury investigations have little value unless recommendations are taken seriously by responding entities and are addressed in a manner transparent to the public. Positive actions to Grand Jury recommendations are extremely important. The 2020-2021 Grand Jury sought to determine the level of response of each agency recently investigated by the Grand Jury and what mechanisms may be available to increase agency response.

## METHOD OF THE STUDY

The 2020-2021 Grand Jury reviewed responses to the 2019-2020 Grand Jury reports as follows:

- The Grand Jury reviewed Board of Supervisors meetings and agenda items and minutes concerning the prior Grand Jury report responses.
- Requests were made to the City of Live Oak for further information regarding Parliamentary procedures, various memoranda by the mayor, and the contractual template for consultant agreements.
- Grand Jury members attended Live Oak City Council Meetings and asked for summaries and time frame for responses still to be implemented.
- The Grand Jury documented the status of report responses from the 2019-2020 jury term.
- The Grand Jury reviewed responses in which a final resolution has not been reached or communicated and those that are to be implemented at a future date.
- The Grand Jury held interviews regarding responses that still needed implementation.

The Grand Jury seeks to create a framework that could be used by succeeding juries to keep open Grand Jury reports in public view and responding agencies accountable. We

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envision each subsequent Grand Jury will continue to report tracking for the prior year and also will monitor and address open responses.

## **BACKGROUND**

California Penal Code ("PC") Section 933(a) requires the Grand Jury to "submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." Governing bodies are required to respond to the findings and recommendations pertaining to matters under their control within 90 days of the release of a Grand Jury's report. Elected county officers and agency heads are required to respond as to the findings and recommendations pertaining to matters under their control within 60 days. (PC §933(c)). This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the recommendations.

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

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

This Continuity Implementation Compliance Report focuses on responses to the recommendations made by the 2019-2020 Grand Jury. All required responses were filed 10-29-2020 and were within the Penal Code's specified timeframes.

**Continuity: The Three R's - Recommendations, Responses and Results  
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## **METHODOLOGY**

The 2020-2021 Grand Jury evaluated responses to the 2019-2020 Grand Jury recommendations to ensure compliance with the governing sections of the Penal Code (PC §933.05(b)). The following criteria were considered:

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

## **DISCUSSION**

The following pages of matrix tables offer a summary of the responses provided to the 2019-2020 Grand Jury as assessed by the 2020-2021 Grand Jury:

### **Criminal Justice**

**Sutter County Jail**

**Tri-County Juvenile Hall and Maxine Singer Youth Guidance Center**

### **Local Government**

**City of Live Oak – Government, Transparency and Finances**

### **Public Works**

**City of Live Oak-Public Works, Project Delivery**

### **Safety**

**Yuba City Unified School District – Getting Our Children to School Safely**



**Continuity: The Three R's - Recommendations, Responses and Results**  
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## Criminal Justice – Sutter County Jail

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
F1. There is a staffing issue within the Sutter County Sheriffs Jail Facility.	R1. The Sutter County Sheriff's Department should expand jail employment to provide more manpower within the jail by December 1, 2021.	<p>F1. The Sheriff's Office agrees with the finding. The jail opened approx. 11,000 square feet of additional space that must meet with the Board of State and Community Corrections (BSCC) standards, which has placed more responsibility on existing staff.</p> <p>R1. Response: The Sheriff's Office sought information for a comprehensive staffing analysis for the entire office. Regretfully, the cost was prohibitive so the Sheriff is exploring other options that may be more affordable. With the opening of the AB900 jail expansion project, there has been approx. 11,000 additional square feet of space that needs to be maintained. This includes inmate housing, a new jail medical, and kitchen renovations. The Sheriff's Office recognized additional resources would be needed but further analysis is needed to determine appropriate staffing levels. The Sheriff's Office did add one position to the jail medical area during FY19/20 and added a secretary to the jail to assist with organization and tracking. The Sheriff's Office is committed to finding reasonable solutions for improving staffing and is working with the County Administrator for possible solutions.</p> <p>.....</p> <p>F1. The Board of Supervisors agrees with this finding.</p> <p>R1. The Board of Supervisors places a priority on public safety. The County Administrative Office continues to work with the Sheriff to reduce turnover and quickly fill vacant positions. If necessary, the Board can consider adding positions when resources are available.</p>	<p>This recommendation has been partially implemented. On March 8, 2021, the Sutter County Board of Supervisors BOS approved an \$80,800 contract with Management Partners, Inc. for an Organizational Structure Study Analysis Contract.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
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**Criminal Justice – Sutter County Jail**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
<p>F2. The Sutter County Grand Jury found that there are drugs and other contraband present within the jail.</p> <p>F4. The current search method for contraband has proven to be inadequate.</p>	<p>R2. The Sutter County Sheriff's Department should invest in a full body scanner placed within the Sutter County Main jail by January 1, 2022.</p> <p><i>Note: This recommendation addresses Findings 2 and 4</i></p>	<p>F2. The Sheriff's Office agrees with the finding.</p> <p>F4. The Sheriff's Office agrees with the finding and have already taken steps to improve in this area.</p> <p>R2. The Sutter County Sheriff's Office is committed to ensuring best practices for safety and security of the jail. To that end, we previously identified the benefits of a full body scanner and researched various options. The Sheriff requested a body scanner as part of the FY 20/21 budget package, which has been approved. The purchase of the scanner is being paid out of special revenue funding, so there will be no general fund impact for the purchase. It is the hope of the Sheriff's Office to purchase the scanner as soon as September of 2020.</p> <p>.....</p> <p>F2. The Board of Supervisors agrees with this finding.</p> <p>F4. The Board of Supervisors agrees with this finding.</p> <p>R2. The recommendation has been implemented. The Board of Supervisors approved funding in the Fiscal Year 2020/21 budget for the purchase of a full body scanner on the previous recommendation of the Sheriff.</p>	<p>This recommendation has been implemented.</p> <p>F2/F4/R2 Purchase of a Tek84 Intercept Whole Body scanner was proposed in the Agenda Packet (pages 21-39) of the August 10, 2020 Agriculture, Public Protection and General Government Committee Meeting, then approved as a consent item at the August 25, 2020 Sutter County Board of Supervisors Meeting unanimously.</p> <p>Grand Jurors on October 30, 2020 sighted the scanner being used.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Criminal Justice – Sutter County Jail**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F3. Lack of overhead netting in the medium security exercise yards.	R3. The Sutter County Sheriff's Department should purchase and install overhead netting over the open aired spaces/areas near the Medium Security facility and/or create a fenced off area preventing civilians from having access to this area by December 2021.	<p>F3. The Sheriff's Office agrees there is no netting over the exercise yards at the medium security facility.</p> <p>R3. The Sheriff's Office appreciates the feedback from the Grand Jury, and this is a valid recommendation. The Sheriff has directed the Jail Commander to research possible options and submit recommendations. If this project is fiscally feasible, it will be included in the budget proposal for FY20/21, in hopes it would be completed by December of 2021.</p> <p>.....</p> <p>F3. The Board of Supervisors agrees with this finding.</p> <p>R3: The Board of Supervisors will consider this request when brought forward by the Sutter County Sheriff.</p>	<p>This recommendation has not been implemented.</p> <p>F3/R3 Visit on October 30, 2020. Grand Jury members were told that due to COVID 19 conditions, the exercise area is not being used.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Criminal Justice – Sutter County Jail**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F5. The laundry room has no surveillance cameras present.	<p>R4. The Sutter County Sheriff's Department should place surveillance cameras in the laundry room by January 1, 2021</p> <p><b><i>Note: R4 addresses F5</i></b></p>	<p>F5. The Sheriff's Office agrees and has already taken steps to improve in this area.</p> <p>R4. The Sheriff's Office previously recognized this as a deficiency in the laundry facility. Adding cameras to the laundry room was budgeted and this project has been completed. The laundry room and medium security courtyard cameras went active on June 2, 2020. The cameras in the laundry room and the laundry courtyard all possess zoom capabilities. The inside views cover the entire main laundry room, where linens are washed and folded.</p> <p>.....</p> <p>R4. The recommendation has been implemented. The Board of Supervisors was informed by the Sheriff of the installation of cameras in the laundry room and medium security courtyards.</p>	<p>This recommendation has been implemented.</p> <p>Grand Jury members observed cameras during a tour on October 30, 2020.</p>



**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

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

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F1. The carpet in the girl's dormitory of Juvenile Hall is old, torn and is presently a health and safety issue.	R1. The Board of Supervisors give approval to replace the carpet or repair and sanitize the current carpet in the Juvenile Hall girl's dormitory by 12/31/20.	<p><b>Sutter County Board of Supervisors:</b></p> <p>F1. The Board of Supervisors agrees with this finding.</p> <p>R1. The County of Yuba operates the Juvenile Hall on behalf of Yuba, Sutter and Colusa counties. The Yuba County Board of Supervisors would consider the carpet replacement, while the Sutter County Board of Supervisors would only consider this item if it requires a budget amendment for Sutter County's contribution to the project. According to the Yuba County response to the Sutter County Grand Jury (attached), a solution will be implemented by the end of 2020.</p> <p>.....</p> <p><b>Yuba County Board of Supervisors:</b></p> <p>F1. The recommendation has been implemented. Though the response contained herein and discussion with the Juvenile Hall Superintendent, the Board of Supervisors direction has been provided and feels a solution will be implemented by the end of the calendar year.</p> <p>.....</p> <p><b>County of Yuba Probation Department</b></p> <p>F1. We are currently exploring the most cost-effective method to replace or repair the carpet to ensure the health and safety of our youth within the facility.</p>	<p>This recommendation has been implemented.</p> <p>The Grand Jury toured the facility on November 6, 2020 and observed that the torn carpet had been replaced. There is no longer a health or safety issue in regards to the carpet.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

		<p><i>continued</i></p> <p>.....</p> <p><b>Colusa County Board of Supervisors:</b></p> <p>F1 through F3: The Colusa County Board of Supervisors has not independently investigated the issues referenced in findings F1 through F3 so it has no basis to agree or disagree with the findings.</p> <p>The County will take the findings under advisement and consideration as part of its participation in the JPA.</p> <p>R1. The Tri-County Juvenile Rehabilitation Facility is operated and managed by Yuba County under our JPA agreement. The Colusa County Board of Supervisors does not have jurisdiction over day-to-day operational and management decisions of the facility. Nevertheless, to the extent the carpet is in need of repair or sanitization and the Board can facilitate that process, it will. Additionally, the Board anticipates that construction of a new facility will begin shortly. Once completed, the new facility will likely mitigate the need for continued servicing of the old facility which will no longer be housing juveniles.</p>	
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**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

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

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
F2. There lacks a structured and comprehensive "Life Skills" program.	R2. The Yuba County Office of Education develop and implement a structured and comprehensive life skills program that should include money management, food and nutrition knowledge, hygiene care and pregnancy awareness and management by 06/31/21.	<p><b>Sutter County Board of Supervisors</b>  F2/R2. The Board of Supervisors understands this finding has been rescinded.  .....</p> <p><b>Yuba County Board of Supervisors</b>  F2/R2. Per the Juvenile Hall Superintendent, this Finding has been rescinded by the Grand Jury.  .....</p> <p><b>Yuba County Office of Education</b>  F2/R2. Per the Juvenile Hall Superintendent, this Finding has been rescinded by the Grand Jury.  .....</p> <p><b>Colusa County Board of Supervisors:</b>  See F1 response.  R2. The Colusa County Board of Supervisors does not have jurisdiction or authority over the Yuba County Office of Education. Nevertheless, the Board does not oppose the recommendations provided by the Grand Jury.</p>	<p>This recommendation was rescinded by the 2019/2020 Grand Jury. During an exit interview conducted on May 26, 2020 an updated list of structured and comprehensive Life Skill courses was provided to the jurors.</p>

**Note:**  
The following was added to page 16 preceding the Findings and Recommendations section, prior to publishing both the printed and online report:

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

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

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

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
F3. Exposure to technical/vocational career training and opportunities is limited.	R3. The Yuba County Office of Education have in place more training and exposure to the technical/vocational career opportunities available to the youths (i.e.: culinary, plumbing, electrical, military etc.), obtain brochures and other written material describing these careers and their requirements, and assist youth in obtaining further information if they want to pursue a specific goal, by 09/1/2021.	<p><b>Sutter County Board of Supervisors</b>  F3. The Board of Supervisors agrees with this finding.  R3. The recommendation requires further analysis. The Board of Supervisors has been informed the Yuba County Office of Education is hiring new staff and pursuing a robust college and career readiness program to connect incarcerated youth to opportunities to prepare for college or acquire technical job skills in a variety of areas. The Board of Supervisors encourages the Office of Education to move forward as soon as possible.  .....</p> <p><b>Yuba County Board of Supervisors</b>  F3. The Board of Supervisors agrees with this finding.  R3. The recommendation requires further analysis. As indicated in the response from the department overseeing Juvenile Hall, The Office of Education has the ability and will be implementing certain training and exposure to more opportunities. Tough this response, the Board of Supervisors encourages the Office of Education to move forward as soon as possible.  .....</p> <p><b>F3/R3. The Yuba County Office of Education</b> is implementing the following in response to the Grand Jury's findings: A Prevention Assistant position is being established through the Youth Employability Program (YEP) which will support the implementation of goals set forth in the program. The YEP program is a college and career readiness program</p>	<p>This recommendation has been implemented in a multitude of ways. Yuba City Office of Education has an Individual Learning Plan (ILP) in place, providing students a road map to success with mentoring and life skills such as cooking and laundry. A Prevention Assistant has been hired to help support the Youth Employment Program, which is a tiered system to assist youth obtain employment and/or enter the college system.</p> <p>Career Technical Education (CTE) provides a way for the incarcerated youth to attend courses at Yuba County Career Preparatory Charter School. Some of these include: Veterinary Technician, Auto Mechanics, Auto Body and Paint and Welding. Unfortunately, due to Covid-19</p>



**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
		<p><i>Continued</i></p> <p>designed to assist youth at the institution and Community Court schools to obtain employment and/or enter the college system to increase their chances of becoming socio-economically successful. The Youth Advocate and Career Technical Education (CTE) Coordinator will collaborate to provide opportunities for incarcerated youth to attend CTE course offerings at Yuba County Career Preparatory Charter School (YCCPCS), when jointly approved by Probation and YCCPCS administration. Hands-on CTE course offerings include Veterinary Technician, Auto Mechanics, Auto Body &amp; Paint, Welding, and Aquaponics/Wildlife &amp; Sustainable Ecosystems.</p> <p>CTE course offerings at Harry P. B. Garden School have been expanded to include on-line CTE pathways in Architecture, Planning, and Environmental Design; Arts, Culture, and Entertainment; Business; Communications; Education; Engineering and Computer Science; Environment; Government; Health and Medicine; Law &amp; Public Policy; Sciences-Biological and Physical; and Social Impact/Community Service.</p> <p>.....</p> <p><b>Colusa County Board of Supervisors:</b></p> <p>F3. See F1 response</p> <p>R3. The Colusa County Board of Supervisors does not have jurisdiction or authority over the Yuba County Office of Education. Nevertheless, the Board does not oppose the recommendations provided by the Grand Jury.</p>	<p><i>Continued</i></p> <p>these courses are not currently available.</p> <p>On-line courses, offered at Harry P.B. Carden School, were expanded to include courses such as Architecture, Arts, Business, Communications, Education, Engineering, Computer Science, and Social Impact/ Community Service.</p> <p>The Grand Jury would like to commend the staff at Yuba County Office of Education for providing wrap around services and opportunities for youth to acquire technical job skills and prepare for college.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F1. The City Council created a conflict of interest by appointing the Finance Director (consultant) to be the interim City Manager, between April 2018 and April 2019.	R1. City Council adopt an ordinance to ensure the separation of duties at upper management level within the next 90 days.	F1. Disagree. This finding is not substantiated. The Grand Jury Report is entirely out of context.  R1. The recommendation has been implemented. Such an ordinance already exists.	The Grand Jury confirmed that there are now two separate individuals for the Finance Director and the City Manager positions.  This recommendation is not implemented.  The Grand Jury nor the Live Oak city staff could locate an ordinance that prohibits an individual from holding two upper management positions simultaneously.

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F2. The City of Live Oak is overspending on professional service contracts without City Council approval.	R2. City Council create a new Ad Hoc committee to oversee consultant contracts and spending by the end of December 2020.	<p>F2. Disagree. The assertion of "overspending" was never addressed in any fashion by the Grand Jury. In fact, the City is getting its money's worth with its professional contracts.</p> <p>R2. The recommendation will not be implemented as it is not warranted. See discussion in response as well as response to above findings.</p>	<p>This recommendation has not been implemented.</p> <p>The Grand Jury found that no Ad Hoc committee was formed nor are there any plans to form one.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –**  
**Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F3. Ethics training for City Council has not been completed in the legally mandated periods and content.	R3. City Council members immediately take the free online mandatory ethics training and submit documentation to the City Clerk for records retention and to the Fair Political Practices Commission.	F3. Disagree. All members of the City Council have their ethics training certificates on file with the City Clerk.  R3. This is not a City issue but would be applicable to an individual Council Member for their consideration.	This recommendation has been implemented.  The Grand Jury verified that current ethics training certificates are on file.

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F4. City Council members have not disclosed potential conflicts of interest or maintained a current Form 700, as required by law.	R4. Those City Council members with incomplete or missing Form 700 statements immediately resubmit the form to the City Clerk for records retention.	<p>F4. The City is not in a position to respond to this finding. Each individual Council Member would presumably have personal knowledge as to their financial positions. This is not an issue the City can control. All five of the City's Council Members have on file current Form 700s.</p> <p>R4. This is not a City issue but would be applicable to an individual Council Member for their consideration.</p>	<p>This recommendation is implemented.</p> <p>The Grand Jury found the Form 700s on file with the city. These forms are required to be filled out by April 1st of each year (Government Code Section 87200).</p>



**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F5. For several City Council meetings, no minutes or video recording are available online. Other video recordings are incomplete or inaudible.	R5. City Council shall direct City management to consult with specialists to immediately remedy the technical difficulties with audio and video recordings and upload any missing recordings or minutes online for full transparency.	<p>F5. Disagree. This "finding" has no basis in the law. There is no legal requirement to create any video recordings. If created they may be destroyed after 30 days. There is no requirement to post video recordings online. Because there is no requirement to create a video recording in the first instance it is impossible for them to be "incomplete" (if there is only a partial recording of a Council meeting this is of no moment because there is no obligation to record any portion of a Council meeting).</p> <p>R5. The recommendation will not be implemented as it is not warranted. The City is under no obligation to create audio or video recordings. That being said, the City is in consultation with a firm to upgrade the City's current audio and video recording system.</p>	<p>This recommendation has not been implemented.</p> <p>However, the Grand Jury found that City Council meeting video content was available online at the city's website <a href="https://liveoakca.granicus.com/ViewPublisher.php?view_id=1">https://liveoakca.granicus.com/ViewPublisher.php?view_id=1</a>.</p> <p>At the March 17, 2021 City Council meeting, an agreement to approve funds and authorize the City Manager to sign an agreement to upgrade the Audio Visual Equipment at City Hall was approved.</p>

**Continuity: The Three R's - Recommendations, Responses and Results  
Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F6. The City Council meetings are not consistent with Brown Act regulations and City Municipal Codes concerning transparency and how meetings are conducted.	R6. The City Council maintain proper decorum during meetings and conduct parliamentary procedure training (such as Rosenberg's Rule of Order) for themselves and committees under the jurisdiction of the City Council within 90 days.	<p>F6. Disagree. This finding cannot be sustained. The Grand Jury Report is full of non-sequiturs.</p> <p>R6. The subject of this recommendation was not addressed in the Grand Jury's Report. The recommendation will not be implemented as it is not warranted. That being said, there is no question that four members of the city council are courteous and strive to live within the City's rules of Parliamentary procedure (which are fully adequate for the conduct of the City's meetings). In 2020 the Mayor has issued various memoranda to his fellow Council</p>	<p>This recommendation will not be implemented because the Live Oak City Council states it is not warranted.</p> <p>The City Council feels the meetings are conducted within the City's rules of Parliamentary procedure which maintains the proper decorum during their meetings. The city Municipal Code Title 2 Ch. 2.04 RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS website is: <a href="http://qcode.us/codes/liveoak/">http://qcode.us/codes/liveoak/</a></p> <p>While the City Council believes the meetings are conducted within the City's rules of Parliamentary procedure which maintains the proper decorum during their meetings, conflict continues. One council member is unable to hold any committees and is muted from speaking at the Mayor's discretion. A vote to censure this member occurred at their October 2020 meeting, but it is unknown for how long the censure will last. It is important to note that this council member was elected by the citizens of the City of Live Oak to do a service.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

		<p><i>continue</i></p> <p>Members regarding procedure. There is no question that the four courteous members of the Council have strived to live within the rules. The Council as a body does not have the authority to expel one of its elected members.</p>	<p><i>continue</i></p> <p>December 2020 the Grand Jury received copies from the Live Oak city staff of the following:</p> <ul style="list-style-type: none"><li>• Live Oak Municipal Code Rules of Conduct.</li><li>• Memoranda regarding council questions on agenda items, how to vet information in advance of Council Meetings and avoid any surprises, formal procedure to ask questions through the chair, asked staff to publish the meeting agendas well in advance of the meeting and more than twice the time required by the Brown Act.</li></ul>
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**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F7. Live Oak is not requesting competitive bids for service contracts per standard best practices.	R7. City Council re-evaluate all services and consultants under contract with Live Oak, on performance and value, by July 1, 2021.	<p>F7. Disagree. The Grand Jury Report makes no reference to service contracts. The assertion of "best practices" is misplaced. The Grand Jury did not analyze the fact that the City's professional contracts are proper and reasonable. Furthermore, as to Consultant Agreements not involving City Officials, the City uses a contractual template which contain the clauses in question.</p> <p>R7. The recommendation will not be implemented as it is not warranted. See response to the Grand Jury's Report.</p>	<p>This recommendation has not been implemented because the Live Oak City Council disagrees and states the response is not warranted.</p> <p>The City Council states they use a contractual template which addresses performance and value mentioned in R7.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F8. City Council has repeatedly neglected to require term limitations, caps on fees, and a detailed scope of work in professional service (consultant) contracts.	R8. City Council direct the City Manager to examine contracts for scope of work, missing cap fees, term limitations, liability insurance coverage and make recommendations to City Council by the end of December 2020.	<p>F8. Disagree. This "finding" is nothing more than an argument and an attempt to embellish "finding" 7 above. Some professional relationships do not lend themselves to "term limitations" and the services to be provided are well defined by statute in addition to what might be set forth in an agreement. Again, the City utilizes a form of contract for its consultants (who are not City Officials) which contain the suggested clauses.</p> <p>R8. The recommendation will not be implemented as it is not warranted. This is simply a recapitulation of recommendation 2 and recommendation 7. The provisions referenced herein do not reflect universal "best practices". The Grand Jury fails to distinguish between professional arrangements for those who function as a City Official versus a true consultant contract wherein the City already utilizes a contractual template similar to the suggestions in question.</p>	<p>This recommendation has not been implemented because the City Council disagrees with the Grand Jury finding F8 and states the Council uses a contractual template that utilizes the recommendations suggested in R8.</p> <p>The Grand Jury asked for a blank template and was provided 5 current professional services contracts, one of which was being used as a template, "Agreement for Professional Services" dated May 3, 2017. The Grand Jury reviewed the contracts and found only one contract to have followed the template and have a spending cap. Two of the contracts did not follow the template in that the contracts were for five years instead of three years as in the template and also there was no spending cap. One did not follow the template and is not legally binding. One contract for legal services has been an on-going contract since 1978. It was last updated June 4, 2014 with NO termination date. It conflicts with the template and has no spending cap.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F9. The Water Enterprise Fund is underfunded.	R9. City Council remedy the missing revenue in the Water Enterprise Fund and come into compliance with State regulations regarding water covenant by the end of June 30, 2021.	F9. Agree.  R9. The recommendation will be implemented. The city council will work with staff to develop and implement water rates that put the Water Fund into a positive balance and bring loan covenants into compliance by June 30, 2021.	This recommendation has not yet been implemented but will be implemented in the future no later than June 30, 2021.  As of March 26, 2021, Live Oak city staff states that there are no written plans for a water rate study at this time.

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak –  
Government, Transparency and Finances**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F10. The Water Enterprise Fund does not comply with State regulations regarding the water loan covenant.	R10. City Council direct City administration to create and implement a water rate increase that utilizes the 2017 Water and Wastewater Rate Study's recommendations.	F10. Agree.  R10. The recommendation will be implemented. See R9 response above.	<p>This recommendation has not yet been implemented but the City Council will work with staff to develop and implement water rates that put the water fund into a positive balance no later than June, 30 2021.</p> <p>As of March 26, 2021, Live Oak city staff states that there are no written plans for a water rate study at this time.</p>



**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak – Public Works**

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
<p>F1. Multiple delays were found for vital public works projects over several years. .....</p> <p>F5. Lack of oversight and project management has caused delays and cost overruns, as well as, impacts to other systems and projects.</p>	<p>R1. Live Oak City Council to direct the City Manager to provide the following:</p> <ul style="list-style-type: none"> <li>Quarterly report of projects to the Live Oak Council, starting by September 2020.</li> <li>To restart the Water, Sewer and Storm Drain Committee meetings on a quarterly basis.</li> <li>Quarterly report on the Water, Sewer and Storm Drain Committee meetings/activities to the Live Oak Council.</li> </ul>	<p>F1. Agree. The City has had a number of delays on Public Works projects. However, the City Council has hired a new City Manager who has informed the Council as to the status of all outstanding Public Works projects as well as those Public Works projects that will be starting in the near future. The City Council also receives a quarterly projects Status report on all capital projects.</p> <p>R1. The recommendation has been implemented. The City Council began receiving a quarterly project status report starting in December 2019. The Water, Sewer, and Storm Drain Committee was never disbanded. They meet as needed to discuss such issues and make recommendations to staff as to what issues and projects to bring before the City Council. All recommendation made by this committee will be added to the quarterly project status report. .....</p> <p>F5. Agree. See City response to F1.</p>	<p>The recommendation to provide quarterly reports has been implemented.</p> <p>The Grand Jury viewed reports dated June 17, 2020, September 11, 2020 and December 16, 2020 and March 4, 2021.</p> <p>The recommendation to restart the Water, Sewer and Storm Drain Committee has been implemented.</p> <p>The last committee meeting was held March 26, 2021.</p>

**Continuity: The Three R's - Recommendations, Responses and Results  
Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak – Public Works**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F2. The City of Live Oak has not provided consistent explanations for work delays.	R2. Live Oak City Council to direct the City Manager to immediately hold the City Engineer and respective Department Directors responsible for managing the delivery of professional services (consultants) contract tasks, milestones, project schedules and project completion in the prescribed time frame and report status to the Live Oak Council within 90 days.	<p>F2. Partially disagree. Since April 2018, the City Council has received reports on all City capital projects. Also, the City Council receives a Quarterly Project Status report (started December 2019).</p> <p>R2. The recommendation has been implemented. With the hiring of a new, permanent City Manager, the new City Manager is holding executive staff and consultants responsible for all projects. Agreements include the necessary timelines, insurance requirements, and costs that will allow the City to hold consultants and contractors responsible for any and all project deficiencies and delays.</p>	<p>The recommendations have been implemented. A Capital Improvement Plan was issued October 2020 that provides updates on projects in progress as well as pending projects. Additionally, City Council receives a quarterly project status report.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak – Public Works**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F3. There is a lack of responsibility and accountability by the City of Live Oak management.	R3. Live Oak City Council to direct the City Manager to ensure all future project is contractual with milestones, deadline, to assess monetary penalties for delays, and incentives clearly identified.	<p>F3. Partially disagree. From April 2018 until August 2019, the City had Interim City Managers to keep the City going. In August of 2019, the City hired a permanent City Manager. With this new leadership, the City now has projects on target to be completed or have been completed.</p> <p>R3. The recommendation has been implemented. City Staff has been instructed to ensure all future City Capital projects will include all the necessary timelines, milestones, penalties, and costs.</p>	<p>This recommendation has been implemented.</p> <p>The Grand Jury viewed contracts that showed the necessary timelines, insurance requirements and cost are present. The Grand Jury also viewed the contract being used as a template.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Local Government: City of Live Oak – Public Works**

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
F4. There is a lack of oversight by Live Oak City Council.	R4. Live Oak City Council to direct the City Manager and/or the Department Directors to report on each project's status at Live Oak Council meetings, to inform the public and create transparency, starting by September 2020.	<p>F4. Partially disagree. Since 2018, the City Council hears about these projects during the capital budget portion of the annual budget approval process. There have been items on the Council agenda addressing capital projects as well as the quarterly report the City Council receives. The City Council is up to date on all capital projects within the City.</p> <p>R4. The recommendation will not be implemented as it is not warranted. The Quarterly Projects Status Report is placed on the last Council Meeting agenda of the quarter. So, not only does the City Council receive this report, the public has access to this report as well.</p>	<p>This recommendation has been implemented.</p> <p>A Capital Improvement Plan report was issued October 2020. The City Council receives a Quarterly Project Status report. All of the information is available to any Sutter County resident.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Safety: Yuba City Unified School District –  
Getting Our Children to School Safely**

GJ Report	Recommendation	Response	Results! 2020-21 Grand Jury Follow Up
F1. One designated pickup/drop off zone is insufficient for Riverbend's 1,000+ student population during peak volume times.	R1. YCUSD and the City of Yuba City work together to improve and expand pickup and drop off capability at Riverbend by December 2021.	<p>F1/R1 <b>YCUSD</b> response: The responsibility of identifying pick up and drop off areas at Riverbend Elementary School is the responsibility of the District. District Office staff, the Director of Maintenance and Facilities, the Riverbend Principal, and the District's Resource Officer will work together to identify possible locations to expand the pick-up and drop off locations at Riverbend Elementary School by December 2020. This date may need to be adjusted due to the fact that all YCUSD schools are reopening through a Distance Learning model for the 2020-2021 school year, due to orders from the Governor and the California Department of Public Health related to COVID-19.</p> <p>.....</p> <p>F1. <b>Yuba City Council</b> response:</p> <p>For a larger school, one designated pickup/drop off zone can be problematic. Other schools with similar situations try to address this by staggering start and end of school times for the various grades.</p>	<p>This recommendation has partially been implemented.</p> <p>The drop off zones have been repainted to stage students.</p> <p>COVID-19 safety protocols have delayed final options to expand and improve drop off capability at Riverbend. Both entities have discussed the situation and will assess as the students return to full on-site instruction. The entities feel that they are on track to meet December 2021 date.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Safety: Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F2. Riverbend and Park Ave parents and students do not always comply with written pick up and drop off procedures.	R2. School staff use multiple methods to educate Riverbend & Park Avenue parents and students in safe pick up and drop off areas/zones by the start of the 2020/2021 school year.	F2/R2.YCUSD Response: Once school resumes to in-person learning, Park Avenue and Riverbend principals will communicate and educate parents on safe pick-up and drop-off procedures through, email, video-messaging, and auto-dialer. Students will be educated on safety protocols for pick-up and drop-off through their classroom teachers and site administrators.	This recommendation has been partially implemented.  Letters from school principals were sent to parents regarding pick-up and drop-off procedures at their respective schools. Students were informed of their individual locations of pick-up and drop-off areas.

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F3. No mid-block crosswalk on Stewart Road in front of Riverbend, leads to pedestrian jaywalking.	R3. The educational staff design student programs to increase and promote traffic and pedestrian safety by the start of the 2020/2021 school year.	<p>F3/R3. <b>YCUSD</b> response: Educational staff will research safety programs to be implemented by the staff that promote traffic and pedestrian safety. These programs will be implemented upon the return of students to the campus.</p> <p>.....</p> <p>F3. <b>City of Yuba City Council</b> Response:</p> <p>The City acknowledges the finding but has concerns with on uncontrolled mid-block crosswalk. For further discussion, please see the response to recommendation R4.</p>	<p>This recommendation has been partially implemented.</p> <p>School site PBIS teams (Positive Behavior Interventions Systems) will create and promote video messaging targeted to students that promotes the safety protocols and positive behavioral expectations upon arrival and dismissal times, to include all modes of transportation (walking, biking, personal vehicle and school bus). Additionally, Yuba City Police Department will provide access to their traffic safety video utilized in the Neighborhood Speed Awareness (NSA) program. The YCPD Traffic Sergeant and YCPD School Resource Officers are available for additional traffic safety training and education for parents and the neighboring community.</p>



**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F4. Drivers not following rules of the road create unsafe conditions.	R4. A survey be conducted to add a mid-block crosswalk on Stewart Road in front of Riverbend by December 2021.	<p>F4/R4. <b>YCUSD</b> does not have the authority to place crosswalks on city/county roads. However, the District will work with the City of Yuba City to determine the feasibility of a mid-block crosswalk on Stewart Road in front of Riverbend by December 2020.</p> <p>.....</p> <p><b>F4. City of Yuba City Council:</b></p> <p>The City agrees with the finding.</p> <p>R4. The City will coordinate with Yuba City Unified School District to evaluate the installation of a mid-block crosswalk by December 2021. There are many factors to consider including:</p> <ul style="list-style-type: none"> <li>• Location of the mid-block crosswalk. Just because a mid-block crosswalk is provided does not mean that pedestrians will use it.</li> <li>• Location will be key to encourage pedestrians to utilize the crosswalk.</li> <li>• How to direct pedestrians on the south side of Stewart Road to the mid-block crosswalk.</li> <li>• There are no sidewalks on the south side of Stewart Road. Control of the crosswalk via a crossing guard, flashing beacon, or even pedestrian traffic signal.</li> <li>• Lighting as there may be events that occur at night at the school in which pedestrians will be using the mid-block crosswalk at night.</li> <li>• Cost and funding availability.</li> </ul>	<p>This recommendation has not yet been implemented.</p> <p>The City plans to evaluate when all students have returned to campus.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F5. Driver compliance increased when a peace officer was present.	R5. Yuba City Police Department to increase periodic presence of a School Resource or Peace Officer as resources permit to deter unsafe behavior by drivers by start of 2020/2021 school year.	<p>F5/R5. <b>YCUSD</b> will request that the District Resource Officer periodically, as time allows, observe pick-up and drop-off times at Riverbend and Park Avenue, as a means to deter unsafe behaviors. In addition, YCUSD will request from the City of Yuba City and the Yuba City Police Department to increase periodic patrol, by a Yuba City Peace Officer, to observe pick-up and drop-off at Riverbend and Park Avenue, as resources permit, to deter unsafe behavior by drivers upon the return of students on campus for the 2020/2021 school year.</p> <p>.....</p> <p><b>F5. City of Yuba City Council:</b></p> <p>The City agrees with the finding.</p> <p>.....</p> <p><b>R5. The Yuba City Police Department</b> will increase periodic presence of a School Resource or Peace Officer as resources permit once school is back in session with in-classroom learning.</p>	<p>This recommendation has been partially implemented.</p> <p>Schools have partially reopened after having been closed due to Covid-19. Patrols have resumed. This recommendation should be reviewed after the full student bodies return to their campuses.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F6. Staff personnel did not address unsafe driver behavior.	R6. School staff to create a procedure for a concerned driver or parents to report serious traffic safety issues at the schools by December 31, 2020.	F6/R6. YCUSD District office and school administration will work together to develop a means by which concerned parents/individuals can report serious traffic safety issues at the schools by December 31, 2020.	<p>This recommendation has been partially implemented.</p> <p>Community members and parents can report concerns via each school site webpages or the district page at <a href="http://www.ycusd.org">www.ycusd.org</a>, by clicking on the ANONYMOUS REPORTING link through Catapult, EMS. This is the form used for bullying, concern for self or others, and vandalism. Traffic safety is not specifically listed as an option.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F7. There is no procedure in place for parents to report unsafe driving.	R7. School staff to ensure all crossing guards, including school personnel, have adequate training and wear highly visible attire while monitoring pick up and drop off by start of the 2020/2021 school year.	F7/R7. YCUSD District Office staff will develop a district-wide safety training for all crossing guards and school personnel, regarding traffic safety. In addition, "safety vests" will be provided to all crossing guards as well as hand-held stop signs prior to the return of students to campus during the 2020/2021 school year.	<p>This recommendation has been partially implemented.</p> <p>Safety vests and hand-held stop signs are in use.</p> <p>The district plans to use Keenan Safe School for online safety training.</p>

**Continuity: The Three R's - Recommendations, Responses and Results  
Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F8. School personnel did not wear identifying safety gear while guiding parents and students through loading & unloading areas.	R8. City of Yuba City to maintain curb painting and have clearly distinguished 'No Parking' areas on the public streets adjacent to the schools by start of the 2020/2021 school year.	<p>F8/R8. <b>YCUSD</b> will work with the City of Yuba City to ensure that curb painting and clearly distinguished "No Parking" areas are maintained on the public streets adjacent to the schools upon the return of students on campus for the 2020/2021 school year.</p> <p>.....</p> <p><b>F8. City of Yuba City Council:</b></p> <p>It is unclear from the report as to if this comment is related to a specific school or rather a general comment. The report notes that the Grand Jury observed parents using no parking zones for pickup and drop off of Riverbend students, in particular, on Garden Highway. There are signs posted on Garden Highway at regular intervals that state, "No parking Any Time". City staff will evaluate this corridor once school is back in session with in-class room learning to determine if additional signage, curb painting, and/or striping is required. Staff will also coordinate with Yuba City Unified School District by December 2021 to identify other areas that require curb painting and clearly distinguished "No Parking" areas.</p>	This recommendation has been implemented.

**Continuity: The Three R's - Recommendations, Responses and Results  
Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F9. There was a significant lack of street signage and curb markings adjacent to schools.	R9. YCUSD to establish maintenance schedules for signage, curb and pavement markings, and overgrown vegetation on school premises by the start of 2020/2021 school year.	<p>F9/R9. <b>YCUSD</b> Response: The YCUSD Maintenance Department has established a maintenance schedule for signage, curb and pavement markings and overgrown vegetation on school premises.</p> <p>.....</p> <p><b>F9. City of Yuba City Council</b> Response: The City respectfully disagrees with the finding to the extent that the finding implies that minimum signage requirements have not been met (see Response to R8), and also agrees that more signage may be warranted if appropriate depending upon the location. In this regard, the City has already prepared a Safe Routes to School Plan, dated February 2020, which evaluated each school site within the Yuba City Unified School District and made recommendations related to street signage and curb markings. As budget allows, staff will be implementing the recommendations.</p>	<p>This recommendation has been implemented.</p> <p>The YCUSD Maintenance Department has created a quarterly preventive maintenance work order to check and correct the site signage, curb and pavement markings and overgrown vegetation. The City has also been very helpful maintaining the center planters on Stewart Road.</p>

**Continuity: The Three R's - Recommendations, Responses and Results**  
**Status of Responses to the 2019-2020 Sutter County Grand Jury Reports**

**Yuba City Unified School District –  
Getting Our Children to School Safely**

<b>GJ Report</b>	<b>Recommendation</b>	<b>Response</b>	<b>Results! 2020-21 Grand Jury Follow Up</b>
F10. Riverbend Elementary School had overgrown vegetation obscured driver and pedestrian vision that created safety issues.		F10. YCUSD Response: As soon as the District was notified of the concerns regarding the overgrown vegetation at Riverbend Elementary School, YCUSD maintenance department immediately cut down all vegetation obscuring driver and pedestrian vision.	F10. was promptly corrected prior to the release of the report.  The Grand Jury would like to commend the prompt action by the YCUSD maintenance department in corrective and ongoing actions to prevent overgrown vegetation.

## CONCLUSION

The Grand Jury annually completes its term of service with published reports on completed civil investigations. These reports generate findings and recommendations which require a variety of required and invited responses. The Grand Jury's investigation revealed that a number of required agency responses remain incomplete and that more consistent follow up by investigated agencies is needed. It is anticipated that the implementation of new tracking and reporting mechanisms will encourage greater agency compliance.

The Grand Jury appreciates all departments and agencies that replied to the 2019-2020 Grand Jury's findings. It is important for responses to be complete and responsive so the public can know when to expect actions to be taken to address investigated issues. Reporting publicly on the completion of previously committed actions goes a long way toward enhancing the positive impact of the Grand Jury in its role as a public watchdog.



# SUTTER COUNTY FIRE AND EMERGENCY SERVICES



**SUTTER**



**MERIDIAN**



**ROBBINS**



**OSWALD-TUDOR**

IS SUTTER COUNTY  
PLAYING  
WITH FIRE?



**EAST NICOLAUS**



**LIVE OAK**



**YUBA CITY**



**PLEASANT GROVE**

**2020-2021 Sutter County  
Civil Grand Jury Report**

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## **SUMMARY**

The 2020-2021 Sutter County Grand Jury has heard the smoke alarm. Is Sutter County playing with fire? The Grand Jury reviewed six previous Grand Jury reports, the 2017 Local Agency Formation Commission (LAFCO) Municipal Service Review/Sphere of Influence (MSR/SOI) reports, conducted interviews, compiled data, and concluded that the County continues to underfund its Fire and Emergency Services. This underfunding potentially endangers the people of Sutter County and risks the doubling or tripling of home and fire insurance rates. Funding is so inconsistent and dire that at the end of Fiscal Year 2023 the County may have to close one of its fire stations to come within present budget constraints. Identifying a permanent source of funding is essential. Additionally, 65% of the Sutter County Fire's equipment is out-of-date and needs to be replaced by instituting a viable capital improvement plan. Many of Sutter County Fire stations' personnel are volunteers and, though dedicated, may not be available on an immediate basis. The County is cautioned that it takes four firefighters (Two-In and Two-Out) to fight an interior structural fire in accordance with OSHA and County requirements.

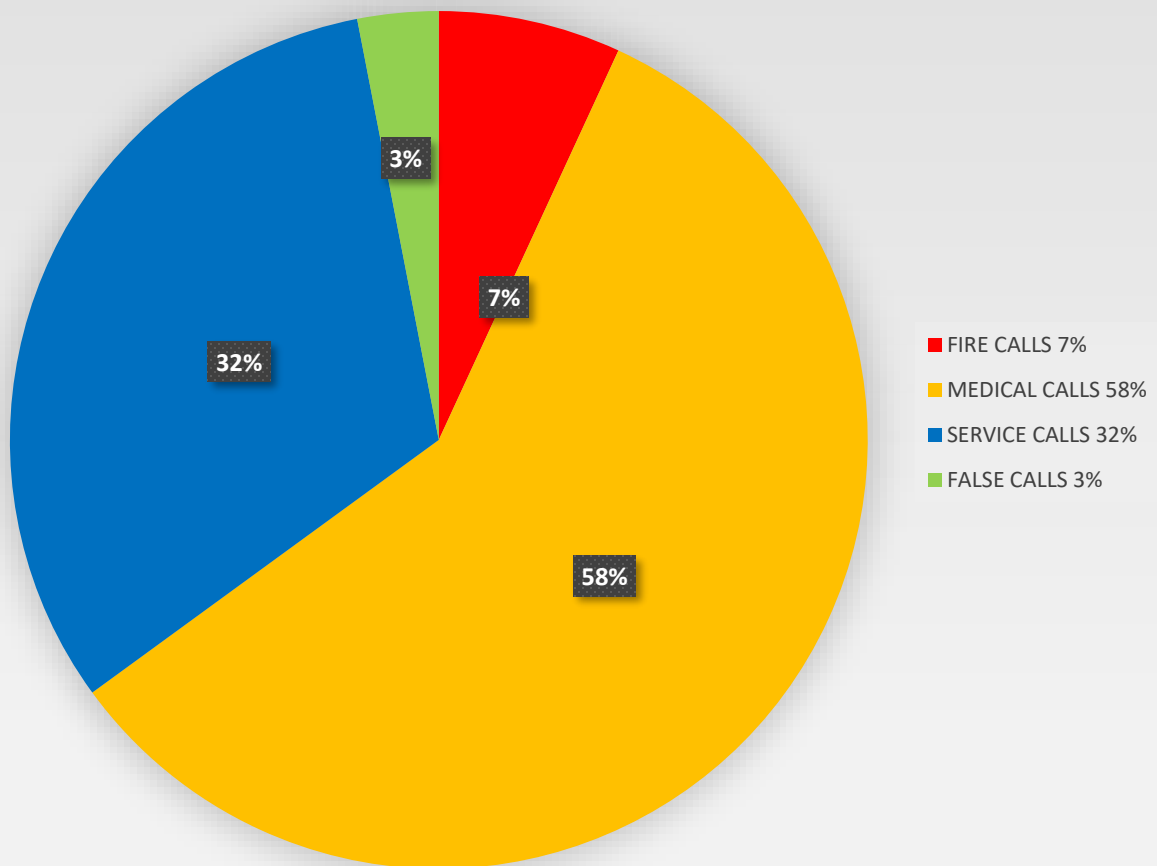
## **BACKGROUND**

The Grand Jury chose to investigate the Sutter County Fire and Emergency Services to insure the best response and protection for our citizens. Since 2006, this subject, in some form, has been reviewed by six previous grand juries. This undertaking was complex, due to the varied and numerous fire, safety and other emergency services organizations within Sutter County. Staff at the Yuba City Fire Department (YCFD) were interviewed, providing information that was extremely valuable. However, the focus of this report is on the Sutter County Fire Departments outside of Yuba City. YCFD information and data were included to provide a comparison and for report clarity.

Sutter County and San Francisco County are the only two counties in California with no federal or state forests to help fund fire districts. Other counties have forested lands and receive additional state and/or federal funding.

The role of a firefighter has drastically changed. In the past, training of fire fighters involved just that, fighting fires. Now the job includes qualifications for: Emergency Medical Technicians, hazardous material handling, automotive accident techniques (Jaws-of-Life and Electric Vehicles) and Search and Rescue to name just a few. Outside of Yuba City firefighters are normally the first on the scene when emergencies happen in our county. Most of the situations that Sutter County Fire responds to are medical in nature. (See chart of emergency call tables for 2018 -2020 below and Appendix A)

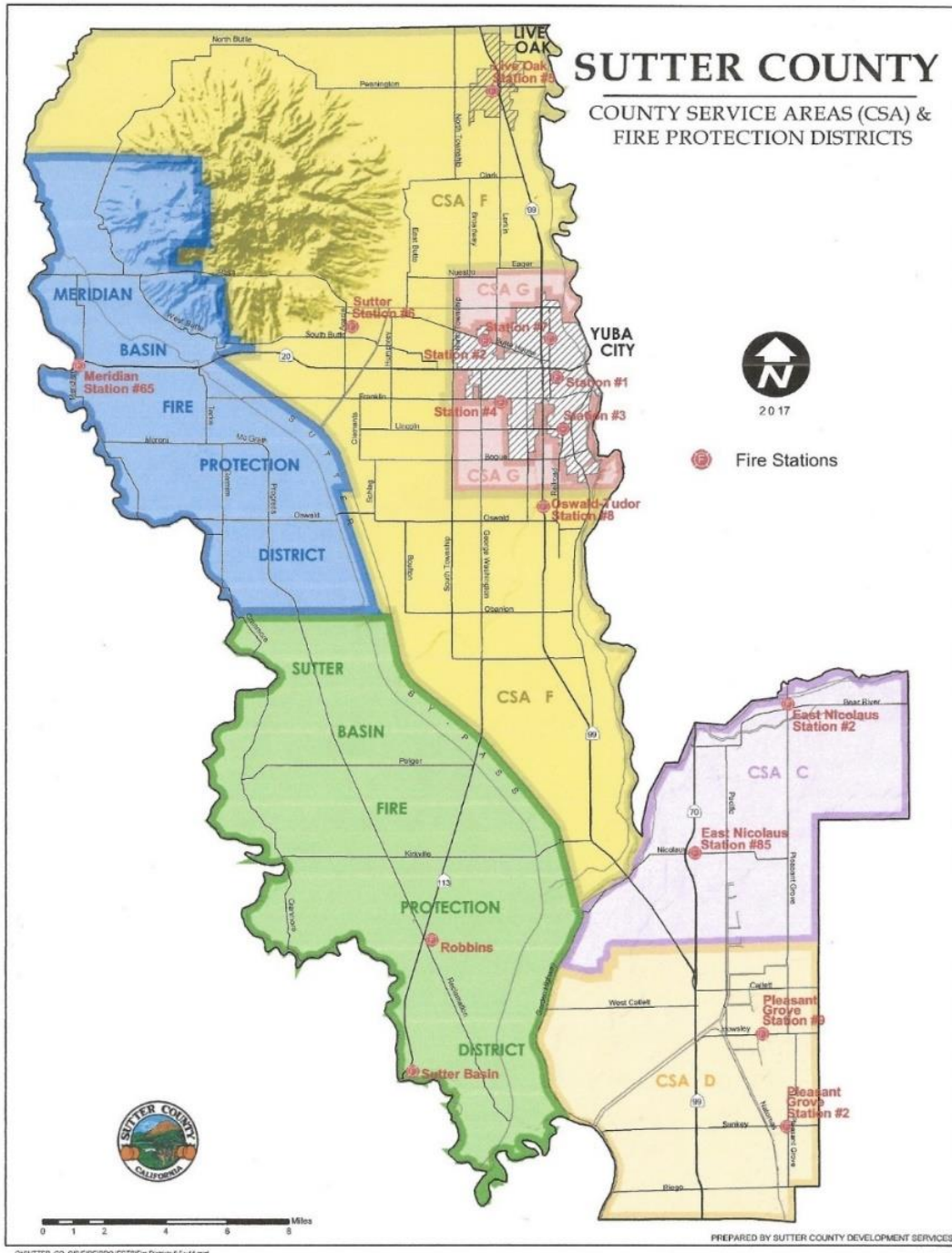
## 2018-2020 TOTAL CALLS





## SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?

The main portion of Sutter County's fire protection is County Service Area (CSA) F. Sutter County Fire operates fire and emergency services for the City of Live Oak on a contractual basis, Sutter Fire Station, and Oswald-Tudor (Barry Rd) Fire Station. Other jurisdictions include: Meridian Basin Fire Protection District (FPD), East Nicolaus CSA C, Pleasant Grove CSA D and Sutter Basin (Robbins) Fire Protection District, mostly all volunteer fire districts and CSAs. Yuba City is CSA G.



**SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

<b>City Name</b>	<b>Desig #</b>	<b>Address</b>	<b>Manning</b>	<b>Remarks</b>
Yuba City	#1	824 Clark Avenue, Yuba City	24/7	CSA G
Yuba City	#2	1641 Gray Avenue, Yuba City	24/7	CSA G
Yuba City	#3	795 Lincoln Road, Yuba City	24/7	CSA G
Yuba City	#4	150 Ohleyer Road, Yuba City	24/7	CSA G
Live Oak	#5	2745 Fir Street, Live Oak	24/7	CSA F Under contract
Sutter	#6	2340 California Street, Sutter	24/7	CSA F
Meridian	#65	1100 3 <sup>rd</sup> Street, Meridian	24/7 and Volunteer	FPD Paid Chief & Asst Chief
Yuba City	#7	2855 Butte House Road, Yuba City	24/7	CSA G
Oswald- Tudor	#8	1280 Barry Road, Yuba City	24/7	CSA F
East Nicolaus	#85	1988 Nicolaus Avenue, East Nicolaus	Volunteer	CSA C #2 is a storage garage
Pleasant Grove	#9	3100 Howsley Road, Pleasant Grove	Volunteer	CSA D #2 is a storage garage
Sutter Basin (Robbins)	#45	1719 Pepper Street, Robbins	Volunteer	FPD Closed. Not actively engaged

**(Staff, Sutter County CSAs and Fire Stations)**

## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

Meridian has a paid chief and assistant chief. Robbins had a paid fire chief who is now retired and has not been replaced. There are volunteer chiefs in Pleasant Grove and East Nicolaus. Each of these stations are run primarily by volunteers and operate with their own funding and budgets.

Due to the devastation caused by recent forest fires in nearby counties, the Grand Jury is concerned about the increasing cost and decreased availability of fire insurance for our property owners. In particular, if industry mandated requirements are not met within Sutter County. Fire insurance available to our citizens is increasingly expensive and may be eliminated by companies if their industry mandated requirements are not met.

The Insurance Services Office (ISO) assigns a numerical rating to all fire departments in the United States based on three main factors. The three factors are water supply 40 credits of the grading, the dispatch center 10 credits of the grading, and the fire department 60 credits of the grading. Of the fire department factors essential grading components are staffing, response times, training, condition of equipment and condition of facilities. In each community the ISO analyzes relevant data and assigns a Public Protection Classification (PPC)—a number from 1 to 10. Class 1 represents exemplary fire protection, and Class 10 indicates little to no fire suppression is provided. The lower the ISO rating the less a property owner pays for fire insurance and the higher the rating the costlier the insurance.<sup>1</sup> ISO PPC ratings, for a given station, are done approximately once every 10 years.

The Grand Jury found that the fire stations for Live Oak and Sutter were rated 4 out of 10, both with average response times of five minutes (2021). The Oswald Tudor station was rated 5 out of 10 with average response times of eight minutes (2021). According to the ISO Report (See Appendix B), East Nicolaus and Pleasant Grove have both been rated 8 out of 10 and scored 17.52 out of a possible 105.5. That is due mostly to its all-volunteer staffing and lack of an adequate water supply. Their average response times in 2021 were 19.7 minutes. The ISO Rating for East Nicolaus and Pleasant Grove is poor, making them pay higher insurance rates than areas with better ratings. ISO rating data on other Sutter County fire stations was not available to the Grand Jury at the time of this report.

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<sup>1</sup> [https://www.suttercounty.org/agenda/agendaimage/item/11073/agenda\\_item\\_Item6aMSRCSA](https://www.suttercounty.org/agenda/agendaimage/item/11073/agenda_item_Item6aMSRCSA)

## **METHODOLOGY**

The Grand Jury toured the following Fire Stations:

- East Nicolaus Fire Station (CSA C).
- Meridian Fire Station (virtually).
- Pleasant Grove Fire Station (CSA D).
- Sutter Basin (Robbins) Fire Station (outside only).

The Grand Jury interviewed the following personnel:

- Staff from the Sutter County Fire Department.
- Staff from the Yuba City Fire Department.
- Staff from the Pleasant Grove Fire Station.
- Staff from the Meridian Fire Station.
- Elected Sutter County Officials and other Management Staff.
- Staff from the Office of Emergency Management.
- Personnel at Bi-County Ambulance Service.

The Grand Jury reviewed the following documents:

- County Fire tax/property tax for fire funding document.
- County Budget Records.
- 2020 Annual Report Sutter County Office of Emergency Management (OEM).
- Sutter County Wage Schedule.
- California State Fire Service Wage Schedule.
- Previous Grand Jury Reports from 2006-07, 2007-08, 2014-15, 2015-16, 2016-17, and 2018-19.
- ISO reports for fire stations: Live Oak, Sutter, Oswald Tudor, East Nicolaus and Pleasant Grove each dated July 31, 2015.
- Sutter County Fire Department Call Summaries from 2018, 2019 and 2020.
- Sutter County First Unit Arrival Response Time Analysis for Stations 5, 6 and 8.
- East Nicolaus Pleasant Grove Fire Average Response Time for Year Range (2018-2021) report generated 3/22/2021.
- East Nicolaus Pleasant Grove Fire Incidents by Year for Year Range (2018-2021) report generated 3/22/2021.
- OSHA Regulation 1910.134 – Respiratory Protection (Two-in/Two-out) for Interior Structural Fires.
- Sutter County Fire Department Standard Operating Procedure (SOP) 02-2001 Interior Fire Attack Policy (Two-in/Two-out).
- LAFCO MSR/SOI reports for Sutter County CSAs C, D, F, and G of April 27, 2017.

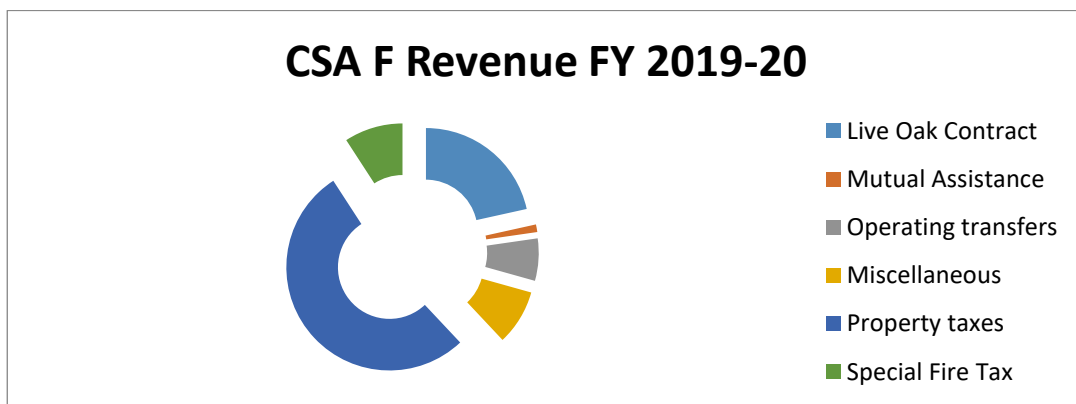


## **DISCUSSION**

The Grand Jury looked into three areas of concern in Sutter County Fire and Emergency Services. After reviewing previous Sutter County Grand Jury and LAFCO reports there appears to be ongoing systemic problems. First, there is not sufficient funding for the Fire Services. Second, the organization, manning, retention and pay for the firefighters does not meet the requirements of procedure, law and best practices. Sutter County cannot attract and retain the number of firefighters needed. Third, there is no viable capital asset replacement plan in place. Aging vehicles and equipment are more expensive to maintain and prone to failure which could endanger the firefighters and the public.

### **FIRE SERVICES FINANCES IN DIRE STRAITS**

Based on County data, separate financial accounts exist for the CSAs, Fire Protection Districts and fire services administration. While the administration account is covered almost exclusively by general funds, the other individual accounts are self-financed. CSA F is the exception. At present, the General Fund pays for unexpected costs when the need arises. CSA F is the only area with its own special fire tax. This tax has not had a cost-of-living increase or any increase since its inception in 1997. The Board of Supervisors agreed with the 2018-2019 Grand Jury finding that CSA F was underfunded, yet little has changed except funding for various temporary grants. Property owners must approve increases by a 2/3 majority in an election before this tax can be increased. Unless voters are convinced that approving a tax increase is in their best interest, the result will not be positive. The Grand Jury recommends that prior to placing a special fire tax on a ballot, that the county provide the public with the factual information regarding current and future costs and revenues needed to continue to provide fire and emergency services at the present level. If revenues will not support continued services, the public must be made aware of the difficult choices that the county will be forced to take. Voting on a tax increase by a well-informed public as to the community's need for effective fire and emergency services, is crucial.



## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

Expenses for personnel, insurance, supplies, and services are covered by the CSA F account since the areas East Nicolaus and Pleasant Grove are primarily run by volunteers. The administration account pays for the fire chief and administration. During the Grand Jury's investigation, it was discovered that calls for response to the fire district of Robbins, and service areas East Nicolaus and Pleasant Grove were often covered by the Oswald-Tudor station (CSA F). No financial assistance was collected for their efforts from those accounts. While CSA F needs regular transfers of funding from the General Fund, the accounts for East Nicolaus and Pleasant Grove run a positive balance yearly. Without a mechanism for recovering personnel costs from these accounts, the County will continue to contribute funds to the account for CSA F, especially for personnel costs. Additionally, the county is not billing motorists for services rendered, this includes commercial vehicle and reckless or impaired driver accidents.

<b>FY 2018-2019</b>				
	<b>CSA C</b>	<b>CSA D</b>	<b>CSA F</b>	<b>Fire Admin</b>
Revenues	\$253,644.83	\$399,859.08	\$3,017,663.39	\$26,445.18
Expenditures	\$106,755.47	\$225,525.70	\$2,873,794.67	\$274,281.34
	\$146,889.36	\$174,333.38	\$143,868.72	(\$247,836.16)
<b>FY 2019-2020</b>				
	<b>CSA C</b>	<b>CSA D</b>	<b>CSA F</b>	<b>Fire Admin</b>
Revenues	\$256,139.48	\$366,106.71	\$3,056,606.55	\$3,884.90
Expenditures	\$158,708.74	\$224,472.70	\$3,174,059.16	\$277,247.91
	\$97,430.74	\$141,634.01	(\$117,452.61)	(\$273,363.01)

The information above was taken from the Sutter County Fire Services Financial Audits of 2018-2019 and 2019-2020

Had the County combined these jurisdictions and added the expenses and revenues together as shown in the charts above, the revenues would have covered the expenditures in FY 2019 with no assistance from the general fund. In FY 2020, the loss would only have been \$151,751 instead of \$390,815.

## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

The districts Sutter Basin (Robbins) and Meridian are required to submit their annual audited reports. However, the County has not received any annual audited report from Sutter Basin (Robbins) since 2017, when their paid fire chief retired. Any additional income is not reflected in the County's annual audited financial reports. The County was not able to provide current financial documents on their annual costs and revenues for the Sutter Basin (Robbins) Fire Protection District. However, since Robbins receives a portion of annual property tax revenue from all of Sutter County residents (.12%), the Grand Jury was able to determine at least that portion of tax revenue:

Sutter Basin (Robbins) Revenues*	
2018	\$111,564.00
2019	\$118,073.00
2020	\$122,182.00
Total unaudited funds	
	\$351,801.00
* Total revenues come from tax assessment information	

**A total of over \$350,000 of tax revenues since 2018 are unaccounted for at Sutter Basin (Robbins) and has not been audited regularly by the County.**

Despite multiple reports on the fire service finances (specifically in Grand Jury Reports for 2006-07, and 2018-19 and four LAFCO MSR/SOI Reports for 2017) the County has made no substantive changes to expenditures or improved revenues for fire and emergency services. The Grand Jury recommends that the County consider combining all jurisdictions (Fire Protection Districts and CSAs) into one that is run by a paid supervisory fire chief. One of the problems in combining the jurisdictions, and therefore accounts, is that the Special Fire Tax is linked to only one service area (CSA F). This would have to either be eliminated, which is not the Grand Jury's recommendation, or extended to the other areas being integrated into a single account. After comparing annual fire taxes assessed to properties in the CSA F, the Special Fire Tax presently costs most homeowners between \$4 to \$7 a month for an average sized house. The Grand Jury recommends that this tax be increased to include a cost-of-living adjustment and incorporate the rest of the county added by taxpayer vote.

In 2019, the County Administration hired an outside firm to determine whether tax payers in the County were prepared to pay an additional fire tax. The County has yet to act on any recommendations. To be successful, the County should have given more attention to

## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

explaining the need and the ultimate benefit of having such a tax for those areas that do not currently have one and have seen impacts to services. The choice is to expand the fire tax to cover all of Sutter County for consistent and timely emergency services or pay higher fire insurance premiums.

### **FIRE FIGHTING – ORGANIZATION, STAFFING AND PAY**

Sutter County is divided into multiple fire districts and service areas that presents different challenges including equipment, staffing, salaries, and organization. Fire services are separated into four County Service Areas (CSA) and two Fire Protection Districts. CSA C and CSA D are staffed by volunteers. Recently, a single seasonal position has been advertised for an equipment engineer to provide better emergency response times for those areas. Meridian Basin and Sutter Basin (Robbins) Fire Protection Districts are separate entities within the County and are also staffed mainly by volunteers.

The Robbins Fire Chief position has been vacant since 2017 and needs to be filled as soon as possible. Communication with Sutter County dispatch, either by radio or cell phone, is so poor in the Robbins area that Sutter Basin (Robbins) Fire Station is dispatched through Yolo County. This communication problem was identified in the Grand Jury Report of 2006-2007. For all intents and purposes the Sutter Basin (Robbins) Fire Station, at present, is closed. Sutter Basin (Robbins) Fire Station is located on the Highway 113 corridor.

As a result of the 2018-2019 Grand Jury Report recommendation the County made and filled a shared-time position as grant writer for the Fire Services Office and the Office of Emergency Management. This grant writer applied for the three-year Federal SAFER (Staffing for Adequate Fire and Emergency Response) Grant, and the grant was approved. Prior to implementation of SAFER Grants, there were a number of incidents where single firefighters responded to a call and were injured. “The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist with increasing the number of firefighters to help communities meet industry minimum standards, to attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. In the first and second years of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter.”<sup>2</sup>

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<sup>2</sup> [www.fema.gov/grants/preparedness/firefighters/safer](http://www.fema.gov/grants/preparedness/firefighters/safer)

## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

Sutter County CSA F (6 people of 21 personnel) currently uses the temporary SAFER Grants to augment manning. Using temporary grants to pay for personnel is a stop-gap measure, not a permanent solution. Currently, job security is tenuous for one third of the firefighters in Sutter County. Those trained in Sutter County may leave for areas where fire staff are paid comparably higher wages and have better job security. The hourly pay for an entry level firefighting engineer in Sutter County is \$14.62/hour.

To be effective a single fire engine requires at least four personnel to fight a structural fire and remain within OSHA regulations and Sutter County Fire Department procedures. Personnel from other stations can fill in at times, but this is not sustainable practice. Occupation Safety Health Administration (OSHA) policy (OSHA, GOV) and Sutter County Fire Department Interior Fire Attack Policy: Two-in, Two-out (S.O.P. 02-2001) restrict firefighters from crossing the threshold of a structure until there are a minimum of four fire personnel on scene. Two personnel are required outside the structure while another two are inside the structure. Due to low staffing the safety of fire personnel and citizens is at risk.

Fire stations in CSA F in the past were minimally manned, which meant the potential existed for only a single responder being able to field a call. When a single person responds to an emergency call, their actions are extremely limited. A single person cannot competently perform CPR for extended periods, administer other emergency services or fight fires. One responder cannot safely handle or lift all emergency equipment and/or administer aid to a person in need. This has led to a significant increase in on-the-job personnel injuries, resulting in an increase in Workers' Compensation claims. The cost for Workers' Compensation claims has increased from \$64,347 in 2015 to \$550,000 in 2020.

In large areas of the County, not only are services supplemented but sometimes solely relied on by volunteers. Volunteers provide an admirable benefit to their own communities where they live with minimal compensation. In neighboring counties some volunteers are paid on a per call basis, which is an added incentive to respond to emergency calls. On a volunteer basis people may finish their full-time employment and then begin their work as an emergency responder. Not only volunteers but all firefighters often sacrifice their time and safety for the good of the community and should be commended for their service.

## **EQUIPMENT**

Equipment throughout the County continues to age while maintenance and replacement problems persist. Equipment and vehicles are shared through mutual aid, but are ultimately property of the County. Some districts or CSAs purchase smaller replacement equipment due to limited funding. The older the vehicle the higher the repair and parts costs. In the Grand Jury Report of 2018-19 it was stated "CSA F is not currently using an equipment replacement schedule and has not developed or funded a capital improvement plan." The

## SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?

LAFCO Report of 2017 also stated “It is recommended that the County develop a capital improvement plan to ensure that equipment can be replaced according to an appropriate replacement schedule.” This situation continues to date. The Sutter County 2021-2022 Budget has a request for two new brush trucks to fight small brush fires. The estimated cost is \$400,000 which may not be approved for lack of funding. The condition of aging machinery and vehicles continues to be a significant problem. Without an increase in funds and a viable capital improvement plan, these problems will escalate.

The industry standard is to replace “first-out” apparatus when it is 15 to 18 years of age. Not all of the vehicles are first-out. However, 23 of the 44 vehicles (52%) in the 10 stations<sup>3</sup> (including Yuba City) should be replaced according to the industry standard. If one were to look just at Sutter County CSAs’ vehicles that number increases to 65%.

Sutter County Apparatus		
<u>APPARATUS (*= First out S=Structure<sup>4</sup>, W=Wildland)<sup>5</sup></u>		<u>YEARS OLD</u>
<u>STATION 5 (Live Oak)</u>		
Fire Engine 5*S	Primary-Type 1	2
Reserve Engine 5	Reserve- Type 1	18
Brush 5*W	Wildland	11
Water tender 5	Transporting just water	25
Grass 5	Wildland	14
Utility 1	Light Utility Vehicle	17
<u>STATION 6 (Sutter)</u>		
Fire Engine 6*S	Primary-Type 1	14
Rescue 6	Heavy Utility Vehicle	20
Brush 6*W	Wildland	31

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<sup>3</sup> Meridian and Robbins numbers were not provided by the time of this report.

<sup>4</sup> First Out Structural Apparatus- These apparatuses respond to medical, vehicle accident and structure fire calls and are the primary engine of use day to day.

<sup>5</sup> First Out Wildland Apparatus- These apparatuses are specialized and respond to grass and brush fires and also used to respond out of county for mutual assistance calls during fire season.

## SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?

Sutter County Apparatus		
Water Tender 6	Transporting just water	25
Grass 6	Wildland	17
<b><u>STATION 8 (Oswald-Tudor)</u></b>		
Fire Engine 8*S	Primary-Type 1	17
Brush 8*W	Wildland	13
Water Tender 8	Transporting just water	15
<b><u>STATION 8.5 (East Nicolaus)</u></b> <b><u>(All engines are staffed by volunteers and the response depends on the incident)</u></b>		
Engine 861	Primary-Type 1	6
<b><u>APPARATUS (*= First out S=Structure<sup>6</sup>, W=Wildland)<sup>7</sup></u></b>		<b><u>YEARS OLD</u></b>
Engine 871	Reserve- Type 1	18
Water Tender 868	Transporting just water	27
Patrol 85	Wildland	18
<b><u>STATION 9 (Pleasant Grove)</u></b> <b><u>(All engines are staffed by volunteers and the response depends on the incident)</u></b>		
Fire Engine 911	Reserve- Type 1	16
Fire Engine 921	Primary-Type 1	6
Patrol 9	Wildland	17
Engine 916	Reserve- Type 1	13
Water Tender 938	Transporting just water	31
Water Tender 918	Transporting just water	9

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<sup>6</sup> First Out Structural Apparatus- These apparatuses respond to medical, vehicle accident and structure fire calls and are the primary engine of use day to day.

<sup>7</sup> First Out Wildland Apparatus- These apparatuses are specialized and respond to grass and brush fires and also used to respond out of county for mutual assistance calls during fire season.

## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

The current predicament of Emergency and Fire Services in Sutter County has developed over a long period of time, as evidenced by the numerous previous Grand Jury and LAFCO reports. It has been nearly 15 years since many of these problems were identified. Permanent solutions were and continue to be recommended, and yet have not been implemented. The time for stop-gap measures has ended. We must stop playing with fire.

### **FINDINGS**

The Sutter County Grand Jury finds:

- F1. Only Sutter County CSA F has a Special Fire Tax that has not increased since its inception in 1997 and has not kept pace with the cost of living. An increase or imposition of a Special Fire Tax requires voter approval with a 2/3 majority.
- F2. The County has yet to create new revenue streams such as recouping costs for services rendered in commercial and reckless or impaired driving accidents.
- F3. The County has a convoluted collection of financial accounts for fire districts and missed the opportunity to save money in the past by not combining the finances of all Fire Protection Districts and CSAs under one paid supervisory fire chief.
- F4. Areas in the County without the special fire tax do not compensate CSA F for emergency services rendered, leaving CSA F property owners to carry the financial burden.
- F5. The Sutter Basin (Robbins) Fire Station (located on Highway 113) is currently unresponsive, due to the fire chief vacancy and provides no service to the area.
- F6. Lack of funding for personnel has caused an increase of injuries and Workers' Compensation costs. This in turn leaves even less funds for future staffing.
- F7. The County does not have a viable capital improvement fund or plan, even though a majority (65%) of the Sutter County CSAs' C, D and F fire apparatus are outdated and need to be replaced.

### **RECOMMENDATIONS**

The Sutter County Grand Jury recommends:

- R1. The Board of Supervisors direct staff to identify a sufficient permanent source of funding for each fire jurisdiction in the county that maintains pace with rising population, increased number of structures, equipment costs, optimal manning, salaries comparable



## **SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?**

to neighboring counties, and Workers' Compensation insurance costs before the end of the Fiscal Year 2022-2023.

- R2. The Board of Supervisors direct staff to immediately find or create alternate revenue streams such as recouping costs from motor vehicle accidents involving commercial and reckless or impaired drivers.
- R3. The Board of Supervisors direct staff to immediately start a planned campaign to educate the public on the need to increase the amount and scope of the CSA F Special Fire Tax to include the rest of the county and to include a Cost-of-Living adjustment for next open election cycle.
- R4. The Board of Supervisors direct the County Administrative Officer to develop and institute a viable capital improvement plan for firefighting equipment in Sutter County before the end of the Fiscal Year 2022-2023.
- R5. The Board of Supervisors direct staff to work with the LAFCO for consolidating all CSAs and Fire Protection Districts into one that is run by one paid supervisory fire chief by the end of Fiscal Year 2022-2023.

## **REQUIRED RESPONSES**

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

From the following governing boards within 90 days:

- Sutter County Board of Supervisors: Respond to F1-F7 and R1-R5
- Live Oak City Council: Respond to F3, R4 and R5

## **INVITED RESPONSES**

- Sutter County Administrative Officer (CAO)
- City Manager of Yuba City
- Sutter County Office of Emergency Management
- Sutter County Fire Services
- Meridian Basin Fire Protection District Governing Board
- Sutter Basin (Robbins) Fire Protection District Governing Board
- Sutter County LAFCO Board

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

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# SUTTER COUNTY FIRE AND EMERGENCY SERVICES – Is Sutter County Playing with Fire?

## APPENDIX A

### DATA PROVIDED BY SUTTER COUNTY FIRE

2018													
TYPE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL
FIRE CALLS	10	11	4	5	12	26	20	16	13	14	13	6	150
MEDICAL CALLS	129	89	135	117	129	116	106	110	109	116	114	95	1365
SERVICE CALLS	52	57	64	48	69	71	75	71	69	70	79	59	784
FALSE CALLS	6	8	10	5	9	8	13	6	9	7	10	8	99
MONTHLY TOTAL	197	165	213	175	219	221	214	203	200	207	216	168	2398
2019													
FIRE CALLS	6	4	7	6	9	17	23	6	18	26	15	8	145
MEDICAL CALLS	111	95	132	107	111	99	94	141	103	111	120	120	1344
SERVICE CALLS	62	25	54	56	47	72	67	55	62	74	84	53	711
FALSE CALLS	6	5	2	6	4	4	4	4	7	5	6	6	59
MONTHLY TOTAL	185	129	195	175	171	192	188	206	190	216	225	187	2259
2020													
FIRE CALLS	9	12	8	16	25	26	26	13	8	33	12	11	199
MEDICAL CALLS	136	123	115	100	105	116	116	126	129	137	116	143	1462
SERVICE CALLS	42	74	43	68	63	84	64	75	65	76	93	54	801
FALSE CALLS	6	3	5	3	4	3	9	8	6	4	4	6	61
MONTHLY TOTAL	193	212	171	187	197	229	215	222	208	250	225	214	2523
2018-2020													
TYPE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
FIRE CALLS	25	27	19	27	46	69	69	35	39	73	40	25	
MEDICAL CALLS	376	307	382	324	345	331	316	377	341	364	350	358	
SERVICE CALLS	156	156	161	172	179	227	206	201	196	220	256	166	
FALSE CALLS	18	16	17	14	17	15	26	18	22	16	20	20	

## APPENDIX B

### ISO EVALUATION SUMMARY OF PPC REVIEW FOR SUTTER COUNTY CSA C AS OF JULY 27, 2015

#### Summary of PPC Review

for

#### Sutter Co CSA C

FSRS Item	Earned Credit	Credit Available
<b>Emergency Communications</b>		
414. Credit for Emergency Reporting	2.10	3
422. Credit for Telecommunicators	4.00	4
432. Credit for Dispatch Circuits	2.85	3
<b>440. Credit for Emergency Communications</b>	<b>8.95</b>	<b>10</b>
<b>Fire Department</b>		
513. Credit for Engine Companies	1.57	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	0.52	3
549. Credit for Ladder Service	2.55	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	0.00	10
571. Credit for Company Personnel	3.33	15
581. Credit for Training	4.31	9
730. Credit for Operational Considerations	2.00	2
<b>590. Credit for Fire Department</b>	<b>14.28</b>	<b>50</b>
<b>Water Supply</b>		
616. Credit for Supply System	0.00	30
621. Credit for Hydrants	0.00	3
631. Credit for Inspection and Flow Testing	0.00	7
<b>640. Credit for Water Supply</b>	<b>0.00</b>	<b>40</b>
<b>Divergence</b>	<b>-5.71</b>	<b>--</b>
<b>1050. Community Risk Reduction</b>	<b>0.00</b>	<b>5.50</b>
<b>Total Credit</b>	<b>17.52</b>	<b>105.5</b>

**Final Community Classification = 8B/10**

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## Gray Avenue Property -

*Making it Right, Gray Avenue Finally Sees the Light!*

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**2020-2021 Sutter County  
Civil Grand Jury Report**

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## **SUMMARY**

The Grand Jury is concerned about the blight at 850 Gray Avenue, the former Kmart location, that has been vacant for the last seven years. Those concerns grew when it was found that not only is the building empty and deteriorating, Sutter County has been paying \$16,125 per month for the lease after purchasing the lease for \$1,200,000 in 2017. The County plan is to consolidate and house the Health and Human Services Department (HHS) personnel and equipment onto this property. Why has it taken so long? Is it funding, lack of expertise or procedures, communication, motivation or a combination of all of these? The Grand Jury finds that the County does not have a policy or procedure for the efficient operation of leases and property purchases and is recommending that one be created. The Grand Jury finds that the consolidation of the HHS will see some cost savings and is recommending that the County complete the purchase. The Grand Jury recommends expediting the renovation of the facility and relocation of the HHS Services. The County Board of Supervisors (BOS) and County Administration should be commended for its recent purchase of the property.

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**GRAY AVENUE PROPERTY AS OF MARCH 2021**



## **BACKGROUND**

The Grand Jury was concerned about why the former Kmart building at 850 Gray Avenue has remained empty since 2014. The Grand Jury reviewed a news article in the Appeal Democrat dated November 23, 2020, that stated Sutter County was in the process of purchasing the Gray Avenue Property with plans to convert it into the future home of the HHS Department. The five branches of Sutter County HHS are scattered throughout the city, some in substandard conditions and many lack sufficient parking. The need to consolidate much of HHS into one location has lasted far too long. The concerns grew when it was found that not only is the building empty, the County has been paying \$16,125 per month after purchasing the lease for \$1,200,000 in 2017. As of February 2021, it has cost the county \$3,481,123. Thankfully, this Gray Avenue Property project has finally gotten some traction and Sutter County is poised to purchase the property for \$8,240,000, depending on financing. During the March 23, 2021, Board of Supervisors meeting, the Supervisors approved a good faith non-refundable deposit of \$200,000 and mentioned that future expenses will require additional financing.

## **METHODOLOGY**

The Grand Jury reviewed the actions of Sutter County's lease and purchase of the Gray Avenue Property as follows:

- Reviewed news articles that appeared in 2014, 2017, 2020 and 2021 regarding the lease of 850 Gray Avenue and purchase of the Gray Avenue Property by the County.
- Reviewed Board of Supervisors meetings, agenda items and minutes concerning the lease and purchase of Gray Avenue Property.
- Held Zoom interviews with County personnel and elected officials.
- Requested a copy of written set of procedures for acquisition of lease or purchase of properties.
- Reviewed the Sutter County presentation on February 9, 2021, regarding the Gray Avenue Property lease-purchase renovation process.
- Reviewed the Sutter County Gray Avenue Property: Actions to Purchase on March 23, 2021, regarding the Gray Avenue Property lease-purchase renovation process.
- Held an on-site tour of Behavioral Health at 1965 Live Oak Boulevard.
- Held a Zoom site tour with two employees of one of the HHS facilities that is planning to move into the 850 Gray Avenue building.
- Reviewed the Standing Committee Staff Report dated March 8, 2021, which approved actions for the purchase of real property, known collectively as "Gray Avenue Property."

## **DISCUSSION**

The Grand Jury's initial investigation was in response to an Appeal-Democrat article published in November 2020. The Grand Jury also reviewed additional articles that appeared in 2014, 2017, 2020 and 2021. During this investigation, the Grand Jury found some inefficiencies in the County's procurement practices. The Grand Jury requested leasing and purchasing procedures from multiple sources and were given accounting procedures. In most business environments, accounting is not purchasing. The Grand Jury was not provided a policy and procedures manual for leasing and purchasing real properties, instead a Capital Asset Accounting Procedure was provided.

The mission of purchasing is to procure goods and services for the County in a manner that assures that the best value is obtained and recognizes the public trust embodied in the authority to expend County funds. The State procedure (CA Gov section 25500) states the BOS may employ a purchasing agent. This report focuses on a large transaction requiring BOS approval. County procurements are complex. They require knowledge and skills in critical areas:

- Finance and Accounting
- Contract law and negotiation
- Marketing
- Working knowledge of all County functions and their interrelatedness.

The Sutter County HHS Department consists of five service branches (Adult Services, Children's Services, Public Health, Employment and Eligibility Services, Acute Psychiatric Services) and one administrative/finance branch. Sutter County HHS Department provides services to the Sutter County population of roughly 96,807 residents. All of the branches are spread across 17 different locations, many in substandard buildings. Of these, nine locations will be consolidated at the Gray Avenue Property.

The BOS had a decision to make. Property improvements are needed to relocate HHS. Would it be cost effective to lease or would it make sense to purchase the entire Kmart property as well as several adjacent retail properties? The County chose to purchase all the properties. The BOS approved an offer to buy the property for \$8,240,000 on August 17, 2020. The BOS further approved a finance offer for a term of 15 years at the March 23, 2021, meeting to purchase the property as well as a \$200,000 good faith non-refundable deposit. The escrow is expected to be completed in May 2021.

## GRAY AVENUE PROPERTY – Making it Right, Gray Avenue Finally Sees the Light!

Completion of this project would be a great value to the County in the following ways:

- A reduction in the number of County facility locations.
- Provide services that are currently in nine different locations throughout Sutter County consolidating three department branches into one site.
- Provide coordination of services and better access for vulnerable populations.
- Reduce monthly lease expenses for potential savings (i.e., leases, security, administration, etc.) for multiple locations.

### HHS FACILITIES THAT COULD BE VACATED

<b>Social Services:</b>	<b>Square Footage</b>	<b>Annual Rent</b>
Garden Highway (Holly Oak)	17,600	274,560
Butte House Road (CFFC Sublet)	2,500	27,672
1965 Live Oak Blvd Modular*	12,288	207,888
Total	32,388	\$510,120
<b>Behavioral Health:</b>		
Garden Highway (Holly Oak)	3,500	54,600
809 Plumas Street	5,622	54,108
Total	9,122	\$108,708
<b>County Owned Property to Vacate:</b>		
Public Health Building	24,738	
446 Second Street	1,605	
190 Garden Highway	10,635	
Total Square Footage Vacated	36,978,	
Grand Total	78,488	\$618,828

\*Note: Modular buildings at 1965 Live Oak Boulevard were vacated in March 2021.

Possible reasons for the delay in the acquisition for the Gray Avenue Property are:

- There are inadequate procedures for the lease or purchase of real property.
- There are a number of owners that are located in many parts of the world.
- County officials could not agree on a plan of action.

The actual purchase comprises of 13.37 acres at 812, 828, 832, 840, 850 and 860 Gray Avenue. The Grand Jury discovered the County actually began negotiations in 2014 and the

## **GRAY AVENUE PROPERTY – Making it Right, Gray Avenue Finally Sees the Light!**

leasehold interest was purchased from Kmart in 2017 for \$1,200,000. The lease payments have amounted to \$709,500 as of March 2021. Sutter County taxpayers have paid almost \$3,500,000 for a vacant building.

In conclusion, despite the delays, it is good to see that Sutter County is finally moving forward on the Gray Avenue Property project and renovating this eyesore to better serve the citizens of Sutter County. That is what good governance is all about.

### **OPERATIONAL COST TO FEBRUARY 5, 2021**

Rent		\$676,205
Utilities		60,177
Taxes		156,043
General Maintenance		11,763
Development Services Project Oversight		13,304
Communications		979
Miscellaneous Costs (postage, small supplies)		392
Total		\$918,864

### **DEVELOPMENT COST TO FEBRUARY 8, 2021**

Purchase of Leasehold Interest		\$1,186,788
Architectural Programming & Design		978,030
Estimating & Construction Management		714,521
Hazardous materials (asbestos) Removal		327,530
Financial Advisor for debt Issuance		86,973
Other Professional incl. Testing & Inspection		111,155
Development Services Engineering		76,127
Total		\$3,481,123

## **FINDINGS**

The Sutter County Grand Jury finds:

- F1. Not having an approved policy or procedure for efficient lease operations and property purchasing causes costly delays in acquisitions.
- F2. The County has been slow in their negotiations for pursuing the Gray Avenue Property lease, purchase, and renovation process while using county finances and staff resources for the last seven years.
- F3. If Sutter County expedites the consolidation of the nine locations of the HHS Department, the County should see cost savings in leases, security and administration.

## **RECOMMENDATIONS**

The Sutter County Grand Jury recommends:

- R1. The Board of Supervisors oversee the County Administrator to create a policy that provides guidance and procedures for efficient leasing, purchasing, management and disposal of property to be completed in 120 days.
- R2. The County purchase the Gray Avenue Property as discussed during their February 9 and March 23, 2021 meetings, to be completed prior to June 2021.
- R3. The County Administrator work through the Development Services Department to complete the renovation of the facility and relocation of the HHS Services to be finished by summer of 2025.
- R4. The Board of Supervisors request the County Administrator provide a semi-annual report on financing, expenditures, renovation and relocation progress beginning six months after the close of escrow.

## **REQUIRED RESPONSES**

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

From the following governing bodies within 90 days:

- Board of Supervisors F1-3 and R1-4

## INVITED RESPONSES

- Sutter County Administrative Officer
- Sutter County Development Services Department Head
- Sutter County Public Facilities Corporation (SCPFC)
  - Auditor/Controller
  - Clerk of the Board
- Sutter County Planning Commission (SCPC)

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

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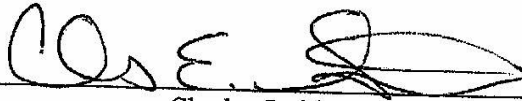
MAY 03 2021

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER  
CLERK OF THE COURT  
Deputy

Report  
of the  
2020-2021  
Sutter County Civil Grand Jury

Charles Smith-Foreperson, Herbert Bradley III, Sukhvinder Singh Bhungal,  
Heather Ann Chambers, Todd Chambers, Heather Esemann, Randall Helvey, Millard Johnson,  
Sylvia Johnson, Jessica Jopson, Betty Mack, Danika Mann, Emma Nelson, Julie Nissen,  
Marco Ontiveros, Paul Tuttle, Margaret Walker, Noelle Zumoff

Final Report [pursuant to Penal Code 933(a)] on subject:  
**Development in South Sutter – Fowl Play in the Natomas Basin?**



Charles Smith  
2020-2021 Foreperson

4-15-2021

Date

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



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

4/15/21

Date

# **DEVELOPMENT IN SOUTH SUTTER COUNTY**

**Fowl Play in the Natomas Basin?**



**2020-2021  
Sutter County Civil Grand Jury  
Report**



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### SUMMARY

Sutter County could unknowingly be jeopardizing its development of Sutter Pointe and other future development opportunities located in south Sutter County. To provide a balance of habitat and development the Natomas Basin Habitat Conservation Plan (Conservation Plan) was created on acreage split between Sutter County and the City of Sacramento under the umbrella of a then newly formed non-profit Natomas Basin Conservancy (or Conservancy). Sutter County and the City of Sacramento each provide five board members for the Conservancy. Sacramento County is not a participant of the Conservation Plan or the Conservancy. Each development requires a setting aside (mitigation) of habitat land to protect the wildlife located in the Basin. Sutter County's newly started (and largest) development, Sutter Pointe, is within the Natomas Basin and has been expected to be a major source of jobs and housing for Sutter County. Lack of representation and poor communication allowed the City of Sacramento to develop beyond the agreed borders within the Conservation Plan in the past few years. Large tracts of land in Sutter County, which could have been used for County development, have now been acquired by the Conservancy and other developers as mitigation lands for Sacramento development. The Grand Jury is concerned that there is not enough mitigation land available for the development of the approved Sutter Pointe project. This would cause a significant economic impact to Sutter County.

During the investigation, the Grand Jury discovered that:

- Four of the five Sutter County members of the Conservancy's Board of Directors resigned in 2019. It took nearly a year to restore full representation for our county. During this time, the County's interests were underrepresented at the Conservancy.
- Those interviewed by the Grand Jury have put into question the management of the Conservancy and the potential long-term effects that questionable management practices could have on the ability of Sutter County to protect agriculture and wildlife areas in the Natomas Basin as required by state and federal law. This is the reason for several Board of Director's resignations and losses incurred at the Conservancy.
- There continues to be little to no communication between the Conservancy and the County, either through the county liaison, the Development Services Department, regular progress reports from the Conservancy or the County appointed members of the Conservancy's Board of Directors to the Board of Supervisors. This has led to a serious break down on getting information to key decision makers for the County.
- Sutter County may lose development options at great economic cost if non-plan members take County land for their own development mitigation requirements.

## **Development in South Sutter County – Fowl Play in the Natomas Basin?**

- The City of Sacramento approved a development outside of the negotiated Conservation Plan, which will lead to the Plan being reevaluated and Sutter County may lose some development acreage in south Sutter County.

The Grand Jury recommends that the Sutter County Board of Supervisors be kept fully informed about the Natomas Basin Conservancy plans concerning development impacting Sutter County and ensure full representation at each meeting. The Board needs to challenge entities that impact Sutter County's interest in the Natomas Basin area and should additionally renegotiate the Conservation Plan to keep the benefits laid out in the current Plan for Sutter County.

## **GLOSSARY**

Permit: An official document authorizing a person or entity to build or develop within a given area after meeting certain requirements. The permits are issued by local, state or federal agencies.

Permit Area: The term "Permit Area" as applied to Sutter County means the designated area that totals 7,467 acres located within the unincorporated areas of Sutter County, and approximately 16.5 acres located within unincorporated Sacramento County as described in the Conservation Plan. The term "Permit Area" as applied to the City of Sacramento means the designated area that totals 8,050 acres located within the City of Sacramento city limits as described in the Conservation Plan.

Permittees: Here, the term "Permittees" means the City of Sacramento, Sutter County and the Natomas Basin Conservancy, as explained in the Conservation Plan. Additionally, the Reclamation District 1000 (RD 1000) and Natomas Central Mutual Water Company (Natomas Water) are also permittees to the extent that RD 1000 and Natomas Water apply for and obtain incidental take permits from the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). Note, Sacramento County is not a permittee.

Incidental Take Permits: The term "Incidental Take Permit," or "Permits," mean the individual permits issued to each permittee to ensure compliance with Section 10(a)(1)(B) of the Endangered Species Act and Section 2081 of the California Endangered Species Act.

Authorized Development: The term "Authorized Development" is development for which incidental take permits are already authorized for the City of Sacramento and Sutter County under the Conservation Plan. Authorized Development is limited to a total of 15,517 acres of planned development under this Plan.

Mitigation Lands: The reserve lands acquired through collection and use of mitigation fees from authorized development, or have been accepted for dedication from authorized development, will be set aside and managed at a ratio of one-half acre of land protected or preserved for each acre of land converted to authorized development.

## BACKGROUND

The Grand Jury is impaneled annually to investigate city and county governments, special districts, and certain nonprofits that it has jurisdiction over operating within the County. California Penal Code section 933.6 allows a grand jury to “examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity and may investigate and report upon the method or system of performing the duties of such nonprofit corporation.” The Grand Jury functions as a watchdog over these entities beyond any auditing or oversight done through public entities like Sutter County.

### The Natomas Basin Habitat Conservation Plan

The Natomas Basin Habitat Conservation Plan (Conservation Plan) was created in 1997 due to litigation related to development in wetland areas east of the Sacramento River. The Conservation Plan was established to provide and implement a multispecies conservation program to minimize and reduce impacts of development and agricultural use. As a result of further litigation, the Conservation Plan was revised in 2003. In total, the Plan (Volumes 1 and 2) as well as the environmental impact report has over a thousand pages of documents.<sup>8</sup>

The Natomas Basin’s permit area is an area of over 53,000 acres of land that is located between the American River, Sacramento River, and the Cross Canal (or levee) along the I-5 and Highway 99 corridor in the south of Sutter County and north of the City of Sacramento. The Sacramento International Airport is located in the Basin as well. The southern portion of the Basin is urbanized, but most of the remaining Basin is used for agriculture.

In order to develop on land that is inhabited by threatened or endangered species, reserve lands must be created to protect managed and natural lands. This lessens the impact of, or mitigates, taking the land currently used by wildlife and native plants for urban development.

The Conservation Plan covers a total of 22 plants and wildlife species:

Covered Wildlife	Covered Plants
Cackling (or Aleutian Canada) Goose	Boggs Lake Hedge-hyssop
Bank Swallow	Colusa Grass
Borrowing Owl	Delta Tule Pea
Loggerhead Shrike	Legenere

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<sup>8</sup>[Sutter County: The Natomas Basin Habitat Conservation Plan](https://www.suttercounty.org/doc/government/depts/ds/ps/cs_natomas)  
([https://www.suttercounty.org/doc/government/depts/ds/ps/cs\\_natomas](https://www.suttercounty.org/doc/government/depts/ds/ps/cs_natomas))

## Development in South Sutter County – Fowl Play in the Natomas Basin?

Swainson's Hawk	Sacramento Orcutt Grass
Tricolored Blackbird	Sanford's Arrowhead
White-faced Ibis	Slender Orcutt Grass
Giant Garter Snake	
Northwestern Pond Turtle	
California Tiger Salamander	
Western Spadefoot Toad	
Valley Elderberry Longhorn Beetle	
Vernal Pool Fairy Shrimp	
Vernal Pool Tadpole Shrimp	
Midvalley Fairy Shrimp	

Source: [NBHCP Species, Covered Wildlife](#)

Under the current Conservation Plan, mitigation land must be purchased and set aside to be managed in perpetuity for the covered species above. The Conservation Plan allows permittees to purchase only one-half acre for every acre of development, as opposed to the standard of one-to-one acre mitigation. This can be done by the developers donating land to the plan operator or by directly paying the plan operator to purchase such lands for them. Development on undeveloped land usually requires an environmental impact report. The Conservation Plan was formed to help speed up the process by doing some of this work in planning for future development based on a map approved by the federal and state agencies USFWS and CDFW. This is beneficial to developers and should encourage investors to consider working with the Conservation Plan as there are time and financial benefits.

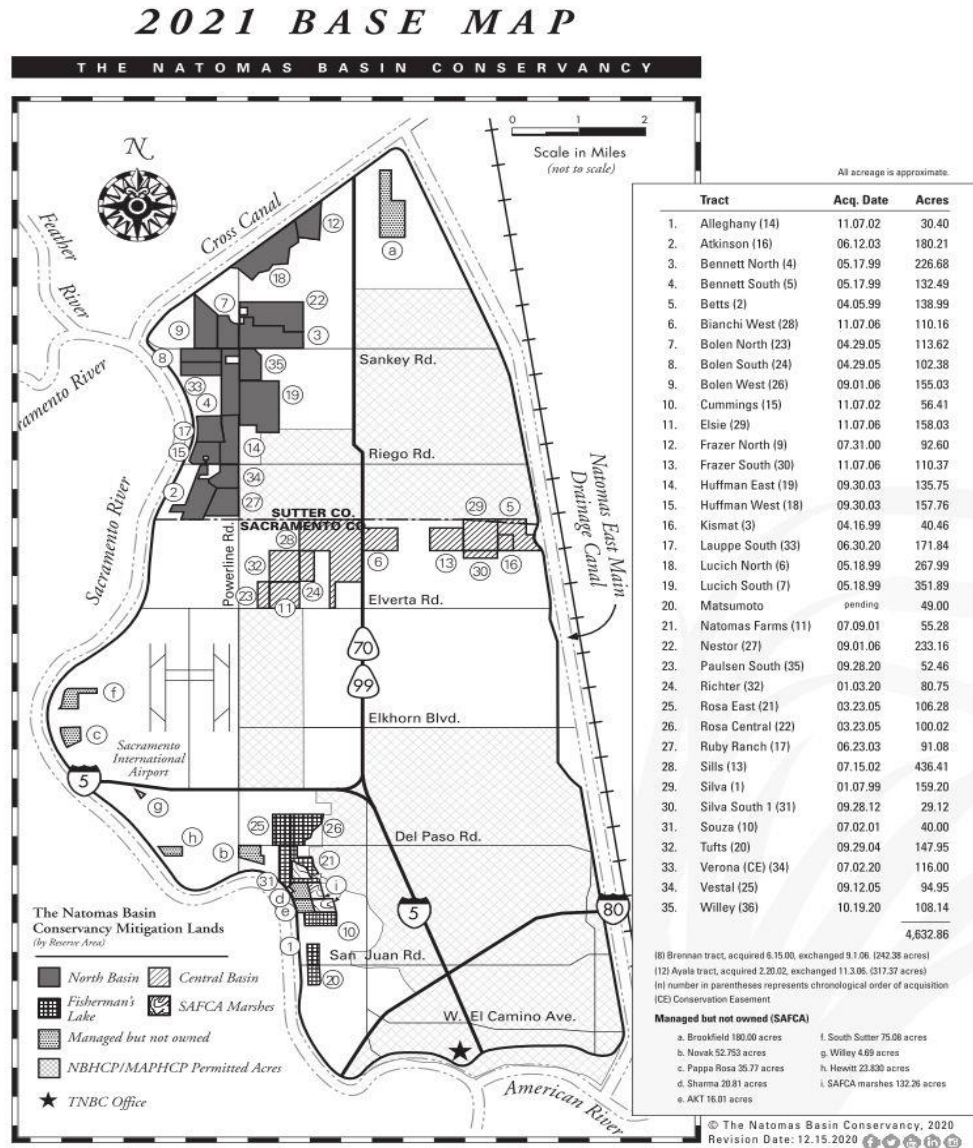
The Conservation Plan was created by the City of Sacramento and Sutter County in cooperation with RD 1000 and Natomas Water, which allows for development within the Plan's borders for the City (8,050 acres) and the County (7,467 acres). The Conservation Plan would have to be reevaluated if either were to exceed that amount in development.<sup>9</sup> Since the two created the Conservation Plan, both the City and Sutter County are the applicants allowed to seek permits for development and management of lands within this area. As a third party, the Metro Air Park, located within these borders, has its own habitat conservation plan and also uses the plan operator.

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<sup>9</sup>[NBHCP April 2003 \(suttercounty.org\)](#)

## Development in South Sutter County – Fowl Play in the Natomas Basin?

To protect its interests, the City and Sutter County each select five appointees to the plan operator's board of directors. The plan operator agreed to in the Conservation Plan is the Natomas Basin Conservancy. Sacramento County is not a participant of the Plan, but has land located within its borders.



Source: [Natomas Basin Conservancy Maps](#)

## The Natomas Basin Conservancy

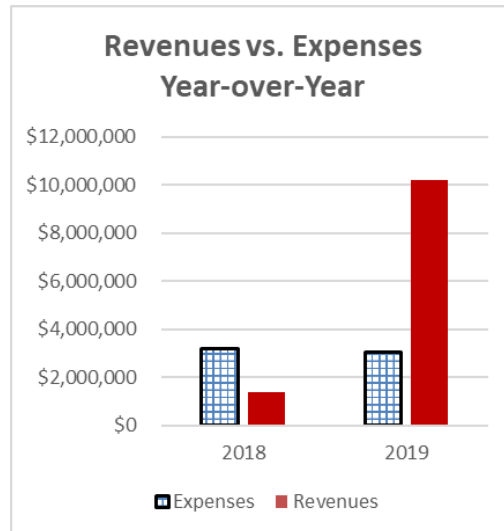
The Natomas Basin Conservancy is a non-profit public benefit corporation established to serve as plan operator for the Conservation Plan. Although the majority of the permitted land is

## Development in South Sutter County – Fowl Play in the Natomas Basin?

in Sacramento County, most of the mitigation land owned and operated by the Conservancy is either in Sutter County or immediately adjacent to it.

As plan operator, the Conservancy manages endowment funds in excess of \$31 million. These funds are collected on behalf of Permittees, including Sutter County. Mitigation fee revenues have increased in the last few years, due to development, with \$3.7 million in revenues for 2019. These funds are required to manage conservancy lands and operate the Conservancy in perpetuity, or for as long as fish and wildlife regulations require protected wetlands for covered species within this area.

As part of operations some lands owned by the Conservancy are leased to farmers for agricultural uses, the bulk of which are cultivated rice fields. Farm rent revenues in 2019 increased by 64% in part due to higher rents from new farm leases.<sup>10</sup> In the same timeframe, land management costs have decreased by one third from \$308,877 to \$206,500. This helped contribute to a profit in 2019 after operating at a loss of over \$600,000 in 2018.



Source: TNBC – [Audited Financial Statement for 2019](#)

In 2018 rent revenues increased from \$495,231 to \$676,652 – an increase of 36% from the year before.<sup>11</sup> In 2019 rent revenues increased further by 64% to \$1.1 million.

The Natomas Basin Conservancy’s Board of Directors is appointed by the Sutter County Board of Supervisors and the City of Sacramento. Each appoints five board members with the deciding vote being the chair of the board. The current chair is a representative of the City of Sacramento and has been chairman since 2018.

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<sup>10</sup> [TNBC - Audited Financial Statement for 2019](#) (page 9 of Management’s Discussion and Analysis)

<sup>11</sup> [TNBC – Audited Financial Statement for 2018](#)

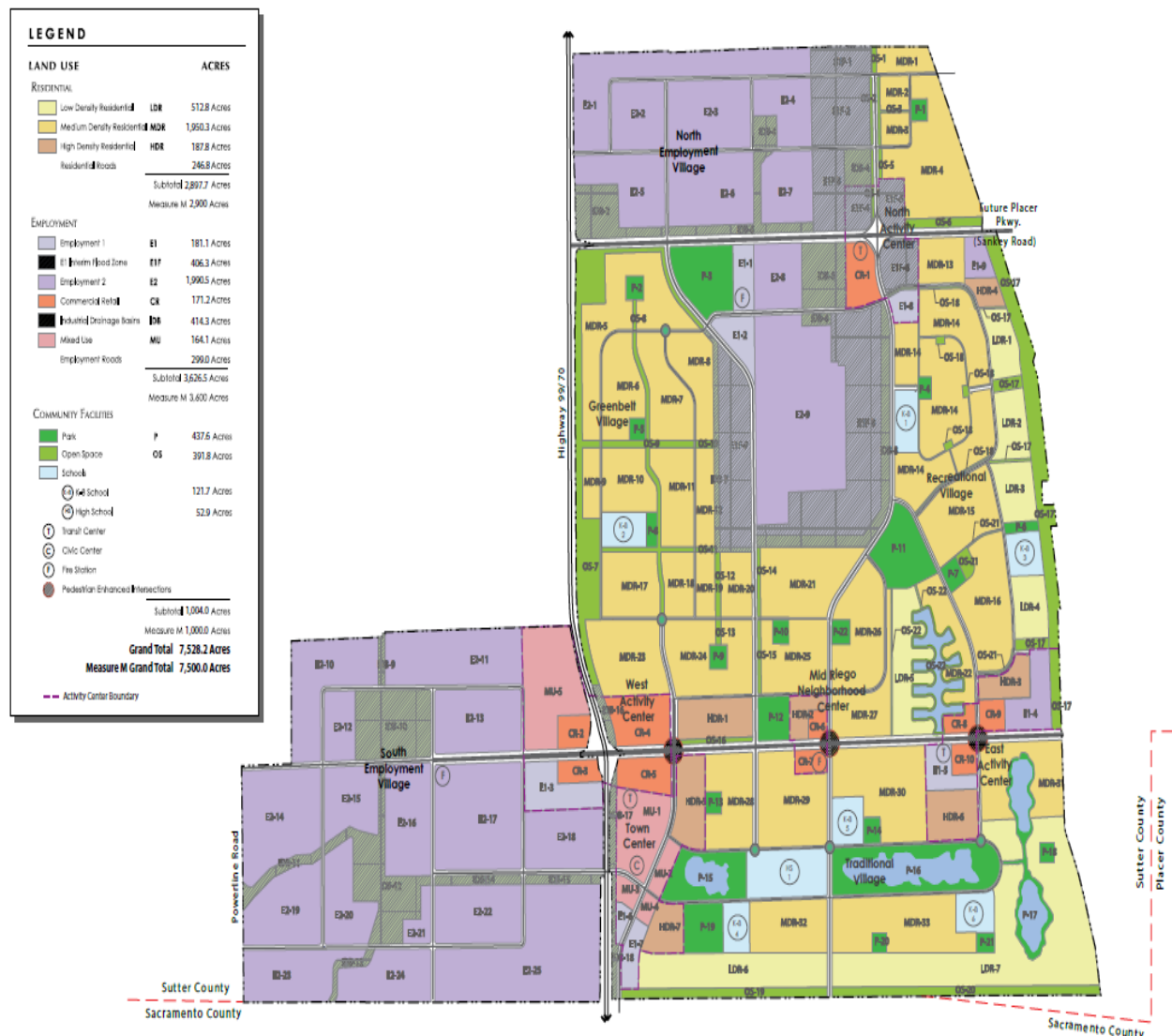
## Development in South Sutter County – Fowl Play in the Natomas Basin?

The Conservancy currently has four employees and is run by an executive director, who has been operating the nonprofit since its inception. The organization purchases land from monies submitted as mitigation fees or receives land as part of the mitigation process. In 2020, the Conservancy acquired land within Sutter County bringing the total conserved land to 4,632 acres. Before that, the Conservancy had not made any large-scale land transfers since 2006.

### Sutter Pointe Specific Plan

The Sutter Pointe Specific Plan was approved by the Board of Supervisors on June 30, 2009. The entire project is within the permit area for Sutter County in the Conservancy.

In November 2020 the Sutter County Board of Supervisors gave approval to start development of the area. **Lakeside at Sutter Pointe** encompasses 873.5 acres in an area known as the Recreational Village and the East Activity Center. The project proposes a balanced, mixed use community featuring 3,388 single family and 399 multi-family homes, 45 acres of employment centers, 25 acres of commercial centers, 59 acres of parks, 55 acres of open space,





## Development in South Sutter County – Fowl Play in the Natomas Basin?

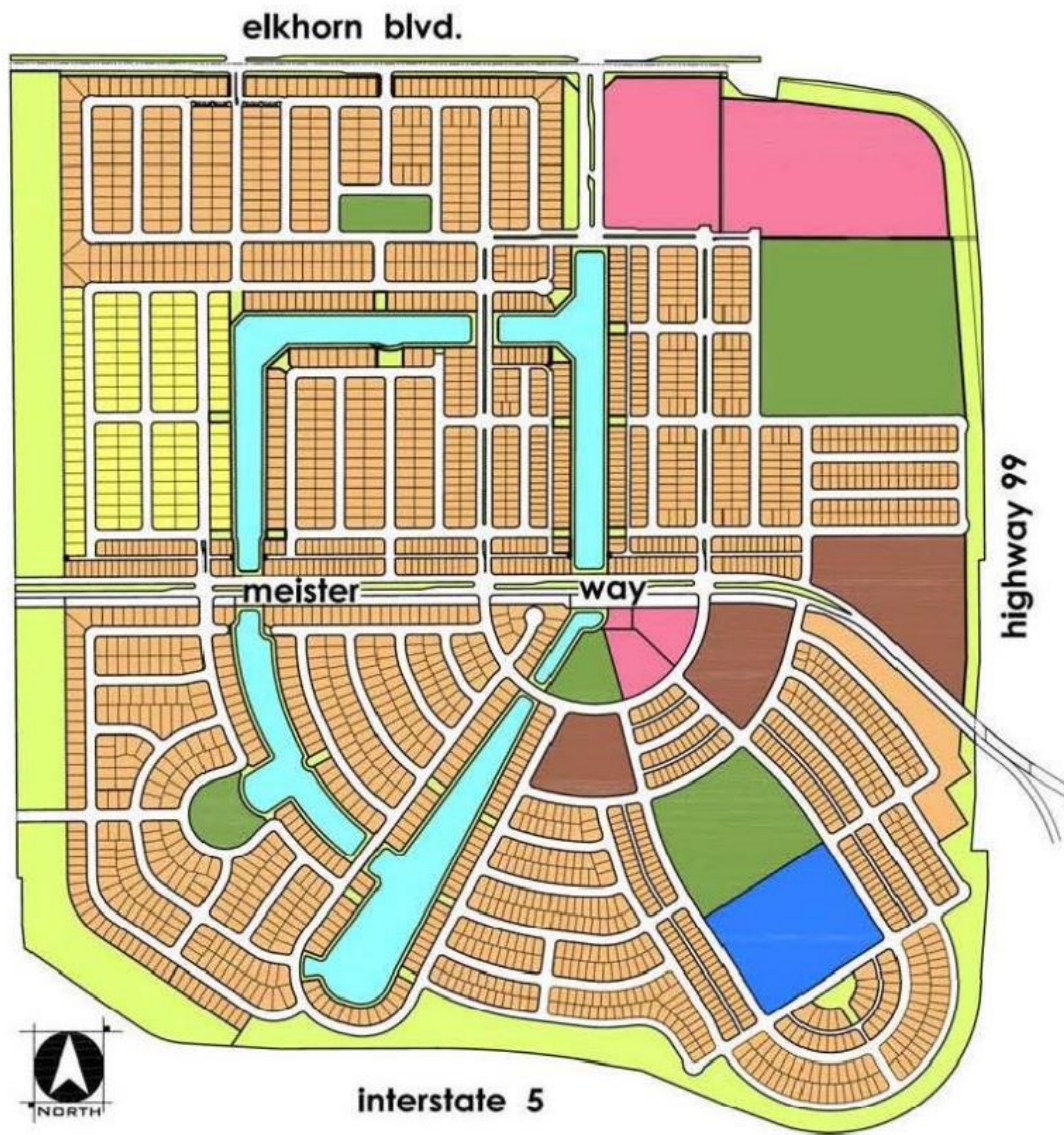
and up to two K-8 schools. The initial southern portion of the project known as **Lakeside Phase 1** consists of 386.2 acres

Source:

<https://www.suttercounty.org/assets/pdf/cs/ps/measurment/sutter%20pointe%20land%20use%20map.pdf>

## City of Sacramento Development (Greenbriar)

The City of Sacramento incorporated a new section of Sacramento County in 2017 to start development in an area outside of current development in North Natomas. Greenbriar, which encompasses over 577 acres of land, is the next major master planned community serving the City. Greenbriar is bounded by I-5 on the south, Highway 99 on the east and the Sacramento Metro Air Park to the west.

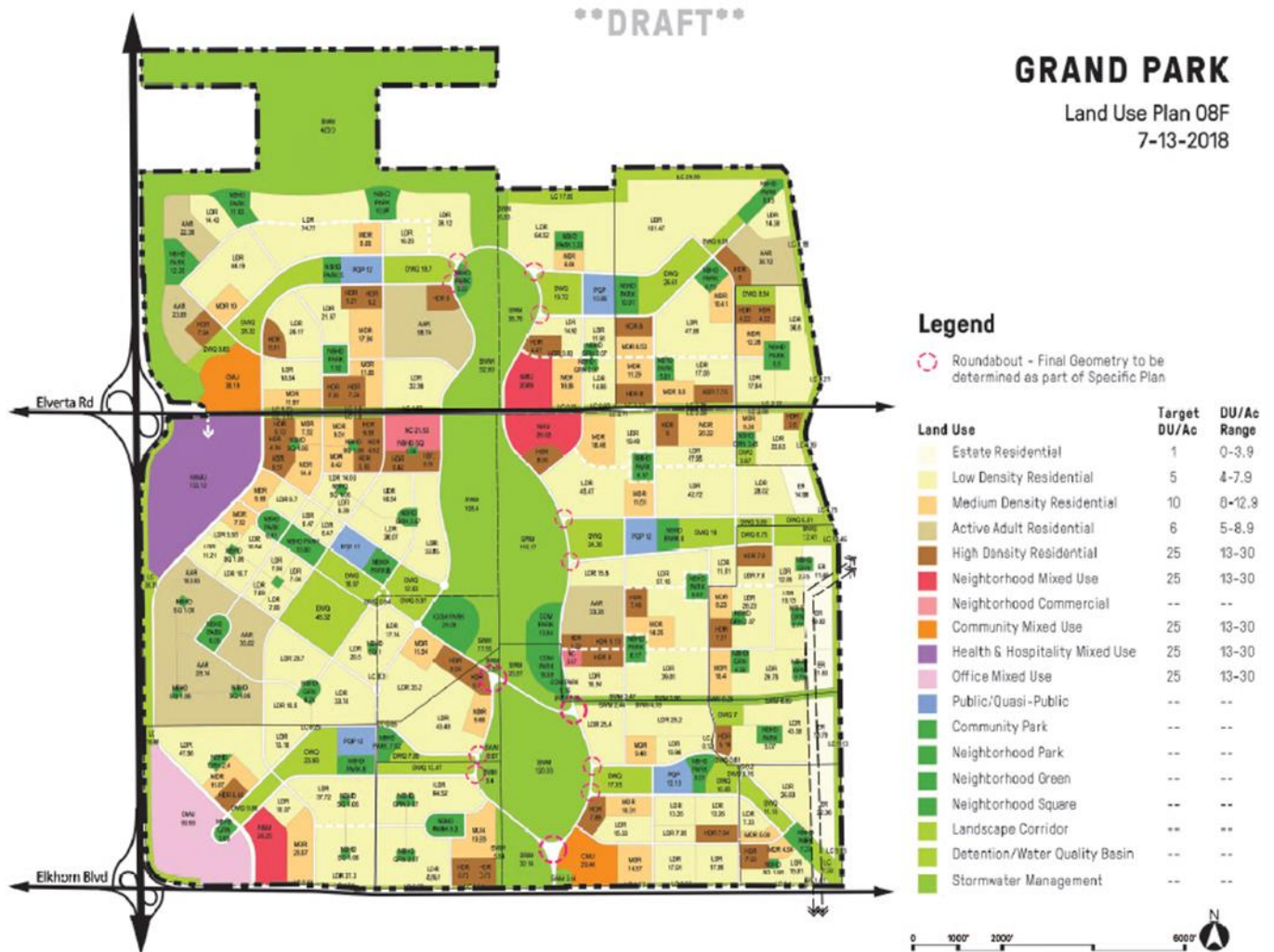


Source : [Greenbriar Development Checklist \(1/6/2017\)](#)

## Development in South Sutter County – Fowl Play in the Natomas Basin?

### Sacramento County Development (Grand Park and Upper Westside)

Sacramento County has plans to develop the area between the City's North Natomas and Sutter Pointe planned developments. This area, called Grand Park, is immediately adjacent to Conservancy lands (north side, surrounding the "T" section of the map below) and encompasses 5,675 acres.

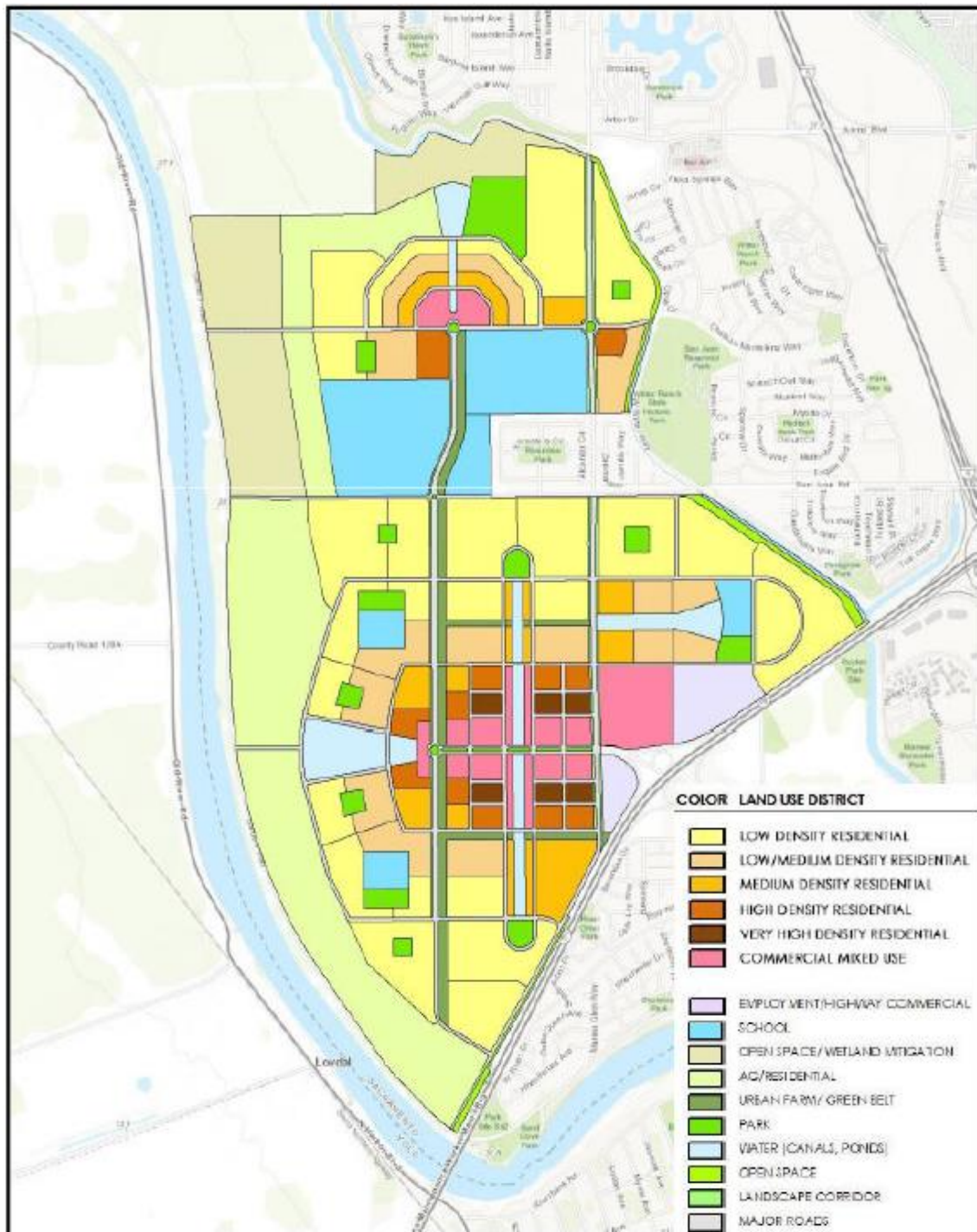


Source: [Revised Notice of Preparation \(12/20/2017\)](#)



## Development in South Sutter County – Fowl Play in the Natomas Basin?

The Upper Westside development is located west of the urbanized section of the City near the Sacramento River (west of I-5 and north of I-80). The master planning process was approved in February 2019. This area encompasses approximately 2,000 acres.



Source: [Initiation of the Upper Westside Specific Plan Process \(2/26/2019\)](#)

## **METHODOLOGY**

The Grand Jury used the following investigative methods:

- Reviewed documents available online at Sutter County, City of Sacramento and the Conservancy's websites [see bibliography for list].
- Interviewed elected Sutter County officials and the Conservancy's Board of Directors, Sutter County staff and Conservancy personnel.
- Requested information from the County and the Conservancy on construction projects in the area and financial information.
- Reviewed Board of Supervisors' agendas, minutes and meeting videos online.

## **DISCUSSION**

The Sutter County Grand Jury received a complaint regarding the Conservancy and the Sutter County Board of Supervisors' lack of a response to complaints about the management of conservancy lands. During our investigation, the Grand Jury was made aware of four Conservancy board members resigning between August and October 2019. New board members were not selected by the Board of Supervisors for a year. Two of the four resignations, which were addressed to county supervisors, cited differences with management of the Conservancy. The Grand Jury does not address management decisions, so it is not our intention to discuss the management of the Conservancy or the County directly, only to reiterate the need for Sutter County to remain vigilant in its oversight role.

One of the resignations discussed the land rents being low and the need to secure higher prices by going out to bid. The Grand Jury requested documents from the Conservancy to verify the land rents; however, no documents were ever received. According to the Conservancy's website, the organization now obtains bids for land rents and land management. In the two years since starting a process to request bid proposals, some rent revenue has more than doubled. Proper attention to the resignation letter should have alerted the Board to a potential issue at the Conservancy.

The Grand Jury examined regular Board of Supervisor agendas and could not find any evidence that the Board reacted to the resignations in any regular meetings or that the Board was aware of the need to expedite selection of new Conservancy board members. Although the County selected and appointed members partially during the COVID-19 pandemic, our interviewees cited a variety of reasons for the delay, none of which was the pandemic. The main reason cited was the process to select Conservancy board members differed from that of other board seats selected by the Board of Supervisors. This delayed the selection of the members several months and left the County's interests at the Conservancy to be handled by the one remaining Sutter County appointee.

## Development in South Sutter County – Fowl Play in the Natomas Basin?

As required by the Conservation Plan, Sutter County designates a liaison, who is the contact person for the federal and state agencies as well as the Conservancy and Sacramento City development department employees. After confirming the name of the County employee selected as liaison with the CDFW, the Grand Jury interviewed County staff and none were aware of who the appointed representative was or the requirement to have an appointed liaison. During our investigation, the Grand Jury found that little in-depth communication existed between the Conservancy and the Board of Supervisors in an official capacity. The mission of the Conservancy is to manage land for endangered and threatened species, therefore full transparency during development is crucial to avoid any costly or timely delays.

Part of the Conservancy's activities deal with investing permittees' Conservation Plan mitigation funds ability to ensure there are funds available in future years to pay for land management and Conservancy staffing. Based on audit data,<sup>12</sup> the Conservancy lost a substantial amount of funds in 2018 due to high-risk investments. These investment procedures were approved by City and County appointed board members and allow for high-risk ventures. The audit also mentions some funds are held in unnamed accounts, not linked to the Conservancy, which the auditors thought noteworthy enough to mention in multiple reports. The Grand Jury questions the need to have such a procedure as the funds should be managed wisely and in a way that is consistent with governmental standards. If funding is not sufficient to cover environmental requirements, then the County may be required in the future to participate in management of protected lands within its borders at taxpayers' expense.

**The Grand Jury is extremely concerned about the County's interests. Recent development has started in the area west of Hwy 99 and north of I-5, which is not within the permit area borders for development in the City of Sacramento.**

The Grand Jury's investigation uncovered that the City of Sacramento (City) started development in an incorporated section of the Natomas Basin not shown as permitted development in the Conservancy maps and therefore not approved under the Conservation Plan. The City has developed most of their allotment of 8050 acres under the Conservancy agreement with Sutter County and is expanding beyond its city limits. The City is now circumventing the Conservation Plan by starting a new development (Greenbriar) that is on land not allotted to the City for development under the Conservancy agreement. The Greenbriar development has its own conservation and mitigation plan outside both the Conservation Plan and the Conservancy, resulting in the need to reevaluate the Plan reducing the allotted acres for Sutter County development. The Greenbriar developers purchased

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<sup>12</sup> [TNBC – Audited Financial Statement for 2018](#)

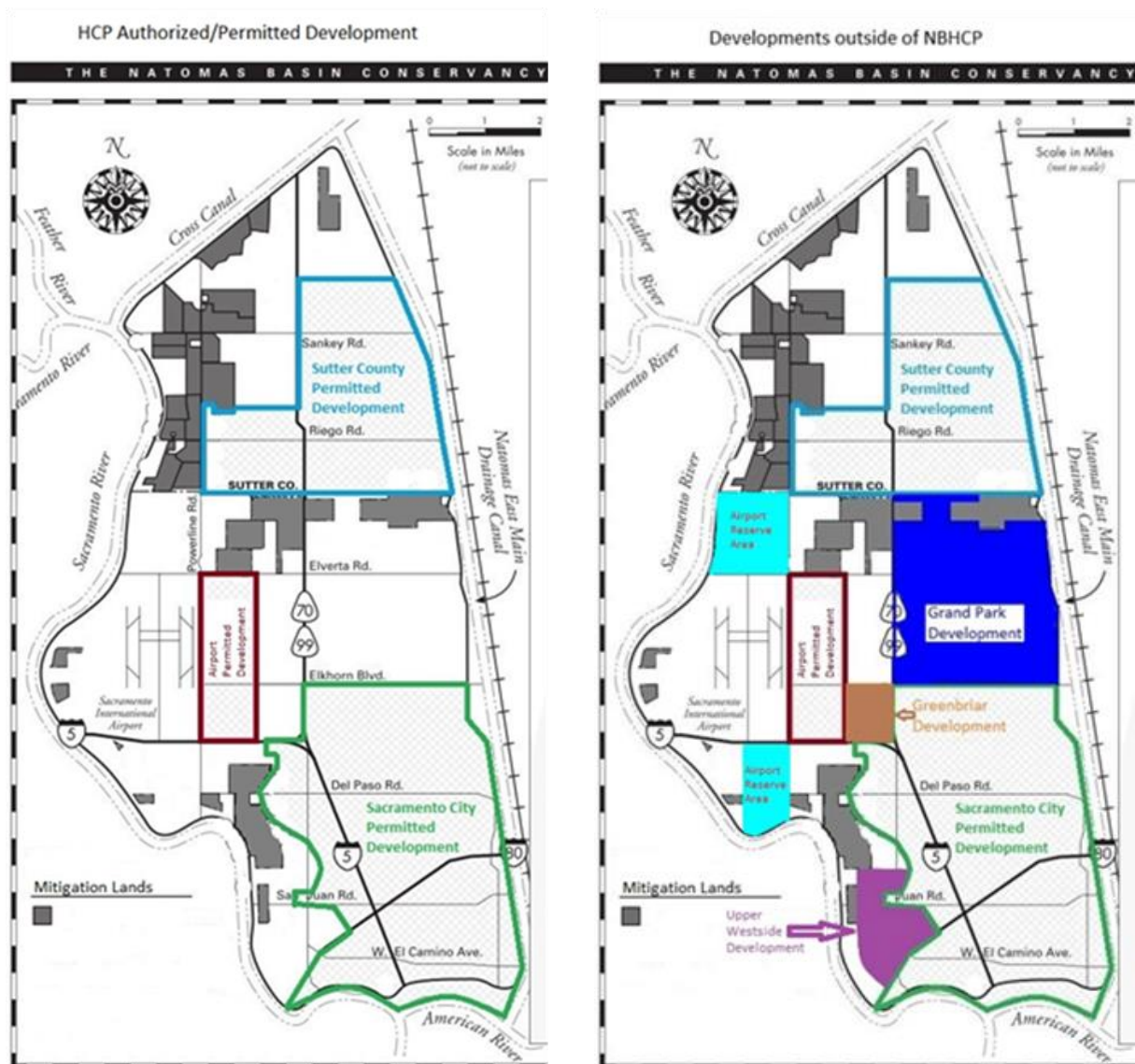
## Development in South Sutter County – Fowl Play in the Natomas Basin?

approximately half of their mitigation land in Sutter County, which reduces the development and mitigation land available for Sutter County to develop as planned.

Additional documents found online show that the City requested management at the Conservancy to clarify the requirements in the Conservation Plan prior to the start of the Greenbriar development. The letter [Appendix A] dated February 13, 2017, states that *“in approving any projects that exceed the 17,500 Permitted Acres authorized in the Plan, the City consider the impact of further development on the Plan Operator’s [Conservancy] ability to fulfill requirements”* and *“simply remind the City of its obligations in this regard.”* Although the memos attached to the letter clearly cite that the development is beyond the Conservation Plan’s boundaries, the letter is misleading as it points only to the total 17,500 acres, not the 8,050 acres allotted to the City of Sacramento. Also, there is no mention of the stance of Sutter County to this development in either the letter or the attached memos. One attached memo cites the federal court decision that *“development beyond this limit – whether by the City and Sutter County or by other entities – trigger a reevaluation and possible amendment of the Plan, and could result in suspension and revocation of the City and Sutter permits”* [Appendix A, page 5]. Also mentioned is the amount of land to remain in agricultural use in the area. The Conservation Plan and environmental impact report are *“all predicated on the assumption that development in the Basin will be limited to 17,500 acres and that remaining land will remain in agricultural use”*. This is pivotal to the survival of the Swainson’s hawk, which requires large contiguous plots of land as its hunting grounds.

Sutter County negotiated in good faith with the City of Sacramento on the habitat lands and the City has not been forthcoming with its development efforts. The City has been aware of the situation for years. The Grand Jury has evidence [Appendix B] that Sutter County sent objection letters in 2007 to the Sacramento Local Agency Formation Commission (LAFCO) and the City’s manager of new growth. It stated that the City is expanding outside of its boundaries and that Sutter County does not support the proposal and recommends the planning commission deny this project. Regardless of any objections, LAFCO approved the expansion of the City’s boundaries and the City approved the planning development on the Greenbriar project. The Grand Jury recognizes the importance of the project for its transportation needs as the area is key to connecting the airport to the City by light rail. While the purpose of a combined Conservation Plan was to have the entities working together to equitably manage development for the region, this did not occur.

## Development in South Sutter County – Fowl Play in the Natomas Basin?



To complicate matters, Sacramento County also has plans to develop two new areas in Natomas Basin (Grand Park and Upper West Side) that total around 7000 acres. These plans will require mitigation land in the Natomas Basin. There is a finite amount of land that is available in the area for development and mitigation. If Sacramento County and the City are allowed to develop at their current rate then Sutter County will not have enough mitigation land to develop their allotment of 7467 acres. The original Natomas Basin agreement between the City, Sutter County, and the federal and state agencies concerns was for development of 17,500 acres. If one party exceeds its allotment then the other party's allotment may be reduced to keep the overall development to 17,500 acres. Because the City went outside the Conservation Plan, in effect, the City used land that was needed for Sutter County mitigation and the County's own future development.



**Sutter County must act now if it is to protect Natomas wetlands and its development interests inside the habitat's borders.**

One thing is clear: Sacramento is growing faster than south Sutter County. Further development will cause the Conservation Plan to be reevaluated and Sutter County will inevitably lose current acreage for mitigation lands, as there is only a finite amount of land within these borders. Sutter County must act immediately to lessen the City of Sacramento's control over mitigation in the Basin or lose out on the opportunity to develop in that area.

## **FINDINGS**

The Sutter County Grand Jury finds:

- F1. There was a serious communication breakdown between the Conservancy, Sutter County Board of Supervisors and County appointees, both in the time consuming and unclear method of selecting Conservancy board members and ensuring our county liaison is actively involved.
- F2. The Grand Jury found no evidence that the Board of Supervisors was informed of the appointees' resignations, causing a lack of corrective measures being taken to ease concerns about Conservancy management and the County's development interests in southern Sutter County.
- F3. Past board of directors at the Conservancy approved risky investments of Sutter County mitigation funds which are still in place and could lead to financial problems in the future.
- F4. Commissions representing the City of Sacramento ignored the objections from Sutter County on developing outside Conservation Plan borders and proceeded with development.
- F5. Current development outside of the Conservation Plan by the City of Sacramento jeopardizes the Plan requiring renegotiation and impacting development in south Sutter County.
- F6. Current plans for development in Sacramento County (not a member of the conservancy) disrupt planned Sutter County development in the Natomas Basin.



## **RECOMMENDATIONS**

The Sutter County Grand Jury recommends:

- R1. The Sutter County Board of Supervisors immediately create a procedure to receive briefings of any letters of resignation sent to it and have that information relayed during a public meeting for full transparency.
- R2. The Sutter County Board of Supervisors direct the Chief Administrative Officer to create aboard and commission appointment procedure that is consistent for all boards and commissions to be completed within a set timeframe minimizing the impact to the County within one month of receipt.
- R3. The Sutter County Board of Supervisors establish procedures to receive regular annual updates from the Conservancy on the impacts of all development in the area within the next 90 days.
- R4. The Sutter County Board of Supervisors immediately direct its members to the Conservancy board of directors to investigate management of the Conservancy endowment fund investments and change procedures to minimize the financial impact on Sutter County.
- R5. The Sutter County Board of Supervisors immediately start proceedings to renegotiate the Conservation Plan with the City of Sacramento and other Plan permittees to remediate the encroachment done by the City and its impact on wildlife in the new plan. Sutter County should include Sacramento County in its negotiations for a comprehensive conservation plan for the Natomas Basin.
- R6. The Sutter County Board of Supervisors direct the county staff to prepare a letter for signatures clarifying their position to both the County of Sacramento and the City of Sacramento and objecting to development not meeting the Conservation Plan.

## **REQUIRED RESPONSES**

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

From the following governing bodies within 90 days:

- Sutter County Board of Supervisors on F1-6 and R1-6

## INVITED RESPONSES

- The Board of Directors for the Natomas Basin Conservancy
- Sutter County Clerk-Recorder
- Sutter County Planning Commission
- The City Council for the City of Sacramento The Board of Supervisors of the County of Sacramento
- The Board of Supervisors of the County of Sacramento

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

## BIBLIOGRAPHY

Final Natomas Basin Habitat Conservation Plan (April 2003)

[https://www.suttercounty.org/assets/pdf/cs/pc/NBHCP\\_Vol\\_1.pdf](https://www.suttercounty.org/assets/pdf/cs/pc/NBHCP_Vol_1.pdf)

The Natomas Basin Conservancy

<https://www.natomasbasin.org/>

The Natomas Basin Conservancy chart with map

[TNBC\\_OrgChart\\_2021\\_January\\_v2.pdf](TNBC_OrgChart_2021_January_v2.pdf) (natomasbasin.org)

Greenbriar Conservation Strategy

<https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Environmental-Impact-Reports/Greenbriar/GPO01GreenbriarConservationStrategy1417-1-00192414xC4B98.PDF?la=en>

Grand Park Specific Plan

<https://planning.saccounty.net/PlansandProjectsIn-Progress/Pages/NatomasNorthPrecinctSpecificPlan.aspx>

Upper Westside Plan

[https://planning.saccounty.net/PlansandProjectsIn-Progress/Documents/Upper%20Westside%20Specific%20Plan/Staff%20Presentation\\_02%2026%202019.pdf](https://planning.saccounty.net/PlansandProjectsIn-Progress/Documents/Upper%20Westside%20Specific%20Plan/Staff%20Presentation_02%2026%202019.pdf)

## **Development in South Sutter County – Fowl Play in the Natomas Basin?**

The Natomas Basin Conservancy letter to City of Sacramento (February 13, 2017)

<http://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Environmental-Impact-Reports/TNBC-Addendum-comments.pdf?la=en>

The Natomas Basin Conservancy - Audited Financial Statement for 2018

<https://www.natomasbasin.org/wp-content/uploads/2019/03/NBC2018AuditedFinancialStatements-1.pdf>

The Natomas Basin Conservancy - Audited Financial Statement for 2019

<https://www.natomasbasin.org/wp-content/uploads/2020/06/NBC2019AuditedFinancialStatements.pdf>

## APPENDIX A

2150 RIVER PLAZA DRIVE  
SUITE 460  
SACRAMENTO, CA 95833  
PHONE: 916.649.3331  
916.649.3322

February 13, 2017

██████████ Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

RE: Notice of Availability, Draft Addendum to EIR, Environmental Checklist, and Effects Analysis and Conservation Strategy for the Greenbriar Project (SCH No. 2995962144) (P11-093.)

Dear ██████████

The Conservancy serves as Plan Operator for the City's interest in the Natomas Basin Habitat Conservation Plan (NBHCP). As such, the Conservancy's job is to serve as a steward and implementing arm for the City's investment and interest in the NBHCP. The City continues to have a substantial entitlement in its Incidental Take Permit's "Permitted Acres," in excess of twice the acreage proposed in the subject project, and larger than many HCPs permitted in the state and nation in recent years. Moreover, the City has affirmed its commitment to successful implementation of the NBHCP through representations in various legal actions as well as the NBHCP's Implementation Agreement (NBHCP IA) it has executed with the State of California and the U.S. Government.

The Conservancy's interest here is not to decide whether projects get approved or disapproved, but rather, whether it can continue to implement the NBHCP as envisioned and assured in the founding and successor documents and agreements, including, but not limited to, the NBHCP and the NBHCP IA.

In an effort to affirm its ability to successfully implement the NBHCP, the Conservancy has engaged the assistance of third-party experts. Two documents are relevant here. One is a memo from Economic and Planning Systems dated April 12, 2016 ("Natomas Basin Habitat Conservation Plan Estimated Acres Distribution"). See attached. This document reviews the acreage amounts committed and represented as allocated and allocable in the NBHCP. Of particular relevance, here is that portion discussed as "Land committed to agriculture." See Figure 1 in the document, which compares acreage allocations in 2003 (associated with the initiation of the 2003 NBHCP) and in 2016. It shows the land committed to agricultural uses declining with various projects and with the proposed Greenbriar project based on information available to the Conservancy and its consultant. The illustration highlights the acreage counted on to facilitate the Conservancy's implementation of the NBHCP's Operating Conservation Program has been reduced and is proposed for further reduction.

### OFFICERS AND BOARD OF DIRECTORS

██████████  
*Chair*

██████████  
*Vice Chair*

██████████  
*Secretary*

██████████  
*Treasurer*

██████████  
*Board Member*

██████████  
*Board Member*

██████████  
*Board Member*

EXECUTIVE OFFICER

## Development in South Sutter County – Fowl Play in the Natomas Basin?

In this regard, we request that in approving any projects that exceed the 17,500 Permitted Acres authorized in the NBHCP, the City consider the impact of further development on the Plan Operator's ability to fulfill requirements and carry out the NBHCP Operating Conservation Plan successfully. As the NBHCP Plan Operator, the Conservancy is aware that for each acre in the Natomas Basin that is no longer available to the Parties to the NBHCP for mitigation action, additional biological function will likely be needed from the balance (remainder) of the acres.

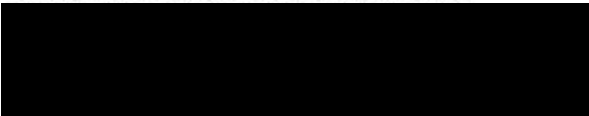
The second attached exhibit, dated March 14, 2014, reviews for the Conservancy the constraints to development outside the authorized 17,500 acres as contained in the 2003 NBHCP (see "Natomas Basin Development Constraints") and associated documents. This exhibit captures for readers the many references in the relevant documents upon which the NBHCP was authorized how development beyond the 17,500 acres would be addressed.

In this respect, we simply remind the City of its obligations in this regard, and urge that it review each of these points to make sure that it (the City) is in compliance with its assurances in federal and state court as well as in the NBHCP IA.

Thank you for giving us the opportunity to highlight a few of the key points that should be helpful to the City as it considers new projects in the Natomas Basin and determines if they are consistent and compatible with its assurances, commitments and representations that have guided the initiation and successful implementation of the NBHCP since its inception.

Sincerely,

The Natomas Basin Conservancy, a California  
Non-profit Public Benefit Corporation

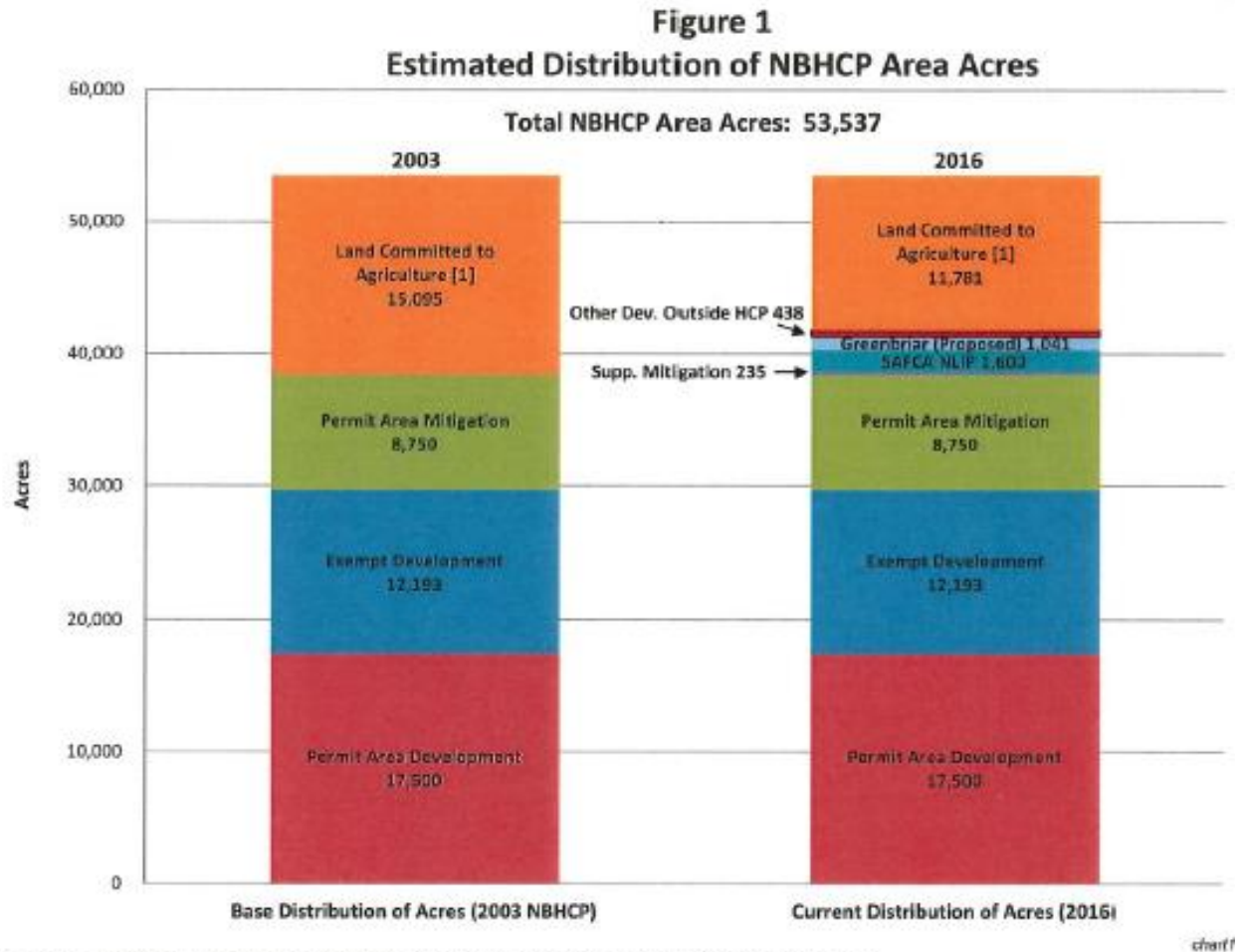


Executive Director

enclosures: April 12, 2016 and March 14, 2014 memos from Economic and Planning Systems



## Development in South Sutter County – Fowl Play in the Natomas Basin?



- [1] The most recent Federal court decision regarding the NBHCP, dated September 7, 2005, states:  
 "The NBHCP, BIOp, EIR/EIRS, and Findings and Recommendations are all predicated on the assumption that development in the Basin will be limited to 17,500 acres and that the remaining land will remain in agricultural use." (p.30, footnote 13)



## Development in South Sutter County – Fowl Play in the Natomas Basin?

### APPENDIX B

Development in South Sutter County – Fowl Play in the Natomas Basin?



#### APPENDIX B

#### SUTTER COUNTY COMMUNITY SERVICES DEPARTMENT

Planning–Lisa Wilson, Planning Division Chief  
Animal Control  
Building Inspection  
Environmental Health

Director–Larry Bagley  
Assistant Director–Randy Caglo  
Fire Services–Dan Yager  
Emergency Services–John DeBeaux

September 27, 2007

██████████, New Growth Manager  
City of Sacramento  
915 I Street  
Sacramento, CA 95814-2671

Re: Greenbriar (M05-046 and P05-069) A request to allow the annexation and future development of 577± acres into the City of Sacramento

Dear ██████████:

The County of Sutter wishes to comment on the Greenbriar project (M05-046 and P05-069) scheduled to be presented to the City of Sacramento Planning Commission this evening. Sutter County would have commented sooner but did not receive notice of this public hearing. As a partner with the City of Sacramento in the Natomas Basin Habitat Conservation Plan, we feel we should have been provided notice of this public hearing.

As a signatory to the Natomas Basin Habitat Conservation Plan (NBHCP), Sutter County has serious concerns regarding this project and its potential to jeopardize the validity of the NBHCP. Under the NBHCP, Sutter County and the City of Sacramento are allowed a designated amount of development within specific areas in exchange for the preservation of habitat lands for threatened and endangered species. The Severability section of the NBHCP states that if one of the plan's participants has its permits revoked for failure to comply with the NBHCP, the essential effect to the implementation of the NBHCP is that less Authorized Development is allowed by the plan.


It has been acknowledged that approval of the project would constitute a significant departure from the NBHCP's Operating Conservation Plan, and could trigger a reevaluation of the NBHCP. As a signatory to the NBHCP, this is unacceptable to Sutter County since approval of this project places the integrity of the NBHCP in jeopardy and could impact Sutter County's ability to develop within its own permitted development area.

This issue is of paramount concern to Sutter County. This project lies outside of the boundaries designated in the NBHCP for development. Sutter County does not support a proposal that may undermine the adopted NBHCP, or potentially threaten Sutter County's

## Development in South Sutter County – Fowl Play in the Natomas Basin?

### Development in South Sutter County – Fowl Play in the Natomas Basin?

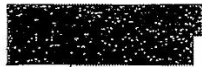
1130 Civic Center Boulevard □ Yuba City, CA 95993 □ (530) 822-7400 □ FAX: (530) 822-7109

  
City of Sacramento  
September 27, 2007  
Page 2

ability to develop within its permitted development area. Sutter County recommends the City of Sacramento's Planning Commission recommend denial of this project to the Sacramento City Council.

Please provide this office with all future notices regarding this project.

Sincerely,





ENDORSED FILED

Report  
of the  
2020-2021  
Sutter County Grand Jury

FEB 12 2021

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

Charles Smith-Foreperson, Herbert Bradley III, Sukhvinder Singh Bhugal, Heather Ann Chambers,  
Todd Chambers, Heather Esemann, Randall Helvey, Millard Johnson, Sylvia Johnson, Jessica Jopson,  
Betty Mack, Danika Mann, Emma Nelson, Julie Nissen, Marco Ontiveros, Paul Tuttle,  
Margaret Walker, Noelle Zumoff

Final Report [pursuant to Penal Code 933(a)] on subject:  
SUTTER COUNTY CODE ENFORCEMENT *Fight the Blight-Keep Sutter County Beautiful*

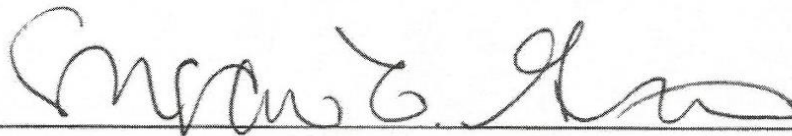


Charles Smith  
2020-2021 Foreperson

2-4-2021

Date

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



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

2/5/21

Date

# **SUTTER COUNTY CODE ENFORCEMENT**

**Fight the Blight – Keep Sutter County Beautiful!**



**Sutter County Grand Jury Report  
2020-2021**

# CODE ENFORCEMENT - TABLE OF CONTENTS

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## SUMMARY

Why code enforcement? Codes are designed to preserve and enhance safety and to protect the values of the community. Code enforcement encourages compliance, resulting in less blight, more safety and improved quality of life. The 2020-2021 Sutter County Grand Jury reviewed three years of data and found Sutter County neglected its responsibility for code enforcement. Fines totaling over \$1.1 million had not been collected as of November 30, 2020. The enforcement of county zoning codes, ordinances and building permits improves or maintains the quality of life and property values for the residents. Collection of fines associated with enforcement can create revenue to defray the cost of enforcement activities and encourage compliance. There are 178 citations (of the 651 issued) still categorized as open from 2018 to 2020. Sutter County's code enforcement has been under-staffed, as evidenced by the large number of outstanding citations and fines. Finally, 206 active cases from 2018 -2020 were closed without an inspection, which suggests that active cases were dropped for no apparent or valid reason. The Grand Jury recommends that:

- Outstanding fines be collected or mitigated<sup>13</sup>.
- Additional enforcement officers be hired to immediately address the backlog of cases and to effectively process current and future complaints.
- The Board of Supervisors be informed of the ongoing progress regarding code enforcement on a regular basis.
- The County publicly explain why the cases were closed without investigation.

## BACKGROUND

Each year the Grand Jury receives citizen complaints and is obligated to consider whether any warrant an investigation. This year the Grand Jury received numerous complaints related to illegal building and zoning violations not being addressed or investigated by the County. The Grand Jury interviewed several people that are familiar with the workings of the County and decided to investigate the operation and performance of code enforcement. The County's process for addressing violations of ordinances, building codes and zoning codes starts with a complaint from our citizens or citations from law enforcement or the code enforcement

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<sup>13</sup> Mitigate: to lessen in force or intensity; make something less harmful, unpleasant, or bad

officer. A complaint is given a case number and then an investigator will do an inspection to determine if the complaint is valid. At that point, there any number of valid reasons to close the case as the complaint may be unwarranted or easily corrected. Otherwise, the code enforcement officer can issue a citation. Non-compliance with the citation can result in fines being levied.

## METHODOLOGY

The main sources for this investigation were Sutter County public domain document P000322-120820 and the Sutter County Code of Ordinances [https://library.municode.com/ca/sutter\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/ca/sutter_county/codes/code_of_ordinances). The data covers January 2018 through November 30, 2020. The Grand Jury asked for and received all County data regarding:

- the number of complaints;
- the date the complaints were given a case number;
- citations given;
- case closing dates;
- outstanding fines associated with citations.

The Grand Jury also held five interviews with County personnel or elected officials to substantiate what we discovered.

## DISCUSSION

The Grand Jury was given presentations by various Sutter County department heads as an introduction into the workings of the County. During some of these presentations this year, it was brought to our attention that there is a large sum of uncollected fines from code enforcement. Upon investigation and through recent complaints the Grand Jury found, in addition to the outstanding fines, that numerous violations and citations have not been addressed. The Grand Jury determined that the areas that fall under code enforcement include blight, structural permits and hazards, fire hazards, illegal and non-permitted commercial truck yards, abandoned vehicles and marijuana grow violations. Each of these has a direct effect on the quality of life for residents of Sutter County. Collection of fines associated with enforcement can create revenue to defray the cost of enforcement activities and encourage compliance. Over the last three years, less than 10 percent of the outstanding fines have been collected. Currently, the County is working on updating its policies and procedures. Hopefully, the new code enforcement procedures will resolve some of these problems. Resolution of the

outstanding violations, citations and fines would benefit the County and its citizens. The Grand Jury asked for the records of complaints, citations and fines from the last three years through the public document request portal on the County website. The Grand Jury looked at the data and found the following:

## Outstanding Fines

As of November 30, 2020, the County has outstanding fines for both open and closed cases with a sum of \$1,143,991.15. The categories that accrued the bulk of these fines are building code violations with \$534,056.63 owed and zoning violations with \$402,561.42 owed.

<b>Violations</b>	<b>Amount Owed</b>
<b>Abandoned Vehicles</b>	-
<b>Animal Regulations</b>	218.89
<b>California Building Code Violations</b>	534,056.63
<b>California Fire Code – Fire Hazards</b>	69,978.95
<b>Marijuana Grow Violations</b>	44,776.14
<b>Property Maintenance - Nuisances</b>	57,513.89
<b>Signs</b>	-
<b>Substandard Housing</b>	-
<b>Violation of Adopted Codes by Sutter County</b>	34,885.23
<b>Water Violations</b>	-
<b>Weed Abatement</b>	-
<b>Zoning</b>	402,561.42
<b>Total</b>	<b>\$ 1,143,991.15</b>

Some of the fines for open cases have been on the books for the last three years.

<b>Years</b>	<b>Complaints with case number</b>
2018	292
2019	224
2020	135
<b>Total</b>	<b>651</b>

The fines for citations in 2018 alone totals over half a million dollars. The fines serve as a deterrent for the continued poor behavior by those property owners and businesses where the violations were committed. Without fines being levied and collected, these entities have no reason to cease the action that warranted the citation. Many citations show that some individuals and/or businesses continue to repeat the same offense(s).

## Caseload

Sutter County fields a significant number of complaints every year. There were a total of 651 complaints in the last three years.

Years	Fines
2018	\$538,056.63
2019	\$312,274.40
2020	\$105,991.44
<b>Total</b>	<b>\$956,322.47</b>

It is important to keep in mind that where some cases can be closed with a minimum of effort, others such as building and zoning code violations, can take a large amount of time. Multiple trips or inspections by the code enforcement officer cost the County in staff time and resources. Our neighbors in Yuba and Placer Counties have five code enforcement officers each while Butte County has eight for their caseloads. Our County has only one dedicated position to code enforcement. The large sum of uncollected fines and the number of outstanding citations that go back for years show that the County has not been able to effectively carry out the act of code enforcement. With the COVID-19 pandemic, this year has been especially difficult. However, the evidence shows that this has been a systemic problem for years. Please note that this position has nothing to do with health code enforcement conducted during the COVID-19 pandemic.



## Open Cases

The data from the County shows that as of November 30, 2020 there are 178 citations that are categorized as open.

Open cases	
2018	62
2019	77
2020	39
<b>Total</b>	<b>178</b>

It is clear that citations are not being addressed in a timely manner.

## Cases with No Inspection

Cases Not Closed	
Years	Cases
2018	9
2019	19
2020	26
<b>Total</b>	<b>54</b>

The Grand Jury discovered troubling facts while looking at the data. A complaint will be given a case number and an inspection should follow to determine what, if any, steps need to be taken. It is imperative that a timely inspection takes place to make that determination. The Grand Jury discovered that 54 open cases have not been inspected as of November 30, 2020.



This underscores the need to have a well-staffed department. The data also shows that 152 cases were closed without an inspection date and no valid reason given. Some of these cases go back to 2018 and 2019. The table below shows cases without an inspection date.

<b>Complaint Date</b>	<b>Year Cases Closed</b>			<b>Total</b>
	<b>2018</b>	<b>2019</b>	<b>2020</b>	
2018	11	14	4	29
2019		41	12	53
2020			70	70
<b>Total</b>	<b>11</b>	<b>55</b>	<b>86</b>	<b>152</b>

The citizens of Sutter County require a county government that actively enforces the ordinances and codes it has created. It speaks to the quality of life when blight, hazards, nuisances, building codes and zoning codes go unaddressed. A responsible government should not allow potentially life-threatening issues to continue.

## FINDINGS

The Sutter County Grand Jury finds:

- F1. The County has been lacking in collecting fines from citations for the last three years.
- F2. The County has understaffed code enforcement for the last three years.
- F3. The County has been negligent in pursuing violations and citations for the last three years.
- F4. The County has been closing cases without inspecting them with no valid reason given.
- F5. Some legitimate complaints, possible citations and fines are being ignored.

## RECOMMENDATIONS

The Sutter County Grand Jury recommends:

- R1. The Board of Supervisors require the County to collect or mitigate the outstanding fines before new policies take effect.

- R2. The Board of Supervisors have the County hire additional code enforcement officers immediately to adequately address the workload.
- R3. The County Administrator inform the Board of Supervisors of the progress that code enforcement has been making at monthly board meetings starting immediately.
- R4. The County Administration publicly explain why each of the cases were closed without investigation within the next six months and reopen those cases for investigation if the reason for closure was insufficient.

## REQUIRED RESPONSES

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

From the following governing bodies within 90 days:

- Sutter County Board of Supervisors

## INVITED RESPONSES

- County Administrative Officer of Sutter County

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

## DISCLAIMER

One juror recused themselves from this investigation due to possible conflict of interest and did not participate in the investigation, preparation, or approval of this report