

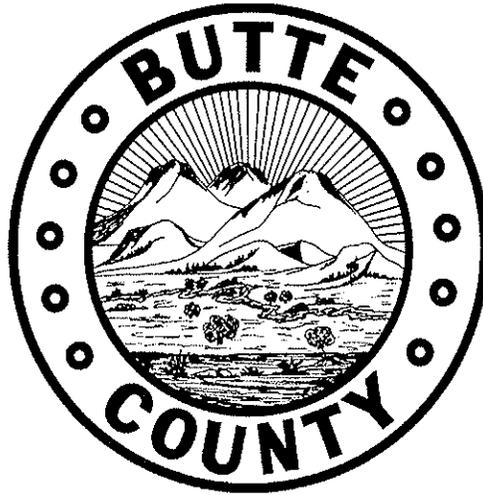
Butte County Grand Jury

2010-2011

FINAL REPORT

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By *[Signature]* Deputy

Superior Court of California
County of Butte
JUN 14 2011
Kimberly Flener, Clerk



2010-2011 Grand Jury Mission Statement

In the rich, historic tradition of the American legal system, our mission is to perform diligently and impartially the sworn duties of the Butte County Grand Jury. We endeavor to carry out our mission in pursuit of the highest common good and with the intent of improving local government. To the best of our individual abilities we strive to execute fairly, fearlessly and lawfully our prescribed criminal and civil functions. Within the distinct limits of the jury's authority, we investigate incidents of misconduct and corruption as they come to light; we scrutinize the operations of Butte County's public offices, departments and districts; we investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of incorporated cities and joint powers agencies in the County; and we use complaints to identify policies that need improvement. Correspondingly, we present and report our findings and recommendations in a timely and responsible manner.

June 24, 2011

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PREFACE

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May 23, 2011

**Superior Court of California
County of Butte
One Court Street
Oroville, CA 95965**

**2010-2011
Butte County Grand Jury
Final Report**

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code Section 933. A copy of the report is enclosed. Your attention is invited to the following code section regarding the time requirements for comment on the report.

Penal Code Section 933

933 Report of findings and recommendations; Comment by governing board of agency and by mayor.

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the County Board of Supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations.

All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

- (d) As used in this section “agency” includes a department.

Penal Code Section 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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May 23, 2011

The Honorable Steven J. Howell
Presiding Judge, Superior Court of California, County of Butte

Dear Judge Howell,

On behalf of the 2010-2011 Butte County Grand Jury, it is my honor and privilege to present the 2010-2011 Butte County Grand Jury Final Report for your review and consideration. The nine individual reports that follow, along with their findings and recommendations, have been approved by the Grand Jury. It is our intent that these reports and our year of service will be of benefit to the people of Butte County.

The Grand Jury is enormously grateful to you, Judge Howell, and to the Court for establishing an office for our use. The office provides a place for our committee meetings and for research. A library of resource material has been developed which will benefit Grand Juries for years to come.

The Grand Jury visited many County departments, cities, and government offices. Numerous interviews were conducted. Although some of these investigations did not result in the issuance of individual reports, we wish to express our appreciation for the efficiency demonstrated and the assistance we were given. Also, we wish to thank the officials who made presentations to the Jury, and the County Counsel and Assistant County Counsel who advised us throughout the year, as well as the Court staff who always assisted us in a helpful and professional manner.

2010 was an election year. The Butte County Registrar of Voters invited Grand Jury members to serve on the Logic and Accuracy Board. Prior to election day, three Jurors observed the required testing of mechanical and electronic equipment. They verified that the ballot counting program accurately tallied the test ballots. On election night, the Jurors observed the ballot count process and remained until all ballots were counted. The Grand Jurors concluded that the entire process was conducted in such a manner as to assure that final vote tallies accurately reflected the votes cast by the voters.

Last June, nineteen people took the oath of office to serve on the Grand Jury. It was a diverse body both in geographic area represented and in experience and expertise. In the ensuing months, as Jurors worked together to examine government operations, we became a "team." It has been a great pleasure to be associated with such a conscientious group.

In conclusion, the Grand Jury thanks our family, friends and employers who supported us during our year of service.

Respectfully Submitted,



Margaret Worley, Foreperson
2010-2011 Butte County Grand Jury

ACKNOWLEDGMENTS

The 2010-2011 Butte County Grand Jury wishes to express its sincere appreciation to the following individuals and organizations for their assistance during its term.

- The citizens of Butte County whose concern for the public good led them to lodge complaints about perceived wrongdoing within local government entities.
- The department heads and staff of the various Butte County government entities who were interviewed by the 2010-2011 Grand Jury during the course of its visits, reviews, and investigations.
- The department representatives who made presentations to the Grand Jury regarding the operations of their departments.
- County Counsel Bruce Alpert and Assistant County Counsel Elizabeth McGie.
- The Honorable Steven J. Howell, Presiding Judge of the Superior Court of California, County of Butte.

In addition, the 2010-2011 Grand Jury would like to thank the staff of the Superior Court of California, County of Butte, and express particular gratitude for the assistance and support provided by:

- Kimberly Flener, Court Executive Officer
- Richard Holst, Assistant Court Executive Officer
- Vicky Caporale, Court Services Specialist
- Kelly Mortensen, Court Services Specialist

2010-2011 BUTTE COUNTY GRAND JURY MEMBERS

Margaret Worley	Chico	Foreperson
Jo Ann Palmer	Chico	Foreperson Pro Tem
Marcia Pope	Chico	Recording Secretary
Laurie Mathers	Chico	Corresponding Secretary
Lydia Conley	Chico	Treasurer
Earl Hodges	Paradise	Sergeant at Arms
Edgar Brown	Oroville	
Richard Eiselt, Sr.	Paradise	
James Fisher	Paradise	
Ronda Hoffman	Paradise	
Larry Klein, Sr.	Oroville	
Norma Mac Neill	Chico	
Joan Major	Oroville	
Deborah McCabe	Durham	
Rowanda Montgomery	Chico	
Wilbur Allen Owens	Forest Ranch	
John J. Rawlings, Sr.	Paradise	
Sarah D. Ten Broeck	Chico	

We would like to acknowledge and thank those jurors who served with this Grand Jury for a time but due to unforeseen circumstances were unable to continue to the end of its term:

- Mark Collins, of Oroville
- Christine Pinnick, of Paradise

In Memoriam: We wish to express our deep sorrow at the passing of one of our colleagues, Jim Fisher. Jim approached our work with grace, understanding, and kindness, and we greatly valued his presence.

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**2010-2011 BUTTE COUNTY GRAND JURY
FINAL RESOLUTION**

Whereas, the 2010-2011 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

Whereas, the 2010-2011 Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies and the citizens of Butte County,

Now, therefore, be it resolved that the attached papers, commendations, findings and recommendations are adopted as the *2010-2011 Grand Jury Final Report* and submitted to the Presiding Judge of the Superior Court of California, County of Butte, to be entered as a public document pursuant to California Law.

The above resolution was passed and adopted by the 2010-2011 Butte County Grand Jury at the Butte County Superior Court in Oroville on the 23rd day of May 2011.



Margaret Worley, Foreperson

May 23, 2011

A BRIEF HISTORY AND OVERVIEW OF THE GRAND JURY

What is a Grand Jury?

The concept of the Grand Jury traces its roots to Classical Greece. Ancient Athenians employed an “accusatory body” much as the Saxons of early Britain did. In fact, from 978 until 1016 one of the Saxon Doms (laws) required an accusatory body of 12 for every 100 men. The accusing body was exhorted, “not to accuse an innocent man or spare a guilty one.”

The modern European jury system began to evolve during the Eleventh and Twelfth Centuries. As early as 1066, during the Norman conquest of England, courts summoned bodies of sworn citizens to investigate crimes that had come to their attention. Initially, these early juries both accused and tried suspects, and since the members of the accusing bodies were selected from small jurisdictions, they naturally presented accusations based on their personal knowledge.

During the reign of Henry II (1154-1189), juries were divided into two types - civil and criminal. The oath taken by these jurors provided that they would faithfully carry out their duties, that they would aggrieve no one through enmity nor give deference to anyone through love, and that they would conceal those things that they had heard. By the year 1290, civil juries were given authority to inquire about the conditions of bridges and highways and review the practices and conditions in the jails.

The Massachusetts Bay Colony impaneled the first American Grand Jury in 1635 to consider cases of murder, robbery and wife beating. By the end of the colonial period, the institution of the Grand Jury was firmly fixed in America’s new and ever-evolving system of government. Although the Constitution does not specifically mention Grand Juries, the Fifth Amendment provides the guarantee that, “no person shall be held to answer to a capital, or otherwise infamous crime, unless on the presentment of indictment of a grand jury.” Grand Juries were used in our early history to protest governmental abuses, to propose new laws and very often to determine who should face trial. Today, forty-two states have some form of Grand Jury, and California is one of the states that still allows prosecution to be initiated by either criminal Grand Jury indictment or a judicial preliminary hearing. The name “Grand Jury” derives from the fact that the body usually has a greater number of jurors than a trial (petit) Jury.

The Grand Jury System Today

The California State Constitution calls specifically for the use of Grand Juries in the governance of the state, and in 1849 the California Legislature authorized Grand Juries in each county. The legislature passed laws in 1880 that required Grand Juries to review and investigate the activities of county government. Certain larger jurisdictions – such as the cities and counties of San Francisco and Los Angeles – impanel separate criminal (indictment) and civil (watchdog) Grand Juries each year. Some counties impanel a separate Criminal Grand Jury only when needed. The Butte County Grand Jury serves in both capacities.

As Constituted today, the Grand Jury is a part of the Judicial Branch of Government and an arm of the court. The Grand Jury does not have the functions of either the legislative or administrative branches and it is not a police agency or political group. It is an investigative body with the objective of detecting and correcting flaws in government.

The primary civil function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county and city government, including special districts and joint powers agencies. The Grand Jury sees that the public's monies are handled judiciously and that all accounts are properly audited. In general, the Grand Jury assures honest, efficient government in the best interest of the people.

The Grand Jury's Powers

The Grand Jury has three ways to exercise its power:

- By reports and recommendations regarding county government, cities, special districts and joint powers agencies.
- By indictment, bringing charges against an individual for criminal offense.
- By civil accusation of an official or employee where the result, on conviction, would be removal from office.

A large portion of the public wrongly believes that an individual, particularly a public official, appearing before the Grand Jury suggests guilt of malfeasance, misfeasance, or nonfeasance. It is the Constitutional responsibility of the Grand Jury to review the conduct of government each year. This entails having public officials appear before the jury for the purpose of providing information relative to their departments or offices. While it is a part of the judicial system, a Grand Jury is an entirely independent body. The Presiding Judge of the Superior Court, the District Attorney, the County Counsel, and the state Attorney General act as its advisors, but cannot prevent the actions of the Grand Jury except on issues of legality. The Grand Jury is not accountable to elected officials or governmental employees.

Due to the confidential nature of a Grand Jury's work, most, if not all, of that work must be conducted in closed sessions. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear before it that their testimony will be handled in strict confidence. No one may be present during the sessions of a Grand Jury except those specified by law, and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The Grand Jury serves as an ombudsman for citizens of the county. The Grand Jury may receive and investigate complaints by individuals regarding the actions and performances of county or other public officials. Additionally, the California Penal Code specifies that the Grand Jury shall inquire into the conditions and management of the public prisons, jails and juvenile detention facilities within the county.

The members of the Grand Jury are collectively granted special powers and privileges to aid them in carrying out their duties. The Grand Jury in its official capacity is permitted, with limited exceptions, access to and the right to inspect government facilities, and to review official books

and records to which other citizens are denied access. The Grand Jury may issue subpoenas as necessary. The Grand Jury findings and recommendations are to be unbiased and impartial.

How Is The Grand Jury Selected?

Each fiscal year the Butte County Superior court summons a large number of qualified citizens who have resided in the county for over a year and are at least 18 years of age. The court makes it clear that service on the Grand Jury is voluntary. Potential jurors should be reasonably intelligent and of good character, and must possess a working command of the English language. From the pool of willing candidates, the court makes a good faith effort to select qualified men and women who are diverse in age and socio-economic, ethnic and educational backgrounds, and who represent the varied geographic areas of the county.

Superior Court Judges and staff interview the body of qualified and willing candidates and choose thirty potential jurors. Nineteen members make up a full jury. At the discretion of the Presiding Judge, as many as ten members from the previous year's jury may "holdover" or serve a second term. In order to constitute the full panel of nineteen, names are drawn at random, to serve a term of twelve months beginning in July. Over the course of the year as necessary, alternates are called in sequential order from the pool of remaining potential jurors.

How Does The Grand Jury Work?

The Presiding Judge appoints a Foreperson to preside at meetings, and the Grand Jury organizes itself into officers and committees and determines which of the various departments and functions of County, City and Joint Powers Government it will review. It also reviews compliance with the recommendations of previous Butte County Grand Juries.

Inquiries on the part of Grand Jury, letters and complaints from citizens, and dictates of the state penal code collectively determine the Grand Jury's work. The Grand Jury aims to identify policies in government that may need improvement. All actions of the Jury – including any communication from the public and all deliberations and votes – are completely confidential. The Grand Jury does publish a report of its significant findings and recommendations near the end of its term.

The Grand Jury's Final Report, however, typically reflects only a small part its actual endeavors over the course of its term. State law requires specific and detailed responses from departments upon which the jury renders findings and recommendations in its reports. Elected officials have sixty days to respond; public agencies have ninety days.

The work of a Grand Jury is demanding. Most members can expect to invest approximately 500 hours of time to the Grand Jury's work. Gratifying and personally rewarding service leads one to a much improved understanding of the organization and business of local government, and to the personal satisfaction of having contributed to its improvement. The Grand Jury experience provides a unique and valuable opportunity for community service.

COMMENTS REGARDING RESPONSES TO THE 2009-2010 GRAND JURY FINAL REPORT

Effective January 1, 1997, state law requires that all agencies and public officers promptly submit responses to Grand Jury final reports, and address every finding and recommendation pertaining to that agency or officer. (Penal Code § 933.05)

The 2010-2011 Grand Jury received all the responses requested in the 2009-2010 Grand Jury Final Report. The 2010-2011 Grand Jury evaluated those responses and determined that most met the basic requirements for responding to the findings and recommendations. In determining the adequacy of the responses, the 2010-2011 Grand Jury considered the following questions:

- Did the agency's response address the subject of the findings?
- Did the agency attempt to avoid the issue, or issues, raised by criticizing the Grand Jury or by offering excuses?
- Did the agency's response indicate that it would take the necessary action to correct the problem?
- Did the agency provide a specific date by which it would take the necessary corrective action?
- Does the Grand Jury find reason to request clarification of response, or responses, or reason to refer to the appropriate committee for follow-up or investigation?

The responses to the findings and recommendations of the 2009-2010 Grand Jury Final Report are available for public review online at the Butte County Website. (Grand Jury link: <http://www.buttecounty.net>)

The 2009-2010 Grand Jury Final Report included twelve separate reports which identified a number of issues that resulted in a combined total of 98 recommendations. All of the agencies identified in the Final Report responded to the findings and recommendations that were made, and to date, a total of 56 recommendations have been implemented in full or in part, and 10 are scheduled for implementation in the near future. In addition, several more recommendations are being studied by the applicable agencies while others will be considered as funds are available.

In all, approximately 75% of the recommendations made by the 2009-2010 Grand Jury have been implemented or will be implemented in the near future. Of those that will not be implemented, the 2010-2011 Grand Jury reviewed the comments that explained why the recommendations could not or would not be implemented, and accepted those responses.

One of the primary functions of Grand Juries within the State of California is specifically to act in a "watchdog capacity" over county government(s). This function allows the Grand Jury to routinely examine all aspects of county government with impartial eyes, to conduct investigations as necessary, to determine "findings", and to make recommendations based on those findings. As Grand Jurors it is very satisfying to see that the majority of our recommendations are implemented.

The 2010-2011 Grand Jury wishes to thank those who responded to last year's Final Report and recognizes their contribution to the community and to the Grand Jury process. The time and effort taken to review the 2009-2010 Grand Jury Final Report and to prepare and submit responses to the Presiding Judge are greatly appreciated.

CLARIFICATION OF RESPONSES TO 2009-2010 GRAND JURY'S FINAL REPORT

One of the Grand Jury's responsibilities is to ensure that each organization or individual listed at the end of each Grand Jury Report submits an adequate response. In the process of performing this task, the 2010-2011 Grand Jury found the following response needed further clarification.

B-LINE – Butte Regional Transit

The Grand Jury reviewed the response from the Butte County Association of Governments and felt that it needed further clarification. Their initial response provided a long-term plan that included a number of issues that depended on being able to purchase adequate property and obtain financing. It did not address the steps that needed to be taken while this plan was being implemented. The following pages present a copy of both the Grand Jury's letter requesting clarification and the subsequent letter presenting further responses.



Butte County GRAND JURY

P.O. Box 110
Oroville, CA
95965

November 3, 2010

Jon Clark
Executive Director
Butte County Association of Governments (BCAG)

Subject: Response to 2009/2010 Grand Jury report – “B-Line-Butte Regional Transit”

Dear Mr. Clark,

Thank you for your timely response to the 2009/2010 Grand Jury Report on the above subject. This report made two findings and a recommendation stating that “BCAG should work with the contract provider, Veolia Transportation, to locate and lease a larger operations facility for the B-Line”.

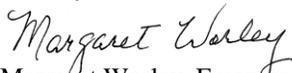
Your response acknowledges that “BCAG staff and the Board of Directors are aware that the current transit maintenance facility leased by Veolia Transportation has become too small to serve the day-to-day maintenance and operational needs for the B-Line Transit System”. In addition, you provided specific details confirming that Butte Regional Transit has “outgrown” the existing maintenance facility and administrative offices.

BCAG’s plan to purchase, obtain funding, develop, and own a new transit facility possibly within the next four years appears to be a well thought out and cost effective long range solution. It does not, however, address the current problem of a facility that is too small to serve the day-to-day maintenance and operational needs of the B-Line transit system.

The 2010/2011 Butte County Grand Jury requests clarification and further explanation of the 2009/2010 Grand Jury recommendation stated above, including:

- What, if any, measures have been taken to address the inadequate current facility during the interim 4 + year time period outlined in your response.
- What plan(s) have you made in the event you are unable to complete the purchase and development of a new transit maintenance facility - on time or at all?
- Please submit the information to the Butte County Grand Jury by November 1, 2010.

Thank you,


Margaret Worley, Foreperson
2010/2011 Butte County



BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

2580 SIERRA SUNRISE TERRACE, SUITE 100, CHICO, CALIFORNIA 95928-8441 • (530) 879-2468 • FAX: (530) 879-2444 • www.bcag.org

November 11, 2010

Ms. Margaret Worley, Foreperson
2010/2011 Butte County Grand Jury
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965-3303

Dear Ms. Worley:

Thank you for your letter dated November 3, 2010 regarding BCAG's responses to the 2009/10 Grand Jury Final Report Findings concerning the Butte Regional Transit System, also known as the *B-Line*.

In response to your request for clarification and further explanation to a couple of the recommendations made in the report, the following is Butte Regional Transit's responses:

- ***What, if any, measures have been taken to address the inadequate current facility during the interim 4+ year time period outlined in your response?***
 - *At this time, the contractor has leased a portion of an adjacent lot for additional parking and storage.*
 - *BCAG is retiring as many vehicles which are beyond their useful life as is functionally reasonable.*
 - *The IT storage space at the Huss Dr. location has been refurbished so as to be more functional within a smaller space.*

- ***What plan(s) have you made in the event you are unable to complete the purchase and development of a new transit facility-on time or at all?***
 - *BCAG will identify multiple locations which are suitable for the development of the new transit facility.*
 - *BCAG will, if necessary, partner with its Contractor to find a suitable temporary facility location.*

**Ms. Margaret Worley, Foreperson
2010/2011 Butte County Grand Jury
Superior Court of California, County of Butte
BCAG Response to 2009-2010 Grand Jury Report on Butte Regional Transit
Page 2**

Should you have further questions or need additional information, please do not hesitate to contact me.

Sincerely,



Jon Clark
Executive Director
Butte County Association of Governments (BCAG)

C: BCAG Board of Directors

The Honorable Steven J. Howell
Presiding Judge
Superior Court of California,
County of Butte
One Court Street
Oroville, CA 95965-3303

2010-2011

BUTTE COUNTY GRAND JURY

REPORTS

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2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY CHILDREN’S SERVICES PROGRAM

SUMMARY

The 2010-2011 Butte County Grand Jury reviewed the Butte County Children’s Services program, focusing narrowly on the processing of incoming reports of possible abuse or neglect, particularly in urgent situations. Children’s Services employs a variety of checks and balances to ensure that appropriate decisions are made when faced with reports of child abuse or neglect. These precautions include the experience level of the social workers, the role of supervisor consultation and approval, and evidence-based protocols that help guide the information-gathering and decision-making processes. Despite these safeguards, some improvements could be made to better address the needs of at-risk children within our communities.

BACKGROUND

Under the authority of Penal Code Section 925, the 2010-2011 Butte County Grand Jury reviewed the Butte County Children’s Services program (“Children’s Services”), which is part of the Department of Employment and Social Services. Due to time constraints and the fact that Children’s Services was broadly reviewed by the 2007-2008 Grand Jury, this investigation pursued a narrow focus on the “front end” of the program – that is, on the information-gathering and decision-making processes used to assess and respond to in-coming reports about a possibly neglected or abused child, especially when there is urgency involved.

PROCEDURES FOLLOWED

The Grand Jury interviewed Children’s Services personnel in both management and social worker positions. The Grand Jury also examined procedure manuals and other documents provided by Children’s Services, and performed internet research regarding child welfare goals, practices, and governing laws.

DISCUSSION

According to the Butte County website, Children’s Services “[p]rovides services to children of Butte County who have been, or are at risk of becoming victims of abuse, neglect or exploitation” (<http://www.buttecounty.net>). The goal of Children’s Services is “to keep the child in his or her own home when it is safe, and when the child is at risk, to develop an alternate plan as quickly as possible” (<http://www.buttecounty.net>). Each day, Children’s Services processes numerous phone calls reporting possible cases of abused or neglected children. Only a small fraction of these reports ultimately result in the removal of a child from the home of the parent or other caregiver.

This investigation focused on the social workers who are most directly involved in Children's Services' initial contact with reported cases of potential abuse or neglect. During this crucial phase, decisions must be made about whether governmental scrutiny of a family situation is justified and how to respond appropriately based on the level of urgency involved.

The initial phase of processing incoming telephone reports to Children's Services involves the following personnel: 1) social workers who answer the reporting phone calls ("referrals") and perform the initial information-gathering and decision-making; 2) social workers who perform field investigations and specialize in handling urgent cases; and 3) supervisors who collaborate in the decision-making and who approve key decisions.

Children's Services Organizational Structure

The work of Children's Services covers a wide range of situations, from processing an incoming report, to determining an appropriate response, to following up on a child who has been placed in foster care. All social workers performing this work must meet the same minimum job qualifications. Some social workers are "senior" based on additional qualifications and experience, and some hold the position of "supervisor". Children's Services employees are organized into work units to best meet the diverse functions of the program. These units occasionally are restructured to enhance service and efficiency.

Currently Children's Services occupies a "North" office (Chico) and a "South" office (Oroville). Although there is some necessary collaboration between the offices, each office is responsible for the cases that arise within its designated geographical area. Senior management personnel work primarily out of the Oroville office, though a Program Manager oversees each office. Incoming telephone reports are processed in the Oroville office and forwarded to the Chico office as appropriate.

Intake – Processing Incoming Reports

Reports to Children's Services can be made any time, day or night, seven days a week. The center where the calls are received during regular working hours is called "Intake". Intake social workers ("screeners") are almost always senior social workers experienced in risk assessment. They follow specific guidelines to make decisions about whether there is a risk to a child, and how urgent that risk is. After hours, there is an answering service that transmits incoming calls to on-call social workers and supervisors, and back-up personnel may be called in as needed.

The first decision that screeners make when a report comes in is whether the report concerns a situation within the legal jurisdiction of Children's Services. This decision is made by determining if there is an allegation of abuse or neglect under California law. According to the Butte County Children's Services webpage, the situations that would bring a reported case within the jurisdiction of the program include the following:

- A child is physically injured by other than accidental means
- A child is subjected to willful cruelty or unjustifiable punishment
- A child is abused or exploited sexually

- A child is neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care or supervision

(*see also* California Penal Code Sections 11164 - 11174.3: “Child Abuse and Neglect Reporting Act”)

If a report does not allege the existence or risk of any of these circumstances, Children’s Services has no legal authority to respond. For example, a report might concern a family conflict observed by a neighbor, but might lack any indication of actual or potential abuse or neglect of a child in the home. Given the legal parameters defining Children’s Services (above), family conflict – even bad parenting – does not by itself justify intervention. In some cases, reports describe situations that are best handled by other County services, and screeners ask questions to determine if there is another agency or program that might be helpful to the family or the child. These reports are evaluated and referred to other entities (such as family courts services, behavioral health services, or other social services).

If a screener determines that the referral makes an allegation warranting possible intervention, this means there is a child who may be at risk, and the screener must determine the level of risk to the child. Urgent risks must be handled with appropriate speed. To assess the urgency of risk, the screener gathers as much information as possible from the reporting party, who often has the most current and relevant information from speaking to the child (e.g. at school, the reporting teacher has usually talked with the child). Typical information that the screener gathers includes background data about the child (name, date of birth, address, parents’ names, siblings’ names), details about the family situation, and so on. Other essential details include the “story” of what prompted the report, such as visible bruises on the child, whether the child is acting out, and details that might indicate emotional or physical abuse (which can include an assessment of whether the child poses a danger to self or others). This initial screening often lasts 20-25 minutes or longer depending on the complexity of the situation and the amount of information the reporting party has to share.

The screener’s objective is to gather as complete a picture of the child’s situation as possible, to enable the most appropriate response. Therefore, while assessing risk, the screener also looks for background or history on the child or the family to better understand the situation. One prominent resource for this information is the Child Welfare System/Case Management System (CWS/CMS) database, a statewide computer system that allows the screener to gather information even from other counties. Children or families who have had previous contact with public services within the state will often show up in this database. This provides useful background about the situation raised by the report. Screeners can also consult other databases, for example to see whether the family has been involved in divorce or child custody proceedings, or whether a family member has benefited from public assistance. Thorough and accurate information-gathering is crucial at this initial point of contact because the accuracy of the risk assessment may make all the difference in the well-being of a child.

To aid this assessment process, Children’s Services uses an evidence-based computerized protocol known as “Structured Decision-Making” (“SDM”). This computer program acts as a “triage tree” by prompting the screener to gather information on certain topics. The screener is then directed either to ask further questions or to accept a recommended assessment or response.

Built into the system is an override function that allows a social worker, with supervisor approval, to reject a recommended decision when their experience or knowledge of the family or community suggests a different response. In this way, SDM provides a reliable but not overly rigid structure to help social workers make what can be emotionally trying decisions. SDM is only one of several evidence-based best practices Children's Services currently implements. SDM is being implemented in many states other than California, and its purpose is to provide greater consistency and accountability in Children's Services programs across the country.

According to interviewees, more than 90% of reports concern children who already have background or history available in the system due to prior contact with public services. In the rare case of a child with no available history or background, assessing risk depends on the facts coming from the reporting party. The screener relies on his or her judgment and experience to perceive and pursue cues embedded in those facts as well as overt indications of crisis. For example, if the reporting party mentions that law enforcement once visited the home, the screener can call the relevant public agency to gather further information. If the reporting party describes overt signs of physical or mental abuse – such as bruises or scratches, or aggressive behavior – the screener can follow-up as the situation dictates.

Screeners may consult with their peers and/or supervisors to help make their decisions, and they often do, but for some of the most crucial decisions, supervisor approval is required. Supervisors are reachable by phone or pager even when they are not physically in the office, and they will always return the call or page. However, occasionally the wait may be as long as 15-20 minutes. If a social worker is having difficulty reaching the supervisor who has direct authority over the situation, he or she can consult any other supervisor or even one of the two Program Managers. Interviewees reported that they highly value the role of supervisors in discussing and approving their assessments.

Investigation – Pursuing Emergency Situations

If a screener determines that a report falls within Children's Services' jurisdiction, and there is some urgency to the situation, the case will be assigned to a social worker who specializes in time-sensitive cases (after supervisor approval). These social workers are known as "investigators", and fall into different categories based on how quickly a response is needed. "Immediate Response" (IR) situations must be investigated within twenty-four hours. An example of IR would be a schoolteacher calling to report that a student has signs of physical abuse and the child is afraid to return home. In that case, there would be an immediate need for Children's Services to determine the safety of returning the child home before he or she leaves school that day. A "Planned Immediate Response" (PIR) requires a response within 3-5 days. In Butte County this response is required in 3 days. An example of PIR would be a baby born to a drug-addicted mother. Arrangements for placement can be made over a period of days while the baby is still in the hospital. Finally, an "Emergency Response" (ER) requires a social worker investigation within ten days. An example would be more than one call reporting a young child who is dressed inappropriately for the weather and has been seen wandering around the neighborhood unattended.

Like screeners, investigators responding to urgent situations must gather pertinent information to determine the best response. Investigators are tuned into factors that indicate risk or harm to the child, but they read these cues through direct observation, not the reporting party's description. For example, investigators may assess the living situation, speak with the child if the child is verbal, and discretely observe the child's exposed arms and legs for suspicious bruising or other signs of abuse. Investigators also use the SDM protocol, but differently than screeners. Since most of their information-gathering and decision-making takes place in the field not the office, they do not have access to SDM during their decision-making process. Instead, they must enter their data into the SDM framework when they return to the office, and their reports are subject to supervisor review and sometimes approval. Of course, once an investigator becomes familiar with the SDM framework, it can be followed mentally during fieldwork. Although Investigators reported no particular difficulty with SDM, some viewed it as an added step with little apparent added value.

If an investigator determines that a child is in immediate danger and there is no one in the home able to protect the child, the child needs to be "detained" (which means removed from the custody of the parent or caregiver). This point in the process requires the close involvement of a supervisor. The investigator will first inquire whether the parent/caregiver has a suitable relative or family friend who may be able to provide a temporary home for the child. If a child must be detained immediately, the investigator will gather all available information to enable placement in a suitable temporary situation. Once a child is detained, other Children's Services programs may be triggered, such as family reunification, family maintenance, or permanent foster placement. Guardianship and adoption may come into play later. The details of these programs are beyond the scope of the present investigation.

Reports concerning children who reside in a rural locations present unique challenges. In such cases, transportation time will delay a response. In high-risk situations, any lost time potentially raises the level of risk to the child. In other words, in an immediate response situation, if it takes 20-25 minutes for information to be transmitted from Oroville Intake to an IR worker in Chico, and the situation is in Magalia, more than a half-hour's drive away, it could be an hour before the social worker arrives. In addition, in rural locations social workers may still need to consult with their supervisors to determine the best plan for a child, so it is imperative that they have a reliable method of contacting the Oroville and Chico offices. Children's Services furnishes cell phones to all social workers. Those cell phones have speaker phone capability, but no blue tooth, head phone set, or other hands-free equipment are currently provided. Finally, rural areas may present challenges to a social worker who is using a county vehicle. Some social workers may not own four-wheel drive vehicles of their own, especially ones that are capable of safely transporting multiple children if needed. Children's Services currently has only one four-wheel drive vehicle that social workers can use. The program is working with the County to secure funding to purchase new vehicles, but the standard vehicle allowance may not suffice since the program needs vehicles with four-wheel drive and with the capacity to transport several children at a time.

CONCLUSION

The Grand Jury was impressed with the compassion and expertise of Children's Services personnel and with their commitment to using and refining "best practices" to ensure their ability to adequately protect children from abuse or neglect. Children's Services is working well, though some aspects of their procedures or resources could be fine-tuned to enhance their service to at-risk children within our communities. All social workers and management personnel interviewed expressed strong commitment to the mission of their program.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: Close contact with supervisors is an essential feature of social work during the initial phase of decision-making. Although social workers will always hear back from a supervisor, sometimes the response takes time, which leads to frustration and distraction for the social worker.
- F2: In an urgent situation, a delay in response time for a social worker potentially places a child at further risk.
- F3: The Structured Decision-Making tool is a useful guide to screeners in their information-gathering and decision-making as they process an incoming report. Investigators are less clear about how SDM benefits their work.
- F4: Decisions made by social workers are driven by the information they have access to about a particular case. In the rare case of a child with no background or history available through routinely consulted resources, social workers must base their decisions on their own experienced judgment, the SDM framework and other evidence-based tools, and consultations with peers and Supervisors.
- F5: Social workers responding to urgent situations in rural and/or rough-terrain areas of the County need reliable means of contacting their supervisors and the Children's Services offices.
- F6: Social workers responding to urgent situations in rural and/or rough-terrain areas of the County need reliable means of transportation for themselves and any children they may need to transport.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Assess the timeliness of supervisor contact with social workers, to ensure that delays in supervisor response do not compromise the social workers' ability to perform their work

with appropriate urgency. If it is determined that there are unacceptable and avoidable delays in supervisor responses, develop a plan to resolve the problem.

- R2: Evaluate how SDM is used by all social workers within Children's Services, and the ways that this protocol benefits their work. Data and conclusions should be shared with all personnel.
- R3: Provide social workers with reliable means of contact with supervisors and Children's Services offices, especially in rural or rough-terrain areas of the County.
- R4: Provide access to reliable and sufficient means of transportation that are suitable for Children's Services' work in the entire County, including rural or rough-terrain areas.

REQUEST FOR RESPONSE

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

- Butte County Board of Supervisors
- County Administrative Officer
- Director, Butte County Department of Employment and Social Services

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

Disclaimer:

This report was issued by the 2010-2011 Grand Jury with the exception of one member of the panel who volunteers for a program with close connections to Butte County Children's Services. This juror was excluded from all parts of the investigation including voting rights, deliberation, and composition and acceptance of this report.

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2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY JAIL

SUMMARY

The 2010-2011 Grand Jury reviewed the Butte County Jail and its operations, as required by law. One concern that arose during the review was the absence of formal educational programs, such as the GED program, parenting classes, and life skills classes. Addiction classes are available on a limited basis, and inmates can request materials for some self-taught classes. However, due to funding constraints and a lack of consistent qualified volunteers, no formal educational programs at the Butte County Jail are available at this time.

Most of the jail facility is well-maintained and serves its purpose. There are a few areas that are in need of maintenance, including the women's facility. The Sheriff's Department is aware of most of these issues, and cites a lack of funding as the primary reason. With the exception of the women's facility, the 2010-2011 Grand Jury was satisfied with the conditions of all facilities inspected. The Grand Jury also determined the staff to be professional and dedicated.

The Grand Jury reviewed an incident that led to the death of an inmate. The Sheriff's Department provided video of the incident. The Grand Jury accepts the Sheriff's Department's conclusion that the incident was an accident.

BACKGROUND

Under California Penal Code §§919(a) and 919(b), the Butte County Grand Jury is required to annually inspect the operations and management of the county jail. The Grand Jury reviewed an inmate death, which prompted the Grand Jury to review health and safety conditions of the jail. A second death occurred towards the end of the Grand Jury's 2010-2011 term, but due to time constraints that event is not addressed in this report.

PROCEDURES FOLLOWED

The 2010-2011 Grand Jury, in order to complete its investigation, engaged in the following activities:

- Toured the Butte County Jail on multiple scheduled visits
- Made unannounced visits to the jail to review general conditions
- Observed booking and orientation of an inmate
- Inquired about issues such as access to educational programs and filing of inmate grievances
- Interviewed Butte County Jail staff
- Interviewed medical personnel who are under contract with Butte County
- Interviewed inmates selected by jail personnel
- Interviewed inmates randomly selected by the Grand Jury
- Reviewed documents provided by the Sheriff's Department

- Reviewed communications from the public
- Reviewed video of an accident at the jail, which led to a death, and inspected the location of the accident

DISCUSSION

Butte County Jail Overview

One mission of the Butte County Sheriff's Department, according to their website, is to "provide humane custody and care for those incarcerated in the county jail" (<http://www.buttecounty.net/SheriffCoroner.aspx>). One of the Sheriff's responsibilities is to ensure that all inmates receive medical and mental health care, nutritious meals, recreation, and a safe, clean and secure environment. The jail commander, overseeing the day to day operations, is a lieutenant assigned by the Sheriff.

Jail Facilities

The Butte County Jail, located in Oroville, was built in 1965. The North and South dormitories were built in 1968. The newest building, the West facility, was built in 1994. Inmate capacity is 614. During our review, the average daily population was 548 inmates. According to the Sheriff's Department, the Butte County Jail is the largest California jail north of Sacramento.

Individuals are held in the jail for several reasons. Some are awaiting trial, others are serving their sentence as mandated by the court, while others are awaiting transportation to other facilities. Generally inmates are in jail for less than one year. In addition, the jail has a contract with the U.S. Department of Justice to house up to 144 federal prisoners. The Butte County Jail maintains a level of about 120 federal prisoners daily. The federal contract provides revenue of approximately \$3.2 million dollars annually, which helps support the Butte County Jail. A reduction in the federal funding would adversely affect the ability of the County to maintain its current level of operation. California AB 109, signed into law April 4, 2011 by the Governor, may have a negative impact on the ability to house the federal prisoners in County jails, due to realignment of state prisoners to county facilities. These funding details have not been determined at the time of this report.

According to the jail website, 135 correctional staff and civilian employees operate the jail. The website also provides information about how to contact inmates, rules on sending items to inmates, and procedures for depositing money into inmate accounts. This resource provides information about the jail to the general public.

Administration reported that currently there are vacant positions and staff members out on job-related medical leave. As a result, the jail is currently understaffed. To ensure safety and sufficient personnel are on duty, some jail staff are working overtime to cover the vacancies.

The jail has a self-contained kitchen that provides nutritionally balanced meals. The kitchen provides three meals per day to the inmates, one of which is a hot meal. A snack is served before bed. The menus are reviewed and approved by a licensed dietician. The kitchen is also

equipped to provide up to 15,000 meals per day for the public, in the event of a county-wide disaster.

Investigation

As part of its investigation, the Grand Jury requested and reviewed inspection documentation from outside regulatory agencies and experts. Reports reviewed included dietician certifications, fire marshal inspections and correctional oversight board reviews. These reports showed that the Butte County Jail is meeting required standards and laws in the areas reviewed.

Throughout this process, the Grand Jury interacted with several jail staff members. Guards were interviewed to gather additional information. Jail leadership met with and answered questions, making staff available during announced and unannounced visits. The Grand Jury observed staff in the performance of their duties. Medical personnel discussed practices and responded to Grand Jury questions. All interactions were positive, open and informative.

Jail Intake Process

The Grand Jury inquired about and observed orientation procedures available to inmates. While being shown the intake and booking area, the Grand Jury observed an individual being processed through these areas. Orientation provides information to inmates on what to expect while incarcerated and their rights and privileges within the jail. Inmates also receive a handbook explaining jail rules, policies, services, and procedures, as well as inmate rights. They keep this handbook for referral during their stay. The Grand Jury reviewed and discussed the handbook with Sheriff Department staff who indicated that it is currently being revised. The handbook is available on the jail website at <http://www.buttecounty.net/SheriffCoroner/Jail/Infomation.aspx>

After booking, cooperative inmates are placed in the docile inmate waiting area before being taken to their cell. This is an area with several chairs and a video playing on the television, informing inmates of what they can expect while they are detained and explaining the rules and their rights.

Combative inmates or those under the influence of drugs or alcohol are placed in a holding cell. These occupied holding cells are monitored by jail staff at standard intervals to ensure the safety of the inmates. On one visit, the Grand Jury observed a holding cell with a clogged toilet and litter on the floor. The Grand Jury pointed this out to jail personnel, and the cell was cleaned by the end of the visit. In subsequent visits, the holding cells were clean.

There is an additional cell called a restraining cell, which is equipped with a restraining chair. Inmates who are a danger to other inmates, officers and/or themselves are secured in this cell. There are policies governing how long a person can be restrained. During the time that an inmate is restrained, he or she is monitored frequently. This monitoring is accomplished with live observation by jail personnel. During the restraint period, restraints are removed and replaced one at a time to allow the inmate to move, flex and stretch.

Personal property is removed prior to or during the booking process. Cell phones are taken from those in custody, often prior to arriving at the jail, by the arresting officer. Some inmates reported that they do not know the phone numbers that are stored on their cell phones. Inmates have not always been permitted to retrieve phone numbers from their cell phone once they have been placed in custody. There is no formal policy regarding phone number retrieval from inmates' cell phones.

After booking, prisoners are issued jail clothing, which denotes their security classification by colors. Security classification is determined during intake. The classification system is used to ensure that inmates are secured properly. This includes protecting inmates from other inmates. In a prison or jail system, inmates will attack other inmates convicted of specific crimes. This classification system helps ensure that incompatible inmates are not mixed within general populations.

Vocational Programs, Educational Programs, Volunteers, and Recreation

The only vocational program currently offered in the jail is the opportunity to work in the kitchen. If the inmates complete training with proficiency, they receive certification enabling them to obtain employment as kitchen staff upon their release. This program is considered a privilege by inmates. The jail offers no other vocational programs at this time.

The Sheriff's Department is working to bring a formal General Education Diploma (GED) program back to the jail. This program is dependent on partnerships with outside educational agencies. The goal of this endeavor is to bring remote classroom instruction via television or the internet into the jail. At present, inmates who want to work on a GED can request materials, but there is no instructor available to assist. Other programs are currently available, such as drug and alcohol counseling programs (Narcotics Anonymous (NA), Alcoholics Anonymous (AA), and Women's Aglow). NA and AA are available to men and women; Women's Aglow is available only to the women. Religious counseling and other programs are available to all inmates.

Though these programs and activities are provided by volunteers, they require time and effort on the part of jail staff. There is a volunteer coordinator provided by the Sheriff's Department. All volunteers who provide service to the inmate population are required to have a background investigation, which is performed by the Sheriff's Department. Volunteers are also required to go through orientation, in which they are instructed on proper conduct and rules and laws pertaining to interaction with the inmates. This process can take up to three months per volunteer. Volunteer vacancies occur due to attrition, changing circumstances, or violations of jail rules and procedures, and it is not always possible to immediately fill volunteer vacancies.

The inmates are allowed one hour of scheduled exercise per day. If the weather permits, the exercise is outdoors. The inmates spend the remainder of their time reading, sleeping, watching TV, listening to the radio or playing board and card games.

Legal Services and Work Programs

The jail provides a law library containing law books and copy services for the inmates' use. This is a separate room where inmates can look up case law. The jail is implementing a move to a computer-based law library that will provide inmates greater access to legal materials. In the law library, inmates can also receive help from the Community Legal Information Center (CLIC). CLIC is a Chico State University student-run, non-profit organization that has been providing legal information to students and community members for over 40 years. CLIC provides paralegal internships for students working directly under CLIC's four supervising attorneys. Although the interns cannot offer legal advice, they can assist the inmates in using the law library and with paralegal services.

The Sheriff's Work Alternative Program (SWAP) provides an opportunity for offenders to live at home, but perform work in the community as part of their sentence. This program allows offenders to continue their employment or education, while fulfilling their sentence. This program requires supervision by jail staff. The number of people in this program is currently limited by the number of supervising staff available.

Female Inmate Housing

The female population is at capacity, filling the 96 beds. The women's facility is the oldest portion of the jail. The facility appears inadequate in comparison to the newer men's facilities. According to staff and inmates, the plumbing is old and requires frequent maintenance. The ventilation system does not function properly, in that frequent temperature changes occur causing an uncomfortable draft with it being too cold in the winter and too warm in the summer. The Sheriff's Department is aware of these ongoing issues. According to the Sheriff's Department, county maintenance staff have been unable to resolve these ongoing issues. These concerns have been raised in prior Grand Jury reports, dating back at least to the 1999/2000 term. According to the 2007-2008 Grand Jury Report:

“The women's section in the old jail still does not meet the definition of an adequate humane environment even though staff has done everything reasonable to make it so. The solution lies in acquiring funds for a 25% match to a portion of the 4.1 billion dollars being made available in assembly bill 900 for the construction of new local jail space.”

The Sheriff's Department reported that they are planning to build a new facility that would house the female inmates, when funding is available.

Inmate Death

The Grand Jury viewed a videotape of an incident that resulted in the death of an inmate. The inmate slipped on the cement floor after exiting the shower area, and struck his head on the floor. The videotape showed that there was no other person near the inmate at the time of the incident. The finding of the Sheriff's Department investigation was accidental death, and the Grand Jury saw nothing to dispute that finding.

Interviews with Inmates

The Grand Jury conducted interviews with inmates, both male and female, regarding their treatment by staff, conditions of the facility, the handling of grievances, medical treatment and the intake process. During the first interviews, inmates were chosen by jail personnel. These inmates reported no serious problems at the jail and had few complaints. A guard was stationed inside the interview room during these interviews. During the second interviews, inmates were chosen at random by the Grand Jury, with no advance notice to jail personnel. During these interviews, a guard was not in the room.

These inmates raised concerns over multiple issues. Female inmates reported that they were often cold. Of the inmates interviewed, the most common issue was the food. The inmates reported that they did not receive enough food, and that the time between meals was too long. Additional food is available to inmates via the commissary; however the inmates must purchase any commissary items. In order to buy commissary food, the inmates need to have funds deposited in their account. The jail has installed a kiosk system in the lobby. Funds can be deposited in the kiosk which reduces human error in tracking these funds and reduces staff time to manage these funds. Funds may also be deposited through the internet.

Profit from inmate commissary purchases contributes to an Inmate Welfare Fund (IWF), which also consists of money collected from phone usage, vendor advertising, and interest on the fund. The IWF is not funded from taxpayer dollars. California Penal Code Section 4025 establishes the IWF. Expenditures from this fund are at the broad discretion of the Sheriff. The Grand Jury is not aware of an audit of this fund.

According to the California Department of Finance:

“The money in the Inmate Welfare Fund (fund) is used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections (Corrections), including the establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at canteens maintained at the State institutions, and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of Corrections.”

Security System Upgrade

Some of the Jail security systems are being proposed for upgrade. Funding and approval of contract requests have been presented to the Board of Supervisors. According to the Sheriff's Department this request has been approved and work has started. This work is scheduled to be completed by October 2011.

CONCLUSION

The Butte County Grand Jury conducted its annual site visit and inspection of the Butte County Jail. The review covered many areas of jail operations, policies and procedures. Areas of

concern are the condition of the women's facility ventilation system in particular and a lack of educational programs such as a formal GED program. In addition, the Grand Jury would like to see an updated handbook for inmates and an upgraded security system. The Grand Jury recognizes the high level of service and commitment displayed by the staff of the Butte County Jail.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: There is an Inmate Welfare Fund at the Butte County Jail with funds available at the time of this report. The Grand Jury is not aware of an audit of this fund.
- F2: The GED program is currently limited to independent study.
- F3: Inmates who work in the kitchen receive training while they work, for which they can receive a certificate as a kitchen helper.
- F4: There are no vocational training programs for inmates, other than the kitchen program.
- F5: The women's facility is in need of maintenance and eventual replacement or remodeling when funds become available.
- F6: Health, spiritual and drug & alcohol rehabilitation programs are offered to inmates.
- F7: Food served in the jail meets federal nutrition guidelines.
- F8: Inmates do not always have access to the telephone numbers stored in their cell phone once they have been booked into the jail.
- F9: The current jail handbook is being revised.
- F10: The ventilation system in the women's facility does not operate properly, causing an uncomfortable draft. This ongoing issue has remained unresolved by county maintenance staff for several years.
- F11: Some jail security systems are in the process of being upgraded.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Develop a plan to reinstate the GED and other educational programs and provide a timeline for completion, including Inmate Welfare Fund as a potential funding source.

- R2: Evaluate the women's facility plumbing and ventilation systems using an outside licensed contractor and provide the contractor's written proposal for resolution and timeline for repair.
- R3: Provide the anticipated date for completion of the proposed revisions to the jail handbook.
- R4: Provide a progress report on the status of the security system upgrades.
- R5: Perform an independent audit of the Inmate Welfare Fund and provide an audit report and transparent financial statements which include an itemized cost per unit analysis.
- R6: Continue to offer the kitchen training program.
- R7: Develop a policy regarding retrieval of telephone numbers from inmate cell phones at the time of booking.

REQUEST FOR RESPONSES

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

- Butte County Board of Supervisors
- Butte County Sheriff

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY JUVENILE HALL

SUMMARY

The Grand Jury conducted visits to review the Butte County Juvenile Hall (BCJH) facility. The facility is clean, well-maintained and provides many services to the youth in the facility. BCJH Staff members work diligently to ensure the welfare and care of the detainees. Table Mountain School, a program provided by Butte County Office of Education, has a strong partnership with the Probation Department, which operates the BCJH. Table Mountain School enables detainees to continue their education. Butte County also has a unique partnership with the Boys and Girls Club of the North Valley that enhances the care of detainees and establishes a positive relationship with them which lasts even after they leave the facility. (Note: For the purposes of this report, “Boys and Girls Club” refers to the Boys and Girls Club of the North Valley which is the overall partnership. “Boys and Girls Club at BCJH” refers to the club operating inside Juvenile Hall.) This relationship is helping youth find positive role models and opportunities to make improvements in their lives. This partnership is a cost-effective method of dealing with youth offenders and should be continued.

BACKGROUND

Under California Penal Code §§ 919(a) and 919(b), the Butte County Grand Jury is required to annually inspect the operations and management of the BCJH.

PROCEDURES FOLLOWED

To conduct this investigation, the 2010-2011 Grand Jury performed the following activities:

- Visited the BCJH facility
- Interviewed juvenile detainees incarcerated in the facility
- Visited BCJH classroom facilities
- Met with Table Mountain School teaching staff at BCJH
- Interviewed BCJH medical staff
- Interviewed BCJH staff and administration
- Reviewed inspection documentation
- Visited the Boys and Girls Club at BCJH
- Visited Paradise, Oroville and Chico Boys and Girls Club facilities
- Interviewed Boys and Girls Club staff

DISCUSSION

BCJH is administered under the direction of the Butte County Probation Department, which provides a variety of services to youth offenders in our community. The purpose of BCJH is to detain youth offenders and provide them with rehabilitative, educational, nutritional, medical and

mental health services. Youth are detained for a variety of penal code violations. The length of stay can be as short as a few hours, or as long as a few years.

The BCJH facility is designed to house a maximum of 120 youth. At the time of this report, BCJH is staffed for sixty residents. There are six housing units (or “pods”), each of which contains twenty cells, a common room, a classroom, and a security office. Given current staffing levels, youth are presently divided among three working pods. It is cost prohibitive to open an additional pod at the present time. Boys and girls are segregated in their individual cells, but may mix within a pod. The pods also segregate offenders based on risk level. Interaction among the youth is closely monitored by staff.

While touring the facility, the Grand Jury observed a clean, well-maintained building. The paint colors were soothing and presented a calm atmosphere. Staff demonstrated respect, care and commitment regarding the well-being and development of youth at BCJH. The facility is safe and secure. Table Mountain School, which is staffed by Butte County Office of Education, operates a classroom in each housing unit, in a style similar to a one-room schoolhouse. Teachers reported that the more advanced youth assist other youth in their studies, when appropriate and under supervision. The BCJH and Table Mountain School staff appear to be good mentors to the detainees.

Visitations were made on two occasions to tour the facility. Administrative staff conducted the tours. During one of the tours, the Grand Jury visited with several detained youth. These open discussions covered the general nature of how the youth were treated and their opinions of the facility. The youth spoken to were of different ethnic backgrounds, genders, ages and seriousness of offenses. The feedback from the youth interviewed regarding care and staff members indicated an overall positive environment. The youth reported that they were being treated well and had positive reports about the food.

It was apparent to the Grand Jury that the facility is administered well. The Grand Jury did not observe any significant issues that raised questions or concerns. It was observed that the BCJH programs are not just focused on the large group, but also customized for the individual. For example, one long-time detainee was allowed to help construct a koi pond and flower garden area. This individual explained to the Grand Jury that the garden area helped his emotional state and that he appreciated being able to work on this project. He felt being in the garden helped soothe and calm him. This garden area is now used by the detainees as a reward, for BBQs and a place to relax in a park-like setting.

BCJH also has outdoor and indoor recreational areas. The youth can go outside in a secure area to play sports and exercise. The facility also maintains an indoor gym with a court for basketball and volleyball and a climbing wall facility. In addition, an area is dedicated to housing a Boys and Girls Club. The Grand Jury focused further on the BCJH Boys and Girls Club to evaluate its benefit to the youth.

The BCJH Boys and Girls Club came about through the Minor Adjustments Program (MAP), which was implemented by BCJH on July 1, 2005. This program targets detainees in BCJH to help them avoid future problems. In September 2007, BCJH partnered with the Boys and Girls

Club to provide the Targeted Re-entry program to support youth, further augmenting the MAP program. The BCJH Boys and Girls Club partnership is one of two in California, and one of thirteen in the United States. Participation in this program is a privilege which can be taken away for a variety of reasons. The MAP program in combination with the Targeted Re-entry program partners a youth with a case worker from the Boys and Girls Club. This provides counseling and a mentor to help the youth transition back to a home or other environment outside of the facility. As part of this program, family members, including parents and siblings, engage in counseling sessions. The program reduces the recidivism rate (repeat offenders) in these youth.

The Grand Jury visited the Boys and Girls Club housed within BCJH and spoke with club staff. The club is located in an unused pod within the facility. The room is painted in soothing colors, and has lounge chairs, creating a comfortable environment for the youth. It also has several activities available to the youth, including game areas, computers, TV, exercise equipment, and areas to sit and talk. The club area looks orderly and well-maintained. A weekly BBQ is provided to the youth, weather permitting. All of these activities are organized and staffed by Boys and Girls Club personnel. The BCJH Boys and Girls Club strives to provide as many of the same activities as are in the community Boys and Girls Clubs, while recognizing the limitations of a secure facility. The area appears well-suited to youth activities and offers a pleasant environment.

In addition to these visits, the Grand Jury visited community Boys and Girls Clubs in Chico, Paradise and Oroville. Community Boys and Girls Club staff were interviewed. Interviews covered staffing, continuity between the BCJH club program and community programs, and funding. Boys and Girls Club staff members rotate between the community clubs that they work in and the BCJH club. The purpose is to build a relationship with the youth while in BCJH that can be continued through the community Boys and Girls Clubs after release, which helps transition youth back into the community.

The Grand Jury looked into the relationship between BCJH and the Boys and Girls Club, including an assessment of cost-effectiveness and results. One of the measures reviewed was recidivism, because if an offender does not return to BCJH, that represents both a social benefit to the community and a potential cost savings to the County. According to the BCJH Superintendent, there is no statewide definition of recidivism. The Boys and Girls Club measure recidivism as remaining crime-free, and they also assess the nature of any further contact with law enforcement.

The Grand Jury received information indicating that the partnership produces positive results. BCJH reports that during the three years prior to implementing the Boys and Girls Club, the yearly average number of serious incidents requiring specific action was twenty-three (23). The yearly average for serious incidents in the three years following was reduced to eleven (11).

According to the Boys and Girls Club website, the following additional positive results have been achieved:

- 74% of youth in Juvenile Hall Boys & Girls Club program have not re-offended.

- Recidivism rates have been reduced from 75% to 29% for Club-involved youth.
- 51% of BCJH youth have shown an improvement in relationships with authority.

<http://www.bgcnorthvalley.org/impact.html>

The Butte County Probation Department and The Boys and Girls Club also provided information about their financial support and funding. BCJH estimates support costs for hosting the club on site as approximately \$2000 per year, which is the only direct cost to the County. This is an estimate for heating, cooling and cleaning of the club facility. The Butte County Probation Department receives funds from the state for juvenile probation programs from the Juvenile Justice Crime Prevention Act (JJCPA). Out of the funds received from the JJCPA, the Butte County Probation Department gave \$233,000 to the Boys and Girls Club. The Boys and Girls Clubs decide how to disburse these funds. Boys and Girls Club cost to staff and operate a club at BCJH is \$106,000 per year. Of this annual cost, \$14,600 comes from the JJCPA state grant. The remaining Boys and Girls Club funds come from other sources. If the funding from JJCPA is lost, the County would need to provide approximately \$16,600 from County funds. In the event of a loss of JJCPA state funding, the Grand Jury considers funding a Boys and Girls Club located in BCJH as an effective use of County funds.

Using the financial information provided by the Butte County Probation Department and the Boys and Girls Club, the Grand Jury sought to understand the cost of detaining youth and the financial benefits of the Boys and Girls Club partnership. BCJH indicated that the average stay was fourteen to sixteen days, though many youth are detained for only a few hours. The length of stay is determined by many factors, including but not limited to the seriousness of the offense and the number of offenses. The Boys and Girls Club states that it has served approximately 500 youth since opening a club at BCJH. In addition, nearly 100 youth have been assigned case managers through the Targeted Re-Entry program. The most current reported period is from 2007 through the end of 2009. Of the thirty-five (35) high risk juvenile offenders served by the Targeted Re-Entry Program, twenty-six (26) had committed no new offenses within a year following their release.

Based on twenty-six (26) youth committing no new offenses, with a fourteen (14) day average stay per detainee, and a cost of \$215 per day per detainee, the estimated cost savings from the Boys and Girls Club partnership likely exceeds the \$14,600 funding provided to the Boys and Girls Club by the JJCPA state grant. Moreover, high risk offenders who participate in the MAP program are generally detained for a minimum of sixty (60) days, well beyond the average above. It is recognized that the cost to house the youth includes both fixed and variable components, which can affect overall cost savings. If the program continues to reduce recidivism as it currently does, the savings could be as high as the cost to maintain an entire pod which could exceed \$1,000,000 per year. Based on this fact, the County financial savings could be substantially higher than \$14,600.

In addition to the financial savings, the social benefit of fewer juvenile offenders is also an asset to the community. The Boys and Girls Club reports success with youth from BCJH, many of whom have obtained employment, graduated from high school, or attended college. The programs provided by The Boys and Girls Club help youth with life skills such as financial

management, career planning, college preparation, diversity and tolerance, positive health choices, and resistance programs targeting drugs, alcohol and tobacco.

The staff at BCJH expressed a desire to continue this program and reported positive results in the behavior of detainees who participate in the Boys and Girls Club at BCJH. Youth work hard to meet the requirements to participate in the club. They must continue to meet behavior standards to remain in the program. Due to the state budget issues facing California, the BCJH reports it does not know what funding will be made available in the coming fiscal year. The BCJH indicated three positive results from its partnership with the Boys and Girls Club: 1) a major tie to the outside community, 2) a tie to the kids from positive role models, and 3) a Targeted Re-entry Program to help youth offenders return to the community. The BCJH would like to expand this program to include more detainees.

COMMENDATION

The 2010-2011 Butte County Grand Jury commends the Probation Department, Butte County Juvenile Hall Superintendent and staff, and the Boys and Girls Club for the innovative and effective partnership and the difference it makes in the lives of youth offenders in our community. This program should serve as a model to other juvenile hall facilities not only as a cost effective tool in changing lives, but also as a method of improving communities, through alternative approaches.

CONCLUSION

The Grand Jury concludes that the Probation Department, Juvenile Hall administration and staff, and the Boys and Girls Club have established an excellent partnership in working to improve the lives of youth who pass through Juvenile Hall. This work helps these youth to become productive members of society. This program is one of only two in the State of California and one of thirteen in the United States and has proven to provide a benefit to youth. The benefits to our community come through significant financial savings through reducing the number of detainees as well as improvement in the lives of these youth who can go on to be productive members in society. It is the desire of the Grand Jury to see this partnership continue as it makes a difference in the lives of youth and families in our community.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: Table Mountain School meets the educational needs of students so that they do not fall behind in their education while incarcerated.
- F2: BCJH has partnered with The Boys and Girls Clubs of the North Valley to assist detained youth.

- F3: The partnership between the BCJH and The Boys and Girls Clubs of the North Valley is reducing recidivism among the juvenile detainees who participate in the Targeted Re-Entry Program in connection with the Minor Adjustments Program (MAP).
- F4: The BCJH Boys and Girls Club provides counseling, job training and life skills training.
- F5: The BCJH Boys and Girls Club is staffed by individuals who work to improve the lives of youth offenders within our communities, at minimal cost to the County.
- F6: The BCJH Boys and Girls Club facility is in an available pod. It is decorated to appeal to youth and provide a pleasant atmosphere and place to socialize which offers many of the features and programs of the Boys and Girls Clubs found in the community.
- F7: The partnership between Butte County Probation Department, BCJH and the Boys and Girls Club of the North Valley is a cost-effective method of dealing with juvenile offenders which reduces overall cost to Butte County.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Continue the partnership with the Boys and Girls Club to serve detained youth.
- R2: Continue the relationship with Table Mountain School operated by the Butte County Office of Education in providing education to detainees.
- R3: Develop a contingency plan to ensure the survival of the BCJH Boys and Girls Club program in the event that state JJCPA funding is discontinued.

REQUEST FOR RESPONSES

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

- Board of Supervisors
- Chief Administrative Officer
- Butte County Probation Department
- Superintendent of Butte County Juvenile Hall

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY LIBRARY SYSTEM

SUMMARY

The Grand Jury views the Butte County Library system (“the BC Library”) as a valuable asset to our community. The BC Library offers book clubs, story times for children, bestsellers, audio books, internet access, special events and more. Due to current economic conditions, the Grand Jury decided to investigate how well the BC Library is functioning. Our investigation revealed that, although the BC Library has endured significant challenges in recent years, it has responded to those challenges with changes that enhance efficiency and service to the public.

BACKGROUND

The Grand Jury began its investigation into the BC Library’s operations based on coverage by local media, and communication received from community members. The purpose of the Grand Jury’s investigation was to explore how recent changes within the library system have affected its operations, efficiency, and service to the community. Some of those changes include a reduction and reorganization of staff, a change in cataloging procedure, and outsourcing the collection of overdue materials and fees.

PROCEDURES FOLLOWED

To conduct this investigation, the Grand Jury:

- Performed internet research for background information about public library systems
- Interviewed BC Library personnel who varied in experience and specialization, years of employment, and position in the staff hierarchy
- Completed on-site visits at three of the six library branches
- Gathered relevant information from other county agencies

DISCUSSION

The BC Library offers an array of services to our community. Our public library allows you to:

- Check out books, e-books, DVDs, and more with a library card
- Use their webpage to access account information and to reserve and renew materials
- Use their facilities for book clubs or other meetings
- Explore children’s literature and bring your child to a live “story time”
- Use a computer with internet access, even to search for employment opportunities
- Donate materials according to the BC Library’s “collection development policy”

(See the BC Library website at <http://www.buttecounty.net/bclibrary> for more information.)

Our public library provides information, literature, audiovisual materials, social contact, and much more to all members of the community, at minimal to no cost to library patrons. This

service ensures that age or economic status does not prohibit a community member from becoming informed, enlightened, or entertained by the written and recorded materials provided.

The BC Library serves the public through six branches located in different communities throughout the county: Chico, Oroville, Paradise, Durham, Biggs, and Gridley. The Oroville branch functions as headquarters. As of June 30, 2010, the annual combined number of visits by the public to the BC Library's various branches totaled 642,112. For every hour the BC Library system is open, an average of 540 people make use of its services. The Chico branch, one of the larger ones, reports an average attendance of 129 visits per hour. These figures demonstrate that the BC Library is perhaps one of the most heavily trafficked public resources in the County.

The BC Library staff includes a Director, a Branch Manager for each branch, and various levels of librarians and support staff. Currently, however, the Oroville and Paradise branches are served by the same manager. The Director is appointed by the Board of Supervisors, and reports to both that entity and to the County Administrative Officer. Other than the Director, library staff members are hired through Butte County Human Resources, which also handles employment-related grievances among library staff.

In addition to their educational background, the BC Library's staff members are trained through a policies and procedures manual and through on-the-spot training with their supervisors. Due to time and funding limitations, there are few opportunities for formal staff development or training. However, in 2010, the BC Library offered a system-wide staff development day. The staff development day was approved by the Board of Supervisors, and required the closure of the library's branches for one day. Staff members expressed positive reactions to this event.

Although the basic functions of the BC Library – facilities, staff, etc. – are under the control of the County, their functions are supplemented by three types of community support:

- Friends of the Library – Each library branch has an associated “Friends of the Library” group. These are private, non-profit 501(c)(3) organizations dedicated to enhancing the library through fundraising efforts, advocacy, and hands-on volunteer assistance within the branches.
- Library volunteers – Volunteers provide direct assistance to BC Library staff, for example by helping to shelve books, assist patrons, check out materials, and cover counters and phones when library staff members are on scheduled breaks.
- The Library Advisory Board – The Library Advisory Board works to maintain and grow library services by advocating on behalf of the BC Library. Board members are appointed by the Board of Supervisors and serve four-year terms.

The BC Library would not be able to provide its current level of service and hours without the help of these groups.

The BC Library has faced, and continues to face, significant challenges to its ability to maximize the service it provides to our community. Like other public agencies, the library system's funding has decreased in recent years as the general economy has suffered. This decrease in funding has led to changes in staffing and operations as the BC Library strives to maintain

quality service despite diminished resources. A second challenge stems from the fact that, over the last four years, the BC Library has had three different Directors. Finally, library hours have changed significantly since 2007, as shown by the following chart:

Library’s Open Hours Per Week, 2007 to January, 2011

Branch	2007	As of 1/12/11	As of 2/13/11	Change in Hours
Biggs	12	6	Same	- 6
Chico	63	54*	Same	- 9
Durham	21	6	30	+ 9
Gridley	35	24	30	- 5
Oroville	42	30	35	- 7
Paradise	42	30	35	- 7
Net reduction in hours over entire system: 33 (roughly a 15% loss since 2007)				

* Chico’s hours had dropped to 47, but were increased to 54 in 2010 when the branch reopened on Mondays.

Despite these challenges, changes have been made that help the BC Library maintain a high level of public service. Specifically, three key library functions have been altered to streamline operations and achieve greater efficiency in cost and time.

First, the BC Library now uses the services of Unique Management, a collection agency, to recover overdue materials and to collect fines and fees. This partnership has significantly increased the library’s ability to get books and materials back, with minimal commitment of library staff time and at minimal cost. Staff members report there have been few complaints about this new procedure from library patrons.

Second, the way the BC Library handles cataloging of new materials has changed. All materials going on the library shelves must be cataloged. In years past, cataloging was performed by hand, primarily at the Main Branch in Oroville. Now, the library obtains more “pre-cataloged” materials from its vendors. Pre-cataloged materials arrive with their cataloging numbers and location within the collection already determined. This change increased efficiency by limiting the time it took to transport materials to and from the Oroville branch for cataloging. This change also allowed for a more efficient assignment of library personnel, since fewer staff members were needed to handle the cataloging process. As a result, the amount of time that library staff members can spend providing direct service to patrons has increased.

Third, starting in November 2010 and into January 2011, the BC Library purchased four self check out machines (2 for Chico, 1 for Oroville and 1 for Paradise). This special equipment allows library users to check out books and other material from the library, resulting in more time for staff to attend to their other tasks.

In addition to these changes, the BC Library recently received a grant to fund the development of a strategic plan. The “Butte County Library Strategic Long Range Plan” was approved by the Butte County Board of Supervisors on February 8, 2011. It is anticipated that more changes will be forthcoming as the Strategic Plan is implemented.

Despite the significant challenges the BC Library has endured, library staff are in remarkably good spirits overall. Virtually all staff members interviewed reported that the materials/fee collection procedures were an improvement to the library's operations, primarily because they are now able to provide more direct service to library patrons. Similarly, most staff members interviewed reported that the revised cataloging procedures enhance efficiency within the library system. In addition, some staff members mentioned other areas that could be improved:

- Computer Resources: The BC Library's computer systems need to be upgraded. The computer hardware consists of second- and third-hand machines received from other agencies within the county. The software systems could be more efficient. For example, instead of using staff and volunteer time to check out meeting rooms and self-use computers, that function could be accomplished on-line.
- Facilities: The BC Library's facilities are in need of improved maintenance and repair. In the branches visited, the Grand Jury observed problems such as stained ceiling tiles and loose carpeting.

CONCLUSION

The Grand Jury greatly appreciates the service provided by our public library. The BC Library has made significant changes that improve both efficiency and service to the public. The materials and fee collection system has allowed much greater recovery of overdue materials – meaning more items on the shelves – and has resulted in few complaints from library patrons. The new processes for cataloging books and materials allow for more efficient use of library staff time. The BC Library could not achieve its current level of excellent public service without the contributions of the community, support groups, and the Butte County Board of Supervisors. Although there is still room for improvement, the Grand Jury concludes that the BC Library has weathered the current financial storm extremely well thus far. The Grand Jury recognizes the funding challenges the county currently faces, but nonetheless urges the Board of Supervisors to give library funding a high priority because so many community members benefit from its public service. The 2010-2011 Grand Jury appreciates the Butte County Library Director and staff for their successful efforts to maximize efficiency and service to our communities.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: The BC Library's new cataloging procedure and new self check out equipment have allowed staff to spend more time serving library patrons and has enhanced efficiency within the BC Library system.
- F2: The BC Library now contracts with Unique Management to collect overdue books, materials and fees.

- F3: The BC Library's new procedure for collecting overdue books, materials and fees has allowed library staff to spend more time serving library patrons and has resulted in a greater return of books and materials than previously experienced.
- F4: The BC Library's new procedure for collecting overdue books, materials and fees has resulted in few complaints from library patrons.
- F5: The Butte County Board of Supervisors approved closure of the BC Library for one business day in 2010 to hold a staff development day, which provided a valuable opportunity for training, policy review, and collaboration among staff at all branches.
- F6: Friends of the Library and volunteer groups provide invaluable support to the BC Library, in the form of both hands-on help and fundraising efforts. This support enhances the library's service to the community.
- F7: BC Library staff members are committed to their work for the library, as evidenced by their willingness to adapt to changes and to learn or take on new tasks in order to continue providing quality service to library patrons.
- F8: The BC Library is a heavily utilized public resource within Butte County.
- F9: Some of the BC Library's facilities, including but not limited to carpet, ceiling tiles, walls and baseboards, are in need of maintenance or repair.
- F10: The BC Library's computer hardware is out-of-date and its computer software system is inefficient.
- F11: The BC Library's hours of operation have decreased since 2007 (see chart in "Discussion" section).
- F12: On February 8, 2011, the Butte County Board of Supervisors approved the "Butte County Library Strategic Long Range Plan".

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: The Butte County Board of Supervisors should continue to approve and fund one or more staff development meetings per year to provide BC Library staff members with training and increased opportunities for collaboration across branches.
- R2: The Butte County Board of Supervisors should develop and implement a plan for procuring updated computer hardware and for maximizing the efficiency of computer software to best meet the BC Library's current technological needs.

- R3: Due to the large volume of community members using the BC Library, the Butte County Board of Supervisors should improve facilities maintenance and repair at all of the BC Library's branches.
- R4: The Butte County Board of Supervisors should continue to assess current library usage and community interest, to determine whether the current hours of operation within the BC Library system are sufficient to meet demand. If not, the Board should continue to explore further ways to increase hours of operation.
- R5: The Butte County Board of Supervisors, in collaboration with the Library Director, should prioritize the suggestions listed in the "Butte County Library Strategic Long Range Plan", and develop a specific plan for timing and implementing their highest ranked priorities.

REQUEST FOR RESPONSE

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

- Butte County Board of Supervisors
- Butte County Administrative Officer
- Director of Libraries, Butte County Library

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2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

SUMMARY

The 2010-2011 Butte County Grand Jury reviewed the Butte County Mosquito and Vector Control District (BCMVCDD), with a focus on the safe management of potentially hazardous materials and areas of concern such as morale issues and the usefulness of its website. The Grand Jury found that the BCMVCDD is run in an efficient and professional manner. In addition, the Grand Jury concluded that the BCMVCDD fulfills its primary functions of mosquito and vector control in a manner respectful of the concerns of the local community, the natural environment, and the multiple outside agencies which regulate and monitor its chemical use. Finally, the Grand Jury determined that the BCMVCDD has acted upon and improved all areas of concern raised by previous Grand Juries.

BACKGROUND

The Grand Jury elected to review the BCMVCDD based on the following considerations: 1) controversy surrounding the August 2010 opening of the new BCMVCDD Chico substation; 2) community concerns about the potential hazards of pesticide use and storage; and 3) previous Grand Jury findings pertaining to problems with morale and deficiencies in the district's website.

PROCEDURES FOLLOWED

In conducting its review, the Grand Jury:

- Toured the BCMVCDD main facility in Oroville, located at 5117 Larkin Road, as well as the Chico substation located at 444 Otterson Drive;
- Listened to a presentation by the BCMVCDD Manager;
- Interviewed the BCMVCDD Manager as well as multiple staff members holding various positions within the district;
- Reviewed the BCMVCDD's policies and procedures manual, informational brochures, website, various documents requested from the district, and prior Grand Jury reports which reference the district.

DISCUSSION

Mission

According to the BCMVCDD website (<http://www.bcmvcd.com>),

“The mission of BCMVCDD is primarily to suppress mosquito-transmitted disease and to also reduce the annoyance levels of mosquitoes and diseases associated with ticks, fleas and other vectors through environmentally compatible control practices and public education.”

The BCMVCD accomplishes this mission through what it refers to as Integrated Vector Management, which is designed to minimize breeding sites and populations of mosquitoes and other vectors,¹ and the transfer of the diseases they carry. Integrated Vector Management uses up-to-date information on the life cycles of pests and their interaction with the environment to select the most economical means of control with the least possible hazard to people, property, and the environment.

Integrated Vector Management includes:

- vector monitoring;
- physical control, which focuses on source reduction and/or elimination;
- cultural control, which involves educating the public in practices which minimize the reproduction of vectors;
- biological control, which means using biological agents to reduce populations of mosquito larva; and
- chemical control.

Chemical Use

This final method, chemical control, raises the most public concern and is used only when all other measures fall short. There are two types of pesticides which may be used: those that kill adult mosquitoes, and those that target their larvae. All chemicals used by the BCMVCD are federal and state registered. The use of any chemicals which may enter the water system is subject to the Statewide General National Pollution Discharge Elimination System Permit for Discharge of Aquatic Pesticides for Vector Control (Water Quality Order 2004-0008-DWG). The insecticides the BCMVCD uses are chosen specifically to ensure the safety of humans and domestic animals.

In addition to its own Integrated Vector Management policies, the BCMVCD is regulated to ensure the health and safety of employees and community members. It is accountable to and regulated by multiple federal, state, and local government agencies. The state agencies include but are not limited to:

- California Department of Public Health;
- California Department of Pesticide Regulation;
- California Health and Safety Board; and
- California Division of Occupational Safety and Health Standards (OSHA).

The Grand Jury toured the BCMVCD's chemical storage facilities to address community concern for the safe management of chemicals. Both facilities appeared clean and well-

¹ The BCMVCD defines a vector as "any animal capable of producing discomfort or injury, including, but not limited to, mosquitoes, flies, other insects, ticks, mites, and rats but not including domestic animals according to the California State Health and Safety Code, Section 2002(K)."

organized. Both are designed for safety and containment of possible spills, and multiple precautions have been taken to prevent environmental contamination. The controversial chemical-storage area of the Otterson Drive substation, which sits along Comanche Creek in Chico, is a small room (approximately 300 sq. ft.) in a corner of the large concrete substation. It is ventilated and has a concrete floor with a raised perimeter curb designed to contain spills. The floor drains into a secondary containment area, from which any spilled material is promptly recovered. As an additional precaution against seepage, the concrete floor and secondary containment area are lined with a vinyl shop-floor coating.

Use of the BCMVCD Otterson Drive Facility

The Otterson Drive substation in Chico, which opened its doors in August of 2010, is a new building financed through an agreement between the BCMVCD and the Chico Redevelopment Agency. Previously BCMVCD rented a smaller facility in Chico. The new building is large (10,000 sq. ft.) and versatile. It includes a large meeting room, office space, shop, garage, chemical storage room, and laboratory facility. Its landscaping and drainage are designed for the prevention of mosquito breeding, and for use as a demonstration model for public education.

Much of the Otterson Drive facility's square footage is unused. The meeting room is used monthly for various district meetings. The large administrative area houses only four cubicles. The chemical storage room and shop area are in use and have room for future expansion. The Otterson Drive laboratory facility is much larger than the current Oroville lab, but it lacks a ventilation hood and other essential equipment, and is not being used.

Employee Matters

As the Grand Jury interviewed BCMVCD personnel, it kept in mind the problems with employee morale noted in the 2007-2008 Grand Jury report. In the months leading up to the publication of that report the BCMVCD underwent a change in management. Under the new BCMVCD Manager, employees voted to discontinue their relationship with the local public employee organization (union). This Grand Jury was careful to interview BCMVCD personnel who had been union members as well as those who had not. Every staff member interviewed, without exception, indicated that morale and work environment had improved dramatically under the current management.

Many BCMVCD employees work with machinery, tools, and chemicals. It was noted in the course of our interviews that though employees are provided with ongoing safety training, certified first aid training is neither provided nor required.

The BCMVCD Website

In light of previous Grand Jury recommendations, the 2010-2011 Grand Jury spent many hours surveying the BCMVCD website (www.bcmvcd.com) and found it to be easy to use, educational, and informative. It provides, among other things, fogging advisories, public notices, newsletters, best management practice guidelines, links to local resources, and information about

vector-borne diseases. In addition, for the sake of transparency, the BCMVCD posts its annual financial balance sheet and employee compensation information on the website.

Vehicle Use Policy

During site visits the Grand Jury noted that some BCMVCD vehicles were marked and some were not. In addition, the vehicle use section in the BCMVCD's policy manual is lacking in detail, leaving day-to-day decisions regarding vehicle use and storage up to the discretion of the Manager. There are no concrete guidelines for acceptable and unacceptable vehicle use for those employees who are permitted to take BCMVCD vehicles home.

CONCLUSION

The Grand Jury found the BCMVCD, first and foremost, to be dedicated to its mission of mosquito and vector control. Beyond this it found that the BCMVCD operates with careful regard for environmental protection, public safety, and governmental requirements, and management displays sensitivity to community concerns.

Previously there had been serious problems with staff morale at the BCMVCD, as mentioned in the 2007-2008 Grand Jury report. This was acknowledged by every person interviewed, yet each one also acknowledged that the situation had improved dramatically under the current management. Poor employee morale can be expensive, leading to problems ranging from inefficient work behavior to litigation expenses. The Grand Jury commends the current management for its successful efforts in improving morale.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: Concern for the safety of humans, domestic animals, and the environment was evident to the Grand Jury in its review of the BCMVCD.
- F2: The BCMVCD is regulated to ensure the health and safety of employees and community members.
- F3: The chemical storage facilities at both the Oroville and Chico locations are constructed to ensure environmental safety, and containment and clean-up of any potential spills.
- F4: The BCMVCD underwent a change of management near the time of the 2007-2008 Grand Jury report which cited morale problems. Morale issues no longer appear to be a significant problem at the BCMVCD.
- F5: Ongoing employee safety training is integrated into the District's monthly meetings; however, certified first aid training for employees is neither provided nor required.

- F6: The BCMVCD website is comprehensive, educational, easy to use, and exhibits transparency in its practice of publicly posting its financial information.
- F7: The new BCMVCD Otterson Drive substation is much larger than the property it formerly occupied, is currently underutilized, and its laboratory is unequipped and unused.
- F8: The BCMVCD policy manual lacks concrete guidelines for acceptable and unacceptable vehicle use.

RECOMMENDATIONS

The Butte County Grand Jury recommends that the BCMVCD:

- R1: develop a formal plan and time-line for equipping and fully utilizing the BCMVCD Otterson Drive laboratory facility.
- R2: adopt a vehicle usage policy which details clear and consistent rules and responsibilities, specifically including guidelines for personal use of take home vehicles.
- R3: provide first aid certification training for its employees.

REQUEST FOR RESPONSE

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

- Butte County Mosquito and Vector Control District

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

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2010-2011 BUTTE COUNTY GRAND JURY REPORT

Butte County Department of Public Works FLEET SERVICES DIVISION

SUMMARY

Fleet Services, a division of the Butte County Department of Public Works, is responsible for the maintenance of over 950 County vehicles and equipment, from large earth-graders and pickup trucks to sedans, snowplows, lawn mowers, trailers and tankers. The focus of this report is on cars and trucks used for general transportation and not on specialized vehicles or equipment. Fleet Services is operated in an efficient and organized manner, which is demonstrated by its extensive record keeping in each of its areas of responsibility. Records are kept of repairs, mileage, and depreciation. Based on this documentation, Fleet Services is in the position to advise the various County departments about necessary maintenance, as well as to when their aging vehicles should be retired due to high maintenance and repair expenses or excessive mileage. However, since decisions regarding the use of individual department vehicles are left to the discretion of each department manager, Fleet Services' recommendations may be disregarded, possibly resulting in the under-use of vehicles in some departments while other departments continue to operate high-mileage, out-dated vehicles.

The Grand Jury believes that centralizing the County's vehicle fleet, including responsibility for vehicle allocation, maintenance, retirement, and replacement, under the authority of the Fleet Services Division may create a more efficient and cost-effective system.

BACKGROUND

The 2010-2011 Butte County Grand Jury performed a routine review of the Fleet Services Department. Additionally, the Grand Jury reviewed policies and procedures that govern the entire County fleet.

PROCEDURES FOLLOWED

To complete this investigation, the Grand Jury:

- Conducted an on-site visit to Fleet Services and interviewed members of Fleet Services' Administration and staff
- Reviewed the 'Butte County Vehicle Usage Policy'
- Interviewed the Butte County Chief Administrative Officer
- Reviewed Butte County's Contracts/Purchasing Policy and Procedure Manual as it pertains to the county fleet.
- Analyzed repair and mileage reports generated by Fleet Services for vehicle activity for 16 departments covering April 1st of 2010 through April 1st of 2011.

DISCUSSION

Fleet Services provides vehicle and equipment maintenance for the Public Works Department and other County departments. It provides preventive maintenance, troubleshooting, repairs and keeps maintenance records for hundreds of County vehicles and equipment. It is equipped with welding and machine shop facilities and can provide a full spectrum of maintenance and repairs. The facilities appear clean, orderly, and well-equipped. The Department administration and staff interviewed were experienced, knowledgeable, and open.

Fleet Services participated in the establishment of the Butte County Vehicle Usage Policy, which prescribes that Fleet Services perform a Safety/Preventive Maintenance Inspection on all County vehicles every 5,000 miles or bi-annually, whichever occurs first. While Fleet Services bears this responsibility, it has no authority to enforce the policy by requiring a department to bring in their vehicles for maintenance. Each County department is responsible for making its own decisions regarding maintenance, retirement and replacement of its own vehicles.

The County's Contracts/Purchasing Policy and Procedure Manual governs the procurement of vehicles and the disposal of surplus units. Under this Manual, a department can designate a vehicle as not needed by the department any more, or "Surplus". If a department wants to retire a vehicle, it must first be designated as "Surplus." However, the Manual lacks precise criteria as to what constitutes a "Surplus" vehicle. The Manual also lacks a procedure outlining the transfer of vehicles between departments. This leads to multiple processes where one should suffice - a vehicle must be designated "Surplus", transferred to the storage yard and then purchased from the storage yard. The Grand Jury considers this to be inefficient and cumbersome.

One of Fleet Services' functions is to gather information and to maintain records about County vehicle usage. Some of this information is reflected in their Suggested Replacement Schedule Report and their Maintenance Activity and Mileage Report. Information from these reports is forwarded to County department officials to assist them in making decisions regarding vehicle use and expense. The Grand Jury reviewed these reports and noted many disparities in the mileage and usage levels of vehicles in various departments. For example, one County department purchased two vehicles from "Surplus" after another department had determined them to be too expensive to maintain and had retired them. Another example is of a department with more than six identical make, model and year vehicles with mileage ranging from 57,000 to 145,000. Additionally, analysis showed that over 10% of the County's fleet was out of compliance with maintenance requirements. Based on these disparities the Grand Jury concluded that consolidation of fleet authority may be beneficial to the County.

CONCLUSION

Based on its review of Fleet Services and the documentation provided by the County, the Grand Jury concludes that the County should explore centralization and/or consolidation of the County's vehicle fleet under the authority of a single department which would be given full authority to implement a replacement-depreciation schedule and to establish guidelines for the retirement of vehicles. The Grand Jury concludes that Fleet Services currently performs some of this work and may be the department of choice for this new authority.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: Fleet Services is an efficient and competent resource for the County.
- F2: Fleet Services currently has no means of enforcing its suggestions made to other departments.
- F3: There currently is no single department with authority over all of the County vehicles.
- F4: County procedures manuals provide no clear criteria for when a vehicle should be classified as "Surplus" or retired.
- F5: There is no mechanism for adequate centralized record keeping for County vehicles.
- F6: There is no procedure outlining the transfer of vehicles between departments.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Develop a plan for more effective management of the County's vehicles, which includes an explicit evaluation of consolidation and/or centralization of this function under the authority of a single department. The plan should address allocation, maintenance, retirement, and replacement of County vehicles. Provide a deadline for implementation of this plan.
- R2: Amend the appropriate policy or procedure manual to provide clear criteria dictating when a vehicle should be designated "Surplus" or retired.
- R3: Amend the appropriate policy or procedure manual to provide an efficient means of transferring a vehicle between departments.

REQUEST FOR RESPONSE

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

- Butte County Board of Supervisors
- Butte County Administrative Officer
- Fleet Services Division Manager

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

2010-2011 BUTTE COUNTY GRAND JURY REPORT

BUTTE INTERAGENCY NARCOTICS TASK FORCE, SOUTH City of Oroville Police Department

SUMMARY

The 2010-2011 Butte County Grand Jury reviewed the administration and operations of the Butte Interagency Narcotics Task Force (BINTF), in which the City of Oroville Police Department participates. The Grand Jury concluded that appropriate processes are in place to maintain internal and external security of the BINTF South facility. There are detailed procedures to track, maintain, and secure the chain of evidence prior to and after trial dates, and to dispose of the evidence when it is no longer needed. The Grand Jury was impressed with the professional attitude displayed by the members of this command.

BACKGROUND

Under the Authority of California Penal Code 925, the Butte County Grand Jury reviewed the Oroville Police Department with a specific focus on the operations of BINTF. BINTF operates under a Memorandum of Understanding (MOU) between several Butte County law enforcement agencies. Oroville Police Department is one of the entities included in the MOU. The Grand Jury limited its review to the BINTF South Division due to time constraints. The primary purpose of BINTF is the enforcement of the narcotics and controlled substance laws of the State of California in the County of Butte, including all incorporated cities and towns. Security measures are not fully disclosed in this report given the sensitive nature of this agency's operations.

PROCEDURES FOLLOWED

The Grand Jury's review included the following resources:

- Interview with the Oroville Chief of Police
- A presentation by the Commander of BINTF South with an overview of the task force.
- A discussion with the Commander of BINTF South regarding the security system, fencing, the evidence tracking system and the voucher system to number the evidence.
- An onsite inspection of the BINTF South facility.
- Observation of staff members in the performance of their duties.

DISCUSSION

BINTF personnel identify, investigate and apprehend persons suspected of violating State narcotics and controlled substance laws. In addition, they assist Federal, State and other local law enforcement agencies in the enforcement of Federal and State narcotics and controlled substance laws, share information and provide mutual aid when appropriate. They also rescue children at risk from drug- related environments and arrest those responsible.

BINTF was formed in October 1985 to confront a growing drug problem in Butte County. The original BINTF covered all of Butte County. In 2002, it was decided it would be more advantageous to split the work between Northern and Southern Butte County at Highway 149.

BINTF is made up of law enforcement and administrative personnel throughout Butte County, including officers from the California Highway Patrol. This specialized force's parent agency is the California Department of Justice. Each Commander is a Special Agent Supervisor from the State Department of Justice. BINTF consists of a number of law enforcement agencies. The overall operation of BINTF North and BINTF South comes under one Advisory Council also known as the BINTF Board (see Figure 1).

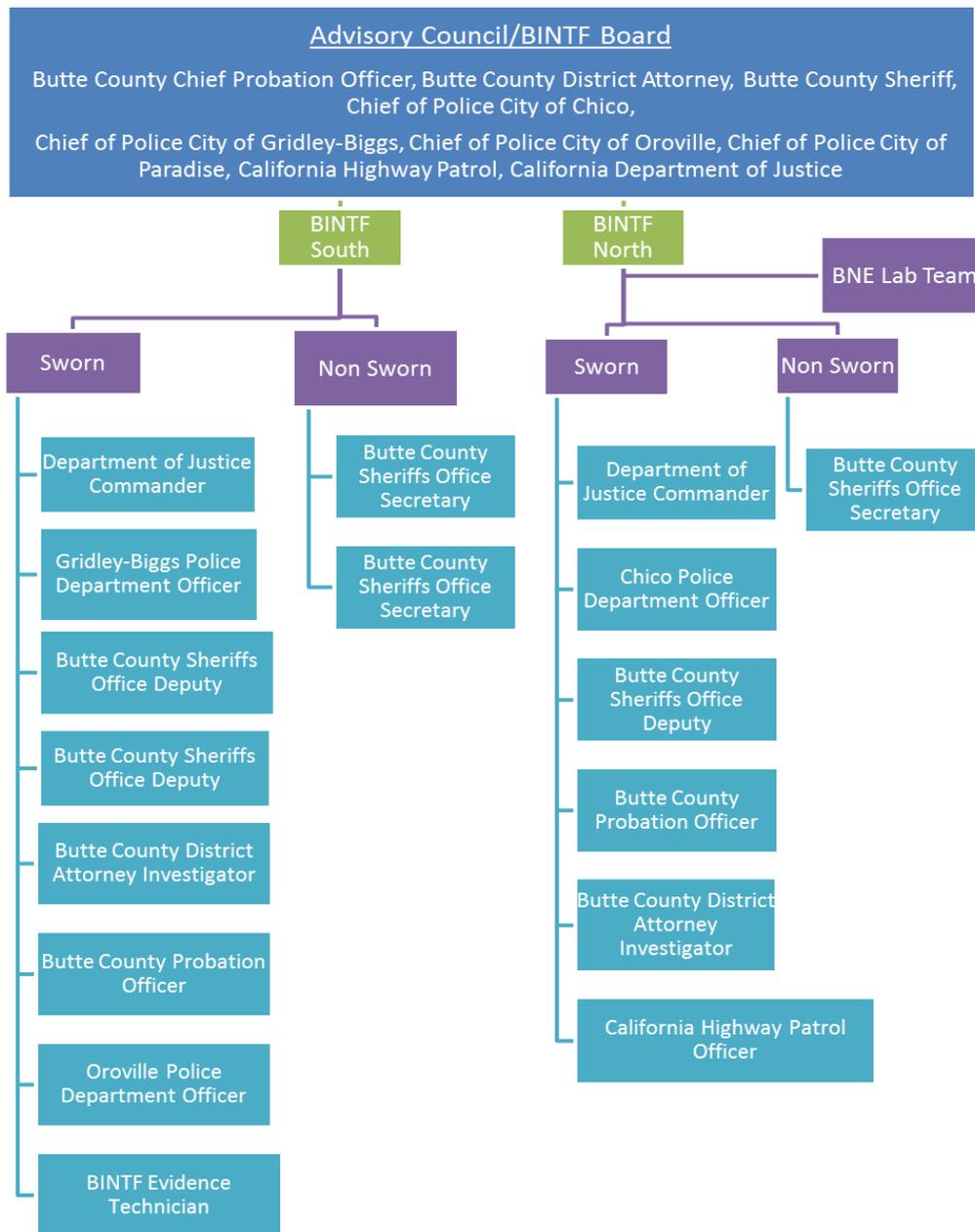


Figure 1: BINTF Organization Chart

The Grand Jury's review consisted of three parts: 1) The Commander of BINTF South gave a power-point presentation to the Grand Jury, which provided details about the make-up, mission and administration of BINTF; 2) On a separate occasion, the Commander of BINTF South met with members of the Grand Jury and provided further information about task force processes, including the process for tracking evidence and disposing of evidence after it is no longer needed; 3) Members of the Grand Jury visited and inspected the facilities at BINTF South. That inspection encompassed the outside parking area, the administrative offices, the commander's office, the evidence room, the security system, and the after-hours evidence storage locker, and also included observations of staff at work.

The Grand Jury inspected the evidence room and the after-hours storage locker. Procedures were reviewed for both. The Grand Jury randomly selected an evidence voucher number. The Grand Jury read the documents, located the evidence, and reviewed the chain of custody. The chain of evidence was evaluated.

CONCLUSION

The BINTF South facility appears to be well-constructed and suited for its purpose of securing sensitive material. The Grand Jury concludes that BINTF South is committed to keeping Butte County safe.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: The BINTF South building is well-constructed and suitable for their needs.
- F2: Evidence handling procedures, including documentation, logging, tracking, numbering, security and disposal, are handled in a manner that ensures integrity of the evidence.
- F3: The evidence room is secure and well-organized.
- F4: The BINTF South facility lacks a security fence around the parking area.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Install a security fence for the parking area, providing an estimated completion date.

REQUEST FOR RESPONSES

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

- BINTF South Commander
- BINTF Advisory Council / BINTF Board
- City of Oroville Chief of Police

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

2011 BUTTE COUNTY GRAND JURY REPORT

CITY OF GRIDLEY

SUMMARY

The 2010-2011 Butte County Grand Jury investigated the Gridley City Council and the City of Gridley, with a special focus on an alternative fuel project (the Gridley Project) that commenced in the mid-1990s and continued through 2010, spanning over seventeen years. The investigation was prompted by complaints from citizens concerning alleged Brown Act violations, conflicts of interest, misuse of City funds, and abuse of public trust. The scope of this investigation was extensive, and included numerous interviews, visits to Gridley City Council meetings, and a review of thousands of pages of documents provided by the City of Gridley and various public and private entities. That said, the Grand Jury believes that it may not have been provided with complete information about matters of utmost concern to the investigation. Based on the information provided, the Grand Jury concludes that contrary to statements by some proponents of the Gridley Project (both public officials and private individuals) who claimed that the project would not entail any expense of City funds, Gridley taxpayer money was used in the project. In addition, the investigation also examined complaints of potential conflicts of interest, questionable use of public funds, poor business practice and abuse of public trust. On a positive note, the current City Administrator has made significant positive improvements in addressing many of the areas of concern for the residents of the City of Gridley.

BACKGROUND

Concerned citizens of Gridley contacted the 2010-2011 Butte County Grand Jury regarding the way the Gridley City Council conducted its business in relation to the City's alternative fuel project. The Grand Jury performed an extensive investigation to determine whether these citizens' concerns were justified.

PROCEDURES FOLLOWED

To conduct its investigation, the Grand Jury reviewed a variety of documents, including:

- Federal, State and local grant documents obtained through public records requests under the California Public Records Act and the federal Freedom of Information Act
- Contracts in connection with the Gridley Project
- Gridley City Council agendas and minutes
- Gridley Redevelopment Agency agendas and minutes
- Property Purchase Agreements and Property Appraisals
- Correspondence and emails
- Fiscal reports, budgets, invoices, audits and receipts
- California government codes
- County documents, maps, and the City of Gridley general plan
- Various internet resources for the Gridley Project and the City of Gridley website

The Grand Jury also conducted more than twenty-five interviews, including:

- Complainants
- Gridley City Council members both past and present
- City of Gridley staff and Gridley community members
- Real property professionals
- Butte County staff

In addition, the Grand Jury visited the following:

- Relevant properties
- City of Gridley Council meetings
- Butte County Local Agency Formation Commission meetings

DISCUSSION

Gridley California, population 6,438, is a city located in southern Butte County. The five member City Council appoints a mayor from among its members. Elected Council members serve a term of four years, with no term limits. The City Administrator, employed by the City Council, is responsible for the day-to-day operations of the City.

In 1994, the City of Gridley became involved in a research and development project supported by federal, state, and private sources (“the Gridley Project”). The purpose of the Gridley Project was to explore whether rice straw (a by-product of rice farming) can be used to produce an alternative, renewable fuel source – ethanol. The Gridley Project lasted over seventeen years, and endured numerous changes in participants, scope, funding and purpose. Ultimately, the project was terminated in 2010 without a rice straw fuel production facility being constructed or operated.

Over the years, the Gridley Project became a catalyst for disagreement and animosity within the Gridley community and among members of the Gridley City Council. Some proponents of the Gridley Project, including both public officials and private citizens, promoted the project by telling Gridley residents that a plant would be built which would produce low cost energy, that jobs would be created for Gridley residents, and that additional revenue would be produced for the City, all at no cost to Gridley taxpayers. Gridley residents expressed concerns relating to a variety of issues, including allegations of Brown Act violations, conflicts of interest, misuse of taxpayer funds, abuse of public trust and transparency.

To address these concerns, the Grand Jury conducted numerous interviews, studied thousands of pages of documents, reviewed emails, and attended many City Council meetings. Some of this investigative work involved gathering written materials from numerous parties through public records requests under federal and state law. Although the written materials the Grand Jury received were extensive, they appear to be incomplete, which the Grand Jury believes is due in part to inadequate file and record maintenance by some of those involved. According to the interviews conducted and documents received and reviewed, the Grand Jury understands the historical development of the Gridley Project as described below.

History of the Gridley Project

Unlike most cities, Gridley supplies electricity to its citizens. Electricity payments from Gridley residents are collected in a Utility Fund, which contributes to the General Fund to help support all of the other services provided by the City (such as police and fire protection, etc.). Gridley belongs to the Northern California Power Agency (NCPA), which is a Joint Powers Agency composed of municipalities and districts that buy and sell electricity to Agency members. This Agency is a supporter of renewable energy projects and policies. The Gridley Project arose in part from interest in renewable energy, and in part from changes in California law regarding the disposal of agricultural byproducts. (In 1991, legislation addressing air quality issues was passed in California to reduce burning of fields after harvest.) Gridley is located in an agricultural area where the primary crop is rice. Historically, rice straw has been burned at the end of harvest season. The process of using rice straw to produce synthetic fuel and to generate electricity was a concept Gridley officials found intriguing. Gridley residents were assured by some proponents, which included some City Council members, that this project would not require any cost to the City.

Based on an initial grant document, some of the objectives of the Gridley Project were to:

- Help preserve the community's agriculture economy in Butte county and adjacent areas.
- Support continued rice farming in the Sacramento Valley by providing a practical rice straw disposal alternative to burning.
- Create jobs, a new tax base and economic development in the Sacramento Valley.
- Comply with the environmental legislative mandates to phase out most of the open field rice straw burning.
- Produce annually up to 20 million gallons of ethanol, a clean transportation fuel, which can reduce tail-pipe emissions from California's older in-use vehicles.

The additional objective of providing electricity to the residents of Gridley emerged as the project developed. The Gridley Project could have provided a direct benefit to local rice farmers, since rice straw was intended to be used to produce fuel for renewable energy and the farmers needed to dispose of their rice straw.

Although the objectives for the Gridley Project sounded promising, those objectives were not met even though the project lasted seventeen years commencing in January 1994, and involved numerous research and development studies. The Gridley Project involved a vast variety of public and private entities too numerous to name. Its funding was primarily from grants through the United States Department of Energy (DOE). The latest grant document provided to the Grand Jury indicated that funding was set aside in the amount of \$49,453,765. Of that amount, the Gridley Project used \$5,166,000 before the project was terminated by the DOE in 2010. Additional funding for the project was provided by a variety of grants, including those from the California State Energy Resources Conservation and Development Commission, the California Air Resources Board, California Department of Food and Agriculture, and Butte County Air Quality Management District in connection with efforts to improve air quality.

During this time, the Grand Jury believes, information was made available to the residents of Gridley in the following ways. Public information sessions were provided, but they were few

and not many residents attended. Information was provided verbally at City Council meetings, but the Grand Jury was not provided with evidence of documentary information provided to the residents. The Grand Jury believes that these information processes did not adequately inform the public.

The City was responsible for dispersing funds for the Gridley Project, coordinating subcontractors and communicating with grant providers, among other tasks. One of the project tasks was to determine the feasibility of collecting and storing rice straw. Another task was site evaluation, which led the City to purchase a parcel north of Gridley next to the Rio Pluma prune processing plant (Parcel #025-200-088), using Gridley taxpayer money. None of the grants for the Gridley Project authorized the use of grant funds to purchase land.

One folly occurred between 2000 and 2009, which involved tons of baled rice straw that was stored initially on participating farmers' properties and which the City later moved to the Gridley Industrial Park. The move entailed additional costs to the City: trees had to be removed from the site, tarps had to be purchased to cover the stored rice straw, and elevated pads had to be built to keep water out of the straw. Due to inadequate record keeping by the City of Gridley, the Grand Jury was unable to determine exactly how much of these costs of the rice straw folly were covered by Gridley taxpayer funds and how much was covered by grant funds. Ultimately, on October 1, 2004, the City of Gridley sold the rice straw which had become decayed and vermin infested.

Another concern arose from DOE Peer Reviews of their funded biofuel projects. One review, conducted in August and November 2007 (see Figure 1), ranked the Gridley Project as 11th out of 12 projects. Peer comments in the 2007 review concluded that the project showed a lack of hard data from previous work, and one comment stated that "it sounds too good to be true."

Project Title	Relevance	Approach	Progress	Success Factors	Future Plans	Average
Advanced Biorefining of Distiller's Grain and Corn Stover Blends	4.00	4.00	3.67	3.33	4.00	3.80
Du Pont integrated biorefinery	4.00	4.00	4.00	3.67	3.00	3.73
Making Industrial Bio-refining Happen!	3.67	4.00	3.67	3.33	3.67	3.67
A New Biorefinery Platform Intermediate	3.33	3.67	3.67	3.33	4.00	3.60
New Sustainable Chemistry for Adhesives, Elastomers and Foams	3.67	4.00	3.33	2.67	3.00	3.33
Integrated Biorefinery Platform Analysis	3.33	3.00	3.00	3.33	3.33	3.20
Separation of Corn Fiber & Conversion to Fuels & Chemicals: Phase 2	3.00	3.00	3.00	2.67	3.00	2.93
sugar-based ethanol biorefinery	3.00	2.67	3.00	2.67	2.67	2.80
Generating Process and Economic Data for Preliminary Design of PureVision Biorefineries	2.67	2.67	2.67	2.67	3.00	2.73
National Agricultural Based Industrial Lubricants Center Project	2.00	2.33	3.00	3.00	2.50	2.57
City of Gridley Biofuels Project	2.67	2.67	2.00	2.33	2.33	2.40
Biorefinery and Hydrogen Fuel Cell Research	1.67	1.67	2.00	1.67	1.67	1.73

Figure 1: 2007 US Department of Energy BioMass Program Peer Review Report (http://www1.eere.energy.gov/biomass/pdfs/2007peerreview_ibr_review.pdf)

The 2009 Program Peer Review shows that the Gridley Project is a Congressionally Directed Project and that the DOE is facilitating the peer reviews but not leading the project. The 2009 review shows Gridley's rank based on its average score as fifteen (15) out of eighteen (18), demonstrating that after two years the project still did not appear promising. (http://www1.eere.energy.gov/biomass/pdfs/obp_program_review_2009.pdf)

The DOE, after seventeen years, finally terminated the Gridley Project contract in April 2010. The research and development effort did not achieve the goals as understood by the residents of the City of Gridley. Very few people in Gridley have benefited financially from this effort. Some of the people of Gridley did not understand that the Gridley Project was a research and development concept. They expected that a plant would be built and would produce low cost energy, that jobs would be created for Gridley residents, and that additional revenue would be produced for the City. None of these expectations were fulfilled. The Grand Jury understands the concerns of some of the residents of Gridley.

Energy Commissioner

In order to facilitate the Gridley Project, the Gridley City Council created the paid position of Energy Commissioner. To establish this Energy Commissioner position, the City Council passed a resolution based on state law that allows a "specially trained person, firm, or corporation" to contract with the City. This resolution was passed in October 2000. The Council member who was ultimately appointed to this position was absent at this meeting. California Government Code states that an elected official may not receive compensation for work done for the body of which he is a member. The council member resigned from the City Council on November 20, 2000, and was appointed one week later to the newly created paid position of Energy Commissioner, at a special City Council meeting. The Grand Jury could not find evidence, in documents supplied by the City of Gridley, of any search to fill this position.

The contract for the Energy Commissioner position specifies he was to be paid \$125 per hour for his role as the City's representative to NCPA. This role was wholly unconnected with the Gridley Project. This salary was paid from the City's Utility Fund, which consists of taxpayer money. He had acted in this role as a City Council member prior to this 2000 contract, but had not been paid for this work. In addition, no other person serving in this role for the City of Gridley prior to the 2000 contract had been paid. The Grand Jury found that no other city or district in NCPA paid their representatives.

In addition, the 2000 contract states that the Energy Commissioner was also to be paid \$180 per hour plus his out of pocket expenses for his role with the Gridley Project, which was paid from grant money. This hourly amount was based on billing rates in his private practice. The Energy Commissioner was to negotiate with different research and development companies, track legislative or regulatory decisions, and "relate" to the DOE, the National Renewable Energy Laboratory (part of the DOE), and an entity called the Rice Straw Cooperative. The City was to be the owner of any records or documents the Energy Commissioner obtained or reports he compiled while performing services under the contract.

According to the chart below, which was provided by the City of Gridley, between 2000 and 2009, under the contract for the Energy Commissioner, a total of \$964,949 was paid for both the

City's electrical issues and the work related to the Gridley Project. All time and expenses were required by contract to be separated based on which role he was fulfilling. The work performed to meet the City's electrical needs amounted to a cost of \$526,369 of Gridley taxpayer funds. For the Gridley Project work, \$438,580 was paid from grant funds. Both figures include payment for both time and expenses.



"As Commissioner"
(added for legibility)

City of Gridley
Energy Commissioner Expense Analysis
Contract Inception to Conclusion

Fiscal Year	As Commissioner				Ethanol Project reimbursement				Grand Total	
	Contract	Costs	Total	Mo. Avg.	Contract	Costs	Total	Mo. Avg.	Total	Monthly
2000-2001	97,957	2,612	100,569	\$ 8,381	57,582	2086.43	\$ 59,668	\$ 4,972	\$ 160,237	\$ 13,353
2001-2002	56,213	3,644	59,857	\$ 4,988	74,965	376.62	\$ 75,341	\$ 6,278	\$ 135,198	\$ 11,266
2002-2003	46,134	4,067	50,201	\$ 4,183	52,026	-	\$ 52,026	\$ 4,336	\$ 102,228	\$ 8,519
2003-2004	74,192	3,299	77,491	\$ 6,458	89,441	448.11	\$ 89,890	\$ 7,491	\$ 167,381	\$ 13,948
2004-2005	62,567	6,044	68,611	\$ 5,718	37,614	1675	\$ 39,289	\$ 3,274	\$ 107,900	\$ 8,992
2005-2006	47,665	5,453	53,117	\$ 4,426	1,638	2,026	\$ 3,664	\$ 305	\$ 56,782	\$ 4,732
2006-2007	44,134	4,617	\$ 48,751	\$ 4,063	50,726	1,402	\$ 52,127	\$ 4,344	\$ 100,878	\$ 8,407
2007-2008	41,380	4,882	\$ 46,262	\$ 3,855	31,095	2,489	\$ 33,584	\$ 2,799	\$ 79,846	\$ 6,654
2008-2009 TEOC*	19,663	1,847	\$ 21,510	\$ 2,689	29,374	3,616	\$ 32,990	\$ 4,124	\$ 54,499	\$ 6,812
TOTAL:	\$489,904	\$ 36,465	\$526,369	\$ 17,546	\$424,462	\$ 14,119	\$ 438,580	\$ 14,619	\$ 964,949	\$ 32,165

*To End of Contract

Figure 2: Energy Commissioner Expense Report

The Grand Jury requested from the former Energy Commissioner, by mail, all documents pertaining to the Gridley Project from 1994 to 2010. The Grand Jury was told that the City would have the requested records, since under the terms of the Energy Commissioner contract all documents were to be turned over to the City when the position terminated. The Grand Jury requested the same documents from the City. The City was able to provide very few documents dated before 2008. A new City Administrator, hired in 2008, was able to provide documents from the time period after he was hired, and some of the documents from the previous administration.

The Energy Commissioner's contract with the City of Gridley was supposed to expire in 2003. The Grand Jury was not provided with any documentation extending the original contract expiration date beyond 2003, yet the City continued to pay the Energy Commissioner until 2009 when the payments ceased.

After a City Council election, in December 2008, a newly elected Council member was appointed by the Gridley City Council as the Energy Commissioner. This position was again unpaid, as it had been before the former Council member became Energy Commissioner in 2000.

Although there may have been good reason to make this a paid position, given that the Gridley Project might have made the City's electrical issues more complex, there is no evidence that a competitive search was conducted to ensure that the City hire the most qualified person for the position. The Grand Jury has concluded that the creation and payment of the Energy

Commissioner position relating to the City of Gridley's electricity issues reflects questionable hiring practices by the City of Gridley.

The Grand Jury cannot determine, based on the documents provided and interviews conducted, whether the former council member hired as Energy Commissioner participated in discussions that led to the creation of this paid position while he was still acting as a member of the City Council. The Grand Jury is concerned about the creation of a paid position and the timing of the Energy Commissioner's appointment in 2000. Further inquiry into this matter by the public or by another investigative agency may unearth evidence that conclusively resolves this important question.

Finally, the Grand Jury has not received an acceptable explanation, either verbally or through written documentation, for why the Energy Commissioner position continued to be paid after the 2003 expiration date for the contract.

Land Purchase

Integral to the Gridley Project was the question of where the facility to produce biomass fuel would be located. First, the Gridley Industrial Park was considered as a potential site. Ultimately, the City purchased a parcel located directly behind the Rio Pluma prune processing plant. This parcel (Parcel #025-200-088) was purchased using taxpayer funds. Citizen complaints about this matter raised concerns about a possible misuse of public funds.

The location next to the Rio Pluma plant, some interviewees argued, would potentially benefit the residents of Gridley. One benefit would come through selling the steam to the Rio Pluma plant. In addition, the proximity to the power substation would provide a short connection to the electrical grid. Finally, the City residents would have lower electric rates.

Other interviewees objected based on safety concerns given the proximity to a school. Safety issues concerned issues of fuel storage. In addition, the potential odor from the facility was raised. Finally, traffic impact issues were raised.

The parcel behind the Rio Pluma plant was appraised in March 2008 at \$442,000, based on an industrial zoning which is more valuable than agricultural zoning. The land was at that time, and still is, zoned for agricultural use. On July 10, 2008, the property deed was recorded reflecting the transfer to the City of Gridley, for the sum of \$679,000. Land zoned for agricultural use cannot be used for an industrial facility as proposed in the Gridley Project. The Grand Jury received no evidence that the City pursued rezoning of the property for industrial use (which they could not do because the site was outside Gridley's sphere of influence as described below). In addition, the City did not pursue the environmental mitigation assessments necessary for approval of a fuel production facility on that site. Thus, the City has not yet taken actions that might bring the value of their real property asset closer to the price they paid to purchase it.

The City purchased the parcel behind the Rio Pluma plant in June 2008, despite the fact that it was at that time outside the city limits of Gridley, and thus outside Gridley's sphere of influence. Under Local Agency Formation Commission authority, a city may not build on a property that it owns if that property is outside its sphere of influence. At the time of the purchase, there was no

guarantee that the City of Gridley would be able to bring the site within its sphere of influence. As of December 2010, the land is now within the sphere of influence, but outside city limits and still zoned for agricultural purposes.

The purchase of this parcel was accomplished by a real estate transaction in which the same real estate agent represented both buyer and seller. Although this is legal and sometimes a useful way to keep transaction costs down, it also means that the City did not use an agent with sufficient independence to negotiate for the lowest possible purchase price on behalf of the Gridley taxpayers.

A part of the parcel behind the Rio Pluma plant is now being considered as a site for a solar array. It appears to the Grand Jury, after reading recent documents and agendas, that this is a direction some individuals and City Council members wish to take. The City of Gridley is working with NCPA on plans for a solar array and on a contract with a firm which would construct it. However, there are still issues to be resolved before a solar array can be constructed.

The Grand Jury believes that the City Council exercised poor judgment in failing to negotiate a fair price for the parcel behind the Rio Pluma plant. The City Council should have employed an independent agent to zealously represent its interests during the negotiations and keep the purchase price down on behalf of Gridley citizens. In addition, the City Council, at the time of this investigation, has not taken steps to utilize the property for industrial purposes. It has been reported that the City of Gridley has broken ground on a solar project near the Rio Pluma plant. As far as the Grand Jury understands, the outlying issues mentioned above have not been resolved. The City owns the property and as an asset it can be sold, but the current value of the property may not cover the price paid for this land, given that it was purchased for more than the appraised value by \$237,000. The Grand Jury believes this purchase represents a possible waste of public funds.

Gridley Business Improvement District

Citizens have expressed concerns about the fact that the mayor also served as the Executive Director of the Gridley Business Improvement District (GBID). Concern was raised because the City provides funding to GBID, and the mayor might have had improper influence over funding decisions given her dual positions. Also, there was concern over how the appointment to the Executive Director position was made. In the course of its investigation, the Grand Jury found that the Executive Director was properly appointed by the GBID board and not the City Council. The mayor now abstains from Council votes on issues regarding GBID.

A second citizen concern was related to the fact that GBID's status as a non-profit entity was listed as suspended by the Secretary of State. Upon review of this suspension, it was determined the suspension was due to an error made in the Secretary of State's Office. GBID is working to correct this issue.

Conflict Of Interest Concerns

Citizens expressed concern that the Gridley City Council allowed conflicts of interest to influence their decisions. Some of these concerns were about public officials and their families

who would benefit from the Gridley Project due to their involvement in rice farming. The Grand Jury investigated these conflict of interest concerns.

Conflicts of interest are legally prohibited in the conduct of government affairs according to California Government Code section 1090. In addition, the Political Reform Act of 1974 provides that “no public official shall participate in a governmental decision in which he or she has a material financial interest” Financial interests include a business entity in which the official or anyone acting on the official’s behalf has invested \$2000 or more.

One alleged conflict of interest concern had to do with whether rice farmers were receiving a financial benefit while also acting in their official capacity and promoting the Gridley Project. Some proponents of the Gridley Project included the former Council member who became Energy Commissioner and a few City Council members, past and present. The former Energy Commissioner was project director for some of the tasks in the Gridley Project prior to resigning his City Council seat.

According to the website <http://farm.ewg.org/persondetail> (Farm Subsidy Database), various individuals involved in the Gridley Project received rice subsidies, which indicates that they were involved in rice farming. As mentioned above, California law had restricted rice farmers’ ability to pursue their prior practice of burning their fields after harvest, leaving them with rice straw that needed to be disposed of somehow. The Gridley Project would have created an avenue for the disposal of rice straw, which would have benefited the rice farmers by either creating a new source of profit, or by reducing the cost to them of finding a way to dispose of their rice straw.

According to the Grand Jury’s research, the following City officials benefited financially from rice farming during the time period in which decisions on the Gridley Project were made (beginning in 1994):

- The City Council member who eventually became the 2000 Energy Commissioner showed receipt of rice subsidies of \$35,300 in 1995 and 1996, during the time he served as a Council member. His 50% share of rice subsidies distributed between 1995 and 2009 to a partnership that included rice farming interests totaled \$261,403.00.
- A family partnership of a current City Council member who was actively promoting this project received \$5,623,692.00 in rice subsidies during the period 1995 through 2009. This Council member served several different terms since 1982.

The issue of alleged conflict of interest arises if public officials who were involved in the rice farming industry influenced or voted on matters that would result in financial benefit to them. The Grand Jury was not provided with all the City Council minutes as requested. As a result, the Grand Jury was not provided with the minutes or voting records necessary to resolve this conflict of interest issue.

Public Access, Participation, and Trust

According to complaints received by the Grand Jury, public opinion is one of mistrust and of being left out of the political loop in matters of public interest. It has been difficult for some

community members to obtain information from the Gridley City Council, or to participate in the decision making process.

The Grand Jury made requests of the City for records regarding the Gridley Project. The City reported that it provided everything it had. The Grand Jury found that the records supplied by the City were incomplete, compared to records obtained from the DOE through Freedom Of Information Act requests and from state and local agencies through the California Public Records Act. The Grand Jury found that records from the time after the current City Administrator was hired were more complete than those maintained under his predecessor.

An example of lack of transparency and poor record keeping is documented in the minutes of the July 21, 2008 City Council meeting. A resident of Gridley brought forth his concern regarding “closed sessions” relating to the real estate parcel behind the Rio Pluma plant. He stated that he had sent several communications to the City Council with questions on the substation and the ethanol plant, yet no one ever answered his questions. He suggested the City Council be more open with the public. The minutes do not indicate that any further information was provided in response to this request.

Another example of poor record keeping which contributes to a lack of public trust involves Economic Interests Forms (Form 700), which are required by state law to be filed by public officials each year while serving in their respective positions. For the City of Gridley, these forms are filed with the city clerk and must be retained for seven years. The Grand Jury found some forms incomplete or missing.

Another ineffective business practice relates to audits. The City’s audits were not performed in a timely manner. Regular audits are standard practices to ensure proper procedures and policies are followed. Audits reveal weaknesses and areas that need to be corrected.

The Grand Jury observed insufficient deliberation by Gridley public officials during City Council meetings. Although agendas were followed, little or no discussion among Council members took place before votes were taken. The Grand Jury also observed a lack of professional behavior and civility at City Council meetings. For example, the mayor demonstrates lack of respect for the public through curt responses and short limits on speaking time for individuals who opposed the biofuels project. In one case, Grand Jurors observed a woman leaving the meeting in tears, after rude treatment by the mayor. Those that support the Gridley Project are given more time to speak. The Grand Jury also observed some Council members treating other Council members rudely, and some members of the public verbally attacking Council members. The Grand Jury believes more people would attend City Council meetings if the atmosphere were more open and respectful.

It is apparent the issue of lack of transparency by the City Council is a significant concern. The Grand Jury is concerned about the lack of cooperation and poor record keeping by the City of Gridley, as several documents remain missing, such as some Form 700 filings and many of the contracts for the Gridley Project. Unprofessional and disrespectful communication, lack of transparency and poor record keeping are conditions that can be and should be corrected.

These issues, and others, have led to a public mistrust of the actions and/or decisions of the Gridley City Council. An additional concern relating to public trust involved potential violations of the Brown Act, which requires that public agencies conduct their deliberations and take their actions openly so that the people they represent remain informed (California Government Code § 54950).

City Council agendas and minutes have been vague and lack the detail needed for the lay person to understand the issues, which the Grand Jury believes has contributed to a lack of public trust. The Grand Jury has also reviewed emails in which a City Council member discussed issues coming before the Council, hidden from public view. The practice of using email should be reviewed to ensure compliance with the Brown Act. If emails were used to build consensus prior to an open discussion at a public meeting, a violation has occurred. The Preamble to the Brown Act states:

California Government Code § 54950. "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to engage in the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

The Grand Jury believes that the preamble to the Brown Act captures the spirit of laws regulating public governance, a spirit that the Gridley City Council violated in the affairs discussed in this report.

The public trust has also been damaged by the poor judgment the City Council exercised in the creation of the paid Energy Commissioner position and the selection of the real estate agent to represent both buyer and seller in the transaction for the purchase of the Gridley Project site. In addition, City Council appointments and City elections often involve the same individuals, creating a "revolving door" of public officials that prevents fresh ideas and sharing of ownership with the public. All the issues discussed above have contributed to the public mistrust of the Gridley City Council.

Positive Changes

The Grand Jury acknowledges the problems that the current Gridley City Administrator faced when hired in late 2008. Review by the Grand Jury has found that the City Administrator began making improvements once hired. Since the Grand Jury began its investigation of the government of the City of Gridley, positive changes continue to be made by the new City Administrator to correct some of the problems within City government.

Under the current administrator, extensive changes have been made to make the City's actions more transparent and more efficient. Monthly discussion sessions among City Council and staff are taped and made available to the public for 60 days. Sessions have concerned energy, the Gridley Library, and fiscal responsibility. More sessions are planned for the future. Agendas are

listed online with links to the accompanying staff reports so that the public can be informed prior to a meeting. A new auditor firm was hired to “clean things up.” Cash handling procedures have been improved. In addition, security has been enhanced regarding access entry within the City Hall offices. The Gridley City website has been revamped to provide current information about the City departments and activities. The City’s annual budget is posted online making financial information more accessible. One link offers a description of the Gridley Industrial Park and will, in the future, show other available business sites for development. The Grand Jury found the website to be accessible and inviting.

The City Administrator has earned the respect and appreciation of the City Council. His changes have enhanced the transparency of local government, which may help regain public trust. The Grand Jury views the changes made by the City Administrator as positive steps toward improving the City of Gridley’s image and openness with the public, partnering with the public, as well as promoting growth.

CONCLUSION

At the end of seventeen years of research and development for the Gridley Project, it has not been demonstrated that rice straw alone can be used successfully to produce a biofuel as an alternative energy source. At least one member of the Gridley City Council is continuing to push a biofuel/rice straw Gridley Project, while other Council members are pursuing solar energy. The Grand Jury finds that this was a research and development project that was not guaranteed to be successful. However, City residents believed the project would result in lower electric rates for City residents, a biofuel plant being built, jobs and additional revenue for the City.

Record keeping was slipshod. Records were difficult to locate or missing. Audits were not conducted in a timely manner. It appears to the Grand Jury that conflicts may exist regarding the Gridley Project. City Council meetings are sometimes contentious and alienate the public. Some citizens have reasonable concerns that emails may have been used to build consensus in violation of the Brown Act.

Based on these concerns and issues the Gridley City Council has damaged the public’s trust. This has led to animosity between the residents and the City Council as well as among Council members. Citizen involvement in City of Gridley proceedings would create more public understanding of the day-to-day operations. The Grand Jury feels that many significant changes have occurred to improve the City of Gridley with the new City Administrator. However, many changes still need to be made.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

- F1: The Gridley Business Improvement District’s non-profit status is listed as suspended, and this is due to an error by the California Secretary of State.
- F2: Any problem involving the Mayor serving as Executive Director of GBID has been resolved.

- F3: Some City Council members and the Mayor have had contentious interactions with members of the public and one another at Gridley City Council meetings attended by the Grand Jury.
- F4: The research and development concept for biofuel using rice straw became a catalyst for disagreement and animosity, dividing Gridley City Council and public opinion.
- F5: Rice straw was moved from the original location in the farmers' fields to the Industrial Park, at some cost to the City of Gridley, where it rotted, became infested with vermin and had to be hauled away.
- F6: Rice Straw alone has not yet been proven to be a viable source to create a biofuel.
- F7: Monies were used from City of Gridley taxpayer funds to purchase the parcel behind the Rio Pluma plant (Parcel #025-200-088) and pay the Energy Commissioner for his representation regarding NCPA.
- F8: The City of Gridley purchased land (Parcel #025-200-088) that was outside its sphere of influence at the time of purchase for a total of \$679,000, using Gridley taxpayer funds. The land is still zoned for agricultural purposes.
- F9: Until recently, Gridley City Council agendas and minutes have been vague and lacked sufficient detail for the public to understand the issues.
- F10: Under the former administration, the City of Gridley engaged in notably ineffective record keeping and file maintenance practices.
- F11: Some proponents, including public officials, assured the Gridley City Council and citizens the Gridley Project would result in no cost to the City. However, Gridley City funds were spent.
- F12: The perception of conflict of interest exists regarding some Gridley City leaders involvement in the Gridley Project while serving in public office.
- F13: Emails have been used by Gridley City Council members to discuss pending agenda items outside the public arena, which limits City residents' participation in the governing process, and may violate the Brown Act.
- F14: The City of Gridley Energy Commissioner position has never been a paid position, other than when held by the former Council member who was appointed to the position in 2000.
- F15: The City of Gridley paid the Energy Commissioner from 2000 to 2009, even though the contract which was signed in 2000 expired in 2003.

- F16: The former Energy Commissioner appointed in 2000 to represent the City of Gridley with NCPA was paid \$526,369.00 out of Gridley taxpayer funds. Gridley Project grant funds paid an additional \$438,580.00 for services related to the Gridley Project. The total Energy Commissioner payments over a nine year period amounted to \$964,949.00.
- F17: The City of Gridley has been pursuing the biomass project since 1994 and so far the project has proven non-feasible. At least one Gridley City Council member continues to advocate for the project.
- F18: The DOE terminated funding for the Gridley Project in 2010.
- F19: Positive changes have been made to address some of the past practices that created problems within the Gridley community.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

- R1: Schedule ethics and Brown Act classes for all department heads, elected and appointed officials, to be performed annually and keep records of compliance that are made available to the public, perhaps on the website.
- R2: Create a timeline for the City Clerk to remind Gridley City Council members and Gridley City officials at the appropriate time to file Form 700s. Make available to the public, records of ongoing compliance with this requirement.
- R3: Create a policy when seeking individuals for specialized positions to best represent Gridley's interests.
- R4: Encourage GBID to move quickly to obtain their non-profit status by correctly registering with the Secretary of State of California.
- R5: In concert with NCPA, continue to pursue other avenues of proven, affordable renewable energy, such as the solar project. Continue to make information regarding this activity available to the public.
- R6: Hold public meetings at which community members can ask questions. Ensure that questions raised receive either verbal responses or follow-up responses that are also publicly available.
- R7: Develop policy and procedures for effectively maintaining Gridley City records. Provide an estimated date of completion for these documents.
- R8: Employ an independent firm to audit and investigate whether any Gridley City officials made decisions or took actions that would constitute a conflict of interest. Make the results of this audit and investigation available to the public.

R9: Create and document an internal audit committee (one person from each department) to audit and ensure that the Gridley City's policies and procedures are practiced and performed as written and executed correctly. Make audit reports from this oversight available to the public.

REQUEST FOR RESPONSE

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

- Gridley City Council
- Gridley City Administrator

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

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2010-2011 BUTTE COUNTY GRAND JURY REPORT

ETHICS TRAINING IN SPECIAL DISTRICTS

SUMMARY

The 2010-2011 Butte County Grand Jury investigated whether eighteen special district government agencies are in compliance with the ethics training portion of California Assembly Bill (AB) 1234. AB 1234 added new provisions to the California Government Code, requiring, among other things, that local officials who receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles. This training must be renewed every two years. To promote accountability to the public, AB 1234 also requires that each local agency maintain records indicating compliance and that these records be subject to disclosure under the California Public Records Act.

BACKGROUND

It is the responsibility of government officials, when carrying out the duties of their offices, to act not in self-interest, but in the best interest of the public, and to always maintain a high standard of ethical conduct. Understanding the principles of ethical behavior is the first step toward applying them. For this reason, AB 1234 was enacted, with an effective date of January 1, 2006. The pertinent portions of the California Government Code Sections added by AB 1234 are set forth below.

53235. (a) If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article. (b) Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

53235.2 (a) adds that:

A local agency that requires its officials to complete the ethical training prescribed by this article shall maintain records indicating both of the following:

(1) The dates that local officials satisfied the requirements of this article. (2) The entity that provided the training.

Since the implementation of AB 1234, several resources have been made available to agencies to help them meet and maintain these ethics training requirements. Online training can be obtained free of charge through the Fair Political Practices Commission website, at <http://www.fppc.ca.gov/index.php?id=477>

PROCEDURES FOLLOWED

To conduct its investigation, the Grand Jury distributed ethics surveys to eighteen special districts, then collected and evaluated their responses.

DISCUSSION

The Grand Jury surveyed by mail a sampling of Butte County special districts regarding their compliance with the ethics training requirements of AB 1234. Due to time constraints, the Grand Jury limited its review to eighteen districts. Surveys were mailed on October 5, 2010, with responses requested by November 15, 2010.

By the time of the November 15, 2010 deadline, four districts submitted certificates of completion of ethics training for each of their members [see Figure 1]. Two districts stated that they were not in compliance. Four districts responded that they were not in full compliance with the ethics training law, but were in the process of meeting its requirements. These four districts were contacted by the Grand Jury in subsequent months to ensure compliance was achieved. Six other districts submitted statements claiming that they were exempt from the requirements for ethics training due to the fact that their members received no compensation or reimbursements as described in AB 1234. Two districts failed to respond to the initial Grand Jury survey. These two districts were sent certified letters containing additional copies of the ethics training survey and a new response deadline of January 19, 2011. This second mailing resulted in one additional completed survey.

As of March 1, 2011, eleven of the districts who did not claim exemption had submitted proof of compliance with the ethics training portion of AB 1234 [see Figure 2]. One district, the Biggs-West Gridley Water District, had not responded to the initial Grand Jury survey, the second survey which was delivered by certified mail, or the Grand Jury's other attempts to contact them directly. The Grand Jury required additional assistance in order to obtain a response from this district prior to the completion of this report, at which point it was learned that the district was under new management as of the last week of January 2011. A copy of the Grand Jury's Ethics Training Survey was then delivered via e-mail to the Biggs West-Gridley Water District on March 11, 2011. The new manager replied immediately indicating that his agency was in the process of achieving compliance. On March 14, 2011, the district submitted the completed survey and certificates of completion of ethics training.

CONCLUSION

The Grand Jury believes that high ethical standards in local government are critical to maintaining the public's confidence. Though this is always the case, the need for such trust is seldom felt as strongly as it is during times of great financial hardship. Through its survey process, the Grand Jury found that several districts, when first contacted, were not in compliance with the required ethics training. The Grand Jury's action brought this to the attention of these districts, and it hopes this report will serve as a reminder for other county agencies to review their records to ensure that they, too, are in compliance with the law.

The Grand Jury also recognizes the value to the community of the requirement that ethics training certificates be subject to the California Public Records Act, and would like to encourage private citizens to take it upon themselves to check that their local government officials are current in their training. The Grand Jury thanks the special districts for responding to its survey and commends those who have complied with the ethics training requirements of AB 1234.

FINDINGS

The 2010-2011 Butte County Grand Jury has arrived at the following findings:

F1: The following special districts reported that they were in full compliance with the ethics training requirements of AB 1234 as of November 15, 2010:

- Chico Area Park & Recreation District
- Durham Recreation & Park District
- Paradise Recreation & Park District
- South Feather Water & Power Agency

F2: The following special districts reported that they were not current with the ethics training requirements of AB 1234 as of November 15, 2010, but had achieved compliance by March 15, 2011:

- Biggs-West Gridley Water District
- Butte Creek Drainage District
- Butte Water District
- Drainage District #100
- Drainage District #200
- Feather River Park and Recreation District
- Richvale Recreation & Park District
- Western Canal Water District

F3: The following special districts claimed exemption from the ethics training requirements of AB 1234:

- Drainage District No. 1
- Drainage District No. 2
- Lake Madrone Water District
- Reclamation District #833
- Rock Creek Reclamation District
- Sacramento River Reclamation District

F4: Ethics training for government agencies is available free of charge over the internet.

RECOMMENDATIONS

Given these findings, the Grand Jury makes the following recommendations:

R1: All agency officials (as defined by AB 1234) of the following special districts, even though they currently claim exemption, complete AB 1234 ethics training, as it is for the public good and available free of charge via the internet:

- Drainage District No. 1
- Drainage District No. 2
- Lake Madrone Water District
- Reclamation District #833
- Rock Creek Reclamation District
- Sacramento River Reclamation District

R2: Every district surveyed develop and adopt a plan to ensure continued compliance with the ethics training requirements of AB 1234.

REQUEST FOR RESPONSE

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

A response to R1 from the following districts:

- Lake Madrone Water District
- Drainage District No. 1
- Drainage District No. 2
- Reclamation District #833
- Rock Creek Reclamation District
- Sacramento River Reclamation District

A response to R2 from the following Districts:

- Biggs West-Gridley Water District
- Butte Creek Drainage District
- Butte Water District
- Chico Area Park & Recreation District
- Drainage District #1
- Drainage District #100
- Drainage District #2
- Drainage District #200
- Durham Recreation & Park District
- Feather River Park and Recreation District
- Lake Madrone Water District
- Paradise Recreation & Park District
- Reclamation District #833
- Richvale Recreation & Park District
- Rock Creek Reclamation District

- Sacramento River Reclamation District
- South Feather Water & Power Agency
- Western Canal Water District

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigation by protecting the privacy and confidentiality of those who participate in any Grand jury investigation.

Figure 1
Status at time of original survey response deadline: November 15, 2010

Special District	In Compliance	In Process of achieving compliance	Stated Exemption	Other
Biggs- West Gridley Water District				NO RESPONSE
Butte Creek Drainage District				Not in compliance
Butte Water District		X		
Chico Area Park & Recreation District	X			
Drainage District No. 1			X	
Drainage District, No.100		X		
Drainage District No. 2			X	
Drainage District #200		X		
Durham Recreation & Park District	X			
Feather River Recreation & Park District		X		
Lake Madrone Water District			X	
Paradise Recreation & Park District	X			
Reclamation District #833			X	
Richvale Recreation & Park District				NO RESPONSE
Rock Creek Reclamation District			X	
Sacramento River Reclamation District			X	
South Feather Water & Power Agency	X			
Western Canal Water District				Not in compliance

Figure 2
Status upon conclusion of the Grand Jury survey process: March 15, 2011

Special District	In Compliance	In Process of achieving compliance	Stated Exemption	Other
Biggs- West Gridley Water District	X			
Butte Creek Drainage District	X			
Butte Water District	X			
Chico Area Park & Recreation District	X			
Drainage District No. 1			X	
Drainage District, No.100	X			
Drainage District No. 2			X	
Drainage District #200	X			
Durham Recreation & Park District	X			
Feather River Recreation & Park District	X			
Lake Madrone Water District			X	
Paradise Recreation & Park District	X			
Reclamation District #833			X	
Richvale Recreation & Park District	X			
Rock Creek Reclamation District			X	
Sacramento River Reclamation District			X	
South Feather Water & Power Agency	X			
Western Canal Water District	X			

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APPENDIX A

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APPENDIX A

Summary of Required Responses to the 2010-2011 Butte County Grand Jury Report

Report	Respondents
Butte County Children's Services Program	Butte County Board of Supervisors County Administrative Officer Director, Butte County Department of Employment and Social Services
Butte County Jail	Butte County Board of Supervisors Butte County Sheriff
Butte County Juvenile Hall	Board of Supervisors Chief Administrative Officer Butte County Probation Department Superintendent of Butte County Juvenile Hall
Butte County Library System	Butte County Board of Supervisors Butte County Administrative Officer Director of Libraries, Butte County Library
Butte County Mosquito and Vector Control District	Board of Trustees of the Butte County Mosquito and Vector Control District
Butte County Department of Public Works -Fleet Services Division	Butte County Board of Supervisors Butte County Administrative Officer Fleet Services Division Manager
Butte Interagency Narcotics Task Force, South	BINTF South Commander BINTF Advisory Council / BINTF Board City of Oroville Chief of Police
City of Gridley	Gridley City Council Gridley City Administrator
Ethics Trainings in Special Districts	<u>Response to R1 from the following districts:</u> Lake Madrone Water District Drainage District No. 1 Drainage District No. 2 Reclamation District #833 Rock Creek Reclamation District Sacramento River Reclamation District

	<p><u>Response to R2 from the following Districts:</u> Biggs West-Gridley Water District Butte Creek Drainage District Butte Water District Chico Area Park & Recreation District Drainage District #1 Drainage District #100 Drainage District #2 Drainage District #200 Durham Recreation & Park District Feather River Park and Recreation District Lake Madrone Water District Paradise Recreation & Park District Reclamation District #833 Richvale Recreation & Park District Rock Creek Reclamation District Sacramento River Reclamation District South Feather Water & Power Agency Western Canal Water District</p>
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