



BOARD OF SUPERVISORS

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August 26, 2014

The Honorable Kristen Lucena, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965



RE: Board of Supervisors' Response to the 2013-2014 Butte County Grand Jury Final Report

The Butte County Board of Supervisors would like to thank the members of the 2013-2014 Grand Jury for the many hours spent in researching, investigating, and making recommendations for improvements in government operations that benefit the citizens and taxpayers of Butte County.

In accordance with Penal Code Sections 933 and 933.05, the Board submits the following agency response to the findings and recommendations of the 2013-2014 Grand Jury Final Report pertaining to matters under its control.

Appointed department heads were requested to submit responses to the Chief Administrative Officer for attachment to the overall agency response included herein. You will find the various departmental responses located in Attachment A of this agency response. Responses provided to the Chief Administrative Officer by elected Department Heads have also been included as Attachment B. The Board of Supervisors' response is organized by major heading in the same order as listed in the 2013-2014 Grand Jury Report.

Doug Teeter, Chairman
Butte County Board of Supervisors

2013-2014 Butte County Grand Jury Report

Butte County Information Systems

FINDINGS

- F1 The County's network went live in the late 1990's it has achieved a greater than 99 percent uptime. The continuous operation of the network is critical to all departments within the county.

The respondent agrees with the finding.

- F2 The Butte County ISD's *Information Technology Strategic Plan* was prepared in 2005 and has not recently been updated.

The respondent agrees with the finding.

- F3 Currently ISD is preparing to launch Lync™, a unified messaging system to leverage the county's fiber data infrastructure and to deploy VoIP technologies onto the BCI network.

The respondent agrees with the finding.

- F4 ISD's strategy is to maintain an industry standard of a maximum 5-year technology refresh rate of enterprise class server equipment; and a 3–5 year refresh rate of network infrastructure routing and switching equipment.

The respondent partially agrees with the finding.

According to the IS Department, "A 3-5 year refresh rate for enterprise server class equipment is a target that, for the most part, ISD has been able to meet. A 5-8 year refresh rate for network infrastructure equipment is a suitable target. Extending beyond 8 years increases the potential for equipment failure, but more importantly diminishes the ability to provide necessary services."

- F5 Since the FY 2008/2009 budget reductions, most of the infrastructure hardware life has been extended to 10+ years (core router and switching equipment), which is beyond its normal life span.

The respondent neither agrees nor disagrees with the finding.

The Administration Department is not aware of the life of specific pieces of equipment, though over the past few years the IS Department has purchased a large amount of equipment (including routers and switching equipment) utilizing the ISF Equipment Replacement Fund, which does not appear to have been discussed nor reviewed as part of the Grand Jury Report.

F6 The core router was replaced in FY 2013 with funds made available from Homeland Security Grants.

The respondent agrees with the finding.

F7 With the implementation of the Microsoft® Lync™ unified messaging system, the county networked devices will increase to over 12,000+ units.

The respondent partially agrees with the finding. According to the IS Department a final number cannot be accurately determined due to variables in deployment options. The number of devices will likely double from the current number, but will be well under 12,000 units.

F8 Without additional staff resources, ISD will continue to be overburdened with support issues.

The respondent partially agrees with this finding.

In an environment where funding constraints did not exist, additional staff for ISD would certainly be considered. However, in the reality of a public organization with limited resources and competing important priorities, it is impossible to fund every department at the optimal level. In order to help IS with its workload, an additional position was allocated in the FY 14-15 budget. With that position, the department is able to maintain services, albeit at a level lower than the department wishes.

F9 The loss of key ISD employees would be catastrophic to the county. Loss of their valuable knowledge, experience, and commitment would be a major set back to the functionality of the department.

The respondent agrees with this finding.

The same could be said of any department within the County, which is why each County Department Head is charged with providing cross training opportunities and succession planning so that no single employee is the sole source of knowledge related to any aspect of the Department's function.

F10 The IS Department provides mission critical services and support to most county departments. Loss of ISD support to any of these departments would greatly impair their ability to conduct county business.

The respondent agrees with this finding.

F11 The current adopted budget FY 2013/14 for ISD is 0.85 percent of the total county budget, down from 1.42 percent in the 2008/09.

The respondent agrees with the finding.

F12 For the last ten years the IS Department has been given increased duties and responsibilities and their budget has remained flat (increase of 0.08 percent) while the overall county budget has increased by \$200,000,000 (61 percent) (see Appendix B).

The respondent disagrees with this finding.

The Department's budget (not including reimbursements) was \$4,053,663 in FY 2003-2004 and \$4,746,429 in FY 2013-2014, an increase of 17% over the 10-year period, with a major recession in the middle of that time period. The major increase in the overall County budget relates to increased State and Federal funding for specific mandated services, or the realignment of services from the State to the County and is not funding that is available for IS operations, beyond the program's share of support costs. In addition, the Grand Jury's calculation does not take into account the amount of money spent in the ISF Equipment Replacement Fund each year for replacement equipment and infrastructure in support of the IS Department's operations.

F13 The County's radio communication relies on outdated equipment installed on Saint John Mountain, located in Glenn County, which is costly to support.

The respondent agrees with this finding.

F14 Of the County's older personal computers, 500+ are still operating on the Windows XP system and will require upgrades in order to function in the upgraded Active Directory.

The respondent disagrees with this finding.

At the time the Grand Jury was researching this issue, there were computers still operating with the Windows XP operating system. The County invested funding in FYs 2012-2013 and 2013-2014 to upgrade all outdated computers and operating systems so

that the upgraded Active Directory could be used by all employees. All computers have been updated.

F15 Two full-time employees are dedicated to network security, monitoring against unauthorized users and filtering for SPAM and viruses, while receiving over 800,000 Internet messages monthly.

The respondent agrees with this finding.

The County has invested in numerous systems over the past few years, at the request of the IS Department, to lessen the impact on the two full-time employees, though not all of the systems have been fully deployed by the IS Department to-date.

RECOMMENDATIONS

- R1 Butte County should develop the ISD Information Technology Strategic Plan to reflect new technology developments and new support services needed. It should be reviewed annually in order to respond to any unanticipated need or development opportunity.

The recommendation has not been implemented but will be in FY 2014-15.

The ISD Information Technology Strategic Plan was prepared in 2005 and was intended to be updated regularly. However, despite the repeated assurances from the former Information Systems Director, he was unable to develop these updates.

The Chief Administrative Officer has requested the new Information Systems Director provide an updated 3-5 year plan for information system services in the County, and that it be updated on a regular basis.

- R2 Butte County should provide adequate resources to ISD to ensure the network infrastructure is at the industry standard refresh rate of 3-5 years for technology and hardware.

The recommendation has been implemented.

The County has and will continue to fund replacement technology as requested by the IS Department and as financial resources are available.

- R3 Butte County should diligently search and pursue available grants from any and all sources to fund necessary infrastructure upgrades.

The recommendation has been implemented.

The County has and will continue to pursue funding through grants, legislative advocacy, and leveraging of existing resources.

- R4 Butte County should allocate funds to rehire or replace ISD positions eliminated after budget cuts were implemented in FY 2008/09 and allocate additional positions to support expanding workloads.

The recommendation has been implemented.

The IS Department received additional position allocations beginning in FY 2012-2013. With the addition of one (1) position in the FY 2014-2015 budget, the IS Department position allocation will be back to the same level it was in FY 2007-2008 (27 Full-Time Equivalent positions), prior to the 2008 budget reductions.

- R5 Butte County should acknowledge the importance of the IS Department and its role, which is mission critical, to the citizens of Butte County and most county departments.

The recommendation has been implemented.

The Board of Supervisors and Chief Administrative Officer continually acknowledge the importance of the IS Department and its role through favorable resource allocation, open lines of communication and consensus building.

- R6 Butte County should commit to fund ISD, for the next five years, at a minimum rate of 1.75 percent of the total county budget, with a goal of 3 percent within 10 years.

The recommendation has already been implemented.

Because County government in California is an arm of the State, the majority of the funding received by the County is pass-through funding for State and federally mandated programs, and not available to fund IS functions. A more accurate picture can be painted by looking at the IS Department budget as a percentage of the General Fund. Over the past 10 years, the IS Department's operating budget ranged from 3.1% to 3.6% of the General Fund. The Grand Jury's analysis did not include discussion regarding the amount of funding that the IS Department utilizes from the ISF (Support Services) Equipment Replacement Fund for replacement equipment and infrastructure that supports the IS Department's mission. When one takes into account that additional funding, the IS Department percentage of resources increases to close to 4% in some years. The ISF Equipment Replacement Fund is funded through depreciation payments on capitalized equipment that is spread throughout County departments, and then used to replace equipment for the IS Department, General Services, and Risk Management as needed.

- R7 Butte County should acknowledge the problems with St. John Mountain radio system and take steps to replace the antiquated equipment before total system failure.

The recommendation has been partially implemented.

The County is well aware of the issues related to the St. John Mountain radio site and has been diligently working to identify grants, working with our legislative advocates, and identifying ways to leverage local resources to address the daunting project of replacing the antiquated system. What was identified as a \$40 million project in the early 2000's has been reduced to an approximately \$12 million project and the IS and Administration Departments continue to search for funding.

R8 Butte County must acknowledge that they have in excess of 500 personal computers that have outdated operating systems in use. It is recommended that the County consider a lease arrangement, or the outright purchase, to assist departments in the replacement of outdated machines, which will be required for compatibility with the new Active Directory.

The recommendation has already been implemented.

As part of the FY 2012-2013 and 2013-2014 budgets, funding was included to bring all County computers up to the required operating system to utilize the functionality of the new Active Directory.

2013-2014 Butte County Grand Jury Report

Butte County Jail Tour

FINDINGS

- F1 The Butte County Jail is old and outdated but is run by a professional, dedicated, and competent staff.

The respondent agrees with this finding.

- F2 The Butte County Jail was not designed to accommodate the long-term inmates who need to be housed under provisions of AB 109.

The respondent agrees with this finding.

- F3 Butte County has embraced AB 109 and has endeavored to minimize the effects on the County by instituting a series of programs, including the ACS.

The respondent agrees with this finding.

- F4 There is a lack of privacy for inmate/attorney conversations at the jail.

The respondent disagrees with this finding.

The Butte County Jail has six (6) attorney/inmate visiting rooms. These rooms allow for private, non-recorded, telephonic contact between attorneys and inmates.

- F5 Butte County is installing an Internet-based video visitation service at the jail.

The respondent agrees with this finding.

- F6 The Butte County Sheriff's Department is continually looking for innovative ways to help those individuals who were sentenced by the court to be under the Sheriff's supervision, while keeping public safety as its priority.

The respondent agrees with this finding.

- F7 The partnership between the Butte County Sheriff's Department and CSUC's Criminal Justice program (through the *Consortium for Public Safety*) has helped the County evaluate the ACS program and is giving students an invaluable internship experience.

The respondent agrees with this finding.

RECOMMENDATIONS

- R1 Butte County should continue its search for adequate funding to enlarge and improve the Jail.

The recommendation has been implemented. The Butte County Sheriff's Office is currently seeking approximately \$40 million in funding for the purpose of jail expansion and improvement. We believe we will secure this funding in 2014 or 2015.

- R2 Butte County should continue to implement programs like the ACS that have proven to be successful.

The recommendation has been implemented. The County will continue to support programs like ACS.

- R3 The Sheriff's Office should continue to monitor the video visitation methodology at the Jail and seek improvements to make it more personal, private, user friendly and less expensive.

The recommendation has been implemented. The Sheriff continually monitors all inmate communication modalities, including video visitation, with the goal of increased ease of use, privacy, and affordability.

- R4 Butte County Sheriff's Department should continue its affiliation with CSUC's Criminal Justice program and affiliated *Consortium for Public Safety* to assist with research on the jail.

The recommendation has been implemented. The Board of Supervisors is in full support of the Sheriff's relationship with CSUC's criminal justice program and Consortium for Public Safety.

2013-2014 Butte County Grand Jury Report

Butte County Juvenile Hall and Table Mountain School

FINDINGS

F1 The Grand Jury found BCJH has a highly structured environment and a dedicated staff.

The respondent agrees with the finding.

F2 The Grand Jury was impressed with educational and social development opportunities available to the juveniles.

The respondent agrees with the finding.

F3 BCOE/TMS has an established partnership with Butte Community College to provide opportunities for students to enroll and earn college credits.

The respondent agrees with the finding.

F4 BCJH has a Boys and Girls Club.

The respondent agrees with the finding.

F5 The educational curriculum at TMS combines core classes with programs that identify and reinforce positive social skills.

The respondent agrees with the finding.

F6 The TMS staff is highly committed to helping students achieve success in school and in their future lives beyond incarceration.

The respondent agrees with the finding.

F7 Students have the opportunity to share stories and poems with incarcerated students in other areas of the state.

The respondent agrees with the finding.

RECOMMENDATIONS

None

2013-2014 Butte County Grand Jury Report

Butte County Indigent Defense Services

FINDINGS

- F1 The Public Defender Consortium attorneys are highly dedicated and committed to the legal defense system.

The respondent agrees with the finding.

- F2 The consortium, with independently contracted attorneys, virtually eliminates conflicts of interest.

The respondent agrees with the finding.

- F3 There is no consolidated system for tracking numbers of cases and their disposition.

The respondent agrees with the finding.

- F4 There is no formal procedure for evaluating attorneys' performance.

The respondent agrees with the finding.

- F5 Unlike the District Attorney's staff, public defenders must pay for their own research subscriptions.

The respondent agrees with the finding.

- F6 Public defense attorneys have limited private meeting space in the County courts.

The respondent agrees with the finding.

- F7 Trying capital cases disrupts the consortium's operations and incurs significant costs.

The respondent partially agrees with the finding.

Capital cases incur significant costs and impacts the consortium operations, but with the hiring of Keenan Counsel and other attorneys to maintain the existing workflow, the impact is not negative or disruptive.

F8 County Administration negotiated staffing decisions for the fourth felony court based on costs, rather than workload.

The respondent disagrees with the finding.

While costs were a factor in the discussion, as it necessarily has to be with a public agency of limited resources, the decisions were based on an analysis of workflow and the anticipated capacity of the attorneys working the courts. The staffing decision was a collaborative effort between Administration, the Public Defender Consortium and the District Attorney. The staffing plan is an innovative response that balances attorney needs, court demands, and available resources. The staffing plan is being carefully monitored to ensure viability.

F9 There is no formal plan to evaluate the impact of the fourth court on public defense services.

The respondent agrees with the finding.

RECOMMENDATIONS

R1 The County should develop and implement a cohesive caseload management system, i.e. numbers of cases, clients, and disposition of cases.

The recommendation requires further analysis.

To be effective, a case management system for the Public Defender needs to be integrated with the Court and District Attorney's existing systems. Staff needs to explore the feasibility and cost of such a system. An analysis will be completed by December 2014.

R2 The Public Defender Consortium Executive Director should develop and implement a procedure for evaluating each attorney's performance.

The recommendation will not be implemented because it is not warranted.

On a practical basis, each attorney's performance is evaluated every day in court. The criminal justice system can only work when the defendant is provided a vigorous and competent defense. Judges are not required to appoint consortium attorneys to provide indigent defense, therefore every time a consortium public defender is appointed represents a de facto approval of the attorney's performance.

Additionally, attorney performance is monitored by other members of the consortium, the District Attorney, Probation, and the Court. Any party can bring up a performance issue that can be discussed in their regularly-scheduled meetings.

- R3 The County should provide consortium members with subscriptions to a legal research system, such as LexisNexis or WestLaw.

The recommendation will not be implemented because it is not warranted.

The County contracts with private attorneys who already have access to such research systems.

- R4 The County should provide a meeting space for the consortium attorneys.

The recommendation will not be implemented because it is not reasonable.

Attorneys generally meet with clients at their office, the jail, over the phone or at the courthouse. The Court provides attorney/client conference rooms. Any additional meeting space at the Court is outside the purview of the Board of Supervisors.

- R5 The County administration and consortium should study the feasibility of hiring non-consortium attorneys for capital cases, considering costs and the impact on public defender operations.

The recommendation has been implemented. Every capital case requires additional counsel appointment (known as Keenan Counsel) to share the workload. Every capital case has had Keenan Counsel hired outside the consortium.

- R6 The County should monitor the impact of the fourth felony court on the consortium's operation and staffing and present a report to the Board of Supervisors by March 2015.

The recommendation will not be implemented because it is not warranted.

The impact of staffing the fourth felony court is currently being monitored and assessed for efficacy. If the staffing model does not work and an additional attorney is needed, staff will bring the recommendation to the Board of Supervisors.

2013-2014 Butte County Grand Jury Report Neal Road Recycling and Waste Facility

FINDINGS

- F1 The Ameresco LFG plant began operation in February 2013 and continues generating revenue for the Neal Road Recycling and Waste Facility Enterprise Fund.

The respondent agrees with the finding.

- F2 The Waste Management Division of Butte County Department of Public Works has a Strategic Plan that shows projections for future development.

The respondent agrees with the finding.

- F3 Butte County Public Works and its Waste Management Division are striving to keep the NRRWF from being a financial burden on the citizens of Butte County.

The respondent agrees with the finding.

- F4 NRRWF continues to investigate ways to stabilize gate fees for County customers by working with trash haulers on ways to increase tonnage delivered to the site.

The respondent agrees with the finding.

- F5 NRRWF is working to identify the best approach to process septage when the current pond area is repurposed as part of waste cell Module 5.

The respondent agrees with the finding.

RECOMMENDATIONS

None

2013-2014 Butte County Grand Jury Report

Small Rural Schools

FINDINGS

- F1 School district websites are a good source for information to the public regarding activities, academics and other relevant information.

The respondent agrees with the finding.

- F2 Potential volunteers must complete and pay for state mandated requirements (background check, fingerprinting, TB testing) prior to working with students.

The finding is relative to school districts, which are not under the control of the Board of Supervisors.

- F3 State and Federal funding for preschool programs has been limited in recent years.

The finding is relative to school districts, which are not under the control of the Board of Supervisors.

- F4 When law enforcement questions arise, staff does not have a dedicated deputy sheriff to contact.

The respondent agrees with the finding.

RECOMMENDATIONS

- R1 All school districts should complete the development of their websites and keep them current.

The recommendation is directed at school districts, which are not under the control of the Board of Supervisors.

- R2 The school districts should assist with the cost of qualifying volunteers to work on the school campus.

The recommendation is directed at school districts, which are not under the control of the Board of Supervisors.

- R3 School districts should provide preschool programs.

The recommendation is directed at school districts, which are not under the control of the Board of Supervisors.

R4 The Butte County Sheriff's Department should assign a designated deputy position to each of the small rural school districts to be of assistance in possible emergency situations and to develop relationships with students, staff, and parents.

The recommendation is being studied by the Sheriff, an independently elected constitutional officer.

Attachment A

Appointed Department Head Responses



PAUL HAHN
CHIEF ADMINISTRATIVE OFFICER

BUTTE COUNTY ADMINISTRATION

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OROVILLE, CALIFORNIA 95965-3380
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MEMBERS OF THE BOARD

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August 19, 2014

Honorable Kristen Lucena, Presiding Judge
One Court Street
Oroville, CA 95965

Honorable Judge Lucena:

Pursuant to Penal Code 933 et. seq., attached is my response to the 2013-2014 Grand Jury Final Report on Butte County Information Systems and Butte County Indigent Defense Services.

Butte County Information Systems

FINDINGS

F1 The County's network went live in the late 1990's it has achieved a greater than 99 percent uptime. The continuous operation of the network is critical to all departments within the county.

The respondent agrees with the finding.

F2 The Butte County ISD's Information Technology Strategic Plan was prepared in 2005 and has not recently been updated.

The respondent agrees with the finding.

F3 Currently ISD is preparing to launch Lync™, a unified messaging system to leverage the county's fiber data infrastructure and to deploy VoIP technologies onto the BCI network.

The respondent agrees with the finding.

F4 **ISD's strategy is to maintain an industry standard of a maximum 5-year technology refresh rate of enterprise class server equipment; and a 3-5 year refresh rate of network infrastructure routing and switching equipment.**

The respondent partially agrees with the finding.

According to the IS Department, "A 3-5 year refresh rate for enterprise server class equipment is a target that, for the most part, ISD has been able to meet. A 5-8 year refresh rate for network infrastructure equipment is a suitable target. Extending beyond 8 years increases the potential for equipment failure, but more importantly diminishes the ability to provide necessary services."

F5 **Since the FY 2008/2009 budget reductions, most of the infrastructure hardware life has been extended to 10+ years (core router and switching equipment), which is beyond its normal life span.**

The respondent neither agrees nor disagrees with the finding.

The Administration Department is not aware of the life of specific pieces of equipment, though over the past few years the IS Department has purchased a large amount of equipment (including routers and switching equipment) utilizing the ISF Equipment Replacement Fund, which does not appear to have been discussed nor reviewed as part of the Grand Jury Report.

F6 **The core router was replaced in FY 2013 with funds made available from Homeland Security Grants.**

The respondent agrees with the finding.

F7 **With the implementation of the Microsoft® Lync™ unified messaging system, the county networked devices will increase to over 12,000+ units.**

The respondent partially agrees with the finding.

According to the IS Department a final number cannot be accurately determined due to variables in deployment options. The number of devices will likely double from the current number, but will be well under 12,000 units.

F8 **Without additional staff resources, ISD will continue to be overburdened with support issues.**

The respondent partially agrees with this finding.

In an environment where funding constraints did not exist, additional staff for ISD would certainly be considered. However, in the reality of a public organization with limited resources and competing important priorities, it is impossible to fund every department at the optimal level. In order to help IS with its workload, an additional position was allocated

in the FY 14-15 budget. With that position, the department is able to maintain services, albeit at a level lower than the department wishes.

F9 The loss of key ISD employees would be catastrophic to the county. Loss of their valuable knowledge, experience, and commitment would be a major set back to the functionality of the department.

The respondent agrees with this finding.

The same could be said of any department within the County, which is why each County department head is charged with providing cross training opportunities and succession planning so that no single employee is the sole source of knowledge related to any aspect of the department's function.

F10 The IS Department provides mission critical services and support to most county departments. Loss of ISD support to any of these departments would greatly impair their ability to conduct county business.

The respondent agrees with this finding.

F11 The current adopted budget FY 2013/14 for ISD is 0.85 percent of the total county budget, down from 1.42 percent in the 2008/09.

The respondent agrees with the finding.

F12 For the last ten years the IS Department has been given increased duties and responsibilities and their budget has remained flat (increase of 0.08 percent) while the overall county budget has increased by \$200,000,000 (61 percent) (see Appendix B).

The respondent disagrees with this finding.

The Department's budget (not including reimbursements) was \$4,053,663 in FY 2003-2004 and \$4,746,429 in FY 2013-2014, an increase of 17% over the 10-year period, with a major recession in the middle of that time period. The major increase in the overall County budget relates to increased State and Federal funding for specific mandated services, or the realignment of services from the State to the County and is not funding that is available for IS operations, beyond the program's share of support costs. In addition, the Grand Jury's calculation does not take into account the amount of money spent in the ISF Equipment Replacement Fund each year for replacement equipment and infrastructure in support of the IS Department's operations.

F13 The County's radio communication relies on outdated equipment installed on Saint John Mountain, located in Glenn County, which is costly to support.

The respondent agrees with this finding.

F14 Of the County's older personal computers, 500+ are still operating on the Windows XP system and will require upgrades in order to function in the upgraded Active Directory.

The respondent disagrees with this finding.

At the time the Grand Jury was researching this issue, there were computers still operating with the Windows XP operating system. The County invested funding in FYs 2012-2013 and 2013-2014 to upgrade all outdated computers and operating systems so that the upgraded Active Directory could be used by all employees. All computers have been updated.

F15 Two full-time employees are dedicated to network security, monitoring against unauthorized users and filtering for SPAM and viruses, while receiving over 800,000 Internet messages monthly.

The respondent agrees with this finding.

The County has invested in numerous systems over the past few years, at the request of the IS Department, to lessen the impact on the two full-time employees, though not all of the systems have been fully deployed by the IS Department to-date.

RECOMMENDATIONS

R1 Butte County should develop the ISD Information Technology Strategic Plan to reflect new technology developments and new support services needed. It should be reviewed annually in order to respond to any unanticipated need or development opportunity.

The recommendation has not been implemented but will be in FY 2014-15.

The ISD Information Technology Strategic Plan was prepared in 2005 and was intended to be updated regularly. However, despite the repeated assurances from the former Information Systems Director, he was unable to develop these updates.

The Chief Administrative Officer has requested the new Information Systems Director provide an updated 3-5 year plan for information system services in the County, and that it be updated on a regular basis.

R2 Butte County should provide adequate resources to ISD to ensure the network infrastructure is at the industry standard refresh rate of 3-5 years for technology and hardware.

The recommendation has been implemented.

The County has and will continue to fund replacement technology as requested by the IS Department and as financial resources are available.

R3 Butte County should diligently search and pursue available grants from any and all sources to fund necessary infrastructure upgrades.

The recommendation has been implemented.

The County has and will continue to pursue funding through grants, legislative advocacy, and leveraging of existing resources.

R4 Butte County should allocate funds to rehire or replace ISD positions eliminated after budget cuts were implemented in FY 2008/09 and allocate additional positions to support expanding workloads.

The recommendation has been implemented.

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R5 Butte County should acknowledge the importance of the IS Department and its role, which is mission critical, to the citizens of Butte County and most county departments.

The recommendation has been implemented.

The Board of Supervisors and Chief Administrative Officer continually acknowledge the importance of the IS Department and its role through favorable resource allocation, open lines of communication and consensus building.

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The recommendation has already been implemented.

Because County government in California is an arm of the State, the majority of the funding received by the County is pass-through funding for State and federally mandated programs, and not available to fund IS functions. A more accurate picture can be painted by looking at the IS Department budget as a percentage of the General Fund. Over the past 10 years, the IS Department's operating budget ranged from 3.1% to 3.6% of the General Fund. The Grand Jury's analysis did not include discussion regarding the amount of funding that the IS Department utilizes from the ISF (Support Services) Equipment Replacement Fund for replacement equipment and infrastructure that supports the IS Department's mission. When one takes into account that additional funding, the IS

Department percentage of resources increases to close to 4% in some years. The ISF Equipment Replacement Fund is funded through depreciation payments on capitalized equipment that is spread throughout County departments, and then used to replace equipment for the IS Department, General Services, and Risk Management as needed.

R7 Butte County should acknowledge the problems with St. John Mountain radio system and take steps to replace the antiquated equipment before total system failure.

The recommendation has been partially implemented.

The County is well aware of the issues related to the St. John Mountain radio site and has been diligently working to identify grants, working with our legislative advocates, and identifying ways to leverage local resources to address the daunting project of replacing the antiquated system. What was identified as a \$40 million project in the early 2000's has been reduced to an approximately \$12 million project and the IS and Administration Departments continue to search for funding.

R8 Butte County must acknowledge that they have in excess of 500 personal computers that have outdated operating systems in use. It is recommended that the County consider a lease arrangement, or the outright purchase, to assist departments in the replacement of outdated machines, which will be required for compatibility with the new Active Directory.

The recommendation has already been implemented.

As part of the FY 2012-2013 and 2013-2014 budgets, funding was included to bring all County computers up to the required operating system to utilize the functionality of the new Active Directory.

Butte County Indigent Defense Services

FINDINGS

F1 The Public Defender Consortium attorneys are highly dedicated and committed to the legal defense system.

The respondent agrees with the finding.

F2 The consortium, with independently contracted attorneys, virtually eliminates conflicts of interest.

The respondent agrees with the finding.

F3 There is no consolidated system for tracking numbers of cases and their disposition.

The respondent agrees with the finding.

F4 There is no formal procedure for evaluating attorneys' performance.

The respondent agrees with the finding.

F5 Unlike the District Attorney's staff, public defenders must pay for their own research subscriptions.

The respondent agrees with the finding.

F6 Public defense attorneys have limited private meeting space in the County courts.

The respondent agrees with the finding.

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The respondent partially agrees with the finding.

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The respondent disagrees with the finding.

While costs were a factor in the discussion, as it necessarily has to be with a public agency of limited resources, the decisions were based on an analysis of workflow and the anticipated capacity of the attorneys working the courts. The staffing decision was a collaborative effort between Administration, the Public Defender Consortium and the District Attorney. The staffing plan is an innovative response that balances attorney needs, court demands, and available resources. The staffing plan is being carefully monitored to ensure viability.

F9 There is no formal plan to evaluate the impact of the fourth court on public defense services.

The respondent agrees with the finding.

RECOMMENDATIONS

R1 The County should develop and implement a cohesive caseload management system, i.e. numbers of cases, clients, and disposition of cases.

The recommendation requires further analysis.

To be effective, a case management system for the Public Defender needs to be integrated with the Court and District Attorney's existing systems. Staff needs to explore the feasibility and cost of such a system. An analysis will be completed by December 2014.

R2 The Public Defender Consortium Executive Director should develop and implement a procedure for evaluating each attorney's performance.

The recommendation will not be implemented because it is not warranted.

On a practical basis, each attorney's performance is evaluated every day in court. The criminal justice system can only work when the defendant is provided a vigorous and competent defense. Judges are not required to appoint consortium attorneys to provide indigent defense, therefore every time a consortium public defender is appointed represents a de facto approval of the attorney's performance.

Additionally, attorney performance is monitored by other members of the consortium, the District Attorney, Probation, and the Court. Any party can bring up a performance issue that can be discussed in their regularly-scheduled meetings.

R3 The County should provide consortium members with subscriptions to a legal research system, such as LexisNexis or WestLaw.

The recommendation will not be implemented because it is not warranted.

The County contracts with private attorneys who already have access to such research systems.

R4 The County should provide a meeting space for the consortium attorneys.

The recommendation will not be implemented because it is not reasonable.

Attorneys generally meet with clients at their office, the jail, over the phone or at the courthouse. The Court provides attorney/client conference rooms. Any additional meeting space at the Court is outside the purview of the Board of Supervisors.

R5 The County administration and consortium should study the feasibility of hiring non-consortium attorneys for capital cases, considering costs and the impact on public defender operations.

The recommendation has been implemented. Every capital case requires additional counsel appointment (known as Keenan Counsel) to share the workload. Every capital case has had Keenan Counsel hired outside the consortium.

R6 The County should monitor the impact of the fourth felony court on the consortium's operation and staffing and present a report to the Board of Supervisors by March 2015.

The recommendation will not be implemented because it is not warranted.

The impact of staffing the fourth felony court is currently being monitored and assessed for efficacy. If the staffing model does not work and an additional attorney is needed, staff will bring the recommendation to the Board of Supervisors.

Sincerely,

Paul Hahn
Chief Administrative Officer

cc: Board of Supervisors



BUTTE COUNTY INFORMATION SYSTEMS

ART ROBISON
INTERIM DIRECTOR

August 9, 2014

Honorable Kristen Lucena, Presiding Judge
One Court Street
Oroville, CA 95965

Honorable Judge Lucena,

Pursuant to Penal Code 933 et. seq., attached is my response to the 2013-2014 Grand Jury Final report on Butte County Information Systems.

Butte County Information Systems

FINDINGS

F1 – The County’s network went live in the late 1990’s. It has achieved a greater than 99 percent uptime. The continuous operation of the network is critical to all departments within the County.

The respondent agrees with the finding.

F2 – The Butte County ISD’s *Information Technology Strategic Plan* was prepared in 2005 and has not recently been updated.

The respondent agrees with the finding.

F3 – Currently ISD is preparing to launch Lync, a unified messaging system, to leverage the County’s fiber data infrastructure and to deploy VoIP technologies onto the BCI network.

The respondent agrees with the finding.

F4 – ISD’s strategy is to maintain an industry standard of a maximum 5-year technology refresh rate of enterprise class server equipment and a 3-5 year refresh rate of network infrastructure routing and switching equipment.

The respondent partially agrees with the finding.

A maximum 5 year refresh rate for enterprise class server equipment is correct. For the most part, ISD has been able to meet this.

A 5-8 year refresh rate for network infrastructure routing and switching equipment is a more reasonable target. Limited resources and the absence of an Information Technology Strategic Plan and have made this a more difficult goal to achieve. Extending the use of network infrastructure routing and switching equipment beyond 8 years increases the risk of technical obsolescence and equipment failure. Ultimately, the most significant negative impact of obsolescence and failure is that it diminishes the ability for the County to deliver services to the public.

F5 – Since the FY2008-2009 budget reductions, most of the infrastructure hardware life has been extended to 10+ years (core router and switching equipment), which is beyond its normal life span.

The respondent partially agrees with the finding.

A number of assets have remained in service beyond their useful life in order to meet fiscal challenges. The core router and some switching equipment have been replaced. Additional switching equipment is scheduled for replacement in the current fiscal year.

F6 – The core router was replaced in FY 2013 with funds made available from Homeland Security Grants.

The respondent agrees with the finding.

F7 – With the implementation of Microsoft Lync unified messaging system, the County networked devices will increase to over 12,000+ units.

The respondent partially agrees with the finding.

The total number of devices will increase and may double their current count. However, the final number cannot be accurately assessed at this time due to a number of endpoint options available through Lync. For instance, if end users elect to use a headset for telephony instead a VoIP handset, then the total number of network devices would not increase.

F8 – Without additional staff resources, ISD will continue to be overburdened with support issues.

The respondent agrees with the finding.

Given the nature of local government funding and the financial constraints all departments must work within, the IS Department must continue to reprioritize work and re-evaluate processes in order to meet expanded hours of support coverage as well as deployment of new technologies like unified communications (Lync). If money was not an issue and resources were plentiful, the IS Department would certainly welcome additional support staff to provide optimal service levels. However, that is not, nor will it ever be, the County's reality. The Requested Budget for FY2014-2015 included a request for one (1) Information Systems Analyst and two (2) Information Systems Technicians. The Recommended Budget provided an allocation for one (1) of the requested positions, an Information Systems Technician. The additional position allows the IS Department to maintain existing services, though not at an optimal level.

F9 – The loss of key ISD employees would be catastrophic to the County. Loss of their valuable knowledge, experience, and commitment would be a major setback to the functionality of the department.

The respondent agrees with the finding.

There will be a significant loss of corporate knowledge with an unanticipated departure of key staff members. Additional effort in documentation, training, and planning will need to be made to reduce the impacts.

F10 – The IS Department provides mission-critical services and support to most County departments. Loss of ISD support to any of these departments would greatly impair their ability to conduct County business.

The respondent agrees with the finding.

F11 – The current adopted budget FY 2013-2014 for ISD is 0.85 percent of the total County budget, down from 1.42 percent in FY 2008-2009.

The respondent agrees with the finding.

F12 – For the last 10 years the IS Department has been given increased duties and responsibilities, and its budget has remained flat (increase of 0.08 percent) while the overall County budget has increased by \$200,000,000 (61 percent) (see Appendix B).

The respondent partially agrees with the finding.

The respondent agrees that for the past 10 years the duties and responsibilities of the IS Department have increased. The County business processes depend on technology for service delivery. Additional resources would advance County business and increase the County's responsiveness to the needs of the public.

As an Interim Director the respondent is not yet able to speak with authority regarding the nuances of the budgetary fluctuations which occurred over the past 10 years. During this time period the divisions of Information Systems and Central Communications were combined into a single unit. This modified the budget reporting. These divisions have also moved away from being an Internal Service Fund (ISF). There were also significant changes to the telephone billing pushing these costs directly out to departments and away from Central Communications. Lastly, there was a significant economic downturn in 2008 which greatly affected funding for all departments.

F13 – The County's radio communication relies on outdated equipment installed on St. John Mountain (located in Glenn County) which is costly to support.

The respondent agrees with the finding.

F14 – Of the County's older personal computers 500+ are still operating on the Windows XP system and will require upgrades in order to function in the upgraded Active Directory.

The respondent disagrees with the finding.

At the time that the Grand Jury was researching this issue, there were many computers still utilizing the Windows XP operating system. The County invested funding in FYs 2012-2013 and 2013-2014 to upgrade outdated computer hardware. An investment was also made in a Microsoft Enterprise Licensing Agreement to ensure that the operating systems remain current and functional with future editions of Active Directory services.

F15 – Two full-time employees are dedicated to network security, monitoring against unauthorized users, filtering for SPAM and viruses, while receiving over 800,000 Internet messages monthly.

The respondent agrees with the finding.

RECOMMENDATIONS

R1 – Butte County should develop the ISD Information Technology Strategic Plan to reflect new technology developments and new support services needed. It should be reviewed annually in order to respond to any unanticipated need or development opportunity.

The recommendation has not yet been implemented, but will be in FY2014-2015.

An Information Technology Strategic Plan will be developed during this fiscal year. It will be reviewed and updated on an annual basis to ensure relevance to the business needs of the County.

R2 – Butte County should provide adequate resources to ISD to ensure the network infrastructure is at the industry standard refresh rate of 3-5 years for technology and hardware.

The recommendation has been implemented.

The County has funded the replacement of enterprise class server hardware on a 3-5 year interval. Funding to support a refresh interval of 5-8 years for network infrastructure (routers and switches) will continue to be requested.

R3 – Butte County should diligently search and pursue available grants from any and all sources to fund necessary infrastructure upgrades.

The recommendation has been implemented.

ISD has employed grants in the past and will continue to apply for alternate sources of funding to assist in infrastructure upgrades.

R4 – Butte County should allocate funds to rehire or replace ISD positions eliminated after budget cuts were implemented in FY 2008-2009 and allocate additional positions to support expanding workloads.

The recommendation has been implemented.

One (1) new Information Systems Technician position has been allocated in FY2014-2015. Additional staff positions will continue to be requested through the budget process in order to meet ongoing and future needs.

R5 – Butte County should acknowledge the importance of the IS Department and its role, which is mission critical, to the citizens of Butte County and most County departments.

The recommendation has been implemented.

The County as a whole understands the importance of technology, and more specifically the role the IS Department plays in their daily business.

R6 – Butte County should commit to fund ISD, for the next five years, at a minimum rate of 1.75 percent of the total County budget, with a goal of 3 percent within 10 years.

The recommendation has been implemented.

Establishing the basis for technology funding at 3% of the total budget, requires that the total investment in technology from all departments be considered, not just that of ISD. It must be noted that significant technology investments have been made by the other departments outside of the ISD budget.

The recommendation from the Grand Jury is for a two-fold increase in the ISD budget, based on the numbers provided in the report. Certainly there is a need for additional funding in ISD as technology demands continue to rise, but an increase of this magnitude not realistic. It is more appropriate to establish a funding level based on the General Fund. If the General Fund is used as a basis then over the past decade the ISD budget has met the 3% benchmark. As additional demands for technology are identified then additional analysis must be made to determine the future fiscal impacts. Sufficient funding must be made available to address these demands.

Each year a portion of ISD funding is set aside into an Equipment Replacement Fund. Annual contributions to this fund are based on equipment depreciation schedules. Funding is then drawn out in subsequent years to fund the purchase of replacement equipment when existing equipment reaches the end of its useful life.

R7 – Butte County should acknowledge the problems with the St. John Mountain radio system and take steps to replace the antiquated equipment before total system failure.

The recommendation has been implemented.

The County is actively working on ways to extend the service life of the St. John Mountain radio system to keep it operational until a new solution can be funded, built, and placed into service.

R8 – Butte County must acknowledge that it has in excess of 500 personal computers that have outdated operating systems in use. It is recommended that the County consider a lease arrangement, or the outright purchase, to assist departments in the replacement of outdated machines, which will be required for compatibility with the new Active Directory.

The recommendation has been implemented.

Several months ago the outdated operating systems were eliminated as a result of computer hardware purchases and the Microsoft Enterprise Licensing Agreement entered into by the County. The Enterprise Agreement (EA) will ensure that the operating systems remain current and functional with future editions of Active Directory services.

Sincerely,

Art Robison
Interim Director of Information Systems



BUTTE COUNTY PROBATION DEPARTMENT



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July 1, 2014

Honorable Kristen Lucena, Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, CA 95965

Honorable Judge Lucena,

The following is in response to the Grand Jury Final report, dated 2013-2014, pages 41-49, under the heading Butte County Juvenile Hall (BCJH) and Table Mountain School (TMS) as required by penal code section 933, 933.05.

FINDINGS

F1: The Grand Jury found BCJH has a highly structured environment and a dedicated staff.

This respondent agrees with this finding and thanks the Grand Jury for recognizing the Juvenile Hall staff in the report.

F2: The Grand Jury was impressed with educational and social development opportunities available to the juveniles.

This respondent agrees with this finding and thanks the Grand Jury for their in depth report regarding the extent of Juvenile Hall programming opportunities.

F4: BCJH has a Boys and Girls Club.

This respondent agrees with this finding. The Boys and Girls Club has provided valuable services within Butte County Juvenile Hall since 2007.

RECOMMENDATIONS:

None

Steven K. Bordin, Chief Probation Officer



Department of Public Works

County of Butte

J. Michael Crump, *Director*
Shawn H. O'Brien, *Assistant Director*

7 County Center Drive
Oroville, CA 95965-3397
(530) 538-7681
(FAX) 538-7171

July 8, 2014

The Honorable Kristen Lucena
Presiding Judge, Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

Re: Grand Jury Response

Dear Honorable Judge Lucena:

Below please find my response to the 2013-2014 Grand Jury Report.

FINDINGS

F1: The Ameresco LFG plant began operation in February 2013 and continues generating revenue for the Neal Road Recycling and Waste Facility Enterprise Fund.

The respondent agrees with the finding.

F2: The Waste Management Division of Butte County Department of Public Works has a Strategic Plan that shows projections for future development.

The respondent agrees with the finding.

F3: Butte County Public Works and its Waste Management Division are striving to keep the NRRWF from being a financial burden on the citizens of Butte County.

The respondent agrees with the finding.

F4: NRRWF continues to investigate ways to stabilize gate fees for County customers by working with trash haulers on ways to increase tonnage delivered to the site.

The respondent agrees with the finding.

F5: NRRWF is working to identify the best approach to process septage when the current pond area is repurposed as part of waste cell Module 5.

The respondent agrees with the finding.

Sincerely,

Mike Crump
Director of Public Works

cc: Butte County Board of Supervisors

Attachment B

Elected Department Head Response



July 22, 2014

Honorable, Kristen Lucena Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville CA 95965

RE: RESPONSE TO 2013-2014 GRAND JURY REPORT

Dear Judge Lucena:

I would like to thank the members of the 2013-2014 Grand Jury for their many hours of dedicated service to the citizens of Butte County. I had the pleasure of meeting with members of the Grand Jury on a number of occasions and was impressed with their desire to gain meaningful insight into the operation and management of the Butte County Jail. Their commitment to the process is reflected in the comprehensive report they issued. In accordance with Penal Code Sections 933 and 933.05, please accept this response to the findings and recommendations of the 2013-2014 Grand Jury.

BUTTE COUNTY JAIL

Grand Jury Findings:

F1 The Butte County Jail is old and outdated but is run by a professional, dedicated, and competent staff.

The respondent agrees with the finding.

F2 The Butte County Jail was not designed to accommodate the long-term inmates who need to be housed under provisions of AB 109.

The respondent agrees with the finding.

F3 Butte County has embraced AB 109 and has endeavored to minimize the effects on the County by instituting a series of programs, including the ACS.

The respondent agrees with the finding.

- F4 There is a lack of privacy for inmate/attorney conversations at the jail.

The respondent disagrees with the finding.

The Butte County Jail has six (6) attorney/inmate visiting rooms. These rooms allow for private, non-recorded, telephonic contact between attorneys and inmates. In addition, these rooms are effectively soundproof, provided voices are kept at a conversational level. We are unaware of any privacy issues involving attorney/inmate visits as no complaints from attorneys or grievances from inmates have been raised. The attorney visiting rooms were approved and inspected as designed by State Corrections authorities when constructed and have not been modified since that time. The attorney/inmate visiting rooms are also inspected biennially by the Bureau of State and Community Corrections (BSCC) for compliance with Title 24 and have passed every inspection.

- F5 Butte County is installing an Internet-based video visitation service at the jail.

The respondent agrees with the finding.

- F6 The Butte County Sheriff's [Office] is continually looking for innovative ways to help those individuals who were sentenced by the court to be under the Sheriff's supervision, while keeping public safety as its priority.

The respondent agrees with the finding.

- F7 The partnership between the Butte County Sheriff's [Office] and CSUC's Criminal Justice program (through the *Consortium for Public Safety*) has helped the County evaluate the ACS program and is giving students an invaluable internship experience.

The respondent agrees with the finding.

Grand Jury Recommendations:

- R1 Butte County should continue its search for adequate funding to enlarge and improve the jail.

The recommendation has been implemented.

The Butte County Sheriff's Office is currently seeking approximately \$40 million in funding for the purpose of jail expansion and improvement. We believe we will secure this funding in 2014 or 2015.

- R2 Butte County should continue to implement programs like the ACS that have proven to be successful.

The recommendation has been implemented.

We are proud of the myriad of programs currently offered by the Sheriff's Office Alternative Custody Supervision (ACS) at our Day Reporting Center (DRC). With so many county based stakeholders present at the DRC, we will continue to provide meaningful programming with a constant effort toward improved outcomes and efficiencies.

- R3 The Sheriff's Office should continue to monitor the video visitation methodology at the jail and seek improvements to make it more personal, private, user friendly, and less expensive.

The recommendation has been implemented.

We continually monitor all inmate communication modalities, including video visitation, with the goal of increased ease of use, privacy, and affordability.

- R4 Butte County Sheriff's [Office] should continue its affiliation with CSUC's Criminal Justice program and affiliated Consortium for Public Safety to assist with research on the jail.

The recommendation has been implemented.

We rely on our relationship with CSUC's Criminal Justice program and the Consortium for Public Safety Research to provide us and the community accurate and timely information regarding the effectiveness of programming conducted by the Sheriff's Office. We find the research conducted by CSUC invaluable in studying and measuring such crucial topics as recidivism and criminogenic tendencies among the inmate population.

RURAL SCHOOLS

- F4 When law enforcement questions arise, staff does not have a dedicated deputy sheriff to contact.

The Respondent agrees with finding.

- R4 The Butte County Sheriff's [Office] should assign a designated deputy position to each of the small rural school districts to be of assistance in possible emergency situations and to develop relationships with students, staff, and parents.

The recommendation has not yet been implemented but will be implemented in so far as the Butte County Sheriff's Office will assign a Sheriff's Sergeant as the point of contact for

all rural school districts. This assignment will be completed within the next 30 days. (The Sergeant is currently working with the Butte County Office of Education to update all rural school safety plans.) These affected school districts will be provided the name and contact information of the assigned Sheriff's Sergeant. That Sergeant may be contacted for non-emergent and non-urgent law enforcement matters. In urgent, but non-life threatening situations, schools should continue the current practice of contacting the Sheriff's Dispatch Center by calling (530) 538-7321. In emergency situations, the schools should call 911.

Currently, the Sheriff's Office does not have sufficient staff to physically assign a Deputy Sheriff to each rural school district. Deployment of our current resources is setup to address the needs of the community as a whole providing for the best coverage and response to all citizens in need of law enforcement assistance.

This concludes my response to the 2013-2014 Grand Jury report. Once again, I appreciate all the recommendations made by the Grand Jury, and remain convinced that this type of citizen participation in the operations of government is crucial to our successful operation.

Regards,



Kery L. Honea
Sheriff-Coroner

cc: Board of Supervisors
CAO