



CITY OF OROVILLE
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August 16, 2022

The Honorable Judge Corie J. Caraway
c/o Court Services
Butte County Superior Court
One Court Street
Oroville, CA 95965



Re: *City of Oroville's Response to 2021-2022 Grand Jury Report*

Dear Judge Caraway:

Pursuant to Penal Code section 933, subsection (c), the City Council has reviewed the June 24, 2022 Grand Jury Final Report regarding anonymous complaints from citizens. In preparing this response, information and input was obtained from various sources regarding each finding and recommendation, including the City Administrator and other staff members. In response to the Grand Jury Final Report released June 24, 2022, the City Council unanimously approved the following response in a public session of its duly noticed meeting held on August 16, 2022.

It should be noted that the Grand Jury invited responses from individuals from which the Grand Jury may not require a response as outlined in Penal Code section 933(c). This letter takes into account the thoughts of those from whom the Grand Jury improperly invites a response. The City of Oroville again respectfully requests that the Grand Jury limit its future requests for a response to only the City Council, as proscribed in Penal Code section 933(c).

The City Council is particularly disappointed by this Grand Jury report. The report casts negative aspersions against the Council and City staff without any factual basis or support. At the outset, it should be noted that City Staff and Council Members timely complied with all requests made by the Grand Jury for information and documents. Like many cities around the nation, the City Council has many divergent views, which can lead to spirited debate and discussion at some of the Council meetings. This ideological dissonance lies at the very heart of a democracy and it should be embraced, not castigated by the Grand Jury.

FINDINGS:

F1. One individual holds more than one key city office.

Response: Disagree. The City Charter authorizes the City Council to combine positions pursuant to Article VII, section 1. The positions of City Administrator

and City Clerk were combined many years ago, and that combined position is filled by Bill Lagrone. The position of Fire Chief was eliminated when the City recently contracted for fire service with CalFire. The City of Oroville currently has a vacancy in the position of Police Chief, which has been open since the departure of the prior Police Chief in March 2021. The City Charter proscribes the requirements for filling the position. As a stopgap measure, the Council recently asked Bill Lagrone to oversee the Police Department on a more frequent basis. As such, Bill Lagrone is serving as Acting Police Chief while the City recruits for a new Police Chief. However, he does not “hold” the office. The practice of a department head serving in an “acting” position for another department is not unique to the City. In fact, almost all public agencies have engaged in this practice when needed. The City has not found any law, and the Grand Jury has cited none, which would indicate that this practice is illegal, or even inadvisable.

F2. There is not a current and complete PPM [Policies and Procedures Manual] accessible to the general public.

Response: Agree. As was discussed with the Grand Jury, the City’s Policies and Procedures Manual has fallen out of date resulting from senior staff turnover during the past decade. Staff and Council are committed to having a current manual with modern policies completed by the end of 2022.

F3. Emergency declarations have been used to override existing policies.

Response: Agreed. However, the City takes great umbrage at the insinuation of the Grand Jury with this factual finding that some nefarious intent existed within the Council by making emergency declarations. The very purpose of an emergency declaration is to override standing policy because of an urgent or emergency situation. In fact, the Grand Jury has found only two examples of this practice occurring in the last five years. As an example, in one instance, the Council declared an emergency to issue a contract to clear clogged City storm drains from ash and debris resulting from local fires. With the rainy season fast approaching, there was not sufficient time for the City to issue a Request for Proposals from contractors, which is the typical practice. The City Council’s action was proper given the circumstances, and the City makes no apologies for protecting its citizens and their property in the best manner possible under the circumstances.

F4. The procedures on record were frequently not followed.

Response: Disagree. The Grand Jury found only two examples of emergency declarations being used to override standing policy in the last five years. See City's response to Finding F3.

F5. The City Council does not fill vacant positions in a timely manner, enabling the mayor to fill those positions by appointment instead of election.

Response: Disagree. The procedure to fill positions by the Council is mandated by the City Charter, which does include the potential for an appointment to be made by the Mayor following a detailed process. The appointment to a position by the Mayor has occurred in one instance. On July 16, 2019, the Mayor appointed Bill Lagrone to serve as the City Administrator.

RECOMMENDATIONS:

R1. Each position in city administration and city government is to be filled by one individual and no individual to hold multiple positions, except on a temporary basis to fill a vacancy and for no longer than 6 months. This to be put into policy by December 31, 2022.

Response: Will not be implemented. The procedure to fill positions by the Council is mandated by the City Charter. Any deviation from that process would require an amendment to the Charter, which must occur by a vote of the people.

R2. Oroville City Government to develop and adopt a comprehensive PPM [Policies and Procedures Manual] online and in print by December 31, 2022.

Response: Will be implemented.

R3. The Oroville City Government to define an "emergency situation" in the PPM [Policies and Procedures Manual] by December 31, 2022.

Response: Will not be implemented. The Council determines what constitutes an "emergency situation" based on the facts and circumstances before it during

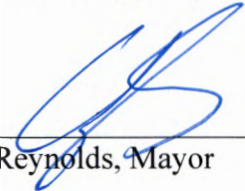
Council Meetings. Should the citizens have any concerns related thereto, they can share those concerns with the Council at one of those regularly scheduled meetings.

R4. City Council members to fill positions in accordance with the PPM and within 6 months, except in emergency situations. This to be implemented by December 31, 2022.

Response: Will not be implemented. The City Council is mandated to follow the procedure as outlined in the City Charter for filling of positions. See City's response to Recommendation R1.

Respectfully submitted,

City Council of the City of Oroville, California



Chuck Reynolds, Mayor

cc: Oroville City Council