

**BUTTE**  
**COUNTY**  
**GRAND**  
**JURY**

2024 - 2025  
**FINAL** REPORT

# 2024-2025 Butte County Grand Jury Annual Report

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June 13, 2025

The Honorable Michael R. Deems

Butte County Superior Court

1 Court Street

Oroville, CA 95965

Dear Judge Deems,

The 2024-2025 Butte County Civil Grand Jury respectfully submits our final report to Butte County and the Butte County Superior Court in accordance with California Penal Code §933.05.

## **Grand Jury Formation and Training**

The Grand Jury was recruited through a letter sent out to over 7,500 randomly selected residents of Butte County. A list of volunteers responding to the letter was further refined to nineteen individuals through an interview process conducted by the Butte County Superior Court. After empanelment, the Grand Jury was sworn in, completed a comprehensive two-day training program, and attended a subsequent Report Writing Workshop. This essential education was provided by a team from the California Grand Jury Association and funded by the Butte County Superior Court.

## **Mandatory Duties and Activities**

The Grand Jury completed the mandatory inquiry of the Butte County Jail and Butte County Juvenile Hall Detention facilities. Tours were offered to any interested jurors, and staff answered questions and provided valuable information to jurors who attended. Additionally, three jurors participated in the Butte County Election Division's Logic and Accuracy Testing and observed election night vote tabulation.

## **Investigative Work**

The Grand Jury received 17 complaints during our term. Jurors carefully reviewed and gave thoughtful consideration to each of these complaints. In total, the Grand Jury completed numerous inquiries resulting in the investigative reports contained within this submission.

The members of the Grand Jury spent considerable time collecting information, conducting interviews, researching applicable laws, and evaluating evidence for each report. We believe these efforts have resulted in thorough and fair assessments that will benefit our community.

## **Acknowledgments**

We sincerely appreciate the support and guidance that allowed us to be successful in our roles. This support was graciously provided by the Butte County Superior Court, Court Service Staff, County Staff, County Counsel, and yourself. Your leadership and assistance throughout this process have been invaluable to our work.

We would also like to give special thanks to Plumas Bank and Cal Northern School of Law for allowing us the use of their beautiful facilities for our meetings and deliberations.

It has been an honor to serve the citizens of Butte County in this capacity, and we trust that our findings and recommendations will contribute to the continued improvement of county services and operations.

Respectfully submitted,

James Corey

Foreperson

2024-2025 Butte County Grand Jury



# 2024-2025 Butte County Grand Jury Members

## James Corey, *Foreperson*

**Brenda Crotts**

**Wendy Deen**

**Hume Dickie**

**Mary Gray**

**Douglas Hasse**

**Larry Jessee**

**Esequiel (Sonny) Lopez**

**Milton McHenry**

**Taft Petersen**

**Richard Pickard**

**Pamela Hospers**

**Cathryn King**

**Anthony Porter**

**Liliana Scarafia**

**Steven Smith**

**Bruce Spangler**

**Lia White**

We wish to acknowledge those jurors who initially served with the 2024-2025 Butte County Grand Jury but were unable to complete their term. We thank them and appreciate the time they were able to serve.



## **2024-2025 Butte County Grand Jury Mission Statement**

The 2024-2025 Butte County Grand Jury is responsible for reviewing various levels, branches, and agencies of government within this county. These reviews are conducted to ensure the various government branches and agencies are performing their duties and operating in an appropriate manner which best serves the citizens of Butte County. When necessary, the Grand Jury may also hear and determine the appropriateness of certain criminal indictments.

# The Role of the Butte County Grand Jury

The Butte County Grand Jury is mandated by Article 1, Section 23 of the California Constitution. It operates under Title 4 primarily Penal Code sections 888-939.91, of the California Penal Code, Sections 3060-3074 of the California Government Code, and Section 17006 of the California Welfare and Institutions Code.

All fifty-eight counties in California are required to have grand juries.

The Grand Jury in California has several functions:

- To function as the public watchdog.
- Annually explore the operations, accounts and records of officers, departments or functions of the county, including special districts.
- To explore the conditions and operations of jails and prisons within the county.
- To respond to allegations of misconduct against public officials and establish whether formal accusations should be presented requesting removal from office.
- To weigh criminal charges and determine if indictments should be returned.

The Grand Jury has the authority to investigate the following:

- Public records within the county.
- Records or books of any incorporated city or joint powers authority located in the county.
- Certain housing authorities.
- Taxing or assessing agencies with special purpose, entirely or partly within the county.
- Nonprofit corporations established by or operated on behalf of a public entity.
- All portions of the county and city government, including special districts.
- Records, books, and financial expenditures of government agencies including cities, school boards, and commissions.

## History of Grand Juries

In the 18th century, the greatest experiment in human governance began: a new nation founded on a system of citizen-led democracy. In a world dominated by monarchs and

dictators, this radical idea of a citizen-run government was met with derision, skepticism, and war. Citizen-led democracy, over 240 years, has proven to be the greatest form of government the world has ever known, creating opportunity for prosperity, peace, and harmony for all who desire it.

The Massachusetts Bay Colony impaneled the first American grand jury in 1635 to consider cases of murder, robbery, and wife beating. Colonial grand juries expressed their independence from the crown by refusing in 1765 to indict leaders of the Stamp Act or bring libel charges against the editors of the Boston Gazette. The union with other colonies to oppose British taxes was supported by a Philadelphia grand jury in 1770. By the end of the colonial period, the grand jury had become an indispensable adjunct of government.

The model of the citizen-run government elevates the requirements of a nation's occupant. Freedom comes with responsibility and requires dedication of time and resources from every citizen. The grand jury serves as one of these responsibilities, crucial to the health and continuity of our society. The grand jury serves as a structure for citizens to voluntarily engage with their local government in a position of authority and acting in a confidential manner.

The grand jury has autonomy to investigate any area of county or city government, and the right to subpoena information if not satisfied with what is provided. The grand jury is a constituent part of the superior court, created for the protection of society and the enforcement of law. The grand jury is free to follow its own inclinations in investigating local government affairs.

The grand jury may act only as a whole body. An individual grand juror has no more authority than any private citizen. Citizens can refer issues of government misconduct to the grand jury, who may proceed with an investigation if deemed appropriate. The subjects of investigations or departmental reviews are determined solely by the grand jury and remain confidential until the end of the one-year term.

## **Annual Final Report**

At the close of the grand jury term, it submits the final report to the superior court. This report provides an account of the activities and investigative findings and recommendations conducted by the grand jury. The final report is the voice of the entire grand jury.

# California Penal Code

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code §933. A copy of the report is enclosed.

## **§933.**

(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.

(Amended by Stats. 2002, Ch. 784, Sec. 538. Effective January 1, 2003.)

## **§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 therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, 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.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)



# BIG CHANGES IN CITY OF BIGGS GOVERNMENT

## SUMMARY

The Butte County Civil Grand Jury began its investigation in October 2024 based on resident concerns regarding the City of Biggs' management of the Biggs Industrial Park property.

During the course of the investigation, significant changes occurred in city leadership. The City Administrator was removed, and two of the five members of the City Council resigned. In addition, prior to the investigation, a third council member resigned. The vacant position of City Administrator was resolved in a timely manner with the appointment of the City Clerk for two weeks until an interim administrator could be hired.

The investigation revealed serious financial management issues at the Biggs Industrial Park, a city-owned property originally intended to be a profit-generating venture. The jury investigation uncovered problems including unauthorized expenditures without proper documentation or council approval, missing contracts, questionable retroactive lease approvals, expired leases, and inadequate tracking of costs and revenues. According to city staff reports, the Industrial Park was operating at a \$42,330 loss as of October 2024.

## BACKGROUND

Biggs is a small agricultural community in southwest Butte County. The City of Biggs was named for Marion Biggs who shipped grain by rail from the town's location. The city has a total area of 0.6 square miles and its population in 2020 was 1,964.

What began as a focused jury inquiry into financial records quickly evolved into a broader examination of governance related to the city-owned property at 2837 W. Biggs Gridley Road, first referred to as the 'Biggs Industrial Park' in July 2023. The intention was to support small businesses and generate city revenue. What followed was a series of unauthorized improvements, informal agreements, and rapidly escalating costs without documented plans or proper oversight.

Investigation into the operations of the Biggs Industrial Park determined that multiple leases had expired, and tenants were operating without current lease agreements. City staff did not track coordinated development and financial costs, making it impossible to determine actual costs incurred compared to income generated from leases. City agencies faced challenges in developing and maintaining the park due to a lack of clear development direction. There were instances where city officials would walk the premises and make decisions based on visual observations without additional analysis or documentation.

Between July 2023 and October 2024, council minutes reflected growing concerns over lease executions, labor tracking, and fund authorizations. These included materials purchased without formal requisition process. In multiple instances, work was performed by tenants or city contractors prior to final lease agreements being executed. Staff admitted in council meetings there was no formal system in place to track project labor costs, material costs, or internal authorizations.

Specific examples of unauthorized improvements and informal agreements included:

- Installation of utilities and infrastructure improvements without proper bidding processes
- Verbal agreements with tenants for property modifications
- Purchase of materials and equipment without formal procurement procedures
- Labor performed by city staff without proper work orders or cost tracking
- Retroactive approval of lease terms after work had already commenced

## **ADDITIONAL COSTS TO THE CITY OF BIGGS THIS FISCAL YEAR**

Per a staff report to the City Council dated October 1, 2024, the City of Biggs was incurring a \$42,330 operating loss at the Biggs Industrial Park. This figure does not include the value of materials or labor hours provided by city staff, as these costs were not tracked or documented.

## **METHODOLOGY**

**Document Review:** During the investigation, the 2024-2025 Civil Grand Jury reviewed hundreds of public records including City Council meeting agendas and minutes,

resolutions, staff reports and financial logs for 2023-2024, check registers, procurement documents, and lease agreements. Internal city policies on procurement and financial reporting were reviewed. Assessments of Public Works allocations and timesheets were completed. There were numerous email communications between various community members, councilmen, city staff and the Jury.

**Interviews:** The Jury conducted extensive interviews with current and former city officials, employees, contractors, and local stakeholders.

## **TIMELINE: KEY EVENTS IN BIGGS GOVERNANCE 2023-2024**

- July 2023 - City Council refers to city property at 2837 W. Biggs-Gridley Highway as the "Biggs Industrial Park"
- April 2024 - Biggs City Council members raised concerns over lease inconsistencies and spending beyond rental income from a storage building on the Industrial Park property
- September 2024 - October 2024 - City Administrator out on personal leave
- October 2024 - Council noted concerns over Industrial Park improvement costs without business plan
- October 2024 - City Clerk appointed as Acting City Administrator
- October 2024-March 2025 - Three Council Members resigned
- November 2024 - City Administrator placed on administrative leave by City Council
- November 2024 - Interim City Administrator hired by City Council
- January 30, 2025 - City Council officially terminates City Administrator contract
- June 2025 -- City Attorney retires

## **KEY FINDINGS**

Cost overruns at the City of Biggs Industrial Park amount to \$42,330 according to documents submitted by city staff to the Jury. This cost does not include materials or labor hours by city staff as they were not tracked.

The City Council and officials are unable to determine how to proceed with the Industrial Park and have ceased development at this time. Three established tenants remain on the property, though their lease status requires immediate attention.

## FINDINGS

**F1:** Expenditures proceeded without budgeted line items, proper documentation, or council approval.

**F2:** Tenants occupied the Industrial Park without current, valid lease agreements.

## RECOMMENDATIONS

**R1 - The Grand Jury recommends that the City Council of Biggs complete a comprehensive fiscal audit of the Biggs Industrial Park by January 1, 2026.**

The City Council should initiate an independent fiscal audit reviewing all expenditures, labor allocations, and vendor relationships related to the Industrial Park, including but not limited to:

- Complete financial reconstruction of all Industrial Park expenditures from July 2023 to present
- Analysis of authorization processes for each transaction
- Verification of work performed against payments made
- Documentation of all materials and labor provided by city staff

**R2 - The Grand Jury recommends that the City of Biggs establish and maintain accurate financial records for the Industrial Park operations by December 1, 2025.**

The City should implement a system where public records of Industrial Park financial activities are maintained and updated on a monthly basis, including all revenues, expenditures, and outstanding obligations.

**R3 - The Grand Jury recommends that the City of Biggs complete lease standardization and legal review for all Industrial Park tenancies by December 1, 2025.**

All new and existing leases must be standardized, legally vetted, and approved in open session before new or continued tenant occupancy/operations, including but not limited to:

- Market-based rate structure with transparent justification
- Standardized insurance and liability requirements
- Establishment of formal tenant recruitment and approval process
- Consistent terms and conditions across all leases
- Defined process for lease review and renewal

A public registry of all city leases should be created and maintained by city administrators and made available to the public for review.

**R4 - The Grand Jury recommends that the City of Biggs execute current, legally compliant lease agreements for all Industrial Park tenants by January 31, 2026.**

Valid lease agreements must be in place for all existing tenants, with no exceptions for verbal agreements or expired contracts.

## **Required Responses**

The following responses are required pursuant to Penal Code sections 933 and 933.05, within 60 days of receipt of this report:

**From the following governing bodies:** • City Council of the City of Biggs: F1 and F2; R1 through R4



# **PALERMO NEEDS CLEAN WATER**

## **The proposed 2021-24 Clean Water project has failed to deliver clean water**

### **SUMMARY**

Palermo is currently experiencing issues with flooding, groundwater pollution, and septic system failures.

Flooding, high groundwater levels, and septic system failures have led to cross-contamination of wells and groundwater. Many wells are shallow and have high nitrate levels. During a long drought, many wells went dry. The Palermo Clean Water Consolidation Project aimed to provide a safe and reliable water supply while addressing ground water pollution, but it faced grant funding issues.

### **GLOSSARY**

CWC = Palermo Clean Water Consolidation Project

SFWPA = South Feather Water and Power Agency

WRC = Butte County Water & Resource Conservation Department

GSA = Groundwater Sustainability Agency

FRRP = Feather River Recreation and Park District

DWR = California Department of Water Resources

EH = Environmental Health Division of Butte County Public Health

MOU = Memorandum of Understanding, between county agencies

RFP = Request For Proposals (a public request for bidding to potential contractors)

Jury = Butte County Civil Grand Jury 2024-2025

LAFCo = Local Agency Formation Commission

SGMA = Sustainable Groundwater Management Act

## **BACKGROUND**

Palermo is a small community in Southern Butte County, just south of Oroville. The town was named after Palermo, Sicily as it has an excellent climate for growing olives. The population is listed as 5,516 from the 2022 census, and the elevation is 194 feet above sea level. Palermo is within a census area classified as a Severely Disadvantage Unincorporated Community (DUC) with a \$47,000 median household income. Twenty five percent of its population is Latino or Hispanic.

Most parcels in Palermo are small (0.15 to 5 acres), have shallow groundwater wells (75 to 125 feet deep) for potable water, and rely on septic systems. During heavy rains, Palermo is prone to massive and destructive flooding and high groundwater levels, resulting in septic system failures that cross-contaminate wells, surface storm water, and possibly the shallow aquifer. The Jury became aware of these water issues affecting Palermo and decided to investigate.

Several public agencies provide services to Palermo. For example, the Feather River Recreation and Parks District and the County Mosquito Abatement District. Since 2013, Palermo is also under the sphere of influence of Lake Oroville Public Utility District (LOAPUD) that could extend its sanitary sewer system to the area.

In 2022, LAFCo annexed Palermo to the South Feather Water and Power District to allow the district to provide utilities to 390 additional parcels from a total of approximately 500 in the Palermo area.

### **Palermo residents need clean water**

The Jury has found that many existing water wells in Palermo parcels do not provide clean water or have failed. These wells must be properly destroyed in accordance with County and State specifications. They will need to be replaced with wells meeting current well construction standards, including deeper seals to at least a 100-foot depth and may also need to be drilled to a greater depth. This alternative to provide drinking water for residents is obviously expensive and unaffordable, making clean water unobtainable to most Palermo residents. Thus, in 2021 the Butte County Department of Water & Resource

Conservation ("WRC") announced a Palermo Clean Water Consolidation Project ("Palermo CWC Project") to provide treated surface water from the South Feather Water and Power Agency, which currently serves 110 parcels. The project footprint would have connected with water pipelines, including valves and meters, 390 additional parcels. The original project area as shown in figure 1, is bounded by Messina Avenue to the North, South Villa Avenue to the South, Railroad to the west and Upper Palermo Road to the East. This 2021 CWC Project was interrupted due to permitting issues and unmet State Water Board requirements.

But the residents of Palermo still need clean water. It is their right.

## **Many Water Wells in Palermo are dry**

Another issue the Jury focused on is the occurrence of Dry Wells in Palermo. Recent droughts have caused dry wells in parcels within the CWC Project boundary and surrounding areas, mostly concentrated in the Northeast and Southeast of Palermo. Residents who have reported dry wells to EH are then enrolled in a subsidized Butte County's Temporary Water Storage Tank and Water Hauling program that relies on short term grant funding. Yet, there may be additional unreported dry wells in the region because of fear of "red tagging" by the County. Those residents with unreported dry wells currently satisfy the need for potable water by extending hoses from neighbors. This cannot continue to be a solution. The WRC is aware of all this.

## **"People are afraid to call in problems for fear of retaliation and losing their homes"**

WRC is also involved in overseeing the county wide Emergency Drought Response, the Drought Response Outreach Project (DROP), and the Wyandotte Creek GSA.

To overcome funding difficulties faced with the Clean Water Consolidation Project, WRC is rebranding the stalled CWC project as a smaller scale "Dry Well project" that will only reach 12 parcels in the NE and SE by extending delivery of SFWPA treated water. There is already a MOU between Butte County and SFWPA. But an additional \$11.4 M of State Revolving Loan Funds still need to be procured to start construction in the summer of 2025. And according to the current plan (RFP), construction should be completed by Dec 31, 2025.

## Palermo floods frequently

Flooding during the rainy season is a common occurrence in Palermo and is well documented in the study conducted by West Yost for WRC. West Palermo lies in the 100-year flood plain, according to FEMA. Moreover, in the last 10 years there have been several instances of Palermo school field flooding and closings. Flooding causes septic failures and contamination of water wells and the upper aquifer. More than 20% of domestic well water samples taken in 2021 showed Coliform bacteria presence. This is unsustainable from the standpoint of population health, and the water quality of the groundwater aquifer.

## METHODOLOGY

This investigation was self-initiated by the 2024-2025 Civil Grand Jury.

### Meetings attended

Jurors attended several meetings by: • Board of the Wyandotte Creek GSA • Advisory committee of the Wyandotte Creek GSA • Conjunctive Use presentations held by WRC (Nov 7, 2024) • Butte County Board of Supervisors • The Technical Advisory Committee (TAC) of the Water Commission • Palermo town-hall meeting by WRC for Drainage Plan (Feb 19, 2025) • Butte County Drought Task Force

### Interviews conducted

Jury also interviewed managers and employees of the Butte County Water & Resource Conservation Department, Public Works Roads and Bridges Division, South Feather Water and Power Agency (SFWPA), LAFCo, plus residents and business owners.

### Tours taken

The jury toured the Palermo area several times in late summer and during the rainy season. Also, SFWPA, which provides treated and untreated surface water to Palermo, graciously conducted a private tour of its irrigation water conveyance system. The Roads and Bridges division of Public Works also conducted a tour of the Palermo stormwater drainage system under its maintenance.

### Documents reviewed

The Grand Jury obtained dozens of documents to review. The most relevant are listed here:

1. **Proposed Palermo Clean Water Consolidation (CEQAnet-CA.gov) by LAFCO 2021** - A detailed document describing the original Palermo Clean Water Consolidation Plan, of 2021. It also contains environmental impact reviews. It states: "The consolidation project would bring all parcels Safe Drinking Water Act (SDWA) compliant clean treated potable water to the community and eliminate any future potential health and safety issues."
2. **SGMA SB 552 Final Drought Resilience** - A flyer summarizing California Senate Bill 552 from 2021, Drought Planning for Small Water Suppliers and Rural Communities (SB 552) that mandates the coordination of Counties and GSAs entities involved in water management to ensure clean water to communities.
3. **TM-MDP (Technical Memorandum -Master Drainage Plan-) by West Yost** - A consultant study of the floods occurring in Palermo proposing tentative engineering solutions for flooding mitigation.
4. **Butte County General Plan 2030, Chapter 8 Water Resources** - An overview of several county departments' role regarding water availability and quality.
5. **Request For Proposal (RFP) from SFWPA 2024** - The current proposal for the Dry Wells phase 1 project of the original Clean Water Consolidation project
6. **Palermo Sanitary Survey by Environmental Health (2007)** - A comprehensive report that describes soil types, collection of septic information from residents, and analysis results of well water and storm water
7. **Sphere of Influence of LOAPUD** - [https://www.loapud.com/files/78aa39a7e/loapud\\_final\\_so\\_i\\_plan\\_with\\_msr.pdf](https://www.loapud.com/files/78aa39a7e/loapud_final_so_i_plan_with_msr.pdf)

### Some Applicable Butte County Ordinances

1. **Butte County Groundwater Management Ordinance (Chapter 33A)**. "This ordinance includes the development and monitoring of basin management objectives (BMOs) associated with groundwater levels, groundwater quality and land subsidence. The BMO concept is a unique approach in Butte County's groundwater management planning. The BMOs consist of locally developed guidelines for groundwater management that describe actions to be taken by well owners in response to well monitoring data."
2. **Butte County Storm Water Management and Discharge Control under Chapter 50 of Butte County Code**. "This ordinance provides the County with the legal authority to enforce various stated goals regarding water pollution to protect and enhance public health and the environment"

3. **Butte County Ordinance chapter 23 B Water Wells** "...that wells constructed or abandoned pursuant to this chapter will not cause pollution or impairment of the quality of the groundwater within the county..."

### **Applicable California State Law**

4. **SB552 Drought Resilience Plans (2021)** - This California law requires Counties and GSAs to coordinate their efforts to ensure availability of clean water to rural unincorporate communities. Palermo is within the Wyandotte Creek Sub Basin GSA, overseen by its board and its own Advisory Committee. Thus, Wyandotte Creek GSA responsibilities are expanded to ensure clean water to its population, including Palermo.

## **DISCUSSION**

This Grand Jury initiated this investigation into water issues surrounding Palermo on its own, after becoming aware of the stalled Clean Water Consolidation Project initiated by the Water & Resource Conservation Department. During this investigation, the Jury became familiar with the role of several County agencies, their goals and performances in recent years. The Jury then focused on the issues that Palermo residents face in their daily lives: issues with clean water availability, and flooding during rainy seasons.

What follows is a summary of County agencies' role in the welfare of Palermo residents, according to this Jury.

### **Butte County Department of Water and Resource Conservation (WRC)**

In July 1999, the Butte County Board of Supervisors approved the formation of the Department of Water and Resource Conservation (WRC). Its mission is to manage and conserve water for the citizens of Butte County. For the past few years, WRC has tirelessly developed planning documents for groundwater management in conjunction with GSAs while supporting Chapter 33 and Chapter 33A for the county. It also participates in the State mandated Drought Resilience Plan and must coordinate drinking water supply with SGMA as stated in Senate Bill 552.

WRC's recent dedication to the Clean Water Consolidation Project for Palermo has been evident to the Jury. To reach its vital completion, this project requires sustained funding from State Agencies and the cooperation of SFWPA who will be managing its construction. Unfortunately, the full project was paused by a State Water Board requirement. There is a

current replacement, the 'Dry Well' project is smaller in scope but it is not the end. As scheduled, it should be completed by Dec 31, 2025. It is a first remedial step. It will service a fraction of the Palermo parcels. But all, not just a few citizens in Palermo deserve the plentiful drinking water that SFWPA already has and could provide them with at very reasonable rates (about \$35 a month compared to a state average of \$80, according to the 2021 LAFCo report).

In summary, there is no shortage of clean water in the SFWPA system. It just needs to reach additional parcels in Palermo.

### **South Feather Water and Power Agency (SFWPA)**

SFWPA participated in the initial Palermo Clean Water Consolidation project. It purchased materials for that project and installed a few water valves in Palermo. But its work was stopped after project funding was denied. SFWPA is now an active contractor on Phase I of the Dry Well project for Palermo. It is fully engaged and is a willing participant in completing the full, complete connection of all parcels in Palermo.

Water from SFWPA is available for the full projected demand of the Palermo area. There are no excuses for why it cannot be delivered at very reasonable fees to citizens currently relying on polluted water from their own wells or facing a lack of water due to their wells going dry.

### **Palermo residents expressed that of all issues they face, the highest priority is access to clean water**

### **Wyandotte Creek GSA**

GSAs were created to take care of the sustainability of groundwater in their basins, that means water availability and quality. Major users of groundwater are agricultural entities, but rural residents also rely on the same groundwater source. With droughts becoming frequent, the uncertainty of this resource is also raised. Thus, the implementation of SB552 (2021) requires the coordination of efforts of GSAs with County entities such as Butte County WRC to develop Drought Resilience Plans.

The jury heard concerns about Wyandotte Creek GSA fee payers bearing the burden of costly plans directed to Palermo, a rural community. But the State will help along the way, although with strict planning requirements. So, when the Wyandotte Creek GSA recognizes WRC's efforts, and supports grant applications of plans developed for the citizens of Palermo in its sub basin, it abides with the SB552 intent.

## **Butte County Department of Public Health, Environmental Health Division (EH)**

The role of the Environmental Health Division (EH) is the enforcement of well water construction and destruction, as well monitoring well water quality and the proper disposal of wastewater. With regards to Palermo, the EH division has been clearly on the sidelines.

EH conducted a thorough survey in 2007, fourteen years ago, that revealed issues with failing septic systems and contamination of well water as well as surface storm water.

The conclusions in this survey 2007 were alarming. Its findings as stated were consistent with the 1987 study by Cook Associates Engineering Consultants funded by the Clean Water Bond Act of 1984, quoted here:

"study area has higher rates of septic failure during periods of high rainfall, has fecally contaminated stormwater, and an upper aquifer that is contaminated as noted from sampling the shallow wells along Railroad Avenue."

Note that any interpretation of any water analysis results must be done with the caution that units in those tests may be either Nitrates milligrams per Liter of water, or Nitrates as Nitrogen per liter of water. California state limits are 42.5 mg of nitrates per liter. The EPA limits are 10 mg of Nitrates per liter. In either case, the survey results show several instances of excess nitrates in drinking water, and exceedingly high levels in stormwater.

Septic failure symptoms reported by property owners indicate an underlying shallow, seasonal water table after periods of heavy rainfall. This poses a public health risk to the community in three ways according to the 2007 Palermo survey:

1. Shallow water table prevents plumbing drains from working properly, allowing sewage to back up into a house
2. Shallow water table does not allow the soil to effectively treat sewage effluent
3. Shallow water table allows solids from the septic tank to be washed over the baffles and into the drain field where it can, over time clog the soil, causing system failure

Septic failure and drinking water quality have been an ongoing problem that has not been addressed. Palermo residents were and are experiencing widespread septic system problems during the rainy season. And septic system failures may be resulting in elevated nitrate levels.

Since 2007 Environmental Health has not conducted continuous water quality monitoring. It has not mapped the progression of nitrates or coliforms in drinking water over the years, nor has it included in its quarterly reports the geographic location of dry wells as they occurred.

Dry wells in Palermo are a more recent development which needs to be addressed. But little is known by the public.

Environmental Health could include geographic mapping in its "Well Permit Summary" reports to make information readily available to citizens. So far, these summary reports include tables and bar graphs with counts of permits issued or finalized (both for small and large diameter wells), well destruction counts, dry well, as well as well repair and deepening. But none of those categories are mapped. Thus, the information provided in these reports is incomplete and insufficient to draw any meaningful interpretation that could warn county citizens of critical issues arising in their neighborhood.

## CONCLUSIONS

All Palermo Projects have suffered delays or neglect, causing citizens' despair and disbelief. There is no process nor is there any targeted communication to the citizens on the issues and status of the projects, or whether milestones were met.

Jurors are also aware that these projects take years from planning, to funding, to execution, beyond the term of our Grand Jury.

So, we, the Grand Jury, believe that many agencies and departments need to coordinate efforts to provide solutions to the issues Palermo residents face including flooding, clean water, dry wells and septic failure. The immediate formation of a task force with representative members from those agencies and community members may aid in achieving a solution without further delay.

## FINDINGS

**F1:** Dry wells in parcels on the East side of Palermo imply that residents must have water delivered to them paid for by temporary grants obtained by EH.

**F2:** County Environmental Health does not provide maps with the location of reported dry wells and new well permits, thus not keeping Butte County residents informed of issues arising in their neighborhood.

**F3:** Flooding causes septic failures and contamination of coliform bacteria and high nitrates in stormwater, generating a continuous health hazard.

**F4:** Many citizens are unaware of the Butte County Connect website (or its replacement), to report issues to the County that can be traced by logs.

**F5:** There has not been prompt, targeted communication to citizens about the status of stalled projects.

**F6:** Wyandotte Basin GSA must sponsor and collaborate on projects addressing dry wells and water quality as mandated by SB 552

**F7:** Neglect and delays in execution of solutions have caused Palermo citizens disbelief and despair.

## **RECOMMENDATIONS**

**R1:** The Grand Jury recommends that the Water & Resource Conservation Department communicate to citizens the status of Palermo Projects, when milestones are or are not reached by December 31, 2025.

**R2:** The Grand Jury recommends that the Wyandotte Creek GSA Advisory Committee or Water Commission TAC include a local well-driller who will provide empirical knowledge of groundwater availability by September 2025.

**R3:** The Grand Jury recommends that SFWPA connect water to all parcels in Palermo, which will reduce groundwater depletion and provide potable water, by September of 2027.

**R4:** The Grand Jury recommends that Environmental Health prepare and publish quarterly and annual reports of dry wells and well permits in Butte County include maps with their locations by September 2025.

**R5:** The Grand Jury recommends that LOAPUD extend sewer services to Palermo by December 31, 2027.

**R6:** The Grand Jury recommends that Butte County Administration utilize Facebook, public noticeboards at USPS, flyers at public gatherings to remind Butte County citizens that they should report issues via County Connect website, or its replacement, to log requests for work that must be expedited by December 31, 2025.

**R7:** The Grand Jury recommends that the District 1 Supervisor, Public Works director, Water & Resource Conservation Director, Environmental Health Director, and 3 Palermo citizen representatives (including a Palermo Community Council member) meet quarterly as a Palermo Task Force formed by October 2025 for a minimum of 3 years.

## **REQUIRED RESPONSES**

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following individual or governing body to be received by the presiding judge within 90 days of receipt: • County Board of Supervisors: respond to F4, F7, and R5, R6, R7 • Wyandotte Basin GSA board of directors: respond to F6, and R2

## **INVITED RESPONSES**

From the following individuals, to be received by the presiding Judge within 60 days of receipt: • Water & Resource Conservation Director: respond to F1, F2, F5, F6 and R1 to R4, R6, and R7 • Water Commission: respond to F1 and R2 • Environmental Health Director: respond to F1 to F3, and R4, R6, R7



# DITCHES, DISEASE, AND DELAY: PALERMO'S FLOODING FAILURES

**A Community in Crisis: Decades of Neglect Demand Immediate Action**



## SUMMARY

**A Community Under Water: The Persistent Crisis of Palermo Flooding**

Palermo, an unincorporated community in southern Butte County, has suffered from chronic, devastating flooding for years. These floods have caused: • School closures disrupting education • Business losses totaling hundreds of thousands of dollars • Public

safety hazards including dangerous road conditions • Health risks from contaminated drinking water and septic system failures

The primary cause: an unmaintained drainage system choked with vegetation that restricts water flow. This failing infrastructure requires immediate intervention by Butte County Public Works, Roads and Bridges Division 6, including thorough cleanup and regular maintenance.

The undersized storm drain inlet system at the critical intersection of Lincoln Boulevard and Palermo Road requires urgent redesign, as water currently "geysers over four feet in the air" during storms, according to multiple witnesses.

The situation has reached a crisis point, with cars driving into obscured, flooded ditches including one incident where a woman nearly drowned. This Grand Jury investigation reveals a pattern of neglect that demands immediate action.

#### **Video Documentation:**

- <https://vimeo.com/1091974904/7191c01a6b?share=copy>
- <https://vimeo.com/1091973529/a5e5558c52?share=copy>

## **GLOSSARY**

WRC - Butte County Water Resources and Conservation Department

CDFW - California Department of Fish and Wildlife

PW - Butte County Public Works Department

EH - Environmental Health Division of Butte County Public Health

RFP - Request for Proposal (public request for bidding)

Jury - Butte County Civil Grand Jury 2024-2025

LAFCo - Butte Local Agency Formation Commission

FEMA - Federal Emergency Management Agency

## **COMMUNITY IN CRISIS: BACKGROUND**

Palermo is a small, diverse community in southern Butte County with a population of 5,516 (2022 census). The community faces significant socioeconomic challenges:

- Severely Disadvantaged Unincorporated Community (DUC) status
- \$47,000 median household income
- 25% Hispanic or Latino population, plus other non-English speakers

Most properties rely on shallow groundwater wells (75--125 feet deep) for drinking water and septic systems for waste disposal. This infrastructure is particularly vulnerable during heavy rains when flooding and high groundwater levels cause septic failures that contaminate wells, surface water, and the shallow aquifer creating a serious public health emergency.

As an unincorporated area, Palermo depends entirely on Butte County for essential services including public works, planning, and law enforcement. Palermo is within District 6 of the Public Works, Roads and Bridges department.

The Butte County Civil Grand Jury 2024--2025 initiated this investigation after discovering the severe water issues affecting Palermo. This report focuses specifically on the flooding crisis and necessary remedial actions.

## **CHRONIC FLOODING: A PATTERN OF DEVASTATION**

Every time it rains Palermo becomes an island. Residents have felt ignored for years while homes, businesses, and schools suffer.

Flooding during the rainy season is well-documented in a study commissioned by Butte County Water Resources and Conservation: West Yost (TM-MDP Technical Memorandum-Palermo Master Drainage Plan Conceptual Solutions)

## **INSTITUTIONAL ROADBLOCKS TO MAINTENANCE**

District 6 of PW has consistently mowed only the roadside edges of the stormwater conveyance system, while neglecting to clear the interior vegetation. The department cites

the need for approval from the California Department of Fish and Wildlife (CDFW) to fully remove vegetation from ditch bottoms.

**CRITICAL FINDING:** County employees incorrectly believe that PW District 6 is not responsible for resolving these flood issues with proper routine maintenance, or better designed infrastructure.

The West Yost study identifies multiple contributing causes to the flooding along Lincoln Boulevard: • The Palermo Tributary channel at Baldwin Avenue is difficult to maintain and is clogged with vegetation. • This causes water to back up and flow down Baldwin Avenue and Lincoln Boulevard • Multiple sources confirm that flows regularly overtop the Palermo Tributary at Esperanza Avenue • This overtopping contributes to the flooding of the sports field at Palermo Middle School

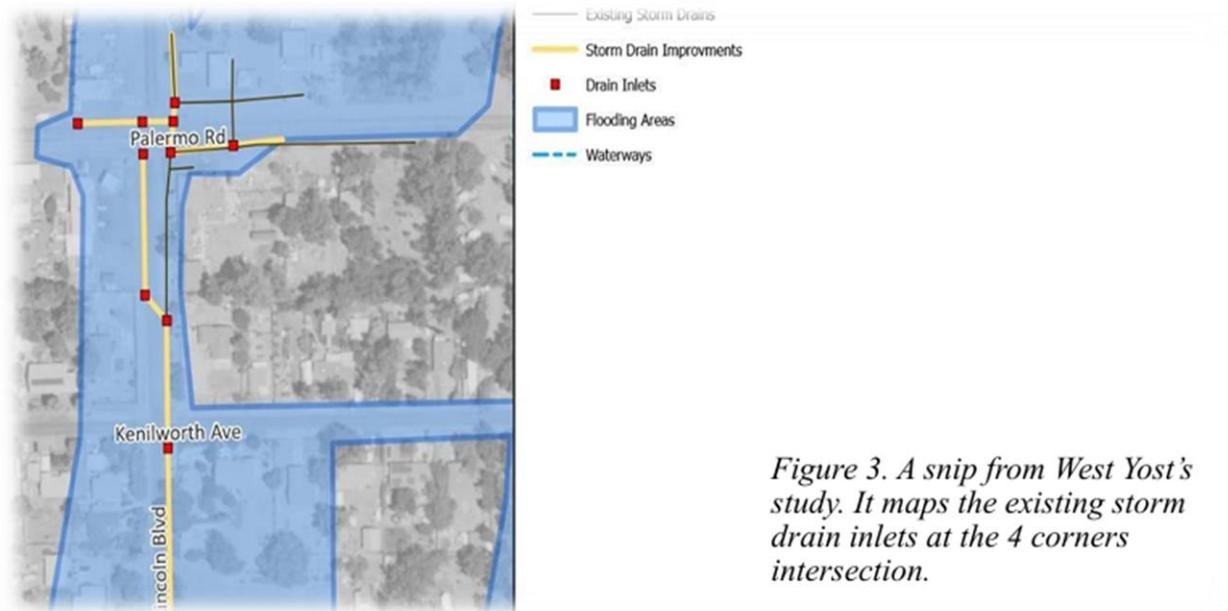
## FAILING STORM DRAIN SYSTEM



At the Lincoln Boulevard intersection with Palermo Road (known locally as "Four Corners"), an inadequate storm drain system creates hazardous conditions during flooding:

- Witnesses report water shoots geysers higher than 4 feet into the intersection
- Surrounding businesses experience regular flood damage
- Drivers cannot see roadways or flooded ditches during winter flooding
- At least one vehicle has overturned after driving into a flood-concealed ditch, a woman nearly drowned.

## INFRASTRUCTURE FAILURE: NEGLECTED DRAINAGE SYSTEM



*Figure 3. A snip from West Yost's study. It maps the existing storm drain inlets at the 4 corners intersection.*

As stated in the West Yost and Associates Master Drainage Plan, west Palermo lies in the 100-year FEMA floodplain. In addition, tributary water that flows by gravity in a NE to SW direction worsens flooding due to:

- Clogged vegetation blocking water flow
- Right-angle turns slowing stormwater drainage
- Unmaintained culverts at critical junctures

## DEVASTATING IMPACTS ON COMMUNITY INFRASTRUCTURE



### **Education Disrupted**

Palermo Middle School has experienced multiple flooding events forcing complete school closures. Staff and residents report watching contaminated stormwater flow through school yards and playgrounds. There is serious concern about children playing on fields potentially contaminated with sewage deposits left after flood waters recede.



## Local Economy Crippled

Local businesses have suffered losses exceeding hundreds of thousands of dollars due to:

- Damaged refrigeration equipment • Destroyed merchandise • Compromised parking lots
- Damaged electrical systems • Impaired underground gasoline storage systems

### Public Health Emergency

Flooding exacerbates septic system failures throughout Palermo, resulting in: • Contamination of domestic water wells • Pollution of the upper aquifer • Over 20% of domestic well water samples in 2021 showed Coliform bacteria

## INVESTIGATION METHODOLOGY

**Public Meetings Attended:** • Conjunctive Use presentations about flood waters diverted for groundwater recharge held by WRC (Nov 7, 2024) • Multiple Butte County Board of Supervisors meetings • Town Hall meeting in Palermo for the Drainage Master Plan (Feb 19, 2025)

**Interviews Conducted:** • Butte County agencies, WRC, Public Works Roads and Bridges division staff, LAFCo, Palermo residents, business owners, and Town Council members

**Community Feedback Highlights:**

1. Flooding happens yearly ankle or knee deep with standing water year-round
2. Residents are unaware of Butte County Connect for reporting issues
3. Roads are deteriorating, with flooding blamed
4. Fear of reporting issues due to risk of losing housing
5. Ditches were once clean and functional for a couple of years

### **Site Inspections**

The Jury toured the Palermo area multiple times. SFWPA provided a tour of its irrigation conveyance system. Road and Bridges District 6 of Public Works conducted a tour of the Palermo stormwater drainage system under its jurisdiction.

### **Documents Reviewed:**

The Grand Jury obtained dozens of documents to review. The most relevant are listed here:

1. TM-MDP (Technical Memorandum -Palermo Master Drainage Plan Conceptual Solutions for Project No.:377-60-24-04) by West Yost, August 15, 2024) A consultant study of the flood problems occurring in Palermo proposes several engineering conceptual solutions.
2. Butte County General Plan 2030, Chapter 8 Water Resources An overview of several county departments' role regarding water availability and quality.
3. Butte County Routine Maintenance Agreement  
<https://ceqanet.opr.ca.gov/2023040328> An agreement between Butte County Public Works and California Department of Fish and Wildlife to allow maintenance in drain ditches and waterways within 200 feet of roads.
4. Butte County Public Works Infrastructure Master Plan (Nov 2024) Butte County Regional Economic Development Strategy
5. 2007 Palermo Survey from Environmental Health

### **Applicable Butte County Ordinances**

1. Butte County Storm Water Management and Discharge Control under Chapter 50 of Butte County Code.

"This ordinance provides the County with the legal authority to enforce various stated goals regarding water pollution to protect and enhance public health and the environment"

## KEY FINDINGS: A SYSTEM OF NEGLECT

**Butte County Water Resources and Conservation (WRC):** Aware of issues WRC commissioned the West Yost study. But any of the proposed conceptual solutions will require funding from a State or County source (estimated to be between 3 and 11 million dollars). Most of these solutions may take years to become reality and there is no assured success.

**Butte County Public Works, Roads and Bridges District 6:** A more immediate solution is the cleaning of the county stormwater drainage ditches which is well overdue. • Public Works Roads and Bridges Department District 6 is the agency in charge and must perform their duties to the citizens of Palermo. • The Storm Water Conveyance System is clogged with cattails and other invasive flora that impede the free flow of water. Road and Bridges District 6 has been clearing the edges of this system and indicates it needs approval from CDFW to remove vegetation from the entire system.

According to Public Works District 6, CDFW classifies this system as waterways. The system layout reveals they were created by humans and have existed at least since 1939. The Jury disputes the claim that the CDFW has the authority to block cleaning of a stormwater conveyance system.

- There is an agreement dated April 2023 between Butte County Public Works and CDFW that allows maintenance of the stormwater conveyance system within 200 feet from roads in the county. This agreement states its intent as follows:

"For the ongoing implementation of routine maintenance activities within jurisdictional improved and unimproved stream channels and drainage facilities, and their associated CDFW jurisdictional areas within 200 feet of County-maintained roads"

The agreement summary reads: "The County anticipates completing approximately 20 to 30 maintenance projects a year. Routine maintenance would involve using various types of equipment including pickup trucks, and hand tools (such as chainsaws, string trimmers, loppers, shovels, and rakes). It may occasionally require heavy-duty construction equipment, including, but not limited to backhoes, excavators, loaders, skid steers, haul trucks, and compactors. Maintenance activities will include removal, replacement, or repair of facilities; channel alignment maintenance; conversion of concrete-lined channels; debris or obstruction removal; silt, sand, or sediment removal; vegetation control in channels or on banks; goat/sheep grazing. . . ."

- No complete waterway clearing by Public Works, District 6 has been done in Palermo in the last 7 years. Public Works has mowed the roadside of the ditches in some sections. Other sections have not been cleaned in the past year.
- The Jury has seen a section well maintained by a property owner that was totally cleared of vegetation on both banks and the bottom.

As stated in the West Yost study, "a significant source of flooding in the main portion of town on Lincoln Boulevard is due to the overtopping of Palermo Tributary close to Palermo Middle School and south of Kenilworth Avenue."

- The Jury would like to see the essential storm water conveyance system returned to an unobstructed condition as when they were constructed decades ago, to drain surface water away from town. • Public Works has the right of way for many of these ditches. There are a few exceptions near Messina Avenue and near the Wyman Ravine Tributary where ditches transverse private property. As stated in Chapter 50 of the Storm Water Ordinance: ". . . every person owning or occupying property adjacent to or through which a watercourse passes, shall keep and maintain that part of the watercourse . . . free of trash, debris, excessive vegetation or obstacles . . . that significantly obstruct the flow of water."

This cleaning mandate also applies to Public Works Roads and Bridges District 6.

- Based on the West Yost study, the Jury concludes that cleaning the Palermo Tributary running on what originally was the continuation of Perkins Avenue from Baldwin Avenue to South Villa Avenue and beyond, will allow better surface water flow and reduce overtopping.
- Butte County Public Works contracted with the California Conservation Corps (CCC) in the past to perform vegetation removal work in these specific ditches. That specific cleanup resolved the area's flooding for a couple of years, but the vegetation has been allowed to return.

We have created a ditch-cleaning priority list (see Appendix) to expedite the work in stages, by sections, during this 2025 summer and later years. The Jury believes that the entire drainage system within Public Works's right of way can be cleared all in one season, once permitted by CDFW. This work should be completed annually and be a priority for public safety.

## CONCLUSION: A SYSTEM OF NEGLECT

- **CRITICAL FAILURE:** The Public Works Department has not cleaned the stormwater system in 7+ years • Mows only roadside portions of ditches • Fails to obtain CDFW permits if required

**Existing Solution Framework:** There is an agreement 2023 PW agreement with CDFW that allows routine maintenance and removal of vegetation within 200 feet of roads---Butte County is legally permitted to act.

**Ordinance Reminder:** Chapter 50 requires anyone (including Public Works) to keep watercourses clear of obstruction.

**Planning Deficiency:** Public Works 2024 Infrastructure Master Plan completely omits Palermo flood mitigation measures.

## FINDINGS

**F1:** Butte County Public Works is responsible for and can be authorized by CDFW to clean all ditches for the citizens of Butte County, including Palermo. This will ameliorate the flooding causing school closings, business losses, car accidents, street obstructions, and health hazards.

**F2:** A small stormwater drainage system at Lincoln and Palermo Road is inefficient and insufficient to move water out of that area, causing potholes and risk of car accidents in this heavily trafficked area.

**F3:** Palermo Citizens deserve clean, safe streets and a community that is protected from annual flooding by having ongoing maintenance of Butte County-owned infrastructure.

**F4:** Palermo infrastructure improvement projects addressing flooding issues are not included in the 2024 Butte County Public Works Infrastructure Master Plan. Example: Palermo Four Corners Storm Water Drain System Project

**F5:** Butte County Water Resources and Conservation Department has shown admirable initiative in trying to solve the flooding in Palermo, including an excellent study by West Yost.

**F6:** Butte County Public Works has grant writing expertise but sometimes must also rely on outside grant writers with its implied additional expense. Other county departments rely mainly on outside grant writers but would favor using county grant writer staff who are currently overworked.

**F7:** Neglect or delays in the implementation of solutions have resulted in business losses for Palermo and a lack of trust and confidence among its citizens.

## **RECOMMENDATIONS**

**Directed to the Butte County Board of Supervisors for implementation:**

### **Immediate Drainage System Restoration**

- **R1:** The Grand Jury recommends that the Butte County Board of Supervisors direct Public Works District 6 to clear vegetation from main drainage systems by October 1, 2025.
- **R2:** The Grand Jury recommends that the Butte County Board of Supervisors establish monthly inspections and annual cleanup plans by September 30, 2025.
- **R3:** The Grand Jury recommends that the Butte County Board of Supervisors ensure annual CDFW applications are submitted by March 31.
- **R4:** The Grand Jury recommends that the Butte County Board of Supervisors direct Public Works District 6 to rent rotary ditch cleaner by August 1, 2025.

### **Infrastructure Improvement**

- **R5:** The Grand Jury recommends that the Butte County Board of Supervisors direct Public Works to redesign storm drain inlets by May 1, 2026.

### **Governance and Oversight**

- **R6:** The Grand Jury recommends that the Butte County Board of Supervisors establish a Palermo Task Force by October 15, 2025.
- **R7:** The Grand Jury recommends that the Butte County Board of Supervisors include Palermo in the Infrastructure Master Plan by November 1, 2025.

### **Funding and Resources**

- **R8:** The Grand Jury recommends that the Butte County Board of Supervisors hire additional permanent grant writers for Butte County by October 31, 2026.
- **R9:** The Grand Jury recommends that the Butte County Board of Supervisors establish a Butte County Flood Protection and Drainage District to overcome current ditch maintenance funding issues by May 31, 2027.

## REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05.

From the following individual or governing body to be received by the presiding judge within 90 days of receipt: • County Board of Supervisors: respond from F1 to F7, and R1 to R9

## INVITED RESPONSES:

The following individual to be received by the presiding Judge within 90 days of receipt. • Water Resources and Conservation Director: respond F5, F6, R6 and R9 • Butte County Public Works Director: respond F1 to F4, F6, and R1 to R9

## ACCOUNTABILITY MATRIX

Recommendation	Responsible Agency	Timeline	Estimated Cost
R1	Public Works District 6	By October 1, 2025	\$50,000--100,000
R2	Public Works District 6	By September 30, 2025	Staff time
R3	Public Works	Annual by March 31	Staff time
R4	Public Works District 6	By August 1, 2025	\$10,000--20,000
R5	Public Works	By May 1, 2026	\$25,000--50,000
R6	Board of Supervisors	By October 15, 2025	Staff time
R7	Board of Supervisors	By November 1, 2025	Staff time

R8	Butte County	By October 31, 2026	\$80,000- 120,000/year
R9	Board of Supervisors	By May 31, 2027	Staff time

## APPENDIX: PRIORITY DRAINAGE CLEANUP PLAN



**Required Action:** Remove all cattails and vegetation on ditch banks and bottoms (as in 7059 Perkins Avenue)

**Resource Estimates:** a crew of 8 from Public Works could clear approximately 10,000 feet of drainage ditch with light vegetation in 2 days. Heavy vegetation will slow progress. But the use of specialized equipment like the Rotary Ditch Cleaner GR70 or similar would significantly expedite ditch cleanup work.

### Summer 2025 Priority Sections (estimated lengths)

1. **High Priority (800 feet)** -- Perkins Ave to Palermo Ave
2. **Critical Flow Path (1,300 feet)** -- South Villa to Railroad Ave
3. **Main Drainage (1,300 feet)** -- Railroad Ave to Wyman Tributary
4. **Critical Intersection Clearance of Perkins**-- 20 ft upstream/downstream at: a. Palermo Rd b. Kenilworth Rd c. Williams Rd d. Ludlum Rd



# Palermo is Ready to Have Their Pool Back

## Feather River Recreation and Parks District to the Rescue!

### SUMMARY

At the end of the yearly swimming session in September of 2022, the Palermo Pool was "closed until further notice".

- No warning or explanation to the community
- Pool stood as a deteriorating and unsafe eyesore
- Severe Mosquito breeding area
- The pool and adjacent park, once the hub of the community outdoor recreation for families, suddenly became something of a no-man's land
- Palermo is considered by the Census Bureau to be a Disadvantaged Unincorporated Community" (DUC) with a median income of \$47,000
- Palermo is a small community that relies on county services for its approximately 5,500 citizens
- Lifeguard shortages
- No more pool private parties
- No swimming lessons, a life-saving skill
- Citizens of Palermo were questioning why the pool, at 2350 Ludlum Avenue, had been closed and were interested in knowing if and when it would reopen.

### BACKGROUND

#### What is wrong with the pool?

The Palermo Pool is owned and maintained by Feather River Recreation and Park District (FRRPD). The pool has leaks and failing systems that need to be repaired or replaced. A huge point of concern for FRRPD was the growing list of deferred maintenance projects on many outdated and failing infrastructure under its management.

In November of 2021, the pool was inspected and, as a professional courtesy, assessed by a contractor who had done work previously for FRRPD.

**The assessment indicated:** • The pool was outdated and completely out of code compliance

- Made of old plaster
- Leaking massive amounts of water
- Broken and outdated filtration system
- Broken pipes
- Broken decking

**Additionally:**

On November 2, 2021, a professional leak detection company tested both pools and the structures for water leaks.

**The testing discovered:** • Large cracks in pool walls and main drains showed heavy leakage

- Large pressure loss in main drain suction line
- A leak was electronically located between the two main drain covers
- 5 of 6 skimmer throats had leaks requiring openings be chipped out and replaced with new pool plaster to reseal the openings

In spite of the pool assessments being done in 2021, a recent staff report dated June 21, 2024, stated that though the pool was open in 2022, the pool was still leaking enormous amounts of water.

- Water circulation and sanitization systems connected to both pools resulted in water loss to the entire system rather than just one pool
- Water loss caused need to replace chemicals at a higher rate, resulting in increased water replacement needs and chemical needs
- Replacing the failing main pump would not fix the water loss
- In spring of 2023 the pool was drained for safety

The suggested cost for "minimum repairs" came in at \$400,000 to \$450,000. At this point, in 2021, FRRPD designated the Palermo Pool as a giant, nonprioritized deferred maintenance project for which there was no funding available.

## GLOSSARY

FRRPD = Feather River Recreation and Park District

RFP = Request for Proposals (a public request for bidding to potential contractors)

## METHODOLOGY

### Meetings attended

Jurors attended several meetings by: • Board of the Feather River Recreation and Park District.

### Interviews conducted

The jury interviewed managers and employees of Feather River Parks and Recreation, plus residents and business owners.

### Tours taken

The Jury toured the Palermo Pool and the surrounding area on multiple occasions

### Documents reviewed

The Grand Jury obtained dozens of documents to review. The most relevant for this report are listed here:

1. **Request for proposal (RFP) by FRRPD (Nov 2024)** Palermo Pool Repair and Renovation
2. **Construction contract #24-2501 by FRRPD (signed March 6, 2025)** Palermo Pool Repair and Renovation Project
3. **Leak inspection document for the Palermo Pool.** The report issued by the company that did the leak inspection.

## DISCUSSION

It is worth noting that the Palermo Pool and the park sit side-by-side. The Pool and the neighboring park with barbecues, picnic tables, a kid's playground, gazebo, plenty of benches and shade trees were all originally built under the support of the Palermo Grange

but are now owned and maintained by the FRRPD. It is also worth noting that the current management has only been in place since January of 2024, and did not participate in the closure of, or any inspections or decisions regarding the pool in years 2021 through 2023.

The pool and park are nestled into a neighborhood which makes accessibility easy by foot, bicycle, scooter, or car. Swimming lessons, special occasion pool party rentals, family swimming passes, and a handicapped pool chair lift made for summer fun in Palermo.

**A significant issue with the pool was the difficulty in hiring and retaining lifeguard staff.**

Two employees are always required to be on site to keep the facility open. FRRPD explained that over the last 10 years there has been an industry-wide decline in lifeguard staff across the country. There is special training and certification required to be a lifeguard.

When the Palermo Pool reopens, there could be disruptions in available pool staff at some point. If this occurs, FRRPD will be forced to rotate staff back and forth from the Palermo Pool to the Thermalito Pool. FRRPD insists this issue would NOT stop the pool from reopening.

**Palermo Pool by the Numbers:** • Capacity of pool is approximately 100

- Projected cost per person for upcoming day swim will be \$4.00
- Swim lessons will be \$55 per two-week session, running Monday through Friday (Eight 30-minute sessions).
- Private Parties
- Pool rental for 1-30 people for 2 hours is \$275
- \$100 per additional hour (prices include all staff and lifeguards)
- Pool season closure can be anywhere from mid-August to mid-October depending on public interest and staff availability.

Local High school swim teams are using the Palermo Pool for practices under a shared use agreement creating a partnership with the school district. It is designed to be a "net-zero" exchange where pool usage is exchanged evenly for FRRPD utilization of the school gyms. The only additional charge to the school district would be if pool heater service were needed during the fall months. (The Palermo Pool has no heater).

## What ARE the OPTIONS?

- **Under \$25,000**

Replace failed main pump and chlorine feeder

- **\$200,000 to \$300,000**

Demolish main and kiddie pools.

- **\$1 to 1.5 million**

New splash pad. Remove both pools, demolish bathrooms and chemical storage areas, and build a new splash park facility.

- **\$1 to 1.5 million**

Remove and replace kiddie pool, redo drains, replumb, new decking, new pumps and chlorine feeders, new chemical room, replastering, skimmers, and all issues relating to safety and code compliance.

With input from the community, FRRPD is moving forward with pool and equipment renovation, excluding the kiddie pool. Though evaluations and inspections had occurred, the pool has been sitting old, broken, and useless to the people of Palermo for 2 ½ years.

Though there are many significant issues plaguing the Palermo Pool, it is obvious that the community has reaped great rewards and enjoyment from it.

Fast forward to January 28, 2025. A FRRPD board meeting was held at the Palermo Grange. It was explained that the old district office building had been sold, and there was now money available for deferred maintenance projects.

FRRPD stated they had budgeted \$400,000 toward the pool project, but that the board needed to discuss and finalize a vote in order to commit to the funding. There were 3 bids ranging from \$240,000 to \$620,000 considered. A special board meeting took place on February 10, 2025, and the board voted to move forward with the "Palermo Pool Repair and Renovation Project" by selecting a contractor, at a cost of \$221,070.

The contract dated March 6, 2025, has a very specific wording issued by the current staff of FRRPD, to assure a tight timeline to complete the pool project:

"It is imperative that all work adheres to the designated schedule to ensure the timely delivery of the project. The work is expected to progress diligently and continuously until completion. It is highly encouraged that resources be mobilized and that manpower and equipment are at the ready to ensure the project progresses smoothly and is completed within the stipulated time frame"

The required completion date is to be 60 days after the approval of the necessary permits. FRRPD is desperately trying to ensure the pool will be fully functioning and open for the beginning of the June summer session.

## **What Are We Getting for Our Money?**

The mentioned lowest bid of \$221,070 was accepted by the board, even though up to \$400,000 had been budgeted. A question arose among community members concerning the huge gap between the three original bids, and why FRRPD accepted the lowest bid.

FRRPD states that they want "top of the industry" equipment at the Palermo Pool, that closely matches the new equipment at the Thermalito Pool.

FRRPD clarified that there are two very specific factors that made the lowest bid the most sensible bid: • The pool contractor is close by, and this is saving a large amount of "mobilization costs"

- This company uses a state of the art "hydro jet process" to break up old plaster and cement surfaces, saving costly labor and time (the two rejected bids were proposing a "jack hammer" to break up surfaces).

These two significant factors stood out as the most cost-efficient way to execute the work, at a large financial saving.

Since the contract award was made to start work on March 6, 2025, IF permits had been acquired, members of the Grand Jury went to Palermo to check on potential renovation progress. On April 3, 2025, the jurors walked around the fenced-in pool and saw no evidence of any contractual work being done. The kiddie pool had been removed by FRRPD as agreed upon in the contract.

## **Why hasn't work started?**

- Though lack of a necessary permit has appeared to have temporarily stalled all work on the Palermo Pool, the contractor has asked for clarification on the turndown,

and FRRPD is currently working with a plan reviewer and an assistant to expedite the project.

## WHAT NOW?

Current FRRPD staff have stated that there will be no rebidding of the job, and the project will not be halted.

### Will Palermo be Swimming in the Summer of 2025?

- Everything is in progress
- Need trained lifeguards
- If insufficient lifeguards are hired, Thermalito Pool and Palermo Pool will be opened on a rotating schedule
- The contracted pool company says they can do a 60 day turn-around from the date the permit is issued
- Pool could still be open this summer if they can get the permit quickly enough

## CONCLUSION

The Grand Jury wishes to commend FRRPD for their diligent efforts and time conscious push to complete the Palermo Pool renovation and in turn serve the citizens of Palermo. Responsible parties are committed to making a difference in the community by following through on promised projects, and FRRPD is doing just that. The people of Palermo are wishing for a 'Grand Reopening Celebration' of their pool, and hope that it is this summer!

## FINDINGS

**F1:** The Butte County Grand Jury commends the Feather River Recreation and Parks District for allocating funding, executing the renovation of the Palermo Pool, and starting construction on July 6th, with anticipated completion by August 6, 2025.



# Responses to 2023-2024 Grand Jury Reports

## Compliance and Continuity Report

The 2024-2025 Butte County Grand Jury (BCGJ) functions as a civil watchdog, investigating Butte County (BC) government departments, joint powers authorities, and special districts. Over the course of their terms of service, the BCGJ completes multiple investigations addressing all manner of topics across the county. Reports are written and published with findings and recommendations, including due dates for responses from the entities investigated. The California Penal Code (CPC) precisely defines the manner and time frame for the responses. Because each Grand Jury term is limited, tracking of these responses becomes the responsibility of subsequent juries.

The 2024-2025 BCGJ reviewed the responses to the investigative reports by the 2023-2024 BCGJ. This Compliance and Continuity Report demonstrates the collaborative efforts within BC's government agencies working with the BCGJ findings and recommendations.

## BACKGROUND

Under California State law and in accordance with CPC §933, local government agencies, elected officials, and department heads (respondents) are required to respond in writing to BCGJ reports. The governing body of any agency that is a subject of the report has 90 days to submit a response, while elected officials and department heads have 60 days to respond. Respondents must state whether they agree or disagree with the BCGJ findings. Respondents must also state if recommendations will or will not be implemented, or they require further analysis. Respondents are required to explain disagreements with both findings and recommendations.

In accordance with CPC §933.05(a), responses to findings must either agree with the findings, disagree with the findings, or disagree partially with the findings.

In accordance with CPC §933.05(b), responses to individual recommendations must include whether each has been implemented, has not been implemented but will be (including a time frame for completion), requires further analysis with an explanation and

parameters of the analysis and time frame for the matter to be prepared for discussion, or will not be implemented with an explanation.

## **METHODOLOGY**

The 2024-2025 BCGJ evaluated responses to the 2023-2024 BCGJ recommendations to ensure compliance with CPC §933.05 with the following criteria considered:

- If required, responses to all findings and recommendations were received by the stated deadline.
- If a response indicated a recommendation was implemented, sufficient detail was provided about how.
- If a response indicated that a recommendation would be implemented, it included details about when and how.
- If a response indicated that a recommendation required further analysis or study, the respondent explained how that would be accomplished.
- If a response indicated that a recommendation would not be implemented, it included an explanation of why.

The BCGJ visited agency websites and other media platforms to validate details in the responses. When necessary, the BCGJ contacted public agency department directors directly for clarification on responses.

## **SUMMARY OF RESPONSES**

All required responses to the 2023-2024 BCGJ report were received on time and in accordance with California state law. The required respondents were the Butte County Board of Supervisors and the City of Chico.

# Butte County Board of Supervisors

## Response

### BUTTE COUNTY LIBRARY SYSTEM UNDER STRESS

**R1.** So that all Butte County residents may be heard on levels of county service and taxation questions, the Grand Jury recommends that the Board of Supervisors place a sales tax measure on the November 2024 ballot to benefit all the General Fund departments, including the Library, no later than July 15, 2024.

**Response:** The recommendation has been implemented. On June 25, 2024, the BOS unanimously approved a resolution placing a 1 cent sales tax increase on the November 5, 2024 election ballot.

**R2.** The Grand Jury recommends that if they wish to maximize support of the sales tax measure prior to the November 2024 election, the Board of Supervisors and county administration should immediately enhance their engagement and communications with Library supporters and professional staff.

**Response:** The recommendation has been implemented. The role of the County during an election is to provide information. As such, County Administration hosted and attended Town Hall meetings in Chico, Oroville, Paradise, and Gridley. The Paradise event was livestreamed over social media. County Administration has consistently attended Library Advisory Board meetings and met with Library staff to present fiscal updates regarding library hours, resources, and budgets.

**R3.** The Grand Jury recommends that the Board of Supervisors should initiate a discussion with the leadership of the cities that host library branches to explore the potential for municipal funding in support of library operations.

**Response:** This recommendation has been implemented. The Board of Supervisors directed the formation of an Ad-Hoc committee to look into potential revenue options that would provide support for the library. This Ad-Hoc committee discussed service levels and ways of serving the broadest range of people possible. It included representatives from other local jurisdictions. As a result of these activities, in June, the City of Chico dedicated \$110,000 to open the Chico Library branch one additional day through the end of the current calendar year. Additionally, following the activities of the Ad-Hoc committee, the

Board directed staff to issue a Request for Proposals for a consultant to conduct polling and assist staff with outreach for the sales tax measure.

## **MULTIPLICITY OF SEWER DISTRICTS IN THE OROVILLE AREA**

**R1.** By the end of calendar year 2024, the Butte County Board of Supervisors use its influence to begin discussions with COOR, SC-OR, TWSD, and LOAPUD to begin the process of consolidating wastewater services in the Oroville area with the goal of eliminating duplication of services, increasing efficiency, and providing for the upgrade of infrastructure and facilities while retaining local control.

**Response:** The recommendation requires further analysis. The Board of Supervisors can initiate discussions about consolidating these services, but cannot impose consolidation of other governmental agencies since they all have separately elected officers than the BOS. The County will work with the City of Oroville, COOR, SC-OR, TWSD, LOAPUD, and LAFCO to determine the best possible outcomes. Given the complexity of what this process entails, forecasting the consolidation of these districts by any date is unrealistic; however, the potential economic benefits clearly merit the analysis. Streamlining wastewater infrastructure may allow for master planning within the consolidated service districts for increased economic growth including market rate housing and commercial activity.

**R2.** The Butte County Board of Supervisors tries to consolidate Oroville area wastewater services as part of the 2030 County General Plan.

**Response:** The recommendation has not yet been implemented, but will be implemented by December 2024. The Board of Supervisors can initiate discussions about consolidating these services, but cannot impose consolidation of other governmental agencies since they all have separately elected officers than the BOS. The 2030 Butte County General Plan provides direction on how the County will fulfill its community vision and manage its future growth. The policies in the General Plan are intended to provide clear guidance to the County for the decision-making process. The Land Use Element of the General Plan outlines a summary of the wastewater treatment and disposal systems established throughout the County and establishes a number of goals involving adequately planning for wastewater infrastructure to serve new development and protect the public health and safety of Butte County residents. The General Plan appropriately presents a broad

overview of the existing wastewater structure in the County. Doing so acknowledges that each entity has its own authority.

This being said, the potential economic benefits clearly merit the analysis. Streamlining wastewater infrastructure may allow for master planning within the consolidated service districts for increased economic growth including market rate housing and commercial activity. Therefore, the County will initiate discussions with the City of Oroville, COOR, SC-OR, TWSD, LOAPUD, and LAFCO to determine the best possible outcomes.

# City of Chico Response

## UNHOUSED POPULATION REPORT

**F1.** The City of Chico precipitated the Warren lawsuit when the unhoused were relocated without adequate shelter.

**Response:** Disagree. The legal reasoning that served as the primary basis of Warren v. City of Chico and utilized in F1 was resoundingly rejected and overturned by the US Supreme Court in Johnson v. Grants Pass.

**F4.** Due to the notification and site-clearing directions in the Settlement Agreement, the City of Chico is constrained in the handling of complaints regarding the unhoused.

**Response:** Agree.

**R1:** The Chico City Council direct the City Manager to develop and implement an internal committee specifically designated to interface with the unhoused population, current service providers and future county, state, and federal homelessness commissions by January 1, 2025.

**Response:** The recommendation will not be implemented. Sufficient (more than weekly) internal coordination meetings regularly occur as well as extensive coordination with service providers and neighboring jurisdictions already exists.

**R2:** The Chico City Council develop a written policy that will deal with how the city will address the unhoused by March 31, 2025.

**Response:** The recommendation was implemented in January 2022. R2 Appears to conflict with F4. Until modified, the stipulated Federal Court order "the Warren Settlement Agreement" is the written policy that prevails and is therefore already implemented. Also implemented is 2022-07-21 Resolution 40-22 shelter crisis\_plan.pdf. As noted in F4, the City's means, methods and actions are tightly controlled and prescribed by the 30 Page Warren Settlement Agreement, the February 24, 2023, court order and by the results of countless informal conferences with Magistrate Judges and Plaintiffs Council and will remain so until changed by a Federal Court Order.

**R3:** The Chico City Council should implement this written policy within all City departments that interface with the unhoused population by June 30, 2025.

**Response:** The recommendation was implemented in January 2022. The involved departments are well aware of The City's means, methods and actions that are tightly controlled and prescribed as detailed in the response to R2.

**R5:** The Chico City Council should expand shelter opportunities for unhoused people who currently live outside sanctioned shelter facilities by June 30, 2025.

**Response:** The recommendation requires further analysis. Many millions of dollars have already been invested and are continuing with multi-million dollar per year operational costs that are defined and will be defined in the future by City Council budget priorities and budget deliberations. Very importantly the Grand Jury report fails to provide recommendations regarding where funding would be reduced to offset the costs of their undefined recommendation.

**R6:** The City of Chico continues funding transitional and emergency housing programs.

**Response:** The recommendation requires further analysis. The recommendation is vague and imprecise. The City of Chico has a long history of funding transitional and emergency housing programs. Specific financial support will be defined in the future by the availability of efficient and effective programs to fund, City Council budget priorities and City Council budget deliberations.

## **ALTERNATE SITE REPORT**

**F1:** The City of Chico is responsible for allowing the appalling conditions at the Site due to neglect.

**Response:** Disagree. Refer to Warren Settlement Agreement section 10 (m) for the complete description of the Alternate Site attributes and authorized level of site management contained therein. In response to the lack of definition in the Settlement Agreement the City requested site management authority on multiple occasions. Finally, in response, Section 1 of the 2023-02-24 Warren v. Chico Court Order.pdf included the text "The City may reasonably regulate these alternate sites." However, LSNC (Legal Services of Northern California would not agree to 1) reasonable regulations, nor 2) to the specific consequences for violations.

**F2:** Many unhoused individuals are unaware of 211 and the resources the hotline provides to the community.

**Response:** Neither agree nor disagree as the level of awareness is unknown.

**R1:** Chico City Council should consider rotating camp sites to improve and maintain the health and safety at each campsite by July 30, 2024.

**Response:** The recommendation will not be implemented. This has been considered. However, no suitable alternative locations have been identified that meet the requirements of the Warren Settlement Agreement section 10 (m) and the spirit of the unexecuted Implementation Agreement.

**R2:** Chico City Council should direct the Target & Outreach Team to issue fresh assessments on current Alternate Site residents by July 30, 2024.

**Response:** The recommendation will not be implemented. A "Target & Outreach Team" does not exist. Assessments are conducted by the Outreach & Engagement staff. Additionally, the situations of those assessed at the site are well known to the staff that interface with the residents on a regular basis. If a material change of circumstance occurs, staff recognizes those changes. Most assessments to the Alternate Site are based upon prior criminal history. That criminal history is not expected to change over time.

**R3:** Chico City Council should begin the process of closing & cleaning Site #1 by August 30, 2024.

**Response:** This has been implemented. In response to the 06/28/2024 US Supreme Court Decision in Johnson v. Grants Pass together with the lack of success in obtaining agreement with LSNC (Legal Services of Northern California) to the 2024-06-26 Warren v. Chico Stip Implementation Agreement.pdf the City unilaterally moved forward with some items detailed in the Implementation Agreement.

**R4:** Chico City Council should provide clearly marked spaces in all Alternate Sites, using the dimension & pod layout directions in the Settlement Agreement by August 30, 2024.

**Response:** Implemented in part. The Settlement Agreement does not contain "dimensions & pod layout directions" for the Alternate Site. A layout was devised for the Alternate Site and was implemented.

**R5:** Chico City Council should ensure that care and maintenance supervision of current Alternate Site conforms to health and safety regulations by November 30, 2024.

**Response:** This recommendation will not be implemented. Such a site does not, by its very nature conform with the most basic regulations for human habitation facilities. The site is the product of flawed legal reasoning. Anti-camping regulations exist to prevent the public

health, public safety, violence, vandalism, drug use and other criminal activities and problems properly associated with such sites. In response, the Council has expressed the desire to close the site and the City expects to regain the traditional, historically common ability to reasonably enforce state and local anti-camping and other public health and public safety regulations.

**R6:** The city of Chico should provide residents of sanctioned shelters and alternate sites with information about available services, including 211, by February 28, 2025.

**Response:** This has been implemented. This has been part of the process since Outreach and Engagement began operations in 2022.

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.