

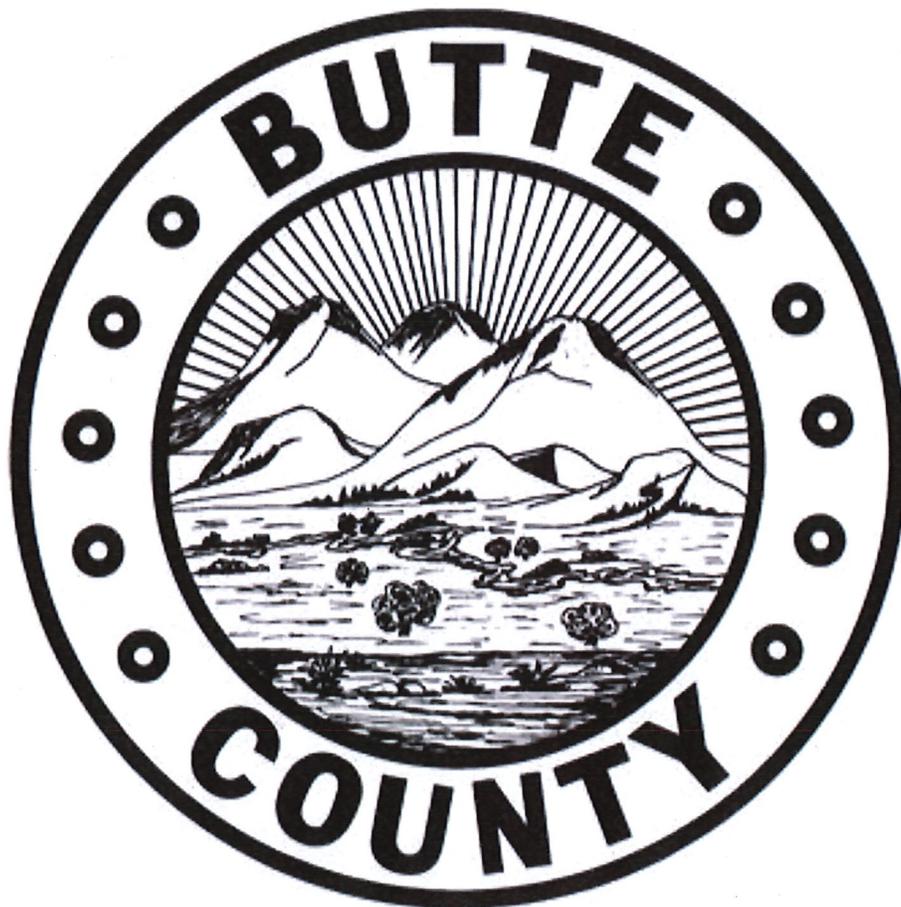
2017-2018
BUTTE COUNTY
GRAND JURY REPORT



Artist: Isabella McMurry, Inspire School of Arts and Sciences

FILED Superior Court of California
of Butte
MAY 30 2018
Kimberly J. Gentry, Clerk
By: *[Signature]* Deputy

**2017-2018
BUTTE COUNTY
GRAND JURY REPORT**



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Butte County GRAND JURY

The Honorable Tamara L. Mosbarger
Presiding Judge, Superior Court of California
County of Butte

Dear Judge Mosbarger,

On behalf of the 2017-2018 Butte County Grand Jury, it is my honor and privilege to present the 2017-2018 Butte County Grand Jury Final Report for your review and consideration. The eight individual reports, along with their findings and recommendations, have been approved by the Grand Jury.

Nineteen people took the oath of office to serve on the Grand Jury last June. We represented a diverse cross section of county residents in age, occupation, and gender. This report is the culmination of a year's hard work and dedication. It is our belief that these reports will be of benefit to the citizens of Butte County and provide local governments with recommendations for improving their operations and services.

The Grand Jury visited many County departments, cities, and government offices. Numerous interviews were conducted. While some of these investigations did not result in the issuance of individual reports, we wish to express our appreciation for the efficiency demonstrated and the assistance we were given. I wish to thank the District Attorney and County Counsel who advised us throughout the year, the Court staff who were always helpful and professional, and the Deputy County Administrator for his support. The Grand Jury would like to thank the Court for the use of the Butte County Law Library in Oroville to conduct our plenary and committee meetings. Going forward however, a larger meeting room for plenary meetings would be of great benefit in accommodating the space requirements for the 19 jurors.

The Grand Jury would also like to acknowledge and commend the Butte County Sheriff's Department on their actions related to the safety of all those impacted during the Oroville Dam Spillway crisis in 2017. We appreciate the quick and difficult decisions made by Sheriff Honea and his staff relating to this emergency.

Personally, I wish to express my gratitude and appreciation to the members of the Grand Jury for their dedication and year of service to Butte County. Above all, the Grand Jury sincerely thanks our families, friends, and employers for their support and understanding during our service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane N. Williams", written over a horizontal line.

Diane N. Williams,
Foreperson 2017-2018
Butte County Grand Jury

2017-2018 MEMBERS OF THE GRAND JURY

| | | |
|----------------------------|----------|-------------------------|
| Diane N. Williams | Chico | Foreperson |
| Susan Struble | Chico | Foreperson Pro tempore |
| Sue Bechtol | Chico | Recording Secretary |
| Jensine Brown | Oroville | Corresponding Secretary |
| Kevin Tokunaga | Durham | Sergeant-At-Arms |
| Moria Vinay | Chico | Treasurer |
| Keith Barrett | Chico | |
| Lorinda Bruen | Oroville | |
| Mark Carter | Chico | |
| Cheryl Cozad | Chico | |
| Jamie Dahlberg | Chico | |
| Robert Ichishita | Magalia | |
| Samuel Knoche | Paradise | |
| Cynthia Robinson-Hightower | Chico | |
| Sarah Santana | Chico | |
| Dave Stephens | Chico | |
| Elisabeth Stewart | Chico | |
| Marcia Wilhite | Chico | |

We wish to acknowledge those jurors who served briefly on the 2017-2018 Grand Jury who were unable to complete their terms. We thank you and appreciate the time you were able to serve.

ACKNOWLEDGEMENTS

The 2017-2018 Grand Jury wishes to acknowledge and thank the following individuals, County Departments and organizations for their support, guidance and professional assistance, all of whom made the 2017-2018 Grand Jury Report possible:

- Presiding Judge, the Honorable Tamara L. Mosbarger and the Honorable Robert A. Glusman
- District Attorney Michael Ramsey and his staff
- County Counsel Bruce Alpert and his staff
- Butte County Board of Supervisors: William Connelly, Maureen Kirk, Steve Lambert, Doug Teeter and Larry Wahl
- Sheriff Kory Honea and staff for the guided tour of the Butte County Jail
- Chief Probation Officer, Steve Bordin; Chief Deputy Probation Officer, Wayne Barley; Manager, Nino Pinocchio and staff for the guided tour of the Butte County Juvenile Hall
- Deputy Chief Administration Officer Andy Pickett and staff
- Kim Dionne, Thia Osborn, Cynthia Hagar, Kelly Mortensen and the Superior Court staff
- All those who agreed to be interviewed during investigations and visits
- The Butte County Office of Education and students for allowing the 2017-2018 Grand Jury to use student art work from their annual art show
- California Grand Jury Association
- Our family, friends and employers for their support and understanding of our unique responsibility

2017-2018 BUTTE COUNTY GRAND JURY
FINAL RESOLUTION

Whereas, the 2017-2018 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

Whereas, the 2017-2018 Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies and the citizens of Butte County.

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

The above resolution **passed and adopted** by the 2017-2018 Butte County Grand Jury at the Butte County Superior Court in Oroville on the 17th day of May 2018.

Diane N. Williams, Foreperson

PENAL CODE RELATED TO THE GRAND JURY

California Penal Code Sections

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code §933. A copy of the report is enclosed. Penal Code §933. Report of findings and recommendations; Comment by governing board of agency and by mayor. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report. (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity. (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years. (d) As used in this section "agency" includes a department. Penal Code §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) Section 933, as to each grand jury finding, the responding person or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. (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.

THE ROLE OF THE GRAND JURY

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time...

--Winston Churchill

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 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 secret. 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. 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.

The 19 members of the 2017-2018 Grand Jury have now completed their final report. Thank you for doing your civic duty by reading it. Butte County and all citizen-led democracies will either thrive with an informed and engaged citizenry or collapse without it.

The tyranny of a prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy.

--Charles de Montesquieu

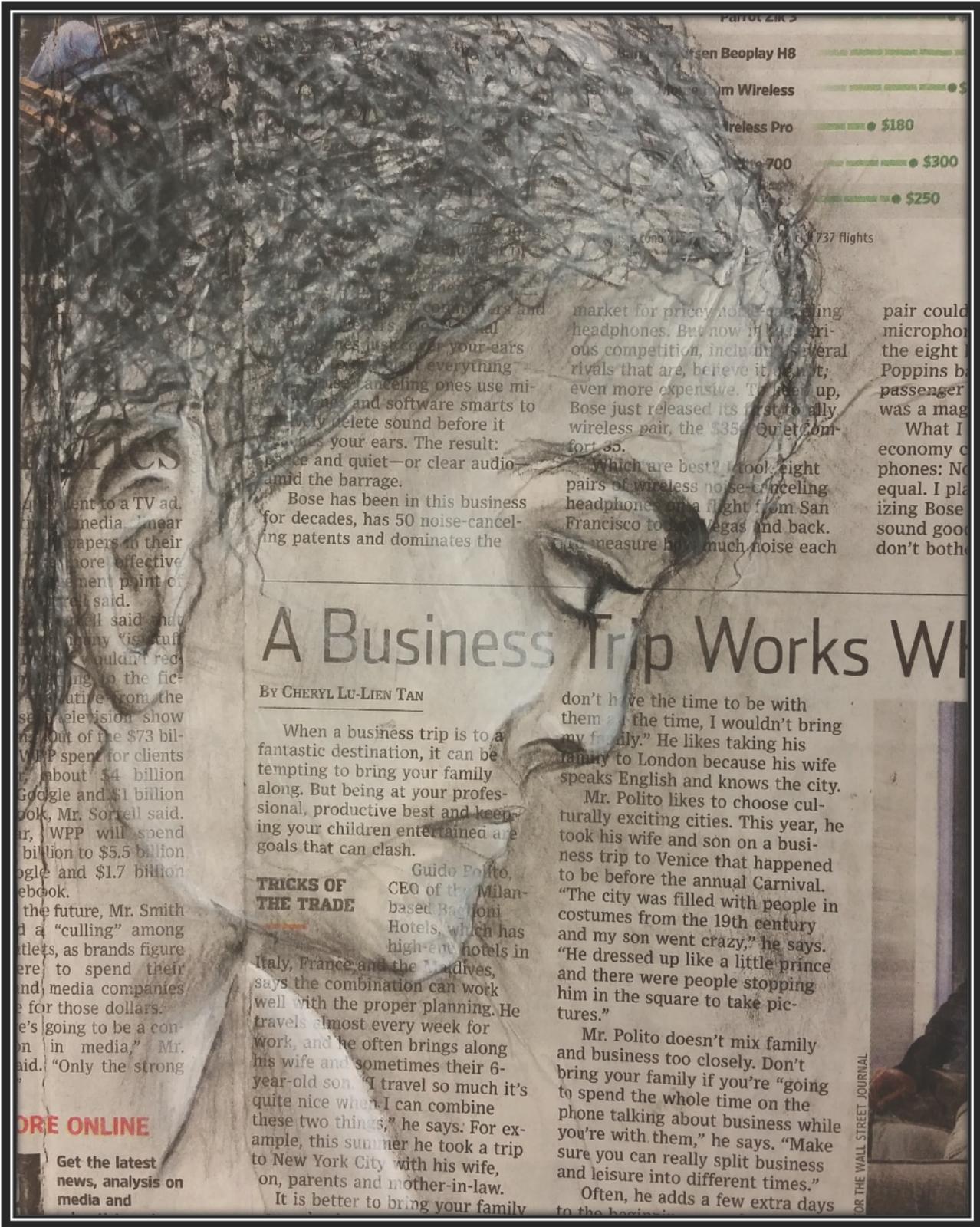
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**2017-2018 BUTTE COUNTY
GRAND JURY REPORTS**



Artist: Olivia Steele, Inspire School of Arts and Sciences

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...of the...
...and...
...just over your ears...
...canceling ones use mi...
...and software smarts to...
...delete sound before it...
...your ears. The result:
...and quiet—or clear audio—
...and the barrage.

market for pricey noise-canceling headphones. But now in a serious competition, including several rivals that are, believe it or not, even more expensive. To top it up, Bose just released its first totally wireless pair, the \$350 QuietComfort 35.

Which are best? I took eight pairs of wireless noise-canceling headphones on a flight from San Francisco to Las Vegas and back. To measure how much noise each

pair could microphone the eight... Poppins... passenger... was a mag... What I... economy c... phones: No... equal. I pla... izing Bose... sound good... don't both...

A Business Trip Works Well

By Cheryl Lu-Lien Tan

When a business trip is to a fantastic destination, it can be tempting to bring your family along. But being at your professional, productive best and keeping your children entertained are goals that can clash.

TRICKS OF THE TRADE

Guido Polito, CEO of the Milan-based Baglioni Hotels, which has high-end hotels in Italy, France and the Maldives, says the combination can work well with the proper planning. He travels almost every week for work, and he often brings along his wife and sometimes their 6-year-old son. "I travel so much it's quite nice when I can combine these two things," he says. For example, this summer he took a trip to New York City with his wife, son, parents and mother-in-law. It is better to bring your family

don't have the time to be with them at the time, I wouldn't bring my family." He likes taking his family to London because his wife speaks English and knows the city.

Mr. Polito likes to choose culturally exciting cities. This year, he took his wife and son on a business trip to Venice that happened to be before the annual Carnival. "The city was filled with people in costumes from the 19th century and my son went crazy," he says. "He dressed up like a little prince and there were people stopping him in the square to take pictures."

Mr. Polito doesn't mix family and business too closely. Don't bring your family if you're "going to spend the whole time on the phone talking about business while you're with them," he says. "Make sure you can really split business and leisure into different times."

Often, he adds a few extra days to the business trip.

MORE ONLINE

Get the latest news, analysis on media and

OR THE WALL STREET JOURNAL

Artist: Kristien Bravo, Oroville High School

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COMMENTS REGARDING RESPONSES TO THE 2016-2017 BUTTE COUNTY GRAND JURY REPORT

BACKGROUND

In accordance with Penal Code Section 933, local government agencies are required to respond in writing to Grand Jury reports. The governing body of any agency that is the subject of the report has ninety days to submit a response, while elected officials and department heads have sixty days to respond.

Responding agencies must state whether they agree or disagree with the Grand Jury findings, whether recommendations will or will not be implemented, or whether they require further analysis. Agencies are required to explain disagreements with both findings and recommendations.

DISCUSSION

In accordance with Penal Code Section 933.05(a), responses to findings must: 1) agree with the findings, 2) disagree partially with the findings or 3) disagree wholly with the findings.

In accordance with Penal Code Section 933.05(b), responses to recommendations must include whether each recommendation: 1) has been implemented, 2) has not yet implemented but will be, 3) requires further analysis, or 4) will not be implemented.

The final 2016-2017 Butte County Grand Jury report contained a total of eighteen recommendations. The Butte County Audit report had no recommendations. The Butte County Jail and Juvenile Hall report had no recommendations and the Butte County Waste Matters report had no recommendations. Of the eighteen recommendations, eleven have been implemented. Three recommendations will be implemented. One recommendation has been partially implemented. One recommendation will not be implemented. Two recommendations cannot be implemented at this time.

Agencies responses to the 2016-2017 reports are available at www.buttecounty.net.

REQUIRED RESPONSES

The responses from Butte County entities to the 2016-2017 Grand Jury report were received on time and in accordance with California state law. Respondents included: Butte County Administration Office, Butte County Board of Supervisors, Butte County Chief Administrative Officer, Butte County Clerk-Recorder/Registrar of Voters, Butte County Director of Information Services, Butte County General Services Director, Butte Local Agency Formation Commission (LAFCo), Town of Paradise Town Council, Town of Paradise Manager, and the Superintendent of the Thermalito Union Elementary School District.

BUTTE COUNTY AUDIT

There were no findings or recommendations reported.

VECTOR CONTROL

LAFCo, as a required respondent, agreed with the Grand Jury's two findings. The Grand Jury's recommendation has been partly implemented.

BUTTE COUNTY JAIL AND JUVENILE HALL

There were no findings or recommendations reported.

INFORMATION SERVICES DEPARTMENT

The Butte County Information Services Director, as the required respondent, agreed with the Grand Jury's two findings. Of the Grand Jury's three recommendations requiring responses, two will be implemented and one will not be implemented.

BUTTE COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS

The Butte County Clerk-Recorder/Registrar of Voters, as a required respondent, agreed with the Grand Jury's two findings. Of the two recommendations, one has been, and one will be implemented.

FIRE SERVICES RESTRUCTURE PLAN

The Butte County Board of Supervisors, as a required respondent, agreed with four of the Grand Jury's five findings and partially agreed with the fifth. The Director of General Services, as a required respondent to one finding, agreed with that finding. All three recommendations have been implemented.

WASTE MATTERS

There were five findings with no required responses.

TOWN OF PARADISE

The Town of Paradise Town Council, as a required respondent, agreed with the Grand Jury's four findings. Of the five recommendations, three have been implemented and two cannot be implemented at this time.

THERMALITO UNION ELEMENTARY SCHOOL DISTRICT

The Superintendent of Thermalito Union Elementary School District, as a required respondent, agreed with the Grand Jury's four findings. All four recommendations have been implemented.

A matrix of the findings and recommendations is presented as Attachment A.

ATTACHMENT A

| | Findings | | Recommendations | | | | |
|-------------------------------------|-----------------|---------------------|------------------------|----------------------------|---------------------------|---|--------------------------------|
| | Agree | Do Not Agree | Implemented | Will Be Implemented | Partly Implemented | Unable to Implement at This Time | Will Not Be Implemented |
| 2015-2016 Grand Jury Reports | | | | | | | |
| Butte County Vector Control | 2 | | | | 1 | | |
| Butte County Information Systems | 2 | | | 2 | | | 1 |
| Butte County Clerk/Recorder | 2 | | 1 | 1 | | | |
| Butte County Fire/Cal Fire | 5 | | 3 | | | | |
| Butte County Waste Management | 5 | | | | | | |
| Town of Paradise | 4 | | 3 | | | 2 | |
| Thermalito Union School District | 4 | | 4 | | | | |



Artist: Sammy Mausser, Hearthstone

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BUTTE COUNTY AUDIT REPORT

BACKGROUND

California State Law requires the Grand Jury to review the independent audit of Butte County's financial report.

METHODOLOGY

The 2017-2018 Grand Jury attended the bi-annual County of Butte Audit Committee Meeting and reviewed the following documents:

- The County of Butte Comprehensive Annual Financial Report for the fiscal year ending on June 30, 2017, prepared under the supervision of David A. Houser, County Auditor-Controller
- The County of Butte Single Audit Report for fiscal year ending on June 30, 2017, prepared by the accounting firm, CliftonLarsonAllen LLP
- The County of Butte Landfill Fund Financial Statements for the fiscal year ending on June 30, 2017, prepared by the accounting firm, CliftonLarsonAllen LLP

CONCLUSION

The independent auditor found the County's financial report was in compliance with Generally Accepted Government Auditing Standards.

The independent auditor recommended that the County perform bank reconciliations for all outside bank accounts on a monthly basis, especially at year-end. The County agreed with the recommendation and has implemented it.

The independent auditor also recommended that the County extend its review of significant cash disbursements beyond August 30th of each year, to ensure the year-end accounts payable balance is complete. The County agreed with the recommendation and will adjust their practices accordingly.

The County continues to maintain its credit rating of A+ by Standard and Poor's Rating Service. In 2017, the Government Finance Officers Association awarded the prestigious Certificate of Achievement for the Excellence in Financial Reporting to the County for the 11th consecutive year.

RECOMMENDATIONS

There are no recommendations by the Grand Jury.



Artist: Jennifer Ramero, Las Plumas High School

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BUTTE COUNTY JAIL AND JUVENILE HALL TOURS

In accordance with California Penal Code Section 919(b), the 2017-2018 Grand Jury inspected the operation and management of the Butte County Jail and Juvenile Hall. These visits were conducted in the Fall of 2017.

As a result of these inspections, the Grand Jury has no recommendations.

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Artist: Jenna Sobrero, Paradise High School

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OROVILLE: CITY IN TURMOIL

previously released on April 13th, 2018

SUMMARY

The City of Oroville continues to struggle with the fact that the higher cost of doing business continues to outpace the modest increases in its income. A recent attempt (Measure R in 2016) to increase revenues by raising the general sales tax failed. Drastic staffing cuts taken over the past five years have reduced City staff to a “skeleton” crew with many employees taking on additional duties and responsibilities that were assigned to the vacated positions. During the past year City staff accepted a 10% cut in their pay and/or benefits. These actions have had a severe and negative impact on staff morale and on the ability to provide services to the community.

The Oroville City Council urgently needs to identify and pursue additional sources of revenue. The City Council must carefully reconsider how they and the City staff operate.

GLOSSARY

CalPERS - California Public Employees’ Retirement System

PSD - Public Safety Director

HR - Human Resources

BACKGROUND

After conducting a preliminary review of all five incorporated cities in Butte County, the Grand Jury focused on Oroville because of lengthy and numerous vacancies in the Oroville City staff as well as the concentration of City management into the hands of so few employees. Our research revealed that one employee was the head of four of the City's six departments while also serving as Acting City Administrator.

Several recent Grand Jury reports addressed budgeting, city operations, and staff issues in Oroville (see the 2014-2015, 2012-2013 and 2009-2010 Butte County Grand Jury Reports). Many of the concerns raised in these reports continue to be a problem.

Towards the end of our investigation, the Acting City Administrator, who also headed four departments, resigned to take a position elsewhere. Furthermore, the employee that the City Council selected as the new Acting City Administrator, also resigned to take a position elsewhere. These events highlight the turmoil that the Grand Jury encountered within the City of Oroville.

METHODOLOGY

To carry out this investigation, the Grand Jury interviewed the Acting City Administrator, the Public Safety and Human Resources Director, the Finance Director, all members of the City

Council including the Mayor, and several mid-level City employees. The Grand Jury attended and viewed online, a number of City Council meetings.

In addition, the Grand Jury reviewed the following documents:

- The Charter for the City of Oroville
- The Oroville Municipal Code
- Oroville's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 16-17
- City of Oroville organizational charts
- City of Oroville Adopted Annual Budget for the Fiscal Year 2017-2018
- Prior Grand Jury final reports covering the City of Oroville
- Numerous newspaper articles

DISCUSSION

Oroville was incorporated as a Charter City in 1906. The City Charter provides for an elected Mayor and six other City Council members. The Charter empowers the City Council to appoint a City Administrator who oversees the day-to-day operations of the City and is responsible for implementing the policies of the City Council.

A history of events outside of Oroville's control created budget imbalances that continue to plague the City. These events include the 2008 recession, the 2012 statewide dissolution of the Redevelopment Agency and, most significantly, the precipitous rise in costs of the California Public Employees' Retirement System (CalPERS). While all of the cities in Butte County are facing these problems, Oroville has been the most severely impacted because of a lack of fiduciary planning. The City of Oroville will become insolvent in three to four years if it does not address its budget imbalances.

City Staff Organization

The City staff is divided into six departments supervised by directors who report to City Administration. The directors, in accordance with the City Charter, "serve at the pleasure of the city council."

The six City departments are:

- Business Assistance and Housing Development
- Finance
- Police and Fire
- Parks and Trees
- Planning and Development Services
- Public Works

In 2013 and 2014 the City of Oroville carried out a series of layoffs to bring its budget into balance. All positions that became vacant due to the layoffs were "frozen" and left unfilled.

Positions vacated after the layoffs are subject to a review to determine whether the position should be filled or “frozen.” In 2018, 46 positions are frozen out of a total of 143 authorized positions. That is a 32% reduction in staffing levels from 2013.

| DEPARTMENT SUMMARY | Approved Positions | Frozen Positions | 16-17 Approved Positions | 16-17 Funded Positions | Change from prior year | 17-18 Funded Positions |
|--------------------------------------|--------------------|------------------|--------------------------|------------------------|------------------------|------------------------|
| DEPARTMENT: | | | | | | |
| ADMINISTRATION | 6.80 | 2.00 | 4.80 | 5.00 | (0.05) | 4.95 |
| BUSINESS ASSISTANCE AND HOUSING DEV. | 10.00 | 4.00 | 6.00 | 6.08 | (0.03) | 6.05 |
| FINANCE DEPARTMENT | 7.00 | 2.00 | 5.00 | 5.00 | - | 5.00 |
| FIRE DEPARTMENT | 25.00 | 5.00 | 20.00 | 20.91 | (2.00) | 18.91 |
| POLICE DEPARTMENT | 53.50 | 8.50 | 45.00 | 44.09 | (6.00) | 38.09 |
| PARKS & TREES DEPARTMENT | 11.93 | 5.00 | 6.93 | 6.99 | (1.96) | 5.03 |
| PLANNING & DEVELOPMENT SERVICES | 9.00 | 2.00 | 7.00 | 6.40 | (0.50) | 5.90 |
| PUBLIC WORKS | 20.00 | 4.00 | 16.00 | 16.26 | (2.96) | 13.30 |
| DEPARTMENT TOTALS: | 143.23 | 32.50 | 110.73 | 110.73 | (13.50) | 97.23 |

Table extracted from City of Oroville Adopted Annual Budget for the Fiscal Year 2017-2018

A reduced staff has a direct impact on the services provided by the City. Fewer police officers result in a higher crime rate. When an employee is sick or takes personal time off, there is often no one available to perform his or her duties. Several City employees told the Grand Jury that they found the lack of backup to be extremely stressful. Anyone seeking City services faces longer waits.

As positions become vacant, duties and responsibilities are reassigned to the remaining members of the City staff. Some members of the City staff are more willing to accept the additional duties than others.

When three Department Director positions became vacant (Public Works, Parks and Trees, and Business Assistance and Housing Administration), the Planning Director assumed these roles. In 2015, after the City Council terminated the contract of the City Administrator, the Planning Director also became the Acting City Administrator. This was thought to be a temporary measure, however, this structure remained in place for three years. The stress of managing four departments while serving as Acting City Administrator, who tried to keep seven City Council members happy, contributed to his decision to seek a position elsewhere.

The Public Safety Director, who already was Director for the recently consolidated Police and Fire Departments, agreed to add “Director of Human Resources” to his portfolio despite a lack of experience and training in that field.

These are just two examples that illustrate the breakdown in the structure of the Oroville City staff. Oroville would benefit greatly by having a systematic review of its staffing and organizational structure. The review would help identify authorized, unfunded positions that are no longer needed, leading to a logical consolidation of departments. Such a review should also help identify the priority for filling positions as funding becomes available.

City Administrator vs. City Manager

The difference between a City Administrator and a City Manager is that an Administrator *follows* policies established by the City Council, while a City Manager *establishes* policies with the

guidance of the City Council. Furthermore, hiring and firing of City department heads is controlled by a City Manager while this authority resides with the City Council under a City Administrator. City Council members are elected officials who may or may not have any experience in city management.

Oroville has had difficulties attracting good candidates for the City Administrator position. Between 2010 and 2015, Oroville had five City Administrators in five years. The turnover of City Administrators created a negative impact on City staff morale. Each time a new City Administrator is put in place, the staff has to adjust to a new set of priorities and a different management style.

The Grand Jury found that all of the Oroville City Council members were deeply committed to making Oroville a better place. However, none of them have the background or experience to manage a city. The City Council needs to amend the City Charter to allow for a City Manager and find a strong, experienced candidate who can provide the leadership needed to bring a bright future to Oroville.

Human Resources Director

The City of Oroville's Public Safety Director (PSD) supervises the Police Department and the Fire Department and also briefly served as the Acting City Administrator. The PSD is also

tasked with supervising the Human Resources (HR) Department. Apart from the HR Director, there is a single employee in HR.

The Grand Jury finds there is a conflict of interest for the PSD to be supervising the HR Department given the large number of unionized Police and Fire staff. Oroville contracts with an external negotiator/consultant for collective bargaining. The question must be asked: what does the PSD do for the HR department? If the PSD has no direct experience in labor negotiations, contract review, hiring/termination procedures, or evaluating benefits (i.e. medical, dental, retirement, etc.) then this specific area of oversight should be assigned to the Director of the Finance Department. The Finance Director is much more suited to working with the human resources areas mentioned above, due to the focus on fiscal controls, procurement, and the contractual review process.

New Sources of Revenues

Oroville's revenues have experienced a modest increase over the past few years. However, those increases have not kept pace with the increases in mandatory CalPERS contributions. The cost for withdrawing from CalPERS is prohibitive. To alleviate the situation, in 2016 the City Council put a local measure (Measure R) on the ballot to temporarily increase sales tax by 1%. The measure failed. Repeated attempts to attract new industry to Oroville have also failed.

Recognizing the continued shortfall in revenues, the City Council is exploring any and all possibilities for additional revenue including allowing “Seed to Sale” cannabis and proposing another sales tax increase measure. The Council is carefully studying all aspects of the cannabis industry before voting on the required ordinances to permit it. Council members and City staff visited Lake Shasta, California to learn about that city’s experience, both positive and negative, with the cannabis industry. To maximize the benefit to Oroville from cannabis, the City Council will have to gain voter approval for a measure to place an additional tax on cannabis and all its products. If the City Council decides to pursue another sales tax measure, it must do all that it can to support that measure by providing a united front in favor of the measure and by explaining the need for the additional funds to the electorate. The Grand Jury applauds the Oroville City Council’s efforts in considering all possibilities for resolving its financial problems.

City Council Operations

During the course of our interviews with the City Council, the Grand Jury discovered a profound sense of distrust among its members. Accusations of collusion and unethical or illegal behavior were leveled against each other. The City Council has a great deal of diversity among its members. That diversity should be a source of strength and creativity.

Interactions between the City Council members outside of the City Council meetings are limited. The Brown Act prohibits official interactions between four or more City Council members outside of public meetings. However, social activities, during which government business

cannot be discussed, are allowed. Team-building activities and social interactions would break through the barriers of mistrust that the Grand Jury witnessed.

All of the City Council members are sincerely interested in the betterment of Oroville and all shared similar concerns about the City. Rising crime rates and public safety issues are high priorities for all of them. Finding a solution to the budgetary problems is also a common concern. In the past, the City Council devoted some of its public meeting time to establishing a “priority list” for the year. Continuing this exercise would help the Council establish common goals and provide a guideline that Council actions could be measured against during the course of the year.

City Council Accessibility

One episode that occurred during our investigation sheds light on the disarray and confusion that was found in the Oroville City government. When Grand Jurors attempted to set up interviews with the City Council members, there was a significant delay before the first interview could be scheduled.

An initial email message was sent to one of the council members using the address posted on the City's website. When there was no response, a follow-up message was sent a week later, and no response was received. A phone number from the “Contact City Council” web page, on the City of Oroville website, connected to the voicemail of a former employee who hadn't worked for the city for several months; messages left went unanswered. Several jurors inquired at City Hall

about how best to contact the City Council and were given business cards that each had an email address (some of them different than the ones on the website) and a phone number. The phone number on five of the seven business cards was the same number from the website which had already been tried without success.

Eventually, after intervention by Butte County Counsel, the Grand Jury succeeded in setting up the interviews. All City Council members were very cooperative during the interviews. Two Council members reported problems using the city-issued laptops. Given the delays encountered, the Grand Jury concludes it must be difficult for constituents to communicate with the Oroville City Council. City officials must be willing and able to use established means of communicating (i.e., email, voicemail, cell phones, etc.).

CONCLUSION

Oroville continues to face many problems that were not adequately addressed by the City Council over the past ten years: rising costs coupled with insufficient revenue; the inability to find a strong, qualified candidate who would remain in the position of City Administrator for a reasonable period of time; and disagreements and mistrust among the Members of the City Council. In addition, recent steps taken by City management to cut staffing to balance the budget have left the City with a demoralized, depleted staff. The City Council needs to take drastic measures to break out of this vicious cycle.

FINDINGS

- F1. Over the past few years, as City staff positions have become vacant, the decisions about whether to fill a position or leave it vacant have been made “on the fly.” There is no overall plan regarding City staffing. Conducting an internal review of the City staff is simply not practical under the current circumstances given the shortage of staff.
- F2. Having one employee act as the City Administrator while also directing four City departments created an unhealthy situation.
- F3. Oroville has had five City Administrators during the past eight years. The turnover has had a negative impact on City staff morale.
- F4. Having the Oroville City Director of Public Safety also serving as the Director of Human Resources is inappropriate.
- F5. Although the City of Oroville has taken a number of drastic steps to reduce spending, the growth of general fund expenditures continues to greatly outpace the growth of current revenue.
- F6. There is mistrust and misunderstanding among the current members of the City Council leading to an unusually high level of dysfunction.
- F7. All of the members of the Oroville City Council are striving to do what they think is best for the City. There is, however, disagreement among the City Council Members over how to achieve these goals.
- F8. The Oroville City web page for “Contact City Council” did not provide the Grand Jury access to the City Council members.

RECOMMENDATIONS

- R1. The City of Oroville should contract with a consultant to perform a comprehensive analysis of the current City staff to ensure that the city has the appropriate number and types of positions to perform the services required for a city the size of Oroville. The analysis should propose reassignment of duties where warranted. The analysis should include a prioritization for filling each position.
- R2. The Oroville City Council should amend the City Charter to provide for a City Manager position in place of the City Administrator position.
- R3. The Oroville Finance Director should be designated as the Human Resources Director.
- R4. The Oroville City Council should explore all possible sources of additional revenue and implement those that will allow the City to fill all of its high priority positions.
- R5. The Oroville City Council should work towards better collaboration by participating in periodic social and team-building activities.
- R6. The Oroville City Council should meet annually to establish a list of priorities for the City to serve as a guideline throughout the year for Council actions.
- R7. The City Council needs to be more accessible and responsive to the citizens of Oroville through operational and valid emails and phone numbers.
- R8. The City of Oroville should provide basic technology training for the City Council members.

R9. The Oroville website should be checked and updated frequently for accuracy and maintained for the benefit of its constituents.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

The Oroville City Council respond to F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, R5, R6, R7, R8, and R9 within 60 days.

The Oroville Acting City Administrator respond to F1, F3, F4, F5, F8, R1, R3, R4, R7, R8, and R9 within 90 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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| Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury. |
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Artist: Laura Torres Avila, Paradise High School

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TREASURER-TAX COLLECTOR DEPARTMENT

SUMMARY

The Butte County Treasurer-Tax Collector Department (TTCD) is charged with the responsibility of billing and collection of property taxes; receiving, processing, investing, and safeguarding public funds; and functioning as the central bank for County departments, cities, school districts, and the court system. A critical function assigned to the TTCD is the investment of public funds to achieve maximum security of principal and preservation of capital; further the TTCD works to achieve a market rate of return and maintains liquidity for a percentage of the pool to ensure the smooth flow of business for the departments and districts in this investment pool.

The Grand Jury found the TTCD highly organized and operating efficiently. Staff morale is high, and a significant percentage of staff is cross-trained to cover during periods of high volume or absences. The TTCD is able to achieve this high standard of performance despite its limited and non-secure office space.

BACKGROUND

The TTCD was last visited by the Grand Jury in 2007-2008. Based on the importance of the TTCD's role in the County, i.e. collection and management of cash and funds, the Grand Jury decided to conduct a review of the TTCD's operations and effectiveness.

METHODOLOGY

The Grand Jury interviewed department management and staff, toured the offices during business hours, and reviewed procedure manuals, investment reports, and related resources. In addition, the Grand Jury researched the TTCD through the Butte County website.

DISCUSSION

The TTCD is comprised of three divisions: the Treasury Division, the Property Tax Division, and the Central Collections Division. Each division has distinct and unique responsibilities; yet, as a whole, the TTCD's purpose is the collection and cash management of revenues owed to the County, cities, special districts, school districts, and court system. Each division, and the distinct roles assigned, is highlighted, as follows:

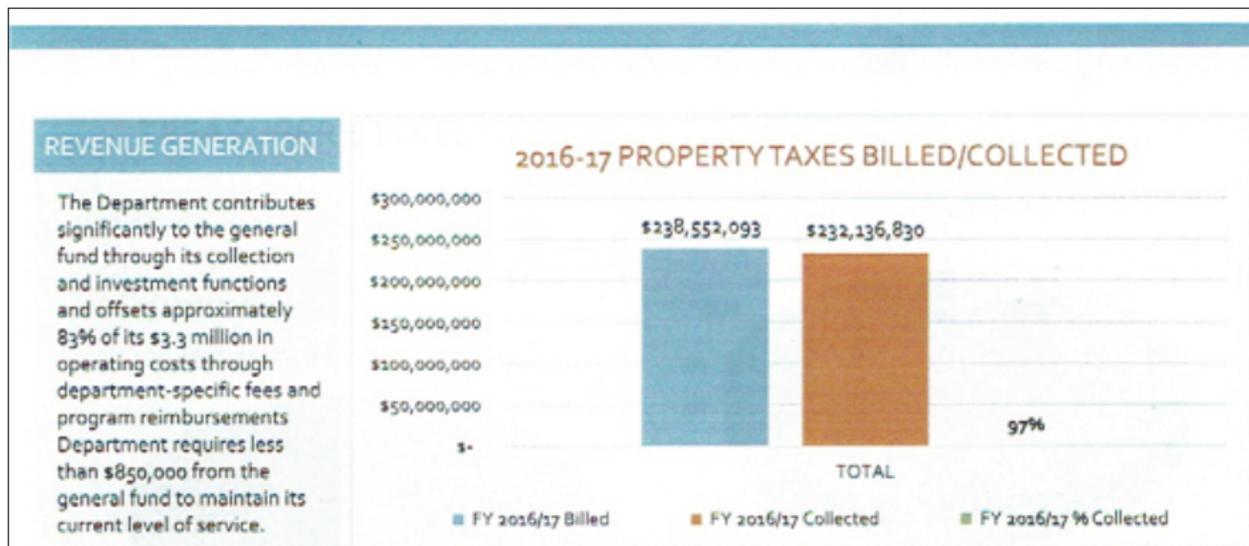
The Treasury Division:

- Functions as a central bank to all County departments, Butte County school districts, special districts and the Superior Court System. The purpose is to maximize investment returns for pooled funds on deposits and consolidate banking activities to minimize operating expenses.
- Manages funds to ensure cash is available to meet cash flow needs.
- Invests the balance of funds to protect the principal while maximizing interest earnings for its depositors.

- Manages the County's \$430 million investment pool and generates earnings on a pro-rata basis for investment pool participants.
- Handles large quantities of cash and oversees its safety using current security protocols.
- Balances cash accounts daily; any discrepancy over \$20 must be explained to the Board of Supervisors.

The Property Tax Division:

- Bills and collects taxes assessed on real and personal property in Butte County.
- Works closely with the Auditor and the Assessor to ensure bills to property owners are accurate and include direct charges, fees and/or special assessments.
- Bills approximately 110,000 property owners and processes approximately \$220 million in tax payments each year.
- Distributes tax revenues to local schools, cities, special districts, and departments.
- Actively works to collect delinquent taxes. Roughly 10% of property owners do not pay on time; after collection efforts, there remains only a 2% - 4% default rate.
- Conducts auctions of tax-defaulted properties to recoup property taxes more than five years in arrears.



Source: Butte County Treasurer-Tax Collector website- About the Department

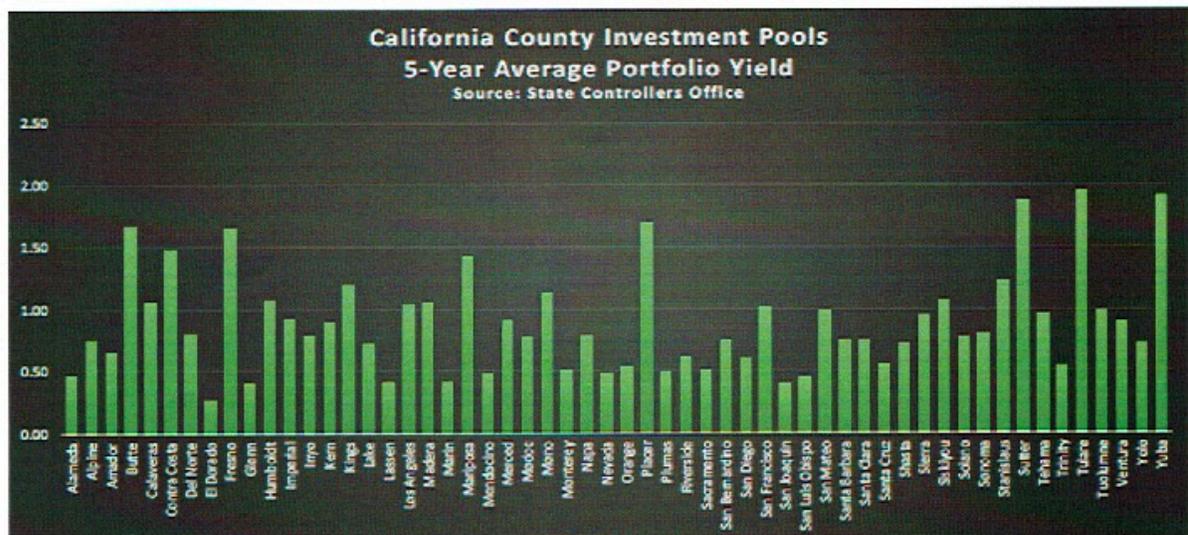
The Central Collections Division:

- Serves as the collection agency for Butte County departments and the Superior Court system.
- Functions similarly to private enterprise collection agencies but adheres to compliance requirements for public entities; the program generates in excess of \$5 million annually.
- Pursues delinquent fines and fees assessed by the court system and various County departments as well as delinquent unsecured property taxes.
- Serves as the collection agency for various County programs.
- Collects and distributes Victim Restitution payments.

CONCLUSION

The TTCD is multi-faceted, performing a wide range of functions in support of County departments and outside entities needing a ‘central bank’ function. The TTCD is highly organized and has developed an extensive collection of procedure manuals and reference materials to ensure duties are performed properly, within legal parameters, and employing sound financial business practices. Employees are cross-trained to improve the TTCD’s efficiency. Training opportunities are available and the TTCD encourages staff to participate. Approximately 25% of all revenue collected directly benefits the County’s General Fund.

In the graph below, portfolio yields vary between counties by as much as 1.5%.¹



The TTCD manages investments on behalf of the County, school districts, special districts and various funds. All investment vehicles are AA-rated or higher. Investments are monitored on a daily basis and investment reports are prepared monthly. The office follows a five-year investment strategy. The Butte County Pooled Treasury Portfolio’s investment strategy consistently outperforms the State of California’s Local Agency Investment Fund (LAIF).

The Grand Jury focused on the operations and management of the TTCD. Staff and management expressed safety and space issues to be of concern, especially during peak payment periods. A review of the 2007-2008 Grand Jury Treasurer-Tax Collector Report also cited space as an issue needing to be addressed.

FINDINGS

- F1. Treasurer-Tax Collector Department is run efficiently, staff morale is high, and staff is effectively cross-trained.
- F2. Treasurer-Tax Collector does an excellent job of managing the funds they are entrusted with. Investment vehicles are rated AA or higher. Investment growth is approximately 8% over time, consistently higher than LAIF.
www.buttecounty.net/Portals/25/Investments
- F3. Office space is limited posing challenges during peak payment periods.

RECOMMENDATIONS

- R1. The Grand Jury recommends that County Administration collaborate with the Treasurer-Tax Collector Department in seeking additional office space for the TTCD by December 31, 2018.

R2. The Grand Jury recommends that County Administration collaborate with the Treasurer-Tax Collector Department to identify and implement additional safety and security measures by Fiscal Year end 2018-2019.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the following response to the Grand Jury is required:

- Butte County Treasurer-Tax Collector respond to F3, R1, and R2 within 60 days.
- Butte County Chief Administrative Officer respond to F3, R1, and R2 within 60 days.

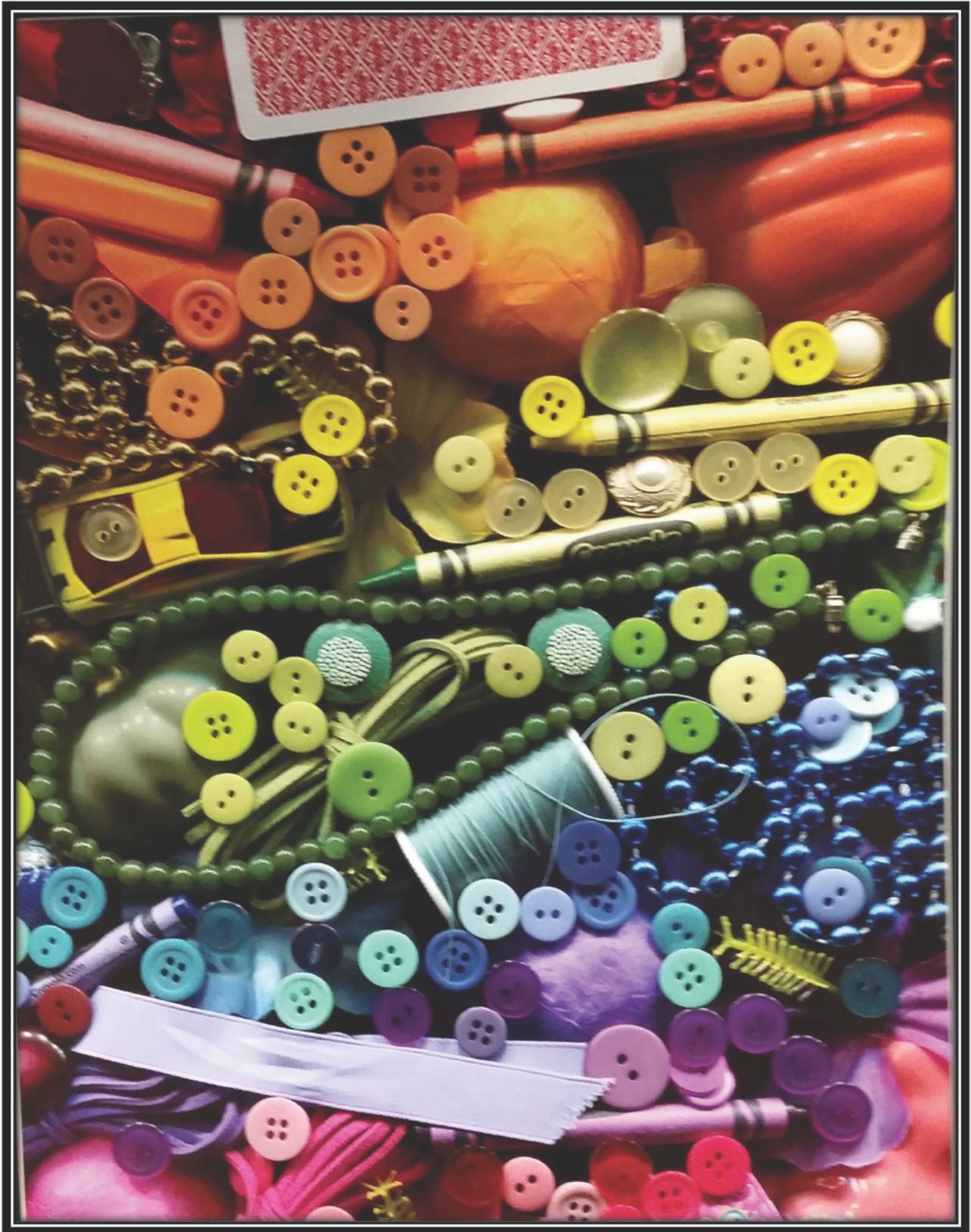
INVITED RESPONSES

The Grand Jury invites the Butte County Board of Supervisors to respond to F1, F2, F3, R1, and R2 within 90 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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Artist: Madison Flowers, Pleasant Valley High School

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**CODE BLUE ON PUBLIC SAFETY
CITY OF OROVILLE
POLICE AND FIRE DEPARTMENTS**

SUMMARY

As a direct result of consecutive years with dwindling revenue and budget cuts, the City of Oroville and its Public Safety Department is deficient in providing services to the community.

GLOSSARY

BCFD – Butte County Fire Department/CAL FIRE

BCSO – Butte County Sheriff’s Office

DPS – Director of Public Safety

LAFCo – Local Area Formation Commission

MLE – Municipal Law Enforcement Officer

OFD – Oroville Fire Department

OPD – Oroville Police Department

BACKGROUND

The growing City of Oroville covers 17.1 square miles encompassing multiple intersecting highways, many rivers and waterways, golf courses and casinos, railways, an airport, and the Lake Oroville Recreation Area. As the County seat, it is impacted by a high traffic demand from surrounding communities which influences public safety.

With the higher cost of doing business outpacing the modest increases to revenue, the City of Oroville has a monetary shortfall. The Grand Jury investigated the significant impact imposed upon the Police and Fire Departments. Given the decrease in revenue, the City has failed to react, resulting in staffing inadequacies, low pay, decreased benefit packages, challenging work conditions, and uncertain job security. The Grand Jury questions how one administrator is serving simultaneously as Police Chief, Fire Chief, and Director of Personnel. Additionally, that same administrator was given the added responsibility of Assistant City Administrator by the Oroville City Council. Due to the multiple roles of this single administrator, there is a risk of the appearance of impropriety, and the effects it may have on the community and its employees.

METHODOLOGY

The Grand Jury studied a number of resources available to them and the public.

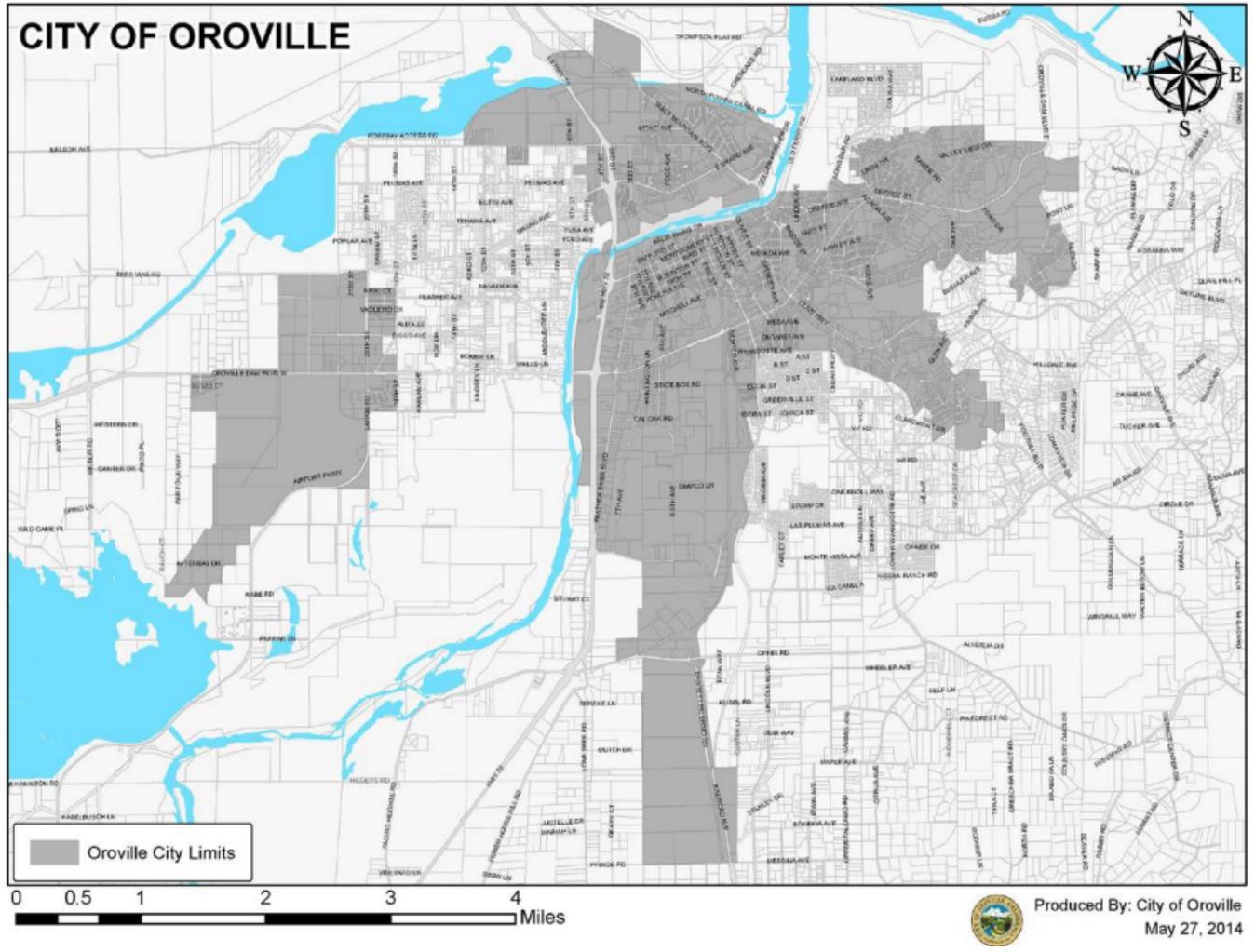
- Interviewed City and County personnel
- Viewed online or attended Oroville City Council meetings
- Reviewed:
 - Previous Butte County Grand Jury Reports
 - Memorandums of Understanding
 - Request for Proposal for Provision of Fire Protection Services
 - Consolidation Feasibility Study of Public Safety Answering Points
 - City of Oroville Cooperative Emergency Dispatch Service Proposal
 - Agreement Between the City of Oroville and CAL FIRE, Butte Unit for Fire Protection in Mutual Threat Zones
 - Agreement for Fire Protection under Automatic Aid Between Butte County Fire Department and Oroville Fire Department
 - CAL FIRE Butte County Fire Department Statistics Package, 1/1/2017 to 12/31/2017

- Final Report South Oroville Area A and B Annexation Study for Butte County/City of Oroville, June 27, 2014 prepared by Ralph Anderson and Associates
- NFPA 1710 - Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2016 Edition
- Final City of Oroville Municipal Service Review Update and Sphere of Influence Plan Update, December 4, 2014
- City of Oroville job descriptions
- Various newspaper articles and news videos
- Visited:
 - City of Oroville Public Safety Center
 - CAL FIRE Dispatch and Emergency Command Center

DISCUSSION

Since at least 2013, pay and personnel cuts have been an ongoing issue with City management, employees, the City Council, and the various unions. With revenues declining and no resolution in sight, along with reduced staffing levels, the employees and citizens of Oroville are negatively

impacted. The Public Service Department of Police and Fire utilizes approximately 60% of the General Fund,¹ an amount not uncommon for most cities.



map source: <http://buttelafco.org/sites/default/files/resources/Final-Report-South-Oroville.pdf>²

¹ https://www.buttecounty.net/Portals/1/GrandJury/14-15GJRespCity_City_of_Oroville.pdf

² <http://buttelafco.org/sites/default/files/resources/Final-Report-South-Oroville.pdf>

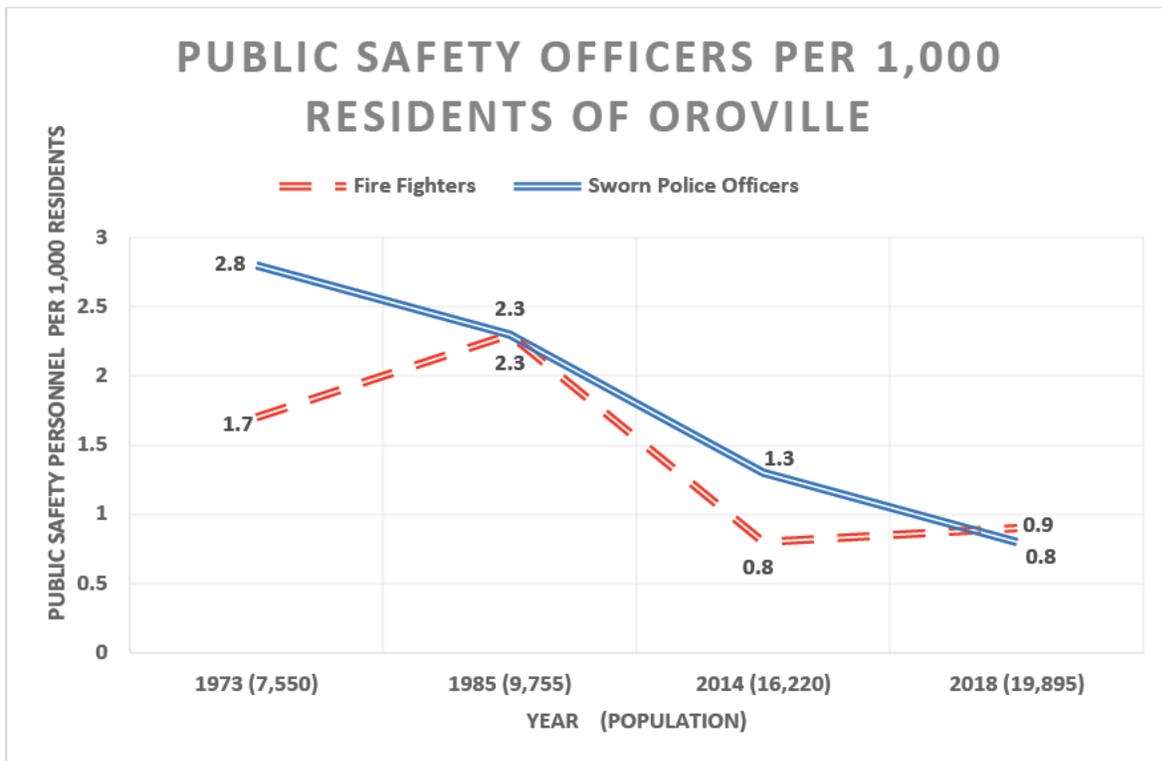
Police Department

The City of Oroville Police Department (OPD) is severely understaffed with sworn personnel. Currently, Oroville has a population of 19,895³ with a sworn officer staff of 17.5⁴ including only eight patrol officers. This is fewer than in 1973 when there was a sworn officer staff of 22 officers with a population of 7,550. The City boundaries continue to expand with the annexation of Southside Oroville. In 2014, Ralph Anderson & Associates reviewed and made recommendations in their report titled, Final Report South Oroville Areas A & B Annexations Study for Butte County/City of Oroville.⁵ Acknowledging the staffing impact of the annexation, the OPD Chief was “agreeable to the addition of 5.63 FTE sworn officers to the Department and 2.65 support personnel as a result of the annexation.” The annexation occurred but the police staffing recommendation, as agreed upon by the City, did not increase but rather decreased.

³ <http://www.cityoforoville.org/about-us?city-quick-facts>

⁴ <http://www.cityoforoville.org/home/showdocument?id=14882>

⁵ <http://buttelafco.org/sites/default/files/resources/Final-Report-South-Oroville.pdf>



During most hours, OPD has only two sworn patrol officers on duty along with a Sergeant. OPD consistently relies on the Butte County Sheriff’s Office (BCSO) for backup in all areas of the City to meet the daily call volume. The support Oroville receives from BCSO, and vice versa, is mandated by the Mutual and Automatic Aid Agreements between the City and the County. However, the OPD relies upon the BCSO far more than they can reciprocate.

Per the Fiscal Year 2017-2018 Adopted City Budget,⁶ OPD is fully staffed with no current funded positions open. With only eight sworn patrol officers for a City with an expanding population and a growing crime rate, this creates undue hardship on employees and community alike. Due to reduced staffing, sworn officers must work overtime. In 1973, there were 2.8

⁶ <http://www.cityoforoville.org/home/showdocument?id=14882>

sworn officers for every 1,000 residents. Today, there is less than one sworn officer per 1,000 residents.

On paper, OPD is fully staffed. In reality the staffing level is below the State average⁷ of 1.5 sworn officers per 1,000 residents. Recruiting and retaining officers is difficult due to low pay and decreasing benefit packages; up-to-date job resources; and job security. As an example, the OPD uniform allowance is \$720 annually, compared to City of Chico with \$900 and Town of Paradise with \$930. In addition, patrol cars are not equipped with computers requiring sworn officers to return to the station to write reports, thus taking officers off the streets.

In lieu of hiring additional sworn officers, the City of Oroville chose to create and implement Municipal Law Enforcement Officers (MLE) for the community. These police support personnel operate as supplemental officers and have a variety of duties such as code and parking enforcement, responding to and reporting “after-the-fact” thefts, and performing traffic control. Important distinctions should be observed between these two classifications of police personnel. Sworn officers are armed, have arrest authority, and conduct criminal investigations. MLEs do not have the authority to arrest and do not carry a firearm.

The Grand Jury found that the OPD is understaffed and officers continue to work underpaid because they respect their oath to serve and protect the citizens of Oroville. The Grand Jury commends the officers for their dedication to the residents of Oroville.

⁷ <http://buttelafco.org/sites/default/files/resources/Final%20City%20of%20Oroville%20MSR-SOI%20.pdf>

Fire Department

The Oroville Fire Department (OFD) was formed in 1856 and is the second oldest fire company in the state of California. The department has a long tradition of service, but recently has had to reduce staff due to funding cuts and decreases in revenue. OFD has a current staff of 16.5⁸ personnel.

Overall, the OFD is operating with minimal staffing despite “being equipment heavy.”

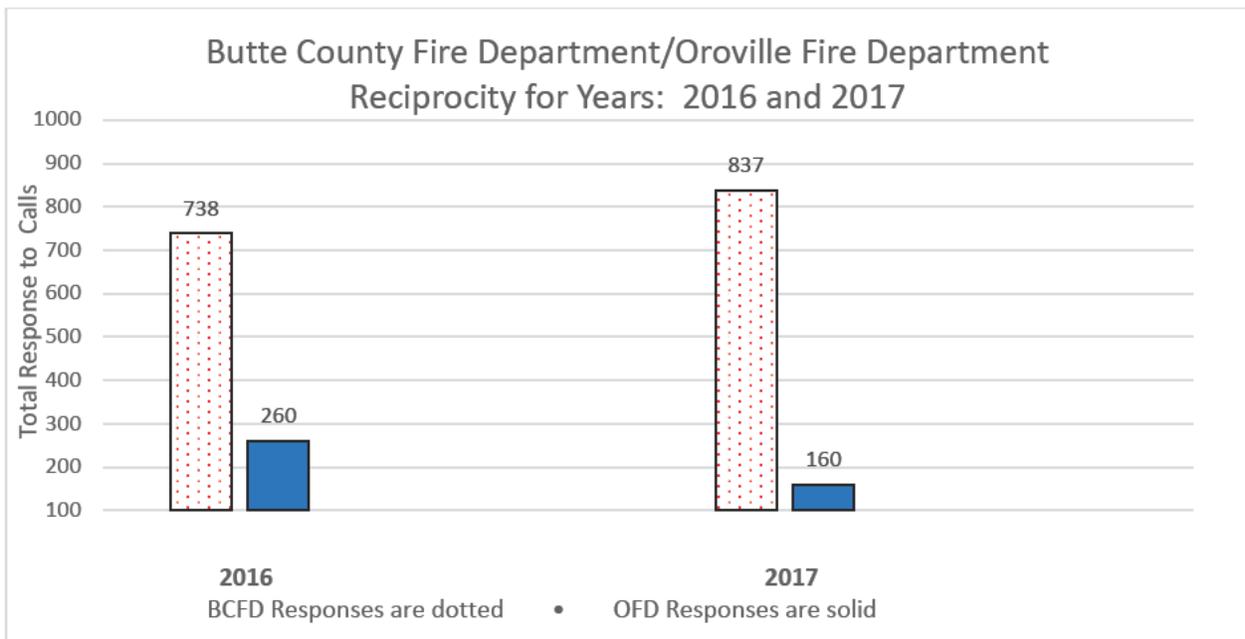
Currently, the OFD can staff only one engine with two or three personnel. This is below the National Fire Protection Association 1710 standard (NFPA 1710)⁹, which states optimal staffing should be a minimum of two engines staffed by two personnel each. The shortage of qualified personnel in the OFD has necessitated the promotion of personnel to cover required job classifications. This shortfall leaves the community without sufficient resources to respond to emergency calls safely and effectively. The number of employees does not meet the City’s own set standards as noted on their website: *“Fire Department units shall be located and staffed such that an effective response force of four units with eight personnel minimum shall be available to all areas of the City within a maximum of ten minutes travel time, for 90% of all structure fires.”*

Due to the staffing deficiencies of one engine with two-to-three personnel, the OFD relies heavily on the Butte County Fire Department (BCFD), El Medio Fire Protection District, and neighboring fire entities for coverage.

⁸ <http://www.cityoforoville.org/home/showdocument?id=14882>

⁹ <https://www.nfpa.org/-/media/Files/Membership/member-sections/Metro-Chiefs/UrbanFireVulnerability.ashx?la=en&hash=D1867DCD3B6ABA9B9CCA6275A3DE8B5735B9B023>

There is a lack of reciprocity between OFD and neighboring fire entities. Data shows that OFD relies on other fire entities more than it can respond in-kind. The staffing shortage creates an environment that leaves the OFD overly dependent on neighboring fire entities to assist when more than one engine is committed/needed, or when multiple calls are received within the OFD jurisdiction. This unbalanced reliance on neighboring fire entities is unsustainable.

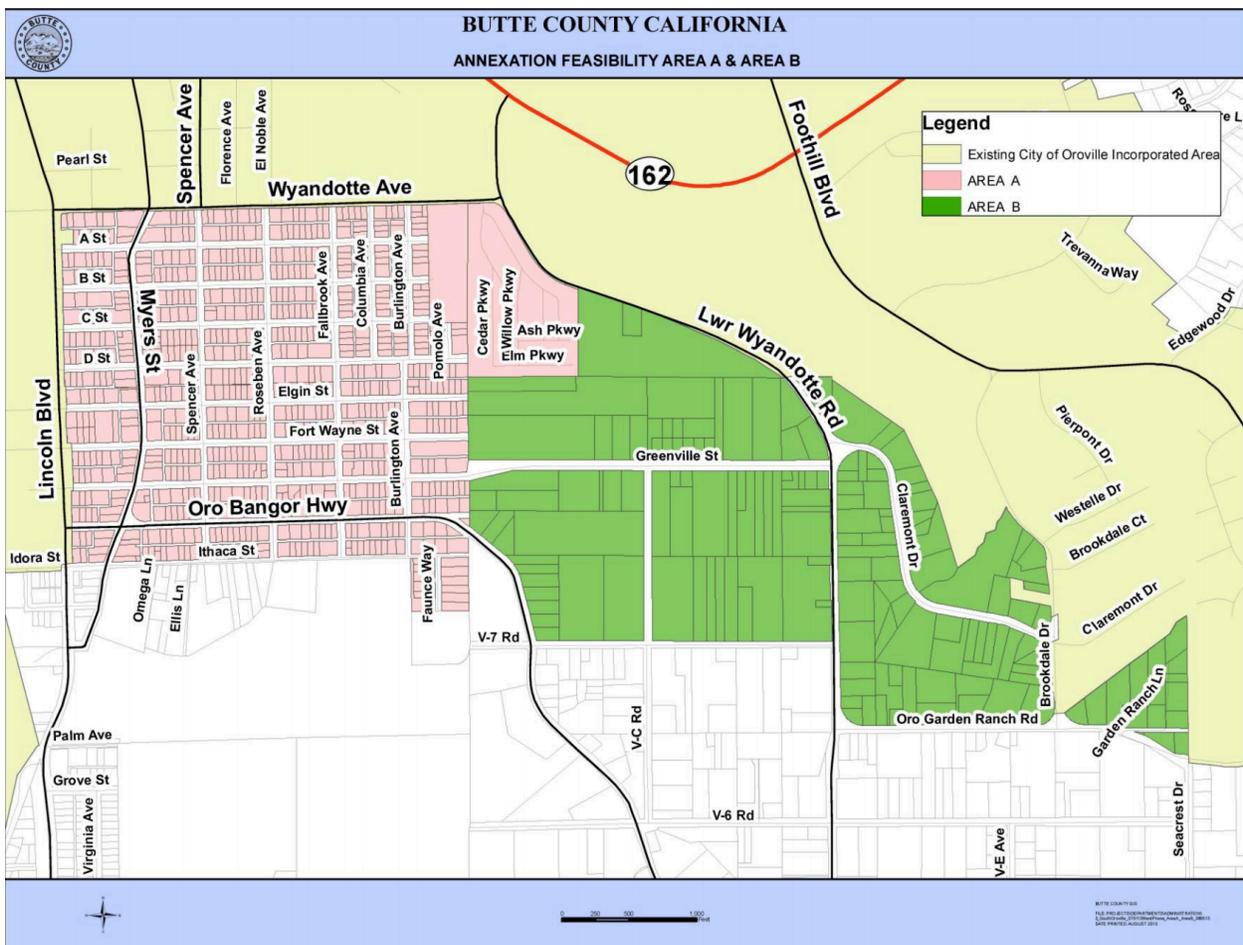


El Medio Fire Protection District

The annexation of the area currently served by the El Medio Fire Protection District into the City of Oroville is ongoing¹⁰ per the previously agreed upon annexation plan between the City and the Local Area Formation Commission (LAFCo). The plan states that the El Medio Fire Protection District adequately serves Area A and should continue to do so. The cost to the City for serving

¹⁰ <http://buttelafco.org/sites/default/files/resources/Final%20City%20of%20Oroville%20MSR-SOI%20.pdf>

Area A would not change due to the current Mutual and Automatic Aid Agreements and the Memorandum of Understandings that will remain in place. For Area B, the City will have to assume coverage, and nothing would change as the City is currently responsible for that coverage area per the Mutual and Automatic Aid Agreements already in place. The City has been and will remain the first responder for that area. The Grand Jury finds that a merger between OFD and El Medio Fire Protection District would be in the best interest for the citizens of Oroville.



map source: <http://buttelafco.org/sites/default/files/resources/Final-Report-South-Oroville.pdf>

The Grand Jury commends the firefighters for their dedication to the residents of Oroville.

Department of Public Safety

The Oroville City Council created a Department of Public Safety in 2014. This department combines both police and fire under the leadership of one Director as a cost saving measure. Since the inception of the position of Director of Public Safety (DPS) the Oroville City Council has assigned additional duties and responsibilities to the DPS, including those of the Director of Personnel and most recently Assistant City Administrator. In other words, one individual is currently tasked with overseeing four departments.

Throughout the many interviews conducted by the Grand Jury of police and fire personnel, one recurring topic was mentioned: the lack of representation. Personnel interviewed specifically noted a lack of representation at City Council meetings and during union negotiations. They need an administrator who fully and whole-heartedly understands the stressors and importance of their respective departments. The DPS has no direct fire training, city administrator experience or a human resources background. The Grand Jury finds there is a risk of the appearance of impropriety for the DPS to supervise the Human Resources Department, the Police and Fire Departments while simultaneously serving as the Assistant City Administrator.

CONCLUSION

The Grand Jury has found that the City of Oroville needs additional revenue sources. These new revenue sources should be directed specifically for Public Safety and used for the hiring and retention of sworn officers and fire personnel, equipment, and other necessities for the overall general public safety and the citizens of the City of Oroville.

FINDINGS

- F1. The City of Oroville has a severe budget shortfall.
- F2. Public Safety personnel received significant and consecutive salary cuts that have resulted in low morale and job uncertainty, impacting retention and recruitment.
- F3. The Director of Public Safety holds the positions of Police Chief, Fire Chief, Director of Personnel and Assistant City Administrator.
- F4. The City of Oroville Department of Public Safety is understaffed.
- F5. The City of Oroville agreed to hire additional sworn officers and support staff with the annexation of the Southside neighborhood.
- F6. No new City revenue stream is directed specifically for public safety.
- F7. There is a lack of equitable reciprocation between the City of Oroville Department of Public Safety and neighboring fire protection and law enforcement entities.

RECOMMENDATIONS

- R1. Eliminate the position of Director of Public Safety by December 31, 2018.
- R2. Hire a Fire Chief with a singular focus in fire protection by December 31, 2018.
- R3. Hire a Police Chief with a singular focus in law enforcement by December 31, 2018.
- R4. Equip police patrol cars with computers by December 31, 2018.
- R5. Identify and obtain untapped revenue sources and earmark new revenue specifically for public safety by December 31, 2018.
- R6. LAFCo and the City of Oroville must work together to develop and submit an implementation plan to merge the El Medio Fire Protection District to the City of Oroville Fire Department and begin the process by October 31, 2018.
- R7. Meet sworn officer and support personnel needs as recommended, and agreed upon, in the Final Report South Oroville Areas A & B Annexation Study for Butte County/City of Oroville, dated June 27, 2014 by December 31, 2018.
- R8. The City must host a minimum of three public Town Hall Meetings, facilitated by an independent third party, focused on public safety. The first of the three meetings must be held by September 30, 2018. The last of three meetings to be held no later than June 30, 2019.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- The Oroville Director of Public Safety respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6, R7, and R8 within 60 days.
- The Oroville Acting City Administrator respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6, R7, and R8 within 60 days.
- The Oroville Mayor respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6, R7, and R8 within 60 days.
- The Oroville City Council respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6, R7, and R8 within 90 days.
- LAFCo respond to F5 and R6 within 90 days.
- El Medio Fire Protection District Board of Directors respond to R6 and R7 within 90 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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Artist: Savannah Wahl, Chico High School

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TO ATTAIN OR NOT TO ATTAIN, THAT IS THE QUESTION

SUMMARY

Pursuant to California Penal Code Section 925(a), the 2017-2018 Butte County Grand Jury completed a review of the Butte County Air Quality Management District (BCAQMD) which is responsible for monitoring and maintaining air quality within the boundaries of Butte County.

GLOSSARY

BCAQMD - Butte County Air Quality Management District

CAPCOA - California Air Pollution Control Officers Association

Nonattainment - An area deemed to have air quality worse than the National Ambient Air Quality Standard, Federal Clean Air Act 1970

BACKGROUND

The Grand Jury chose to review the operations of the BCAQMD as it had not been investigated in close to 20 years. The air quality in Butte County is in a nonattainment status for State and/or Federal standards for ambient air quality. Butte County's geography is unique because it sits in a basin subject to the prevailing winds from the south where pollutants transported from the metropolitan areas of Sacramento and the Bay Area can have a profound effect. Clean air is

defined by Federal and State air quality standards. BCAQMD is a special district within Butte County and is the advocate for clean air.

Butte County – State and Federal Ambient Air Quality Attainment Status:

| Pollutant | State Designation | Federal Designation |
|------------------|-------------------|----------------------------------|
| 1-hour ozone | Nonattainment | — |
| 8-hour ozone | Nonattainment | Nonattainment |
| Carbon monoxide | Attainment | Attainment / Maintenance (Chico) |
| Nitrogen Dioxide | Attainment | Attainment |
| Sulfur Dioxide | Attainment | Attainment |
| 24-Hour PM10 | Nonattainment | Attainment |
| 24-Hour PM2.5 | No Standard | Nonattainment |
| Annual PM10 | Attainment | No Standard |
| Annual PM2.5 | Nonattainment | Attainment |

Source: Butte County AQMD, 2014

METHODOLOGY

- Interviewed District personnel
- Reviewed State of the District Report Butte County Air Quality Management District August 17, 2017
- Reviewed District budget

- Visited the BCAQMD website
- Reviewed information from California Air Pollution Control Officers Association (CAPCOA)

DISCUSSION

BCAQMD is governed by the Air Quality Management Governing Board that is comprised of the five Butte County Supervisors plus one elected representative from each of the five cities.

The BCAQMD also appoints the Air Pollution Control Officer and District Hearing Board, which is a quasi-judicial body and is tasked with adjudicating three types of cases: variance petitions, abatement orders, and permit disputes. There are 35 air districts in California that make up CAPCOA in which BCAQMD is a member. CAPCOA was formed in 1976 to promote clean air and to provide an outlet for sharing experiences, knowledge, and information among the 35 air quality districts. CAPCOA promotes consistency in methods and practices of air pollution control. Each member district has one vote no matter what the population.

BCAQMD sees itself as a health agency, works to reduce impacts to air quality, and is pro-active when dealing with businesses. In addition, BCAQMD does the following:

- Monitors the county's air quality
- Provides daily air quality information
- Inventories and assesses the health risks of toxic air emissions
- Interrupts and explains State and Federal air pollution control laws
- Provides public education and outreach

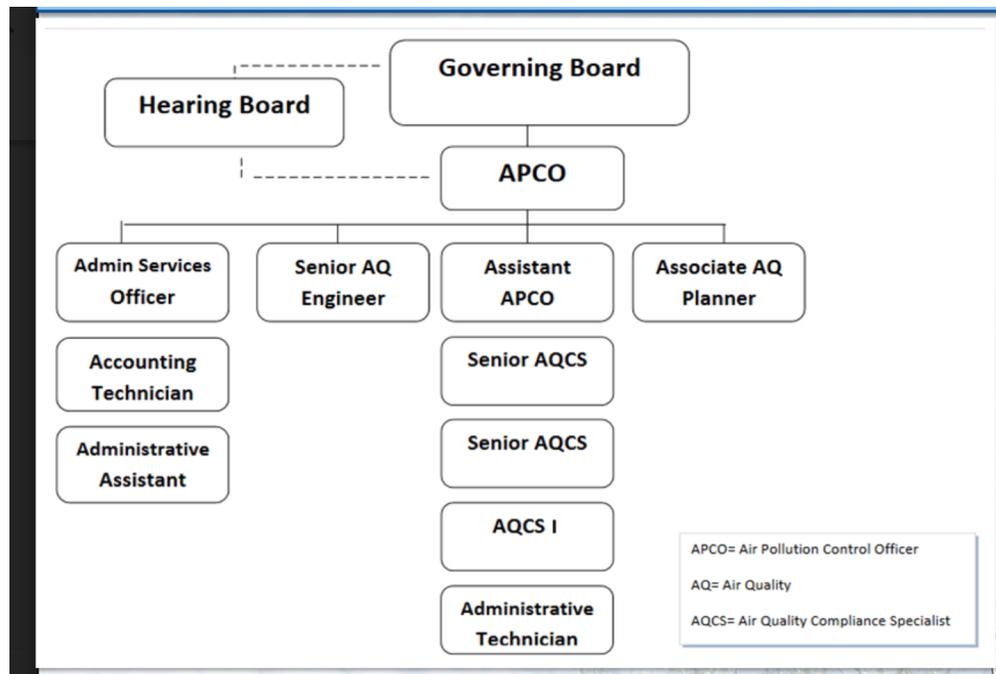
- Responds to public complaints and inquiries
- Administers grant programs for projects that reduce air pollution
- Prepares implementation plans to bring BCAQMD into attainment
- Adopts rules and regulations that reduce pollution
- Issues permits and conducts inspections for businesses and industries which emit air pollutants
- Analyzes the air quality impact of new businesses and land development projects
- Implements the Sacramento Valley Air Basin Smoke Management Program that regulates agricultural burning
- Works with other government agencies to coordinate air quality programs and regulations
- Issues notices of non-compliance when appropriate

Staffing

BCAQMD is budgeted for 11 full-time employees. It utilizes part-time help and non-paid interns as needed. Staff attends training classes and seminars to remain current in their field. Staff are certified in Visible Emissions Evaluation in accordance with the United States Environmental Protection Agency requirements. Staff is also certified in responding to hazardous materials spills. (Occupational Safety and Health Administration 1910.120).

Staffing levels have not changed since 2001, however, there have been approximately ten unfunded mandated programs added since that time. These mandates have added complexity to BCAQMD. Management would like to increase their staffing level by one engineer and two inspectors to perform additional inspections and administer new programs. Since BCAQMD does not receive any County General Fund monies, they continually investigate new revenue sources to meet this end.

BCAQMD Organizational Chart



Revenue and Funding

The current BCAQMD budget for Fiscal Year 2017-2018 is \$1,884,263. The budget fluctuates due to inconsistent funding streams. Revenue for the BCAQMD is generated through a variety of sources, however it does not receive Butte County General Fund money. Funding sources include:

- Stationary Source permits
- California DMV Registration fee, AB 2766, a \$4.00 fee that is given directly to BCAQMD for those vehicles registered in Butte County.
- Agricultural burn permits
- Permits for portable equipment over 50 horsepower (i.e., generators, agricultural equipment such as trucks and tractors, etc.)
- Penalties from non-compliance (i.e., trash burning, burning on a no-burn day, out of compliance equipment)
- Grants
 - Carl Moyer: The Carl Moyer Program was established in 1998 as a partnership between the California Air Resources Board and local air districts. This grant program provides funding for replacing, repowering, or retrofitting eligible heavy-duty engines with cleaner-than-required technology.
 - California Air Resources Board: Offers a wood stove replacement program (with the Wood Smoke Reduction Program). Wood stoves are a more significant source of pollution than automobiles or combustion

engines in Butte County. This program has been very successful in replacing wood stoves with more environmentally efficient stoves.

- State Subvention: Article 105 of the Clean Air Act to help fund enforcement to federal standards.

BCAQMD: Public Outreach

| Air Quality | Air Quality Index | Health Advisory |
|--------------------------------|-------------------|--|
| Good | 0-50 | None |
| Moderate | 51-100 | Unusually sensitive people should consider reducing prolonged or heavy exertion. |
| Unhealthy for Sensitive Groups | 101-150 | People with heart or lung disease, older adults, and children should reduce prolonged or heavy exertion. |
| Unhealthy | 151-200 | People with heart or lung disease, older adults, and children should avoid prolonged or heavy exertion. Everyone else should reduce prolonged or heavy exertion. |
| Very Unhealthy | 201-300 | People with heart or lung disease, older adults, and children should avoid all physical activity outdoors. Everyone else should avoid prolonged or heavy exertion. |
| Hazardous | 301-500 | People with heart or lung disease, older adults, and children should remain indoors and keep activity levels low. Everyone else should avoid all physical activity outdoors. |

November 14, 2017

www.bcaqmd.org/check-before-you-light/

Public Outreach

BCAQMD is proud to be responsible for the air that Butte County residents breathe. They are dedicated professionals with a mission “to protect the people and the environment of Butte

County from the harmful effects of air pollution. We work with our community to promote a better understanding of air pollution issues through a comprehensive program of planning, regulation, enforcement, technical innovation, and public education.” They provide workshops, events, media coverage and Public Safety Announcements to promote programs like, ✓CHECK Before You Light.

FINDINGS

- F1. Butte County air quality has improved as a result of regulations adopted by the BCAQMD Board.
- F2. Air quality is impacted by influences from outside the County.
- F3. County residents have contributed to improved air quality by their participation and support of programs managed by the BCAQMD.
- F4. Inconsistent funding streams makes it difficult to hire additional staff.
- F5. Wood smoke is more polluting to Butte County air than all motor vehicle emissions combined.
- F6. Funding for the wood burning stove replacement program will resume in 2018.
- F7. Community education, outreach, and a very user-friendly website, promotes public understanding and involvement with BCAQMD.

RECOMMENDATIONS

R1. Develop a plan to meet additional staffing needs by December 31, 2018.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

- Butte County Board of Supervisors respond to: F1, F3, and F7 within 90 days.
- BCAQMD Governing Board respond to F1, F2, F3, F4, F5, F6, F7, and R1 within 90 days.
- Butte County Air Pollution Control Officer respond to: F1, F2, F3, F4, F5, F6, F7, and R1 within 60 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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

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Artist: Brittany Mittag, Paradise High School

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PUBLIC WORKS – ROAD MAINTENANCE DIVISION

SUMMARY

The purpose of this report is to provide information about the Road Maintenance Division of the Butte County Public Works Department (PW). The Grand Jury investigated how roadwork is funded, prioritized, tracked, reported, and how complaints are processed.

Many Butte County roadways were compromised as a result of the Oroville Dam Spillway emergency and the Ponderosa and Wall fires. Hard rains also damaged many local roadways creating mudslides and potholes.

This report focuses on employee compensation and other issues that arose or were exacerbated by these severe conditions that impacted the roadways, which resulted in extended work beyond regularly scheduled work hours.

GLOSSARY

GPR - General Purpose Revenue; County funding used for discretionary programs

PW - Public Works Department

RMCs – Road Maintenance Crews

BACKGROUND

The Grand Jury chose to investigate the Road Maintenance Division of the Public Works Department (PW) because it had not been reviewed for 15 years. Severe weather conditions in 2016 and 2017 resulted in an increase in road-related issues.

METHODOLOGY

The Grand Jury:

- Conducted interviews with several PW staff.
- Reviewed organization charts, studies, budgets, and funding sources.
- Reviewed copies of Butte County Connect complaint logs from November 2017 to February 2018.
- Observed how complaints are processed from receipt to completion.
- Visited the PW website.

DISCUSSION

Road Maintenance, one of the seven PW divisions, is charged with maintaining approximately 1,300 miles of roadway, including over 500 bridges and drainage structures, and more than 18,000 road signs. The Road Maintenance Division is divided into seven crews: four road crews

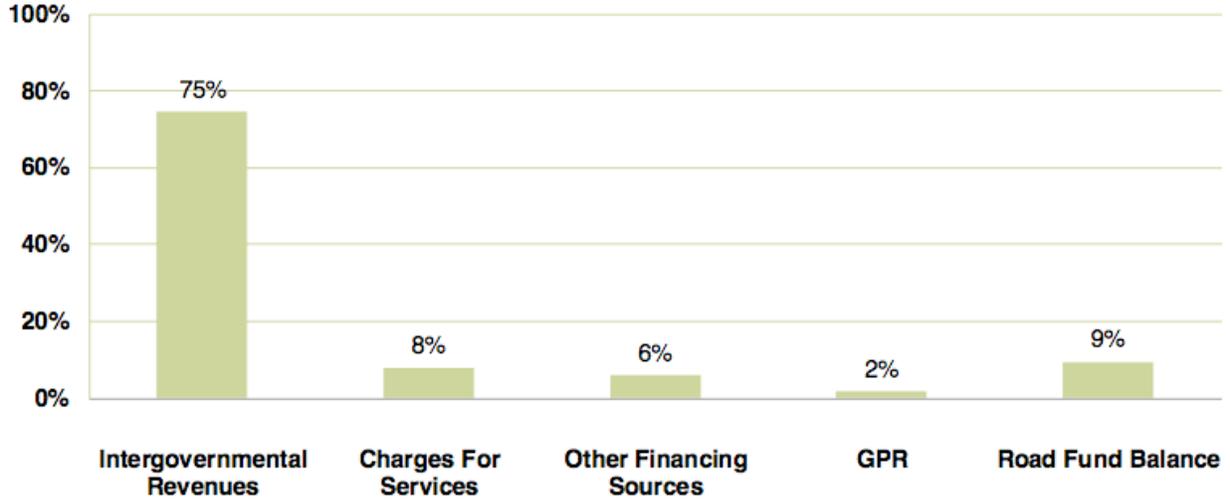
(Chico, Gridley, Oroville, and Paradise) with a total of 36 employees; one crew for trees and signage with seven employees; one for bridges with six employees; and two Inmate Crew employees.

PW coordinates with Cal Fire, Butte County Sheriff's Office, California Highway Patrol, and Caltrans on emergency situations to assure public safety on a 24/7 basis. The Road Maintenance Crews (RMCs) clear downed trees and roads blocked by mudslides, place traffic and road closure signage, and temporarily divert traffic. RMCs also fill potholes, maintain bridges, trim or remove trees, and supervise inmate road crews. PW contracts out for specialized equipment during emergency situations and on an as-needed basis.

Funding

The operational budget for the seven divisions of PW is \$39 million. Funding comes largely from intergovernmental revenues including ongoing State Gas Tax revenues, Forest Service timber sale revenues, Regional Surface Transportation Program federal exchange funds, unexpended transit funds, State Highway grants, and Federal Highway grants.

Table from Butte County Recommended Budget for Fiscal Year 2017-2018



Butte County’s General Purpose Revenue (GPR) supplements the PW budget by two percent. The GPR is used to fulfill state mandated maintenance, provide required matching funds, and cover unfunded mandates. The GPR comes from property tax, Proposition 172 Sales Tax for Public Safety, local sales tax, fines, forfeitures, penalties, and other revenues.

Additional funding may become available for major road projects through Senate Bill 1 (Beall, The Road Repair and Accountability Act, 2017).

Butte County Connect

Butte County Connect is a web-based complaint log that allows citizens to report items of concern such as flooding, downed trees, blocked culverts, potholes, and other road-related issues directly to the County. The complaint is automatically routed to the appropriate County department.



BUTTE COUNTY CONNECT

Butte County Connect allows you to report items of concern, such as road and bridge damage, garbage/junk in public, medical marijuana cultivation, water conservation violation directly to the County. In just a few steps, you can complete a short description of your concern and add a photo (optional). Your concern will be automatically routed to the appropriate County department where it will be reviewed during normal County business hours. You will be able track your submission right as the County works toward its resolution.

To report a life-threatening emergency, dial 9-1-1. Please do not use Butte County Connect to report a crime. To report nonlife-threatening law enforcement matters, call the Butte County Sheriff's Office at 530.538.7322. For technical issues, submit details to [website feedback page](#).



Butte County

Log In Sign Up

Improve your community. Report an issue and watch it get fixed.

Search...

Garbage and Recycling

Grading Violations

To report any activity on PRIVATE PROPERTY resulting in moving 50 cubic yards of earth and materials WITHOUT a permit. (NOT for requesting grading services on public roads)

Illegal Camping

Report recreational vehicles and camping in violation of the County's Zoning Ordinance (Chapter 24, Article 15).

Marijuana Cultivation

Report marijuana growing in Violation of the County's Marijuana Cultivation Restrictions (Chapter 34A & 34C).

Road-related Service Request

All road-related issues in the County right of way such as potholes, bridges, signs, etc.

Unsafe Structure

Report a property with unsafe structures.

Water Conservation

Zoning Violations

Map List Keyword

Submitted Received In Progress Completed

<http://www.buttecounty.net/ButteCountyConnect>

Identification of road issues comes from several sources: inspection or observation by PW staff, requests from the public, and calls from emergency services. They are then prioritized for response and batched by area for efficiency.

Road repair complaints can be reported online, by phone, or in person. Complainants can register to receive updates by email. To receive an update by phone, the complainant must call the office to leave a call back number.

Reported complaints and completion status updates can be viewed online at the Butte County Connect website. Complaints are usually addressed within a few days, although some road repairs, e.g. potholes, cannot be completed in wet conditions. RMCs can update the status of complaints in the log by calling office staff, or by using their computer or smart phone. Not all RMCs routinely update the complaint log when the job is completed, making online status less reliable.

Employee Turnover

Low compensation, particularly for entry-level employees, makes PW a training ground for higher paying jobs elsewhere. Previously, the benefits package offset the pay differential. Due to the increased cost of the employee's share of the health insurance, what once was an attractive benefit is no longer attractive enough to retain entry-level employees.

The Roads Maintenance Division is challenged by high employee turnover reportedly due primarily to low compensation. In 2016, 10% of RMC employees resigned. In 2017, 15% resigned.

RMCs were called in beyond regularly scheduled work hours during the Oroville Dam Spillway evacuation and the Ponderosa and Wall fires. One issue contributing to employee frustration was the calculation of straight time pay and overtime pay when employees worked from one pay period directly into the next, as a result of being called in for an emergency. The RMCs employees Skilled Trade Units' Memorandum of Understanding does not specifically address this scenario.

Embracing Technology

PW is embracing new technology to improve the way it conducts business.

The Grand Jury experienced firsthand how easy it is to communicate with RMCs in the field. A combination of smart phones and radios ensures that the RMCs can effectively be reached even when in remote areas.

Determination of accurate boundaries between the incorporated cities and the County can be very confusing. If RMCs are in doubt regarding a boundary, they consult an app on their smart phones using Geographic Information Systems Mapping Technology to verify correct jurisdiction. <http://www.buttecounty.net/gis/Home.aspx>

Blocked culverts in steep terrain, mudslides, and downed trees can create situations where inspections are difficult or hazardous. Drone technology may offer better visual inspection of a worksite with less danger to staff.

Kudos to the Road Maintenance Division Crews

During the course of the investigation, the Grand Jury learned of the extraordinary efforts taken by the Road Maintenance Division over the past year. Butte County was declared a disaster area

because of flooding, erosion and mudslides caused by two consecutive years of exceptionally heavy rainfall. In addition, the Oroville Crew of the Road Maintenance Division played an active role in assuring public safety during the Oroville Dam Spillway evacuation and with the recent major wild fires.

The RMCs are responsible for implementing road closures as well as providing staff for the Emergency Action Committee during emergency situations. The crews were called out repeatedly for this purpose.

PW oversaw the maintenance and repair of access roads during the Oroville Dam Spillway emergency. Movement of the many overweight trucks over access roads, already saturated by rainfall, caused some of these roads to fail. PW contracted for steel plating to be placed on damaged roads to allow continual accessibility.

PW performed admirably during these emergencies without receiving any publicity. The Grand Jury commends the Department for the work it does which assures the safety and comfort of the citizens of this County.

FINDINGS

- F1. Online complaint form is user friendly but is not consistently updated.
- F2. Proper calculation of employee overtime pay is unclear in certain scenarios.
- F3. Low compensation package contributes to increased turnover for entry-level positions.
- F4. Assessing hazards can put employees in danger.
- F5. Appropriate mapping applications are used to determine city versus County jurisdiction.

RECOMMENDATIONS

- R1. Effective immediately, RMC Supervisors must update the complaint log upon completion of a job.
- R2. County must address recruitment and employee retention policies by October 31, 2018.
- R3. Investigate the use and implementation of drone technology by December 31, 2018.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

- The Butte County Board of Supervisors respond to: F2, F3, F4, R2, and R3 within 90 days.
- The Butte County Chief Administrative Officer respond to: F1, F2, F3, R2, and R3 within 60 days.
- The Butte County Public Works Director respond to: F1, F2, F3, F4, R1, R2, and R3 within 60 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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