

BUTTE COUNTY GRAND JURY

**ANNUAL
REPORT
2018-2019**



2018-2019 Butte County Grand Jury Report



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2018-2019
Butte County Grand Jury

June 28, 2019

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

Dear Judge Mosbarger,

On behalf of the 2018-2019 Butte County Grand Jury, it is my honor and privilege to present you with our final report for your review and consideration. The six (6) individual reports and their findings and recommendations have been approved by the Grand Jury.

The Grand Jury is grateful to you and court services for all your time, support and encouragement that you graciously gave us without hesitation.

I wish to thank the officials who made presentations to the Grand Jury. I especially want to thank County Counsel and County Administration staff. They always assisted us in a helpful and professional manner.

The Grand Jury visited many county and city government offices. A number of interviews and facility tours were conducted. I would like to thank the personnel at the County Jail and Juvenile Hall who conducted our tour of these facilities. They gave of their time and answered many questions. It was obvious that they take pride in their work.

Nineteen people took the oath of office to serve, and even after the greatest fire catastrophe in California history, these Grand Jurors persevered and managed to continue moving forward with their tasks. There was a large turnover of people, but again, the ones who stayed have realized the goal. I am honored to be a part of this great team of citizens who volunteered their time for the 2018-2019 Grand Jury.

Respectfully,

Diana Butterfield, Foreperson
2018-2019 Butte County Grand Jury

2018-2019 MEMBERS OF THE GRAND JURY

Diana Butterfield	Magalia	Foreperson
Jensine Brown	Oroville	Foreperson Pro tempore
Betty Pennington	Chico	Recording Secretary
Angela McLaughlin	Chico	Corresponding Secretary
Douglas Scofield	Oroville	Sergeant-At-Arms
Susan Marongiu	Paradise	Treasurer
Eileen Aggi	Chico	
James Bohannon	Chico	
Willow Garcia	Oroville	
Daniel Gonzales	Durham	
Patricia Goodwin-Denito	Forest Ranch	
Libby Hail	Paradise	
Diane Larson	Chico	
James Marxmiller	Chico	
Christopher McAuliffe	Magalia	
Edwin Miller	Durham	
Krystina Riggs	Oroville	
Bernadette Shelley	Paradise	

We wish to acknowledge jurors who served briefly on the
2018-2019 Grand Jury who were unable to complete their terms.
We thank you and appreciate the time you were able to serve.

ACKNOWLEDGEMENTS

The 2018-2019 Grand Jury wishes to acknowledge and thank the following individuals, county departments, and organizations for their support, guidance, and professional assistance, which made the 2018-2019 Grand Jury Report possible.

- Presiding Judge, the Honorable Tamara L. Mosbarger
- District Attorney Mike Ramsey and staff
- County Counsel Bruce Alpert and staff
- Butte County Board of Supervisors: Bill Connelly, Debra Lucero, Steve Lambert, Doug Teeter, and Tami Ritter
- Sheriff Kory Honea and staff for a guided tour of the Butte County Jail
- Chief Probation Officer Wayne Barley and staff for a guided tour of the Butte County Juvenile Hall
- Butte County Chief Administrative Officer Shari McCracken and staff
- Butte County Deputy Chief Administration Officer Andy Pickett and staff
- Butte County Auditor-Controller Graciela Gutierrez and staff
- Kim Dionne, Thia Osborne, Cynthia Hagar, Kelly Mortensen and the Superior Court staff
- California Grand Jury Association
- All those who agreed to be interviewed during investigations and visits
- Our families, friends, and employers for their support and understanding of our unique responsibility
- Butte County Employees who continue to work extended hours with increased responsibilities due to the Camp Fire

2018-2019 BUTTE COUNTY GRAND JURY FINAL RESOLUTION

Whereas, the 2018-2019 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

whereas, the 2018-2019 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 was **passed and adopted** by the 2018-2019 Butte County Grand Jury at the Butte County Superior Court in Oroville on the 30th day of May 2019.

Diana Butterfield, Foreperson

PENAL CODE RELATED TO THE GRAND JURY

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

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

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 members of the 2018-2019 Grand Jury have now completed our 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.

CAMP FIRE MEMORIAL

On November 8, 2018, at approximately 6:15 AM, a fire was ignited in a remote area of Butte County, near Camp Creek Road in the small community of Pulga. The fire, which came to be known as the “Camp Fire,” was driven North West by intense winds and high fuel loads. Moving rapidly from ridge to ridge, the fire burned through the communities of Concow, Paradise, Magalia and Butte Creek Canyon in less than twelve hours. By the end of the day, the Camp Fire was threatening the Southern part of Chico and the North Eastern parts of Oroville. Some 46,000 people had to be evacuated from their homes.

Before it was ultimately contained on November 25, 2018, the Camp Fire consumed 153,336 acres, destroyed 18,793 structures, damaged another 664 structures and resulted in the deaths of 85 people. To date, the Camp Fire is the deadliest and most destructive fire in the history of the state of California, the sixth deadliest wildfire in the history of the United States and the world’s costliest natural disaster in 2018.

--Kory Honea, Butte County Sheriff-Coroner (February 2019)

The 2018-2019 Grand Jury extends our sincere condolences to all those who lost loved ones on November 8th, and for the countless individuals who suffered or passed in the days, weeks, and months that followed.

All will be remembered forever as family, friends, loved ones, colleagues, neighbors, and members of their communities.

The list that follows includes those victims of the Camp Fire who have been positively identified, and their next of kin notified, according to the Butte County Sheriff-Coroner’s Office as of May 24, 2019.



Crosses for Camp Fire Victims
located at the corner of
Skyway and Skyway Crossroad Road, Paradise

Photo by © Douglas Keister
doug@keisterphoto.com

Identified Victims of the Camp Fire

Joyce Acheson, 78 - Paradise
Teresa Ammons, 82 - Paradise
Rafaela Andrade, 84 - Paradise
Carol Arrington, 88 - Paradise
Julian Binstock, 88 - Paradise
David Bradburd, 70 - Paradise
Cheryl Brown, 75 - Paradise
Larry Brown, 72 - Paradise
Richard Brown, 74 - Concow
Andrew Burt, 36 - Paradise
Joanne Caddy, 75 - Magalia
Barbara Carlson, 72 - Paradise
Vincent Carota, 65 - Paradise
Dennis Clark, 49 - Paradise
John Digby, 78 - Paradise
Gordon Dise, 66 - Chico
Paula Dodge, 70 - Paradise
Randall Dodge, 66 - Paradise
Andrew Downer, 54 - Paradise
Robert Duvall, 76 - Paradise
Rose Farrell, 99 - Paradise
Jesus Fernandez, 48 - Concow
Jean Forsman, 83 - Magalia
Ernest Foss, 63 - Paradise
Elizabeth Gaal, 80 - Paradise
Sally Gamboa, 69 - Paradise
James Garner, 63 - Magalia
Richard Garrett, 58 - Concow
William Godbout, 79 - Concow
Dennis Hanko, 56 - Paradise
Anna Hastings, 67 - Paradise
Jennifer Hayes, 53 - Paradise
Christina Heffern, 40 - Paradise
Lou Herrera, 86 - Paradise
Evva Holt, 85 - Paradise
TK Huff, 71 - Concow
Gary Hunter, 67 - Magalia
James Kinner, 84 - Paradise

Dorothy Lee-Herrera, 93 - Paradise
Warren Lessard, 68 - Magalia
Dorothy Mack, 88 - Paradise
Sara Magnuson, 75 - Paradise
Joanne Malarkey, 90 - Paradise
John Malarkey, 89 - Paradise
Chris Maltby, 69 - Paradise
David Marbury, 66 - Paradise
Deborah Morningstar, 66 - Paradise
Helen Pace, 84 - Paradise
Joy Porter, 72 - Paradise
Beverly Powers, 64 - Paradise
Robert Quinn, 74 - Paradise
Joseph Rabetoy, 39 - Paradise
Forrest Rea, 89 - Paradise
Vernice Regan, 95 - Paradise
Ethel Riggs, 96, of Paradise
Lolene Rios, 56 - Paradise
Gerald Rodrigues, 74 - Paradise
Frederick Salazar, 76 - Paradise
Sheila Santos, 64 - Paradise
Ronald Schenk, 75 - Paradise
Berniece Schmidt, 93 - Magalia
John Sedwick, 82 - Magalia
Don Shores, 70 - Magalia
Kathy Shores, 65 - Magalia
Larry Smith, 80 - Paradise
Russel Stewart, 63 - Paradise
Victoria Taft, 67 - Paradise
Shirlee Teays, 90 - Paradise
Joan Tracy, 82 - Paradise
Ellen Walker, 72 - Concow
Donna Ware, 86 - Paradise
Marie Wehe, 78 - Concow
Kimberly Wehr, 53 - Paradise
Carl Wiley, 77 - Magalia
David Young, 69 - Concow

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**2018-2019 BUTTE COUNTY
GRAND JURY REPORTS**



**Photo by © Douglas Keister
doug@keisterphoto.com**

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COMMENTS REGARDING RESPONSES TO THE 2017–2018 BUTTE COUNTY GRAND JURY REPORT

BACKGROUND

Under California State law and 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 been implemented but will be, 3) requires further analysis, or 4) will not be implemented.

The final 2017–2018 Butte County Grand Jury report contained a total of twenty three recommendations. The Butte County audit report contained no recommendations. The Butte County Jail and Juvenile Hall report contained no recommendations. Of the twenty three recommendations, seven have been implemented. One recommendation has been partially implemented and will be completed by the end of the fiscal year 2018–2019. One recommendation requires further analysis and one recommendation will be implemented. Thirteen of the recommendations will not be implemented.

Find Department and Other Responses to the 2017-2018 Butte County Grand Jury Report at:

www.buttecounty.net/administration/Grand-Jury/Grand-Jury-Report-for-Fiscal-Year-2017-2018

REQUIRED RESPONSES

The responses to the 2017-2018 Grand Jury report were received on time and in accordance with California state law. Respondents included Butte County Air Quality Control District, Butte County Public Works Road Maintenance Division, Butte County Treasurer-Tax Collector, Butte County Chief Administrative Officer, City of Oroville, and City of Oroville Police and Fire Departments. Also included were the Butte County Board of Supervisors, Butte Local Agency Formation Commission and El Medio Fire District.

2017-2018 BUTTE COUNTY GRAND JURY REPORT RESPONSES

Responses to 2017-2018 Grand Jury Reports	Findings			Recommendations			
	Agree	Do not Agree	Partially Agree	Implemented	Will be Implemented	Will not be implemented	Further Study Needed
City of Oroville	1	3		5	1	3	
City of Oroville Police & Fire	2	1	4			8	
Butte County Treasurer & Tax Collector	3			1	1		
Butte County Air Quality Management District	7					1	
Butte County Public Works & Road Maintenance Division	2		3	1		1	1

Find Department and Other Responses to the 2017-2018 Butte County Grand Jury Report at:

www.buttecounty.net/administration/Grand-Jury/Grand-Jury-Report-for-Fiscal-Year-2017-2018

BUTTE COUNTY AUDIT

There were no recommendations by the Grand Jury.

BUTTE COUNTY JAIL AND JUVENILE HALL TOURS

There were no recommendations by the Grand Jury.

THE CITY OF OROVILLE

The City of Oroville City Council, as a required respondent, agreed with one of the eight findings, disagreed with three of the findings, and agreed in part and disagreed in part with four of the findings. There were nine recommendations made by the Grand Jury. Five have been implemented, one will be implemented, and three will not be implemented.

THE CITY OF OROVILLE POLICE AND FIRE DEPARTMENTS

The City of Oroville City Council, as a required respondent, agreed with two of the seven findings, disagreed with one of the findings, and agreed in part and disagreed in part with four of the findings.

LAFCo

The Butte Local Agency Formation Commission, as a required respondent, is not able to enforce action or make any observations regarding the findings or recommendations.

EL MEDIO FIRE PROTECTION DISTRICT

The El Medio Fire Protection District, as a required respondent, disagreed with one recommendation and agreed with one recommendation. There were eight recommendations made by the Grand Jury of which all eight will not be implemented.

BUTTE COUNTY TREASURER-TAX COLLECTOR

The Butte County Treasurer-Tax Collector, as a required respondent, agreed with the sole finding. The Butte County Chief Administrative Officer, as a required respondent, agreed with the sole finding. The Butte County Board of Supervisors, as a required respondent, agreed with the three findings. There were two recommendations made by the Grand Jury. One has been implemented, and one has been partially implemented and will be completed by the end of the fiscal year 2018-2019.

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

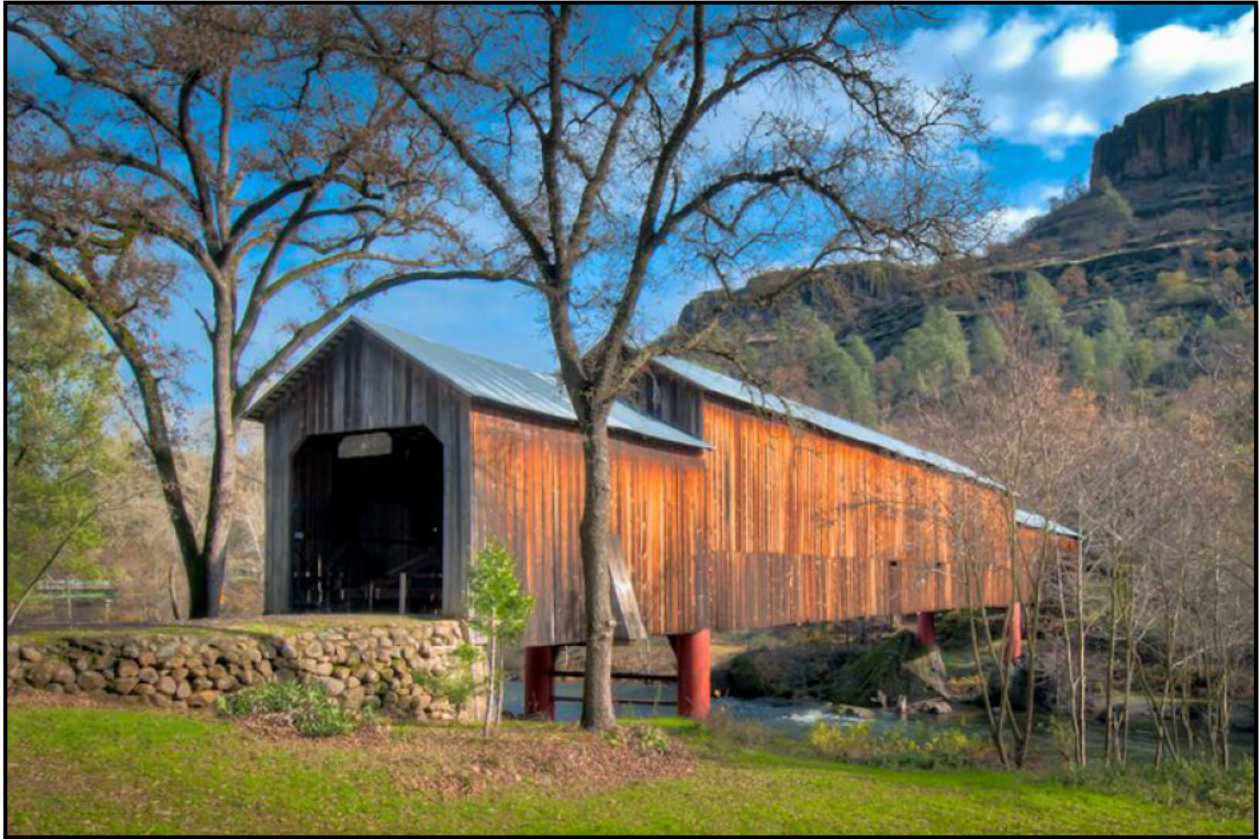
The Air Pollution Control Officer, as a required respondent, agreed with the seven findings. The Butte County Air Quality Management District Governing Board, as a required respondent, agreed with the seven findings. There was one recommendation made by the Grand Jury. It will not be implemented.

BUTTE COUNTY PUBLIC WORKS ROAD MAINTENANCE DIVISION

The Butte County Public Works Director, as a required respondent, agreed with two of five findings and partially agreed with three. The Butte County Board of Supervisors, as a required respondent, agreed with the findings as stated by the Butte County Chief Administrative Officer. There were three recommendations made by the Grand Jury. One has been implemented. One will not be implemented and one needs further analysis.

Find Department and Other Responses to the 2017-2018 Butte County Grand Jury Report at:

www.buttecounty.net/administration/Grand-Jury/Grand-Jury-Report-for-Fiscal-Year-2017-2018



**Honey Run Covered Bridge in the National Register of Historic Places
Location: Honey Run Humbug Road in Butte Creek Canyon**

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BUTTE COUNTY AUDIT REPORT

BACKGROUND

To comply with California State Law, the Grand Jury is required to investigate County Operations, Accounts, and Records.

METHODOLOGY

Members of the 2018-2019 Grand Jury attended the Butte County Audit Committee Meeting on February 19, 2019 and reviewed the following documents:

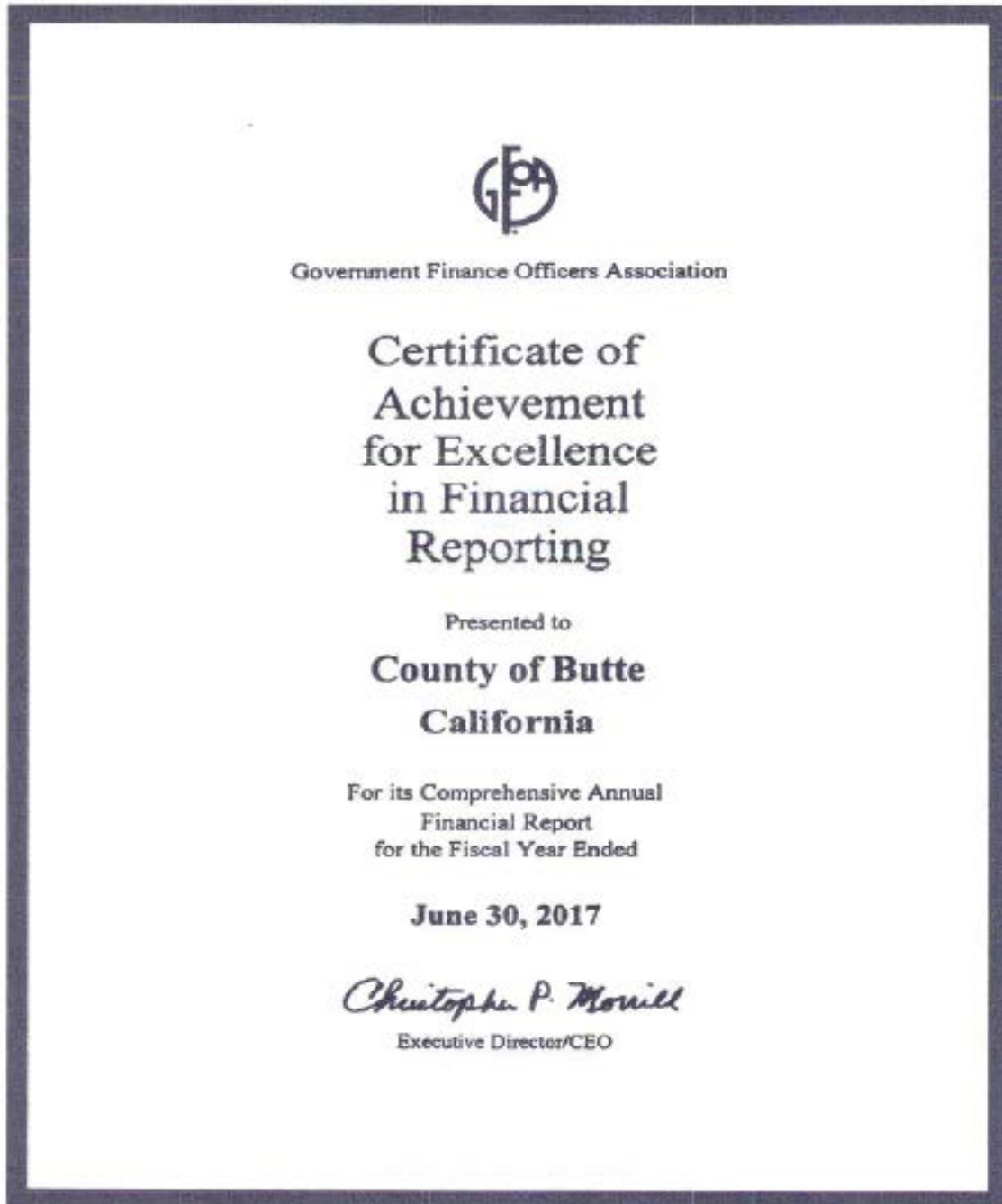
- The County of Butte Comprehensive Annual Financial Report, for fiscal year ending on June 30, 2018, prepared under the supervision of the Butte County Auditor-Controller's office
- The County of Butte Single Audit Report for fiscal year ending on June 30, 2018, prepared by the accounting firm of CliftonLarsonAllen, L.L.P.
- The County of Butte Landfill Fund Financial Statements for the fiscal year ending on June 30, 2018, prepared by the accounting firm CliftonLarsonAllen, L.L.P.

Members of the 2018-2019 Grand Jury met with personnel from the Butte County Auditor-Controller's office.

CONCLUSION

- During the Butte County Audit Committee meeting, concerns were raised regarding the loss of revenues due to the Camp Fire
- The State of California will cover the loss of property taxes due to the Camp Fire for the next three (3) years
- The State is also considering covering sales tax losses from the impact of the Camp Fire
- The independent auditor found the County's Comprehensive Annual Financial Report to be in compliance with the Government Auditing Standards
- The independent auditor found the County's Single Audit Report in compliance, in all material aspects, with requirements for major federal grant programs
- The County continues to maintain its credit rating of A+ by Standard and Poor's rating service

- In 2018, the Government Finance Officers Association awarded the prestigious Certificate of Achievement for the Excellence in Financial Reporting to the County for the 12th consecutive year



RECOMMENDATIONS

There are no recommendations by the Grand Jury.

BUTTE COUNTY JAIL TOUR

In accordance with California Penal Code Section 919(b), the 2018-2019 Grand Jury inspected the operation and management of the Butte County Jail. This visit was conducted on October 25, 2018.

During the orientation and subsequent tour of the jail, the Grand Jury found the professionalism of the officers, administration, and staff to be commendable. AB 109, Public Safety Realignment - resulted in an increase in the jail population. Individuals who would have previously been the responsibility of the State and housed in state prisons are now being supervised and housed by local county Probation and Sheriff Departments. The future jail expansion plan gives promise to addressing the increase in population. The jail expansion will include facilities to help prepare inmates for release. It will also enhance the overall living conditions, inmate monitoring, and safety of the correctional officers and staff.

As a result of this inspection, the Grand Jury has no recommendation and no report was filed.

BUTTE COUNTY JUVENILE HALL TOUR

In compliance with California Penal Code Section 919(b), the 2018-2019 Grand Jury inspected the operation and management of the Butte County Juvenile Hall. This visit was conducted on February 8, 2019.

Overall, the facility was clean, well maintained, and provides for the basic needs and security of the juvenile detainees.

The administration, staff counselors and other employees are dedicated to these tasks and should be commended for their efforts.

Programs are in place to provide education, community involvement, individual and family counseling, behavior management and positive guidance for making better choices. The goal is to reduce recidivism.



No recommendations were made as a result of the inspection and no report was filed.

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CHILDREN'S SERVICES DIVISION

SUMMARY

The primary research the Grand Jury focused on was the rights of parents/guardians and communication between social workers and parents/guardians when children are removed from the home. During the investigation we identified additional concerns within the department regarding high turnover, budget, and a lack of a standardized procedure regarding parent notification.

GLOSSARY

CCR- Continuum of Care Reform

CSD- Children's Services Division

ILP- Independent Living Program

SDM- Structured Decision Making

STRTP- Short Term Residential Therapeutic Program

THP- Transitional Housing Program

BACKGROUND

The Children's Services Division (CSD) had not been reviewed by the Grand Jury since 2012-2013. The 2018-2019 Grand Jury felt that an appropriate amount of time had passed to follow up on the 2012-2013 findings and to review the current procedures of the department. The 2018-2019 Grand Jury reviewed the operations of the Butte County CSD in the Oroville and Chico offices.

CSD assesses and investigates allegations of child abuse and/or neglect. CSD offers services to families to ensure child safety and keep children safely in their own homes. The Investigation Unit receives reports. Complaints are investigated either within 24 hours or within 10 days, depending on the severity of the allegation and level of risk to the child or children in the home.

Family Reunification Services provides assistance to those families whose children are in out-of-home care, also known as foster care or group homes. The primary social worker works with the family and courts to devise and assist parents/guardians in meeting the court's requirements for the return of a child/children to the parent's custody.

Family Maintenance provides services designed to promote a safe and stable environment, enabling children to remain in their own home.

The Permanency Planning Unit works with the courts to terminate parental rights when it has been determined that the child cannot be safely reunited with their family.

Permanent Placement Services come into play once parental rights have been terminated. Options may include foster care, group homes, and adoption.

METHODOLOGY

The Grand Jury reviewed the following documents and conducted interviews to obtain and evaluate the information contained in this report.

- Butte County Children's Services Division Policy and Procedure Manual
- Butte County Children's Services Division Organizational Charts
- Butte County Children's Services Division Parent Binder
- Butte County Children's Services Division Parent Folder
- Interviews with numerous staff and administrators at the Chico and Oroville offices

DISCUSSION

CSD receives calls 24/7 regarding allegations of possible child abuse and/or neglect. After an allegation is documented, a team comprised of staff and supervisors gather to assess the allegation(s) and review information obtained from various sources to determine the appropriate disposition.

Investigations must be initiated within 24 hours when imminent danger to a child has been identified, or when law enforcement or a social worker states that a child is at immediate risk of abuse, neglect, or exploitation. Allegations that do not meet the 24-hour criteria may be investigated within 10 days, or documented without a face-to-face investigation.

The Structured Decision Making Tool (SDM), a set of evidence-based tools, is used to assist staff in making key decisions at crucial points throughout the management of child welfare cases. This tool assists in determining the risk level of the child's safety, the family's strengths and needs, and the potential for family reunification.

After an initial investigation has been conducted and the allegations of abuse and/or neglect are substantiated, services are provided to children and their families. These services may range from creating a safety plan and following up with the family, to parenting classes and counseling. In cases where there is a substantial risk to the child, they may also be removed from the home.

An investigative social worker reviews the allegations and checks the prior history of the family, obtaining as much background information as possible. The social worker interviews the child in a safe and non-threatening environment, such as their school, and then speaks to the parent(s), inspects the home, and conducts other needed assessments related to the report.

When removal of the child is determined to be necessary, social workers work with law enforcement to secure the child. When law enforcement is not involved, social workers must obtain a court order to secure the child.

When a child is removed from the home the social workers are required to provide parents/guardians with information about the initial court date regarding their case. However, when parents/guardians are taken into custody, social workers provide this information to them at the jail.

Parents/guardians are to receive a Parent Folder and Parent Binder with information about their rights within the CSD process. Information is also provided on how they may contact their child and the social worker assigned to their case. Children who are capable of understanding are also provided documentation of their rights.

There are some discrepancies amongst staff with aspects of this process. All staff reported being aware of these deliverables, but many cited different times that the parent should receive materials such as the Parent Binder and Parent Folder. On this issue, communication between investigators and primary social workers is inconsistent and inefficient in the Chico office. The Oroville office implemented a practice that requires staff to meet and review each case as it progresses through the child welfare system.

Each case is assigned a primary social worker, who generally carries 12-20+ cases. Social workers interviewed generally felt that 14 cases is a manageable caseload. Many case workers reported feeling overwhelmed by their caseload at times.

Primary social workers provide parents/guardians with detailed information regarding what is expected during the process after their detention hearing and while working towards reunification. If applicable, a behavioral health professional recommends treatment and/or programs suitable to the parent's needs.

All parents/guardians are given the opportunity to attend parent support groups and parenting classes to work towards reunification. All children removed by CSD receive screening and assessments for counseling services through the Department of Behavioral Health. During this time social workers continue to work with the family, facilitate visitation, and provide guidance and referrals to parents/guardians.

If a child is unable to be reunified with their parent(s), the case moves to permanency planning with four options: adoption, guardianship, long-term foster care, or a group home. For the most part younger children are able to be adopted, while teens are more likely to require long term foster care. Additionally, the Independent Living Program (ILP) and Transitional Housing Program (THP) work with older teens to facilitate them living independently.

Social workers that we spoke with noted technology challenges. One of the critical required tasks is to search for and notify the child's relatives. Searches are conducted using a program called "Seneca." Several social workers noted that the search is not always effective, and a case can be seriously delayed if a relative has not been properly notified. This occurs less often in cases that are considered tribal as there is a full time tribal notification employee within the department. It was also noted that searches like this, and other reports and paperwork, could be conducted by less skilled staff, such as a Social Services Aide, which would free up time for social workers to focus on case management. In addition, staff felt that dual monitors and smartphones would increase productivity.

While CSD is primarily funded through state and federal funding, many counties provide supplemental funding. Butte County provides minimal supplemental funding for the department. Due to lack of funding, staff and supervisors reported high turnover. Nearby counties offer higher wages, as well as different wage scales for those with a Master's Degree. Butte County CSD has effectively become a training ground for social workers who then move on to other counties. This turnover affects caseloads and staff morale.

In addition, cuts to funding resulted in cuts to programs, which staff noted had been effective in reducing detention and expediting reunification. Program cuts caused CSD to outsource resources, and high-risk placements out of county or out of state, thereby incurring additional expenses. These expenses include items such as staff travel for mandatory visits and costs associated with the high risk placements.

Social workers often deal with emotionally demanding cases and those interviewed expressed gratitude for the ability to access counseling support when needed. Many also cited feeling strongly supported by co-workers and by some supervisors, particularly in the Chico office. However, many staff felt they received mixed messages and inconsistent expectations from supervisors, program managers, and directors.

Specifically, staff reported not feeling supported when recommending or asking for changes in the department. When changes did occur the staff did not feel included in the decision-making process. Interviews identified a lack of continuity, communication, and common culture between the Chico and Oroville offices. Workers at each site reported different experiences and expectations between the two office locations and expressed a lot of crossover work that could be minimized if the two offices worked more closely together.

The Grand Jury found that the employees of CSD were passionate and dedicated to their roles. We would like to commend their support for one another and commitment to the families of Butte County.

FINDINGS

- F1. High staff turnover has negatively affected program implementation, morale, and caseload management.
- F2. Higher wages in other counties was cited as the primary cause of staff turnover.
- F3. Staff in the Chico Office report having high camaraderie and support for one another.
- F4. There is no procedure directing staff to provide information and resources to parents/guardians when a child is removed from parents/guardians.
- F5. Seneca and social worker records often lack needed information for mandatory relative notification, causing delays in cases moving forward in court.
- F6. Consistency and clarity in communication, expectations, and implementation of changes is lacking amongst some supervisors and program managers.
- F7. Lack of technology and equipment limits staff productivity.
- F8. Budget cuts have decreased family support resources.
- F9. Having two office locations has created management and program implementation discrepancies.

- F10. There is a lack of access to documents supporting parents in the management of their case.

RECOMMENDATIONS

- R1. The Children's Services Division should pursue grants and request additional funding from Butte County to bring Butte County's social worker income to a level that is competitive with neighboring counties, starting with the new fiscal year in 2020.
- R2. The CSD should focus morale-building activities on developing trust between staff and leadership by January 1, 2020.
- R3. The CSD should develop, provide staff training, and implement a procedure to ensure all parents/guardians receive the Parent Folder (including the JV-050, Your Rights, JV-055, and A Parent's Guide to The Child Welfare System Packet) immediately upon detention of the child by January 1, 2020.
- R4. The CSD should standardize tracking/checklist of mandatory document provision, verifying receipt by signature of parent/guardian by January 1, 2020.
- R5. The CSD should implement staff meetings in Chico, as the Oroville office has, for each time a case changes hands to ensure needs and requirements are met for each case. Begin implementing these meetings by January 1, 2020.
- R6. The CSD should provide one (1) full time employee dedicated to relative notification mirroring the tribal notification position within the next fiscal year.
- R7. The CSD should provide supervisors and program managers with quarterly leadership training and management development to improve consistency in culture and expectations throughout the organization by January 1, 2020.
- R8. The CSD should address employee concerns that they are not part of the problem-solving process by January 1, 2020.
- R9. The CSD should create a plan to upgrade smart phones for field workers and provide dual computer screens for all employees by January 1, 2020.
- R10. The CSD should seek grants and other resources to increase funding for prevention and early intervention for families by June 30, 2020.
- R11. The CSD should create opportunities for staff at both offices to come together and foster connections by January 1, 2020.

- R12. The CSD should make the information in the Parent Binder and Parent Folder available on <https://www.buttecounty.net/dess/childrenservices> by January 1, 2020
- R13. The CSD should ensure checklist described in R4. travels from social worker to social worker as the case moves through the department by January 1, 2020.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following response is *required*:

From the following elected county officials within 60 days:

- The Butte County Board of Supervisors (F2, F8) (R1, R10)

INVITED RESPONSES

The Grand Jury *invites* the following individuals to respond:

- Department of Employment and Social Services Director (F1, F2, F4, F5, F6, F7, F8, F9, F10) (R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, R13)
- Program Managers and Supervisors at both Chico and Oroville offices (F1, F4, F5, F6, F7, F9) (R1, R2, R3, R4, R5, R6, R7, R8, R10, R11, R13)

The governing bodies indicated above should be aware that comments 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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CITY OF CHICO CODE ENFORCEMENT DEPARTMENT WHO THEY ARE, WHAT THEY DO, AND THEIR CHALLENGES

SUMMARY

The City of Chico Code Enforcement Department (CED) is organized under the Community Development Department (CDD). Over the past few years, retirements and resignations have left the CDD without a permanent Director. Neither the current Deputy Director nor Building Official had experience supervising a CED until September 2018.

Soon after the 2018-2019 Grand Jury began its review of the CED, the Town of Paradise and surrounding communities suffered the most devastating wildfire in California's history. In the early aftermath of the Camp Fire, all of the City of Chico's resources were redirected to provide for the immediate needs of the fire victims.

Six months after the Camp Fire, Chico is still dealing with the short and long-term impact of experiencing an overnight population increase of approximately 19,000. In addition, CED will be tasked with covering an even greater geographical area with the planned annexation of the Chapman/Mulberry area.

Despite new obstacles, the Grand Jury's review showed recent progress with improvements in the department. Remaining inefficiencies and missed opportunities are discussed and addressed within the content of this report.

GLOSSARY

AVA - Abandoned Vehicle Abatement

BCAVASA - Butte County Abandoned Vehicle Abatement Service Authority

CACEO - California Association of Code Enforcement Officers

CDD - Community Development Department

CED - Code Enforcement Department

CEO - Code Enforcement Officer

CMC - Chico Municipal Code

CPD – Chico Police Department

BACKGROUND

The City of Chico's CED plays an essential role in mitigating activities and conditions that adversely affect the health, safety, and quality of life within the city. When a complaint is filed, or a violation is reported, CED is tasked to resolve it.

The CED is also tasked with maintaining Chico's Municipal Code (CMC).

No previous Butte County Grand Jury has reviewed or reported on Chico's CED.

METHODOLOGY

Reviewed all applicable City of Chico:

- Administrative Procedures & Policies
- CED budget
- CED complaint tracking system
- Municipal Code

Interviewed and/or observed the following:

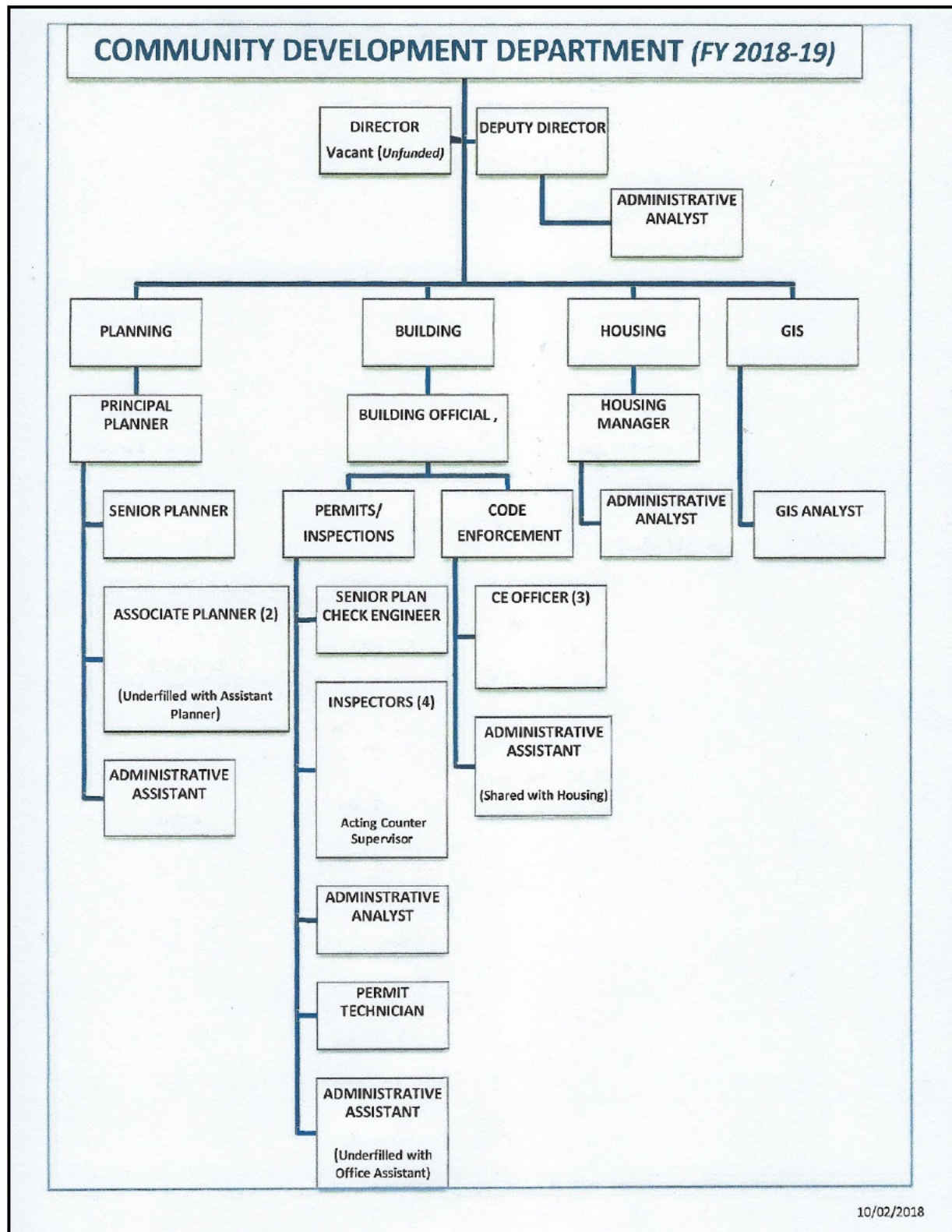
- City of Chico personnel
- Code Enforcement Officers

Conducted online research regarding Code Enforcement Officer (CEO) training and certification at <https://www.caceo.us/>

DISCUSSION

The Chico City Council adopted Administrative Procedure and Policy Manual 61-21, which assigned enforcement authority of certain CMC violations to the Community Services Department. City departmental reorganization transferred this authority to the CDD. The department organization of the CDD is shown in Figure 1.

**Figure 1:
Community Development Department**



The Grand Jury's review of the program included Jurors spending multiple days observing CEOs performing their enforcement duties in the field and how each situation was resolved.

Based on our observations, individual CEOs have a good deal of latitude bringing a non-complying activity into compliance. This is understandable considering the variation of each violation in relation to:

- Nuisance or threat to public health and safety
- Factors affecting the reasonable time needed to correct the infraction
- Chronic violators with a poor compliance record

Code Enforcement Officer Overview

A CEO may be sworn or non-sworn, certified or non-certified, or an investigator employed by a city, county or other municipal entity. CEOs receive specialized training for detection, prevention, and enforcement of laws concerning public nuisance, public health, safety, land use, and building standards.

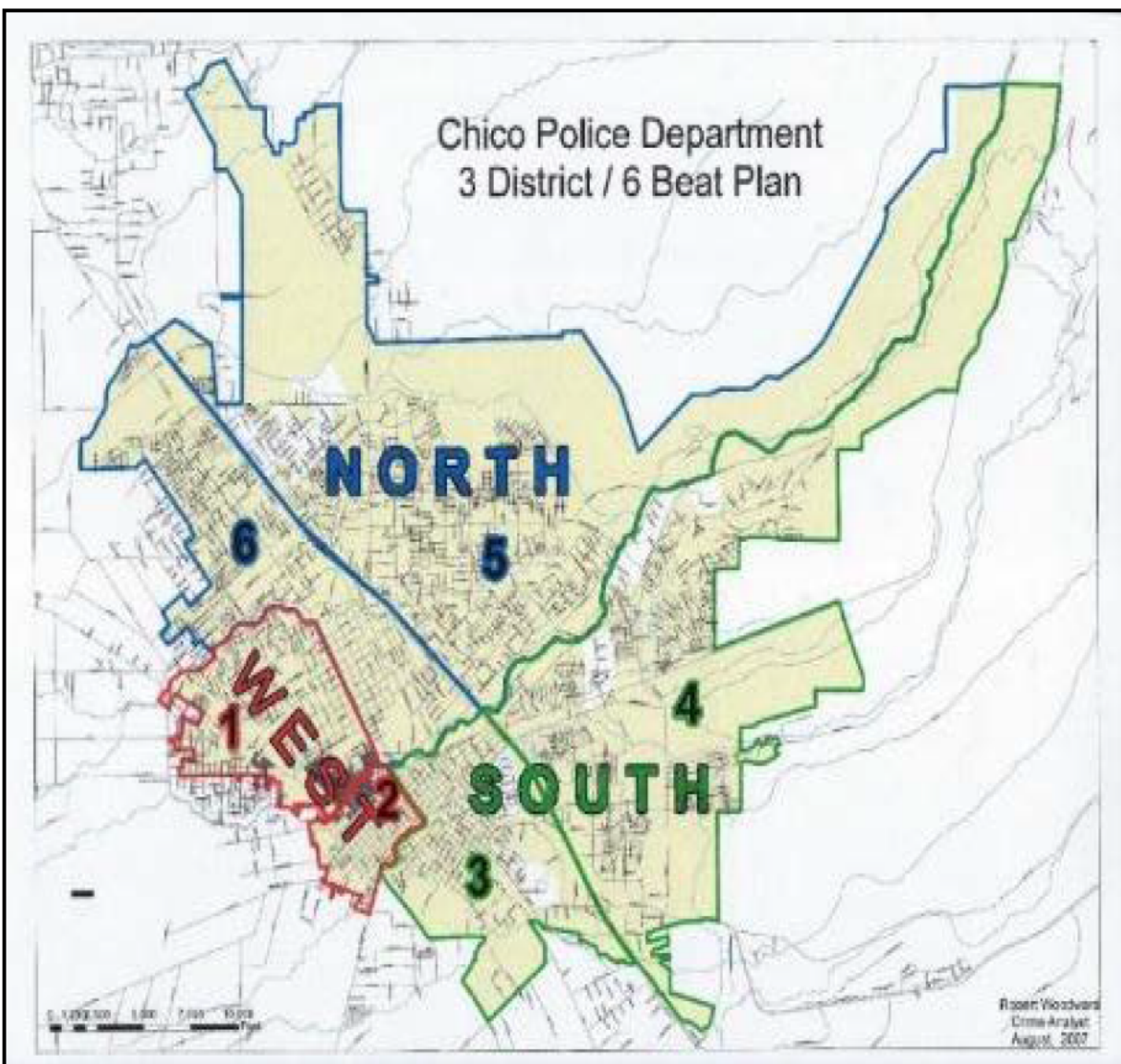
CEO positions are currently filled by two full-time, certified officers and one hourly, non-certified officer. The full-time officers were trained and certified by the California Association of Code Enforcement Officers (CACEO). The State of California charges the CACEO with developing and maintaining standards for certification of CEOs. Certification is achieved by taking prescribed courses sponsored by CACEO, or by passing exams that cover the same course material. Hourly employees are not required to have their certification, because of this the city does not pay for the training needed for certification. This lack of training makes it difficult for an hourly employee to move to the full-time certified position, and reduces the effectiveness of an hourly employee.

Certified CEOs are required to complete at least forty-eight hours of continuing education every three years to maintain certification. In addition to formal training, new employees receive on-the-job mentoring. CEOs provide support to each other and may contact out-of-area CEOs to acquire new and useful knowledge to help them achieve and maintain a high level of job performance.

Geographical Assignments “Beats”

CEOs are assigned geographical areas - “beats” - which coincide with those established by the Chico Police Department (CPD). This allows CEOs to become familiar with the problems and chronic code violators found in each area. This strategy reduces driving time and allows CEOs to establish relationships with the property managers of the larger complexes within their beats with whom they often rely on to bring violations into compliance. The geographical coverage of these regions is outlined in Figure 2.

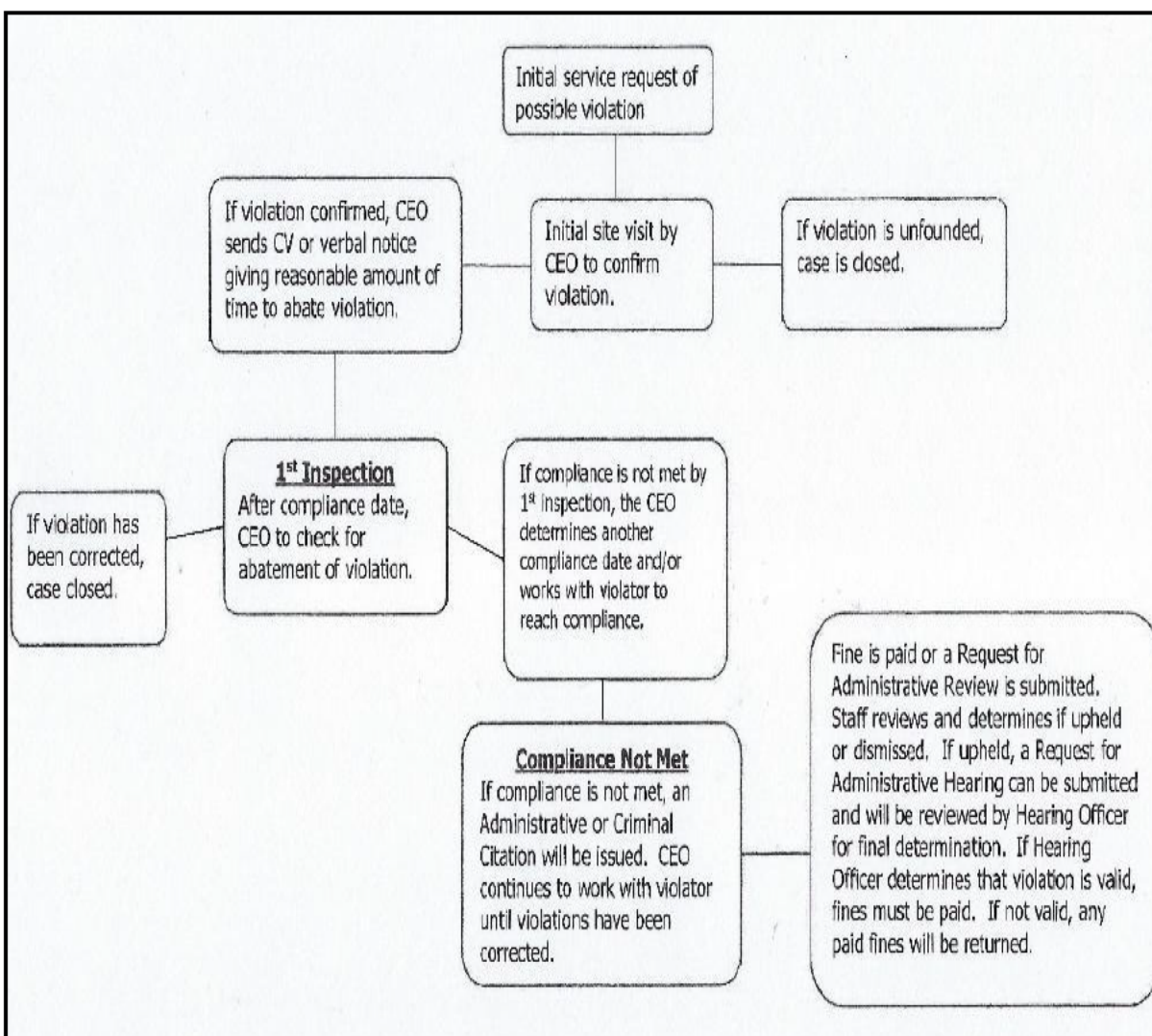
Figure 2:
Chico Beat Plan



Case Management

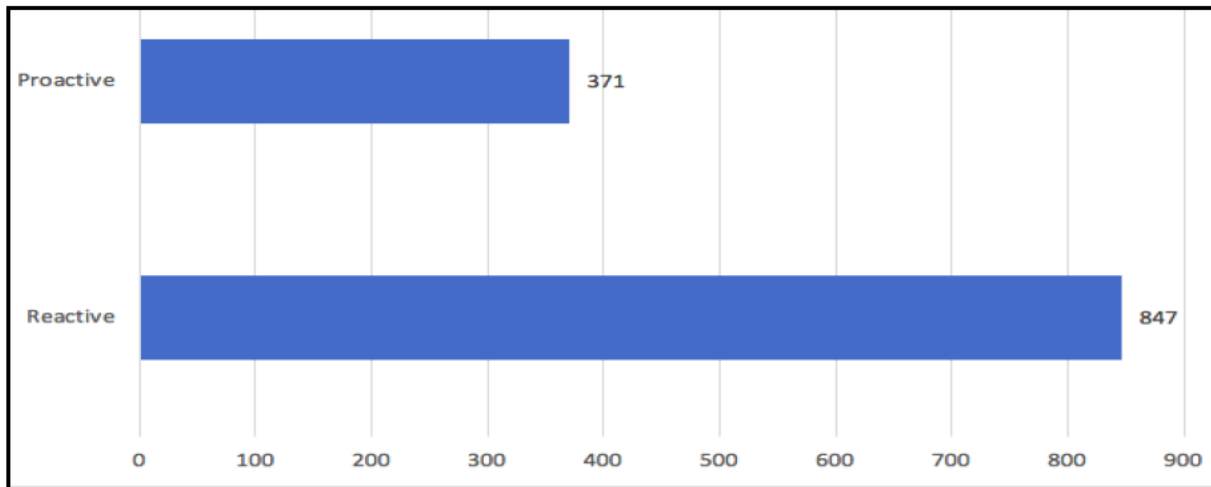
Code Enforcement cases are generated by a Service Request from a citizen or a city employee. Citizens may call the city's complaint number or submit an online Service Request through the City of Chico's website. City employees initiate a Service Request if they observe a violation while performing their duties. This process is demonstrated in Figure 3.

Figure 3:
Code Enforcement Service Request Process



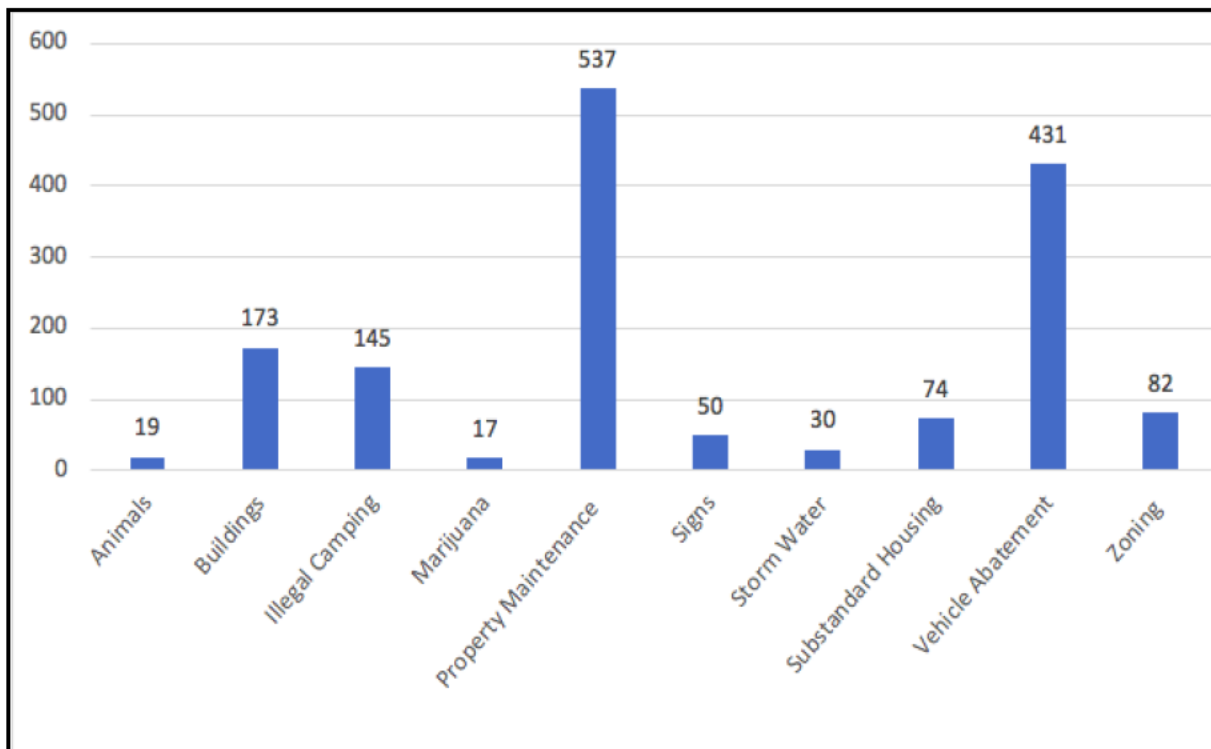
Service Requests from a citizen or city employee, who is not a CEO, are classified as "Reactive." CEOs frequently observe violations while performing their field duties and those are classified as "Proactive." The number of reactive and proactive cases is demonstrated in Figure 4.

Figure 4:
Proactive vs. Reactive Cases
July 1, 2018-March 31, 2019



The CED handles a variety of cases. From July 1, 2018 to April 10, 2019 the department handled 1558 cases. The most prevalent of these cases were property maintenance and vehicle abatement, as illustrated in figure 5.

Figure 5:
Code Enforcement Cases by Type July 1, 2018 - April 10, 2019 (1558 cases)



Case Tracking System

The City of Chico currently utilizes a software program called PERMITS Plus to track code enforcement cases and generate reports. The program's inefficiencies limit data storage, tracking, and types of reports that the CED can generate.

The City of Chico plans to migrate to a new tracking system software called eTRAKiT by June, 2019. The eTRAKiT system will be used by other departments, allowing interactions that will aid with communication between departments. It will also allow the CEOs to fill out reports in the field, attach photographs to individual cases, and update information in real-time. In addition, eTRAKiT will enable administrative staff to prepare a variety of reports.

Case Examples

Unlawful Camping (demonstrated below in Figure 6)

Figure 6:



Campsites along Rio Lindo Channel

Reducing the number of illegal campsites created by the area's growing homeless population is becoming more difficult. Campsites viewed by the Grand Jury were in isolated, wooded areas along the various channels, creeks, and the Union Pacific Railroad right-of-way creating a significant environmental and health hazard. Many of these campsites showed evidence that they had been there for some time.

Some campsites are located close to homes and businesses. As with most code violations, when all or a portion of the activity occurs on private property, the property owner is responsible for eliminating the activity on their property. Efforts to abate these camps can require several governmental and non-governmental entities

to work together. When CEOs have doubts regarding their safety in approaching these encampments, the protocol is to contact CPD for assistance.

Weed Abatement

High weeds present a year round hazard. They offer concealment for illegal campsites and become fuel for fires. This is particularly concerning in new construction areas on the outskirts of the city. The City of Chico has an aggressive weed abatement program administered by CED.

Abandoned Vehicle Abatement

CMC 10.52.120 Vehicle Removal and Disposal

Thirty days after the vehicle, or parts thereof, is ordered removed by the vehicle abatement officer, or 30 days from the date of mailing of the order of the hearing officer ordering such removal, or 30 days after affirmation by the council of the order for removal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard...

Abandoned and inoperable vehicles of all types (automobiles, RVs and trailers) are a continuing problem. Abandoned recreational vehicles create serious health and safety issues and removing them has been a long-term problem due to local companies lacking the equipment required for removal and inadequate/unavailable storage areas. Abandoned RVs are an “attractive nuisance” for children/youth and often contain discarded food, which attracts rodents and other pests.

**Figure 7:
Abandoned RVs**



The City of Chico and the other jurisdictions within the county formed the Butte County Abandoned Vehicle Abatement Service Authority (BCAVASA). As a member of the BCAVASA, the City of Chico is eligible for reimbursement from the State of California for the administrative and towing costs for vehicle removal, storage, and disposal.

State-wide registration fees of \$1.00 (\$2.00 for commercial vehicles) are collected and placed in the Abandoned Vehicle Trust Fund for later distribution. The BCAVASA is responsible for forwarding reports from its members to the State Controller's Office.

Currently, CED is responsible for the removal of RVs and trailers and CPD is responsible for the removal of automobiles from public property. CED tracks the number of vehicles they remove. However, CPD does not have a system for tracking and reporting the number of automobiles they remove. Failure to include CPD's information distorts the report submitted to BCAVASA and reduces Chico's annual reimbursement.

Long-term Storage of RVs, Trailers and Boats

Violators avoid compliance by frequently moving their RVs and trailers to new locations. The Camp Fire increased the number of these types of violations. Following the Camp Fire, the City of Chico relaxed its enforcement of these violations, except in those instances when a complaint was filed, or it presents a substantial public nuisance and/or threat to public health and safety. Six months after the fire, CEOs continue monitoring these violations, but only cite violations when necessary.

Other Common Violations

Nuisance Abatement (Junk/Trash/Debris)

This continues to be a prevalent problem in some neighborhoods.

Figure 8:

Neighborhood Junk



Illegal Dumping

Generally, these sites are in areas of the city not observable by most residents and are often abated by city staff if unable to secure property owner compliance. Jurors observed several illegal dump sites within empty lots in highly populated areas of the city.

Figure 9:



Illegal Dumping

Unauthorized Materials in the Public Right-of-Way

Assigning ownership responsibility for materials located in a public right-of-way can be problematic.

**Figure 10:
Sofa in Public Right-of-Way**



Zoning Violations

Such as parking large commercial vehicles in residential areas and running a business in a residential zone.

Sign Violations

For example: signs impeding line of sight.

Inadequate Garbage Service/Trash Can Placement

For example: trash and garbage services are required and receptacles are stored out of public view.

Building/Construction Activity without a Required Building Permit

For example: Construction without a posted building permit.

Substandard Housing Violations

For example: complaints filed by renters when they are unable to resolve disputes with the landlord (plumbing, mold, etc.)

Cannabis Regulations

The Chico City Council adopted CMC 19.75, which expressly prohibits commercial cannabis activity in the City of Chico; however, the code permits indoor cultivation activities for personal medical and recreational purposes. The CED is responsible for enforcing this newly adopted code. Only 20 cases have been reported during the past ten months, so the impact on CED has been minimal.

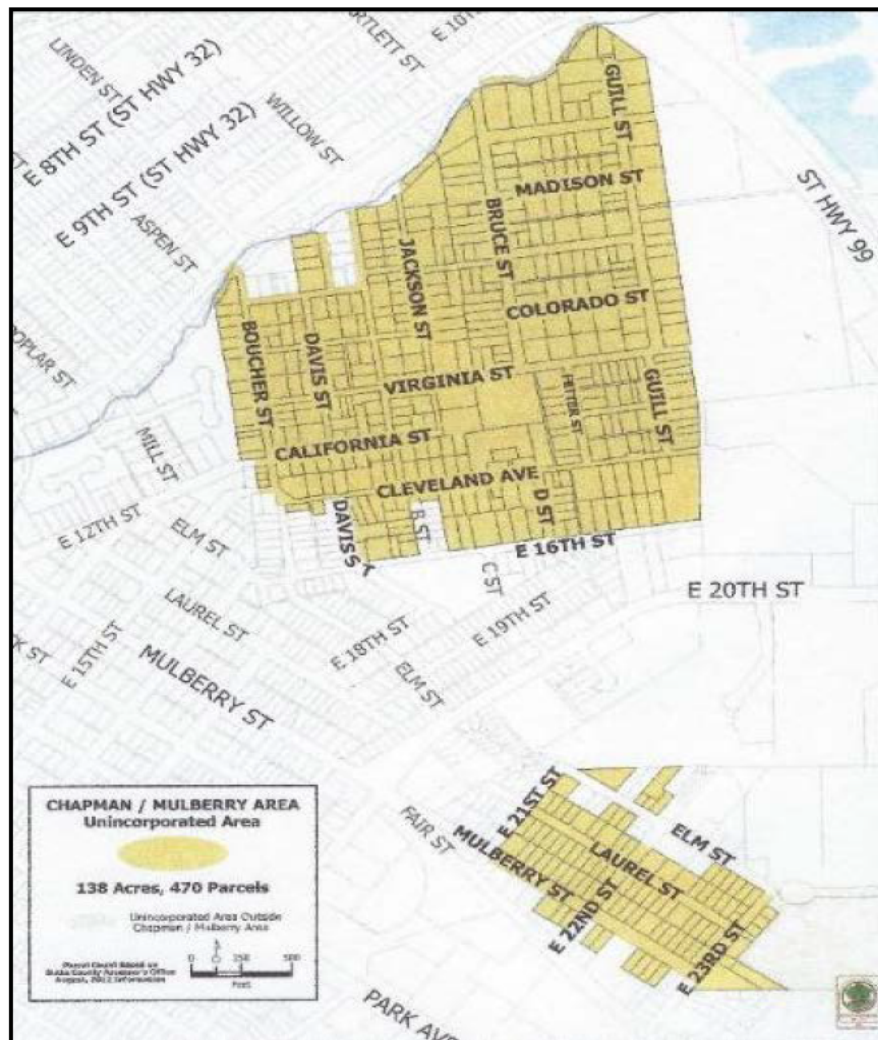
Violation Fines

Of all the violations the CEOs observe, the vast number of them are resolved voluntarily. In some cases fines are issued. From July 1, 2018 to April 10, 2019, \$2,500 in fines has been collected. The costs incurred by the city is far greater than the revenues collected by fines, which is understandable since the focus of the program is on achieving compliance and not on generating income.

Future Annexation of Chapman/Mulberry Area

The eventual annexation of the neighborhoods known as Chapman/Mulberry Area will add nearly 500 residential units to the City's jurisdiction. A Butte Local Agency Formation Commission (LAFCo) study of the impact this annexation will have on city services, estimates the CED caseload will significantly increase. See map of planned annexation area in Figure 11.

Figure 11:



Map of Planned Annexation Area

ACKNOWLEDGMENT

The Code Enforcement Department is vital to the well-being of the City of Chico. The work performed by its employees is often unrecognized and/or unappreciated. We would like to commend them for all of the hard work they do in every aspect of their jobs. In addition, we would like to thank all of those in the Code Enforcement Department for their cooperation.

Photos in this Code Enforcement Report were taken by Jurors on February 22, 2019.

FINDINGS

- F1. The current Code Enforcement Department tracking system (PERMITS Plus) is inefficient.
- F2. Non-certified Code Enforcement Officers are not reimbursed for training that improves departmental efficiency.
- F3. The Camp Fire has resulted in an increase in the Code Enforcement Department workload.
- F4. Chico Police Department does not track automobile abatement which reduces the city's AVA reimbursement.
- F5. Abandoned vehicles create a significant nuisance and/or serious health risk.
- F6. The current 30-day vehicle abatement notice is too long.

RECOMMENDATIONS

- R1. City of Chico Code Enforcement Department should complete the migration from the current tracking software to eTRAKiT before the license renewal date of the current software (PERMITS Plus).
- R2. City of Chico should finance training for all Code Enforcement Officers through CACEO by January 1, 2020.
- R3. Chico Police Department should transfer responsibility for abatement of abandoned, inoperable automobiles to the Code Enforcement Department by January 1, 2020.
- R4. Chico City Council should amend CMC 10.52.120 to reduce the 30-day vehicle abatement notice to a 10-day notice, in conformance with the standard State of California 10-day notice.

REQUIRED RESPONSES:

Pursuant to Penal Code section 933.05, the following response is *required*:

- Chico City Council respond to (F6) (R4) within 90 days.

INVITED RESPONSES:

The Grand Jury *invites* the following individuals to respond:

- City of Chico Building Official respond to (F1, F2, F3, F4, F5, F6) (R1, R2, R3, R4)
- Chico Police Department, Chief of Police respond to (F4) (R3)

The governing bodies indicated above should be aware that comments 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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THE CAMP FIRE – LESSONS LEARNED

SUMMARY

No area on earth is immune from the impact of natural disasters and other catastrophes. Butte County has witnessed a profound increase in the frequency of these events. Man's involvement has played a significant role in the hastening of these occurrences.

The failure of the Oroville Dam Spillway in 2017 triggered the evacuation of 188,000 county residents. The massive Camp Fire of November 2018 swept through foothill and mountain communities, forcing the evacuation of 52,000 people, and claiming 85 lives. This fire destroyed over 18,790 structures, took 13 days to contain, and was the costliest natural disaster that our planet experienced in 2018.

As these events will surely not be the last of their kind, we must resolve today to undertake some necessary changes.

Our uniformed emergency responders must have access to technology that will enable them to properly evaluate emergencies. They must also have the tools which will allow them to provide effective evacuation warnings to affected communities.

Several recommendations of the 2008-2009 Grand Jury were completed prior to the November 8th wildfire. These included the clearing of vegetation along the Skyway between Chico and Paradise, the paving of Forest Highway 171, and the drafting of detailed community emergency action plans. These changes saved lives.

The main evacuation routes in High Fire Hazard Severity Zones within our county must also receive vegetation clearing. This will allow the best possible chance of safely evacuating residents during future fire events.

Rapid evacuation of large populations can easily be halted by downed utility lines and poles, trees and debris, and disabled vehicles. Residents' chances of survival can be greatly enhanced by increasing the number of temporary safe places for evacuating residents to gather when further evacuation becomes impossible. The use of just a few of these areas saved the lives of hundreds of trapped Camp Fire evacuees.

Emergency planning must be expanded and include coordination with neighboring communities, to allow them to prepare for the major influx of traffic. During recent evacuations, traffic flow was reduced to a crawl once fleeing vehicles encountered traffic controls in adjoining cities.

Emergency Services personnel did an incredible job during the harrowing Camp Fire. We highly commend them for all the split-second decisions they made to provide safety to Butte County residents. In addition, our gratitude extends to all local personnel who continue to work tirelessly during still-declared emergency conditions.

BACKGROUND

The Grand Jury chose to review current evacuation routes and emergency planning, in light of four declared disasters within Butte County in the last two years:

February 2017 Oroville Dam Spillway	July 2017 Wall Fire	September 2017 Ponderosa Fire	November 2018 Camp Fire
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METHODOLOGY

- Conducted numerous interviews of past and present personnel from several agencies including the Butte County Board of Supervisors, Butte County Administration, Butte County Emergency Services, Butte County Public Works, Butte County Sheriff's Office, State of California CAL FIRE, Butte County Fire, Butte County Fire Safe Councils, Chico Police Department, Chico Fire Department, and the Town of Paradise
- Conducted interviews with county residents
- Reviewed maps of evacuation zones, escape routes, and locations where vehicles were abandoned during the Camp Fire
- Reviewed Butte County General Plan 2030, including updates and revisions
- Toured multiple evacuation routes
- Reviewed several prior Butte County Grand Jury reports pertaining to evacuation concerns
- Attended "Meet the Chiefs" Town Hall Presentation in Chico
- See References (page 54-57)

DISCUSSION

Six months after the November 2018 Camp Fire burned ridge and foothill communities, the effects are still being felt, directly or indirectly, on a daily basis. Many are still mourning the loss of loved ones, friends, homes, businesses, schools, jobs, vehicles, and heirlooms - evidence of their lost lives and family heritages. Thousands are still searching for places to live. Some of the 26,000 residents displaced from the area are still making long commutes to keep their local jobs. Many are now transporting their children to multiple school locations in different parts of the county.

November 8th

The first 9-1-1 call was received at 6:48 a.m. reporting that flames were sighted in the Pulga area. The evacuation order, for the Pulga area, was issued at 7:13 a.m. A total of 496 calls were received through midnight on Thursday, November 8, 2018.

With the fire's rapid progress, many communication cables and cell towers were burning and became unusable, disrupting the CodeRED evacuation orders. The situation was further complicated with no electricity for TV, radio, or internet in the affected areas. The only notification systems left were emergency vehicle sirens and bull horns...word-of-mouth with families and neighbors...and immediate action.

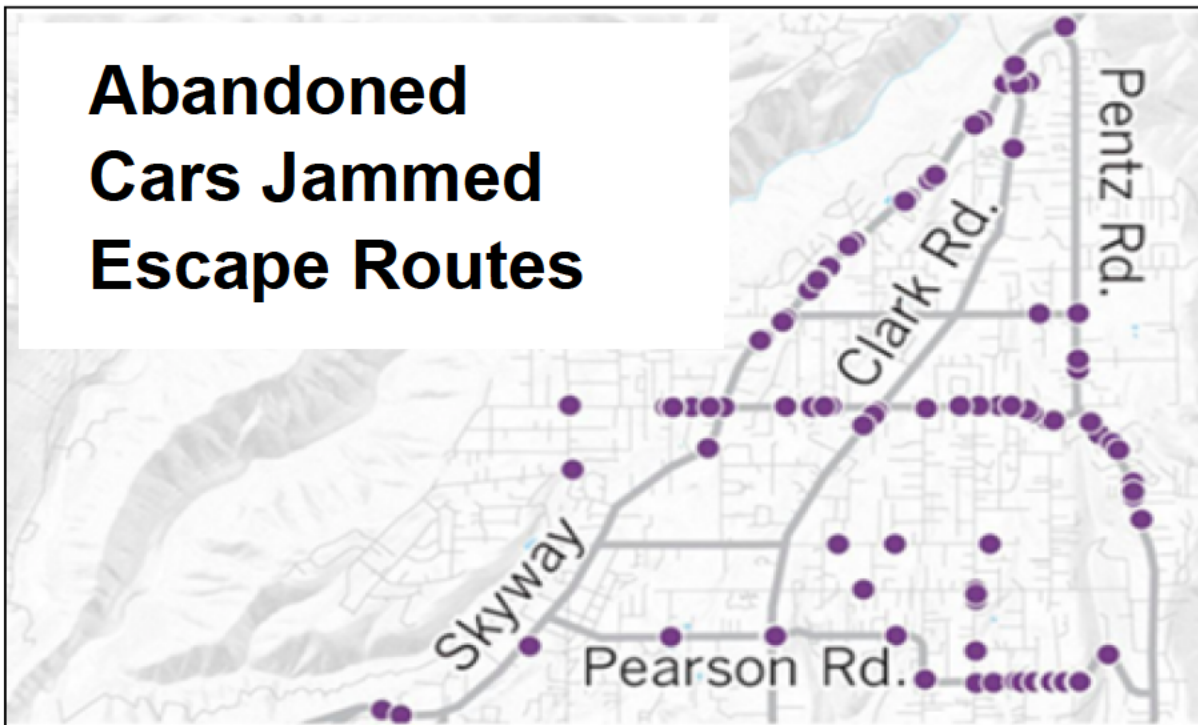
As the November 8th event became uncontrollable, the Butte County Administration Office immediately contacted the Butte County Emergency Services Office to activate the Butte County Emergency Operations Management Team.

While the Management Team was setting up for disaster response, County Administration declared a "State of Local Emergency," which made the county eligible for financial and resource assistance from the State Office of Emergency Services. When the fire overwhelmed state resources, the Governor declared a "State of Emergency," requesting additional resources and financial assistance from the Federal Emergency Management Agency (FEMA).

Time was Essential

As the fire swiftly advanced, there was little time to escape. Blinding smoke and blocked roads brought traffic to a standstill. Downed utility lines and trees, abandoned vehicles, and difficulty reading road signs added to the chaos. See where abandoned cars blocked escape on the map in Figure 1.

Figure 1:



Sources: Nextzen, OpenStreetMap, Butte County Sheriff's Office, CHP

The fire was initially spreading at 4,600 acres an hour, eventually devouring 153,336 acres. The wind-driven embers ignited spot fires all over Paradise, Magalia, Concow, Butte Creek Canyon, and threatened surrounding areas.

For many, survival meant finding immediate temporary shelter when evacuation became impossible. Examples included a church, gas station, supermarket parking lot, antique store, a lake, and a construction site.

News reports have widely credited these temporary refuge areas as having saved many lives during the Camp Fire. This has prompted communities throughout Northern California to now demand that their local governments identify these possible areas within their own locales.

For those unable to leave, most deaths occurred in or near their residences. Many special needs residents were unable to evacuate, while others stayed to defend their property and were unable to escape. For many survivors, the frantic mass exodus was dangerous because of severe congestion and gridlock with so many cars, flames along the roadside, and not enough exit roads.

Before several of the latest fires, “Plan A” was always to evacuate. After much study by CAL FIRE experts and emergency personnel, Plan A is now “Be Prepared in Advance and Leave Early.” Common sense would tell us this, but many have become complacent.

Know what you must do to help yourself, your family and your neighbors.

Take personal responsibility for where you’ve chosen to live.

Be prepared in advance of the next crisis.

Improvements Will Save Lives

Historically, CAL FIRE had declared “Fire Season” in Butte County from May 15th to October 15th. With the detection of changes in climate since the 1980s, excessive heat and drought have extended the fire season. Improvements we can make to combat the increased fire danger include:

- further reduction of excessive vegetation
- upgrading emergency communication equipment
- improving evacuation plans
- providing better-maintained and accessible routes
- increasing refuge/assembly/greenbelt areas
- making the assembly point icon more understandable
- improving public education campaigns on:
 - fire prevention, safety, and survival
 - location of refuge/assembly/greenbelt areas
 - how to recognize signage
 - registering to receive warnings
 - the Special Needs Assistance Program (SNAP)

Evacuation Roads

The 2008 Humboldt Fire confirmed long-held concerns that roads leading from Paradise and Magalia would not be reliable during a wildfire evacuation. During that fire, only one of four roads expected to provide escape from a wildfire remained open. Engulfed in fire and smoke due to burning roadside vegetation, the other three became impassable.

The 2008-2009 Grand Jury Report addressed the need for several improvements to existing evacuation routes to make them more passable during future fires. The Jury recommended widening the shoulders and turnouts along existing evacuation roads and adding a new evacuation route to the north by paving an existing gravel road from Magalia to Butte Meadows, designated as Forest Highway (FH) 171 (also known as Upper Skyway).

Forest Highway 171 Improvements

Improvements to FH 171, costing \$21 million, were completed in 2013. This was a significant accomplishment for which this Grand Jury highly commends all agencies involved.

FH 171 eventually became one of the only evacuation options for many residents of Magalia and Upper Ridge communities during the Camp Fire. This road is narrow and has dense roadside vegetation, making it potentially impassable during future wildfires. With this being the only paved road available for evacuations to the north, continued vegetation removal to ensure dependable use of this route is absolutely necessary.

Additional Roadway Improvements and Alternate Routes

Additional recommendations from the 2008-2009 Grand Jury included the clearing of vegetation along the evacuation roads and road improvements to alleviate the problems posed by disabled vehicles that clogged roads during the Humboldt Fire.

The Butte County General Plan (BCGP) 2030 was adopted by the Board of Supervisors in 2010. The “Fire Hazard” component of the Health and Safety Element of the BCGP 2030 lists two goals and associated actions directly addressing the Grand Jury recommendations:

Goal HS-11

“Reducing risks from wildland and urban fire”

Action HS-A11.1

The action plan calls for “Seeking funding to identify and complete roadside reduction projects and maintain necessary clearance zones on critical roads to reduce wildfire risk, increase visibility and maintain safe evacuation routes.”

Goal HS-13

“Identify safe and effective evacuation routes and access for fire prevention and suppression”

Action HS-A13.1

Delineate and publish alternative evacuation routes for communities in foothill and mountain areas with high fire hazard potential.

Action HS-A13.2

Seek funding to conduct a study to identify evacuation routes for areas in High and Very High Fire Hazard Zones. Once the routes are identified through the study, seek funding to implement the necessary improvements to the routes. (The General Plan budgets approximately \$50,000 to \$120,000 in consulting fees in FY 2019-2020.)

The importance of the goals described in the General Plan relating to the safety and adequacy of the evacuation routes cannot be overstated. Funds needed to accomplish these goals are in competition with the funding for all other county projects. Eleven years after the 2008 Humboldt Fire, a portion of the allocated funds needed to begin the process of identifying new routes and improving the existing routes has not been used.

Discussions about improving evacuation roads in Butte County communities at high risk for wildfires often focus on Paradise and Magalia due to their higher populations. Other foothill communities such as Cohasset, Forest Ranch, Concow, Berry Creek, Cherokee, and Yankee Hill, although sparsely populated, are even more vulnerable. This is due to narrow, one-way-in and -out roads overgrown with heavy vegetation. If any of these roads were to become impassible, the loss of life could be substantial.

Expanded Evacuation Traffic Plans Needed

Emergency evacuation plans for Paradise and the Upper Ridge direct evacuees to use the Skyway, Neal, Clark, and Pentz Roads to reach Hwy 70 and Hwy 99. The Camp Fire highlighted the need to extend this planning further out into the surrounding communities.

Vehicles attempting to exit these highways were stopped by traffic lights and stop signs. This stoppage quickly caused a backup of traffic on local highways which slowed evacuation to a crawl.

The use of more traffic control personnel to direct vehicles through intersections to override traffic signs, would greatly increase the speed of evacuations.

Roadside Vegetation Reduction

The most improved fuel-reduced wildfire evacuation roadways are the Skyway leading west from Paradise to Chico, and Clark Road which leads south from Paradise to Hwy 70. County and State emergency services personnel stated that this vegetation reduction was critical in keeping the evacuation routes open and in saving lives.

Some areas of vegetation remained along the Skyway, forcing evacuees to drive through flames before arriving near the city limits of Chico. Flames from dense vegetation burning along Clark Road once again created massive problems for evacuees of the Camp Fire, and the road was eventually closed. More fuel reduction is necessary for both roadways.

Defensible Space

CAL FIRE regulations in High and Very High Fire Hazard Severity Zones (see Figure 2.) require property owners to clear 100 feet around their homes to create a “defensible space” as shown in Figure 3. Regulations requiring private property owners to clear and maintain an area adjacent to roadways, especially roads designated as evacuation routes, do not exist and should be adopted.

Figure 2: Fire Hazard Severity Zones
Source: <http://rap.fire.ca.gov>

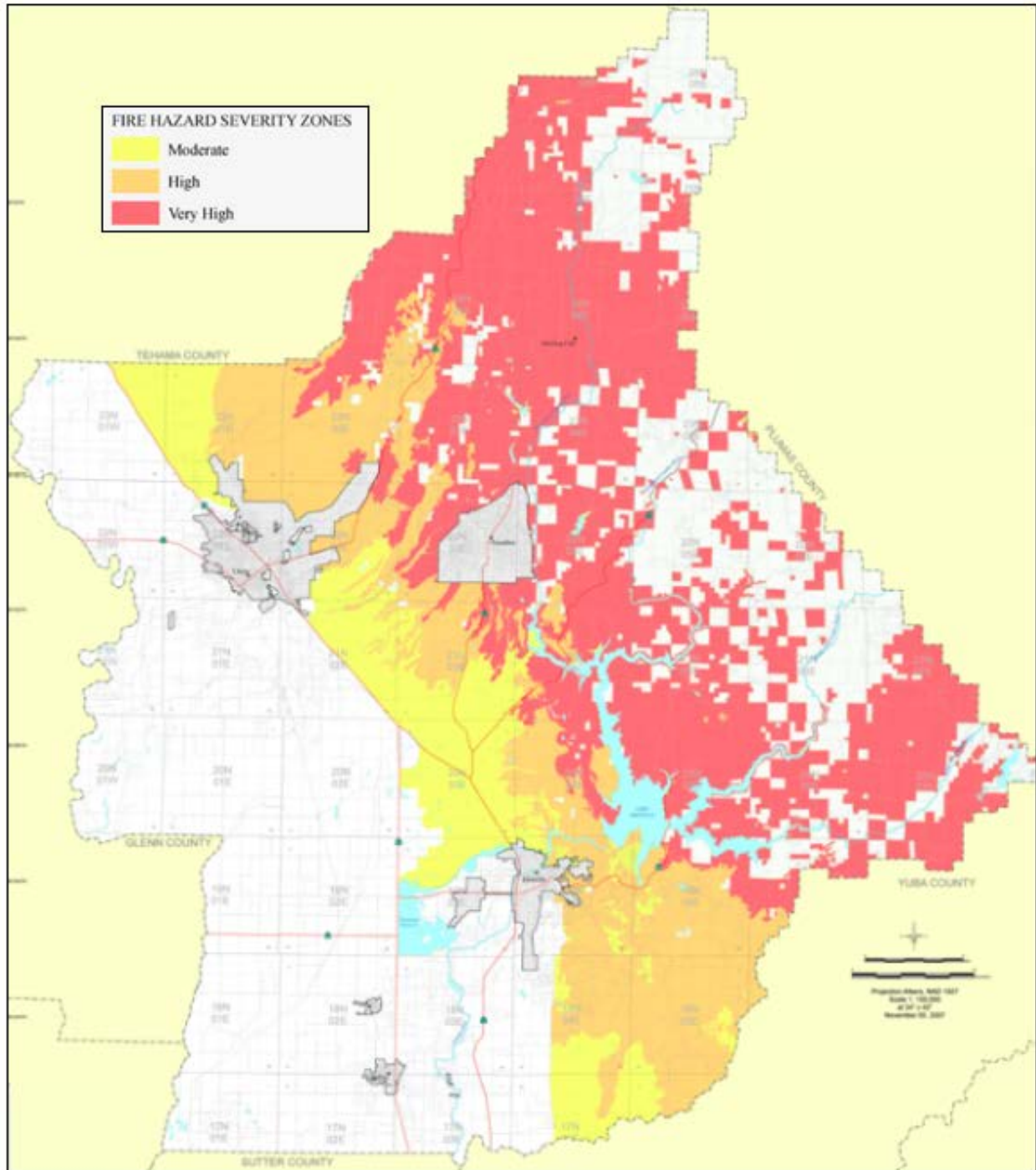


Figure 3: Defensible Space - Public Resource Code 4291



Since 1998, Fire Safe Councils in Butte County have been active partners with local communities in an effort to educate, plan, and reduce wildfire threat county-wide. The councils aid in reducing the threat to evacuation roads by sponsoring and assisting volunteer vegetation clearing projects. This Grand Jury highly commends them for all their selfless hours invested in printing and distributing area evacuation maps, fuel reduction planning, and educating the public to prepare in advance for the next catastrophe.

Butte County currently operates the Sheriff's Work Alternative Program (SWAP) as an alternative to incarceration. Nonviolent, eligible individuals pay a fee to participate. Using SWAP participants to reduce roadside fuel is a win-win for county residents. Evacuation routes are being maintained to allow safe usage, while saving taxpayers 70% of the costs of incarceration.

Permanent, long-term fire prevention plans to keep the evacuation roads safe by clearing nearby vegetation have not been implemented in most areas. These plans have been published since 2007 in the Butte County Local Hazard Mitigation Plan (last updated May 2013). These wildfire mitigation actions specifically state that fuel reduction work is a high priority.

The existing Butte County Community Wildfire Protection Plan states that fire agencies in Butte County, in cooperation with Butte County Fire Safe Council, are responsible to conduct this work as grant funds allow.

Regulations Needed

Early efforts in Paradise to regulate vegetation were met with opposition to any regulation that might lead to the removal of healthy trees. With the goal of keeping roads passable during a wildfire, fire officials stressed the importance of removing highly flammable brush and grass adjacent to roadways. Fire officials also stated a need to adopt and enforce local regulations establishing clearance areas adjacent to roads, and limiting the types of vegetation permitted in them. New, enforceable regulations would increase the likelihood of roadways remaining open during future wildfires.

Fire experts agree that in wildfire prone areas, it is necessary to clear highly flammable vegetation at least 35-40 feet from the edge of paved roads on both sides of the roadway. This would provide reasonable assurance the roads can remain viable. The public right-of-way from centerline of road generally doesn't exceed 30 feet. In order to maintain the needed vegetation-free zone, property owners will have to accept the responsibility of maintaining their property as necessary.

Evacuation Warnings

Butte County currently uses a CodeRED warning system designed to register landline numbers to receive warnings. Residents can also register their cellular numbers. It is important for residents to enroll and thereafter verify that their contact information is in the system. According to public records, at the time of the fire, less than 40% of residents had registered for this service. Only 7,000 of the 52,000 foothill evacuees were alerted to the approaching wildfire.

Register for CodeRED alerts today!

<https://public.coderedweb.com/CNE/en-US/BFA19C579EA5>

As of the release-date of this report, registration for CodeRED was only available online. Resources for residents without computers or internet access at home include:

- visiting a local library to get online
- asking for assistance from a neighbor, friend or caregiver

Wireless Emergency Alert (WEA) system is one of many assets that make up the Integrated Public Alert and Warning System (IPAWS). This network sends warning messages to cell phones and mobile devices. The messages can be targeted to digital devices located within specific threatened areas. Local authorities can also issue emergency warnings over broadcast television, radio, and cable television through another IPAWS feature called the Emergency Alert System (EAS).

As the Camp Fire grew, overhead telecommunication lines and cellular towers were damaged, making CodeRED notification in some areas impossible. The volume of calls quickly overwhelmed the remaining phone systems, making further alerts difficult. The CodeRED system's dependency on telephone service is an inherent weakness of the warning system.

To reach the highest percentage of the population, audible alarms must be included in the county's emergency alert system. Audible alarms or sirens are an important way to notify residents, and are widely used throughout the United States. Because it is difficult to contact residents in sparsely populated at-risk communities, placing several smaller sirens throughout those communities would be more effective. Additionally, municipalities could require warning device installation as a building permit condition when approving residential and/or commercial developments.

Emergency alert notification systems will never completely replace the act of one neighbor looking after another. Using programs such as "Community Watch" can promote neighborly care of one another.

Infrared Camera-Equipped Drones

Real-time information about location, speed, and direction of the main fire, spot fires, personnel, and equipment during a wildfire is critical to fire and law enforcement decision-makers. During a wildfire, dense smoke can decrease visibility for evacuation and fire suppression efforts. Infrared camera-equipped drones can be a useful tool in these circumstances.

Infrared camera equipment needed for aerial viewing of fires is readily available at reasonable cost. A camera model called FLIR (Forward Looking Infrared) Zenmuse XT Model costs between \$8,000-\$14,000. These type of infrared cameras are built specifically for mounting to aerial platforms, including unmanned aerial vehicles (UAV, or drones). For approximately \$3,000, a DJI Inspire 2 is a small UAV that weighs less than eight pounds, can rise to 16,400 feet, and is controllable for over four miles. This allows it to be flown far above helicopters, planes and air tankers that occupy the airspace over many fires.

Although a FLIR camera/UAV combo costs \$17,000, one with far greater capabilities could be obtained at no cost to Butte County through the Department of Defense Logistics Agency Law Enforcement Support Office. This is the organization that already provides surplus helicopters to our law enforcement agencies.

No matter how infrared camera-equipped UAVs are obtained, they would be a low-cost way of buying precious time for safer evacuations and placement of firefighters and other personnel into hazardous areas.

Fire-Resistant Clothing

Law enforcement officers in Butte County patrol remote, heavily vegetated areas that are prone to wildfires. These include Forbestown, Rackerby, Pulga, Forest Ranch, Cohasset and others where in any given year, fire will most likely occur in at least one of these locales.

During yearly fires deputies often work shoulder-to-shoulder with firefighters conducting wildfire evacuations and traffic control. Unfortunately, officers are ill-equipped to safely perform their fire-related duties, due to a lack of fire-protective outerwear.

Synthetic material used in many officer uniforms does not resist intense heat or embers, and it can melt and catch fire. This is why firefighter's outerwear is made of fire-resistant material.

Fire-resistant outerwear is not cheap, with shirts at about \$150 each, and pants at about \$200 each. The combined cost of \$350 for this outerwear is relatively inexpensive when compared to the expense of an officer's possible burn injuries. This outerwear also could be obtained at no cost to law enforcement through the Defense Logistics Agency Law Enforcement Support Office.

Funding Opportunities

The Governor has made fire prevention and fire-victim restitution a high priority. His declaration of the Camp Fire as a disaster brought critical aid to Butte County for recovery and fire suppression from Cal OES and FEMA.

On February 13, 2019, the Governor signed AB 72 (Assembly Committee on Budget, Chapter 1, Statutes of 2019), appropriating \$50 million for an Emergency Preparedness Campaign focusing primarily on California's most vulnerable populations (elderly, disabled, and those in disadvantaged communities).

In March 2019, the California Natural Resources Agency and Department of Conservation announced the availability of \$20 million in block grants to statewide regional projects to improve forest health and increase fire resiliency.

CAL FIRE offers several grant opportunities which include, but are not limited to:

- California Climate Investments (CCI) Forest Health Grant Program
- CCI Urban and Community Forestry Grant Program
- CCI Fire Prevention Grant Program
- California Forest Improvement Program
- Local Assistance for Tree Mortality Grant Program
- Forestry/Landowner Assistance Grants
- Vegetation Management Program Grant

The federal government offers grant opportunities which include, but are not limited to:

- FEMA Hazard Mitigation Grant Program
- FEMA Public Assistance Grant Program
- Homeland Security Grants
- Volunteer Fire Assistance

The International Association of Fire Chiefs offers “Ready Set Go” (RSG) Community Fuels Reduction Project grants.

Butte County needs to prioritize obtaining these grants.

FINDINGS

- F1. The 2008-2009 Grand Jury recommendation to widen the shoulders and turnouts along existing evacuation roads has not been funded.
- F2. The Butte County General Plan 2030 addresses plans to study potential improvement projects to upgrade existing evacuation roads; nine years after adoption, these studies have not been completed.
- F3. Allocated funds for studies to identify additional evacuation routes and improvements to existing roads have not been used.
- F4. Following the 2008 Humboldt Fire, vegetation removal along the Skyway and Clark Road allowed those evacuation routes to remain passable during the Camp Fire.
- F5. During the Camp Fire, burning vegetation along some evacuation routes slowed and endangered traffic, causing some to be closed.

- F6. Because there is only a single roadway in and out of communities such as Cohasset, Concow, Berry Creek and others, it is critical to have evacuation routes free of roadside vegetation.
- F7. There is presently no regulation for roadside vegetation clearance in Butte County.
- F8. The Butte County Sheriff's Office "Sheriff's Work Alternative Program" (SWAP) is an effective use of funding for vegetation reduction on evacuation routes.
- F9. There are not enough designated temporary refuge/assembly/greenbelt areas within high-risk communities to accommodate trapped evacuees.
- F10. The existing assembly point signs, and icons on evacuation plans are not understood by some of the general public and emergency personnel.
- F11. During evacuations the flow of outbound traffic was slowed when surrounding communities were unprepared for the large influx of evacuating vehicles.
- F12. Disaster planning challenges, as specified in the 2013 Butte County Local Hazard Mitigation Plan, are not being addressed.
- F13. The 2013 Butte County Local Hazard Mitigation Plan is outdated.
- F14. CodeRED is inadequate as a stand-alone emergency notification system due to vulnerable telephone and cellular service.
- F15. Butte County Sheriff's Office deputies lack fire-resistant outerwear.
- F16. Aerial infrared cameras can be an effective tool to assist emergency personnel in a crisis.
- F17. Butte County may not be maximizing the use of grants available for fire prevention and management.
- F18. Promotion of community programs for citizens requiring additional assistance to alert and aid them in evacuation is not adequate.

RECOMMENDATIONS

- R1. The Public Works Departments of Butte County and the Town of Paradise should widen the shoulders along ridge and foothill community evacuation routes to aid in evacuation flow, prior to July 1, 2020.

- R2. The Public Works Departments of Butte County and the Town of Paradise should clear and maintain all flammable vegetation in fire-prone areas adjacent to evacuation roadways, prior to April 1, 2020.
- R3. The Butte County Department of Development Services should increase enforcement of current laws related to fuel reduction and defensible space, prior to January 1, 2020.
- R4. The Board of Supervisors should allocate additional funding to the Butte County Sheriff's Office to expand the "Sheriff's Work Alternative Program" for use in vegetation reduction along evacuation routes, prior to January 1, 2020.
- R5. The Butte County Office of Emergency Management should amend evacuation route plans to include surrounding communities to address the influx of evacuating vehicles, prior to January 1, 2020.
- R6. The Butte County Office of Emergency Management should establish additional assembly/refuge/greenbelt areas in fire-prone communities for use during evacuations, prior to January 1, 2020.
- R7. The Butte County Office of Emergency Management should adopt assembly/refuge/greenbelt area signage that is easily identifiable by the general public and emergency personnel, prior to January 1, 2020.
- R8. The Butte County Office of Emergency Management should establish an educational campaign for Special Needs Assistance Program for citizens requiring additional assistance during an evacuation, prior to January 1, 2020.
- R9. The Butte County Board of Supervisors should enact roadside vegetation clearance requirements that are enforceable throughout Butte County, prior to January 1, 2020.
- R10. The Butte County Office of Emergency Management should update the 2013 Butte County Local Hazard Mitigation Plan, prior to January 1, 2020.
- R11. The Butte County Office of Emergency Management should establish multi-platform emergency notification systems to augment the current CodeRED alert system, prior to January 1, 2020.
- R12. The Butte County Sheriff's Office should acquire new fire-resistant outerwear for personnel in wildfire-prone areas, prior to January 1, 2020.

- R13. The Butte County Office of Emergency Management should acquire infrared-equipped drones to aid in spotting fire locations, prior to January 1, 2020.
- R14. The Board of Supervisors should fund one temporary grant-writing position for the next fiscal year to take advantage of the fire-related monies now available.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following responses are *required*:

From the following elected county officials within 60 days:

- Butte County Board of Supervisors (F1, F2, F3, F6, F9, F11, F12, F15, F16, F17, F18) (R3, R4, R8, R9, R10, R11, R13, R14)
- Butte County Sheriff (F8, F13, F14) (R4, R5, R11, R12, R13)

From the following governing bodies within 90 days:

- Butte County Administrative Officer (F1, F2, F3, F6, F9, F11, F12, F15, F16, F17, F18) (R3, R4, R8, R9, R11, R13, R14)
- Butte County Emergency Services Officer (F9, F11, F18) (R5, R6, R7, R8, R10, R11, R12)
- Butte County Public Works Director (F1, F6) (R2, R9, R10)
- Town of Paradise (R1, R2, R3)
- Butte County Development Services (R3)

INVITED RESPONSES

The Grand Jury *invites* the following individuals to respond:

- Butte County Fire Chief (F13, F15, F16, F17) (R13)
- Butte County Fire Safe Councils (F13, F15, F16, F17) (R6, R7)

The governing bodies indicated above should be aware that comments 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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- CH 32A: Property Maintenance and Nuisance Abatement, July 23, 2002
- CH 38A: Fire Prevention and Protection, June 13, 2006
- CH 41: Enforcement Policies and Procedures, January 29, 2019
- CH 58: Camp Fire Recovery, February 12, 2019

Butte County Fire/CAL FIRE:

- “Butte Unit Fire Management Plan 2005,” July 26, 2005
- “Butte County Community Wildfire Protection Plan 2015-2020,” April 9, 2018
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 - “Wildfire is Coming. Are You...Ready?” Preparation Guide (Defensible Space/Home Hardening)
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 - “Wildfire is Coming. Are You...Go!” (Evacuation Plan)
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- “Final – Camp Fire Incident Information,” January 4, 2019
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- “Hell on Earth: The First 12 Hours of California’s Deadliest Wildfire,” NY Times, November 18, 2018
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