

Butte County Grand Jury

ANNUAL REPORT 2021-2022



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June 1, 2022

Thomas Brooks

Sheryl Campbell

Stephen Dunbar

Frank Esquivel

Douglas Grant

Edmund Holohan

Barbara Hubler

Judith Jacoboni

Linda Jacobsen

Kelly Knox

Lesli Kostiz

Ann Moakley

David Pegg

Christopher

Rehmann

Ronald Tackett

Paul Weber

David Westphal

Judge Corie Caraway
1 Court St.
Oroville, CA 95965

Dear Judge Caraway;

It has been an honor for the 2021-2022 Butte County Grand Jury Members to serve the citizens of Butte County with your oversight over the last sixteen months. As our term of service ends, I would like to reflect on our journey together.

The 2021-2022 Grand Jury has been empaneled for sixteen months due to the impacts of COVID on our community. Grand Jury Members needed access to technology for communication, knowledge of technology to take part in video conferencing, knowledge of data storage processes, dedicated Grand Jury emails, and often recognized the need to update their personal equipment to ensure the ability to perform tasks for the Grand Jury whether remote or in person.

We adapted to this unique environment quickly. Using Zoom to conduct meetings and interviews necessary for our work. As a group of nineteen, we learned how to manage group dynamics, encourage open conversations, and maintain respect to conduct our business professionally and effectively. This may sound like a simple task; it was not easy for any of us.

Yet with this obvious technology gap we were able to get our work done. The 2021-2022 Grand Jury took part with the Butte County Elections Department's Logic and Accuracy Training. We toured the Butte County Jail and the Butte County Juvenile Hall. The Grand Jury took part in training offered through the California Grand Jury Association. We reviewed, responded, and investigated if called for thirty-eight citizen complaints. We conducted investigations into county operations. We interviewed multiple individuals within the scope of the Grand Jury's "Watchdog" focus. Finally, we have produced a 2021-2022 Grand Jury Report which reflects the work conducted in written form.

We all are grateful for the support and guidance provided by the Butte County Court, yourself, Court Services Staff, and the County Counsel.

Sincerely



Glenna Akers
Foreperson,
2021-2022 Butte County Grand Jury



To: The Citizens of Butte County

The term of the 2021-2022 Butte County Grand Jury has reached its completion. We have been privileged to serve the citizens of Butte County for the last sixteen months. The 2021-2022 Grand Jury began with nineteen jurors. At this the final moment of discharge from Grand Jury duties we are eighteen jurors who have contributed hours of service towards something that has been a challenging, educational, and rewarding experience for all.

The Grand Jury functions primarily as a “watchdog” representing the citizens of the County in providing oversight of the operations of governmental entities within the County.

A major factor of Grand Jury responsibilities are the complaints and observations, which the Grand Jury receives from the citizens of the County. Each Grand Jury is independent and free to look into such matters decided upon by members as a whole. Investigations have their origin in submitted written complaints received from citizens of the County. These complaints are received, acknowledged, and given consideration. The Grand Jury sets its own priorities and considers each complaint individually, yet due to the limits of Grand Jury terms, some complaints may not result in investigations. Complaints received later in the term may be passed on to the next Grand Jury.

The 2021-2022 Grand Jury received a total of thirty-eight citizen complaints. Of those complaints received twenty-eight were forwarded on to the appropriate grand jury committee. Two complaints were submitted for review to the Butte County District Attorney’s office.

The process for making complaints or expressing concerns is straightforward. Instructions and a complaint form are available on the Butte County website.

[www.buttecounty.net > Portals > GrandJury > GrandJury_ComplaintForm](http://www.buttecounty.net/Portals/GrandJury/GrandJury_ComplaintForm)

An investigation undertaken by a Grand Jury can involve multiple months to research, investigate and complete. The investigation process includes interviews of public officials and site visits as deemed informative and necessary. The 2021-2022 Grand Jury completed ten in person site visits and conducted thirty-five interviews with public officials.

Service on the Grand Jury is voluntary. We urge those citizens who receive a letter offering this opportunity to give it serious consideration. For those able to devote the time and energy, it is a very worthwhile and rewarding opportunity to become a better-informed citizen and contribute to your community.

We have reflected on how this opportunity to serve the citizens of Butte County has benefited our understanding of our county’s government operations and expanded our knowledge as members of our communities. We thank our family members and friends who have supported this year of

service. We thank the many governmental employees and board members who have so willingly contributed to this process. And we thank the citizens of the County for this opportunity to serve.

Sincerely,

Members of the 2020-2021 Butte County Grand Jury

ACKNOWLEDGEMENTS

The 2021-2022 Butte County Grand Jury wishes to express its sincere appreciation and thanks to the following individuals, departments and organizations for their professional assistance, guidance, and support during this term.

- The citizens of Butte County, whose concern for the public good led them to lodge complaints about perceived wrongdoing within local government entities.
- Butte County Board of Supervisors: Bill Connelly District 1, Debra Lucero District 2, Tod Kimmelshue District 4, Doug Teeter District 5, and Tami Ritter District 3
- Candace J. Grubbs, County Clerk-Recorder/Registrar of Elections; Madison Wyman Assistant County Clerk-Recorder/Registrar of Voters; Keaton Denlay Manager Clerk-Recorder/Elections; Sara Stockton Election Services Project Manager
- Andy Pickett, Butte County Chief Administrative Officer; Brian Ring, Assistant Chief Administrative Officer; Casey Hatcher, Deputy Chief Administrative Officer; Janna Hauck, Administrative Analyst; Sommer Stephenson, Management Analyst, Senior
- Graciela Gutierrez, Butte County Auditor-Controller; Troy Kidd, Butte County Treasurer/Tax Collector; Diane Brown, Butte County Assessor
- Joshua Pack, Director Butte County Public Works; Craig Cissell Deputy Director Division of Waste Management
- Josh Jimmerfield, Deputy Administrative Officer, Office of Emergency Management
- Grant Hunsicker, Director Butte County General Services
- Anna Zepeda Nunez, Butte County Public Health Education Specialist
- Mary Redding, Butte County General Services Department for guided tours of the Butte County Veteran Memorial Halls
- Nino Pinocchio, Superintendent Butte County Juvenile Hall; Wayne Barley, Butte County Probation Department, Chief Probation Officer; and staff for a guided tour of the Butte County Juvenile Hall
- Phillip Heithecker, Director of Butte County Public Defenders Consortium
- Sheriff Kory Honea; Captain Hovey; Lieutenant Hadley; Lieutenant Agurkis; Lieutenant Meyer; Lieutenant Collins; Lieutenant Calkins; Sargent Brownfield and staff for a guided tour of the Butte County Jail.

- Scott Kennelly, Director Butte County Behavioral Health; Jennifer Stofa, Butte County Behavioral Health Assistant Director Clinical Services; Ana Vicuna, Butte County Behavioral Health Assistant Director Clinical Services
- Mike O'Brien, Commander Butte County Inter-Agency Narcotics Task Force
- Don Beasley, Director of Butte College Public Safety and Education Training Center

In Addition, the 2021-2022 Grand Jury would like to thank the staff of the Superior Court of California, County of Butte, and express particular gratitude for the assistance and support provided by:

- Honorable Judge Corie J. Caraway for presiding over the 2021-2022 Butte County Grand Jury
- Bruce S. Alpert, County Counsel
- Brad Stephens, Assistant County Counsel
- Kathleen Kehoe Greeson, Chief Deputy County Counsel
- Kim Dionne, Court Services Specialist
- Thia Osborn, Court Services Specialist

Our families, friends, and employers for their support and understanding of our unique responsibility.

2021-2022 Butte County Grand Jury Member Roster

Name	City	
Glenna Akers	Chico	Foreperson
David Westphal	Chico	Foreperson Pro Tempore
Kelly Knox	Chico	Recording Officer
Barbara Hubler	Oroville	Corresponding Officer
Edmund Holohan	Chico	Sergeant-At-Arms
David Pegg	Chico	Treasurer
Thomas Brooks	Chico	
Sheryl Campbell	Chico	
Stephen Dunbar	Chico	
Frank Esquivel	Chico	
Douglas Grant	Chico	
Judith Jacoboni	Chico	
Linda Jacobsen	Chico	
Lesli Kostiz	Forest Ranch	
Ann Moakley	Magalia	
Christopher Rehmann	Paradise	
Ronald Tackett	Chico	
Paul Weber	Paradise	

We wish to acknowledge those jurors who served briefly on the 2021-2022 Grand Jury who were unable to complete their term. We thank you and appreciate the time you were able to serve.



2021-2022 Butte County Grand Jury

MISSION STATEMENT

The 2021-2022 Butte County Grand Jury is responsible for reviewing various levels, branches, and agencies of government within this county. These reviews are conducted to ensure the various government branches and agencies are performing their duties and operating in an appropriate manner which best serves the citizens of Butte County. When necessary, the Grand Jury may also hear and determine the appropriateness of certain criminal indictments.

The Role of the Butte County Grand Jury

The Butte County Grand Jury is mandated by Article 1, Section 23 of the California Constitution. It operates under Title 4 primarily Penal Code sections 888- 939.91, of the California Penal Code, Sections 3060-3074 of the California Government Code, and Section 17006 of the California Welfare and Institutions Code. All fifty-eight counties in California are required to have grand juries.

The Grand Jury in California has several functions:

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

The Grand Jury has the authority to investigate the following:

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

History of Grand Juries

In the 18th century, the greatest experiment in human governance began: a new nation founded on a system of citizen-led democracy. In a world dominated by monarchs and dictators, this radical idea of a citizen-run government was met with derision, skepticism, and war. Citizen-led democracy, over 240 years, has proven to be the greatest form of government the world has ever known, creating opportunity for prosperity, peace, and harmony for all who desire it.

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

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

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

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

Annual Final Report

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

CALIFORNIA PENAL CODE

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

§933.

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

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

§933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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



2021-2022 Butte County Grand Jury

Annual Report

COMPLIANCE AND CONTINUITY REPORT FOR THE 2019–2020 BUTTE COUNTY GRAND JURY REPORT

SUMMARY

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

The 2021-2022 BCGJ reviewed the responses to the seven investigative reports issued by the 2019-2020 BCGJ. One response was overdue and required a past due notice to be sent. Once the response was received it was informal and brief. There were 36 findings which either required or invited a response.

This Compliance and Continuity Report is an example of the collaborative efforts within Butte County's governmental agencies and special districts working with the BCGJ findings and recommendations.

GLOSSARY

BC	Butte County
BCC	Butte County Connect
BCDPH	Butte County Department of Public Health
BCGJ	Butte County Grand Jury
BCMVC	Butte County Mosquito and Vector Control District
BCPW	Butte County Public Works
CSUC	California State University Chico
DMAD	Durham Mosquito Abatement District
LAFCo	Local Agency Formation Commission

LPHS	Las Plumas High School
OHS	Oroville High School
OMAD	Oroville Mosquito Abatement District
OUHSD	Oroville Union High School District
PCI	Pavement Condition Index

METHODOLOGY

The 2021-2022 BCGJ evaluated responses to the 2019-2020 BCGJ recommendations to ensure compliance with California Penal Code section 933.05. The following criteria were considered:

- Were required responses to all findings and recommendations received, and received by the stated deadline
- If a response indicated that a recommendation had been implemented, was there sufficient detail about how
- If a response indicated that a recommendation would be implemented, did it include detail about when and how
- If a response indicated that a recommendation required further analysis or study, did the respondent explain how that would be accomplished
- If a response indicated that a recommendation would not be implemented, did it include an explanation why

The BCGJ visited agency websites and other media platforms to validate details in the responses. When necessary, the BCGJ contacted agency heads for clarification on responses. This report provides updates to the 2019-2020 BCGJ report responses, and respondents' progress toward recommendations, as necessary.

BACKGROUND

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

In accordance with Penal Code Section 933.05(a), responses to findings must either:

- Agree with the findings
- Disagree partially with the findings
- Disagree with the findings

In accordance with Penal Code Section 933.05(b), responses to recommendations must include whether each recommendation:

- Has been implemented
- Has not yet been implemented but will be, with a timeframe for implementation
- Requires further analysis, with an explanation and parameters of the analysis, with a timeframe for the matter to be prepared for discussion
- Will not be implemented, with an explanation

DISCUSSION

The 2019-2020 Butte County Grand Jury Report offered 31 recommendations resulting from 67 findings across six reports. Twenty-two findings were statements that did not result in any recommendations. Agency required responses are tallied in Table 1; invited responses are tallied in Table 2. A summary of each report and its responses follows, listed in the same order as in the full 2019-2020 report.

Full text of department and other responses can be found here:
[BCGJ Report for Fiscal Year 2019-2020](#)

Summary of Required Responses

All but one of the required responses to the 2019-2020 BCGJ report were received on time and in accordance with California state law.

Respondents included:

- Butte County Board of Supervisors Chairperson
- Butte County Mosquito and Vector Control District Manager
- Butte County Public Health Director
- Butte County Registrar of Voters
- Butte County Sheriff
- City of Chico Mayor
- Oroville Union High School District Superintendent

Table 1

2019-2022 Butte County Grand Jury Report	Findings			Recommendations			
Required Respondents ~by report	Agree	Disagree	Partially Disagree	Implemented	Will be (partially) Implemented	Will NOT be Implemented	Requires Further Analysis
Butte County Board of Supervisors ~BC Correctional Facilities	F1 F2 F3 F4			R1			
Butte County Board of Supervisors ~Public Works Roads	F2		F1 F10	R1		R7	
Butte County Mosquito and Vector Control	F12 F13 F14 F15				R4	F3	
Butte County Public Health	F6		F5		(R1,R2)		
Butte County Registrar of Voters ~BC Status in Government	F5			R2	R3		
Butte County Sheriff ~BC Correctional Facilities	F1F2F3 F4F5F6F7			R1 R2 R3 R4			
City of Chico ~Butte Strong Cities of Butte County	F1 F2 F3 F5					R1	
Durham Mosquito Abatement District	F18 F19						R5 R6 R7
Oroville Union High School District	F2F3F4F5 F7 F8 F9	F1 F6		R1 R2 R3 R8 R9	R5 R7	R4	R6

2019-2022 Butte County Grand Jury Report	Findings			Recommendations			
Required Respondents ~by report	Agree	Disagree	Partially Disagree	Implemented	Will be (partially) Implemented	Will NOT be Implemented	Requires Further Analysis
Butte County Board of Supervisors ~BC Correctional Facilities	F1 F2 F3 F4			R1			
Butte County Board of Supervisors ~Public Works Roads	F2		F1 F10	R1		R7	
Butte County Mosquito and Vector Control	F12 F13 F14 F15				R4	F3	
Butte County Public Health	F6		F5		(R1,R2)		
Butte County Registrar of Voters ~BC Status in Government	F5			R2	R3		
Butte County Sheriff ~BC Correctional Facilities	F1F2F3 F4F5F6F7			R1 R2 R3 R4			
City of Chico ~Butte Strong Cities of Butte County	F1 F2 F3 F5					R1	
Durham Mosquito Abatement District	F18 F19						R5 R6 R7
Oroville Union High School District	F2F3F4F5 F7 F8 F9	F1 F6		R1 R2 R3 R8 R9	R5 R7	R4	R6

Summary of Invited Responses

The 2019-2020 BCGJ extended invitations to respond to those whom the BCGJ felt may have input. Invited responses are not required.

- The Butte County Inmate Advocate did not respond to one recommendation in the Butte County Correctional Facilities report. The Sheriff responded to that recommendation.
- The Butte County Public Works Director responded to six recommendations in the Butte County Mosquito Abatement Districts report. The Director detailed responses were included in a response on behalf of the Butte County Board of Supervisors.
- The Chico Police Department responded to one recommendation in the Status of Government report; the mayor responded on behalf of the Department.
- Las Plumas High School and Oroville High School responded to two recommendations each in the Oroville Union High School District report; the superintendent responded on behalf of the schools.

Table 2

2019-2022 Butte County Grand Jury Report	Findings			Recommendations			
Invited Respondents ~by report	Agree	Disagree	Partially Disagree	Implemented	Will be (partially) Implemented	Will NOT be Implemented	Requires Further Analysis
Butte County Public Works Director ~Public Works Roads	F3 F5 F6 F7 F8 F9	F4	F9		R2 R5	R3 R4 R6 R7	
*Butte County Inmate Advocate ~BC Correctional Facilities	F4 F5			R2			
Chico City Council ~BC State in Government	F2					R1	
Las Plumas High School ~Oroville Union High School Dist.	F6 F7				R6 R7		
Oroville High School ~Oroville Union High School Dist.	F8 F9			R8 R9			

* The Butte County Sheriff Replied for the Inmate Advocate

Other Responses

In addition to the required and invited responses, there was one additional and unsolicited response by the Town of Paradise to the commendation finding regarding its admirable resiliency. That response can be found in the full and actual responses at the previously listed link.

Summary of Responses by Report

Butte County Correctional Facilities

- The BC Board of Supervisors agreed with Findings F1 through F4 and Recommendation R1, related to facility capacity
- The BC Sheriff agreed with Findings F1 through F7 and Recommendations R1 through R4, noting that Recommendations R1, R2, R3, and R4 have been implemented

Butte County Mosquito Abatement Districts

The BCGJ determined that another review of the previously recommended consolidation of all individual mosquito and vector control districts was in order due to potential public health risks. Recommendations from the 2016-2017 BCGJ and the Local Agency Formation Commission (LAFCo) 2018 report called for the consolidation of the Durham Mosquito Abatement District (DMAD) and the Oroville Mosquito Abatement District (OMAD), into the existing Butte County Mosquito and Vector Control District (BCMVCDD). The BCGJ identified 19 findings and offered seven recommendations:

- The Butte County Department of Public Health (BCDPH) Director responded with mixed agreement to Findings F5 and F6 and Recommendations R1 and R2. The Director partially disagreed with F5 and agreed with F6. The Director responded that R1 would be in place by January 2021. Regarding R2, the Director noted that BCDPH would not create a link on the homepage and that outreach is already performed on multiple platforms.
- The Butte County Mosquito Vector Control (BCMVC) Director agreed with Findings F12 through F15 and Recommendations R3 and R4.
- The DMAD Board of Trustees was required to respond to Findings F18 and F19 and Recommendations R5 through R7. The response was not received in the required time. After a reminder, the DMAD District Manager submitted a brief and informal response.

Public Works Roads

The BCGJ investigated the maintenance, repair, and funding of roads in Butte County concluding with ten Findings (F1-F10) and seven Recommendations (R1-R7) that all stem from a shortage of labor, funding, and training. The Butte County Public Works (BCPW) Director responded to findings and recommendations, as invited.

The Butte County Board of Supervisors Chairperson responded to F1 and F2 and did not respond to F10. The Chairperson noted that R1 had been implemented and responded to R7.

The BCPW Director responded to the BCGJ's invitation with mixed agreement on Findings F3-F10 and Recommendations R2-R7 and provided a response to F1 and F2. The Director disagreed with F1 and partially agreed with F2. The Director disagreed with F4 and R3, and partially agreed with F9, however, the Recommendation (R6) will not be implemented. The Director agreed with F3, F5, F6, F7, F8, R2 and R5. The Director stated that R4 was unnecessary, therefore R7 will not be implemented.

Status of Government

Leaders of the Butte County Information Systems, Butte County Dispatch Center, Butte County Elections Office, Butte County Hall of Records, Butte County Veterans Memorial Halls, and Chico Police Department were interviewed, and tours conducted. The BCGJ, as part of the interview and tour process, arrived at two findings and three recommendations

- Butte County Registrar of Voters agreed with Finding F5 and Recommendations R2 and R3, and reported that R2 had been implemented, and was working on the collaboration recommended by R3.
- The City of Chico Mayor responded on behalf of the Chico Police Department to Finding F2 and Recommendation R1. The mayor agreed with F2 and R1 but stated that the cost would be prohibitive and not financially prudent.
 - UPDATE: On June 8, 2021, the Chico City Council approved \$1.2 million of the city's allocation of American Rescue Plan Funds to upgrade the dispatch radio system to make the systems compatible, as recommended. As of September 21, 2021, the Chico City Council approved the leasing contract with Motorola for the upgraded radio system.

Oroville Union High School District Athletic Facilities

The BCGJ focused on two schools in the County, Oroville High School (OHS) and Las Plumas High School (LPHS). The BCGJ highlighted nine findings and offered nine recommendations.

- Oroville Union High School District (OUHSD) administration was required to respond to Findings F1 through F9 and Recommendations R1 through R9. The OUHSD Superintendent responded and offered detailed remarks for each finding and noted with each finding whether the work had been completed (F2, F8, F9), would be completed (F3, F4, F5, F7), or did not need to be addressed (F1, F6).
- OHS and LPHS administrations were each invited to respond (LPHS: F6, F7, R6, R7; OHS: F8, F9, R8, R9); no responses were received directly from either school, but the Superintendent did address all findings and recommendations.

Butte Strong

Butte County has endured more than the usual number of public crises since 2017:

- 2017 Oroville Dam Crisis
- 2018 Wall Fire
- 2018 Camp Fire
- 2019 Public Safety Power Shutoffs
- 2020 COVID-19 Stay-at-Home Orders

The BCGJ wanted to review and understand how each city managed these challenges. Interviews were conducted with management from the Cities of Biggs, Chico, Gridley, Oroville, and the Town of Paradise; Butte County Supervisors from all Districts; the Chiefs of Police from Chico and Gridley; and the Paradise Irrigation District Manager. As a result of the interviews, it was clear that all municipalities managed these challenges well, though the City of Chico faces financial obstacles which produced Findings F1, F2, F3, F5 and Recommendation R1.

- The City of Chico Mayor responded in agreement with all three findings. The mayor said R1 would not be implemented, as the City Council did not secure the necessary five votes to place a 1% tax measure on the November 2020 election.
 - UPDATE: On September 21, 2021, the Chico City Council voted to instruct staff to prepare the necessary documents to place on the 2022 ballot a 1% sales tax increase for the City of Chico.

BUTTE COUNTY SINGLE AUDIT REPORTS: YEAR ENDED JUNE 30, 2020 AND YEAR ENDED JUNE 30, 2021

The Butte County Grand Jury reviewed the Butte County Single Audit Reports for Fiscal Years 2019-20 and 2020-21, which were prepared by the Independent Auditor CLIFTON, LARSON, ALLEN, LLP. A Single Audit Report is a federal award audit of a non-federal entity that expends \$750,000.00 or more in federal funds in one year. The purpose of the report is to ensure that a funds recipient organization follows all applicable compliance requirements and regulations. The report is created by an independent auditing firm, usually a CPA, hired by the organization. The Single Audit Reports are required to be made public within nine months of the close of the fiscal year or within one month after receiving them from the auditing entity, whichever occurs first. Butte County completed and posted both fiscal year reports on their website within the required time.

The two main parts of the report are Financial Statements Audit and Compliance Audit.

Financial Statements Audit

These are the financial statements for the federal grants and loans the entity has received. The statements show the federal expenditures awarded to the entity and the end of fiscal year balances in the loan and grant accounts. The auditors found that the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

Total Federal Expenditures grew from \$80,558,447.00 in 2020 to \$112,180,816.00 in 2021 for an increase of \$31,622,369.00 reflecting an annual growth rate of 39.25%. Increases in expenditures were attributed to the U.S. Department of Treasury, via COVID relief funds and the U.S. Department of Transportation sectors experiencing the largest increases in federal expenditures between 2020 and 2021. Treasury grew from \$96,101.00 in 2020 to \$22,441,104.00 in federal expenditures while Transportation went from \$1,636,200.00 in 2020 to \$14,460,219.00 in 2021.

The report contains the opinion of the auditing firm regarding the performance of the grantee during the fiscal year. There are four opinions the auditor may express, listed below in order, from most favorable to least.

- Unqualified opinion
- Qualified opinion
- Adverse opinion
- Disclaimer of opinion

In FY 2019-20 and FY 2020-21, Butte County received an unqualified opinion.

Compliance Audit

The compliance audit reviews internal controls and the programs identified by the auditor as 'Major Programs.' Major Programs are subject to the compliance portion of the Single Audit. In the 2019-20 Single Audit Report, three Major Programs were identified, and in the 2020-21 Single Audit Report there were four Major Programs identified.

According to the auditors, CLIFTON, LARSON, ALLEN, LLP, the County complied with the requirements of each Major Federal Program that could have a direct and material effect on each of its major programs for the year ended June 30, 2021.

If the audit shows an issue of noncompliance, a finding may be written, describing the noncompliant issue. Following the finding there may be one or more recommendations for the entity to implement.

There were no findings or recommendations in either of the Butte County FY 2019-20 or FY 2020-21 Single Audit Reports.

BUTTE COLLEGE LAW ENFORCEMENT ACADEMY



Butte College

SUMMARY

Across the state, there are 20 police academies on community college campuses run in conjunction with the California Commission on Peace Officer Standards and Training (POST). The program at Butte College includes not only the Law Enforcement Academy, but also the Fire Fighter Academy, Fish and Wildlife Academy, and State Parks Law Enforcement Academy.

The purpose of this report is to examine the operation of the Butte College Law Enforcement Academy (BCLEA) in terms of how well graduates are prepared for a career in law enforcement. The program is functioning well but could continue to implement improvements.

GLOSSARY

BCGJ Butte County Grand Jury

BCLEA Butte College Law Enforcement Academy

POST California Commission on Peace Officers Standards and Training

BACKGROUND

Butte-Glenn Community College District, known as Butte College, offers two academies per year in January and July. Each program is 23 weeks long. Formerly, the recruits were self-sponsored; now there is a higher percentage sponsored by law enforcement agencies. Agencies do the hiring and screening, then send recruits to the academy for training.

The BCLEA has been presenting programs for over thirty years and has graduated over 5,000 students. The program is certified by POST, which requires law enforcement recruits to receive a minimum of 664 hours of training. The program at Butte College exceeds this requirement and offers approximately 900 hours of instruction in the 42 learning domains needed to enter the law enforcement career field. Recruits are enrolled in a Critical Skills course, as part of the curriculum, which includes techniques to ensure success in the academy program. Law enforcement agencies have the first option for enrollment, then Butte College fills the remaining

openings with unsponsored applicants. The cost for a California resident to attend the BCLEA is approximately \$5,500 which includes tuition, materials, uniforms, textbooks, ammunition, and facility use.

The BCLEA conforms to standards for certification by POST. Upon successful completion of the program, the student is eligible to apply for entry-level positions as a law enforcement officer anywhere in the State of California.

METHODOLOGY

- Tour of the Academy
- Interview with BCLEA administration
- Interview with recent Academy graduates currently employed at law enforcement agencies
- Documents:
 - Legislative Mandated Training - State of California
 - POST - Minimum Content and Hourly Requirements
 - Law Enforcement Academy Class Schedule
 - Chico Enterprise Record Newspaper (11/18/2021) - “Butte College Unveils New Training Site”

DISCUSSION

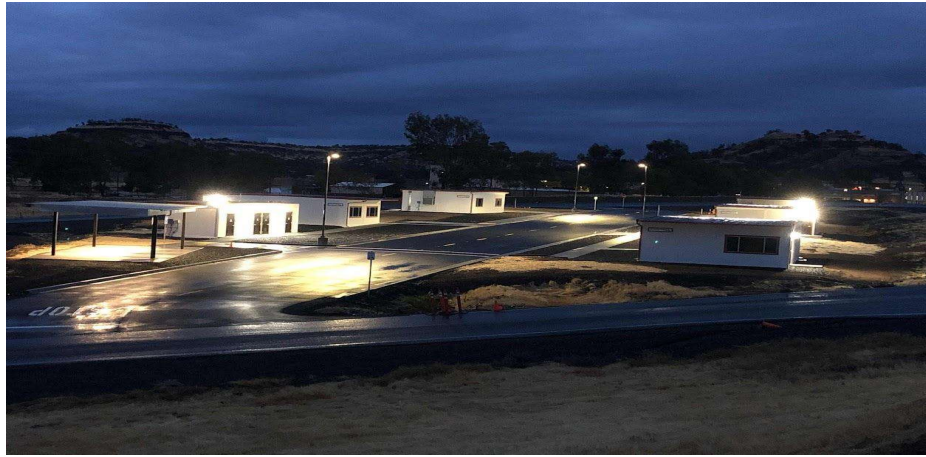
The BCLEA provides recruits to smaller Law Enforcement agencies who cannot afford to run their own academies. The Butte College program works closely with law enforcement agencies to try to meet their needs. The BCLEA Advisory Board is made up of local law enforcement leaders, a POST representative and is led by the Butte County District Attorney.

The curriculum is set and outlined by POST; however, the college regulates what is taught. POST and the Academy’s Curriculum Committee must certify the curriculum. POST provides the topics, but not how the course should be taught. Of the 42 Learning Domains taught, one is Principal Policing in the Community. Part of this course includes field trips in groups of six recruits to community agencies, such as the Torres Shelter. Other domains include Victimology and Crisis Intervention, Controlled Substances, Use of Force and De-escalation, Arrest and Control Training, Search and Seizure and How to Work with Individuals with Disabilities (including those with mental health issues).

POST is a required curriculum, but each law enforcement agency may have different practices and policies. Once in the field, recruits must review and follow their sponsoring agency’s policies and procedures. An example is Pursuit Policy - the Academy teaches the basics but tells recruits their agency policies may be different.

The Butte County Grand Jury (BCGJ) took a comprehensive tour of the Academy and facilities. Part of the tour included the newly constructed Scenario Village. The college unveiled the

Scenario Village to the public at a ribbon cutting on November 17, 2021. At that ceremony, the college president said “it is the only place in California that provides this type of training grounds. It is a place dedicated to real-life scenarios and it is especially important.”



Scenario Village

The Village consists of five structures plus restrooms. Three buildings have movable walls and black out shades for scenarios. Each building has a different orientation and function to provide recruits with a variety of real-life simulations, such as search and use of force scenarios.

Adjacent to the Scenario Village there is an Emergency Vehicle Operation Course with street and traffic lights which are manually controlled to create scenarios under varying conditions. The BCGJ observed students on the collision avoidance course set up with cones and traffic lights and on a skid pad flooded with water. These courses teach vehicle control techniques under various road and high-speed conditions. Local emergency responders use this course for bi-annual required refresher training. A firearms range completes the training facilities.

The BCGJ interviewed five recent graduates currently employed at different law enforcement agencies in the county. Questions focused on how well the training prepared them for their current positions, how well the POST curriculum aligned with law enforcement agencies policies and what suggestions they had to improve on the Academy training. Overall, graduates were satisfied with the basic training and skills received through BCLEA yet had concerns. Additional training was suggested in the following areas:

- Defensive tactics
- Handcuffing and control holds
- Communication skills, including ways to engage with people in a calm manner and diffuse situations
- Interaction with the unsheltered and those who have mental health issues
- Using a wider variety and number of scenarios
- Legality of search and seizure, use of force, and de-escalation techniques (including verbal commands and body language)
- Traffic stops due to the frequency of that type of contact with the public

- Community policing
- Preparation for real life experiences encountered. Training at the academy is controlled and the field is not. Simulations with student actors did not reflect real life

In summary, there were concerns that were mentioned by more than one interviewee:

- The academy is a controlled environment in which real life scenarios are difficult to portray. Officers want a wider variety of scenarios
- The need for more in-depth training on the legality of search and seizure
- The importance of communication skills
- How to work with persons with mental health issues and the unsheltered

FINDINGS

F1. The BCLEA is a comprehensive and well-run program that follows the state mandated POST curriculum. BCLEA's classroom hours exceed POST's minimum hourly requirement. It provides a vital function to law enforcement agencies and to graduates who go on to a career in law enforcement.

F2. The BCGJ identified areas in which the BCLEA program needs more instruction and preparation:

- Additional and more realistic scenario training
- Additional emphasis on communication skills and how to defuse potentially volatile situations
- Additional training on search and seizure and the legal limits of officers
- How to effectively deal with the unsheltered population and individuals with mental health issues
- Training on Community Policing techniques

F3. The Scenario Village is a positive addition to BCLEA that enables instructors to create real life scenarios to better prepare students for experiences in the field.

RECOMMENDATIONS

R1. The Butte-Glenn Community College District Board of Trustees to institute a program whereby recently graduated and currently employed officers can provide anonymous feedback for changes/improvements to the program by June 30, 2023.

R2. The Butte-Glenn Community College District Board of Trustees to conduct an internal review of the allotted time assigned to each Learning Domain to determine if more time and instruction can be redirected to the topics identified in F2 by June 30, 2023.

REQUIRED RESPONSES

The following responses are required, pursuant to Penal Code sections 933 and 933.05:
From the following elected officials within 90 days:

- **Butte-Glenn Community College District Board of Trustees:** F1, F2, F3, F4, R1 and R2

INVITED RESPONSES

The Grand Jury invites the following response:
From the following governmental official within 60 days:

- **Director Butte College Law Enforcement Academy:** F1, F2, F3, F4, R1 and R2

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

STATE OF CONFUSION: WHO IS ELIGIBLE FOR BEHAVIORAL HEALTH SERVICES?



SUMMARY

There are many services available through Butte County Behavioral Health (BCBH), however, the population eligible for these services are those with Medi-Cal and/or Medicare. People with private insurance might be covered for crisis care, however they will be referred to providers within their network for ongoing care. Many residents of Butte County are unaware of services provided by BCBH.

GLOSSARY

BCBH Butte County Behavioral Health

BCGJ Butte County Grand Jury

BACKGROUND

The BCBH Mission Statement: *Partner with individuals, families and the community for recovery from serious mental health and substance abuse issues and to promote wellness, resiliency and hope.* An online site search for BCBH, mental health help, suicide prevention, etc., leads to the BCBH website homepage where services are listed. There are no specific

eligibility requirements listed on this webpage. Clicking on the Crisis icon gives the following information:

- Phone numbers; 800, 530, 911 and specialty listings such as a number for seniors, veterans, suicide prevention, and more.
- Address and hours to a walk-in clinic; 560 Cohasset Road, Chico 6am to 11pm, 7 days a week including holidays
- Crisis Response Team; making referrals from hospital emergency department, schools and various community settings
- Mobile Response Team; accessed through 911, Chico Police Department and Butte County Sheriff's Office
- Crisis Triage Connect; provides a patient advocate team for 60 days to facilitate a smooth transition between inpatient and outpatient care
- Homeless Emergency Action Response Team: for youth, such as runaway teens, which need a liaison between them and their family
- Hospital Alternative Program; for ages 0-17 needing intensive services, but not in the hospital setting
- Psychiatric Health Facility: a 16 bed, 24-hour acute non-medical facility that provides a safe environment for both voluntary and non-voluntary clients needing mental support and treatment (24-hour nursing care and medication monitoring)

METHODOLOGY

- Newspaper articles
- 3 Interviews with staff members from Substance Abuse, Mental Health Outpatient Services and Behavioral Health

WEBSITES

<https://www.buttecounty.net>



DISCUSSION

Based on the BCBH Mission Statement, newspaper articles, website research and the BCBH interviews, the public has a misunderstanding of the services BCBH provides the community and to whom services are provided.

In order to find out if one qualifies for any of the listed services, it is necessary to go to [Behavioral Health > Home \(buttecounty.net\)](http://buttecounty.net/BehavioralHealth/Home), click on the get started button located on the bottom of the page in the orange highlighted box. This leads to a page with phone numbers and items needed once contact is made with staff. If one enters the keyword “eligibility” in the search bar, one is taken to a webpage that contains a full list of Butte County services instead of eligibility criteria.

Only people covered by Medi-Cal and/or Medicare are currently eligible for services. Services are tailored to individual circumstances; therefore, eligibility requirements are made during the screening process on a case-by-case basis.

FINDINGS

- F1. The public has misconceptions of BCBH services and eligibility.
- F2. The BCBH website homepage does not identify service eligibility requirements.

RECOMMENDATIONS

- R1. The BCBH to implement a public outreach program consistent with their Mission Statement to educate residents as to who may be eligible for services by December 31, 2022.
- R2. Under the Services heading on the homepage, the BCBH to add: “Not all services are available to every person. Please click the Get Started button to discuss your individual situation.” by December 31, 2022.
- R3. The BCBH to make the Get Started button on the BCBH homepage more prominent by December 31, 2022.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Butte County Board of Supervisors:** F1, F2 and R1

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Director of Butte County Behavioral Health:** F1, F2, R1, R2 and R3
- **Butte County Chief Administrative Officer:** F2, R2 and R3

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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TODAY'S LIBRARY BOOKS AND BEYOND

SUMMARY

Libraries are not just about books anymore, they are a community resource for education, job searches, acquiring and honing technical skills, entertainment, creating crafts, preparing for higher education, online learning, computer use for online services. These activities and services bring our communities together.



Welcoming entrance to the Chico Branch

GLOSSARY

BCGJ	Butte County Grand Jury
BCL	Butte County Library
CSU, Chico	California State University, Chico
ESL	English as a Second Language

DEFINITIONS

Digital Divide	A term that refers to the gap between demographics and regions that have access to modern information and communications technology and those that do not or have restricted access.
Librarian	County Librarian/Library Director Butte County Library
Library Partners	Community groups that work cooperatively with the library. Current groups include CSU, Chico, Butte College, Chico Friends of the Library

BACKGROUND

The mission of the BCL is to serve the Learning, Cultural, and Community needs of the diverse populations of our County. Butte County libraries were last investigated during the 2010-2011 term of the Butte County Grand Jury (BCGJ). Due to changes in technology, informational services and library programs, the 2021-2022 BCGJ decided to tour the Chico branch, the largest and most up to date of the six Butte County Libraries.

The first library in Chico was formed in 1879 and was known as the Chico Free Library and Reading Room. In 1905 the Chico Library opened at Second and Salem Streets thanks to a \$10,000.00 grant from Andrew Carnegie. In 1976 the City of Chico and the Board of Trustees consolidated the County and City Libraries. In 1983, the Chico branch opened at its current location at East First and Sherman Avenues. This branch is the first to have gone through the planned remodel of all the libraries. The library is funded by various entities. Funding sources include Butte County General Fund 82%, charges for services 5%, State of California 4%, other government funding 4%, all other sources such as grants and the Chico Friends of the Library 5%. www.chicolibrary.org.

METHODOLOGY

- Review of the 5 Year Strategic Plan located at www.buttecounty.net under Library Strategic Plan 2020-2025
- Interview with the County Library staff
- Toured the Chico Library
- Discussion with the staff at the Chico Library

WEBSITES

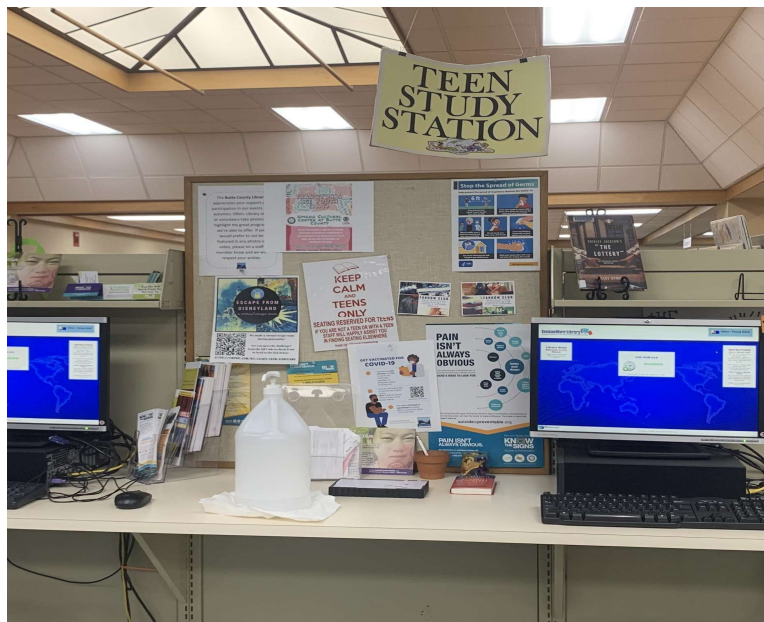
www.chicolibrary.org

www.buttecounty.net

DISCUSSION

Libraries are not just about books these days. The Chico Library has a wide variety of services which are available online. These services can be found at www.buttecounty.net/bclibrary/e-resources. The new services include such innovations as:

- REACH (Reconnect, Engage, Adult, Creating, Hope) Program, which provides economic and workforce development resources
- DVDs of music and movies are available for checkout
- Hoopla (similar to Netflix) allows patrons to checkout and stream entertainment from home
- Computer lab and Teen Study Station



Teen Study Station

- Online book reserve service, where books are held on a shelf ready for pickup
- Rapid checkout, where multiple books can be scanned at one time
- Maker Lab with 3D printer, sewing machines, virtual reality software, laminator and other tools for bringing creative ideas to life



Maker Lab

- In person classes in the Maker Lab shall resume as COVID-19 protocols allow



Reading Area with Maker Lab in background

- Craft and science kits available for children to take home and assemble



Children Resource Area

- Dedicated Children and Young Adult areas



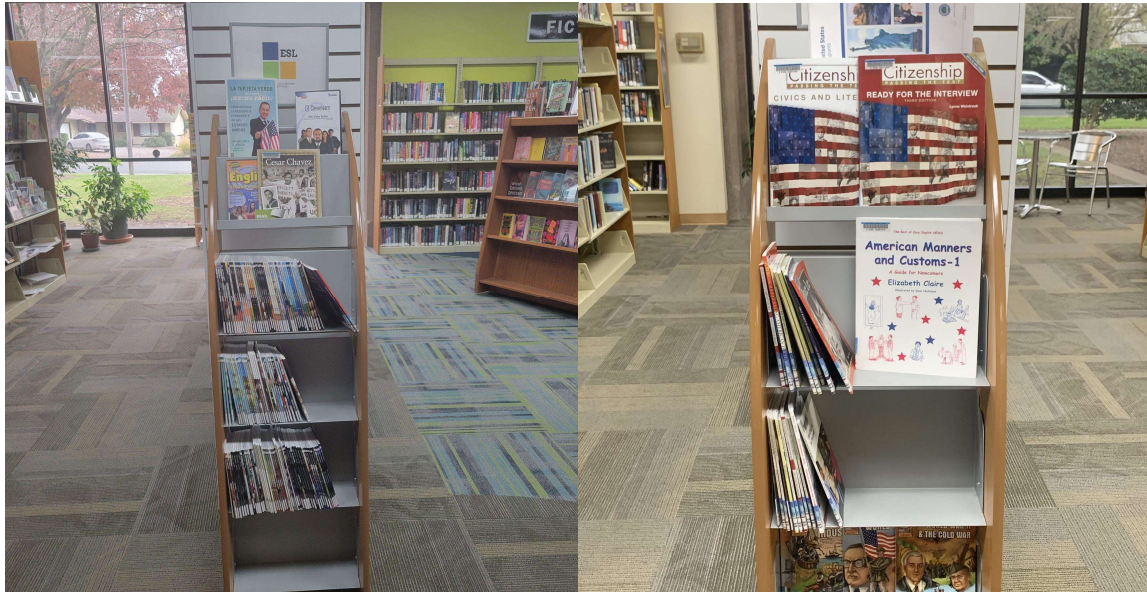


- Job search and education classes for those wanting to hone their work skills



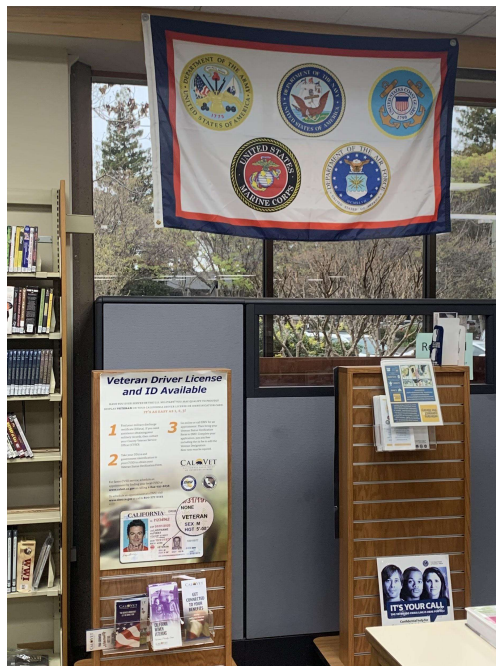
Education and Career Center

- ZIP program, which are books ordered from Amazon and delivered to a patron's home
- ESL books and materials for pathway to citizenship are available in their own section



Citizenship and ESL Resource Area

- Veterans Resource Center, which is also online



Veterans Resource Center

Pre-Pandemic, many library services were only available on site, now most services are available online. Despite the abundance and online availability of library services, it was observed by library staff during the Pandemic that as more services switched to virtual space, there were places in Chico and the unincorporated areas of Butte County that did not have adequate access to high-speed broadband. This phenomenon is known as a digital divide. Another type of digital divide exists where people may have high speed broadband, but not the skills to navigate online sources of information. The libraries in Butte County have collaborated well with community members to provide access via electronic means and offered basic computer training. COVID-19 protocols reduced the face-to-face training and caused a loss in volunteers, both of which have widened the digital divide. As COVID-19 protocols are modified the library staff sees a need for recruiting volunteers to replace the ones that may not return after protocols are modified. New volunteers are needed to train people needing greater computer skills to navigate all the virtual information available, narrowing the digital divide.

FINDINGS

- F1. Butte County Library provides a wealth of services to the community beyond book lending and research assistance.
- F2. Butte County Library has made use of budget and grant monies to modernize patrons' experience.
- F3. Despite the Pandemic, BCL has remained flexible in serving a wide range of patrons' needs while maintaining COVID-19 protocols.
- F4. Digital divides exist within Butte County between library services and those that can access them.
- F5. The Pandemic reduced volunteers which the BCL depended on to educate the public on the latest technology available.

RECOMMENDATIONS

- R1. Butte County Supervisors to commission a study to investigate the feasibility of establishing broadband throughout the county, similar to the Broadband Master Plan Interim Report approved by Chico City Council by December 31, 2022.

<https://krcrtv.com/news/local/concerns-with-chicos-broadband-master-plans-48-million-price-tag-addressed>

- R2. The Butte County Library administration to coordinate with library partners to increase community outreach and inform the public of library services by December 31, 2022
- R3. The Butte County Library administration to develop and implement a Volunteer Recruitment Plan by December 31, 2022

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Butte County Board of Supervisors:** F4 and R1

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Butte County Librarian:** F4, F5, R2 and R3

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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CHICO AND PARADISE VETERANS MEMORIAL HALLS REPORT

SUMMARY

The Camp Fire disrupted the functioning of the Paradise Veterans Memorial Hall, by damaging the septic tank and roof, both of which were recently replaced. Chico Veterans Memorial Hall recently remodeled the kitchen and expanded the parking lot by purchasing adjacent land. Due to these changes, the Butte County Grand Jury (BCGJ) decided this was a good time to tour these facilities. The Butte County Veterans Memorial Halls serve a wide variety of Veterans Groups.

GLOSSARY

ADA Americans with Disabilities Act

BOS Butte County Board of Supervisors

BACKGROUND

The Paradise and Chico Veterans Memorial Halls were not toured due to the Camp Fire during the term of 2019-2020 Grand Jury. The 2021-2022 Grand Jury decided to tour these two halls. Chico was established in 1928 and Paradise was established in 1927.

The Butte County General Services Department and the members of the Veterans Memorial Halls appoint the Veterans Facility Supervisors for each of the Memorial Halls. Facility Supervisors are selected from volunteers within the hall and must be computer literate. Their duties include submitting digital work requests for repairs, maintenance, and projects on the Memorial Halls to the Butte County General Services Department. In September 2020, the Butte County Board of Supervisors (BOS) adopted Resolution No. 20-132 disbanding Veterans Memorial Hall Organization Committees and ceased use of the Veterans Memorial Halls by the public, except for a polling place for elections. Control of the Memorial Halls was shifted to Hall memberships. The public rental of all Memorial Halls was discontinued by Butte County. This decision came because of:

- Multiple conflicting scheduled events from members of the public
- Veterans were not allowed to rent, use, or manage the Halls as they deemed necessary
- Budget overruns from the Real Property Agent's overtime hours due to administrative tasks. These tasks included rental applications, Alcohol Beverage Control applications, liability insurance verification, management of security guards and other duties as assigned.

METHODOLOGY

- Tour of the Chico and Paradise Veterans Memorial Hall Buildings
- Interview with the current Real Property Agent for Butte County

WEBSITES

<https://www.monca.org>

<https://vfw1555.org/di/vfw/v2/default.asp?nid=2>

https://localwiki.org/chico/Chico_Veterans_Memorial_Hall

<https://www.buttecounty.net/generalservices/Services/Memorial-Halls>

DISCUSSION

Chico Veterans Memorial Hall 554 Rio Lindo Ave, Chico CA

This location provides a meeting place for Posts and their Auxiliaries. Groups include:

- American Legion
- American Veterans
- Disabled American Veterans
- Sea Cadets
- Submariners
- United Women's Veterans
- Veterans of Foreign Wars
- Vietnam Veterans of America

The Senior Real Property Agent, who will be retiring May 2022, conducted the tour and the Chico Veterans Memorial Hall Facility Supervisor assisted.

The original Memorial Hall building is located at 900 Esplanade in Chico and was dedicated in 1927 as the Veterans Memorial Building¹. While the building was closed it was refurbished to current building standards and rededicated in 2013. The building is presently the Museum of Northern California Modern Art (MONCA).

At the Veterans' request, the County began a search for a new location with the prerequisite that it be within a three-mile radius of the original Veterans Memorial Hall located at 900 Esplanade. In March of 2006 Butte County purchased the building at 554 Rio Lindo Avenue along with 492 Rio Lindo Avenue. The property at 492 was purchased to increase the parking space capacity. The Veterans agreed to vacate the building on the Esplanade with the stipulation that the exterior appearance of the original building remain unaltered.

In August of 2009, the location known as the Chico Veterans Memorial Hall was dedicated at 554 Rio Lindo Avenue. The Veterans Memorial Hall provides individual meeting rooms, and each Veterans group has a storage unit within the building. There are individual rooms set up for each Veterans group, with tables, chairs, and flags. There is a central conference/gathering/dining room with an occupancy of 139. A commercial kitchen is available with updated stainless-steel appliances, kitchen supplies and locked storage areas. The facility also includes Americans with Disabilities Act (ADA) compliant restrooms.



Chico Veterans Memorial Hall Kitchen at 554 Rio Lindo Avenue

¹www.chicoer.com/news/ci_25533347/monca-opens-vets-launch-renovation-transformation-campaign



Chico Veterans Memorial Hall Kitchen at 554 Rio Lindo Avenue

**Paradise Veterans Memorial Hall
6550 Skyway, Paradise CA**

This location provides a meeting place for Posts and their Auxiliaries which include:

- American Legion
- California Veterans
- Disabled American Veterans
- Veterans of Foreign Wars

The Senior Real Property Agent provided the tour and the Veterans Facility Supervisor assisted. This location has a large gathering space with a waxed wooden floor. A member of the American Legion Gridley Post painted a mural of American Soldiers with Flags dating from 1776 to 2016 on the back of the auditorium stage wall. There is a commercial kitchen and mezzanine which were constructed with a \$60,000 donation. Access to the mezzanine is via stairs or chair lift for ADA compliance. Secure storage is provided to all member organizations. Under the mezzanine is a storage area for tables and chairs. There is additional storage in the basement and attic areas. The facility has ADA compliant restrooms.



Mural with American Soldiers

During the Camp Fire, emergency vehicles inadvertently parked on top of the septic tanks causing damage. The septic tanks were replaced with one larger septic tank and a grease interceptor. The facility is now up and running. It was also necessary to replace the roof of the building. While replacing the roof the previous dropped ceiling was removed to expose the original high ceiling.

The exterior of the building features a ground-mounted monument depicting the 1945 flag-raising at Iwo Jima, Japan. A member of the Disabled American Veterans Paradise Post donated a Korean War-era Army jeep. Seven Service flags, each representing a branch of military service, including the recently added Space Force flag, encircle the US, POW/MIA, and California flags.



**Statue of a soldier in full battle gear
at the front entrance
of the Paradise Veterans Memorial Hall**



**A monument crafted by Chico Granite and Marble
“In Memory of Our Past Armed Forces Members”**

For the last six years, the Paradise Veterans and the Veterans of Foreign Wars Auxiliary have organized a benefit for "Kids on the Ridge". The Paradise Lions Club hosts the event, which is held in December. The Veterans collect donations to purchase gifts, food, and games for kids ages 1-12. They purchase over three hundred gifts. The Paradise Lions Club and other volunteers wrap the gifts.

Other Butte County Veteran Memorial Halls are:

- Durham Veterans Memorial Hall, which was transferred to Durham Recreation and Park District
- Biggs Veterans Memorial Hall, which was transferred to the City of Biggs
- Gridley Veterans Memorial Hall, 249 Sycamore Street, Gridley
- Oroville Veterans Memorial Hall, 2374 Montgomery Street, Oroville

FINDINGS

- F1. The Veterans Memorial Halls in Paradise and Chico were observed to be clean and well maintained.
- F2. The Paradise Veterans Memorial Hall now provides an ADA accessible kitchen seating area/mezzanine.
- F3. The disbanding of the Veterans Memorial Halls Committees and ceasing rental of the Veterans Halls to the public by the General Services Department has resulted in:
- Less conflicting scheduling of events between members of the public and veterans
 - Veterans are allowed to form and appoint their own leadership for each of the Memorial Halls
 - Significant reduction in hours spent by the Real Property Agent.
 - The Real Property Agent no longer needs to exchange keys after work hours and check the facilities
- F4. The Real Property Agent for Butte County was scheduled to retire in May of 2022.

RECOMMENDATIONS

- R1. After the retirement of the Real Property Agent, BOS should fill this position with a full or part time person dedicated to overseeing the Veterans Memorial Halls.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Butte County Board of Supervisors: R1**

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Director, General Services Department: R1**

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 to which category(ies) the accumulation is allocated by 12/31/22. e of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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BUTTE INTERAGENCY NARCOTICS TASK FORCE REPORT



SUMMARY

The Butte County Grand Jury (BCGJ) last looked at the operations and functions of the Butte Interagency Narcotics Task Force (BINTF) in 2010-2011. BINTF was formed in October 1985 to confront a growing drug problem in Butte County. In 2002 it was divided between Northern and Southern Butte County at Highway 149. BINTF's primary functions and challenges are with Fentanyl and methamphetamine. Increases in overdose deaths demonstrate an urgent need for effective enforcement, intervention, outreach and education.

GLOSSARY

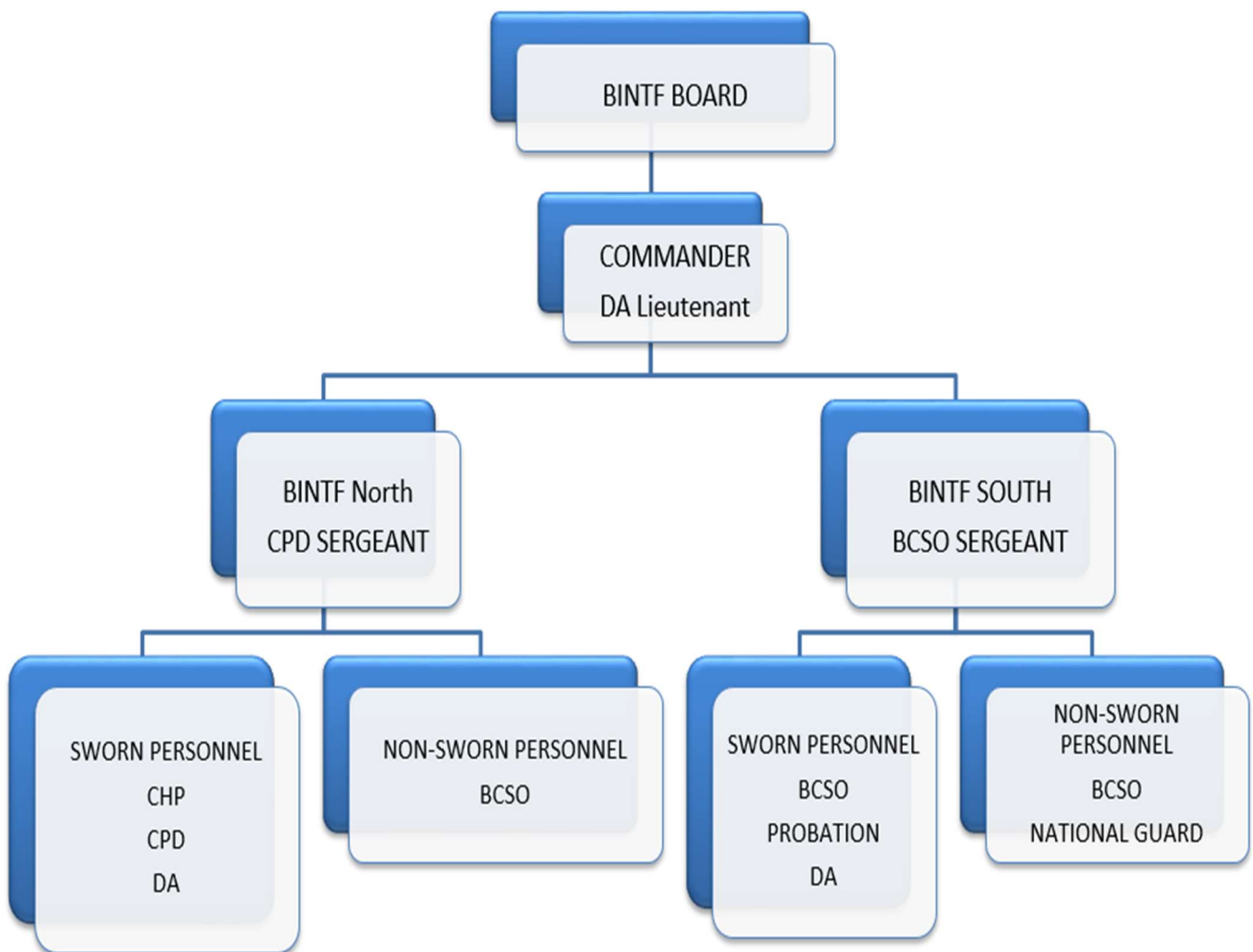
BINTF	Butte Interagency Narcotics Task Force
BOD	Board of Directors
BCGJ	Butte County Grand Jury
BCSO	Butte County Sheriff's Office
CPD	Chico Police Department
CHP	California Highway Patrol
DA	District Attorney's Office
DEA	Drug Enforcement Agency
DHS	Department of Homeland Security
EMS	Emergency Medical Services
METH	Methamphetamine

BACKGROUND

BINTF is composed of agents and supervisors from Butte County law enforcement agencies. The collaborating agencies and their positions are shown on the BINTF Organizational Chart, which follows. BINTF is divided into North (Chico, Durham and Paradise areas) and South

(Biggs, Gridley, and Oroville). Each division has three agents and a supervisor. The primary purpose of BINTF is the enforcement of laws prohibiting the abuse of controlled substances and activity of criminal street gangs.

BINTF ORGANIZATIONAL CHART



METHODOLOGY

- BINTF Annual Report for 2017
- BINTF Annual Report for 2020
- BINTF 2022 Organizational Chart
- Interviews with BINTF Administration

WEBSITES

<http://www.buttecounty.net/sheriffcoroner/methfacts>

https://www.actionnewsnow.com/news/local/drug-overdose-deaths-on-the-rise-in-butte-county/article_8cb56752-321a-5c7c-b02f-984a2211184c.html

<https://www.ssvems.com/wp-content/uploads/2022/03/February-2022-S-SV-EMS-System-Data-Report.pdf>

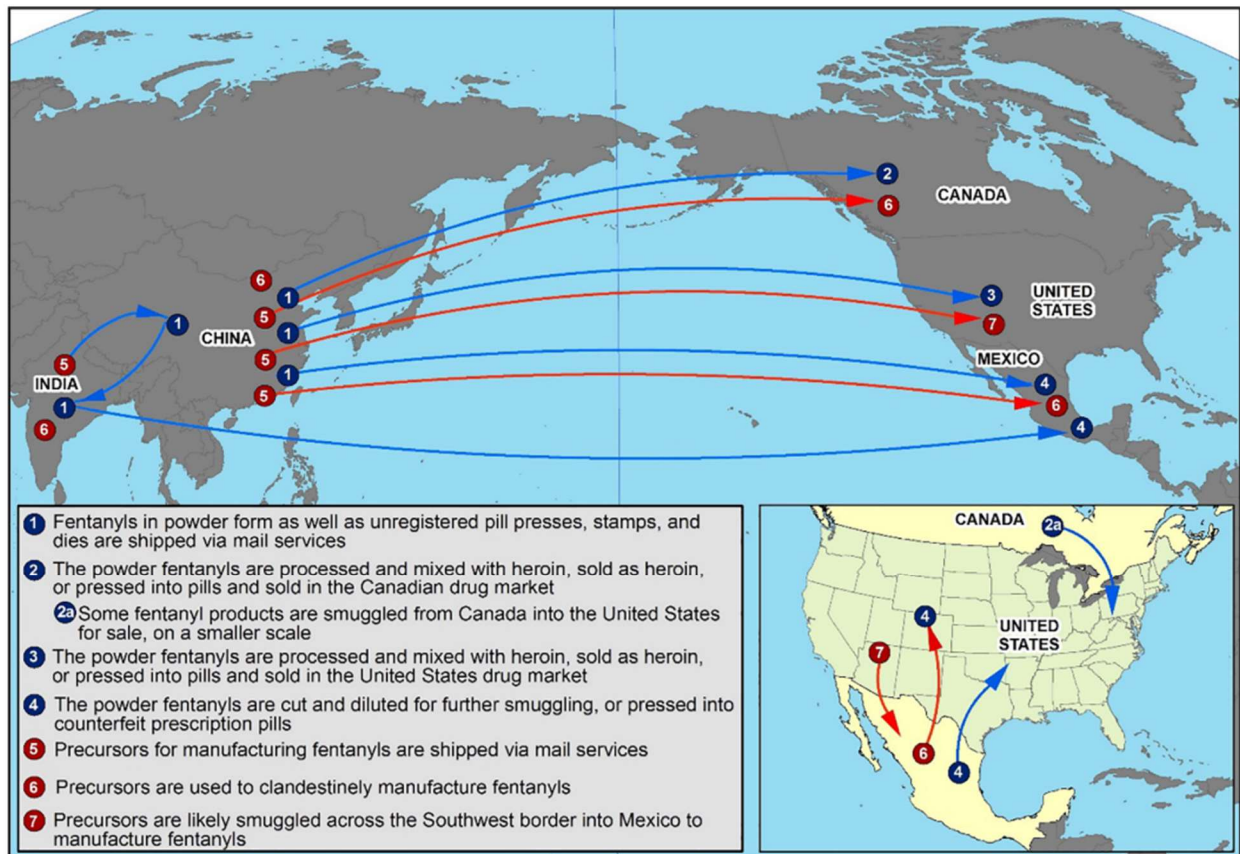
<https://www.buttecounty.net/sheriffcoroner/coroner>

https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf

<https://krcrtv.com/news/local/fentanyl-and-methamphetamine-crisis-butte-co-overdose-deaths-skyrocket-in-new-report>

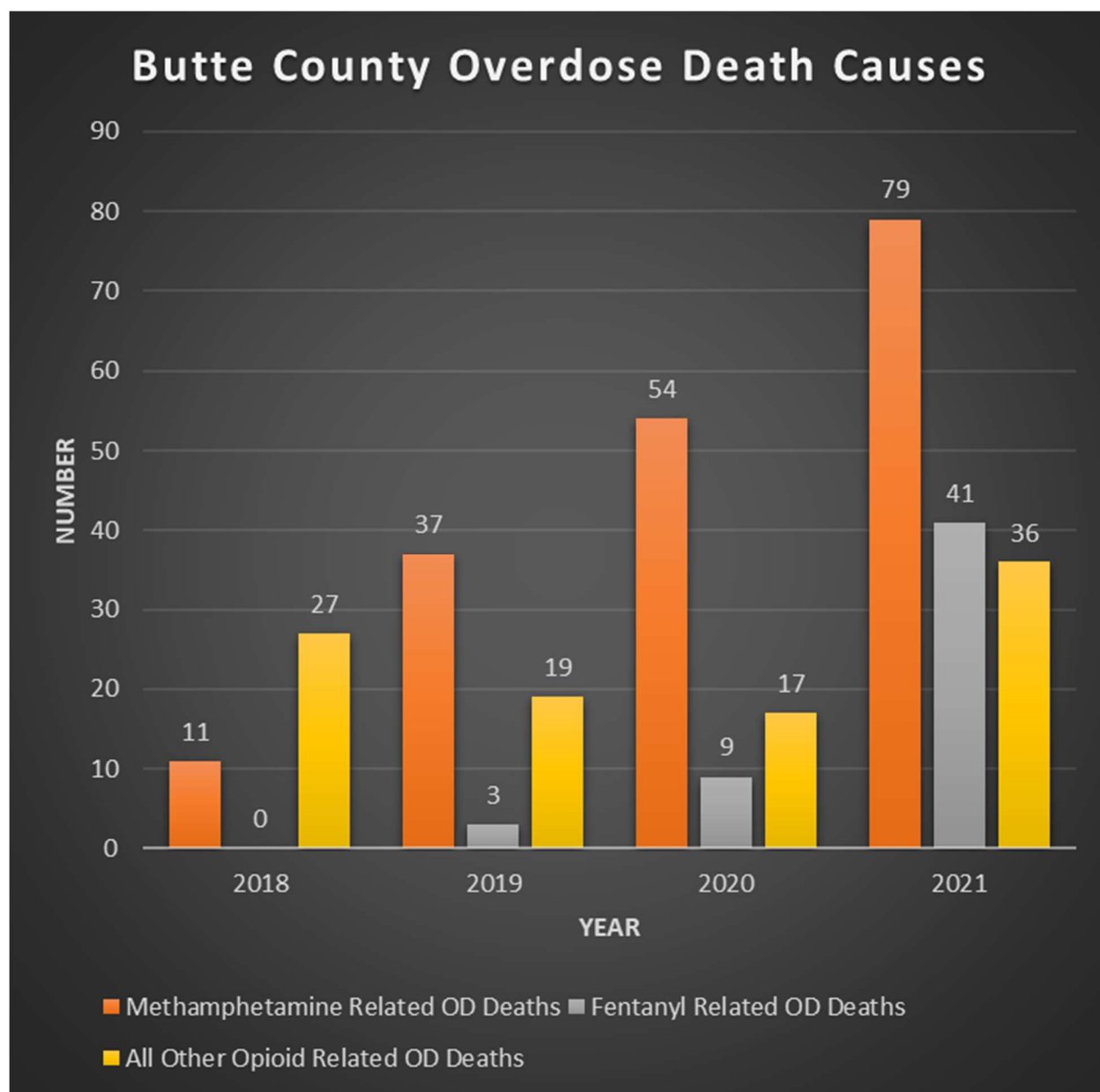
DISCUSSION

The BINTF Annual Report for 2020 shows that “Fentanyl is both the present and future threat that may inflict the greatest harm on our communities moving forward”. There is a slim line between a dose and death regarding Fentanyl. This creates a dangerous dynamic because the amount of the drug in each tablet is hard to measure. Cartel suppliers and street level dealers have no idea what quantity of Fentanyl they are putting into each pill/dose. Pills are being manufactured to look like typical medications. Fentanyl is mostly manufactured by Mexican cartels from chemicals that are only produced in China and India. Smugglers bring the powdered product into Butte County. In 2019 there were three deaths from Fentanyl, in 2020 that grew to nine deaths, and in 2021 there were 41 deaths based on toxicology reports. Additionally, Fentanyl is a threat to the safety of Law Enforcement Officers and First Responders. One kilo, which costs \$10,000, can produce one million doses. One dose may cost \$20. The potency level and profit margin will result in Fentanyl becoming more of a problem in the future.



Fentanyl Flow into the United States 2019

https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf



Butte County Overdose Death Causes 2018-2021

Key facts to consider:

- Fentanyl is a synthetic opioid and can be as small as a grain of salt
- Assume every pill has Fentanyl and understand this before individuals experiment with drugs
- Fentanyl metabolizes quickly in the body
- Cutting heroin with Fentanyl increases the addictive properties

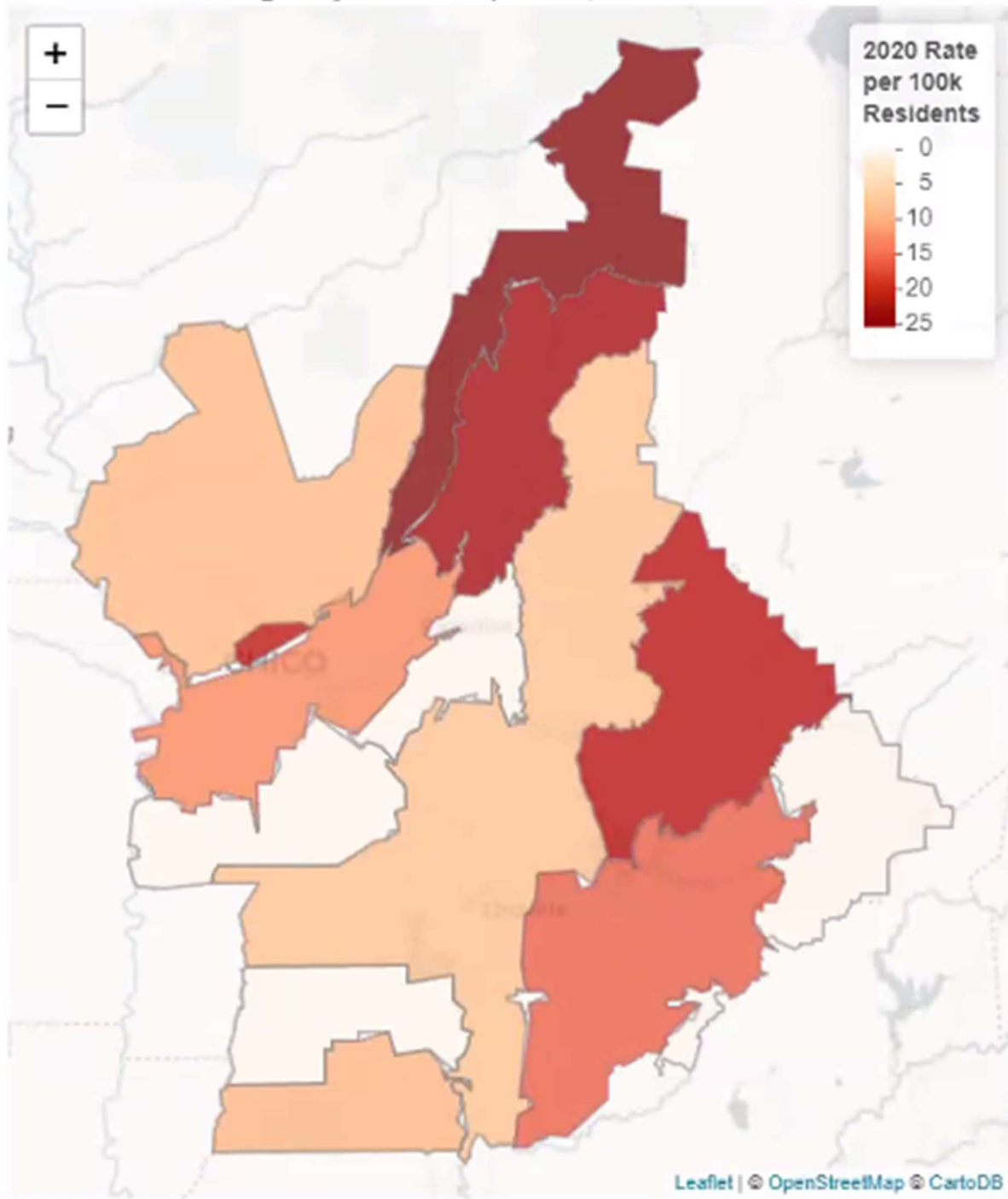


Colored Powdered Fentanyl confiscated by BINTF

Narcan is an antidote that can be used in an overdose situation. It is effective and is available to the community. First Responders carry this to administer in cases of potential overdose situations. In January 2022 there were 29 individuals in Butte County who were administered Narcan by EMS Responders. In February there were 22 doses of Narcan administered.

Any Opioid-Related Overdose Deaths - Total County Population, Butte,
2020

Age-Adjusted Rate per 100,000 Residents



<https://skylab.cdp>

Methamphetamine (meth)

- Meth is the primary cause of drug deaths in Butte County
- In 2019, 37 out of 56 overdose deaths were meth related
- In 2020, 54 out of 75 overdose deaths were meth related
- In 2021, 79 out of 156 overdose deaths were meth related
- The cost of meth is at an all-time low which provides for affordable access



Guns and Meth confiscated by BINTF

The BCGJ was also advised to keep in mind the number of overdose deaths could be higher if not for the use of Narcan as an antidote. The numbers provided are not a true representation of the actual numbers of overdoses from Fentanyl and methamphetamine.

Drug problems are different in North and South divisions. Meth has been embedded in Oroville for years, while “Designer Drugs” are more prevalent in Chico. The term designer drugs refer to drugs that are created in a laboratory (typically, an “underground,” or secret, illegal lab). A designer drug is created by changing the properties of a drug that comes from a plant—such as cocaine, morphine, or marijuana—using the tools of chemistry. These drugs are typically made to mimic prescription medications. Designer drug marketing targets the 16 - 20 and the university age groups.

The Department of Homeland Security (DHS) assists/includes BINTF on purchases of drugs on the dark web shipped via carriers. BINTF has a good relationship with DHS. For dark web purchases, DHS coordinates the investigation and decides which agency can best prosecute.

The BINTF adjusts to changing technology trends and focuses on informing the community about drug issues and accessibility. The priority is to address overdose deaths. The marketing of illegal drugs by the cartels has become aggressive.

The BINTF Annual Report recognizes the impact of drug use on children, and Butte County has one of the highest rates of childhood trauma in the state. The Children's Services Division which is within the Department of Employment and Social Services, will remove children at risk from drug-related environments, and BINTF will arrest those responsible. Additionally, 40 to 50% of children in foster care are there due to the impact of meth, according to the Butte County Coroner's website.

The BINTF has established strong relationships with organizations that have contacts with the unsheltered population to reach out to them with information and resources.



Miscellaneous Drug Paraphernalia confiscated in Butte County

FINDINGS

- F1. According to statistics provided by BINTF, deaths in Butte County due to overdose from Fentanyl and methamphetamine have been on a steady increase.
- F2. According to statistics provided by BINTF, 16-20 and university age groups in Butte County are being targeted by aggressive cartel marketing.
- F3. There is a strong relationship between illegal drug use and child endangerment, with an impact on foster care.
- F4. The use of Narcan by EMS responders and the public has reduced the number of overdose deaths due to illegal drugs.

RECOMMENDATIONS

- R1. BINTF budget to include more resources for outreach and education to combat aggressive marketing techniques being used by controlled substance providers by July 1, 2023.
- R2. BINTF implement methods to educate the public regarding the effectiveness of Narcan by July 1, 2023.

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **BINTF Board of Directors:** F1, F2, F3, F4, R1 and R2
- **BINTF Commander:** F1, F2, F3, F4, R1, and R2

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

IN SEARCH OF SPECIAL DISTRICTS

SUMMARY

Attempting to fulfill oversight duties of the Butte County Grand Jury (BCGJ), it became apparent there is not a complete list of Butte County districts and commissions that is easily accessible. This report provides internet links that enable anyone interested in special districts within Butte County to find and research districts and commissions. The BCGJ compiled a list of websites that when combined form a comprehensive list of these agencies, thus providing an aid for future BCGJs and the public interested in the activities of these agencies.

GLOSSARY

BCGJ Butte County Grand Jury

CSA County Service Area

CSD Community Service District

LAFCo Local Agency Formation Commission

MSR Municipal Service Review

SD Special Districts

BACKGROUND

The BCGJ has investigative powers over local government agencies. According to the Local Agency Formation Commission (LAFCo) website, Butte County has at least 109 special districts, such as cemeteries, community service agencies, domestic water and wastewater, drainage and irrigation, fire protection, mosquito abatement, parks and recreation and resource conservation. The 2021-2022 BCGJ realized that a few of these agencies had not presented any type of informational material to the BCGJ, nor had the BCGJ reviewed, visited, or investigated some of these agencies in at least three years. Various agencies have partial lists of special districts, making it difficult for the BCGJ and the public to monitor them.

METHODOLOGY

- Phone call to the office of the Butte County Auditor-Controller
- Emails to the Butte County Clerk-Recorder
- Attended a LAFCo meeting
- Attended Zoom meeting with California Grand Jurors' Association regarding an overview of Special Districts in California

WEBSITES

www.buttecounty.net

www.buttelafo.org

www.csda.net

www.calafco.org

www.cgja.org

DISCUSSION

LAFCo has authority from the California State Legislature to set boundaries of cities and Special Districts (SD)¹. This is important as the boundaries determine which local governments have taxing authority, corporate powers (to build and maintain facilities and infrastructure), and land-use regulatory control. Cities, SDs, or the voter initiative/referendum process cannot change the boundaries. Only LAFCo, an autonomous government agency, has the authority to make boundary changes².

When cities or counties cannot provide all the services their constituents want, taxpayers can form districts to provide and pay for services. Special Districts let residents get the services they want and are willing to fund. Fire, cemetery, mosquito control and water districts exist because taxpayers were willing to pay for services³.

There are two main types of SD in Butte County: dependent and independent. Dependent districts are governed by another governmental body⁴, like a city or county. Voters elect the

¹ www.calafco.org

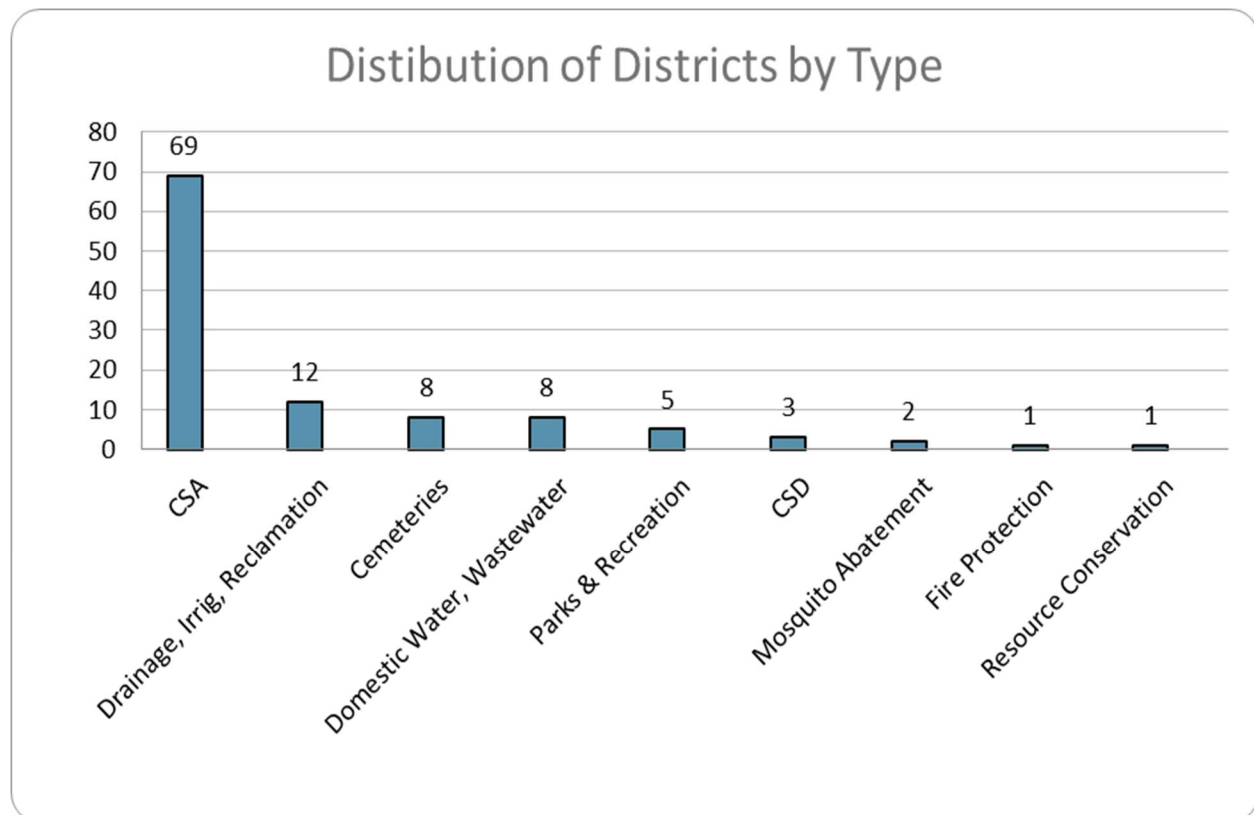
² www.buttelafo.org

³ California Senate Local Government Committee. What's So Special About Special Districts? A Citizen's Guide to Special Districts in California. 4th ed. Sacramento: California Senate Local Government Committee, October 2010, p. 2

⁴ Ibid, p. 6

governing boards of independent districts⁵. Most SD in Butte County provide a single service, like water, sewer, fire prevention or cemetery service. There are multi-function districts in the county, usually operating as County Service Areas (CSAs), which may provide any of the services. CSA 4 - Sierra Del Oro Drainage, Street Lighting, Water Quality Testing and Road Maintenance District is an example of a multi-function CSA. Most CSAs provide only one or two services. An example of this is Butte County Animal Control.

Special Districts are approved and authorized to operate by LAFCo. Some SD are required to have voter approval. General taxes, special taxes, benefit assessments and service charges fund SD⁶.



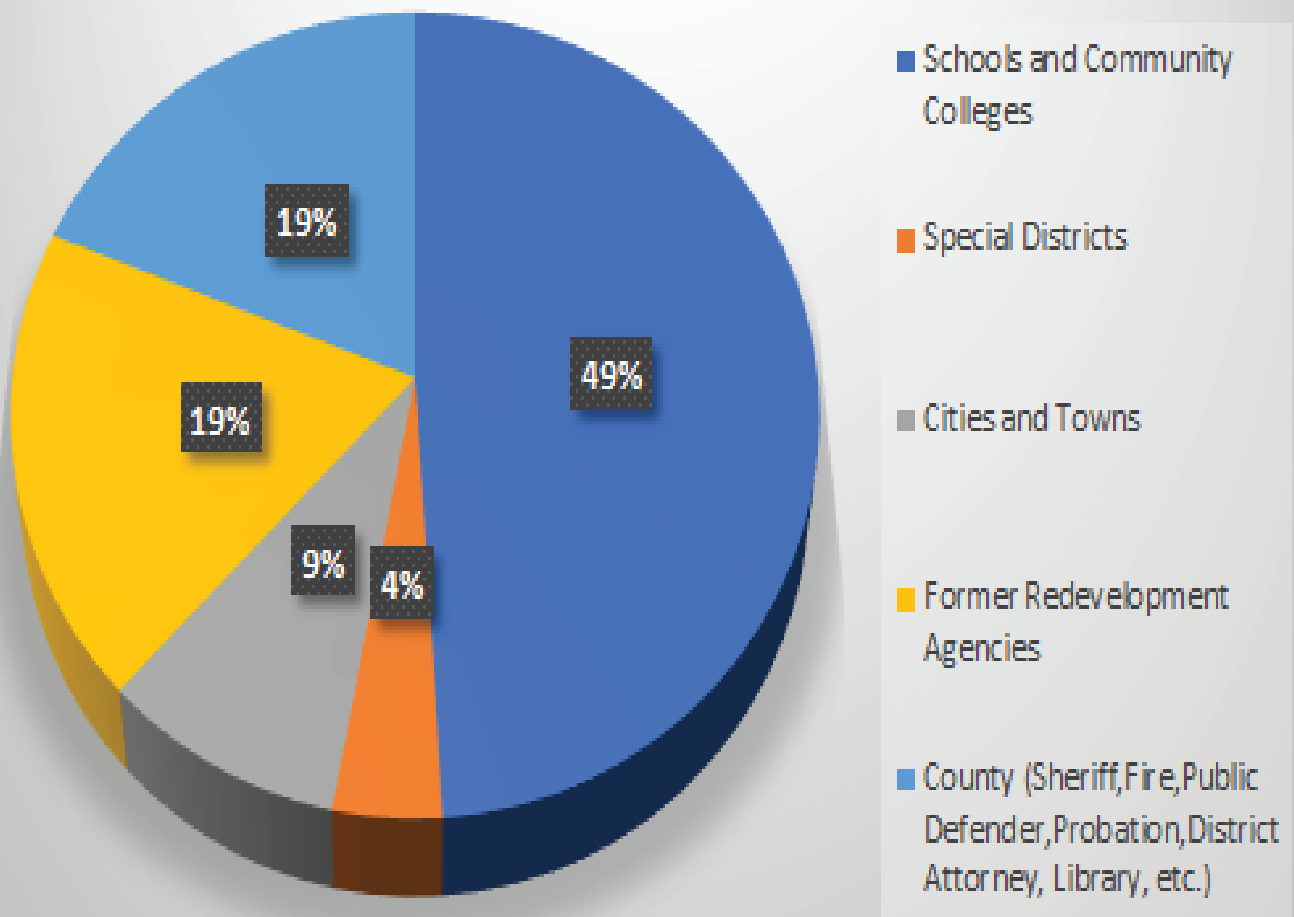
Taxpayers can determine if they live in SD by looking at their county property tax bill or calling their county LAFCo. California Proposition 13 (1978) established the annual property tax at 1% of assessed value. In addition, property taxes consist of voter approved taxes, fees, and other charges. Listed below is how the money from the 1% rate is distributed throughout the county:

⁵ Ibid, p. 7

⁶ Ibid, p. 8

- 49% schools and community colleges
- 4% special districts
- 9% cities or towns
- 19% former redevelopment agencies
- 19% county (for sheriff, fire, probation, district attorney, public defender, library, and others).

Butte County Property Tax Distribution



To determine who runs a district, taxpayers may check the district's website, if one exists. California Government Code §53051 requires the governing body of each public agency to file a statement of information with the County Clerk-Recorder to keep the "Registry of Public Agencies." Butte County's registry, "The Roster of Public Agencies: Special Districts and Miscellaneous Agencies" is a log detailing dates of agency formation and membership changes to their governing boards. It contains the information of agencies and special districts who have filed the required statement of information with the County Clerk-Recorder. The filing contains names and addresses of their governing boards. This information is stored in a physical log at the Butte County Clerk-Recorder/Elections office in Oroville.

The 2021-2022 BCGJ searched for information about Butte County's SD. This is difficult due to the absence of a drop-down menu on the Butte County website for special districts. The searcher would have to know in advance to go to the bottom of the homepage to find the LAFCo website link which has the most complete list.

The BCGJ found and evaluated internet sources listing districts and commissions. The BCGJ used the search function on the Butte County website but instead of restricting the search to the Butte County webpages, the search function listed the world wide web and its sites. The most useful websites are ranked in order below:

1. www.buttelafo.org - access to Butte County LAFCo can also be found by going directly to search Google with Butte County CSA - scroll down to special districts under control of the board of supervisors - click on it and it opens a 90-page document of CSAs and the funds allocated to them. No contact information is given.
2. www.buttecounty.net - search departments - click on auditor-controller - click on property tax reports - scroll down to direct assessment listings and click on that - FY, means fiscal year - click on year wanted and a list of special districts appear with contact phone numbers. A general search of special districts while on the above site will lead to a list of options. Click on "index to special districts" and financial records associated with various SD will become available. Scrolling to the bottom of the page one can look under government resources and click on LAFCo to search special districts or use the following link: www.buttelafo.org
3. www.csda.net - lists SD by county. Not all districts are listed, because not all districts are members of this organization.
4. www.calafco.org - for all California counties that have local agency formation commissions. This site also allows a search for Municipal Service Reviews (MSRs) which are LAFCo investigations on some districts and commissions.
5. www.cgja.org - click jury resources - click local government information - under special districts, click on list of special districts - find Butte County in alphabetical list.

FINDINGS

- F1. The Butte County website does not have a drop-down menu for special districts.
- F2. The Butte County website is difficult to navigate. Typing a search within the search bar on the Butte County homepage sends the user to the world wide web and is not Butte County specific.
- F3. The physical log of Butte County Special Districts maintained and stored at the Butte Clerk-Recorder's Office is accessible only to those making an in-person visit.

RECOMMENDATIONS

- R1. The Butte County Clerk-Recorder to publish a comprehensive online roster of all of Butte County's dependent and independent special districts and CSAs by December 31, 2022.
- R2. The Butte County Chief Administrative Officer to add a SD heading under a drop-down menu on the homepage of www.buttecounty.net by December 31, 2022.
- R3. The Butte County Chief Administrative Officer to modify the homepage search function to be Butte County specific by December 31, 2022.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Butte County Board of Supervisors:** F3 and R1

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Butte County Director of Information Systems:** F1, F2, F3, R1, R2 and R3
- **Butte County Chief Administrative Officer:** R2, R3
- **Butte County Clerk-Recorder:** F3 and R1

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

CITY OF GRIDLEY ELECTRIC UTILITY TURNS A PROFIT

SUMMARY

The City of Gridley has been furnishing residents with electricity since 1910. As a Publicly Owned Utility (POU), the Gridley Electric Utility (GEU) is not-for-profit and operates under different rules than other electric utilities in the state. The GEU rates are governed by the California Constitution and California law and must reflect cost-of-service¹. In addition to oversight by local officials, POUs coordinate with the California Public Utilities Commission (CPUC) on energy planning issues and report to the California Air Resources Board (CARB) and the California Energy Commission (CEC). The rates are set by the Gridley City Council at public meetings. Local officials and staff have been unable to provide requested documentation on how the current rates were computed. There is a lack of transparency over the computation and justification for the electric rates.

Every year over one million dollars is transferred from the GEU Enterprise Fund into the City of Gridley General Fund. These transfers have over time contributed to an accumulation of cash and cash equivalents on the balance sheet of over 17 million dollars as reflected in the 2019 Audited Financial Statement.

The Butte County Grand Jury (BCGJ) investigation found that the audits the city had posted were not current. The audit posted on their website at the beginning of the investigation was for the fiscal year (FY) ended 6-30-18. When the BCGJ notified the City Administrator's office that the website did not have the most current financial statement posted, the website was quickly updated, with a posting of the FY 2019 financials. However, the FY 20 and FY 21 financials are still being audited by the city's CPA firm. The city staff has indicated that the audited financials for FY 20 and FY 21 are still pending; a situation that is not in compliance with good governance or established financial protocols. California State Code 25250 and 25253 requires Comprehensive Annual Financial Report (CAFR) be completed within 6 months of the close of the fiscal year.

GLOSSARY

BCGJ Butte County Grand Jury

CAFR Comprehensive Annual Financial Report

CARB California Air Resources Board

CEC California Energy Commission

¹ "Publicly Owned Electric Utilities: Frequently Asked Questions (FAQs)" California Municipal Utilities Association (CMUA)-February 2019

CPUC California Public Utilities Commission

EEF Electric Enterprise Fund

FY Fiscal Year

GEU Gridley Electric Utility

kWh Kilowatt-hour

NCPA Northern California Power Agency

PG&E Pacific Gas and Electric

POU Publicly Owned Utility

BACKGROUND

In exploring the justification for setting electric rates for the City of Gridley, minimal data is available to provide clarity around rates and their establishment. There is a lack of transparency around rate design and price.

End-of-fiscal-year transfers from the Electric Enterprise Fund (EEF) to the city general fund raise questions about the use of funds generated by the GEU through its electric service rates. City officials have stated that funds are earmarked but did not provide records as to what account(s) the earmarks are and where the earmarked funds are spent.

A lawsuit claiming the City of Gridley is violating the California State Constitution was filed in District Court on March 1, 2021. The lawsuit, which has a court date in June 2022, was brought by residents of the City of Gridley who are customers of the GEU. The lawsuit and issue of the electric charges in excess of costs were brought to the attention of the BCGJ by a Gridley resident.

METHODOLOGY

Interviews:

- Gridley City Staff
- Gridley City Elected Officials

Documents:

- City of Gridley Audits for Fiscal Years (FY) ended 6-30-16, 6-30-17, 6-30-18 & 6-30-19
- Selected pages from Peer City Most Recent Published Audited Financial Statements:
 - 1) Statement of Net Positions (Combined Balance Sheets) and
 - 2) Statements of Revenues, Expenditures and Changes in Net Position (Deficit)
- Proprietary Funds. Peer cities Include Biggs, CA, Healdsburg, CA, Lodi, CA, Lompoc, CA, Redding, CA, Shasta Lake, CA and Ukiah CA
- Gridley Electric Enterprise rates for 2010-2020
- City Council minutes for 2019, 2020 and 2021
- Gridley Herald Article “City of Gridley Sued” dated March 12, 2021, by Seti Long
- “Publicly Owned Electric Utilities: Frequently Asked Questions (FAQs)” California Municipal Utilities Association (CMUA)-February 2019

WEBSITES:

<https://www.gridley.ca.us>

<https://www.biggs-ca.gov>

<https://www.healdsburg.gov>

<https://www.cityoflompoc.com>

<https://www.cityofshastalake.org>

<http://www.cityofukiah.com>

<http://www.lodi.gov>

<https://www.cityofredding.org>

<https://www.sierracounty.ca.gov>

<https://www.townoftruckee.com>

<https://www.utilitieslocal.com>

DEFINITIONS

Current Assets- Liquid assets, cash, investments, receivables which are easily converted to cash within one year

Current Liabilities-Liabilities including accounts payables, current portion long term debt, all other debts due within a year

Current Ratio-An accounting measurement of an organization's ability to pay its short-term obligations or current liabilities within one year. (Current Ratio = Current Assets/Current Liabilities)

Enterprise Fund -An enterprise fund is a separate accounting and financial reporting mechanism by which revenues and expenditures are segregated into a fund with financial statements separate from all other governmental activities

Operating Income-Income realized after subtracting operating expenses from operating revenues

DISCUSSION

Since 2011 City of Gridley electric rates, meter charges and rate structure have been adjusted six times. The last rate change took effect November 1, 2020, which changed electric charge per kWh and reduced the rate structure from 5 Tiers to 3 Tiers. In November of 2020, the city council approved a rebate to Gridley electric customers of 3% and eliminated the top two tiers of the rate structure. Since 2011 Tier 1 electric rates have increased by 22.66%, Tier 2 by 26.16%, and Tier 3 by 26.55%. The monthly charge for electric meters has increased from \$10.50 per month to \$17.70 currently, resulting in an increase of 68.57% between 2011 and 2020.

According to city staff, rates are driven by cost of delivery, including fuel, transmission, and infrastructure. There are also costs associated with securing infrastructure. The BCGJ interviewed the City Administrator, the City Finance Director, the City Utilities Director, the Mayor and two City Councilmembers. All were asked to furnish rate computation data. Most interviewees agreed to provide the rate computation data. The Finance Director sent the BCGJ the cost schedule for the direct cost of power furnished by the Northern California Power Agency (NCPA); however, no rate computation numbers were ever made available to the BCGJ. Electric rates among peer members of NCPA shows Gridley's rate is comparable. Electric rate transparency would support electric costs and ensure reasonable pricing for consumers.

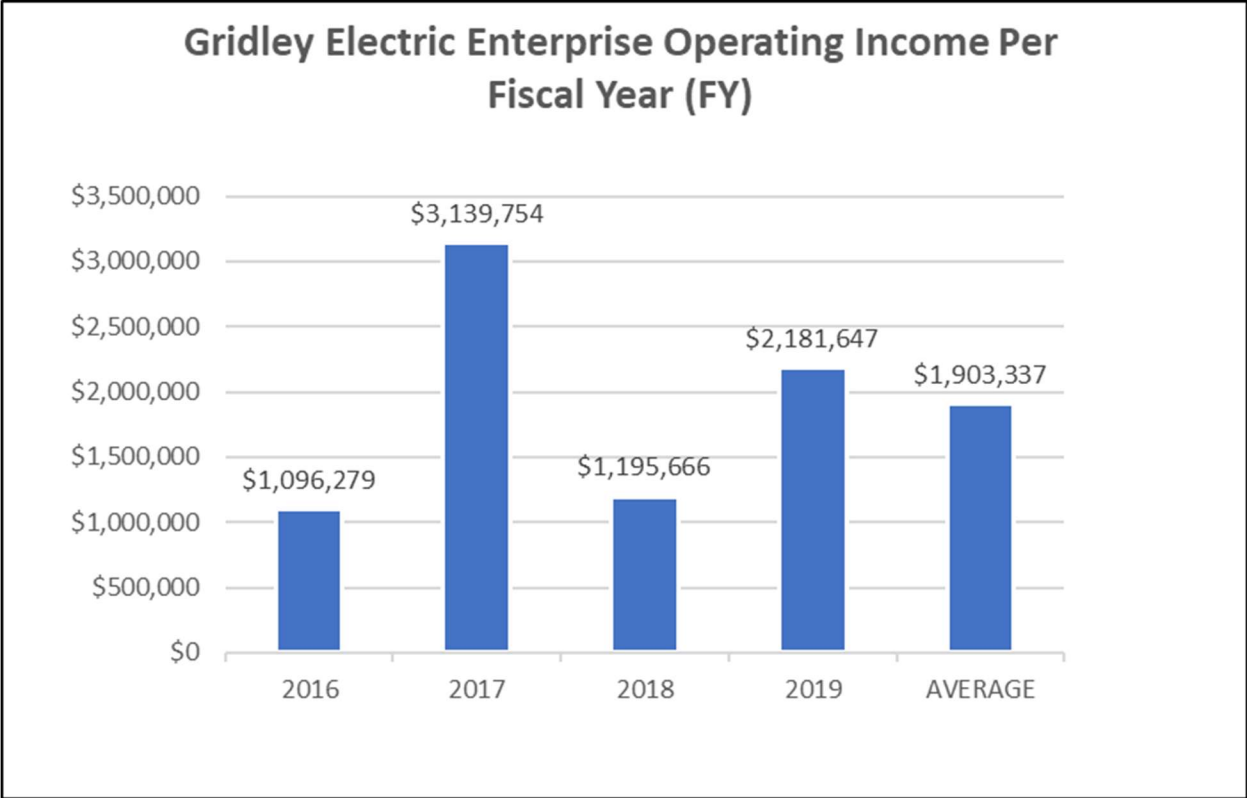
City of Gridley Residential Electric Rates 2011 -2021

	Meter Charge	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
kWh		475	575	1800	2000	2001+
As of December 1, 2009	10.50	0.128	0.172	0.226	0.238	0.261
kWh		475	575	975	2000	2001+
As of July 1, 2014	11.30	0.132	0.180	0.240	0.260	0.277
kWh		475	575	975	2000	2001+
As of January 1, 2015	12.00	0.137	0.190	0.250	0.270	0.293
kWh		475	575	975	2000	2001+
As of January 1, 2018	15.00	0.162	0.224	0.295	0.319	0.346
kWh		475	575	1800	2000	2001+
As of July 1, 2020	17.70	0.162	0.224	0.295	0.319	0.346
kWh	17.70	475	575	576+	Eliminated	Eliminated
As of November 1, 2020		0.157	0.217	0.286	N/A	N/A

Electric Rates Among Peer Members of NCPA

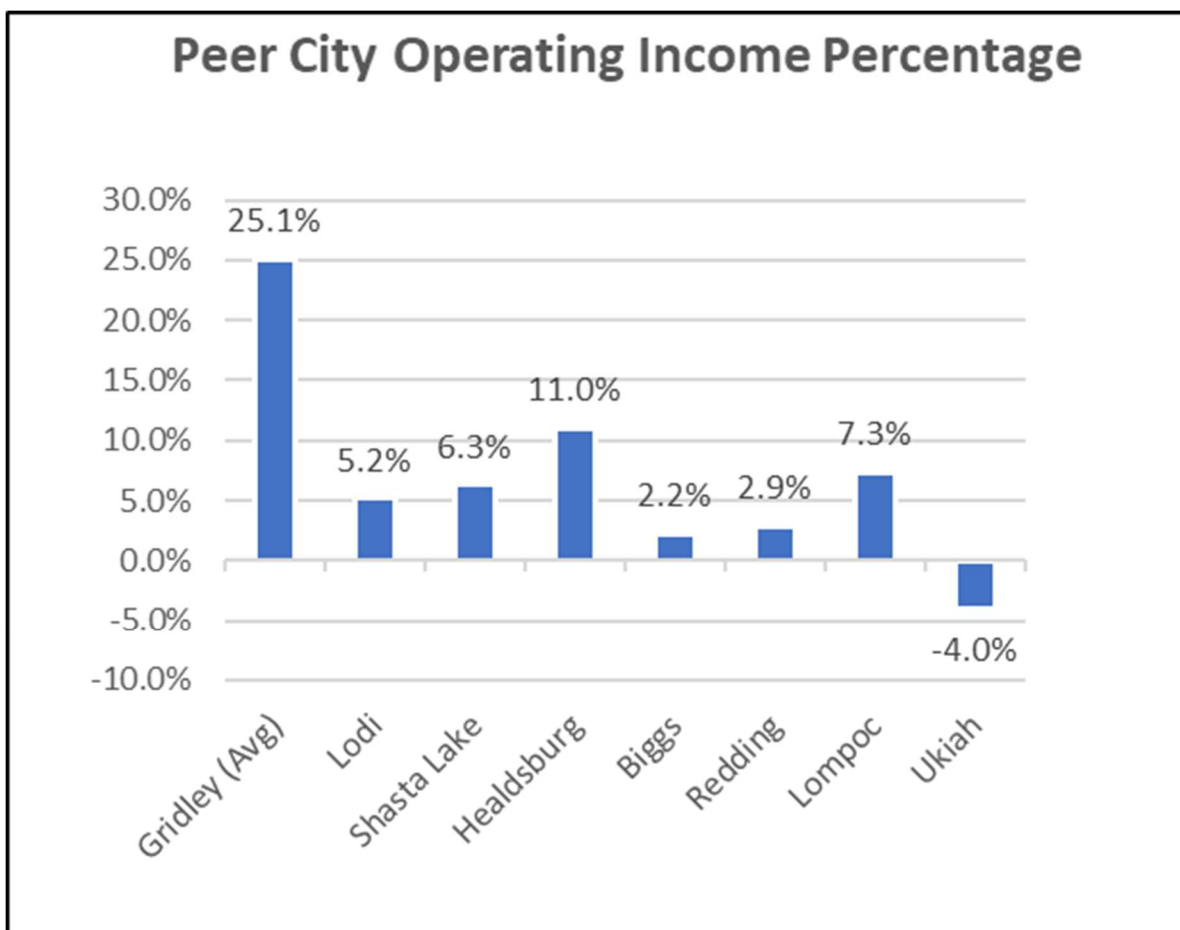
City	Cost KWH	Population	Average Income	Reference	Date
Gridley	\$23.44	7,039	\$56,977	Utilitieslocal.com/state/California/Gridley Gridley Utilities	21-Sep-22
Biggs	\$23.44	1,964	\$54,188	Utilitieslocal.com/state/California/Biggs	21-Sep-22
Healdsburg	\$23.35	12,104	\$96,016	Utilitieslocal.com/state/California/Healdsburg	21-Aug-22
Lompoc	\$16.33	42,760	\$54,855	Utilitieslocal.com/state/California/Lompoc	21-Sep-22
Shasta Lake	\$23.44	10,413	\$54,438	Utilitieslocal.com/state/California/Lompoc	21-Sep-22
Ukiah	\$23.44	16,177	\$66,666	Utilitieslocal.com/state/California/Ukiah	
Lodi	\$23.44	67,586	\$58,763	Utilitieslocal.com/state/California/Lodi	
Redding	\$23.44	94,855	\$73,429	Utilitieslocal.com/state/California/Redding	
Sierra-Plumas	\$19.45	18,660	\$55,359	Utilitieslocal.com/state/California/Sierra-Plumas	
Truckee	\$23.44	16,561	\$97,092	Utilitieslocal.com/state/California/Truckee	21-Sep-22
California	\$15.34			Utilitieslocal.com/state/California	21-Sep-22
National	\$14.19				21-Sep-22

A review of the City of Gridley Electric Enterprise income statements for Fiscal Years 2016-2019 shows the Electric Enterprise reported operating income. Operating income is income realized after collecting all revenues and subtracting operating costs for running the Electric Enterprise.



The average operating income percentage for the City of Gridley, Fiscal Years 2016-2019 is 25.07%.

A review of 7 peer cities who own electric utilities and purchase electric power from the same supplier reveal operating income percentages in the chart below. The average operating income percentage for the 7 peer communities is 4.41%. Gridley, on average, is realizing more than 5 times the operating income of its 7 peer communities.



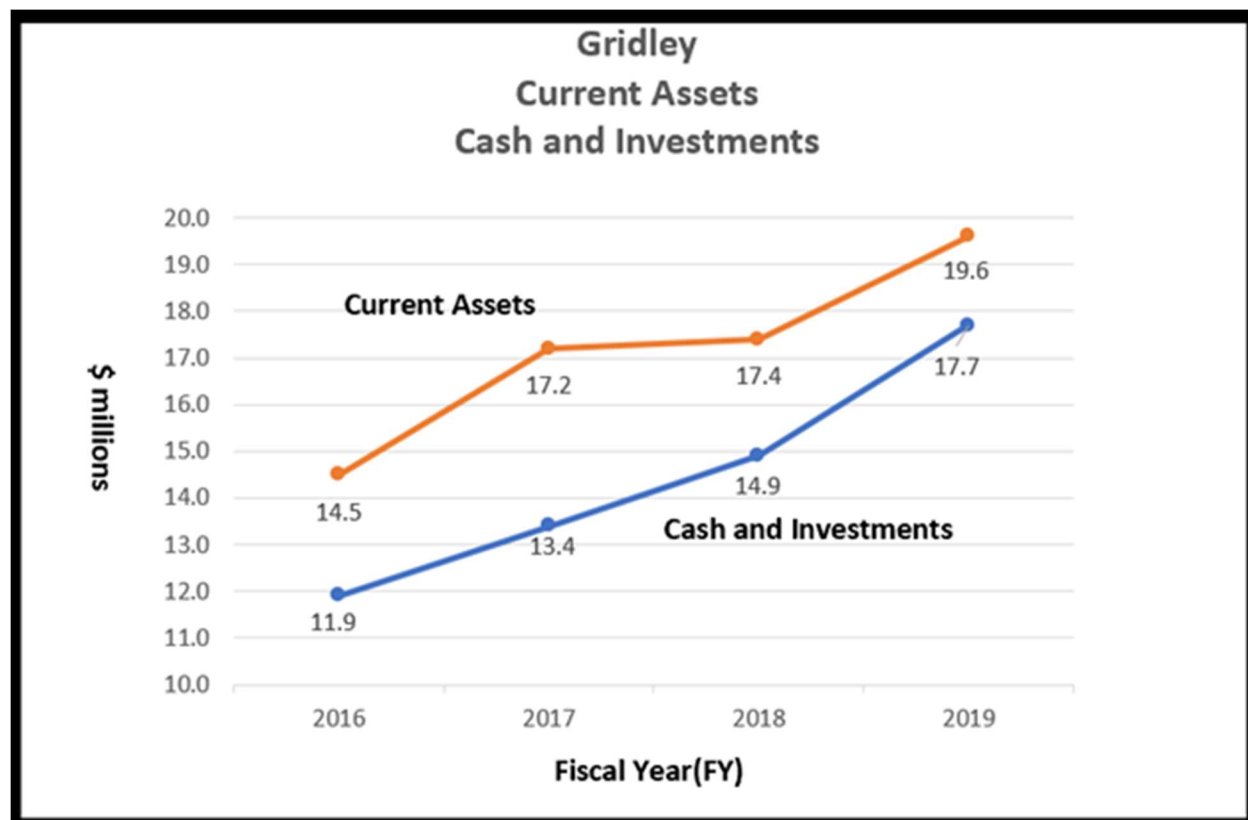
The annual transfers from the net earnings of the GEU to the general fund are entrenched in the city's financial operations. In September of 2020, the City Manager stated, in an Electric Utility Overview presentation to city council, that during the recent past a “growing deficit (in the GEU operations) represented a significant and growing imminent threat to the City as a whole due to the General Fund’s significant reliance on the electric fund transfers”. These annual transfers in the range of \$1.4 to \$1.765 million are documented in the annual audited reports.

The City of Gridley financial audits reflect the end-of-fiscal-year transfers from the Electric Enterprise Fund (EEF) into the City of Gridley General Fund. Transferred funds reflect net income from the EEF operating budget. The Fiscal Year 2018-2019 Audited Financial Report page 44 categorizes the annual transfers as “Unfunded City Operations”. City staff indicated the funds are earmarked for the EEF but have not clarified why they are held in the general fund. The BCGJ requested the City Administrator and the City Finance Director furnish disbursement reports for the transferred funds showing how the funds were used, but no reports were furnished.

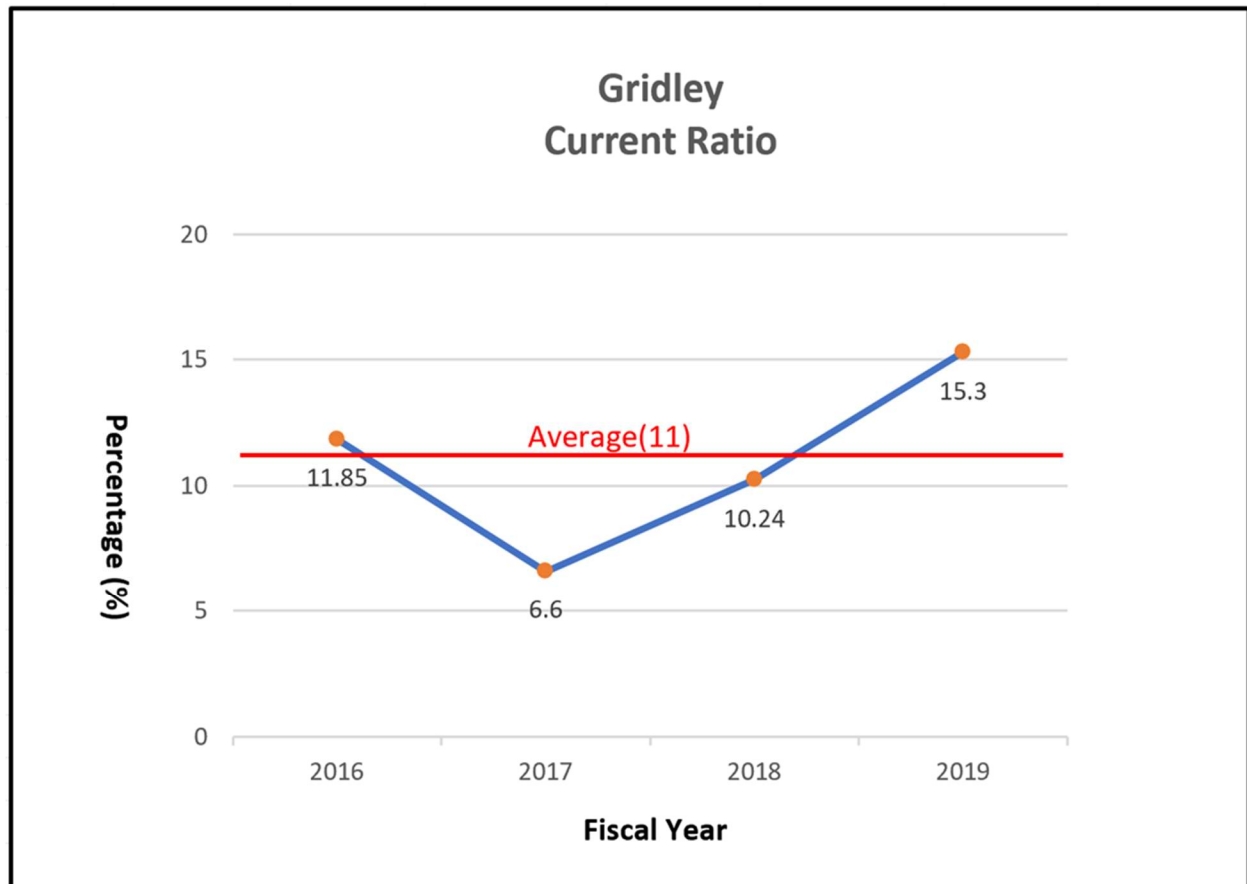
The BCGJ was told that city staff forecast 10 years out for capital projects when they are developing the budget. City staff did say California requires Enterprise Funds to have a “healthy” reserve. The City Administrator commented that there are limitations on the use of the excess EEF funds but was unable to explain due to the pending court case.

The BCGJ review of the City of Gridley financial audits for Fiscal Years 2016-2019 reveal that the City is rapidly accumulating Cash and Investments. This reflects an increasing Cash and Investments position as reported in their published audited financial statements. Cash and Investments increased from \$11.9 million in 2016, to \$13.4 million in 2017, \$14.9 million in 2018 and \$17.7 million in 2019. As of June 30, 2019, the cash portion in bank balances was \$10,875, 686 while investments totaled \$6,863,288.

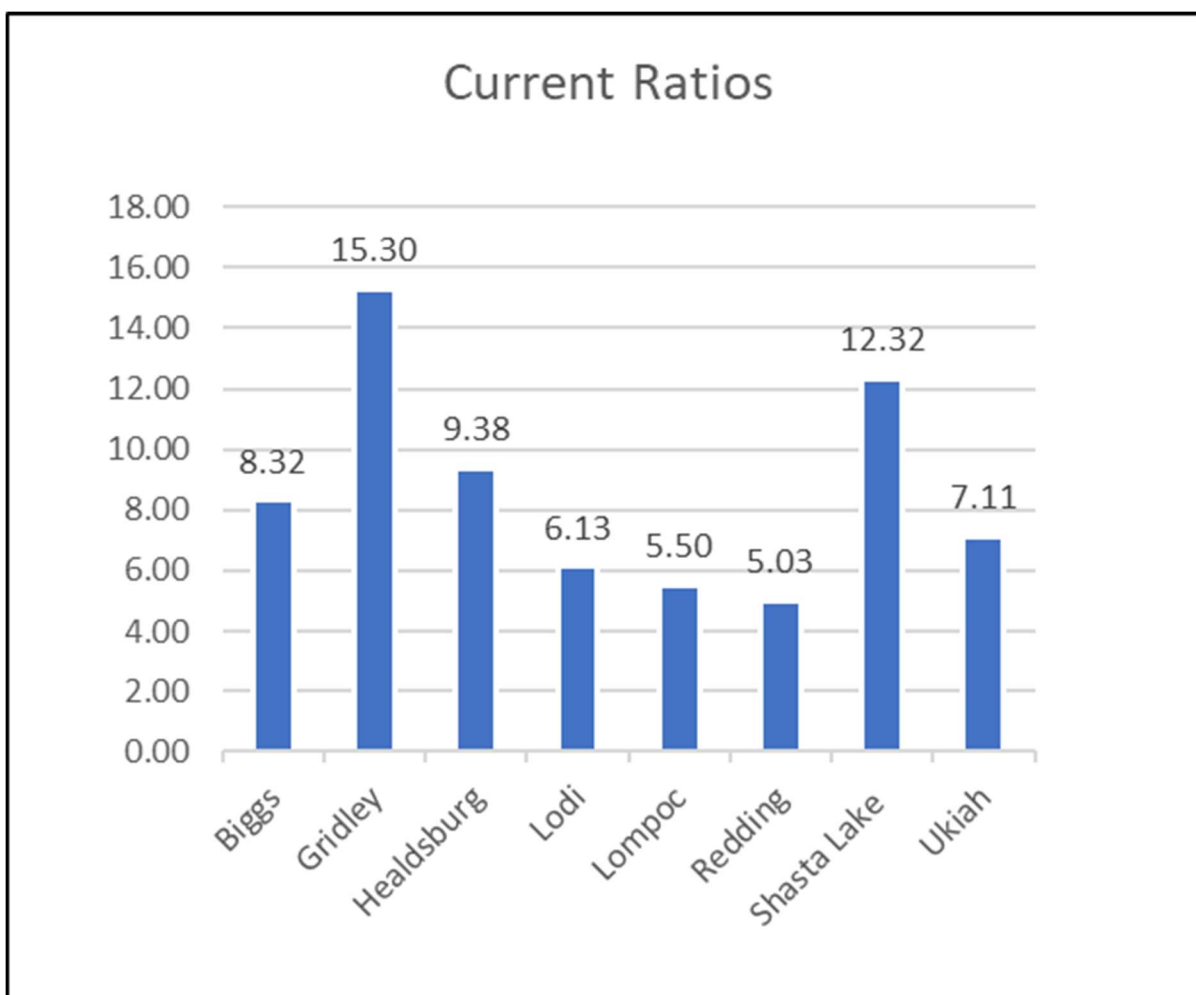
As the Cash and Investments positions have increased, so have Current Assets, as Cash and Investments are a large part of Current Assets. Current Assets for Gridley were \$14.5 million in 2016, \$17.2 million in 2017, \$17.4 million in 2018, and \$19.6 million in 2019.



The accumulation of Current Assets has led to increasing Current Ratio measurements, a common accounting measurement of financial liquidity, over this same time. Current Ratio Calculations (Current Assets divided by Current Liabilities) for 2016, 2017, 2018 and 2019 were 11.85, 6.6, 10.24 and 15.3 times respectively. The most recent Current Ratio calculation for 2019 reflects a liquidity position where the City had the cash available to pay its liabilities due within a year more than 15 times. This is a large amount of liquidity relative to their current liability positions.



By comparison, 7 peer Northern California cities who also own their own electric utilities and purchase power from the same power source, reported current ratios as follows: Biggs, CA 8.32 (6/30/2021 Audit), Healdsburg, CA 9.38 (6/30/2020 Audit), Lodi, CA 6.13 (6/30/2021 Audit), Lompoc, CA 5.5 (6/30/2021 Audit), Redding, CA 5.03 (6/30/2021 Audit), Shasta Lake, CA 12.32 (6/30/2020 Audit), and Ukiah, CA 7.11 (6/30/2021 Audit). The range of current ratios was a low of 5.03 increasing to a high of 12.32. The average current ratios of all the seven peer communities was 7.6. When Gridley's most recent current ratio of 15.3 as reflected in their 2019 Audit, is compared to the peer communities, Gridley's liquidity or relative current position far exceeds the peer communities' average of 7.6 and the Gridley's average of 11 for Fiscal Years 2016-2019.



The BCGJ questioned the mayor and two city council members about the city's goal for cash reserves and did not get a definitive answer. The mayor talked about the necessity for making long-term plans and the large costs of capital improvements. When asked about plans for use of the funds, city council members mentioned road repair, sewer pipe replacement, unfunded state mandates and increasing their bond rating. City officials reported that a portion of the funds were used for operations and emergencies. None of the questioned officials offered to show the BCGJ how the approved budget or capital improvement plans reflect the use of the cash reserves.

FINDINGS

- F1. The City of Gridley has not posted its audited financial reports dated 6-30-20 and 6-30-21.
- F2. A portion of the funds in excess of the Electric Enterprise Operating Expenses are transferred annually into the City of Gridley General Fund .
- F3. The City of Gridley audits show an accumulation of cash over the Fiscal Years 2016-2019.
- F4. City officials have not identified the goal number of accumulated cash/investments.
- F5. The City of Gridley has not provided the method or basis for the computation of the GEU rates.
- F6. The GEU rates per kWh are comparable to other northern California cities.

RECOMMENDATIONS

- R1. City of Gridley to produce audited and approved financial reports for FYs ending 6/30/20 and 6/30/21 by 9/30/22.
- R2. City of Gridley to produce audited and approved financial reports no later than 6 months after the close of each fiscal year starting with the audit dated 6/30/22.
- R3. City of Gridley to provide a detailed plan for the allocation of unrestricted cash/investment accumulations in the cash and investment fund accounts. The plan shall itemize to which category(ies) the accumulation is allocated by 12/31/22.
- R4. City of Gridley City Council and Gridley City Administrators to make public the basis and methodology for calculating the electric rates in a clear, understandable manner by 12/31/22.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Gridley City Council:** F1, F2, F3, F4, F5, F6, R1, R2, R3 and R4

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Gridley City Administrator:** F1, F2, F3, F4, F5, F6, R1, R2, R3 and R4
- **Gridley Finance Director:** F1, F2, F3, F4, F5, F6, R1, R2, R3 and R4

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 BCGJ do not identify individuals interviewed. Penal Code section 929 requires that reports of the BCGJ not contain the name of any person or facts leading to the identity of any person who provides information to the BCGJ.
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NEAL ROAD RECYCLING AND WASTE FACILITY



The facility uses falcons as a pest deterrent

SUMMARY

The Neal Road Recycling and Waste Facility (NRRWF) is a government business enterprise which serves the Butte County municipal communities as well as rural areas with refuse disposal, green waste, and recycling programs. The NRRWF provided a vital function in the aftermath of the CampFire, receiving tons of debris as part of the post fire clean-up process. The additional revenue provided through the increased volume due to the Camp Fire has given the NRRWF a budget surplus. The purpose of this report is to:

- Examine the operation of the NRRWF
- Evaluate the modernization plans that are now possible due to the additional revenue
- Forecast the future sustainability of the NRRWF once the CampFire revenue is depleted

GLOSSARY

DW Disaster Waste

Enterprise Fund An enterprise fund is a separate accounting and financial reporting mechanism by which revenues and expenditures are segregated into a fund with financial statements separate from all other governmental activities

NRRWF Neal Road Recycling and Waste Facility

- RFQ** Request for Qualifications is a document that an organization, often a government agency or large enterprise, posts to elicit a response (formal bid) from potential vendors for a commodity, service, or asset. The RFQ specifies what the customer requires and describes each evaluation criterion on which a vendor's proposal will be assessed
- SB 1383** California Senate Bill that establishes statewide targets to reduce the amount of organic waste disposal in landfills
- Tipping Fees** A tipping fee (gate fee) is paid by anyone who disposes of waste in a landfill. Usually, this fee is based on the weight of waste per ton but can be a per load charge. There are also per item fees on special items such as mattresses or appliances

BACKGROUND

The Neal Road Recycling and Waste Facility is owned and operated by the Butte County Public Works Department as a government business enterprise. NRRWF has a permitted capacity of approximately 25.3 million cubic yards and a remaining capacity of 20.8 million cubic yards. The facility is estimated to operate until 2048, accommodating 2.5% to 3.5% annual increases in solid waste due to anticipated growth within Butte County. The maximum amount accepted daily at NRRWF is 1,500 tons, although the daily amount rarely exceeds 1,200 tons.

Guidelines for accepted materials

<https://www.buttecounty.net/publicworks/Services/Neal-Road-Recycling-and-Waste-Facility/Guidelines>

Fee Schedule

http://www.buttecounty.net/Portals/23/NRRWF%20Master%20Fee%20Schedule_landfill%20on ly.pdf?ver=2021-04-26-085409-423

NRRWF encompasses approximately 190 acres of land located in a rural setting bordered by land zoned for agriculture. Total permitted disposal area is approximately 140 acres, which is divided into five modules. Modules 1, 2 and 3 are unlined, capped and closed. Modules 4 and portions of Module 5 are lined per current regulations.

Aerial View of Neal Road Recycling and Waste Facility



Facilities at NRRWF include an office, scale house, maintenance shop, fueling area, recycling area, leachate liquid impoundment, stormwater detention ponds, landfill gas to energy plant and septage transfer station.

The site is open seven days a week from 7:00 AM to 4:00 PM approximately 360 days of the year.

METHODOLOGY

- Interviews with the Waste Management Division, Butte County Public Work staff
- Interviews with NRRWF staff
- Tours and visits to the NRRWF
- Questionnaire completed by members of the Butte County Board of Supervisors
- Review of:
 - Butte County Website
 - RFQ - NRRWF Master Plan
 - Review of SB 1383
 - Butte County - Cal Recycle Legislation and Regulations

WEBSITES

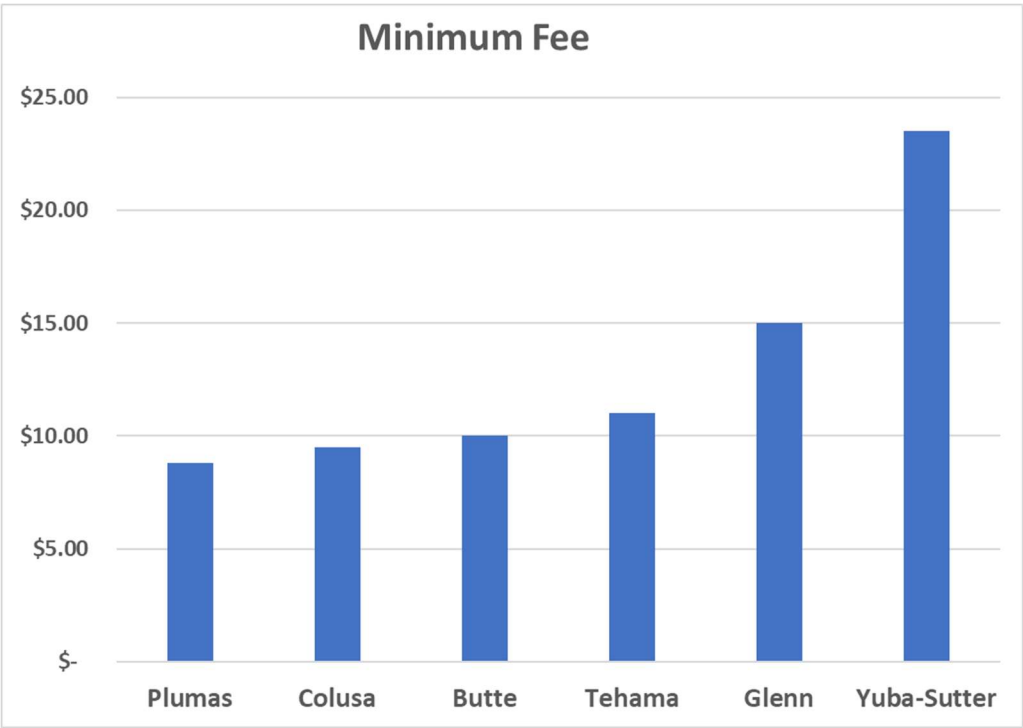
<https://www.google.com/url?q=https://www.calrecycle.ca.gov/organics/slcp&sa=D&source=docs&ust=1647303482408305&usg=AOvVaw17D9DEtkj-BGfqEEABMdW>

<https://www.buttecounty.net/>

DISCUSSION

The facility receives refuse from commercial waste companies (Recology, Waste Management), as well as from the public. Vehicles enter the facility from Neal Road. Public users line up in front of the scale house to be weighed and charged based on the contents of their load and/or weight. The facility accepts cash, checks, and credit cards. Commercial haulers operate on an account system. The following table shows the tipping fees at the NRRWF as compared with nearby landfills. In most cases NRRWF charges less than other neighboring landfills.

LANDFILL TIPPING FEE COMPARISON



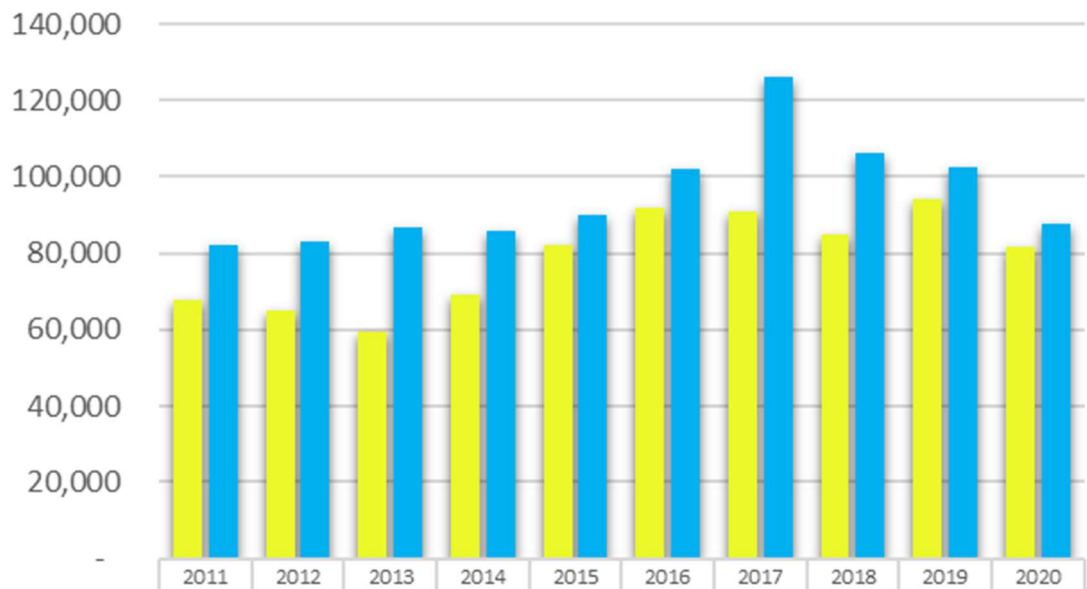
COMPARISON OF LANDFILL FEES NEAR BUTTE COUNTY					
COUNTY	MINIMUM FEE	PER TON	CU YD	PICKUP TRUCK	INFO DATE
PLUMAS	\$ 8.78	NA	\$ 21.81	\$ 28.80	16-JUN-20
COLUSA	\$.50	NA	NA	\$ 22.00	NOT DATED
BUTTE	\$ 10.00	\$42.11	NA	\$ 19.00	1-JAN-22
TEHAMA	\$ 11.02	\$68.87	NA	NA	1-JUL-21
GLENN	\$ 15.00	\$100.00	NA	NA	1-JAN-21
YUBA-SUTTER	\$ 23.51	\$47.02	NA	NA	1-JAN-22
AVERAGE \$	\$ 12.97	\$64.50	\$ 21.81	\$ 23.27	
BUTTE \$ LOST FROM AVERAGE	\$ 2.97	\$22.39	N/A	\$ 4.27	

TONS PER YEAR

Year	All Franchise	Self Haul	Disaster Waste
2011	67,779	82,008	-
2012	65,077	82,899	-
2013	59,634	86,900	-
2014	68,984	85,735	-
2015	82,043	90,096	-
2016	91,691	102,131	-
2017	90,783	125,956	2
2018	84,827	106,077	163
2019	94,386	102,633	808,210
2020	81,667	87,647	10,521
2021 YTD	70,783	72,384	4,674
Grand Total	857,654	1,024,464	823,570

TONS/YEAR COMPARISON
FRANCHISE VS SELF HAUL

Neal Road Landfill Tons 2011 to 2020

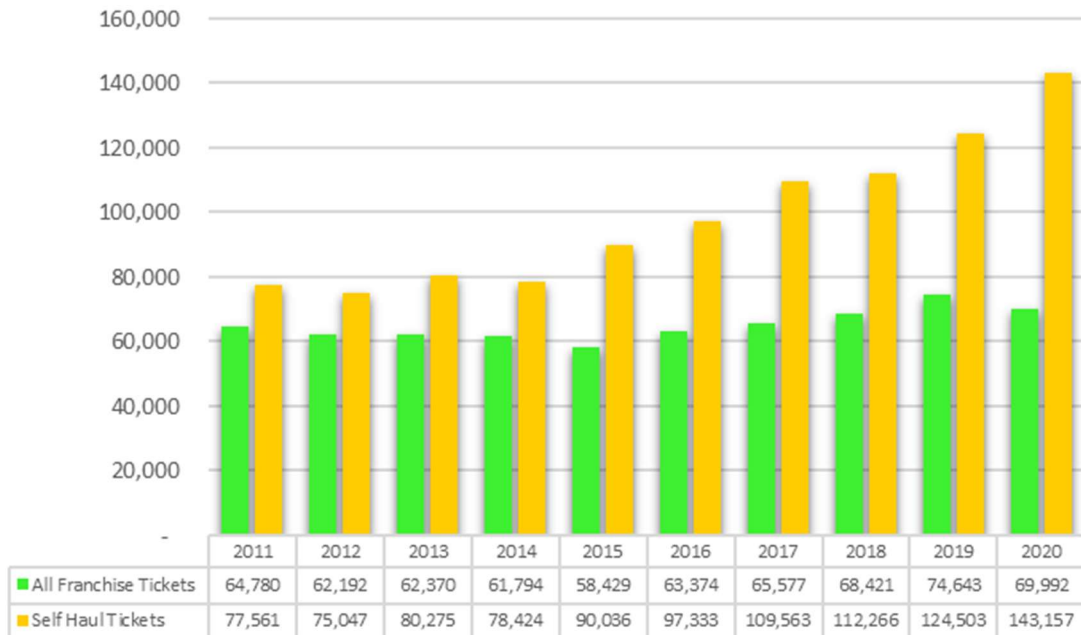


	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
All Franchise Tons	67,779	65,077	59,634	68,984	82,043	91,691	90,783	84,827	94,386	81,667
Self Haul Tons	82,008	82,899	86,900	85,735	90,096	102,131	125,956	106,077	102,633	87,647

TICKETS OR LOADS/YEAR

Year	All Franchise	Self Haul	Disaster Waste
2011	64,780	77,561	-
2012	62,192	75,047	-
2013	62,370	80,275	-
2014	61,794	78,424	-
2015	58,429	90,036	-
2016	63,374	97,333	-
2017	65,577	109,563	4
2018	68,421	112,266	12
2019	74,643	124,503	60,024
2020	69,992	143,157	1,227
2021 YTD	57,361	121,763	349
Grand Total	708,933	1,109,928	61,616

Neal Road Landfill Tickets 2011 to 2020



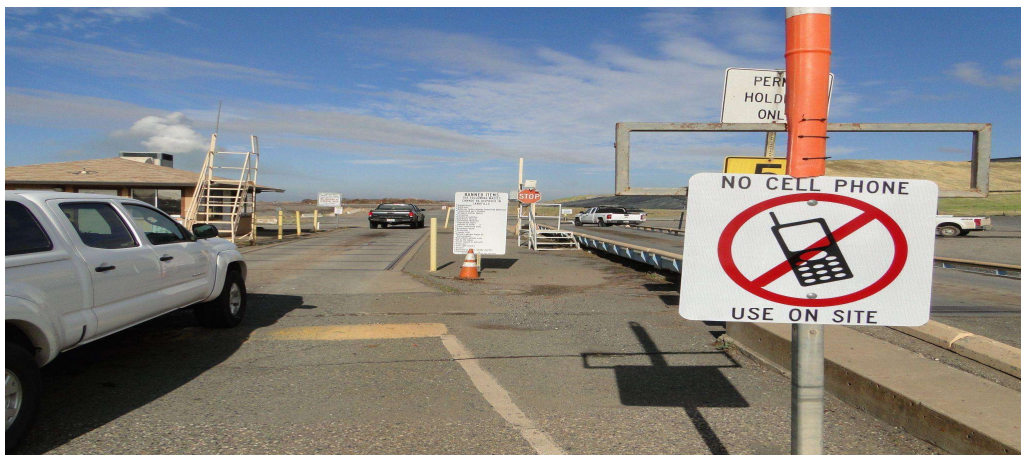
The process of weighing vehicles can be complicated. Vehicle traffic is often backed up to Neal Road, which is a potential safety concern. Customers walk up to the scale house window to identify their load content and weight of vehicle. Empty weight of vehicle/trailer is a component of the load charge calculation. When a customer does not know the empty weight of their vehicle/trailer there are extra steps in calculating the charge. This adds to wait time and extra work for the scale house attendants. Customers can become irritated and argumentative.

These things can slow down the process and/or cause errors:

- The customer does not know the empty weight of their vehicle/trailer
- The customer does not speak English well, thereby the attendant has difficulty communicating with the customer
- The content of the load is not easily determined
- When attendants must manually enter credit card information the process is cumbersome and slow

Gate fees support both NRRWF capital improvement projects and NRRWF day-to-day operations associated waste management programs: household hazardous waste, recycling, septage and composting. NRRWF staff currently weigh all vehicles and estimate the weight of the material in the vehicle or trailer and charge them according to the current fee schedule. The current inability to both weigh in and weigh out loads is resulting in a potential loss of revenue.

The signage is confusing, not well organized, and difficult to read







NEAL ROAD RECYCLING AND WASTE FACILITY FEE SCHEDULE effective March 1, 2019	
OPERATING HOURS : 7:00 AM TO 4:00 PM DAILY	
CLOSED: NEW YEARS DAY, EASTER, JULY 4TH, THANKSGIVING & CHRISTMAS	
ITEMS	DISPOSAL FEE
UNTARPED LOAD(CAVC section 23115)	\$8.50 per load
SELF-HAUL VEHICLES	
Minimum charge per vehicle, up to 540 lbs	\$10.00
All other vehicles over :	
541 to 1,027 lbs per vehicle	\$15.00
1,028 to 1,514 lbs per vehicle	\$25.00
over 1,515 lbs. net load weight per vehicle	\$35.00
Individual bags & bags in a mixed load	\$1.50 each
Corpet, couches, chairs	\$6.00 each
COMMERCIAL HAULERS	
All loads, including construction & demolition debris, bulky items (excluding tires, bailing wire & slumps)	\$44.00 per ton
CLEAN FILL DIRT	No Charge
NO contaminants, rubber, litter, trash yard waste, sod, commercial or demolition debris	\$6.00 each
BULKY ITEMS	No Charge
Appliances(washer, dryer, water heater, stove)	\$15.00 each
Mattresses, Box springs, Foundation (Public only)	\$30.00each
REFRIGERATORS & ELECTRONICS	No Charge
Refrigerators, freezers, air-conditioners, ice makers, water coolers	\$0.25 per lb
CATHODE RAY TUBES & ELECTRONICS	No Charge
Televisions & computer monitors	No Charge
Small electronic waste (VCRs, microwave ovens, stereos, under 24")	\$0.17 per lineal foot
Fluorescent Tubes:	\$0.17 per lineal foot
0 to 32 lineal feet	\$10.00 per stump
33 or more lineal feet	\$18.00 per ton
STUMPS	Special Handling Fee
Up to 24" trunk diameter, measured above root ball	\$2.00/tire
24" and larger	\$4.00/tire
TIRES (Tires with rims charged double price)	\$13.00/tire
Up to 36" O.D. without rim	\$20.00 per ton
Up to 48" O.D. without rim	\$25.00 per ton
36" to 48" O.D. without rim	\$25.00 per ton
48" to 60" O.D. without rim	\$74.00 PER TON
Over 60" or large loads without rim	
Cut tires (split, sliced or quartered)	
Limit 9 tires per vehicle unless accompanied by Waste Tire Manifest	
SPECIAL HANDLING	\$62.00 per load
Sealed or loads requiring immediate cover, by appointment	\$7.88 Per Vehicle
WELCHMASTER CERTIFICATE	\$15.00 per accuracy
COMMERCIAL HAULER PROHIBITED WASTE EXTRACTION	
one in their container	

Modernization Plans

As of April 2022, the Butte County Board of Supervisors has approved funding for development of a strategic masterplan for the NRRWF. Steam, Conrad and Schmidt Consulting Engineers (SCS Consulting) has been selected to develop this capital improvement and strategic plan, with a completion date of January 2023. Contributing factors for the development of a master plan include a 60% increase in waste brought into the facility over the last 10 years, impact of wildfires, the purchase of adjacent land parcels for facility expansion and provision of a buffer.

The Master Plan will include:

- Estimating the landfill site life and capital expenditures projections
- Rate analysis
- Impact of SB 1383 on future planning
- Regulatory permit review
- Evaluating current NRRWF operations and facilities
- Preparing a waste residuals management plan
- Site development plan preparation

A link to the RFQ can be found here:

[RFQUAL 2021-11 MASTER PLAN NEAL ROAD RECYCLING AND WASTE FACILITY \(1\).PDF](#)

Sustainability

As mentioned earlier, fees at the NRRWF are low in comparison to similar neighboring facilities, and the current fee structure is not sustainable in the long term. The NRRWF is depending on the \$20 million in surplus funds generated by the Camp Fire cleanup to balance its budget, but those funds will eventually be depleted. Many factors influence this number, such as current salaries vs. adjusted salaries, Master Plan developments, lawsuit settlement and waste stream changes from SB1383. Based on present projections monies are expected to run out in the next 4-5 years.

During interviews with Landfill employees, it was expressed that due to work schedules, employees had little opportunity to meet with each other to discuss situations or problems encountered on the job. They believe that increased communication among themselves would improve their job knowledge and effectiveness.

Based on responses from the questionnaire given to the members of the Butte County Board of Supervisors, there is a varying degree of support for a rate increase. There is concern that a rate increase would pose a hardship for low-income residents and may result in an increase in illegal dumping.

FINDINGS

- F1. NRRWF provides a valuable service to Butte County and its residents. The operation is well run, and management does an excellent job of staying abreast of the latest technologies in landfill operations and recycling, as well as governmental mandates and requirements.
- F2. NRRWF employees are well trained, committed to their jobs, and perform their work in a professional and competent manner with an emphasis on customer service.
- F3. NRRWF management and Butte County Department of Public Works are commended for their emphasis on planning for the future by creating a Strategic Plan for the Landfill and posting an RFQ for development of a Master Plan.
- F4. User fees at the Landfill are not high enough to fully cover operational costs.
- F5. Signage at NRRWF is confusing and difficult to read.
- F6. The credit card system is cumbersome and slow.
- F7. Scale house employees are using individual skills and conflict resolution techniques to counter and avoid negative interactions with customers.
- F8. Due to the way work hours are scheduled, employees rarely have time to participate in team conversations or learning opportunities.

RECOMMENDATIONS

- R1. Department of Public Works management to upgrade or replace the current credit card system with a system that is simpler and more efficient by December 31, 2022.
- R2. Department of Public Works management to install signage that is simpler and more direct. This includes signage at the scale house window in English, Spanish, and Hmong by December 31, 2022.
- R3. Department of Public Works management to develop an informational and factual multi-language brochure for customers by December 31, 2022.
- R4. Department of Public Works management to initiate regularly scheduled team meetings for employees to improve communication by December 31, 2022.
- R5. Department of Public Works management to provide scheduled conflict resolution training for employees who deal directly with the public by December 31, 2022.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:
From the following governing body of a public agency within 90 days:

- **Butte County Board of Supervisors:** F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, and R5

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **Butte County Chief Administrative Officer:** R1
- **Butte County Public Works Director:** F1, F2, F3, F4, F5, F6, F7, F8 and R1
- **Deputy Director, Waste Management Division:** F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, and R5

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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COMPLAINTS PROMPT INVESTIGATION INTO OROVILLE CITY GOVERNMENT

SUMMARY

The 2021-2022 Butte County Grand Jury (BCGJ) received multiple complaints from citizens in the City of Oroville about the city government. The BCGJ started verifying these complaints and noticed many inadequacies in the operation of the city government. This led to an investigation into the operations of the Oroville city government, the Oroville City Council, the Mayor, and the City Administrator.

Complaints included:

- Allegations of improper awards of public contracts
- Conflict of interest
- Mismanagement of hiring key staff
- Violations of City Policies and Procedures
- Violations of City Charter and Municipal Code
- Improperly selling city real property
- Brown Act violations
- Individuals holding multiple offices
- Bullying of subordinates

GLOSSARY

BCGJ Butte County Grand Jury

PPM Policy and Procedures Manual

BACKGROUND

The City of Oroville is a Charter city, incorporated in 1906. In 2006 the city discussed changing the charter to better represent what the City Council wanted. The BCGJ could not find any outcomes from this discussion.

The investigation focused on the Mayor, City Administrator, and the City Council. Allegations of improperly selling of city real property, insufficient and deliberate stalling of hiring qualified key management staff, conflicts of interest and favoritism were investigated. Complaints were investigated on Brown Act violations, inefficiency of city services due to one individual holding multiple offices and improprieties of a certain city official using the position to bully subordinates. The BCGJ reviewed all complaints and decided to investigate further the complaints regarding the improper selling of city real property, insufficient and deliberate stalling of hiring qualified key management staff, inefficiency of city services due to one individual holding multiple offices, and not following city policies and procedures.

METHODOLOGY

- Emails to various elected officials and city staff
- Questionnaires from the BCGJ
- Interviews
- Complaint Investigations

WEBSITES:

www.cityoforoville.org

www.buttecounty.net

www.oag.ca.gov/sites/all/files/agweb/pdfs/publications/2003_intro_BrownAct.pdf

DISCUSSION

The BCGJ interviewed the City Administrator and asked questions partially derived from the complaints that were received. After the interview, the BCGJ discussed the information obtained and sent follow-up questions to the City Administrator and City Staff regarding methods of disposing of city owned real property, timeliness, and methods of filling staff vacancies, awarding of contracts, and valuations of real estate property. The responses by the Mayor, City Council and City Administrator were incomplete, necessitating the BCGJ to resend multiple requests in order to “ferret out” information requested. The Mayor and City Council appeared to run everything through the City Administrator. It is not clear who is in charge. In response to these requests the City Administrator and city staff provided incomplete answers, did not respond by the due dates, or at all.

Due to the lack of cooperation in providing information, the BCGJ sent a questionnaire to the Oroville City Council Members to respond individually. Instead, the City Administrator responded on behalf of the majority of the Council, stating that the Council speaks with one voice. The BCGJ again sent out the questionnaire individually to the City of Oroville council members citing Penal Code, Section 925(a). Responses were eventually received from individual City Council Members with identical responses to the original questionnaire.

After months, and many additional requests, the BCGJ was finally informed that the City of Oroville does not have an updated, comprehensive PPM, and many of the individual parts of the manuals they do have, are now out of date. The City Manager, Oroville staff and City Council have committed in their questionnaire responses to create a digitized comprehensive PPM to be completed by the end of 2022.

BCGJ members searched for policies and procedures on the city’s website, but none were found. The information sent to the BCGJ was incomplete, consisting of fragmented pages that appeared to be segments of policy and procedures. Because there was no clear and comprehensive PPM, it was difficult to determine if the city was following proper protocols.

It is important that officials follow policies and procedures, as well as the City Charter and Municipal Code. The PPM should be readily accessible to the citizens, so that if questions arise the answers can be researched, quelling suspicion and doubt on City Management decisions leading to greater transparency and confidence in city business.

- No operating Policies and Procedures Manual (PPM) exists to measure if the City Council is following its own rules
- Procedural information turned over to this BCGJ was pieced together in a random fashion

The actions of the City Council, Mayor, and City Administrator have led to complaints by the general public. The following are some examples:

1. A citizen complaint stated that key city management positions were left vacant by the City Council long enough for the mayor to legally fill those positions without the required vote. This was confirmed by City Council records, city hiring policies and an Enterprise Record article “Oroville City Council Grapples with City Administrator Post” -July 2, 2019.
2. A citizen complained to the BCGJ that one individual held multiple city positions. During an interview with The City Administrator the BCGJ was informed that at one time a single person held the positions of City Administrator, Police Chief, Fire Chief and City Clerk. This was also confirmed by a questionnaire returned by the Oroville City Council.
3. The BCGJ found two incidents in the city’s records within the past five years that were resolved by declaring an emergency, overriding existing policy.
 - a. Property transfer for work without offering the property to the Parks Department (Sale of Surplus Property, No.1, dated 2-20-79)
 - b. Contract for cleaning storm drains without putting it out to bid (Policy and Procedure No.17, Bidding on City Contracts, Materials, etc., dated 10-15-84)

FINDINGS

- F1. One individual holds more than one key city office.
- F2. There is not a current and complete PPM accessible to the general public.
- F3. Emergency declarations have been used to override existing policies.
- F4. The procedures on record were frequently not followed.

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

RECOMMENDATIONS

- R1. Each position in city administration and city government is to be filled by one individual and no individual to hold multiple positions, except on a temporary basis to fill a vacancy and for no longer than 6 months. This to be put into policy by December 31, 2022.
- R2. Oroville City Government to develop and adopt a comprehensive PPM online and in print by December 31, 2022.
- R3. The Oroville City Government to define an “emergency situation” in the PPM by December 31, 2022.
- R4. City Council members to fill positions in accordance with the PPM and within 6 months, except in emergency situations. This to be implemented by December 31, 2022

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05
From the following governing body of a public agency within 90 days:

- **Oroville City Council:** F1, F2, F3, F4, F5, R1, R2, R3, R4

INVITED RESPONSES

The Grand Jury invites the following responses:
From the following governmental official within 60 days:

- **City Administrator for the City of Oroville:** F1, F2, F3, F4, R1, R2, R3
- **Mayor of City of Oroville:** F1, F2, F3, F4, F5, R1, R2, R3, R4

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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Butte County Jail

On Thursday, October 14, 2021, the Butte County Grand Jury toured the Butte County Jail. Members attended a briefing by top-level staff and Sheriff Kory Honea, followed by a walking tour of the inside of the jail complex. The tour included the command center, booking area, medical clinic, women's jail, control tower, recreation area, visiting area, records, and other areas of the facility.

The briefing contained an overview of the Butte County Jail operations. Sheriff Honea described the Sheriff-Coroner Department Summary Mission Statement pertaining to the BCCC facility, the care of the individuals housed there, and the challenges faced by the department.

Butte County Jail is a 614 bed Type 2 Facility. Average inmate population range is 530-580 inmates per day. In 1963 the original part of the jail was completed. In 1994 the "West Facility" was added to modernize the building. Plans are completed for an expanded correctional center; construction began on 10/2020 with the goal of completion by 12/2024. The general appearance, safety, maintenance, and housekeeping of the facility was well maintained considering the age of the complex.

Information on the adverse impact of Assembly Bill 109 (AB 109), was an included topic. Assembly Bill 109 was signed into law in 2011 by Governor Jerry Brown. AB 109 is commonly referred to as "prison realignment," which shifted to counties the responsibility for monitoring, tracking, and incarcerating lower-level offenders. These inmates are "non-serious, non-violent, non-sex" offenders previously bound for state prison. Three major groups are affected by realignment. First, felony offenders who have never been convicted of a "serious" or "violent" crime or an aggravated white-collar crime and are not required to register as sex offenders will now serve their sentences in local custody. Second, released prisoners whose current commitment offense qualifies them as "triple-non" offenders are diverted to the supervision of county probation departments. Third, if persons on Post Release Community Supervision violate the technical conditions of their supervision (rather than committing a new crime), they can no longer be returned to State prison but must be sanctioned in local (county) jail or community alternatives. These include house arrest, drug treatment, or flash incarceration. Some factors discussed were managing overcrowding such as early release of jail inmates to make room for felony inmates from the state prison system, the hardening of the jail population due to more long-term felony inmates and challenges to BCCC employee retention brought about by the above factors.

Staffing and retention are chronic problems. At the time of the tour, there were 70 vacancies in the Butte County Sheriff-Coroner Department, which is funded for 300 positions. Butte County Board of Supervisors provided a 7% increase in pay, however per the Butte County Sheriff's

Office, Butte County is conducting a salary study as the compensation level is still 15 percent below the state median.

Butte County Jail's medical facility is staffed by contracted professional medical providers. These professionals are part of the California Forensic Medical Group. The California Forensic Medical Group partners with an organization called Wellpath which provides organizational support such as forms documents and legal support, as necessary. The Butte County Jail and Juvenile Hall are staffed to provide medical, behavioral healthcare programs and dental services. The County Jail medical clinic is required to be inspected every year by the Butte County Public Health Officer. The required annual inspection by the Butte County Health Officer was postponed by the Butte County Public Health Director in 2020 due to COVID restrictions. The 2021 inspection was completed early in 2022. The 2022 inspection will take place in the latter part of 2022.

The death of an inmate is a tragic occurrence. Butte County Jail experienced four deaths of incarcerated persons in 2021. One was an inmate with medical issues who passed away in medical housing. The second died of natural causes. The third was a homicide, and the fourth cause of death is still unknown.

Those who conducted the tour were well prepared and their level of operating knowledge made it possible for questions by Grand Jury members to be answered and requests for documentation furnished as the tour proceeded.

<https://www.buttecounty.net/sheriffcoroner/jailinfo>

Butte County Juvenile Hall

On April 6, 2022, members of the Butte County 2021-2022 Grand Jury toured the Butte County Juvenile Hall located at 41 County Center Drive, Oroville, CA. The tour guides were the Superintendent of Butte County Juvenile Hall and a Sheriff from the Butte County Probation Department. Juvenile Hall is an arm of the Butte County Probation Department.

The California Board of State and Community Corrections has rated Butte County Juvenile Hall to house a youth population of 60. The current population of youth housed at Juvenile Hall is averaging in the low twenties to high teens daily. The population has been impacted due to the COVID virus. Before COVID the average population was approximately 30 youth daily.

This youth facility is open to the public Monday through Friday during regular business hours. It has a daily staff of a Superintendent, Administration Support Staff who is a supervisor, 6 Supervising Staff, 2 full time cooks, 1 full time Marriage and Family Therapist and 1 full time nurse. The therapist and nurse are contract employees. Butte County contracts with “WellPath” to provide medical services to youth at Juvenile Hall. Currently Juvenile Hall has 7 staff position vacancies. There is a full-time therapy dog who partners with staff for youth support in the facility educational center.

Housed youth are allowed visitation with parents and legal guardians twice weekly. During the week youth are allowed 1 hour of visitation, on weekends visitation is extended to 1.25 hours. Youth have the opportunity to “earn” additional visiting times. Youth with children are provided an extra hour weekly to interact with their child. In addition, due to COVID the staff at Juvenile Hall have learned the technology to support “video visiting” which has allowed for “remote” visiting between youth, their families and loved ones.

This facility is organized into what are called “Pods.” There are currently 6 Pods that are integrated for various use systems:

1. Pod “A” houses a “Welding Program” and is used as a staff training area
2. Pod “B” houses an office for school staff and is used for extra activities
3. Pod “C” houses The Commitment to Success Program (CSP)
4. Pod “D” is maintained in a “ready state” for occupancy due to an “emergency” (emergency ready) and is used as an office for supervisors
5. Pod “Eagle” is used as a “Detention” area

6. “Falcon Pod” houses the “Camp Program” which provides youth with the opportunity to engage in vocational training, educational and counseling programming

Located in the center of the facility is “Control Room” where staff can monitor activities throughout the Juvenile Hall via video monitors.

Table Mountain School is a fully accredited school located at Juvenile Hall. Student graduations have been held for youth at the Butte County Office of Education Facility in Oroville. Students can participate in a variety of activities including a recreational Field and indoor Recreational Facility, a welding program, a writing program with the emphasis on poetry, there is a coy pond with adjacent barbeque/picnic area for use by staff and youth.

Members of the Grand Jury appreciated the time provided by staff to guide us during our visit. Staff are to be commended for their dedication to improving the lives of our youth and the efforts to guide the youth of Juvenile Hall towards a better future.

For additional information on Butte County Juvenile Hall please use the link provided.

https://www.buttecounty.net/Portals/20/JJCC_Mtgs_Agendas/DRAFT%20Implementation%20Plan%20for%20DJJ%20Realignment%20for%20BOS%20Submission.pdf?ver=2021-10-15-115637-357

GRAND JURY CERTIFIES ACCURACY AND LOGIC TESTING OF BUTTE COUNTY ELECTION EQUIPMENT

Representatives of the Butte County Grand Jury were invited to visit the Butte County Clerk-Recorder Elections Division on August 10, 2021, and May 3, 2022. The purpose of the visit was for Grand Jury members to observe and certify the accuracy and logic testing of the Butte County ballot-counting equipment prior to the statewide recall election held September 14, 2021, and the Primary Election held June 7, 2022. Butte County Grand Jury members represented a cross-section of the electorate, with at least one member of the Democratic, Independent and Republican parties being present.

Representatives of the Butte County Grand Jury were given a tour of the Elections Division at the Butte County Hall of Records in Oroville, California by Manager, Keaton Denlay. Election Security protocols were explained and demonstrated. The tabulation equipment was demonstrated prior to the testing. To complete the accuracy testing, the equipment processed several large decks of pre-marked test ballots and produced the results, sorted by type of vote: mail-in votes, votes at polling station, and provisional votes. The results were tallied and recorded digitally, without use of the internet. The tabulation equipment is never connected to the internet. The equipment produced a result of 100% accuracy. The results were also verified by a 1% manual tally audit.

Following the accuracy testing, Grand Jury Members participated in creating several batches of ballots with missing or erroneous votes for the logic testing. The logic machines process batches of ballots and flag ballots without votes or duplicate votes or with extraneous writing or messages or errors of logic for review by a team of two people. Every ballot is numbered so that when a ballot is flagged, the actual paper ballot can be retrieved from the batch for review. Sometimes a ballot that reads blank is actually filled out, but in the wrong ink color. The logic testing gives every ballot a chance to be reviewed and included in the count.

The logic testing and accuracy testing were certified as observed by the Grand Jury members. The public can view the activities through the counting room observation windows. Logic and accuracy testing verifies that both the tabulation and adjudication processes are working properly.

Election security observed by the Grand Jury members included the following:

- All ballots are paper ballots.
- Ballots are always handled by teams of at least two people.
- Every vote by mail signature is verified.
- Voters whose signatures do not match or are missing will be contacted.
- Ballots are removed from envelopes, ensuring voter privacy.

- Results verified by a 1% manual tally audit.
- The voting system and tabulation equipment are never connected to the internet or any other network.

The 2021-2022 Butte County Grand Jury concludes that the Butte County voting equipment is effective and working well.