

Butte County Grand Jury

2009-2010

FINAL REPORT



JUNE 25, 2010

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May 28, 2010

**Superior Court of California
County of Butte
One Court Street
Oroville, CA 95965**

2009-2010

**BUTTE COUNTY GRAND JURY
FINAL REPORT**

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code Section 933. A copy of the report is enclosed. Your attention is invited to the following code section regarding the time requirements for comment on the report.

Section 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 county clerk and remain on file in the office of the county clerk. The county 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.

Section 933.05

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

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

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

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury,

but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Foreperson's Letter to the Presiding Judge

May 28, 2010

The Honorable James F. Reilley, Presiding Judge

Superior Court of California, County of Butte

One Court Street

Oroville, CA 95965

Dear Judge Reilley:

The 2009-2010 Butte County Grand Jury herein presents the 2009-2010 Butte County Grand Jury Final Report for your review and consideration. The Grand Jury has approved the attached reports, including their findings and recommendations. The Jurors are proud of their service to the citizens of Butte County and hope these reports will advance the operations of the local agencies that serve them.

The Jurors that served are diverse in gender, race, age, and life experiences, geographically, professionally, and philosophically. Diversity is one of the strengths of the Grand Jury. Whatever the task or obstacle, one or more of the Jurors normally has some experience with the issue. During our visits, investigations, and service, we gained an immense appreciation for the operations of the ninety plus agencies that serve the citizens of Butte County. As a result we have gained a respect for the majority of the staff that operates these agencies.

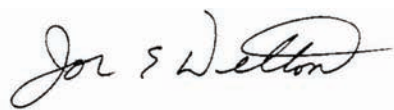
There were challenges. Time was one of the biggest. After subtracting the time to form and train a cohesive group and the time needed for reviews and printing, the Jury is left with eight to nine months to conduct its business. During this short period, the Jury must target concerns, conduct interviews, identify and investigate the issues, sometimes complex, and complete our reports. We recommend that consideration be given to contracting for outside specialists to assist the Grand Jury to investigate the issues. Given the time needed to contract for these

specialists, it may be necessary for preceding Grand Juries to initiate blanket contracts and for the next Grand Jury to decide if they want to proceed with one of the contracts.

We, the 2009-2010 Grand Jurors, appreciate the counsel, advice, and assistance provided by you, the District Attorney, the District Attorney's Chief Investigator, County Counsel, the Assistant County Counsel, and Court staff. It would have been impossible to complete our work without their support and assistance.

In closing, we want to acknowledge the support and sacrifice of our families and employers who encouraged us to undertake this service to the citizens of Butte County.

On Behalf of All the 2009-2010 Grand Jurors,

A handwritten signature in cursive script that reads "John E. Welton". The signature is written in black ink on a white background.

John E. Welton, Foreperson
2009-2010 Butte County Grand Jury

2009-2010 Butte County Grand Jury Members

John Welton	Chico	Foreperson
Tim Voris	Durham	Foreperson Pro Tem
Gail Eatough-Smith	Oroville	Recording Secretary
Denise Hopper	Oroville	Corresponding Secretary
Peggy Williams	Oroville	Treasurer
Antonio D. Cisneros	Oroville	Sergeant-at Arms
Tom Ballew	Paradise	
Donna Carper	Magalia	
William Lee Casteel	Thermalito	
Dallis Duty	Chico	
Richard Hoyt	Chico	
Mary D. Knight	Magalia	
Linda M. Lagorio	Chico	
Peter Milbury	Chico	
Harold "Dan" Norton	Paradise	
Carrie Peters	Oroville	
Joseph Putyrae	Oroville	
Judy Rotar	Oroville	
Melodee Thomas	Biggs	

We also wish to acknowledge those Jurors who served briefly on the 2009-2010 Grand Jury, who due to unforeseen circumstances resigned: Claire Fields, Judy Gargas, Matthew Jardin, Mary Lou Kuehne, Robert Meacham, and Letha Pack.

2009-2010 Butte County Grand Jury

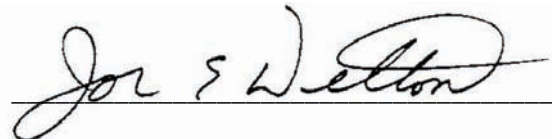
Final Resolution

Whereas, the 2009-2010 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

Whereas, the 2009-2010 Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies, and the citizens of Butte County, and

Now, therefore, be it resolved that the attached papers, commendations, findings, and recommendations are adopted as the *2009 – 2010 Butte County Grand Jury Final Report* and submitted to the Presiding Judge of the Superior Court of the State of California, County of Butte, to be entered as a public document pursuant to California law.

The above resolution was passed and adopted by the 2009 – 2010 Butte County Grand Jury at the Butte County Offices in Oroville, California on the 20th day of May 2010.



John E Welton, Foreperson

May 20, 2010

☐

2009-2010 Grand Jury Mission Statement

In the rich, historic tradition of the American legal system, our mission is to perform diligently and impartially the sworn duties of the Butte County Grand Jury. We endeavor to carry out our mission in pursuit of the highest common good and with the intent of improving local government. To the best of our individual abilities we strive to execute fairly, fearlessly and lawfully our proscribed criminal and civil functions. Within the distinct limits of the jury's authority, we investigate incidents of misconduct and corruption as they come to light; we scrutinize the operations of Butte County's public offices, departments and districts; we investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of incorporated cities and joint powers agencies in the County; and we use complaints to identify policies that need improvement. Correspondingly, we present and report our findings and recommendations in a timely and responsible manner.

Core Values All Grand Jurors Agree to Uphold

- We recognize the importance of applying, to all individuals, the same objective standards of conduct and responsibility, without regard to race, color, creed, religion, sex, sexual preference or economic status.
- We recognize that others may be more skilled than we in particular matters regarding the business of public office and government. Consequently, our own sound judgment, in itself, is not a viable substitute for others' expertise, nor for their reasonable but differing views.
- We respect and do not seek to interfere with the discretionary policy-making or operational powers of public officials.
- We recognize the importance of maintaining accuracy and integrity in our activities. The Grand Jury's reports, therefore, are factual and confined to matters within the scope and power of our inquiry.
- We recognize the importance of communicating clearly and effectively among ourselves and with our constituency.
- We respect individuals' right to privacy, and we operate within the confines of strict confidentiality.
- We recognize that the Grand Jury functions lawfully as a legal entity.

- Accordingly, no single grand juror, when acting alone, has any power or authority to represent the jury.
- We acknowledge the importance of remaining vigilant to detect and avoid any personal conflicts of interest that may arise during the course of performing the business of the Grand Jury.
- With the specific purpose and intent of improving our local government, we value the opportunity and privilege of serving on the Grand Jury.

Acknowledgments

The 2009-2010 Butte County Grand Jury sincerely wishes to acknowledge the persons and organizations noted below for their support, assistance, and guidance to the Grand Jury during its 2009-2010 term.

- The concerned citizens of Butte County, who exercised courage and time to lodge a complaint against a perceived wrongdoing by a local agency. *The complaint process is the keystone to the workings of the Grand Jury system.*
- To the staff of local agencies within Butte County who testified, sometimes under duress and threats of retaliation, about their perceptions of illegal or inappropriate behavior of superiors or fellow employees. Your courage is applauded by the members of this Grand Jury.
- For their support and guidance:
 - The Honorable James F. Reilley, Presiding Judge of the Superior Court of California, County of Butte
 - District Attorney Mike Ramsey and Chief Investigator Kory Honea
 - County Counsel Bruce Alpert and Assistant County Counsel Elizabeth McGie
 - Butte County Department of Education and Social Services staff
 - The Staff of the Superior Court of California, County of Butte
 - Kelly Mortensen, Court Administrative Specialist
 - Vicky Caporale, Court Administrative Specialist

In addition, the Grand Jury wishes to express thanks to all of the persons who made presentations on the operations of their agencies, not included in this report. These include:

- Butte County Sheriff Department – former Sheriff Perry Reniff
- Butte County Chief Financial Officer – Greg Iturria
- City of Chico, Chief of Police – Mike Maloney
- Butte County Department of Human Resources – former Director Laura Brunson
- Butte County Supervisor – Steve Lambert
- Butte County Superintendent of Schools – Don McNelis
- Butte County Clerk/Recorder & Registrar of Voters – Candace Grubbs

- Butte County Fire Safety Council – Valarie Glass
- Butte County Development Services – Director Tim Snellings
- Butte County Public Works – Director Michael Crump
- Superintendent of Chico Unified School District – Kelly Staley
- Butte County Assessor’s Office – Assessor Fred Holland
- Butte County Public Health Services – Director Phyllis Murdock
- Butte County Office of Emergency Services – Director Jon Gulserian
- Cal Fire/Butte County Fire Department – Fire Chief George Morris
- Western Canal Water District – Manager Ted Trimble
- South Feather Water & Power Agency – General Manager Michael Glaze
- Butte County Local Agency Formation Commission – Executive Officer Stephen Lucas

History of the Grand Jury

A Grand Jury derives its name from the fact that it usually has a greater number of jurors than a trial (petit) jury. One of the earliest concepts of Grand Juries dates back to early Greece where the Athenians used an accusatory body. In early Britain, the Saxons also used something similar to a Grand Jury system. During the years 978 to 1016, one of the Domesday (laws) stated that for each one hundred men, twelve were to be named to act as an accusing body. They were cautioned, “not to accuse an innocent man nor spare a guilty one.”

The Grand Jury can also be traced to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes that had come to their knowledge. Since the members of that accusing jury were selected from small jurisdictions, it was natural that they could present accusations based on their personal knowledge.

Historians agree that the Assize [court session or assembly] of Clarendon in 1166 provided the groundwork for our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, twelve “good and lawful” men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types, civil and criminal, with the development of each influencing the other.

The oath taken by these jurors provided that they would carry out their duties faithfully, that they would aggrieve no one through enmity nor deference to anyone through love, and that they would conceal those things which they had heard.

By the year 1290, these accusing juries were given the authority to inquire into the maintenance of bridges and highways, defects of jails, and whether the Sheriff had kept in jail anyone who should have been brought before the justices. “Le Grand Inquest” evolved during the reign of Edward III (1368), when the “accusatory jury” was increased in number from twelve to twenty-three, with a majority vote necessary to indict anyone accused of crime.

In America, the Massachusetts Bay Colony impaneled the first Grand Jury in 1635 to consider cases of murder, robbery and wife beating. As early as 1700, the value of the Grand Jury was recognized in opposing the Royalists. These colonial Grand Juries expressed their independence by refusing to indict leaders of the Stamp Act (1765), and refusing to bring libel charges against the editors of the Boston Gazette (1765). The Philadelphia Grand Jury supported a union with other colonies to oppose British taxes in 1770.

By the end of the Colonial Period, the Grand Jury had become an indispensable adjunct of Government. “They proposed new laws, protested against abuses in government, and wielded the tremendous authority in their power to determine who should and should not face trial.”

Although originally the Constitution of the United States made no provision for a Grand Jury, the Fifth Amendment, ratified in 1791, guaranteed that: “...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger...”

Public support for Grand Juries, sustained through the Revolutionary Period, began to wane in the early 1800s. Adoption of the fourteenth Amendment in 1868, made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment no longer required prosecution of crimes by Grand Jury indictment nor prohibited direct accusation by a prosecutor. California is still one of the states that allows prosecution to be initiated by either Grand Jury indictment or judicial preliminary hearing.

The first California Penal Codes contained statutes providing for a Grand Jury, to be empanelled quarterly, at the same time as the trial jurors were drawn. Early Grand Juries investigated local prisons, conducted audits of county books and pursued matters of community interest. The role of the Grand Jury in California is unique in that by statutes passed in 1880, their duties include investigation of county government. Only seven other states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials. Only California and Nevada mandate that Grand Juries be impaneled annually to function specifically in a watchdog capacity over county government.

As constituted today, the Grand Jury is a part of the Judicial Branch of government — “an arm of the court.” It does not have the functions of either the legislative or administrative branches and it is not a police agency. Additionally, it does not mandate policy changes. It is an inquisitorial and an investigative body tasked with making recommendations to improve systems, procedures and methods of operations in designated local government. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government (including special districts), seeing that the public’s monies are handled judiciously and that all accounts are properly audited — in general assuring honest, efficient government in the best interests of the people.

The Grand Jury has three ways to exercise its powers:

1. Written communications of unsatisfactory conditions where no crime is charged with recommendations for improvements (reports);
2. Written complaints charging a person with a crime (indictments); and

3. Written complaints against a person whose conviction would result in removal from office rather than criminal penalties (accusations).

A large portion of the public believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year and this entails having public officials appear before the jury for the purpose of providing information to the jury relative to their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered to be officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge of the Superior Court, the District Attorney, County Counsel, and the State Attorney General act as its advisors, but cannot prevent the actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury's work, much of it must be conducted in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner. No one may be present during the sessions of a Grand Jury except those specified by law (Penal Code Section 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

Penal Code Section 939 as amended effective January 1, 1989 requires that prejudiced jurors may not be present during any part of proceedings from which they have once been formally excused and no non-juror may be present during the expression of the opinions of Grand Jurors, or the giving of their votes, on any criminal or civil matter before them. An officer having custody of a prisoner witness may be present during criminal sessions of the Grand Jury while the prisoner is testifying but the officer shall be admonished to insure the secrecy of any Grand Jury proceeding heard.

The conduct of criminal investigations and the return of indictments is the smaller part of a Grand Jury's function in California. In some states, all persons accused of felonies must be indicted by a Grand Jury before being tried. This is also true of the Federal Courts. In this state, the vast majority of criminal cases are presented to the court, at a preliminary hearing, on a complaint issued by the District Attorney. Cases presented to the criminal Grand Jury by the District Attorney may include, but are not limited to:

1. Cases having multiple defendants;
2. Cases with special witnesses such as children, out-of-state witnesses, informers or undercover agents;
3. Cases involving public officials or employees;
4. Cases in which adverse publicity could hurt the suspect, such as rape, murder or kidnap; and

5. Cases in regard to which the Statute of Limitations is about to expire.

Unlike a trial (petit) jury, a Grand Jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether the evidence warrants charging a person with a triable offense.

A Grand Jury is charged with a grave responsibility. The Grand Jury serves as an ombudsman for citizens of the county. The jury may receive and investigate complaints by individuals regarding the actions and performances of county or public officials. The attention of the entire county is centered upon an active Grand Jury, and its every act is a matter of public interest. Malevolent and unfaithful public servants are uneasy, while honest citizens and the conscientious public servants are reassured. Therefore, Grand Jury service calls for diligence, impartiality, courage and responsibility.

Comments Regarding Responses to the 2009-2010 Grand Jury Final Report

Effective January 1, 1997, state law requires that all agencies and public officers promptly submit responses to Grand Jury Final Reports, and to address every finding and recommendation pertaining to that agency or officer. (Penal Code § 933.05)

The 2009-2010 Grand Jury received all the responses requested in the 2008-2009 Grand Jury Final Report. The 2009-2010 Grand Jury evaluated those responses and determined that most met the basic requirements for responding to the findings and recommendations. In determining the adequacy of the responses, the 2009-2010 Grand Jury considered the following questions:

1. Did the agency's response address the subject of the findings?
2. Did the agency attempt to avoid the issue(s) raised by criticizing the Grand Jury or by offering excuses?
3. Did the agency's response indicate that it would take the necessary action to correct the problem?
4. Did the agency provide a specific date by which it would take the necessary corrective action?
5. Does the Response Committee find reason to request clarification of response(s) or reason to refer to the appropriate committee for follow-up or investigation.

The responses to the findings and recommendations of the 2008-2009 Grand Jury Final Report are available for public review online at the Butte County Website. (<http://www.buttecounty.net>) Grand Jury link.

The 2009-2010 Grand Jury wishes to thank those who responded to last year's Final Report and recognizes their contribution to the community and to the Grand Jury process. The time and effort taken to review the 2008-2009 Grand Jury Final Report and to prepare and submit responses to the presiding judge are greatly appreciated.

Clarification of Responses to 2008/2009 Grand Jury's Final Report

One of the Grand Jury's responsibilities is to ensure that each organization or individual listed at the end of each Grand Jury Report submits an adequate response. In the process of performing this task, the 2009-2010 Grand Jury found the following responses needed clarification:

Butte County Auditor-Controller

Two responses were inadequate. Copies of the Grand Jury's request for and the subsequent clarifying responses immediately follow.

Butte County Public Works Department

One response was inadequate. The Grand Jury was concerned about the Public Works Department's clarified response. Although the Public Work's response to the 2008-2009 Grand Jury Report suggested that the Doe Mill Road was a viable option, if developed to standards, the clarified response instead suggested that the County was not seriously pursuing this option. Copies of the Grand Jury's request for and the subsequent response immediately follow.

Oroville Cemetery District

This response brought some inconsistencies in the 2008-2009 Grand Jury Report to the attention of the 2009-2010 Grand Jury, and a report regarding this matter is included herein. (See page 185.)



P.O. Box 110
Oroville, CA 95965

October 23, 2009

Butte County GRAND JURY

David A Houser
Auditor-Controller
County Administration Department
25 County Center Drive
Oroville, CA 95965-3383

Dear David Houser,

This is a follow up to your responses to the *Final Report of the Butte County Grand Jury 2008/2009*.

Recommendation Number 1:

"The A-C and the CFO should jointly develop a specific plan for resolving the issues regarding the workload not transferred from the A-C's Office to the CFO's Office."

Your response to Recommendation Number 1:

"We will be working closely with the CFO's Office to complete this objective. We will be contacting the CFO's Office to set up a meeting to develop a specific plan once again to establish a timeline to transfer the remaining duties from the Auditor-Controller's Office to the CFO's staff."

Penal Code Section 933.05(b)(2) requires that where a response to a recommendation states that the recommendation will be implemented in the future, the response must include a timeframe for implementation. Your response did not meet the statutory requirement. Please provide the timeline for implementation of this recommendation.

Recommendation Number 2:

"Continue to incorporate "team building" activities to foster the positive work environment."

Your response to Recommendation Number 2:

"This recommendation has been implemented. The Auditor-Controller's management staff continues to encourage and develop team building activities to foster a positive work environment in the office. In addition to current activities, management has increased the morning status meetings scheduled to three days per week to discuss scheduling and staffing issues, problem areas and to incorporate team building discussions within the management group. Staff is encouraged to bring up any and all issues that need addressed

October 23, 2009

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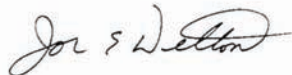
Auditor-Controller

and each morning a meeting can be called by any of the management team if a pressing issue occurs."

Penal Code Section 933.05(b)(1) requires that where a response to a recommendation states that the recommendation has been implemented, it must include a summary regarding the implemented activity. The Grand Jury does not believe the response above provides a sufficient summary and requests that you supplement the response by including some specifics on the team building activities, including whether staff has responded to the increased morning meetings in a positive way and whether staff has brought up additional issues that they believe should be addressed.

Thank you in advance for your response.

Sincerely,

A handwritten signature in cursive script that reads "John Welton".

John Welton

Grand Jury Foreperson





Butte County

LAND OF NATURAL GLORIES • 1850

OFFICE OF THE AUDITOR-CONTROLLER
COUNTY ADMINISTRATION BUILDING
25 COUNTY CENTER DRIVE • OROVILLE, CALIFORNIA 95965-3383
TELEPHONE: (530) 538-7607
FAX: (530) 538-7693

December 29, 2009

John Welton
Grand Jury Foreperson

Dear Mr. Welton,

Subj: Follow up to Final Report of the Butte County Grand Jury 2008/2009

Recommendation Number 1:

“The A-C and the CFO should jointly develop a specific plan for resolving the issues regarding the workload not transferred from the A-C’s Office to the CFO’s Office.”

Penal Code Section 933.05(b)(2) requires that where a response to a recommendation states that the recommendation will be implemented in the future, the response must include a timeframe for implementation. Your response did not meet the statutory requirement. Please provide the timeline for implementation of this recommendation.

The recommendation was implemented in the first six months of the 2009-10 fiscal year and with only some minimal items remaining unimplemented. This is primarily the processing of the long term debt journals but the CFO’s office has indicated due to staffing constraints they have not been able to take this over. We will continue to work with the CFO’s staff to get these items transferred and it is our hope that this can be completed by June 30 of this fiscal year.

Recommendation Number 2:

“Continue to incorporate “team building” activities to foster the positive work environment.”


Penal Code Section 933.05(b)(1) requires that where a response to a recommendation states that the recommendation has been implemented, it must include a summary regarding the implemented activity. The Grand Jury does not believe the response above provides a sufficient summary and requests that you supplement the response by

including some specifics on the team building activities, including whether staff has responded to the increased morning meetings in a positive way and whether staff has brought up additional issues that they believe should be addressed.

The management staff of the Auditor-Controller's Office meet each morning on Monday, Wednesday and Friday to discuss office scheduling, staffing issues, and any topic the staff wishes to address that they feel needs to be discussed. The meetings foster positive communications between the management staff and provides information to all the management on accounting processes, functions and operation efficiencies. New ideas and suggestions are encouraged from the staff. Recent discussions on electronic processing of accounts payable and potential savings that could be generated by implementation of some form of e-pay has been brought forward and we have had discussions with some vendors and will be looking at other counties for their experience and success in these areas. Another important topic has been the use of credit cards for payments to the county for fees and other charges collected. The Management Staff is working together on ideas to best handle the accounting of these types of transactions.

In the area of team building, the management staff traveled to Sacramento to attend a seminar on team building and moral building with each staff member indicating they received some good information and felt the trip to be very valuable to the team. Members of the Auditor-Controllers staff have volunteered and formed an activities committee and plan monthly functions to build team spirit with the office staff. Each month we have a special theme day such as "National tell a joke day, or National Pic day. Each staff member is encouraged to participate and enjoy a time of sharing and refreshments.

Sencereely,


David A. Houser
Auditor-Controller



P.O. Box 110
Oroville, CA 95965

Butte County GRAND JURY

January 28th, 2010

Butte County Board of Supervisors
Director of Butte County Public Works, Mike Crump

Subject: Response to 2008/09 Grand Jury Report "Wildfire and Safety Considerations for Butte County General Plan 2030."

Dear Board of Supervisors and Director Crump:

As you know, the 2008/2009 Butte County Grand Jury issued a report on the above subject. This report made several findings and recommendations, to which you appropriately submitted responses. The 2009/2010 Butte County Grand Jury requests clarification and explanation to your response to Recommendation #2 which recommended that additional roads for investigation be evaluated, including Doe Mill road.

Your response to recommendation #2 discusses a "Feasibility Study of State Route 191 Extension in Butte County." This study was conducted in 1994 by the Butte County Association of Governments (BCAG). The study determined that the Doe Mill-Garland route, if developed to standards, would provide improved emergency access to the Upper Ridge.

The 2009/2010 Grand Jury wishes to know what steps have been taken to further the improvement of the Doe Mill-Garland route since 1994 and the estimated time required to implement the findings of the study.

Please submit the information to the Grand Jury by February 19, 2010.
Thank you in advance for continued assistance.

Sincerely

A handwritten signature in black ink that reads "John Welton".

John Welton, Foreperson
2009/10 Butte County Grand Jury





Department of Public Works

County of Butte

J. Michael Crump, *Director*
Shawn H. O'Brien, *Assistant Director*

7 County Center Drive
Oroville, CA 95965-3397
(530) 538-7681
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February 8, 2010

John Welton, Foreman
Butte County Grand Jury

Subject: Response to January 28, 2010 letter

Dear Mr. Welton:

This letter is in response to your January 28, 2010 letter requesting to know what steps have been taken to further the improvement of the Doe Mill-Garland route since 1994 and estimated time required to implement the findings. The Doe Mill-Garland route was discussed in Recommendation 2 of the response to 2008/09 Grand Jury Report, "Wildfire and Safety Consideration for Butte County General Plan 2030. Response 2 is copied below for reference.

Recommendation 2 – Review the limitations of Forest Road 171 such as traffic speeds, volume of cars, and fire prone area and consider other feasible evacuation routes. Additional roads for evacuation of the Upper Ridge, such as Doe Mill Road, should be investigated.

This recommendation has been implemented. Public Works worked with BCAG on reviewing the proposed FH 171 route and improvements. In addition, BCAG completed a study in 1994 entitled, Feasibility Study of State Route 191 Extension in Butte County, which evaluated alternate emergency routes from the upper ridge, including Doe Mill-Garland route. The study determined that the Doe Mill-Garland Road route if developed to standards would provide improved emergency access to the Upper Ridge.

The 1994 study provided cost estimates to improve the Doe Mill-Garland Road Route that ranged from \$3.9 to \$4.5 million to re-grade the route only (which would maintain the road as gravel), and replace the bridge on the Forks of Butte Creek to \$28-\$87 million to fully reconstruct the route as a paved road and replace the bridge. This range included several bridge replacement alternatives ranging from \$9.7 to \$45 million.

Doe Mill Road between Powellton and Garland is approximately 7 miles in length and is part of the original 700 mile long Ponderosa Way built by the Civilian Conservation Corp (CCC) crews in the early 1930's. The original Ponderosa Way stretched from Kern County to Shasta County. In 1949, the federal government turned over, through a Special Use Permit, the road maintenance responsibilities to the California Division of Forestry (CDF). CDF maintained this section of road until the late 1990's when they terminated the Special Use Permit.



This 7 mile section of Doe Mill Road (Ponderosa Way) has never been accepted into the County maintained road system and thus the maintenance responsibilities are to the property owners who own the road. This non County maintained road status prohibits the County from expending public road funds on this roadway. In addition, this private road status often makes it ineligible for public funding and grants similar to what we have been able to do on the FH 171 project between Inskip and Butte Meadows. Finally, the County has a long standing policy to not accept additional roads into our system unless they are brought up to County Standards first. As noted in my original response to recommendation 2 (above), the 1994 BCAG study determined it would be extremely expensive to improve and bring this roadway up to standards.

With this being said, there has been certain steps taken to further the improvement of this road. In 2008, the County, Butte County Resource Conservation District (RCD) and the Lassen National Forest (LNF) received a grant to make certain water quality improvements to Humboldt Road and Doe Mill Road. The County and LNF worked on Humboldt Road which is a County maintained road going through the National Forest. The RCD worked with the California National Guard to work on the northern section of Doe Mill Road by re-grading the road and placing water bars and new culverts to reduce soil erosion.

In addition, with the assistance of Congressman Herger's office, we have been successful in having the Bureau of Land Management (BLM) recognize and take ownership of the bridge crossing Butte Creek. I have recently heard that the BLM is actively looking for funding to replace this structure.

Butte County will continue to look for opportunities to improve this roadway. However given the status of the road (non County maintained) and the uncertainty of funding, I can not provide you with any estimate of time to implement the 1994 BCAG study recommendations as you requested.

Sincerely,



Mike Crump, Director

cc; Board of Supervisors
Scott Tandy, Interim CAO

