

JUL 16 2007

Bangor Union Elementary School District

P.O. Box 340, Bangor, CA 95914

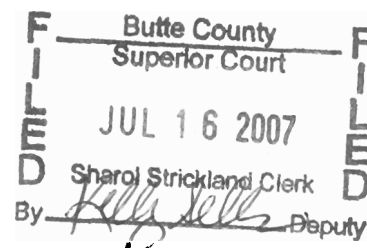
(530) 679-2434, FAX (530) 679-1018

The Honorable Steven J. Howell

1 Court Street

Oroville, CA 95965

June 28, 2007



Dear Judge Howell:

This letter is in response to the Grand Jury visit to Bangor Union Elementary School in April, 2007. The Grand Jury's report on Bangor School is accurate. We are pleased to respond to the suggestions made in the conclusion of their report.

1. The District was encouraged to continue to seek state support for construction and improvement of the facilities. The District is currently working on that in three ways: new construction, modernization and Williams Settlement repairs.
2. The District is in agreement that it is important to find additional ways to draw parents into the life of the school. This year we increased the number of family night activities. Additional projects will be attempted in the next academic year.
3. The District has considered the purchase of an automatic phone dialing system and at this time finds other uses for the money to be a higher priority. Each teacher has a list of home phone numbers of the students in each classroom. Since our class size remains consistently at about 20 students, teachers feel that they or their assistant can reasonably notify the parents of any emergency situation. However, we will continue to consider the phone dialer suggestion.
4. The suggestion to modify the Safety Plan with an emergency evacuation site is a useful suggestion. We currently have designated the local church as our alternate location since students do not have to cross a street to get there and the church has an ample parking area. The church was not specifically referenced in the Safety Plan, but will be inserted for the next school year.

We thank the Grand Jury for their initial visit to our school and appreciate the kind words and suggestions which were made.

Sincerely,

Handwritten signature of Dave Severson in cursive.

Dave Severson, Superintendent/Principal

Handwritten signature of Kevin Nichols in cursive.

Kevin Nichols, School Board President



BUTTE COUNTY ADMINISTRATION

25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95965-3380
Telephone: (530) 538-7631 Fax: (530) 538-7120

MEMBERS OF THE BOARD

BILL CONNELLY
JANE DOLAN
MAUREEN KIRK
CURT JOSIASSEN
KIM K. YAMAGUCHI

STARLYN BROWN
Interim Chief Administrative Officer

FILED
Butte County
Superior Court
AUG 27 2007
Sharol Strickland Clerk
By: *[Signature]* Deputy

August 22, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Chief Administrative Officer's Response to the 2006-2007 Grand Jury Final Report

Dear Judge Howell:

Penal Code Section 933 and 933.05 provides that 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. The Board of Supervisors, as the governing body of the County of Butte, will provide its response to the 2006-2007 Grand Jury Report by the statutory deadline. The Grand Jury, though, has asked that all departments mentioned within that report provide a direct response to the Presiding Judge. While all legal requirements for a response to the Grand Jury Report have been met by the County of Butte with the Board of Supervisors response, in the spirit of cooperation, I am providing this direct response to those areas where the Grand Jury sought a response from the Chief Administrative Officer.

One of the roles of the Interim Chief Administrative Officer is to act as the *de facto* chief of staff to the Board of Supervisors. In that role, I directed the preparation of the Board of Supervisors' initial response to the Report. It should not be a surprise, therefore, that my response to the Report, as the Interim Chief Administrative Officer, is very similar to the response provided by the Board of Supervisors.

Auditor-Controller's Office

Grand Jury Commendations

- The Auditor-Controller's Office has implemented in a timely manner several successful programs to help improve office morale and communication. These programs include more in-county in-service trainings, the formation of a "Sunshine Club," and the implementation of morning meetings for supervisors.*

The respondent appreciates the commendation given to the Auditor-Controller.



2. *The office has responded quickly to addressing time-response problems.*

The respondent appreciates the commendation given to the Auditor-Controller.

3. *The Property Tax Division within the Auditor-Controller's Office continues to be managed well and functions very effectively. The County made a good decision in formally appointing the employee who has been primarily responsible for this department to the permanent position of manager.*

The respondent appreciates the commendation given to the Auditor-Controller.

4. *The Board of Supervisors moved forward in a timely manner to hold a public hearing on the Auditor-Controller's office as recommended by last year's Grand Jury.*

The respondent appreciates the commendation given to the Board of Supervisors.

Grand Jury Findings

1. *The Auditor-Controller has adjusted his behavior to spend more time in the office.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller but does not know whether or not the Auditor-Controller is spending more time in the office.

2. *The Auditor-Controller appears to be making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller and has only indirect knowledge of his controversial management style.

3. *Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as result of cultural conditioning.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller but is not in a position to confirm the presence of gender bias in the Auditor-Controller's Office. The Director of Human Resources reports that no complaints of gender bias have been received by Human Resources in the past twelve months. It is the policy of the County that gender bias of any kind is not acceptable in the workplace.

4. *Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.*

The respondent neither agrees nor disagrees with this finding. The Chief

Administrative Officer has no direct knowledge of the working environment in the Auditor-Controller's Office. However the Director of Human Resources reports that on October 16, 2006, in response to an anonymous letter received by the Chief Administrative Officer complaining about the work environment in department, the Human Resources Director sent each employee of the Auditor-Controller's Department a personal memo inviting them to come forward in a confidential manner to share any complaint or observations they may have concerning retaliation. Only three responses were received by the Human Resources Director, each of which was in support of the Auditor-Controller.

5. *Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the morale in the Auditor-Controller's Office.

6. *Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the morale in the Auditor-Controller's Office.

7. *A minimal amount of cross-training is being done.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's Office.

8. *Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the level of opportunity or support for training provided by the Auditor-Controller to employees in the Auditor-Controller's Office. However, the Chief Administrative Officer encourages employees to attend trainings provided by the Human Resources Department.

9. *The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's

Department.

10. *The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor-Controller's Office to do its job.*

The respondent partially agrees with the finding. The Chief Administrative Officer commends the recent efforts of the Auditor-Controller's Office to educate employees in other departments but believes that further ongoing trainings are needed to fully address the concerns of other departments.

11. *The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.*

The respondent agrees with the finding.

12. *The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's Office and is not in a position to provide meaningful comment on this finding.

13. *The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.*

The respondent agrees with the finding.

14. *The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.*

The respondent agrees with the finding.

15. *The Audit Committee has developed by-laws and has minutes of meetings available.*

The respondent agrees with the finding.

16. *Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit Committee meetings were not routinely sent until requested by the Grand Jury.*

The respondent disagrees with the finding. The Grand Jury has been routinely invited to Audit Committee meetings.

Grand Jury Recommendations

1. *The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

2. *The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

3. *The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

4. *The Auditor-Controller should implement cross-training in those sections that are not currently doing so.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

5. *Human Resources should plan and implement management communication skill workshops for supervisors at all levels, in all departments.*

The recommendation has been implemented. The Human Resources Department currently provides regular, on-going training in Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect and Professionalism (non-discrimination), Grievance and MOU Administration, Sexual Harassment Prevention, Oral Interview Skills for Managers and Promotion and Transfer Tips.

6. *Human Resources should plan and implement workshops which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.*

The recommendation has been implemented. The Human Resources Department currently offers both training in Respect and Professionalism on the job (includes non-discrimination) and Sexual Harassment Prevention both of which address the subtleties of gender bias. In addition, with the exception of the Auditor-Controller who was unable to attend, the entire Auditor-Controller's Department staff was provided a two-hour training in respect and professionalism, addressing this issue, on May 18, 2006 and May 24, 2006.

7. *Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.*

The recommendation has been implemented. In addition to the special training provided all Auditor Department staff in May 2006 which addressed this issue in depth, Human

Resources provides this training at new hire orientation and to all management/supervisory/lead staff on a regular basis in compliance with Assembly Bill 1825 in addition to the Respect & Professionalism workshop made available to all County employees.

8. *The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

9. *The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

10. *The CAO should inform the Grand Jury of all meetings of the Audit Committee.*

The recommendation has been implemented. The Chief Administrative Officer will continue to inform the Grand Jury of all meetings of the Audit Committee.

Review Of The Butte County Assessor's Office

Grand Jury Commendations

1. *The Grand Jury appreciates the Butte County Assessor and his staff for their cooperation in this review.*

The respondent also appreciates staff cooperation with the Grand Jury.

2. *The Grand Jury commends the dedicated, cohesive group of hardworking individuals in the Butte County Assessor's Office. They appear to be well trained and do quality work. This department faces difficult issues which are complicated by a limited number of staff who shoulder a heavy and demanding workload.*

The respondent would also like to recognize the hardworking employees in the Assessor's Office and throughout the County.

3. *The Grand Jury commends the Assessor for not micro-managing his department. He recognizes the expertise within his staff and allows them complete responsibility to perform their tasks.*

The respondent appreciates the commendation given to the Assessor.

Grand Jury Findings

4. *The Appraiser's Office is understaffed, particularly in the business division.*

The respondent neither agrees nor disagrees with this finding. The Assessor is an elected official with a great degree of autonomy in the performance of his duties. The Board of Supervisors only has decision-making authority over budgetary matters and considers requests for additional budgetary appropriation for staffing annually as part of the budget process. The Assessor chooses how to utilize the staff resources allocated to him by the Board of Supervisors.

5. *A great many experienced appraisers within the Assessor's Office will be eligible for retirement within the next 10 years. It takes considerable time for an appraiser to build expertise.*

The respondent agrees with this finding. The County will be experiencing a high rate of retirements in most classifications within the next 10 years.

6. *Morale is high within the department despite a heavy, time-driven workload and understaffing. There is very little staff turnover.*

The respondent partially agrees with this finding. The Chief Administrative Officer is not in a position to comment on the morale in the Assessor's Office, however the Human Resources Director confirms that staff turnover does appear to be low.

7. *Many employees are at their top salary steps with no higher classifications available. While the policy of the Assessor is to promote from within the department, supervisory positions are few and rarely become available.*

The respondent agrees with this finding. The Human Resources Director reports that 33% of employees are at step 7 (top step), 33% at step 6, 13% at step 5, 8% at step 4, 10% at step 3, none at step 2, and 5% at step 1. As in all departments, there are a limited number of supervisory positions that are appropriate to be allocated and/or available to interested parties. Currently, in the Appraiser related series, there are 3.5 staff to each supervisor or manager which would indicate the number of supervisors is appropriate if not on the high side. There may be more opportunities for promotion as members of the current workforce choose to retire.

8. *The Assessor is concerned that with current Human Resource procedures, qualified applicants for entry-level appraiser positions may never make it to interview lists.*

The respondent disagrees with this finding. The Human Resources Department (HR) has been working with all departments since the beginning of 2007 to improve the recruitment process. HR works with each department individually on its recruitment needs and department designees are involved in the minimum qualification screening process.

9. *The Assessor has effectively upgraded the technology in his department; however, the department still faces problems with Megabyte Systems including product changes, tech support, and inadequate training.*

The respondent agrees with this finding. The Chief Administrative Officer encourages the Assessor, Auditor-Controller, and Treasurer-Tax Collector to continue looking for other options to the Megabyte System, though no alternatives have been identified to-date.

7. *The State Board of Equalization has indicated that all possessory interests involving the Butte County Fairgrounds in Gridley and the Silver Dollar Fairgrounds in Chico are not being enrolled. The Grand Jury finds that the cost of valuing fairground possessory interests would be more than the tax revenue generated.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer had not seen any correspondence from the Board of Equalization regarding this issue prior to the publication of the Grand Jury report.

8. *By having a large and growing backlog of mandatory audits, Butte County is out of compliance with Revenue and Taxation Code section 469.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer is not familiar with the specific requirements of Revenue and Taxation Code, Section 469. This is the responsibility of the Assessor, an elected official.

9. *The county participates in California Counties Cooperative Audit Service Exchange (CCCASE) to handle audits for those companies with corporate headquarters out-of-state but doing business within California. The quality of CCCASE audits performed by other counties for Butte County varies in a range from excellent to worthless.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer does not see the audits performed by other entities.

10. *The Assessor has been using his business division to conduct extra CCCASE audit trips to generate independent revenue for the county. The expenses of these trips cost the county more than the revenue generated.*

The respondent partially agrees with this finding. The Chief Administrative Officer is aware that the Assessor uses some of his resources to conduct CCCASE audit trips. The respondent was not aware that “extra” trips are conducted or that the expenses of these trips cost the county more than the revenue generated.

11. *While CCCASE trips taken by Butte County staff may or may not include some Butte County locations, most of the time is spent doing work for other counties. The time lost by doing additional CCCASE trips means less time is available for conducting local business audits that are currently due, as well as eliminating the backlog.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer does not see details of CCCASE audits. In response to the Recommendations below, the respondent will request cooperation from the Assessor's Office in looking into the costs/benefits of the CCCASE system to the County.

12. *The state legislature discontinued Property Tax Assessment Program (PTAP) funding.*

The respondent agrees with this finding. At the writing of this response, the County is backfilling the lost funding from the State with local General Fund resources.

Grand Jury Recommendations

1. *Considering the time needed for building appraisal expertise, as well as the current understaffing, the Assessor and the County need to take steps necessary to return the department to the 2003-04 staffing levels of 49, if not higher.*

This recommendation will not be implemented because it is not reasonable. The County has limited resources that must be spread among a number of services provided to the citizens of Butte County. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of limited resources to the Board of Supervisors.

The Assessor's Office is not the only department that experienced staffing reductions in the period between 2002 and 2005. In addition, the State PTAP funding was eliminated last year, as mentioned in the "Findings" section, requiring either a General Fund backfill of \$380,000 each year to the Assessor's Office or a reduction in staffing. To date, the Chief Administrative Officer has recommended providing the backfill of revenue and the Board of Supervisors has approved that recommendation.

In the current fiscal year, 2007-2008, the State is proposing to eliminate Williamson Act subventions also, which would mean either an additional \$650,000 loss to the General Fund or a reduction in the Williamson Act program.

2. *The Assessor and the County should investigate ways to create more advancement opportunities for employees of the Assessor's Office.*

The recommendation needs further analysis. The Chief Administrative Officer will encourage the Assessor to work with the Human Resources Department within the next six months to evaluate options for creating advancement opportunities where appropriate and necessary.

3. *The Assessor and Human Resources should have a mutually agreeable procedure in place to screen and hire new appraisers and auditor/appraisers.*

The recommendation has already been implemented. The Human Resources Department works with Departments on an individual basis to screen applications for positions. This is particularly true where industry expertise is necessary to understand the

qualifications and transferable skills associated with a given position.

4. *The Grand Jury encourages the Assessor to work with the other Megabyte users to exert stronger pressure on the company to deal with problem areas.*

The recommendation has already been implemented. The Megabyte system is used by the County Assessor, Treasurer/Tax-Collector, and Auditor/Controller. All three elected officials have been working with their peers on this issue, but with little success.

5. *The Board of Supervisors should adopt a resolution to raise the current low value property threshold from \$2000 to \$5000 for all properties. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Chief Administrative Officer encourages the Assessor to determine the appropriate action and bring a recommendation to the Board of Supervisors for consideration within the next six months if warranted.

6. *The Board of Supervisors should raise the low value threshold specified for possessory interest use of fairground, convention, and cultural facilities to \$50,000. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Chief Administrative Officer encourages the Assessor to determine the appropriate action and bring a recommendation to the Board of Supervisors for consideration within the next six months if warranted.

7. *To clear the backlog of mandatory and non-mandatory audits that must be performed by the business division and to remain current in the future,*
 - a. *the Assessor should strongly consider increasing the number of business division auditor/appraisers to 5;*
 - b. *the Assessor should continue the current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated; and*
 - c. *the Assessor should eliminate the practice of using extra CCCASE audit trips as a source of independent income.*

The respondent is unable to comment on this recommendation since it is directed to the Assessor, an elected official with a great deal of autonomy in the performance of his duties. However the Chief Administrative Officer did recommend, and the Board approved, providing additional funding in fiscal year 2007-2008 so that the Assessor can continue his current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated.

As discussed below, in Recommendation #8, the Administrative Office will request cooperation from the Assessor's Office in analyzing the costs/benefits of the County's current level of participation in the CCCASE system.

8. *The Assessor should determine the value of continuing CCCASE participation.*

The respondent is unable to comment on this recommendation since it is directed to the Assessor, an elected official with a great deal of autonomy in the performance of his duties. However the Chief Administrative Officer will request cooperation from the Assessor's Office in analyzing the costs/benefits of participating in the CCCASE system and budget recommendations may be made based on that analysis.

9. *The Assessor should continue, either through a consortium of affected counties or independently, to lobby the State legislature for a renewal of the PTAP funding and for a higher threshold for mandatory business property and fixture audits, raising it from \$400,000 to \$600,000.*

This recommendation has been partially implemented. The Assessor has been working with his association to lobby the State legislature for renewal of the PTAP funding. The Chief Administrative Officer does not know if that lobbying has included requesting a higher threshold for mandatory business property and fixture audits or not.

Human Resources

Grand Jury Commendations

The Grand Jury commends the HR employees for accomplishing a huge volume of work despite crowded facilities and a small staff.

The respondent appreciates the commendation given to Human Resources' staff. The respondent wishes to recognize the staff of the Human Resources Department as well as the thousands of hard-working County employees who provide important public services for Butte County.

Grand Jury Findings

1. *Office space is inadequate for the number of employees in the department.*

The respondent agrees with this finding. The Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *More employees are needed to better meet the needs of the county and to reduce the individual workload.*

The respondent agrees with this finding. The Board of Supervisors, at the fiscal year 2007-2008 budget hearing, approved the allocation of an additional Human Resources Analyst position within the Human Resources Department which will assist the department in meeting its obligations.

3. *HR is able to provide screening, testing, orientation and training for all departments, but the HR staff has been working overtime to accomplish this.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer does not manage the day to day operations of departments, however the Human Resources Director reports that in addition to having limited staff resources, the department suffered several unexpected vacancies this past fiscal year, which further burdened remaining staff. The filling of these vacancies, as well as the addition of a new position, will assist in alleviating this problem.

4. *Some departments express dissatisfaction with the recruitment process and test questions.*

The respondent agrees with this finding. The respondent has received expressions of dissatisfaction from several departments. In response the respondent has asked the Director-Human Resources to distribute a questionnaires concerning the recruitment and testing process utilized by Human Resources and thereafter make process improvements. The survey was completed last winter. The Director - Human Resources has already made some changes and further improvements are expected in the near future.

Grand Jury Recommendations

1. *The County Administrative Officer should provide additional office space for Human Resources.*

This recommendation is not yet implemented but it will be implemented in the future by the Board of Supervisors. The Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *The County Administrative Officer should increase staffing levels to the median level of one HR employee per 125 county employees.*

This recommendation will not be implemented at this time but may be implemented in the future. The County has limited resources that must be spread among many County services. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of the limited resources to the Board of Supervisors who determines staffing levels in all departments.

3. *HR needs to establish effective communication with county departments regarding test questions and the recruitment process.*

This recommendation has been partially implemented. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input on the recruitment and testing processes utilized by Human Resources. The responses received were candid and very helpful in identifying areas where improvement is necessary. In

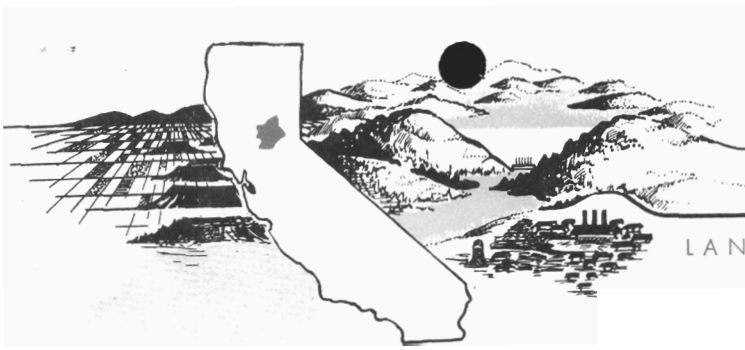
addition, the Director-Human Resources and Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options for streamlining the process. This will remain an on-going effort to enhance communication and satisfaction with the recruitment process.

This concludes the response of the Interim Chief Administrative Officer to areas within the Grand Jury Report for fiscal year 2006-2007 where they sought comments from the Chief Administrative Officer.

Sincerely,

A handwritten signature in black ink, appearing to read "Starlyn Brown", is written over a light gray rectangular background.

Starlyn Brown
Interim Chief Administrative Officer



RECORDED
INDEXED
By

Butte County
Superior Court

AUG 24 2007

Deputy Clerk

LAND OF NATURAL WEALTH AND BEAUTY

KENNETH O. REIMERS
ASSESSOR
25 COUNTY CENTER DRIVE
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August 23, 2007

The Honorable Steven Howell
Presiding Judge of the Superior Court
c/o Court Administration
#1 Court St.
Oroville, CA 95965



Re: Assessor's Office Response to 2006/2007 Butte County Grand Jury Final Report

Dear Judge Howell:

Please find enclosed the Assessor's Office Response to the Butte County Grand Jury Final Report.

Should you have any questions or concerns, please contact me.

Sincerely,

KENNETH O. REIMERS
Assessor

KOR:jp

Enclosure

Butte County Assessor's Response to Grand Jury Findings and Recommendations

Note: Responses to Findings 1, 8, 9, 10, and 11, and responses to Recommendations 5, 7a, 7b, 7c, 8, and 9, *as they apply to the Business Division*, are detailed on pages 3 and 4 of this document.

Below are responses to findings and recommendations of the 2007 Grand Jury report, *exclusive of the aforementioned responses to findings and recommendations applicable to the Business Division.*

Findings

I agree with findings 2, 3, 4, 5, 6, 7, and 12. I also agree with, and appreciate, the 'Commendations' cited in the Grand Jury Report. My department is understaffed, yet the "dedicated", "cohesive", and "hardworking" members of my department do a great job and, every year, continue to meet the complex demands of producing a timely and accurate assessment roll. I am proud of the fact that morale and job satisfaction is high, as evidenced by our high longevity rate. Our 'can-do' attitude prevails throughout the department and I am confident the future of the department is positive. Most of all, my staff and I are committed to the principle of providing the very best in public service. Each and every citizen shall always be treated fairly and equitably, with courtesy and respect. We pride ourselves on delivering to the public prompt, personal attention, with the goal of having all those we serve leave the department feeling as though they were heard, understood, and provided competent and professional service.

Recommendations

Recommendation #1 – The recommendation has not yet been implemented, but *hopefully* will be in the future. I am doing all I can to convey the importance of fully funding the Assessor's office, and the long-term benefit of doing so.

Recommendation #2 – I have attempted to implement the recommendation, most recently as it applies to the 'support' division of my department. On April 24, 2007, I forwarded an interdepartmental memo to the Administration and the Human Resources (HR) Departments of Butte County, with supporting documentation, regarding inequities I believe occurred as a result of the 2005-2006 Class/Compensation Study. Specifically, an adverse effect of the Class/Compensation Study was the compression of our previous Assessment Clerk I and II positions into one entry-level position. This reduced the number of salary range differentials within the job series, and minimized promotional opportunities for long-term employees. The same-type compression occurred in our appraiser series. It takes years to train our support and appraisal staff, and I would like those qualified and so-inclined to have the opportunity for promotion by returning to pre-Class/Compensation Study salary range differentials.

Recommendation #3 – The recommendation has been implemented, and the cooperative working relationship we have with HR continues to be strengthened. I responded to the HR 'Recruitment Process Questionnaire' in February 2007. I appreciate the goal of the survey,

which was to provide HR with interdepartmental input to assist in analyzing and streamlining the recruitment process. The results were tabulated and it is my belief that the survey was not only a beneficial endeavor, but that it will assist in achieving its stated purpose.

Recommendation #4 – The recommendation has been implemented but there is only so much that can be done. My staff and I maintain on-going contact with the other two other tax-cycle departments (Auditor and Treasurer-Tax Collector) which utilize, and rely upon, the Megabyte property tax system. We are aligned in our attempt to gain improved service and accountability from the Consultant/Contractor, and I believe our efforts will eventually produce some positive results.

Recommendation #5 – The recommendation will not be implemented because it is not warranted. One third of California counties (19) adhere to a minimum value assessment policy of \$2,000. Twelve counties have no minimum value ordinance, and six counties have a minimum value assessment policy of between \$700 and \$1,350. Revenue and Taxation (R&T) statute 155.20 provides for a “determination” by the board based upon a cost/benefit, or break-even analysis...essentially a determination of the point at which costs exceed the proceeds to be collected. Costs of annually processing and taxing parcels with base values of \$2,001 to \$5,000 do not exceed \$20.00 per parcel. In Butte County, there are 855 parcels with base values of \$2,001 to \$5,000, for a total assessed value of \$3,300,000. At a county general tax rate of 1%, foregone tax revenue would be \$33,000 if the low value ordinance was amended to preclude these assessments from annual tax.

Recommendation #6 – The recommendation has not yet been implemented, but will be implemented in the future. Within the next month I will draft a ‘Board Agenda Transmittal’ requesting that a resolution be adopted, pursuant to R&T statute 155.20, to raise the low value threshold for transitory ‘Possessory Interests’ to \$50,000.

Recommendation #9 – The recommendation has been implemented but there is only so much that can be done. The PTAP funding is extremely important to the overall budget of my department, and I am thankful to Administration for infilling the foregone funding for the 2007/2008 budget cycle. Permanent loss of \$381,956 in annual PTAP funding would result in staff reductions my department can ill-afford.

Butte County Assessor's Response to Grand Jury Findings and Recommendations

Below are responses to the findings and recommendations of the 2007 Grand Jury report *as they apply specifically to the Business Division.*

Findings

I agree with findings 1, 8, 9, and 11. During the downsizing effort made in December 2004, the number of auditor-appraisers was reduced from four to three. At that time, the valuation of boats and aircraft was transferred to the auditor-appraiser's workload. Meanwhile, the number of mandatory audits continues to increase. While the time used for extra CCCASE audits could be used for local Butte County mandatory audits, current staffing would still be insufficient to keep up with the mandatory audit workload. The income derived from doing the extra CCCASE audits helps to maintain the current staffing level.

In reference to finding #10, I am doubtful that the expenses for the CCCASE audit trips are greater than the revenues generated. Prorated expenses are billed to the requesting counties along with the hourly charges for labor. If we do any audits for Butte County, then Butte County absorbs a prorated share of the expenses for those audits.

Recommendations

Recommendation #5 – The recommendation will not be implemented because it is not warranted. Raising the low value ordinance from \$2,000 to \$5,000 would eliminate from the assessment roll some of the very small businesses and 1,081 old boats, resulting in a small workload reduction. A corresponding reduction of some \$3,800,000 in assessed value and \$38,000 in forgone tax revenue would also result.

Recommendation #7a – The recommendation has not yet been implemented, but *hopefully* will be in the future. I agree that the number of auditor-appraisers should be increased to five. However, that is not a possibility under current budget restraints. Additional funding to the Assessor's budget from the general fund will be necessary to increase the staff to a level adequate to maintain compliance with the mandatory audit regulations.

Recommendation #7b – The recommendation has been implemented, however, even with an increase to the auditor-appraiser staff, the office is so far behind in its mandatory audit workload that extra help would be required to catch up to a level that could then be maintained by an increased staff. The continued use of a retired auditor-appraiser for a portion of each year can help reduce the audit backlog. This could take a few years. Without an increase in staffing, the extra help is essential to continue audits at the current level of production.

Recommendation #7c – The recommendation has not yet been implemented, however, if adequate funding were received in the budget to fill all of the needed auditor-appraiser positions, it would not be necessary to perform extra CCCASE audit trips. We could perform only what is needed to offset the expense of the CCCASE audits that other counties are performing for our county. However, under the current budget situation, the revenue generated by the extra

CCCASE trips helps cover the salary of our third auditor-appraiser. A loss of that revenue would result in additional reduction of staff. While we are not completing all of the mandatory audits that are due, the extra auditor-appraiser is essential for help in processing property statements, valuing boats and aircraft, creating roll corrections, and handling the day-to-day dealings with taxpayers.

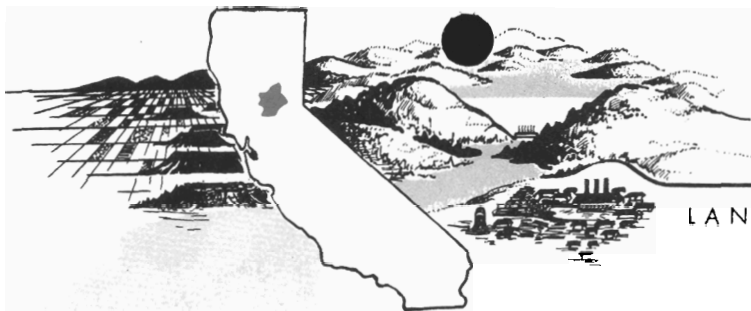
Recommendation #8 – The recommendation has been implemented, and I feel our participation in CCCASE continues to be the most practical tool for performing out-of-state audits. The alternative would be to do the audits through correspondence, which would consume more time, and result in a higher rate of inadequate information. It is often more difficult to gain compliance from taxpayers through correspondence.

Recommendation #9 – The recommendation will not be implemented because it is not likely to gain necessary support. Raising the mandatory audit threshold from \$400,000 to \$600,000 would place the total number of mandatory audits at a level just above that of 10 years ago. However, efforts by the Business Subcommittee of the Assessor's Association to raise the threshold have continually failed to gain the support of all the Assessors and therefore the request is not likely to reach the legislature at any time in the near future.

Respectfully Submitted,



Kenneth O. Reimers
Butte County Assessor



AUG 16 2007

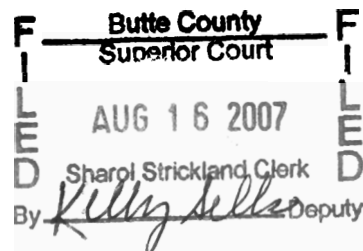
Butte County

LAND OF NATURAL WEALTH AND BEAUTY

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

August 25, 2007

The Honorable Steven J. Howell
Butte County Superior Court
One Court Street
Oroville, CA 95965




Re: Response to Final Report of the 2006/2007 Butte County Grand Jury

Dear Judge Howell:

Pursuant to Section 933 and 933.05 of the California Penal Code, the Butte County Auditor-Controller responds to the findings and recommendations of the 2006/2007 Grand Jury's Final Report with the attached document.

Sincerely,


David A. Houser
Auditor-Controller

Enclosure

cc: Board of Supervisors

dah/lkl

**Auditor-Controller
Responses to Findings and Recommendations
Grand Jury Report for 2006/2007**

Findings

1. The Auditor-Controller has adjusted his behavior to spend more time in the office.

The respondent disagrees wholly with this finding. The Auditor-Controller has not adjusted any behavior to spend more time in the office. Absences on the part of the Auditor-Controller have been related to time off for vacations, holidays, attending meetings held by The Auditors Association, several Association Committees as a member, Megabyte Property Tax Meeting, Property Tax Managers meetings, and absences for medical reasons for the Auditor and his family. If anything has affected the attendance of the Auditor-Controller between last year and this year, it is some improvements in the medical issues that have demanded less time.

2. The Auditor-Controller appears to be making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.

The respondent partially disagrees with the finding. As a supervisor, there are times when one must be critical of certain actions by an employee, and correction is necessary. Employees are encouraged with positive comments when appropriate and the Auditor-Controller will continue with this practice. Every individual can learn and gain from training and the Auditor-Controller is in the process of scheduling attendance at some management communication workshops on supervising employees in today's working environment. The Auditor-Controller takes these critical comments seriously and is making an effort to improve his interactive style.

3. Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as result of cultural conditioning.

The respondent disagrees wholly with the finding. There is no intentional gender bias towards anyone in the Auditor-Controller department.

4. Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.

The respondent disagrees wholly with the finding. There has never been retaliation on any employees in the Auditor-Controller office. It would be very

helpful if the Grand Jury could be specific as to what retaliation has been brought on any employee so we can better understand this accusation and address it.

5. Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.

The respondent agrees with the finding.

6. Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.

The respondent disagrees partially with the finding. In any environment with 31 staff members working closely together, there is always room for morale building. The Auditor-Controller and management staff has made great strides in improving communication within the department. Regular management staff meetings are held, as well as monthly meetings with the entire department staff. Training has increased significantly and dollars available and classes offered have increased for the 2007/2008 fiscal year.

7. A minimal amount of cross-training is being done.

The respondent disagrees partially with the finding. Cross-training has varied from section to section. The Property Tax section is very well cross-trained. It should be noted that the four staff members in this section have been working together for a number of years, creating a more stable environment for cross-training. In the remaining sections of the office, efforts are continually being made to cross-train. With new staff in each section, however, the new staff member must learn their own duties first, before cross-training can occur.

8. Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.

The respondent agrees with the finding.

9. The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.

The respondent disagrees partially with the finding. Many staff members have completed their respective worksite responsibilities manual. Timelines were set

by management; however, due to time constraints for some staff, manuals are still in process.

10. The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor- Controller's Office to do its job.

The respondent agrees with the finding.

11. The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.

The respondent agrees with the finding.

12. The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.

The respondent agrees with the finding.

13. The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.

The respondent agrees with the finding.

14. The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.

The respondent agrees with the finding.

15. The Audit Committee has developed by-laws and has minutes of meetings available.

The respondent agrees with the finding.

16. Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit Committee meetings were not routinely sent until requested by the Grand Jury.

The respondent agrees with the finding.

Recommendations

1. The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.

The recommendation will be implemented. The Auditor-Controller is in the process of scheduling attendance at management communication workshops on supervising employees in today's working environment.

2. The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.

The recommendation has been implemented. The administration of the Auditor-Controller's office is continuing with the recently implemented programs designed to improve the interaction of staff, and staff members are encouraged to bring forward any suggestions they have. Administration is looking at methods for improving the upward, downward, and lateral flow of communications, as well as looking at areas of training to provide staff with tools to improve communication flow.

3. The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.

The recommendation has been implemented. Please see response above to Recommendation number 2.

4. The Auditor-Controller should implement cross-training in those sections that are not currently doing so.

The recommendation is in the process of being implemented. The Auditor-Controller, with support from the Assistant Auditor-Controller and Finance Officer, will be closely working with each section that does not have a complete cross-training plan in place to further develop a cross-training plan.

5. Human Resources should plan and implement management communication skill workshops for supervisors at all levels, in all departments.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

6. Human Resources should plan and implement workshops which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

7. Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

8. The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.

The recommendation will be implemented. The Auditor Controller administration is putting together a plan to assist a selected staff person to work with employees to get their input and contributions of ideas and processes as an office procedural manual, as well as individual desk manuals, are developed. A specific timetable will be put in place for the completion of the procedures manual and the desk manuals.

9. The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.

The recommendation has been implemented. Auditor-Controller staff has developed training programs and presentations to educate outside departments in areas of cost, payroll, cash handling, and accounting procedures. These training presentations are being scheduled on a recurring basis and also on the request of any department which desires the training between regularly scheduled times.

10. The CAO should inform the Grand Jury of all meetings of the Audit Committee.

The respondent is unable to comment on this recommendation since it is directed to the Chief Administrative Officer. However, the Auditor-Controller agrees with the recommendation.

Responses Required (Penal Code §933 and 933.05)

Butte County Auditor-Controller
Butte County CAO
Butte County Human Resources



BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

FILE
Butte County
Superior
SEP 13 2007
D Sharol Strickland Clerk
By *Kelly Wells* Deputy

FILE
BILL CONNELLY
First District

D JANE DOLAN, Chair
Second District

MAUREEN KIRK
Third District

CURT JOSIASSEN
Fourth District

KIM K. YAMAGUCHI
Fifth District

August 28, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

RE: Board of Supervisors' Response to the 2006-2007 Butte County Grand Jury Final Report

The Butte County Board of Supervisors would like to thank the members of the Grand Jury for many hours spent in researching, investigating, and making recommendations for improvements in government operations that benefit the citizens and taxpayers of Butte County.

In accordance with Penal Code Sections 933 and 933.05, the Board submits the following agency response to the findings and recommendations of the 2006-2007 Grand Jury Final Report pertaining to matters under its control. A response from the Board is additionally provided where the Grand Jury has requested a response to budgetary or personnel matters of a county department that is headed by an elected official. In such cases, the Board's response addresses only those budgetary or personnel matters over which it has some decision-making authority.

In preparing an agency response, appointed department heads were requested to submit responses to the Chief Administrative Officer for attachment to the overall agency response included herein. You will find the various departmental responses located in Appendix A of this agency response. Responses provided to the Chief Administrative Office by elected Department Heads have also been included as Appendix B. The Board of Supervisors' response below is organized by major heading in the order located within the 2006-2007 Grand Jury Report.

Auditor-Controller's Office

Grand Jury Commendations

1. *The Auditor-Controller's Office has implemented in a timely manner several successful programs to help improve office morale and communication. These programs include more in-county in-service trainings, the formation of a "Sunshine Club," and the implementation of morning meetings for supervisors.*

The respondent appreciates the commendation given to the Auditor-Controller.

2. *The office has responded quickly to addressing time-response problems.*

The respondent appreciates the commendation given to the Auditor-Controller.

3. *The Property Tax Division within the Auditor-Controller's Office continues to be managed well and functions very effectively. The County made a good decision in formally appointing the employee who has been primarily responsible for this department to the permanent position of manager.*

The respondent appreciates the commendation given to the Auditor-Controller.

4. *The Board of Supervisors moved forward in a timely manner to hold a public hearing on the Auditor-Controller's office as recommended by last year's Grand Jury.*

The respondent appreciates the commendation.

Grand Jury Findings

1. *The Auditor-Controller has adjusted his behavior to spend more time in the office.*

The respondent neither agrees nor disagrees with the finding. The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties, and therefore the Board of Supervisors is not in a position to control the behavior of the Auditor-Controller.

2. *The Auditor-Controller appears to be making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous*

decades, more recent styles include much more positive, supportive guidance interaction.

The respondent neither agrees nor disagrees with the finding.

The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties, and therefore the Board of Supervisors is not in a position to control the management style of the Auditor-Controller nor comment on how he is perceived by his staff.

3. *Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as result of cultural conditioning.*

The respondent neither agrees nor disagrees with the finding.

The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties, and therefore the Board of Supervisors is not in a position to confirm the presence of gender bias in the Auditor-Controller's Office. The Director of Human Resources reports that no complaints of gender bias have been received by Human Resources during the last twelve months. It the policy of the County that gender bias of any kind is not acceptable in the workplace.

4. *Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors has no direct knowledge of the working environment in the Auditor-Controller's Office. However the Director of Human Resources reports that on October 16, 2006, in response to an anonymous letter received by the Chief Administrative Officer complaining about the work environment in department, the Human Resources Director sent each employee of the Auditor-Controller's Department a personal memo inviting them to come forward in a confidential manner to share any complaint or observations they may have concerning retaliation. Only three responses were received by the Human Resources Director, each of which was in support of the Auditor-Controller.

5. *Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors does not have direct knowledge of the morale in the Auditor-Controller's Office. The Auditor-Controller

is an elected official with a great deal of autonomy concerning the performance of his duties.

6. *Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors does not have direct knowledge of the morale in the Auditor-Controller's Office. The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties.

7. *A minimal amount of cross-training is being done.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors is not involved in the daily operations of the Auditor-Controller's Office. The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties.

8. *Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors does not have direct knowledge of the level of opportunity or support for training provided by the Auditor-Controller to employees in the Auditor-Controller's Office. However, the Board of Supervisors encourages employees to attend trainings provided by the Human Resources Department.

9. *The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors is not involved in the daily operations of the Auditor-Controller's Department. The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties.

10. *The office has done a good job at responding to problems which*

may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor-Controller's Office to do its job.

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors is not involved in the daily operations of the Auditor-Controller's Department. The Auditor-Controller is an elected official with a great deal of autonomy concerning the performance of his duties.

11. *The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors is not involved in the daily operations of the Auditor-Controller's Department.

12. *The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.*

The respondent neither agrees nor disagrees with the finding.

The Board of Supervisors is not involved in the daily operations of the Auditor-Controller's Department.

13. *The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.*

The respondent agrees with the finding.

14. *The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.*

The respondent agrees with the finding.

15. *The Audit Committee has developed by-laws and has minutes of meetings available.*

The respondent agrees with the finding.

16. *Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit Committee meetings were not routinely sent until requested by the Grand Jury.*

The respondent disagrees with the finding. The Chief Administrative Officer reports that the Grand Jury has been

routinely invited to Audit Committee meetings.

Grand Jury Recommendations

1. *The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

2. *The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

3. *The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

4. *The Auditor-Controller should implement cross-training in those sections that are not currently doing so.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

5. *Human Resources should plan and implement management communication skill workshops for supervisors at all levels, in all departments.*

The recommendation has been implemented. The Human Resources Department currently provides regular, on-going training in Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect and Professionalism (non-discrimination), Grievance and MOU Administration, Sexual Harassment Prevention, Oral Interview Skills for Managers and Promotion and Transfer Tips.

6. *Human Resources should plan and implement workshops which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.*

The recommendation has been implemented. The Human Resources Department currently offers both training in Respect and

Professionalism on the job (includes non-discrimination) and Sexual Harassment Prevention both of which address the subtleties of gender bias. In addition, with the exception of the Auditor-Controller who was unable to attend, the entire Auditor-Controller's Department staff was provided a two-hour training in respect and professionalism, addressing this issue, on May 18, 2006 and May 24, 2006.

7. *Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.*

The recommendation has been implemented. In addition to the special training provided all Auditor Department staff in May 2006 which addressed this issue in depth, Human Resources provides this training at new hire orientation and to all management/supervisory/lead staff on a regular basis in compliance with Assembly Bill 1825 in addition to the Respect & Professionalism workshop made available to all County employees.

8. *The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

9. *The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

10. *The CAO should inform the Grand Jury of all meetings of the Audit Committee.*

The recommendation has been implemented. The Chief Administrative Officer will continue to inform the Grand Jury of all meetings of the Audit Committee.

Review of the Butte County Assessor's Office

Grand Jury Commendations

1. *The Grand Jury appreciates the Butte County Assessor and his staff for their cooperation in this review.*

The respondent also appreciates staff cooperation with the Grand Jury.

2. *The Grand Jury commends the dedicated, cohesive group of hardworking individuals in the Butte County Assessor's Office. They appear to be well trained and do quality work. This department faces difficult issues which are complicated by a limited number of staff who shoulder a heavy and demanding workload.*

The respondent would also like to recognize the hardworking employees in the Assessor's Office and throughout the County.

3. *The Grand Jury commends the Assessor for not micro-managing his department. He recognizes the expertise within his staff and allows them complete responsibility to perform their tasks.*

The respondent appreciates the commendation given to the Assessor.

Grand Jury Findings

1. *The Appraiser's Office is understaffed, particularly in the business division.*

The respondent neither agrees nor disagrees with this finding. The Assessor is an elected official with a great deal of autonomy in the performance of his duties, and the Board of Supervisors only has decision-making authority over budgetary matters. The Board of Supervisors considers requests for additional budgetary appropriation for staffing annually as part of the budget process. The Assessor chooses how to utilize the staff resources allocated to him by the Board of Supervisors.

2. *A great many experienced appraisers within the Assessor's Office will be eligible for retirement within the next 10 years. It takes considerable time for an appraiser to build expertise.*

The respondent agrees with this finding.

3. *Morale is high within the department despite a heavy, time-driven workload and understaffing. There is very little staff turnover.*

The respondent neither agrees nor disagrees with this finding. The Board of Supervisors does not have direct knowledge of the morale in the Assessor's Office. The Assessor is an elected official with a great deal of autonomy concerning the performance of his duties.

4. *Many employees are at their top salary steps with no higher classifications available. While the policy of the Assessor is to promote from within the department, supervisory positions are few and rarely become available.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors has limited interaction with the Assessor, an elected official with a great deal of autonomy concerning the performance of his duties, however the Human Resources Director reports that 33% of employees are at step 7 (top step), 33% at step 6, 13% at step 5, 8% at step 4, 10% at step 3, none at step 2, and 5% at step 1. As in all departments, there are a limited number of supervisory positions that are appropriate to be allocated and/or available to interested parties. Currently, in the Appraiser related series, there are 3.5 staff to each supervisor or manager which would indicate the number of supervisors is appropriate if not on the high side.

5. *The Assessor is concerned that with current Human Resource procedures, qualified applicants for entry-level appraiser positions may never make it to interview lists.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors is not aware of the issue, however the Human Resources Director reports that she has met with the Assessor's Department to arrive at mutually agreeable approaches to any difficulties. This includes department designees being involved in the minimum qualification screening process and Human Resources and Assessor staff working together to re-work test questions.

6. *The Assessor has effectively upgraded the technology in his department; however, the department still faces problems with Megabyte Systems including product changes, tech support, and inadequate training.*

The respondent agrees with this finding.

7. *The State Board of Equalization has indicated that all possessory interests involving the Butte County Fairgrounds in Gridley and the Silver Dollar Fairgrounds in Chico are not being enrolled. The Grand Jury finds that the cost of valuing fairground possessory interests would be more than the tax revenue generated.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors had not seen any correspondence from the Board of Equalization regarding this issue prior to the

publication of the Grand Jury report.

8. *By having a large and growing backlog of mandatory audits, Butte County is out of compliance with Revenue and Taxation Code section 469.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors is not familiar with the specifics of the Revenue and Taxation Code, Section 469. This is the responsibility of the Assessor, an elected official.

9. *The county participates in California Counties Cooperative Audit Service Exchange (CCCASE) to handle audits for those companies with corporate headquarters out-of-state but doing business within California. The quality of CCCASE audits performed by other counties for Butte County varies in a range from excellent to worthless.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors does not see the audits performed by other entities.

10. *The Assessor has been using his business division to conduct extra CCCASE audit trips to generate independent revenue for the county. The expenses of these trips cost the county more than the revenue generated.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors is not involved in the daily operations of the Assessor's office, nor does it have authority to direct the elected Assessor on how to utilize his resources. The Board of Supervisors will request that the Chief Administrative Officer analyze costs/benefits of the CCCASE, as part of the budgetary process.

11. *While CCCASE trips taken by Butte County staff may or may not include some Butte County locations, most of the time is spent doing work for other counties. The time lost by doing additional CCCASE trips means less time is available for conducting local business audits that are currently due, as well as eliminating the backlog.*

The respondent neither agrees nor disagrees with this finding.

The Board of Supervisors does not see details of CCCASE audits.

12. *The state legislature discontinued PTAP funding.*

The respondent agrees with this finding. The Board of Supervisors approved the use of General Fund resources to backfill the lost Property Tax Assessment Program (PTAP) funding in the

past two budget cycles.

Grand Jury Recommendations

1. *Considering the time needed for building appraisal expertise, as well as the current understaffing, the Assessor and the County need to take steps necessary to return the department to the 2003-04 staffing levels of 49, if not higher.*

This recommendation will not be implemented because it is not reasonable. The County has limited resources that must be spread among a number of services provided to the citizens of Butte County. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of limited resources to the Board of Supervisors.

The Assessor's Office is not the only office that experienced staffing reductions in the period between 2002 and 2005. In addition, the State PTAP funding has been cut, as mentioned above, requiring either a General Fund backfill of \$380,000 each year to the Assessor's Office or a reduction in staffing. To date, the Board of Supervisors has approved that backfill of the State funding.

In the current fiscal year, 2007-2008, the State is proposing to eliminate Williamson Act subventions, which would mean either an additional \$650,000 reduction to the General Fund or a reduction in staffing associated with Williamson Act functions.

2. *The Assessor and the County should investigate ways to create more advancement opportunities for employees of the Assessor's Office.*

The recommendation needs further analysis. The Board of Supervisors will encourage the Assessor to work with the Human Resources Department within the next six months to evaluate options for creating advancement opportunities, where appropriate and necessary.

3. *The Assessor and Human Resources should have a mutually agreeable procedure in place to screen and hire new appraisers and auditor/appraisers.*

The recommendation has already been implemented. The Human Resources Department works with Departments on an individual basis to screen applications for positions. This is particularly true where industry expertise is necessary to understand the qualifications and transferable skills associated with a given position.

4. *The Grand Jury encourages the Assessor to work with the other Megabyte users to exert stronger pressure on the company to deal with problem areas.*

The recommendation has already been implemented. The Megabyte system is used by the County Assessor, Treasurer/Tax-Collector, and Auditor/Controller. All three elected officials have been working with their peers on this issue, but with little success.

5. *The Board of Supervisors should adopt a resolution to raise the current low value property threshold from \$2000 to \$5000 for all properties. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Board of Supervisors encourages the Assessor to determine the appropriate action and bring a recommendation to the Board for consideration within the next six months if a change is warranted.

6. *The Board of Supervisors should raise the low value threshold specified for possessory interest use of fairground, convention, and cultural facilities to \$50,000. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Board of Supervisors encourages the Assessor to determine the appropriate action and bring a recommendation to the Board for consideration within the next six months if a change is warranted.

7. *To clear the backlog of mandatory and non-mandatory audits that must be performed by the business division and to remain current in the future,*
 - a. *the Assessor should strongly consider increasing the number of business division auditor/appraisers to 5;*
 - b. *the Assessor should continue the current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated; and*
 - c. *the Assessor should eliminate the practice of using extra CCCASE audit trips as a source of independent income.*

This respondent is unable to respond to this recommendation. The recommendation is directed at the Assessor who is an elected official with a great deal of autonomy concerning the performance of his duties. However the Administrative Office did recommend, and the Board of Supervisors approved, providing additional funding in fiscal year 2007-2008 so that the Assessor can continue his current practice of using a retired auditor/appraiser on a contract

basis until the backlog has been eliminated.

8. *The Assessor should determine the value of continuing CCCASE participation.*

This respondent is unable to respond to this recommendation.

The recommendation is directed at the Assessor who is an elected official with a great deal of autonomy concerning the performance of his duties. However the Board of Supervisors will request that the Chief Administrative Officer work with the Assessor's Office in analyzing the costs/benefits of participating in the CCCASE system and that future budget recommendations by the Administrative Office be made based on that analysis.

9. *The Assessor should continue, either through a consortium of affected counties or independently, to lobby the State legislature for a renewal of the PTAP funding and for a higher threshold for mandatory business property and fixture audits, raising it from \$400,000 to \$600,000.*

This recommendation has already been implemented. The Assessor reports that he has been working with his association to lobby the State legislature for renewal of the PTAP funding. The Board of Supervisors does not know if that lobbying has included requesting a higher threshold for mandatory business property and fixture audits or not.

Butte County Department of Development Services

Grand Jury Commendation

The Grand Jury commends the Director of Development Services for his competence and his dedication to improving working conditions in the department and working with the Board of Supervisors to resolve policies that are unclear or outdated.

The Director is a competent manager and has made positive changes in the functioning of the department.

The respondent appreciates the commendation given to the Director of Development Services.

Grand Jury Findings

1. *The County Board of Supervisors has not implemented the recommendation of the 2004-05 Grand Jury that protection from coercion by members of the Board be extended to include all county employees and that the definition of coercion be expanded.*

The respondent disagrees with this finding. As discussed in the Board of Supervisors response to the 2004-2005 Grand Jury Report, the Board disagrees that it is necessary to implement the recommendation and has seen no new evidence regarding the presence of coercion that would cause the Board to reconsider its position.

2. *The Director of the DDS has been working with the Board of Supervisors to update ordinances related to the implementation of the Agricultural Element of the General Plan.*

The respondent agrees with this finding.

3. *The Agriculture Building Exemption is inconsistent with the Uniform Building Code. Abuse of this exemption deprives the county of revenue and also creates the risk that unsafe buildings may be constructed.*

The respondent agrees with this finding. In March 2007, the Director of Development Services discussed this issue with the Board of Supervisors during one of its regularly scheduled Board Meetings. The Board provided direction to staff, who will return in August 2007 to the Board of Supervisors with recommended policy language pertaining to Agriculture buildings that will meet the requirements of the Uniform Building Code.

4. *The method of collecting school impact fees for building permits is inefficient; it does not demonstrate good customer service on the part of either the DDS or the school districts.*

The respondent neither agrees nor disagrees with this finding. The Board of Supervisors does not have direct knowledge of this process. However, the Director of Development Services reports that he is working with school districts in the County to improve the process.

5. *The Current Planning Division has a backlog of development applications, requiring individual planners to carry a caseload of 25 to 40 projects. Additional job responsibilities, such as working at the public counter, contribute to this backlog*

The respondent agrees with this finding The County has limited resources that must be spread among a number of services provided to citizens of Butte County. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of the limited resources to the Board of Supervisors.

Grand Jury Recommendations

1. *The Board of Supervisors should implement the 2004-05 Grand Jury recommendation regarding coercion.*

This recommendation will not be implemented because it is not warranted. As stated in the Board of Supervisors' response to the 2004-2005 Grand Jury Report, the Board disagrees that it is necessary to implement the recommendation.

The events and circumstances described in the 2004-2005 Grand Jury Report hardly approached the threshold of "coercion." The Board of Supervisors still feels strongly that each member is elected by the citizens of their district to represent them in matters concerning county or state jurisdiction. This representation does not compel or coerce action in favor of the constituent, but ensures equitable application of policies and procedures and the effective use of county resources.

No new evidence has been produced in the 2006-2007 Grand Jury Report that would cause the Board of Supervisors to change its position on this issue.

2. *The Director of Development Services, Agriculture Commissioner and the Board of Supervisors should continue to identify and update unclear ordinances, especially those that are inconsistent with the General Plan or expose the county to liability.*

This recommendation is in the process of being implemented. The Board of Supervisors provided direction to staff in July 2007 as to which ordinances to update prior to the completion of the County's General Plan 2030 and which ordinances to update as part of the new General Plan.

3. *The Board of Supervisors needs to reconsider the Agriculture Building Exemption in the context of the Uniform Building Code.*

This recommendation has already been implemented. Staff from the Department of Development Services has been working with local interest groups and other County departments to draft Agricultural Building policies that meet the Uniform Building Code. It is the Board of Supervisors' understanding that the recommended changes will be brought to the Board of Supervisors in August 2007.

4. *The Director of Development Services should meet with each superintendent of the county school districts to discuss the merits of having the DDS office collect their building permit fees and to exchange whatever technical information is needed to implement*

this proposal. The cost of implementing this program should reflect the actual administration cost to DDS.

This recommendation has not yet been implemented, but will be implemented in the future. The Department of Development Services will contact the School District's representatives regarding this recommendation, as well as other issues, as part of the General Plan 2030 process within six months.

5. *The Director of Development Services should direct resources toward reducing the response time on active applications*

This recommendation has already been implemented. The Director of Development Services has been redirecting resources within his Department to the planning functions of the Department; requested additional staff in the fiscal year 2007-2008 budget; and implemented new tools and processes to assist County staffs' efficiency. In addition, the Board of Supervisors approved the request for one additional Planner in the fiscal year 2007-2008 budget.

Human Resources

Grand Jury Commendation

The Grand Jury commends the HR employees for accomplishing a huge volume of work despite crowded facilities and a small staff.

The respondent appreciates the commendation given to Human Resources' staff. The respondent wishes to recognize the staff of the Human Resources Department as well as the thousands of hard-working County employees who provide important public services for Butte County.

Grand Jury Findings

1. *Office space is inadequate for the number of employees in the department.*

The respondent agrees with this finding. The Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *More employees are needed to better meet the needs of the county*

and to reduce the individual workload.

The respondent agrees with this finding. The Board of Supervisors, at the fiscal year 2007-2008 budget hearing, approved the allocation of an additional Human Resources Analyst position within the Human Resources Department which will assist the department in meeting its obligations.

3. *HR is able to provide screening, testing, orientation and training for all departments, but the HR staff has been working overtime to accomplish this.*

The respondent neither agrees nor disagrees with this finding. The Board of Supervisors does not manage the day to day operations of departments, however the Human Resources Director reports that in addition to having limited staff resources, the department suffered several unexpected vacancies this past fiscal year, which further burdened remaining staff. The filling of these vacancies, as well as the addition of a new position, will assist in alleviating this problem.

4. *Some departments express dissatisfaction with the recruitment process and test questions.*

The respondent agrees with this finding. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input concerning the recruitment and testing process utilized by Human Resources. The responses received were candid and very helpful in identifying areas where Human Resources can improve the service being provided in this respect. In addition, the Director of Human Resources and/or Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options that could assist them. Some changes have already been made including the incorporation of department representatives in the minimum qualification screening process. As a result of a comprehensive review of the process, the Human Resources Department anticipates further changes commencing in October 2007.

Grand Jury Recommendations

1. *The County Administrative Officer should provide additional office space for Human Resources.*

This recommendation is directed at the County Administrative Officer. However, the Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new

Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *The County Administrative Officer should increase staffing levels to the median level of one HR employee per 125 county employees.*

This recommendation is directed at the County Administrative Officer. However, the Board of Supervisors will consider requests for additional resources during the annual budget process.

3. *HR needs to establish effective communication with county departments regarding test questions and the recruitment process.*

This recommendation has been partially implemented. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input on the recruitment and testing processes utilized by Human Resources. The responses received were candid and very helpful in identifying areas where improvement is necessary. In addition, the Director-Human Resources and Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options for streamlining the process. This will remain an on-going effort to enhance communication and satisfaction with the recruitment process.

Information Systems

Grand Jury Commendations

1. *The Director of Information Systems and his staff are to be commended for correcting many of the problems that were previously identified with the Pentamation and Kronos systems.*

The respondent appreciates the commendation given to the Director and staff of Information Systems.

2. *The Director of Information Systems is to be commended for never exceeding the budget for his department.*

The respondent appreciates the commendation given to the Director of Information Systems.

3. *The Director and his staff are to be commended for excellent service to the county, with very little "down" time.*

The respondent appreciates the commendation given to the Director and staff of Information Systems.

4. *The Director is to be commended for providing and encouraging a strong, positive, teamwork environment for his staff.*

The respondent appreciates the commendation given to the Director of Information Systems.

Grand Jury Finding

1. *Information Systems is a valuable county department that functions extremely well.*

The respondent agrees with this finding. The Board of Supervisors appreciates the Grand Jury's recognition of the good work done by this County department and its staff.

Grand Jury Recommendations

None

Butte County Library System

Grand Jury Commendations

1. *The Grand Jury commends the staff and volunteers at all the branch libraries for their commitment to providing library services to the citizens of Butte County, despite insufficient funding.*

The respondent appreciates the commendation given to the dedicated employees and volunteers who work at the Library. The respondent wishes to recognize the many dedicated staff and volunteers who dedicate themselves to public service at the Library and throughout the County.

2. *The Grand Jury commends the cities of Gridley and Chico for providing additional funding to their libraries.*

The respondent would also like to recognize the support of the cities of Gridley and Chico, as well as the city of Biggs, for the support they provide to enable the Library to provide enhanced Library services for the citizens of their communities.

3. *The Grand Jury commends the five FOL organizations and the BCLAB for providing major support, money and time to the library system.*

The respondent would also like to recognize the dedication of

the Friends of the Library groups and Library Advisory Board for their donations of both time and money to enhance the services of the Library.

Grand Jury Findings

1. *Although it has now been corrected, in the past, money raised by the Gridley FOL was used to fund extra hours for a part-time position.*

The respondent partially disagrees with this finding. In the past the Gridley Friends of the Library (FOL) donated money to the County for the specified purpose of providing funds for part-time extra help at the Gridley Branch of the Butte County Library. The Gridley FOL no longer makes any donations for extra help, but instead makes donations for books or other items and the donations are used accordingly. All donations made to the Library are tracked and used for the purpose stated by the donor.

2. *There is a lack of overall funding for the Butte County Library system. The county is relying on FOL monies to supply some of the basics.*

The respondent partially disagrees with this finding. Having adequate resources to fund Libraries, as well as other County departments and programs, is not a problem unique to Butte County or the Butte County Library, but a common concern across the state. Butte County is unique, however, in that the County has been declared financially distressed by the State of California on three separate occasions. Within this context, the County has been able to continue to provide valuable library services even if it was at a service level below that which was desired. During the fiscal year 2007-2008 budget hearings the Board of Supervisors increased funding for the Library by \$491,145 including \$194,914 beyond that which was required to maintain current services. This additional funding will be used to hire staff and increase service hours at all six of the County's Library Branches.

Support from the Friends of the Library Groups serves to enhance the Library services that are provided by the County. While this support is an important part of the services provided by the Library, and is greatly appreciated, it should be noted that donations from the Friends total less than three percent of the Library budget.

3. *There is demand for increased hours of operation.*

The respondent agrees with this finding.

4. *The six branch libraries do not have individual discretionary budgets.*

The respondent agrees with this finding. Library budgets have historically been developed and expended on a Countywide basis to make the most efficient use of limited funds. However the Library Director reports that branch discretionary budgets for some expenses are built into the Library budget for fiscal year 2007-2008.

5. *There are limited opportunities for communication among the branch librarians.*

The respondent partially disagrees with this finding. The respondent agrees that in the past there was limited opportunity for communication among the branch librarians. To remedy this situation, the Library Director implemented bi-weekly meetings of the Library Leadership Team beginning in January 2007.

6. *The library facilities are deteriorating.*

The respondent agrees with this finding. The County has a number of aging facilities and is in the process of implementing a plan to address these needs. On June 26, 2007 the Board of Supervisors approved a Capital Improvement Plan which lays out a 20 year plan to address facility needs throughout the County. Significant expansions and remodels of the County's Library's are planned for 2015, but such schedule may be modified dependent on contributions from the community. In addition to addressing these large capital budget needs, the County is addressing maintenance needs. For example, in the current fiscal year funds were appropriated to replace the flooring in the Oroville Branch as well as the flooring in the Chico Branch Conference Room.

7. *The roof leaks and mold damage at the Gridley Library took over two years to resolve.*

The respondent agrees with the finding as stated. However, the General Services Director reports that although the resolution took two years, the problem was promptly addressed. Over the course of the two years a series of professional roofing contractors were retained, but failed to find the leaks. Finally, County staff, with an extensive effort, was able to locate and remedy the situation. Newly acquired equipment should allow for more prompt resolutions in the future.

8. *The Biggs Library building is not owned by the county, is in poor condition without restroom facilities, and is not ADA accessible.*

The respondent agrees with this finding. The building in which the Biggs Branch Library operates is owned by the City of Biggs and leased to the County at essentially no cost. This facility, while not ideal, does allow for Library services to be provided in the City of Biggs. The City recently approached the County in order to provide Library employees and patrons access to a restroom as well as to discuss other City facilities that may be available for use by the Library. The Gridley Branch of the Butte County Library, located less than five miles from the Biggs Branch, provides an alternative that is fully accessible in addition to being open more hours.

9. *Handicapped parking access is a problem at the Paradise Library.*

The respondent agrees with this finding. Although the Paradise Branch Library has handicapped parking directly in front of the main entrance, the General Services Director reports that there appears to be a problem with the slope of those parking spaces. There are few, if any, level parking spaces at this library. The County will analyze the extent of the problem with these parking spaces, and the most appropriate remedy as part of the ongoing effort to eliminate ADA issues throughout the County.

10. *The Library Strategic Plan is six years old and is currently in the process of being updated.*

The respondent agrees with this finding.

11. *The Board of Supervisors needs a clearer understanding of Butte County library issues.*

The respondent disagrees with this finding. The Board of Supervisors is keenly aware of issues facing the Library and demonstrated this understanding by addressing a key issue facing the Library, limited resources. At the 2007-2008 budget hearings the Board of Supervisors proactively addressed the funding shortfall and appropriated funds to not only maintain services, but to increase services at all six branches of the Butte County Library.

Grand Jury Recommendations

1. *The county should not use FOL money to fund routine operating expenses.*

The recommendation will not be implemented because it is not reasonable. The County has effective partnerships in place with the Friends of the Library groups. The existing combination of public and private funding streams for Library expenses allows for Library services to be enhanced beyond what is available simply from

County and State funds. Friends of the Library donations to the Library amount to less than three percent of the Library budget and are earmarked by the Friends for specific purchases, such as books, furniture, equipment, or extra help salary support. These gifts are used to enhance, and not supplant, existing public funds. While Friends money and County general fund money are often used for complementary, or even identical purposes, the County does not adjust its planned and budgeted expenses in order to “take advantage” of Friends contributions. No Friends of the Library gift is now or will in the future be used for purposes or locations other than what the Friends specify when they donate the funds.

2. *To provide increased funding of libraries, the Butte County Library Director and the Board of Supervisors need to investigate other sources of income, as follows:*
 - a. *Reconsider the proposal of a one-eighth (1/8) cent sales tax increase through a ballot measure to be voted on by the citizens of Butte County.*

This recommendation will not be implemented because it is not warranted. On February 14, 2006 the Board of Supervisors considered a proposal to place a sales tax measure on the ballot with the proceeds to be dedicated to the Library. The Board decided not to place this measure on the ballot and has since provided County General funds to allow for increased hours at each Library Branch.

- b. *Pursue grant opportunities aggressively.*

The recommendation has been implemented. The County pursues grant opportunities aggressively, and it will continue to do so. The Library Director reports that he reviews available grant funds weekly through eCivis, the Foundation Center, the Library Grants blog, the California State Library and other sources. The County recently received \$55,000 over three years from First 5, as well as \$25,000 for the 2007-2008 fiscal year from the California State Library, to support the Early Learning with Families and Families for Literacy initiatives. The County is also awaiting the outcomes of several additional applications, including one to the AT&T Foundation to provide wireless internet access in library buildings.

- c. *Partner with cities in Butte County to implement library impact fees.*

This recommendation has not yet been implemented, but will be in the future. At its July 10, 2007 meeting, the Board of Supervisors adopted updated Jail development impact fees. This is

the third and final piece of the implementation of development impact fees and by September 2007 the County will formally request that each city and town in the County adopt Library and other countywide development impact fees.

d. Apply for state library bond money, when available.

This recommendation has been implemented to the degree possible. State library bond money is not currently available. California Senate Bill 156, the California Reading and Literacy Improvement and Public Library Construction and Renovation Act of 2008 has not been brought forward from the Senate Appropriations Committee for a vote by the full Senate. The County will continue to monitor the status of the bill. A new library strategic plan, in combination with the County's Capital Improvement Program, will provide much of the content for the application process for state bond funds when and if it becomes available.

3. *The Butte County Library budget should allocate discretionary funds to each individual branch library.*

The recommendation has been partially implemented. The Library Director reports that for the 2007-08 budget year, budgets for books and extra help staffing were allocated to each Branch with the intent of providing Branch Librarians with maximum flexibility within the constraints of the budget. By the end of September 2007, the Library Leadership Team (see response to recommendation 4 below) will determine whether office supply budgets would serve the branches better than the current integrated purchasing of supplies for the entire system.

4. *The Butte County Library Director should provide increased opportunities for branch personnel to network through regular meetings, workshops and conferences.*

The recommendation has been implemented. Beginning on January 17, 2007 the Library Director instated a Library Leadership Team which meets biweekly. This Leadership Team includes the Director, Senior Administrative Assistant, and representatives from all branches, the literacy program, and technical services. These meetings have include team building, opportunities to share training, collaborative decision making about policies and procedures, and discussions of how to strategically spend money.

In addition, the Library Director reports that a number of ad hoc work groups have been created to work on the Library's web site, strategize publicity and public relations efforts, implement changes

to circulation procedures and technologies, and develop system wide coordinated programming of library events. Each of these groups includes staff from a variety of locations and job classifications throughout the Library system.

Finally the Board of Supervisors, in the 2007-2008 budget, provided appropriation to increase opportunities for staff development, including funds for conference attendance and membership in professional organizations.

5. *Facilities Services should address major maintenance issues in a timely manner.*

This recommendation has been implemented. The General Services Director reports that major maintenance issues are addressed in a timely manner within the confines of staffing and budget, and recognizing that some problems are not easily addressed.

6. *The Butte County Library administration should work with the City of Biggs to locate an appropriate facility for the Biggs Library.*

This recommendation requires further analysis. The City of Biggs has identified other potential City-owned facilities where a library might be located. County officials plan to tour these facilities no later than the end of September 2007. Although the respondent hopes to secure an appropriate space for the Biggs Branch Library, any existing facility is likely to require some remodeling, with the potential for rendering relocation cost-prohibitive.

7. *ADA compliance issues at identified branches need to be resolved.*

This recommendation requires additional study. County staff will be reviewing potential ADA compliance issues and ranking them based on risk and cost. ADA issues at libraries will be included in that listing, which is scheduled to be completed no later than December 2007.

8. *The Butte County Library Advisory Board should complete the update of the Library Strategic Plan.*

The recommendation is directed at the Library Advisory Board. However, the desired outcome of the recommendation will be implemented by June 2008. The Library Director assumes primary responsibility for implementing the recommendation, with the assistance of the Library Advisory Board.

The Library Strategic Plan will be a valuable document for making budget allocations, focusing staff time and energy, identifying necessary operational changes, and assessing training and fundraising needs. The Library Advisory Board should play a significant role in the development of the strategic plan, but the Library Director is ultimately responsible for the development and implementation of such a plan. The intent of the Library Director is to complete a plan by the end of the current fiscal year.

9. *A member of the Board of Supervisors should serve as a liaison to the Butte County Library Advisory Board.*

The recommendation will not be implemented as it is not warranted. The Library Advisory Board provides regular reports to the Board of Supervisors and advised the Board on issues and trends impacting the Library. It is not necessary for a member of the Board of Supervisors to serve on the Butte County Library Advisory Board as a liaison.

Palermo Drainage Ditch: Whose Responsibility Is It?

Grand Jury Findings

1. *The Department of Public Works has been unresponsive to citizen complaints regarding this issue.*

The respondent disagrees with this finding. According to the Director of Public Works, the Department receives calls from residents regarding this issue on an annual basis. Each fall, the Department sends out a crew to mow the vegetation in the section of drainage ditch located within the County's right of way. Earlier this summer, the Department coordinated with the Sheriff's Jail Work Crews to do additional work that included cutting and removing vegetation and small trees that were not accessible to a mower.

2. *According to our research, the county previously has cleared the ditch. Currently, the county is neglecting to perform a function for which they had previously accepted responsibility.*

The respondent partially disagrees with this finding. According to the Director of Public Works, the County has not neglected to perform a function for which the County has previously accepted responsibility. The County has, and will continue to, mow the weeds in the drainage ditch located within the County right of way on an annual basis.

3. *Currently, the responsibility for maintenance of this drainage ditch constructed by Butte County has not been accepted or acknowledged by the County.*

The respondent disagrees with this finding. According to the Director of Public Works, the County did not construct the drainage ditch that flows primarily across private property and is not responsible for its maintenance. A section of the ditch is located within the County right of way, and the County has accepted responsibility to maintain that section of drainage ditch through annual mowing of vegetation.

Grand Jury Recommendation

1. *The Department of Public Works should schedule and perform periodic inspection and maintenance of County drainage ditches.*

The recommendation has been implemented. The County will continue annually, as it has in the past, to clear and mow the portion of the drainage ditch that falls within the County right of way.

2. *The Board of Supervisors should instruct the Department of Public Works to be more responsive to citizen complaints.*

This recommendation has been implemented. The Board of Supervisors has instructed all County Departments to be responsive to citizen's complaints. According to the Director of Public Works, the Department has been responsive to the citizens' complaints regarding the Palermo drainage ditch, for the portion that is in the County's right of way.

Domestic Violence/Own Recognizance Program

Grand Jury Findings

1. *Penal Code §1203.097 forbids any batterer's educational program being less than 52-weeks or one year for offenders on court probation for a domestic violence conviction.*

The respondent agrees with this finding.

2. *The DV/OR batterer's educational program is a 32-week program approved by the District Attorney's Office, rather than the 52-week program as designated by Penal Code §1203.097.*

The respondent agrees with this finding.

3. *The offenders allowed into the DV/OR Program are not formally convicted and on probation, so the program is technically not subject to the regulations of Penal Code §1203.097.*

The respondent neither agrees nor disagrees with the finding.

The District Attorney is an elected official, and the Board of Supervisors only has decision-making authority over budgetary matters.

4. *The DV/OR program, while worthwhile in intention, often effective, and possibly within the letter of the law, does not conform to the spirit of the law as addressed in the legislative findings to Penal Code §1203.097 which states that “Diversion programs for perpetrators of domestic violence . . . are inadequate to address domestic violence as a serious [sic] crime.”*

The respondent neither agrees nor disagrees with the finding.

The District Attorney is an elected official, and the Board of Supervisors only has decision-making authority over budgetary matters.

5. *Some victim advocates are concerned that the 32-week batterers’ program, as compared to the 52-week program mandated by law for convicted offenders on probation, is not legal nor in the spirit of the law which mandates the 52-week program.*

The respondent neither agrees nor disagrees with the finding.

6. *According to Penal Code §1203.097, the Probation Department approves and certifies batterer’s educational programs for Butte County. Offenders may select which program they wish to attend. If offenders wish to switch to the other program, they may, with good cause and with the approval of Probation.*

The respondent partially disagrees with the findings. The Chief Probation Officer has statutory oversight of the Batterer’s Treatment Programs established pursuant to Penal Code 1203.097. The Chief Probation Officer reports that there are currently two certified Batterers Treatment Programs within Butte County for which the Chief Probation Officer has direct oversight. Potential clients ordered to complete a 52- week Batterers Treatment Program are provided the names of both programs by the Court Compliance Unit of the Superior Court, from which they may choose. On the rare occasion, and for a showing of good cause, the probation officer may request of the Court upon behalf of a client that they be allowed to change providers. The ultimate decision of whether a client is allowed to switch Batterers Treatment Program Providers rests with the Court.

7. *DV/OR offenders are only allowed to attend the batterer's educational program provided by FVEP, even though there is another certified program available through another provider, NB. The DV/OR offenders do not have a choice of programs.*

The respondent neither agrees nor disagrees with the finding.
The District Attorney, an elected official, is responsible for the DV/OR program and the Board of Supervisors only has decision-making authority over budgetary matters.

8. *DV/OR offenders who are assigned the 32-week program are taught in the same classes as are the convicted domestic violence offenders on probation who are enrolled in the statutory 52-week program.*

The respondent neither agrees nor disagrees with the finding.

9. *The Grand Jury could find no rational basis for the exclusion of NB from the DV/OR Program batterers' education intervention component. Research in the Social Sciences has found that people may often benefit from one program/therapy while not benefiting from another. Based on this research, clients deserve a choice.*

The respondent neither agrees nor disagrees with the finding.
The District Attorney is an elected official, and the Board of Supervisors only has decision-making authority over budgetary matters.

10. *In the State of California auditor's report entitled Batterer Intervention Programs released in November of 2006 wherein Butte County's programs were audited, there was no mention of the DV/OR Program. The Grand Jury concludes that the audit committee was not aware that it existed.*

The respondent partially agrees with this finding. The respondent agrees that the State of California auditor's report entitled Batterer Intervention Programs and dated November 2006 made no mention of the DV/OR Program. The respondent is unable to comment regarding the audit committee's knowledge of the DV/OR Program.

11. *Probation approved the Family Violence Education Programs (FVEP) in 1996 and New Beginnings in November of 2004. The license of the FVEP administrator is listed as "Inactive" and the licenses of the New Beginnings administrators are listed as "Clear."*

The respondent agrees with this finding.

12. *In Butte County, there currently is no comprehensive domestic violence court to hear cases from start to finish before one specific judge. The District Attorney is supportive of implementing such a court.*

The respondent neither agrees nor disagrees with the finding.

The respondent is unable to comment on the position of the District Attorney on a comprehensive domestic violence court.

13. *According to Penal Code §1203.097, certified batterer's educational program providers are to re-apply for certification annually. Twice during the year, the Probation Department is required to audit the programs.*

The respondent agrees with this finding.

14. *The Probation Department has not been keeping up with program audits and with the re-application process. Probation did begin the re-application process in January of 2007.*

The respondent agrees with this finding.

15. *Statistics for the number of offenders entering batterer's educational intervention programs and successfully completing the program were not available. In addition, recidivism rates for offenders were not available.*

The respondent partially disagrees with the findings. The Chief Probation Officer reports that the Butte County Probation Department keeps a number of statistics and other information concerning the Batterer's Treatment Programs. One such statistic is the number of clients referred to either of the two programs by the Court. The Butte County Probation Department can also provide statistics as to the number of clients referred by the Court, and who are supervised by the Probation Department. Recidivism rates are difficult and costly to track, as once a client is no longer on probation it becomes very difficult to keep up with their activities or whereabouts. The respondent agrees with the Grand Jury that recidivism rates for clients placed by the Court in a Batterer's Treatment Program can be useful when cost effective and possible to collect within the resources available.

Grand Jury Recommendations

1. *The District Attorney change the number of weeks required for offenders in the DV/OR program pleading guilty to a misdemeanor domestic violence from 32 weeks to 52 weeks. This change conforms to the spirit of the law requiring a batterer's program of*

no less than one year.

The respondent is unable to comment on this recommendation.

The District Attorney is an elected official, and the Board of Supervisors only has decision-making authority over budgetary matters.

- 2. The District Attorney revise the DV/OR program to include New Beginnings along with Family Violence Education Programs to give clients a choice, since both programs are certified and approved by the Probation Department according to Penal Code §1203.097.*

The respondent is unable to comment on this recommendation.

The District Attorney is an elected official, and the Board of Supervisors only has decision-making authority over budgetary matters.

- 3. A County/Court/Public Defender/Victim Advocate team approach should explore the need for a more comprehensive domestic violence court.*

The recommendation requires further analysis. The concept is currently being explored and is under discussion between the Probation Department and the aforementioned entities.

- 4. The Probation Department conduct timely audits and require reapplication from approved certified domestic violence programs yearly as required in Penal Code §1203.097.*

The recommendation has been implemented. The Chief Probation Officer reports that the Probation Department is currently in compliance with the mandates of Penal Code §1203.097 with regard to Batters Treatment Programs.

- 5. The Probation Department should keep and make available statistics, which include but are not limited to, the number of offenders who enter each batterer's educational intervention programs annually, the number who successfully complete each program, the time it takes to successfully complete the program, and recidivism rates. These are essential measures for meaningful program evaluation.*

The recommendation requires further analysis. The Probation Department continues to strive to provide the statistical information requested by the Grand Jury through automation, and when retrieving such information is cost effective and possible within available resources. Identifying and analyzing available information to ensure that best practices are being utilized is the goal of the

Probation Department and the County as a whole. As some of the information is kept with the Batterer's Treatment Providers, the possibility of collecting that information will be explored by the Chief Probation Officer within six months from the submittal of this report.

Butte County Jail Review

Grand Jury Findings

1. *The Grand Jury is in agreement with the 2005-06 Grand Jury Report that the Women's facility is out of dated (sic) and over populated needing to be replaced and/or remodeled and expanded.*

The respondent agrees with this finding. The respondent recognizes the need to either replace or remodel the women's section of the jail. This section of the jail was completed in 1964 and needs to be brought to today's standards.

Due to fiscal constraints of all California counties and the important role the State plays in the criminal justice system, almost all jail constructions or expansions have historically occurred with State funds. Butte County is no exception. The 1964 construction of the "old" jail, the 1987 construction of the "East Facility", and the 1994 construction of the "West Facility", or the main jail, were all made possible through State funds. Future jail construction and expansions will also require substantial State funds.

The State recently passed AB 900, which addresses overcrowding in State prisons and provides funding for new local jail beds. The staff from the Administrative Office will work closely with the Sheriff, to coordinate efforts that will allow Butte County to qualify for these funds. If the County qualifies for these funds, replacement of the women's section is the top priority of the Board and the Sheriff.

AB 900 requires a 25% match from localities to qualify for the State jail funding. The County took an important step toward funding for this requirement, at least partially, by approving new jail impact fees on July 10, 2007. However, it will also be important for municipalities in Butte County to also adopt the jail impact fees for the County to meet its jail needs. The need for new jail beds are driven by residential growth, and since most growth occurs within incorporated areas, cities need to adopt jail impact fees. By September 2007 the County will formally request

that each city and town in the County adopt Jail and other countywide development impact fees.

2. *The Evidence Building is outdated and needs remodeling or replacement. Security is not adequate.*

The respondent partially disagrees with this finding. The respondent agrees that the Evidence Facility is outdated and needs to be replaced. However, the Sheriff reports that the facility is securely locked and fully alarmed with armed personnel ready to response within moments (see Exhibit B).

In the County's Capital Improvement Plan (CIP), the design and construction of the Evidence Facility is scheduled to begin in fiscal year 2008-2009.

3. *The decontamination facility at the Evidence Building is inadequate.*

The respondent agrees with this finding. A new Evidence Facility will have an adequate decontamination facility.

4. *Staff is well trained and interacts with inmates in a professional manner.*

The respondent agrees with this finding.

Grand Jury Recommendations

1. *The Board of Supervisors must develop an appropriate time-line for replacement or remodeling of the women's jail.*

The recommendation has been implemented. The respondent approved the Capital Improvement Plan (CIP) to address various County facility needs on June 24, 2007. The CIP includes a timeline for the jail expansion, including the replacement of the women's section. Of course, such schedule is contingent upon the County qualifying for State funds and finding additional funds for its match.

2. *Each member of the Board of Supervisors should independently inspect the women's facility and the evidence building.*

The recommendation has been implemented. All Board members are keenly aware of the condition of the women's jail and the Evidence Facility. Some Board members have personally inspected those facilities already.

3. *The Sheriff should present a plan to the Board of Supervisors to repair or replace the current Evidence Building to include, but not limited to:*

- a. adequate air conditioning*
- b. adequate decontamination system*
- c. adequate decontamination showers for employees*

The respondent is unable comment on this recommendation. The recommendation is directed at the Sheriff-Coroner, an independently elected official. However, as noted above, the Administrative staff has been working with the Sheriff's Office to include the new Evidence Facility in the CIP.

Juvenile Hall Review

Grand Jury Commendation

1. *The Grand Jury was impressed with time and energy devoted by all staff to establish positive, supportive relationships with the juveniles.*

The respondent appreciates the commendation given to the dedicated County employees who work at the Juvenile Hall. The respondent wishes to recognize not only the employees at the Juvenile Hall but thousands of hard-working County employees who provide important public services to the residents and visitors of Butte County on a daily basis.

Grand Jury Findings

1. *The pods that house juvenile offenders appear to meet current needs and staffing is adequate.*

The respondent agrees with this finding.

2. *Juvenile Hall is a clean and well run facility.*

The respondent agrees with this finding.

Grand Jury Recommendations

None

This concludes the overall County agency response to the Grand Jury findings and recommendations for fiscal year 2006-2007. Attached to this response are the individual responses prepared by department heads where Grand Jury findings and recommendations related to their areas of responsibility.

The Board of Supervisors appreciate the time, commitment and diligent efforts of each Grand Jury member in conducting research and analysis, attending meetings and interviews, and working to identify areas for improvement within government operations throughout our fine County.

Sincerely,



Jane Dolan, Chair
Butte County Board of Supervisors

Appendix A:
Appointed Department Head Responses



BUTTE COUNTY ADMINISTRATIVE

25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95965-3380
Telephone: (530) 538-7631 Fax: (530) 538-7120

MEMBERS OF THE BOARD

BILL CONNELLY
JANE DOLAN
MAUREEN KIRK
CURT JOSIASSEN
KIM K. YAMAGUCHI

STARLYN BROWN
Interim Chief Administrative Officer

August 22, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Chief Administrative Officer's Response to the 2006-2007 Grand Jury Final Report

Dear Judge Howell:

Penal Code Section 933 and 933.05 provides that 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. The Board of Supervisors, as the governing body of the County of Butte, will provide its response to the 2006-2007 Grand Jury Report by the statutory deadline. The Grand Jury, though, has asked that all departments mentioned within that report provide a direct response to the Presiding Judge. While all legal requirements for a response to the Grand Jury Report have been met by the County of Butte with the Board of Supervisors response, in the spirit of cooperation, I am providing this direct response to those areas where the Grand Jury sought a response from the Chief Administrative Officer.

One of the roles of the Interim Chief Administrative Officer is to act as the *de facto* chief of staff to the Board of Supervisors. In that role, I directed the preparation of the Board of Supervisors' initial response to the Report. It should not be a surprise, therefore, that my response to the Report, as the Interim Chief Administrative Officer, is very similar to the response provided by the Board of Supervisors.

Auditor-Controller's Office

Grand Jury Commendations

1. *The Auditor-Controller's Office has implemented in a timely manner several successful programs to help improve office morale and communication. These programs include more in-county in-service trainings, the formation of a "Sunshine Club," and the implementation of morning meetings for supervisors.*

The respondent appreciates the commendation given to the Auditor-Controller.



2. *The office has responded quickly to addressing time-response problems.*

The respondent appreciates the commendation given to the Auditor-Controller.

3. *The Property Tax Division within the Auditor-Controller's Office continues to be managed well and functions very effectively. The County made a good decision in formally appointing the employee who has been primarily responsible for this department to the permanent position of manager.*

The respondent appreciates the commendation given to the Auditor-Controller.

4. *The Board of Supervisors moved forward in a timely manner to hold a public hearing on the Auditor-Controller's office as recommended by last year's Grand Jury.*

The respondent appreciates the commendation given to the Board of Supervisors.

Grand Jury Findings

1. *The Auditor-Controller has adjusted his behavior to spend more time in the office.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller but does not know whether or not the Auditor-Controller is spending more time in the office.

2. *The Auditor-Controller appears to be making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller and has only indirect knowledge of his controversial management style.

3. *Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as result of cultural conditioning.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer has occasional interaction with the Auditor-Controller but is not in a position to confirm the presence of gender bias in the Auditor-Controller's Office. The Director of Human Resources reports that no complaints of gender bias have been received by Human Resources in the past twelve months. It the policy of the County that gender bias of any kind is not acceptable in the workplace.

4. *Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.*

The respondent neither agrees nor disagrees with this finding. The Chief

Administrative Officer has no direct knowledge of the working environment in the Auditor-Controller's Office. However the Director of Human Resources reports that on October 16, 2006, in response to an anonymous letter received by the Chief Administrative Officer complaining about the work environment in department, the Human Resources Director sent each employee of the Auditor-Controller's Department a personal memo inviting them to come forward in a confidential manner to share any complaint or observations they may have concerning retaliation. Only three responses were received by the Human Resources Director, each of which was in support of the Auditor-Controller.

5. *Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the morale in the Auditor-Controller's Office.

6. *Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the morale in the Auditor-Controller's Office.

7. *A minimal amount of cross-training is being done.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's Office.

8. *Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer does not have direct knowledge of the level of opportunity or support for training provided by the Auditor-Controller to employees in the Auditor-Controller's Office. However, the Chief Administrative Officer encourages employees to attend trainings provided by the Human Resources Department.

9. *The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's

Department.

10. *The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor-Controller's Office to do its job.*

The respondent partially agrees with the finding. The Chief Administrative Officer commends the recent efforts of the Auditor-Controller's Office to educate employees in other departments but believes that further ongoing trainings are needed to fully address the concerns of other departments.

11. *The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.*

The respondent agrees with the finding.

12. *The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.*

The respondent neither agrees nor disagrees with the finding. The Chief Administrative Officer is not involved in the daily operations of the Auditor-Controller's Office and is not in a position to provide meaningful comment on this finding.

13. *The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.*

The respondent agrees with the finding.

14. *The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.*

The respondent agrees with the finding.

15. *The Audit Committee has developed by-laws and has minutes of meetings available.*

The respondent agrees with the finding.

16. *Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit Committee meetings were not routinely sent until requested by the Grand Jury.*

The respondent disagrees with the finding. The Grand Jury has been routinely invited to Audit Committee meetings.

Grand Jury Recommendations

1. *The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

2. *The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

3. *The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

4. *The Auditor-Controller should implement cross-training in those sections that are not currently doing so.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

5. *Human Resources should plan and implement management communication skill workshops for supervisors at all levels, in all departments.*

The recommendation has been implemented. The Human Resources Department currently provides regular, on-going training in Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect and Professionalism (non-discrimination), Grievance and MOU Administration, Sexual Harassment Prevention, Oral Interview Skills for Managers and Promotion and Transfer Tips.

6. *Human Resources should plan and implement workshops which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.*

The recommendation has been implemented. The Human Resources Department currently offers both training in Respect and Professionalism on the job (includes non-discrimination) and Sexual Harassment Prevention both of which address the subtleties of gender bias. In addition, with the exception of the Auditor-Controller who was unable to attend, the entire Auditor-Controller's Department staff was provided a two-hour training in respect and professionalism, addressing this issue, on May 18, 2006 and May 24, 2006.

7. *Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.*

The recommendation has been implemented. In addition to the special training provided all Auditor Department staff in May 2006 which addressed this issue in depth, Human

Resources provides this training at new hire orientation and to all management/supervisory/lead staff on a regular basis in compliance with Assembly Bill 1825 in addition to the Respect & Professionalism workshop made available to all County employees.

8. *The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

9. *The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.*

The respondent is unable to comment on this recommendation since it is directed to the Auditor-Controller, an elected official.

10. *The CAO should inform the Grand Jury of all meetings of the Audit Committee.*

The recommendation has been implemented. The Chief Administrative Officer will continue to inform the Grand Jury of all meetings of the Audit Committee.

Review Of The Butte County Assessor's Office

Grand Jury Commendations

1. *The Grand Jury appreciates the Butte County Assessor and his staff for their cooperation in this review.*

The respondent also appreciates staff cooperation with the Grand Jury.

2. *The Grand Jury commends the dedicated, cohesive group of hardworking individuals in the Butte County Assessor's Office. They appear to be well trained and do quality work. This department faces difficult issues which are complicated by a limited number of staff who shoulder a heavy and demanding workload.*

The respondent would also like to recognize the hardworking employees in the Assessor's Office and throughout the County.

3. *The Grand Jury commends the Assessor for not micro-managing his department. He recognizes the expertise within his staff and allows them complete responsibility to perform their tasks.*

The respondent appreciates the commendation given to the Assessor.

Grand Jury Findings

4. *The Appraiser's Office is understaffed, particularly in the business division.*

The respondent neither agrees nor disagrees with this finding. The Assessor is an elected official with a great degree of autonomy in the performance of his duties. The Board of Supervisors only has decision-making authority over budgetary matters and considers requests for additional budgetary appropriation for staffing annually as part of the budget process. The Assessor chooses how to utilize the staff resources allocated to him by the Board of Supervisors.

5. *A great many experienced appraisers within the Assessor's Office will be eligible for retirement within the next 10 years. It takes considerable time for an appraiser to build expertise.*

The respondent agrees with this finding. The County will be experiencing a high rate of retirements in most classifications within the next 10 years.

6. *Morale is high within the department despite a heavy, time-driven workload and understaffing. There is very little staff turnover.*

The respondent partially agrees with this finding. The Chief Administrative Officer is not in a position to comment on the morale in the Assessor's Office, however the Human Resources Director confirms that staff turnover does appear to be low.

7. *Many employees are at their top salary steps with no higher classifications available. While the policy of the Assessor is to promote from within the department, supervisory positions are few and rarely become available.*

The respondent agrees with this finding. The Human Resources Director reports that 33% of employees are at step 7 (top step), 33% at step 6, 13% at step 5, 8% at step 4, 10% at step 3, none at step 2, and 5% at step 1. As in all departments, there are a limited number of supervisory positions that are appropriate to be allocated and/or available to interested parties. Currently, in the Appraiser related series, there are 3.5 staff to each supervisor or manager which would indicate the number of supervisors is appropriate if not on the high side. There may be more opportunities for promotion as members of the current workforce choose to retire.

8. *The Assessor is concerned that with current Human Resource procedures, qualified applicants for entry-level appraiser positions may never make it to interview lists.*

The respondent disagrees with this finding. The Human Resources Department (HR) has been working with all departments since the beginning of 2007 to improve the recruitment process. HR works with each department individually on its recruitment needs and department designees are involved in the minimum qualification screening process.

9. *The Assessor has effectively upgraded the technology in his department; however, the department still faces problems with Megabyte Systems including product changes, tech support, and inadequate training.*

The respondent agrees with this finding. The Chief Administrative Officer encourages the Assessor, Auditor-Controller, and Treasurer-Tax Collector to continue looking for other options to the Megabyte System, though no alternatives have been identified to-date.

7. *The State Board of Equalization has indicated that all possessory interests involving the Butte County Fairgrounds in Gridley and the Silver Dollar Fairgrounds in Chico are not being enrolled. The Grand Jury finds that the cost of valuing fairground possessory interests would be more than the tax revenue generated.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer had not seen any correspondence from the Board of Equalization regarding this issue prior to the publication of the Grand Jury report.

8. *By having a large and growing backlog of mandatory audits, Butte County is out of compliance with Revenue and Taxation Code section 469.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer is not familiar with the specific requirements of Revenue and Taxation Code, Section 469. This is the responsibility of the Assessor, an elected official.

9. *The county participates in California Counties Cooperative Audit Service Exchange (CCCASE) to handle audits for those companies with corporate headquarters out-of-state but doing business within California. The quality of CCCASE audits performed by other counties for Butte County varies in a range from excellent to worthless.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer does not see the audits performed by other entities.

10. *The Assessor has been using his business division to conduct extra CCCASE audit trips to generate independent revenue for the county. The expenses of these trips cost the county more than the revenue generated.*

The respondent partially agrees with this finding. The Chief Administrative Officer is aware that the Assessor uses some of his resources to conduct CCCASE audit trips. The respondent was not aware that “extra” trips are conducted or that the expenses of these trips cost the county more than the revenue generated.

11. *While CCCASE trips taken by Butte County staff may or may not include some Butte County locations, most of the time is spent doing work for other counties. The time lost by doing additional CCCASE trips means less time is available for conducting local business audits that are currently due, as well as eliminating the backlog.*

The respondent neither agrees nor disagree with this finding. The Chief Administrative Officer does not see details of CCCASE audits. In response to the Recommendations below, the respondent will request cooperation from the Assessor's Office in looking into the costs/benefits of the CCCASE system to the County.

12. *The state legislature discontinued Property Tax Assessment Program (PTAP) funding.*

The respondent agrees with this finding. At the writing of this response, the County is backfilling the lost funding from the State with local General Fund resources.

Grand Jury Recommendations

1. *Considering the time needed for building appraisal expertise, as well as the current understaffing, the Assessor and the County need to take steps necessary to return the department to the 2003-04 staffing levels of 49, if not higher.*

This recommendation will not be implemented because it is not reasonable. The County has limited resources that must be spread among a number of services provided to the citizens of Butte County. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of limited resources to the Board of Supervisors.

The Assessor's Office is not the only department that experienced staffing reductions in the period between 2002 and 2005. In addition, the State PTAP funding was eliminated last year, as mentioned in the "Findings" section, requiring either a General Fund backfill of \$380,000 each year to the Assessor's Office or a reduction in staffing. To date, the Chief Administrative Officer has recommended providing the backfill of revenue and the Board of Supervisors has approved that recommendation.

In the current fiscal year, 2007-2008, the State is proposing to eliminate Williamson Act subventions also, which would mean either an additional \$650,000 loss to the General Fund or a reduction in the Williamson Act program.

2. *The Assessor and the County should investigate ways to create more advancement opportunities for employees of the Assessor's Office.*

The recommendation needs further analysis. The Chief Administrative Officer will encourage the Assessor to work with the Human Resources Department within the next six months to evaluate options for creating advancement opportunities where appropriate and necessary.

3. *The Assessor and Human Resources should have a mutually agreeable procedure in place to screen and hire new appraisers and auditor/appraisers.*

The recommendation has already been implemented. The Human Resources Department works with Departments on an individual basis to screen applications for positions. This is particularly true where industry expertise is necessary to understand the

qualifications and transferable skills associated with a given position.

4. *The Grand Jury encourages the Assessor to work with the other Megabyte users to exert stronger pressure on the company to deal with problem areas.*

The recommendation has already been implemented. The Megabyte system is used by the County Assessor, Treasurer/Tax-Collector, and Auditor/Controller. All three elected officials have been working with their peers on this issue, but with little success.

5. *The Board of Supervisors should adopt a resolution to raise the current low value property threshold from \$2000 to \$5000 for all properties. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Chief Administrative Officer encourages the Assessor to determine the appropriate action and bring a recommendation to the Board of Supervisors for consideration within the next six months if warranted.

6. *The Board of Supervisors should raise the low value threshold specified for possessory interest use of fairground, convention, and cultural facilities to \$50,000. This is possible through Revenue and Taxation Code Section 155.20.*

The recommendation requires further analysis. The Chief Administrative Officer encourages the Assessor to determine the appropriate action and bring a recommendation to the Board of Supervisors for consideration within the next six months if warranted.

7. *To clear the backlog of mandatory and non-mandatory audits that must be performed by the business division and to remain current in the future,*
 - a. *the Assessor should strongly consider increasing the number of business division auditor/appraisers to 5;*
 - b. *the Assessor should continue the current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated; and*
 - c. *the Assessor should eliminate the practice of using extra CCCASE audit trips as a source of independent income.*

The respondent is unable to comment on this recommendation since it is directed to the Assessor, an elected official with a great deal of autonomy in the performance of his duties. However the Chief Administrative Officer did recommend, and the Board approved, providing additional funding in fiscal year 2007-2008 so that the Assessor can continue his current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated.

As discussed below, in Recommendation #8, the Administrative Office will request cooperation from the Assessor's Office in analyzing the costs/benefits of the County's current level of participation in the CCCASE system.

8. *The Assessor should determine the value of continuing CCCASE participation.*

The respondent is unable to comment on this recommendation since it is directed to the Assessor, an elected official with a great deal of autonomy in the performance of his duties. However the Chief Administrative Officer will request cooperation from the Assessor's Office in analyzing the costs/benefits of participating in the CCCASE system and budget recommendations may be made based on that analysis.

9. *The Assessor should continue, either through a consortium of affected counties or independently, to lobby the State legislature for a renewal of the PTAP funding and for a higher threshold for mandatory business property and fixture audits, raising it from \$400,000 to \$600,000.*

This recommendation has been partially implemented. The Assessor has been working with his association to lobby the State legislature for renewal of the PTAP funding. The Chief Administrative Officer does not know if that lobbying has included requesting a higher threshold for mandatory business property and fixture audits or not.

Human Resources

Grand Jury Commendations

The Grand Jury commends the HR employees for accomplishing a huge volume of work despite crowded facilities and a small staff.

The respondent appreciates the commendation given to Human Resources' staff. The respondent wishes to recognize the staff of the Human Resources Department as well as the thousands of hard-working County employees who provide important public services for Butte County.

Grand Jury Findings

1. *Office space is inadequate for the number of employees in the department.*

The respondent agrees with this finding. The Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *More employees are needed to better meet the needs of the county and to reduce the individual workload.*

The respondent agrees with this finding. The Board of Supervisors, at the fiscal year 2007-2008 budget hearing, approved the allocation of an additional Human Resources Analyst position within the Human Resources Department which will assist the department in meeting its obligations.

3. *HR is able to provide screening, testing, orientation and training for all departments, but the HR staff has been working overtime to accomplish this.*

The respondent neither agrees nor disagrees with this finding. The Chief Administrative Officer does not manage the day to day operations of departments, however the Human Resources Director reports that in addition to having limited staff resources, the department suffered several unexpected vacancies this past fiscal year, which further burdened remaining staff. The filling of these vacancies, as well as the addition of a new position, will assist in alleviating this problem.

4. *Some departments express dissatisfaction with the recruitment process and test questions.*

The respondent agrees with this finding. The respondent has received expressions of dissatisfaction from several departments. In response the respondent has asked the Director-Human Resources to distribute a questionnaires concerning the recruitment and testing process utilized by Human Resources and thereafter make process improvements. The survey was completed last winter. The Director - Human Resources has already made some changes and further improvements are expected in the near future.

Grand Jury Recommendations

1. *The County Administrative Officer should provide additional office space for Human Resources.*

This recommendation is not yet implemented but it will be implemented in the future by the Board of Supervisors. The Board of Supervisors recently approved a Capital Improvement Plan to address the County's aging service infrastructure. This plan includes the development of a new Administrative Building and other facilities to address the space issues throughout the County. A master plan to guide development of the County campus in Oroville, where Human Resources is located, will be undertaken in fiscal year 2007-2008.

2. *The County Administrative Officer should increase staffing levels to the median level of one HR employee per 125 county employees.*

This recommendation will not be implemented at this time but may be implemented in the future. The County has limited resources that must be spread among many County services. Each year, during budget deliberations, the Administrative Office works with departments to recommend the best use of the limited resources to the Board of Supervisors who determines staffing levels in all departments.

3. *HR needs to establish effective communication with county departments regarding test questions and the recruitment process.*

This recommendation has been partially implemented. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input on the recruitment and testing processes utilized by Human Resources. The responses received were candid and very helpful in identifying areas where improvement is necessary. In

addition, the Director-Human Resources and Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options for streamlining the process. This will remain an on-going effort to enhance communication and satisfaction with the recruitment process.

This concludes the response of the Interim Chief Administrative Officer to areas within the Grand Jury Report for fiscal year 2006-2007 where they sought comments from the Chief Administrative Officer.

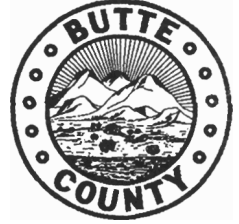
Sincerely,

A handwritten signature in black ink, appearing to read "Starlyn Brown", written over a light gray rectangular background.

Starlyn Brown
Interim Chief Administrative Officer

Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR



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ADMINISTRATION * BUILDING * PLANNING

July 31, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Response to the 2006-2007 Grand Jury Final Report

Dear Judge Howell:

Pursuant to Penal Code Sections 933 and 933.5, the Department of Development Services (DDS) hereby submits its response to the findings and recommendations of the Grand Jury's 2006-2007 Final Report.

FINDINGS

1. *The County Board of Supervisors has not implemented the recommendation of the 2004-05 Grand Jury that protection from coercion by members of the Board be extended to include all county employees and that the definition of coercion be expanded.*

The respondent does not agree or disagree with this finding. This finding pertains to the Board of Supervisors and not specifically the Department of Development Services. Development Services provides no response to this item.

2. *The Director of the DDS has been working with the Board of Supervisors to update ordinances related to the implementation of the Agricultural Element of the General Plan.*

The respondent agrees with this finding. The County had lacked an ordinance addressing one of the programs in the General Plan Agricultural Element as adopted in 1995. Development Services presented reports for the Planning Commission and Board of Supervisors to clarify the applicability of the Agricultural Buffer requirement as outlined in Program 2.2 of the Agricultural Element of the General Plan. At the direction of the Board of Supervisors, Development Services also prepared an ordinance for consideration. The Board approved the Agricultural Buffer Setback ordinance in February 2007.

3. The Agriculture Building Exemption is inconsistent with the Uniform Building Code. Abuse of this exemption deprives the county of revenue and also creates the risk that unsafe buildings may be constructed.

The respondent agrees with this finding. For many years, the County has processed an Agricultural Building Exemption. The Department of Development Services presented this issue to the Board of Supervisors for discussion and direction on March 27, 2007.

4. The method of collecting school impact fees for building permits is inefficient; it does not demonstrate good customer service on the part of either the DDS or the school districts.

The respondent agrees with this finding. There are eight school districts that collect school fees. Each district has their own form to complete at the Department of Development Services front counter then the applicant pays the fee at the respective school district office. This office may be as close as Oroville or as far away as Marysville, depending on district location. Currently, the applicant pays the fee at the district office and then returns to DDS with proof of payment in order to obtain the building permit.

5. The Current Planning Division has a backlog of development applications, requiring individual planners to carry a caseload of 25 to 40 projects. Additional job responsibilities, such as working at the public counter, contribute to this backlog.

The respondent agrees with this finding. The Department of Development Services has experienced a high level of planning project workload with a range of complexity for several years.

RECOMMENDATIONS

1. The Board of Supervisors should implement the 2004-05 Grand Jury recommendation regarding coercion.

This recommendation is directed at the Board of Supervisors and is not within the authority of the Department of Development Services.

2. The Director of Development Services, Agriculture Commissioner and the Board of Supervisors should continue to identify and update unclear ordinances, especially those that are inconsistent with the General Plan or expose the county to liability.

This recommendation has been implemented. Development Services presented a report to the Board of Supervisors on June 26, 2007 requesting clarification on four aspects of the Agricultural Buffer Setback ordinance (as adopted on February 13, 2007) and related issues. Development Services received clear direction from the Board of Supervisors and posted a summary of that direction on the departmental website. Part of the action on June 26, 2007 was the Board's adoption of a resolution modifying the applicability exhibit (map) of the Agricultural Buffer Ordinance.

One of the requirements of the Agricultural Buffer Ordinance is to prepare buffer guidelines. The Agricultural Commissioner's Office will be leading the preparation of those guidelines. It is expected those guidelines will take a year to prepare a draft version.

Development Services with Public Works presented a list of code improvements for discussion and direction at the July 10, 2007 Board of Supervisors meeting. Development Services included 24 items for direction. Staff included a basic priority ranking of Pre-General Plan and General Plan 2030 as the timeframe for each item. Development Services received direction to work on 13 of the 24 items as a Pre-General Plan priority meaning this is work in advance of the September 2009 Butte General Plan 2030 completion timeframe.

3. The Board of Supervisors needs to reconsider the Agriculture Building Exemption needs to be reconsidered in the context of the Uniform Building Code.

This recommendation has been partially implemented. The Board of Supervisors considered this issue at its March 27, 2007 meeting and directed staff to bring back revisions consistent with the Uniform Building Code. Development Services will make a presentation to the Board of Supervisors on August 28, 2007 with recommendations for Agriculture Building requirements. Development Services has also met with the Butte County Farm Bureau and representatives from the Cattlemen's Association to receive public input on this program.

4. The Director of Development Services should meet with each superintendent of the county school districts to discuss the merits of having the DDS office collect their building permit fees and to exchange whatever technical information is needed to implement this proposal. The cost of implementing this program should reflect the actual administration cost to DDS.

The recommendation has not yet been implemented, but will be implemented in the future. There are eight school districts that Development Services refers the payment of school fees to the appropriate school district office. Those districts are Biggs Unified School District, Chico Unified School District, Durham Unified School District, Gridley Unified School Dist, Marysville Joint Unified School District, Oroville Elementary School District, Oroville Union High School District, and Paradise Unified School District.

The Development Services Director met with the Superintendent of the Thermalito School District recently to discuss Butte County General Plan 2030. As a follow up, the Development Services Director will contact the School Districts representatives and discuss this recommendation, as well as Butte County General Plan 2030 within six months. The County also expects to update its fee ordinance in 2008 and this may present an opportunity for additional coordination of fee collection process between the County and the school districts.

5. The Director of Development Services should direct resources toward reducing the response time on active applications.

The recommendation has been partially implemented. Development Services has worked with the Development Services Users' Group (Consultants, Contractors, Contractors Association Representative, Building Industry Association and other interested parties) to establish a forum for identifying deficiencies and problem areas, created forms on Trakit (an electronic permitting system) that help with response time, clarified the agricultural buffer requirements and improved information on the Departmental website. In conjunction with the Department of Public Health, Environmental Health Division, Development Services has also implemented a process to facilitate concurrent processing of project applications in both departments, saving applicants several months to two years of processing time .

Development Services presented a number of code improvement items for the Board of Supervisors consideration on July 10, 2007. The items prioritized for action prior to completion of the General Plan 2030 include, but are not limited to, the following:

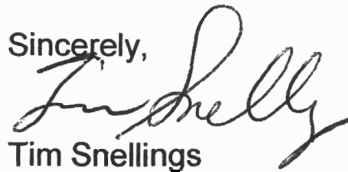
- The Department will evaluate current hearing processes to identify efficiencies;
- The Department is developing a proposal for a new Zoning Administrator provision to facilitate the processing of lower-level project decisions;
- Bring to the Board of Supervisors for consideration an amended fee ordinance allowing applicants the option of County-retained consulting services to assist with processing for any project;
- General Plan and Zoning Code changes to consider allowing lots smaller than 6,500 square feet in residential zones; and

- Bring to the Board of Supervisors for consideration revisions to the flex-lot ordinance that would allow processing a subdivision even if the entire site is constrained by the 100-year flood zone. (Currently, a standard subdivision can be proposed in the 100-year flood zone. In any case the house must be elevated above the flood zone and equal flood water capacity is required for any fill in the flood zone.)

Additionally, the Department is recruiting for an existing vacant Assistant/Associate Planner and a newly authorized Senior Planner position. The Department will continuously evaluate existing systems for improvements to processing and response times.

This concludes the response to the Department of Development Services portion of the 2006-2007 fiscal year Grand Jury Report.

Sincerely,



Tim Snellings
Director

cc: Starlyn Brown, Interim County Administrator



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

HUMAN RESOURCES DEPARTMENT

County Administration Building

25 County Center Drive

Oroville, California 95965-3387

Tel: (530) 538-7651 x Fax: (530) 538-7790

Recruitment Hotline Tel: (530) 538-7653

Date: August 17, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: **Response to the FY 2006-2007 Grand Jury Final Report**

Dear Judge Howell:

In accordance with Penal Code Sections 933 and 933.5, the Human Resources Director submits the following response to the findings and recommendations of the Grand Jury's Final Report for FY 2005-2006 pertaining to the Department of Human Resources:

HUMAN RESOURCES

Grand Jury Findings

1. *Office space is inadequate for the number of employees in the department.*

The respondent agrees with this finding. An additional position was added last year to the HR staff and an additional office created out of a portion of the training room, thereby reducing the number of people who can be in the training room at any one time. The Board added another Human Resources Analyst to the HR department's allocations for FY 07-08, for which the Director-Human Resources is very grateful, but with the number of files, meetings, equipment and people all situated in the department space has become limited.

2. *More employees are needed to better meet the needs of the county and to reduce the individual workload.*

The respondent agrees with this finding. The Board of Supervisors, at the fiscal year 2007-2008 budget hearing, approved the allocation of an additional Human Resources Analyst position within the Human Resources Department which will assist the department in meeting its obligations. If the department expands into offering more trainings or providing increased services, however, additional staff will be necessary.

3. *HR is able to provide screening, testing, orientation and training for all departments, but the HR staff has been working overtime to accomplish this.*

The respondent agrees with this finding. In addition to being understaffed in general, the department suffered several unexpected vacancies this past fiscal year, which added an additional burden to remaining staff. The filling of these vacancies, as well as the addition of a new position, will assist in alleviating this problem.

4. *Some departments express dissatisfaction with the recruitment process and test questions.*

The respondent agrees with this finding. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input concerning the recruitment and testing process utilized by Human Resources. The responses received were candid and very helpful in identifying areas where Human Resources can improve the service being provided in this respect. In addition, the Director-Human Resources and/or Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options that could assist them. The survey and the individual meetings have been invaluable. Areas addressed include the timeliness of the process, minimum qualification screening, the development of tests and test questions, and the interview and selection process. Some changes have already been made including the incorporation of department representatives in the minimum qualification screening process. As a result of a comprehensive review of the process, the Human Resources Department anticipates further changes commencing in October 2007. Examples of anticipated changes include, but are not limited to the following:

- ▶ Establishment of an electronic form for use in requesting an eligibility list
- ▶ Electronic generation of eligibility lists and applications to requesting departments (as opposed to paper copies only)
- ▶ Production of a mid-month supplemental flyer
- ▶ Implementing online applications whose information will be able to interface with existing payroll program
- ▶ Advertising written and oral exam test dates in the flyer (rather than waiting until after the recruitment has closed)
- ▶ Where appropriate, creating Training and Education (T & E) Tests for submission at the time of application; the results of which can be used to establish eligibility lists more quickly
- ▶ Establishment of an oral board rater pool for ease in creation of oral panels
- ▶ Creating regular recruitment schedules for identified positions rather than waiting for vacancies
- ▶ Establishing a 14-day turnaround for generation of lists once the recruitment has closed

Grand Jury Recommendations

1. *The County administrative Officer should provide additional office space for Human Resources.*

This recommendation is directed at the County Administrative Officer. The respondent does not have the authority to implement the recommendation.

2. *The County administrative Officer should increase staffing levels to the median level of one HR employee per 125 employees.*

This recommendation directed at the County Administrator Officer. The respondent does not have the authority to implement the recommendation.

3. *HR needs to establish effective communication with county departments regarding test questions and the recruitment process.*

This recommendation has been partially implemented. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input on the recruitment and testing processes utilized by Human Resources. The responses received were candid and very helpful in identifying areas where improvement is necessary. In addition, the Director-Human Resources and Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options for streamlining the process. The survey and the individual meetings have been invaluable. Areas addressed include the timeliness of the recruitment process, minimum qualification screening, the development of tests and test questions, and the interview and selection process. Some changes have already been made including the incorporation of department representatives in the minimum qualification screening process and working with departments to review the appropriateness of existing test questions. This will remain an on-going effort to enhance communication and satisfaction with the recruitment process.

THE BUTTE COUNTY ASSESSOR

Grand Jury Findings

1. *The Appraiser's Office is understaffed, particularly in the business division.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

2. *A great many experienced appraisers within the Assessor's Office will be eligible for retirement within the next 10 years. It takes considerable time for an appraiser to build expertise.*

The respondent agrees with this finding. Of the 21 employees occupying classifications in the appraising series (Assessor, Assistant Assessor, Senior Auditor-Appraiser, Auditor-Appraiser, Senior Property Appraiser, Property Appraiser, Property Appraisal Specialist, Supervisor Appraiser, Principal Property Appraiser, Supervisor Auditor-Appraiser), 76% are vested and either eligible to retire now or will be in the next ten years.

3. *Morale is high within the department despite a heavy, time-driven workload and understaffing. There is very little staff turnover.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment with the exception that there is little turnover in the department.

4. *Many employees are at their top salary steps with no higher classifications available. While the policy of the Assessor is to promote from within the department, supervisor positions are few and rarely become available.*

The respondent agrees with this finding. Of the entire staff, 33% of employees are at step 7 (top step), 33% at step 6, 13% at step 5, 8% at step 4, 10% at step 3, none at step 2, and 5% at step 1. As in all departments, there are a limited number of supervisory positions that are appropriate to be allocated and/or available to interested parties. Currently, in the

Appraiser related series there are 3.5 staff to each supervisor or manager which would indicate the number of supervisors is appropriate if not on the heavy side.

5. *The Assessor is concerned that with current Human Resource procedures, qualified applicants for entry-level appraiser positions may never make it to interview lists.*

The respondent disagrees with this finding. As with any department, the recruitment process is a joint venture between the department requesting recruitment services and Human Resources Department staff. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals, including the Assessor and two others within the department, seeking input on the recruitment and testing processes utilized by Human Resources. The Assessor's Office responded and since then meetings have been held with the Assessor and representatives to arrive at mutually agreeable approaches to the difficulties previously perceived. As is standard practice, department designees are being involved in the minimum qualification screening process and have worked closely with Human Resources staff to re-work test questions.

6. *The Assessor has effectively upgraded the technology in his department; however the department still faces problems with Megabyte Systems including product changes, tech support, and inadequate training.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

7. *BOE has indicated that all possessory interests involving the Butte County Fairgrounds in Gridley and the Silver Dollar Fairgrounds in Chico are not being enrolled. The Grand Jury finds that the cost of valuing fairground PI's would be more than the tax revenue generated.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

8. *By having a large and growing backlog of mandatory audits, butte County is out of compliance with Revenue and Taxation Code section 469.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

9. *The county participates in CCCASE to handle audits for those companies with the corporate headquarters out-of-state but doing business within California. The quality of CCCASE audits performed by other counties for Butte County varies in a range from excellent to worthless.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

10. *The Assessor has been using his business division to conduct extra CCCASE audit trips to generate independent revenue for the county. The expenses of these trips cost the county more than the revenue generated.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

11. *While CCCASE trips taken by Butte County staff may or may not include some Butte County locations, most of the time is spent doing work for other counties. The time lost by doing additional CCCASE trips means less time is available for conducting local business audits that are currently due, as well as eliminating the backlog.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

12. *The state legislature discontinued PTAP funding.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

Grand Jury Recommendations

1. *Considering the time needed for building appraisal expertise, as well as the current understaffing, the Assessor and the County need to take steps necessary to return the department to the 2003-04 staffing levels of 49, if not higher.*

This recommendation requires further analysis. Succession planning is an issue needing to be addressed within the County as a whole. Currently in the United States there are approximately 77 million Baby Boomers nationwide (people born between 1946 and 1964) with the youngest person of this generation being only 7 years from eligibility to retire. Currently about 40% of the Boomer population is over the age of 60, which means that an even larger number is either approaching the legal retirement age of 50 or is already past it. The generation following the Boomers, generation X, consists of approximately 45 million individuals, the youngest of whom is now 27. For the next 12 to 15 years it is estimated that there will be a 24% gap between the expected number of available positions in the US and the people to fill them based on these statistics.

Considering that the next generation of available candidates for jobs will be significantly less than we are used to seeing as an employer, Butte County must begin preparations for the transfer of institutional knowledge that will leave the workforce as people retire. Currently, the median age of Butte County workers is 46 and 39% of our workers are over the age of 50 with an additional 14% who will turn 50 in one to five years and therefore be eligible to retire. This means that within a mere five years the County as a whole could see a huge gap between its continued need to deliver reliable services and its ability to do so based on the loss of history and skills possessed by its long term employees.

In order to plan effectively, all County departments must be subject to a comprehensive workforce analysis. Funding has been included in fiscal year 07-08 HR budget to conduct a comprehensive succession planning analysis for implementation in fiscal year 08-09 which will include the Assessor's Office.

2. *The Assessor and the County should investigate ways to create more advancement opportunities for employees of the Assessor's Office.*

This recommendation requires further analysis. It is safe to say that the County supports the establishment of internal advancement opportunities in all its departments, but a careful review of actual department need is critical as well. Currently, there is a range of classifications in the Assessor's office from entry to journey, advanced journey, senior advanced journey, lead, supervisory, and management which is a reasonable span through any classification series. Additionally, the County recently undertook a comprehensive

classification and compensation study that helped in determining appropriate career ladders in each department.

3. *The Assessor and Human Resources should have a mutually agreeable procedure in place to screen and hire new appraisers and auditor/appraisers.*

This recommendation has been implemented. As with any department, the recruitment process is a joint venture between the department requesting recruitment services and Human Resources Department staff. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals, including the Assessor and two others within his department, seeking input on the recruitment and testing processes utilized by Human Resources. The Assessor's Office responded and since then meetings have been held with the Assessor and representatives to arrive at mutually agreeable approaches to the difficulties previously perceived by the department. As is standard practice, department designees are being involved in the minimum qualification screening process and have worked closely with Human Resources staff to re-work test questions. With this channel of communication opened, it is the opinion of the respondent that a cooperative planning process has already be established and will continue to evolve over the coming year.

4. *The Grand Jury encourages the Assessor to work with the other Megabyte users to exert stronger pressure on the company to deal with problem areas.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *The Board of Supervisors should adopt a resolution to raise the current low value property threshold from \$2000 to \$5000 for all properties. This is possible through Revenue and Taxation Code Section 155.20.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

6. *The Board of Supervisors should raise the low value threshold specified for possessory interest use of fairground, convention, and cultural facilities to \$50,000. This is possible through Revenue and Taxation Code Section 155.20.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

7. *To clear the backlog of mandatory and non-mandatory audits that must be performed by the business division and to remain current in the future,*
 - a. *The Assessor should strongly consider increasing the number of business division auditor/appraisers to 5;*
 - b. *The Assessor should continue the current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated; and*
 - c. *The Assessor should eliminate the practice of using extra CCCASE audit trips as source of independent income.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

8. *The Assessor should determine the value of continuing CCCASE participation.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *The Assessor should continue, either through a consortium of affected counties or independently, to lobby the state legislature for a renewal of the PTAP funding and for a higher threshold for mandatory business property and fixture audits, raising it from \$400,000 to \$600,000.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

THE BUTTE COUNTY AUDITOR-CONTROLLER

Grand Jury Findings

1. *The Auditor-Controller has adjusted his behavior to spend more time in the office.*

The respondent neither agrees nor disagrees with this finding. The Director-Human Resources is not in daily contact with the Auditor's department and has no personal knowledge regarding his daily attendance.

2. *The Auditor-Controller appears to making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.*

The respondent neither agrees nor disagrees with this finding. The Director-Human Resources is not in daily contact with the Auditor-Controller and therefore has no personal knowledge regarding his daily interactions with staff.

3. *Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as a result of cultural conditioning.*

The respondent neither agrees nor disagrees with this finding. No complaints of gender bias have been received by the Director-Human Resources; however, it should be noted that whether gender bias exists due to cultural conditioning or not, it is not acceptable in the workplace.

4. *Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.*

The respondent neither agrees nor disagrees with this finding. No complaints of gender bias have been received by the Director-Human Resources; however, on October 16, 2006 in response to an anonymous letter received by the Chief Administrative Officer complaining about the work environment in department, the Director-Human Resources sent each employee of the Auditor-Controller's Department a personal memo inviting them to come forward in a confidential manner to share any complaint or observations they may have concerning retaliation. Only three responses were received, each of which was in support of the Auditor.

5. *Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department and therefore has no direct knowledge regarding this finding.

6. *Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department and therefore has no direct knowledge regarding this finding.

7. *A minimal amount of cross-training is being done.*

The respondent neither agrees nor disagrees with this finding. The Director- Human Resources is not in daily contact with the Auditor-Controller and/or his staff and its functions therefore has no personal knowledge regarding this finding.

8. *Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.*

The respondent partially agrees with this finding. The respondent agrees only to the extent that Human Resources is exploring the feasibility of developing an expanded training program for supervisors and managers Countywide; however, without the additional staff and resources associated with such a program it simply is not feasible for Human Resources to provide more trainings than it already does. The Human Resources Director, Assistant Director, and Principal Analyst provide regular, advertised training every year on Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect & Professionalism (non-discrimination), Grievance & MOU Administration, and Sexual Harassment Prevention. During fiscal year 06/07, in the nine-month period in that these trainings were offered, 180 hours of management-related training was provided Countywide by staff of the Human Resources Department. The Human Resources Analysts provide additional training in Oral Interview Skills for Managers and Promotion & Transfer Tips. It is the observation of the Director- Human Resources that these offered trainings can be successful only to the degree that people take advantage of them.

In fiscal year 06-07 eleven of the Auditor's 35 employees took advantage of Human Resources provided trainings outlined above. Of these eleven employees, three were management/supervisory staff and the only classes attended by these three individuals consisted of Oral interview Skills for Managers, Promotion & Transfer Tips, and Managing Absenteeism.

All management, supervisory and lead staff in the Auditor's Department have been provided the Sexual Harassment Prevention training as mandated by AB 1825. In addition, the Director- Human Resources and Chief Deputy County Counsel provided training in Respect and Professionalism (non-discrimination and sexual harassment prevention) for all staff of the Auditor's Department in May 2006.

9. *The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

10. *The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor-Controller's Office to do its job.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

11. *The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

12. *The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

13. *The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.*

The respondent agrees with this finding.

14. *The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.*

The respondent agrees with this finding.

15. *The Auditor Committee has developed by-laws and has minutes of meetings available.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in this committee and therefore has no direct knowledge regarding this finding.

16. *Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit committee meetings were not routinely sent until requested by the Grand Jury.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in this committee and therefore has no direct knowledge regarding this finding.

1. *The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

2. *The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

3. *The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

4. *The Auditor-Controller should implement cross-training in those sections that are not currently doing so.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *Human Resources should plan and implement management communication skill workshops for supervisors at all levels in all departments.*

The recommendation has been implemented. The Human Resources Department already provides regular, on-going training in Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect & Professionalism (non-discrimination), Grievance & MOU Administration, and Sexual Harassment Prevention. The Human Resources Analysts provide additional training in Oral Interview Skills for Managers and Promotion & Transfer Tips. These trainings are very well attended Countywide. In fiscal year 07/08 arrangements have been made to provide on-site training to staff in Child Support Services in all the subjects covered (August/September 2007) and arrangements are being explored to do the same for Employment and Social Services (to be determined). These trainings will be in addition to the regularly scheduled workshops provided through the year. It should be noted, however, that simply providing more training opportunities does not guarantee that staff will attend, or if forced to attend that they will appropriately assimilate the information for future use. A training program can only be as good as individuals are willing to avail themselves of the information provided.

6. *Human Resources should plan and implement workshops, which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.*

The recommendation has been implemented. The Human Resources Department currently offers both training in respect & professionalism on the job (includes non-discrimination) and sexual harassment prevention both of which address the subtleties of gender bias. In addition, with the exception of the Auditor-Controller who was unable to attend, the entire Auditor-Controller's Department staff was provided a two-hour training in respect and professionalism, addressing this issue, on May 18, 2006 and May 24, 2006. Any

staff member failing to understand and/or apply the principles of the trainings offered becomes an issue of performance management.

7. *Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.*

The recommendation has been implemented. In addition to the special training provided all Auditor Department staff in May 2006 which addressed this issue in depth, Human Resources provides this training at new hire orientation and to all management/supervisory/lead staff on a regular basis in compliance with AB 1825 in addition to the Respect & Professionalism workshop made available to all County employees. Human Resources cannot control whether or not individuals choose to attend the offered trainings or whether they choose to adhere to the principles taught at these trainings.

8. *The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

10. *The CAO should inform the Grand Jury of all meetings of the Audit Committee.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

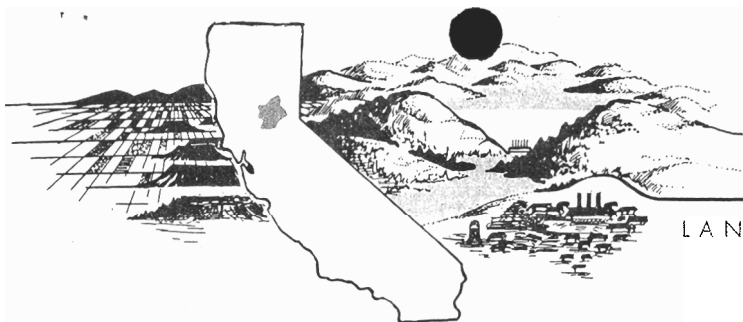
This concludes the response of the Human Resources Director to areas within the Grand Jury Report for fiscal year 2006-07 where they sought comments from the Director.

Sincerely,



Jeanne Gravette
Director-Human Resources

cc: Starlyn Brown, Interim Chief Administrative Officer



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

BUTTE COUNTY LIBRARY HEADQUARTERS

1820 MITCHELL AVENUE
OROVILLE, CALIFORNIA 95966-5387
TELEPHONE: (530) 538-7525
FAX: (530) 538-7235

Derek E. Wolfgram
Director

July 26, 2007

The Honorable Steven J. Howell
Butte County Superior Court
One Court Street
Oroville, CA 95965

RE: Response to Final Report of the 2006/2007 Butte County Grand Jury

Dear Judge Howell:

Pursuant to Section 933 and 933.05 of the California Penal Code, the Butte County Library Director responds to the findings and recommendations of the 2006/2007 Grand Jury's Final Report with the attached document.

Sincerely,

Derek Wolfgram
Library Director

Enclosure

Grand Jury Commendations

1. *The Grand Jury commends the staff and volunteers at all the branch libraries for their commitment to providing library services to the citizens of Butte County, despite insufficient funding.*

The respondent appreciates the commendation given to the Library's staff and volunteers for demonstrating professionalism, flexibility, and a dedication to public service.

2. *The Grand Jury commends the cities of Gridley and Chico for providing additional funding to their libraries.*

The respondent appreciates the commendation given to these cities for their financial commitment to enhance Butte County Library services for city residents. The respondent additionally commends the City of Biggs for providing a facility from which the Library can provide services in that community.

3. *The Grand Jury commends the five FOL organizations and the BCLAB for providing major support, money and time to the library system.*

The respondent appreciates the commendation given to Friends of the Library Groups and the Library Advisory Board. These citizen volunteers contribute tremendously to the financial health of the Library and the awareness of library services in the various communities throughout Butte County.

Grand Jury Findings

1. *Although it has now been corrected, in the past, money raised by the Gridley FOL was used to fund extra hours for a part-time position.*

The respondent partially disagrees with this finding. In the past the Gridley Friends of the Library (FOL) donated money to the County for the specified purpose of providing funds for part-time extra help at the Gridley Branch of the Butte County Library. The Gridley FOL no longer makes any donations for extra help, but instead makes donations for books or other items and the donations are used accordingly. All donations made to the Library are tracked and used for the purpose stated by the donor.

2. *There is a lack of overall funding for the Butte County Library system. The county is relying on FOL monies to supply some of the basics.*

The respondent partially disagrees with this finding. During the fiscal year 2007-2008 budget hearings the Board of Supervisors increased funding for the Library by \$491,145, including \$194,914 beyond that which was required to maintain current services. This additional funding will be used to hire staff and increase service hours at all six of the County's Library Branches.

Support from the Friends of the Library groups, which accounts for less than three percent of the Library budget, enhances County Library services. This valuable support contributes to the overall level of service provided by the Library.

3. There is demand for increased hours of operation.

The respondent agrees with this finding.

4. The six branch libraries do not have individual discretionary budgets.

The respondent agrees with this finding. Library budgets have historically been developed and expended on a Countywide basis to make the most efficient use of limited funds. Only nine percent of the entire County Library's budget could be considered discretionary, since 91% goes to salaries, internal service charges, and support services from other County departments. However, branch discretionary budgets for some expenses are built into the Library budget for fiscal year 2007-08.

5. There are limited opportunities for communication among the branch librarians.

The respondent partially disagrees with this finding. The respondent agrees that in the past there was limited opportunity for communication among the branch librarians. To remedy this situation, the Library Director implemented bi-weekly meetings of the Library Leadership Team beginning in January 2007.

6. The library facilities are deteriorating.

The respondent agrees with this finding. Library expansions and remodeling projects are included in the recently approved Capital Improvements Plan to address the County's aging infrastructure. While Library projects are not currently scheduled until 2015, community contributions could allow Library building improvements to begin sooner.

In addition to large capital budget needs the County is addressing maintenance needs. During the fiscal year 2007-2008 the Board of Supervisors budgeted funds to replace the flooring in the Oroville Branch as well as the flooring in the Chico Branch Conference Room.

7. The roof leaks and mold damage at the Gridley Library took over two years to resolve.

The respondent agrees with this finding. However, the General Services Director reports that although the resolution took two years, the problem was addressed promptly. A number of professional roofing contractors were utilized to solve the problem, but failed. Ultimately County staff identified and resolved the problem.

8. *The Biggs Library building is not owned by the county, is in poor condition without restroom facilities, and is not ADA accessible.*

The respondent agrees with this finding. The Biggs Branch of the Butte County Library is owned by the City of Biggs and leased to the County at essentially no cost in order that Library services are provided in the community. This facility, while not ideal, does allow for Library services to be provided in the City of Biggs. The City recently approached the County in order to provide Library employees and patrons access to a restroom as well as to discuss other City facilities that may be available for use by the Library. The Gridley Branch of the Butte County Library, located less than five miles from the Biggs Branch, provides an alternative that is fully accessible in addition to being open more hours.

9. *Handicapped parking access is a problem at the Paradise Library.*

The respondent agrees with this finding. The handicapped parking spaces at the Paradise Branch are not level, and the remainder of the parking lot is also sloped. The County's General Services Director reports that the General Services department will assess the problem and develop a solution in the context of accessibility needs throughout the County.

10. *The Library Strategic Plan is six years old and is currently in the process of being updated.*

The respondent agrees with this finding.

11. *The Board of Supervisors needs a clearer understanding of Butte County library issues.*

The respondent disagrees with this finding. The Board of Supervisors unanimously voted to approve an additional General Fund appropriation to support expanded Library staff and hours in 2007-08. This action proactively addressed the funding shortfall and demonstrated an understanding of the key issue facing Butte County Library: limited resources. The respondent intends to continue to provide members of the Board of Supervisors with additional information about the community impacts of Library services as the Library revises its strategic plan in the year ahead.

Grand Jury Recommendations

1. *The county should not use FOL money to fund routine operating expenses.*

The recommendation will not be implemented because it is not reasonable. The Library has effective partnerships in place with the Friends of the Library groups. The existing combination of public and private funding streams for Library expenses allows for Library services to be enhanced beyond what is available simply from County and State funds. Friends of the Library donations to the Library amount to less than

three percent of the Library budget and are earmarked by the Friends for specific purchases, such as books, furniture, equipment, or extra help salary support. These gifts are used to enhance, and not supplant, existing public funds. While Friends money and County general fund money are often used for complementary, or even identical purposes, the Library does not adjust its planned and budgeted expenses in order to "take advantage" of Friends contributions. No Friends of the Library gift is now or will in the future be used for purposes or locations other than what the Friends specify when they donate the funds.

2. To provide increased funding of libraries, the Butte County Library Director and the Board of Supervisors need to investigate other sources of income, as follows:

a. Reconsider the proposal of a one-eighth (1/8) cent sales tax increase through a ballot measure to be voted on by the citizens of Butte County.

This recommendation is directed to the Board of Supervisors. The respondent does not have the authority to place a sales tax measure on the ballot. However, it should be noted that the Board of Supervisors chose not to place a measure on the ballot on February 14, 2006.

b. Pursue grant opportunities aggressively.

The recommendation has been implemented. The Library has pursued grant opportunities aggressively, and it will continue to do so. The Library Director reviews available grant funds weekly through eCivis, the Foundation Center, the Library Grants blog, the California State Library and other sources. The Library recently received \$55,000 over three years from First 5, as well as \$25,000 for the 2007-08 fiscal year from the California State Library, to support the Early Learning with Families and Families for Literacy initiatives. The Library is also awaiting the outcomes of several additional applications, including one to the AT&T Foundation to provide wireless internet access in library buildings. While many grant programs support expansion projects or new initiatives, they rarely provide funding for routine operating expenses, and most grant makers do not fund applications to supplant local government funding. As a result, grants will always play a small but important role in the funding of the Butte County Library.

c. Partner with cities in Butte County to implement library impact fees.

This recommendation is directed to the Board of Supervisors. However it is the understanding of the respondent that the Board of Supervisors, at its July 10, 2007 meeting, adopted the third and final piece of the development impact fees and that by September 2007 the County will formally request that each city and town in the County adopt Library and other countywide impact fees.

d. Apply for state library bond money, when available.

This recommendation has been implemented to the degree possible. State library bond money is not currently available. California Senate Bill 156, the California Reading and Literacy Improvement and Public Library Construction and Renovation Act of 2008, sponsored by Senator Joe Simitian, has not been brought forward from the Senate Appropriations Committee for a vote by the full Senate. The respondent will continue to monitor the status of the bill. A new library strategic plan, in combination with the County's Capital Improvements Program, will provide much of the content for the application process for state bond funds when and if it becomes available.

Additionally, it should be noted that the Board of Supervisors allocated \$194,914 in additional General Fund dollars during the 2007-08 budget hearings to expand staff and hours at all six branch locations. The new service hours will begin in October 2007.

3. The Butte County Library budget should allocate discretionary funds to each individual branch library.

The recommendation has been partially implemented. With 72 percent of its 2007-08 budget dedicated to salaries and benefits and 19 percent allocated to internal service funds and support services from other County departments, the Library as a whole has very little discretionary funding. Six percent of the budget goes to purchase books and other materials, leaving three percent for all other expenses.

For the 2007-08 budget year, budgets for books and extra help staffing were developed by allocating funds to each branch with the intent to provide branch librarians with maximum flexibility within the constraints of budget limitations. By the end of September 2007, the Library Leadership Team (see response to recommendation 4 below) will determine whether branch discretionary office supply budgets would serve the branches better than the current integrated purchasing of supplies for the entire system.

4. The Butte County Library Director should provide increased opportunities for branch personnel to network through regular meetings, workshops and conferences.

The recommendation has been implemented. Beginning on January 17, 2007, the Library Leadership Team has met biweekly, including the Director, Senior Administrative Assistant, and representatives from all branches, the literacy program, and technical services. These meetings have included team building, opportunities to share training, collaborative decision making about policies and procedures, and discussions of how to strategically spend money. From the beginning, these meetings have focused on systemwide approaches to problem solving rather than each branch working in isolation.

In addition, a number of ad hoc work groups have been created and empowered to work on the Library's web site, strategize publicity and public relations efforts, implement changes to circulation procedures and technologies, and develop systemwide coordinated programming of library events. Each of these groups includes staff from a variety of locations and job classifications throughout the Library system.

The 2007-08 budget includes targeted increases for staff development, including opportunities for staff to attend conferences. It also supports professional membership dues for staff in order to improve networking not only with other Butte County Library staff, but also within the library profession as a whole. In addition, each supervisor's performance evaluation for the current year includes the following goal: "Take advantage of relevant professional development opportunities for yourself, as well as encouraging the same for your staff, and share what you learn with other Library colleagues as appropriate."

5. Facilities Services should address major maintenance issues in a timely manner.

The respondent is unable to respond to this recommendation. This recommendation is directed at the General Services Director. The General Services Director reports that major maintenance issues are currently addressed in a timely manner within the confines of staffing, budget and complexity of the issues.

6. The Butte County Library administration should work with the City of Biggs to locate an appropriate facility for the Biggs Library.

The recommendation requires further analysis. The City Manager of Biggs has provided a key to the restroom, located on the lower level of the building occupied by the Library, for staff and customer use. Because of the condition of the stairs, people must go outside and enter the building through a different external door. However, access to a restroom within the building is a very positive development.

The City of Biggs has identified other potential City-owned facilities where a library might be located, and County officials will tour these facilities by September 2007. The respondent hopes to secure a space that is centrally located, ADA-accessible, well maintained, larger than the current facility, and includes updated technology infrastructure. Any existing facility is likely to require some remodeling, which may render a relocation cost-prohibitive, but the Library Director is hopeful that an agreement for a more suitable facility can be reached.

7. ADA compliance issues at identified branches need to be resolved.

The respondent is unable to respond to this recommendation. This recommendation is directed at the General Services Director. However, the respondent understands from the General Services Director that a list of ADA issues, including those at the Library, is being compiled and will be prioritized based on risk and cost.

8. The Butte County Library Advisory Board should complete the update of the Library Strategic Plan.

The recommendation is directed at the Library Advisory Board. However, the desired outcome of the recommendation will be implemented by June 2008. The

respondent assumes primary responsibility for implementing the recommendation, with the assistance of the Library Advisory Board.

The Library Strategic Plan will be a valuable document for making budget allocations, focusing staff time and energy, identifying necessary operational changes, and assessing training and fundraising needs. The Library Advisory Board should play a significant role in the development of the strategic plan, but the Library Director is ultimately responsible for the development and implementation of such a plan. The intent of the Library Director is to complete a plan by the end of the current fiscal year.

9. A member of the Board of Supervisors should serve as a liaison to the Butte County Library Advisory Board.

The respondent is unable to respond to this recommendation. The respondent does not have the authority to implement this recommendation.



GENERAL SERVICES DEPARTMENT

INTEROFFICE MEMORANDUM

RICH HALL
Director – General Services
rhall@buttecounty.net
Telephone: (530)-538-7064
Fax: (530)-538-6760

July 31, 2007

Hon. Steven J. Howell, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
1 Court Street
Oroville, CA 95965

Dear Judge Howell:

This memorandum contains my responses to the findings and recommendations contained in the Final Report of the 2006-07 Grand Jury. To my knowledge, the only section requiring response from the General Services Department is the section on the library system. If there are other sections I have missed, please let me know and I will respond.

Findings

1. *“Although it has now been corrected, in the past, money raised by the Gridley FOL was used to fund extra hours for a part-time position.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

2. *“There is a lack of overall funding for the Butte County Library system. The county is relying on FOL monies to supply some of the basics.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

3. *“There is demand for increased hours of operation.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

4. *“The six branch libraries do not have individual discretionary budgets.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

5. *“There are limited opportunities for communication among the branch librarians.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

6. *“The library facilities are deteriorating.”*

The respondent agrees with this finding. The County has a number of aging facilities and is in the process of implementing a plan to address these needs. On June 26, 2007 the Board of Supervisors approved a Capital Improvement Plan (CIP) which lays out a 20 year plan to address facility needs throughout the County. Significant remodeling and expansion of County libraries is planned for 2015, but this schedule may be modified dependent contributions from the community. In addition to addressing these large capital budget needs, the County is addressing maintenance needs. For example, in the current fiscal year the Board of Supervisors appropriated funds to replace the flooring in the Oroville Library and in the Chico Branch Library's conference room.

7. *"The roof leaks and mold damage at the Gridley Library took over two years to resolve."*

The respondent agrees with the finding as stated. However, it should be noted that although the resolution took two years, the problem was promptly addressed. Over the course of the two years a series of professional roofing contractors were retained, but failed to locate the source of the leak and remedy it. Finally, County staff, by an extensive effort, was able to locate and remedy this unique situation. Newly acquired equipment should allow for more prompt resolutions in the future.

8. *"The Biggs Library building is not owned by the county, is in poor condition without restroom facilities, and is not ADA accessible."*

The respondent agrees with this finding. The building in which the Biggs Branch Library operates is owned by the City of Biggs and leased to the County at essentially no cost. This facility, while not ideal, does allow for Library services to be provided in the City of Biggs. The City recently provided access to a restroom both for library staff and for patrons, and approached the County with an offer to discuss other City facilities that may become available for use by the library. Other County libraries, for example Gridley, which is nearby, are ADA accessible.

9. *"Handicapped parking access is a problem at the Paradise Library."*

The respondent agrees with this finding. Although the Paradise Branch Library has handicapped parking directly in front of the main entrance, there appears to be a problem with the slope of those parking spaces. There are few, if any, level parking spaces at this library. The General Services Department will analyze the extent of the problem with these parking spaces, and the most appropriate remedy as part of the ongoing effort to eliminate ADA issues throughout the County.

10. *"The Library Strategic Plan is six years old and is currently in the process of being updated."*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

11. *"The Board of Supervisors needs a clearer understanding of Butte County library issues."*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

Recommendations

1. *"The County should not use FOL money to fund routine operating expenses."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

2. *"To provide increased funding of libraries, the Butte County Library Director and the Board of Supervisors need to investigate other sources of income, as follows:*

- a. *Reconsider the proposal of a one-eighth (1/8) cent sales tax increased through a ballot measure to be voted on by the citizens of Butte County.*
- b. *Pursue grant opportunities aggressively.*
- c. *Partner with cities in Butte County to implement library impact fees.*
- d. *Apply for state library bond money, when available."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

3. *"The Butte County Library budget should allocate discretionary funds to each individual branch library."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

4. *"The Butte County Library Director should provide increased opportunities for branch personnel to network through regular meetings, workshops and conferences."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *"Facilities Services should address major maintenance issues in a timely manner."*

This recommendation has been implemented. General Services addresses major maintenance issues in a timely manner, within staffing and budgetary constraints, and with the recognition that some issues are not easily remedied (see response to Finding No. 7 above).

6. *"The Butte County Library administration should work with the City of Biggs to locate an appropriate facility for the Biggs Library."*

This recommendation requires further analysis. The City of Biggs has identified other potential City-owned facilities where a library might be located. County officials plan to tour these facilities no later than the end of September 2007. Although the respondent hopes to secure an appropriate space for the Biggs Branch Library, any existing facility is likely to require some remodeling, with the potential for rendering relocation cost-prohibitive.

7. *"ADA compliance issues at identified branches need to be resolved."*

This recommendation requires additional study. County staff will be reviewing potential ADA compliance issues and ranking them based on risk and cost. ADA issues at libraries will be included in that listing, which is scheduled to be completed no later than December 2007.

8. *"The Butte County Advisory Board should complete the update of the Library Strategic Plan."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *"A member of the Board of Supervisors should serve as a liaison to the Butte County Library Advisory Board."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

Sincerely,


Richards L. Hall, Director
General Services Department

cc: Meegan Condon

INTER-DEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT



TO: HONORABLE STEVEN J. HOWELL, PRESIDING JUDGE
FROM: MIKE CRUMP, DIRECTOR OF PUBLIC WORKS
SUBJECT: RESPONSE TO GRAND JURY FINAL REPORT FOR FY 2006/07
DATE: August 21, 2007

I respectively submit the following comments on the 2006/07 Butte County Grand Jury Report:

FINDINGS
PALERMO DRAINAGE DITCH

Grand Jury Findings

1. The Department of Public Works has been unresponsive to citizen complaints regarding this issue.

The Respondent disagrees with this finding. According to the complaint letter filed with the 2006/07 Grand Jury, the last time the water drainage ditch in Palermo was cleaned out by the County was about six years ago. However, each fall, County crews schedule and mow the vegetation in the sections of drainage ditch located within County road right of ways, including sections of the Palermo drainage ditch. Earlier this summer, Public Works coordinated with the Sheriff's Jail Work Crews to manually cut and remove vegetation and small trees in the County maintained section of the drainage ditch that were not assessable to the mower. The Public Works Department does receive calls from residents living along South Villa Avenue regarding the drainage ditch paralleling South Villa and Railroad Avenues, but mowing of the vegetation is completed annually on the section of the ditch located within the County road right of ways.

2. According to our research, the county previously has cleared the ditch. Currently, the county is neglecting to perform a function for which they had previously accepted responsibility.

The Respondent partially disagrees with the finding. The Respondent agrees that the County road crews have previously cleared the ditch located with the road right of way.

The Respondent disagrees that we are neglecting to perform a function for which we have previously accepted responsibility. The County has and will continue to annually mow the weeds in the drainage ditch located within the road right of ways.

3. *Currently, the responsibility for maintenance of this drainage ditch constructed by Butte County has not been accepted or acknowledged by the County.*

The Respondent disagrees with the finding. The County did not construct this drainage ditch which flows primarily across private property and ultimately drains into Wyman Ravine. However, a section of this drainage ditch is located within the County road right of way that runs parallel to South Villa and Railroad Avenues. The County has accepted responsibility to maintain this section of drainage ditch and annually mows the vegetation.

This area is within a FEMA designated 100 year flood zone. Public Works staff is unaware of any homes flooding in this area except during the State and Federal declared flood emergencies of 1995, 1997 and 2005/06.

After the 1997 State and Federally declared flood disaster, the County received a FEMA mitigation grant to replace a private culvert which was located downstream from the County's maintained section. The private culvert was undersized causing a constriction in the drainage ditch and flood water flows. The FEMA grant allowed the County to replace the culvert with a bridge which increased the capacity of the drainage ditch. The FEMA grant funds also allowed the removal of a large beaver dam and general cleaning of the adjacent section of this private drainage with the property owner's permission.

1997 FEMA mitigation funding also allowed Private Industry Council (PIC) crews to manually remove vegetation and small trees within this County maintained section of drainage ditch as well as many sections of privately owned and maintained sections when permitted by the property owner.

Grand Jury Recommendations

1. *The Department of Public Works should schedule and perform periodic inspection and maintenance of County drainage ditches.*

This recommendation has been implemented. Each fall, County maintenance crews switch from road pavement maintenance to preparing for the winter rains by clearing and mowing road side drainage ditches.

2. *The Board of Supervisors should instruct the Department of Public Works to be more responsive to citizen complaints.*

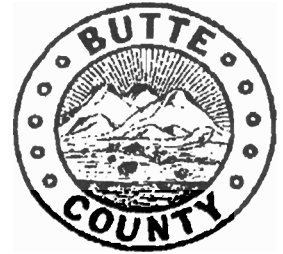
This recommendation is directed to the Board of Supervisors. However, the Board of Supervisors has always instructed all County departments to be responsive to citizen's complaints. The Public Works Department has been responsive to the citizens' complaints regarding the Palermo drainage ditch as discussed in Finding 1.

3. *The Board of Supervisors should adopt a resolution clarifying the County responsibility to maintain county-constructed ditches.*

This recommendation is directed to the Board of Supervisors. However, the County's responsibility to maintain drainage facilities within County maintained right of ways is clear and being performed as discussed in Findings 1 thru 3.



BUTTE COUNTY PROBATION DEPARTMENT



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STEVE ELLEN
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July 24, 2007

Honorable Steven J. Howell, Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, CA 95965

Dear Judge Howell,

The following is in response to the 2006-07 Grand Jury Final Report, pages C-22, to C-24.

Domestic Violence/Own Recognizance Program

Findings

1. Penal Code §1203.097 forbids any batterer's educational program being less than 52-weeks or one year for offenders on court probation for a domestic violence conviction.

The Respondent agrees with this finding.

2. The DV/OR batterer's educational program is a 32-week program approved by the District Attorney's Office, rather than the 52-week program as designated by Penal Code §1203.097.

The Respondent agrees with this finding.

3. The offenders allowed into the DV/OR Program are not formally convicted and on probation, so the program is technically not subject to the regulations of Penal Code §1203.097.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight of, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

4. The DV/OR program, while worthwhile in intention, often effective, and possibly within the letter of the law, does not conform to the spirit of the law as addressed in the legislative findings to Penal

Code §1203.097 which states that "Diversion programs for perpetrators of domestic violence . . . are inadequate to address domestic violence as a serious [sic] crime."

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

5. Some victim advocates are concerned that the 32-week batterers' program, as compared to the 52-week program mandated by law for convicted offenders on probation, is not legal nor in the spirit of the law which mandates the 52-week program.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

6. According to Penal Code §1203.097, the Probation Department approves and certifies batterer's educational programs for Butte County. Offenders may select which program they wish to attend. If offenders wish to switch to the other program, they may with good cause and with the approval of Probation.

The respondent partially disagrees with the findings. The Chief Probation Officer has direct statutory oversight of the Batterers Treatment Programs established pursuant to Penal Code 1203.097. There are currently two certified Batterers Treatment Programs within Butte County for which the Chief Probation Officer has direct oversight. Potential clients ordered to complete a 52-week Batterers Treatment Program are provided the names of both programs by the Court Compliance Unit of the Superior Court, from which they may choose. On the rare occasion, and for a showing of good cause, the probation officer may request of the Court upon behalf of a client that they be allowed to change providers. The ultimate decision of whether a client is allowed to switch Batterers Treatment Program Providers rests with the Court.

7. DV/OR offenders are only allowed to attend the batterer's educational program provided by FVEP, even though there is another certified program available through another provider, NB. The DV/OR offenders do not have a choice of programs.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

8. DV/OR offenders who are assigned the 32-week program are taught in the same classes as are the convicted domestic violence offenders on probation who are enrolled in the statutory 52-week program.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

9. The Grand Jury could find no rational basis for the exclusion of NB from the DV/OR Program batterers' education intervention component. Research in the Social Sciences has found that people may often benefit from one program/therapy while not benefiting from another. Based on this research, clients deserve a choice.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

10. In the State of California auditor's report entitled *Batterer Intervention Programs* released in November of 2006 wherein Butte County's programs were audited, there was no mention of the DV/OR Program. The Grand Jury concludes that the audit committee was not aware that it existed.

The Respondent agrees with this finding.

11. Probation approved the Family Violence Education Programs (FVEP) in 1996 and New Beginnings in November of 2004. The license of the FVEP administrator is listed as "Inactive" and the licenses of the New Beginnings administrators are listed as "Clear."

The Respondent agrees with this finding.

12. In Butte County, there currently is no comprehensive domestic violence court to hear cases from start to finish before one specific judge. The District Attorney is supportive of implementing such a court.

The respondent neither agrees nor disagrees with the findings. The respondent is unable to comment on the position of the District attorney on a comprehensive domestic violence court.

13. According to Penal Code §1203.097, certified batterer's educational program providers are to re-apply for certification annually. Twice during the year, the Probation Department is required to audit the programs.

The Respondent agrees with this finding.

14. The Probation Department has not been keeping up with program audits and with the re-application process. Probation did begin the re-application process in January of 2007.

The Respondent agrees with this finding.

15. Statistics for the number of offenders entering batterer's educational intervention programs and successfully completing the program were not available. In addition, recidivism rates for offenders were not available.

The respondent partially disagrees with the findings. The Butte County Probation Department keeps a number of statistics and other information concerning the Batterers Treatment Programs. One such statistic is the number of clients referred to either of the two programs by the Court. The Butte County Probation Department can also provide statistics as to the number of clients referred by the Court, and who are supervised by the Probation Department. Recidivism rates are extremely difficult and costly to track, as once a client is no longer on probation it becomes very difficult to keep up with their activities or whereabouts. Clients may also ultimately be sentenced to the California State Department of Corrections and become the responsibility of State Parole. Recidivism is also difficult to define. It may not be truly reflected simply because a client is re-arrested once completing a Batterers Treatment Program, as their arrest may not be directly related to their history of domestic violence, charges may not be filed, or charges may be dismissed. The respondent agrees with the Grand Jury finding as to when cost effective, and possible within the resources available, clients placed by the Court in a Batterers Treatment Program be tracked for recidivism.

Recommendations:

1. The District Attorney change the number of weeks required for offenders in the DV/OR program pleading guilty to a misdemeanor domestic violence from 32 weeks to 52 weeks. This change conforms to the spirit of the law requiring a batterer's program of no less than one year.

The respondent is unable to comment on this recommendation as it is directed to the District Attorney.

2. The District Attorney revise the DV/OR program to include New Beginnings along with Family Violence Education Programs to give clients a choice, since both programs are certified and approved by the Probation Department according to Penal Code §1203.097.

The respondent is unable to comment on this recommendation as it is directed to the District Attorney.

3. A County/Court/Public Defender/Victim Advocate team approach should explore the need for a more comprehensive domestic violence court.

The recommendation has not yet been implemented and is not under the jurisdiction of the Chief Probation Officer. However, the concept is currently being explored and is under discussion between this department and the aforementioned entities.

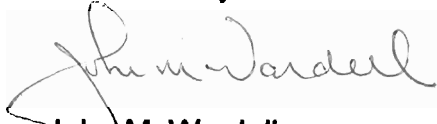
4. The Probation Department conduct timely audits and require reapplication from approved certified domestic violence programs yearly as required in Penal Code §1203.097.

The recommendation has been implemented. The Probation Department is currently in compliance with the mandates of Penal Code §1203.097 with regard to Batters Treatment Programs.

5. The Probation Department should keep and make available statistics, which include but are not limited to, the number of offenders who enter each batterer's educational intervention programs annually, the number who successfully complete each program, the time it takes to successfully complete the program, and recidivism rates. These are essential measures for meaningful program evaluation.

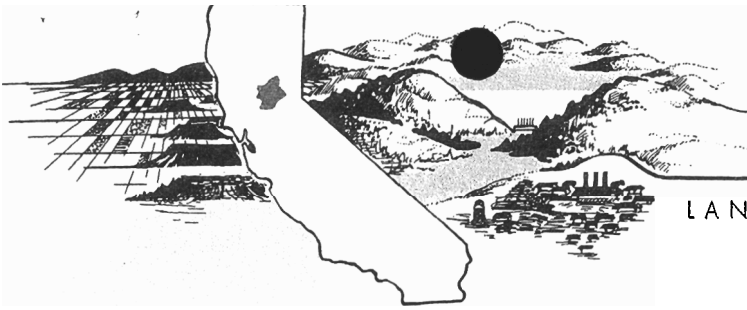
The recommendation requires further analyses. The Probation Department continues to strive to provide all necessary statistical information requested by the Grand Jury through automation, and when retrieving such information is cost effective and possible within the resources made available to the Department. Identifying and analyzing available information to ensure that best practices are being utilize is the goal of the Probation Department. As some of the information is kept with the Batterer Treatment Providers, the possibility of collecting that information will also be explored, but will need further analysis to be concluded within six months from the submittal of this report.

Submitted by:



John M. Wardell
Chief Probation Officer

Appendix B:
Elected Department Head Responses



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

OFFICE OF THE AUDITOR-CONTROLLER

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

August 25, 2007

The Honorable Steven J. Howell
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Response to Final Report of the 2006/2007 Butte County Grand Jury

Dear Judge Howell:

Pursuant to Section 933 and 933.05 of the California Penal Code, the Butte County Auditor-Controller responds to the findings and recommendations of the 2006/2007 Grand Jury's Final Report with the attached document.

Sincerely,

David A. Houser
Auditor-Controller

Enclosure

cc: Board of Supervisors

dah/lkl

**Auditor-Controller
Responses to Findings and Recommendations
Grand Jury Report for 2006/2007**

Findings

1. The Auditor-Controller has adjusted his behavior to spend more time in the office.

The respondent disagrees wholly with this finding. The Auditor-Controller has not adjusted any behavior to spend more time in the office. Absences on the part of the Auditor-Controller have been related to time off for vacations, holidays, attending meetings held by The Auditors Association, several Association Committees as a member, Megabyte Property Tax Meeting, Property Tax Managers meetings, and absences for medical reasons for the Auditor and his family. If anything has affected the attendance of the Auditor-Controller between last year and this year, it is some improvements in the medical issues that have demanded less time.

2. The Auditor-Controller appears to be making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.

The respondent partially disagrees with the finding. As a supervisor, there are times when one must be critical of certain actions by an employee, and correction is necessary. Employees are encouraged with positive comments when appropriate and the Auditor-Controller will continue with this practice. Every individual can learn and gain from training and the Auditor-Controller is in the process of scheduling attendance at some management communication workshops on supervising employees in today's working environment. The Auditor-Controller takes these critical comments seriously and is making an effort to improve his interactive style.

3. Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as result of cultural conditioning.

The respondent disagrees wholly with the finding. There is no intentional gender bias towards anyone in the Auditor-Controller department.

4. Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.

The respondent disagrees wholly with the finding. There has never been retaliation on any employees in the Auditor-Controller office. It would be very

helpful if the Grand Jury could be specific as to what retaliation has been brought on any employee so we can better understand this accusation and address it.

5. Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.

The respondent agrees with the finding.

6. Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.

The respondent disagrees partially with the finding. In any environment with 31 staff members working closely together, there is always room for morale building. The Auditor-Controller and management staff has made great strides in improving communication within the department. Regular management staff meetings are held, as well as monthly meetings with the entire department staff. Training has increased significantly and dollars available and classes offered have increased for the 2007/2008 fiscal year.

7. A minimal amount of cross-training is being done.

The respondent disagrees partially with the finding. Cross-training has varied from section to section. The Property Tax section is very well cross-trained. It should be noted that the four staff members in this section have been working together for a number of years, creating a more stable environment for cross-training. In the remaining sections of the office, efforts are continually being made to cross-train. With new staff in each section, however, the new staff member must learn their own duties first, before cross-training can occur.

8. Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.

The respondent agrees with the finding.

9. The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.

The respondent disagrees partially with the finding. Many staff members have completed their respective worksite responsibilities manual. Timelines were set

by management; however, due to time constraints for some staff, manuals are still in process.

10. The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor- Controller's Office to do its job.

The respondent agrees with the finding.

11. The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.

The respondent agrees with the finding.

12. The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.

The respondent agrees with the finding.

13. The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.

The respondent agrees with the finding.

14. The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.

The respondent agrees with the finding.

15. The Audit Committee has developed by-laws and has minutes of meetings available.

The respondent agrees with the finding.

16. Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit Committee meetings were not routinely sent until requested by the Grand Jury.

The respondent agrees with the finding.

Recommendations

1. The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.

The recommendation will be implemented. The Auditor-Controller is in the process of scheduling attendance at management communication workshops on supervising employees in today's working environment.

2. The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.

The recommendation has been implemented. The administration of the Auditor-Controller's office is continuing with the recently implemented programs designed to improve the interaction of staff, and staff members are encouraged to bring forward any suggestions they have. Administration is looking at methods for improving the upward, downward, and lateral flow of communications, as well as looking at areas of training to provide staff with tools to improve communication flow.

3. The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.

The recommendation has been implemented. Please see response above to Recommendation number 2.

4. The Auditor-Controller should implement cross-training in those sections that are not currently doing so.

The recommendation is in the process of being implemented. The Auditor-Controller, with support from the Assistant Auditor-Controller and Finance Officer, will be closely working with each section that does not have a complete cross-training plan in place to further develop a cross-training plan.

5. Human Resources should plan and implement management communication skill workshops for supervisors at all levels, in all departments.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

6. Human Resources should plan and implement workshops which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

7. Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.

The respondent is unable to comment on this recommendation since it is directed to Human Resources. However, the Auditor-Controller agrees with the recommendation.

8. The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.

The recommendation will be implemented. The Auditor Controller administration is putting together a plan to assist a selected staff person to work with employees to get their input and contributions of ideas and processes as an office procedural manual, as well as individual desk manuals, are developed. A specific timetable will be put in place for the completion of the procedures manual and the desk manuals.

9. The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.

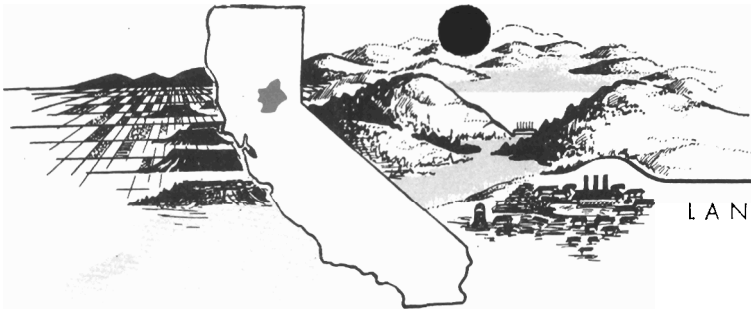
The recommendation has been implemented. Auditor-Controller staff has developed training programs and presentations to educate outside departments in areas of cost, payroll, cash handling, and accounting procedures. These training presentations are being scheduled on a recurring basis and also on the request of any department which desires the training between regularly scheduled times.

10. The CAO should inform the Grand Jury of all meetings of the Audit Committee.

The respondent is unable to comment on this recommendation since it is directed to the Chief Administrative Officer. However, the Auditor-Controller agrees with the recommendation.

Responses Required (Penal Code §933 and 933.05)

Butte County Auditor-Controller
Butte County CAO
Butte County Human Resources



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

KENNETH O. REIMERS
ASSESSOR
25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95965-3382

Telephone: (530) 538-7721
Fax: (530) 538-7991

Meegan Condon
Senior Management Analyst
Butte County Administration
25 County Center Dr.
Oroville, CA 95965

Re: Assessor's Office Response to 2006/2007 Butte County Grand Jury Final Report

Dear Meegan:

In response to your memorandum of July 5, 2007, please find enclosed the Assessor's Office Response to the Butte County Grand Jury Final Report.

Should you have any questions or concerns, please contact me.

Sincerely,

KENNETH O. REIMERS
Assessor

KOR:jp

Enclosure

Butte County Assessor's Response to Grand Jury Findings and Recommendations

Note: Responses to Findings 1, 8, 9, 10, and 11, and responses to Recommendations 5, 7a, 7b, 7c, 8, and 9, *as they apply to the Business Division*, are detailed on pages 3 and 4 of this document.

Below are responses to findings and recommendations of the 2007 Grand Jury report, *exclusive* of the aforementioned responses to findings and recommendations applicable to the Business Division.

Findings

I agree with findings 2, 3, 4, 5, 6, 7, and 12. I also agree with, and appreciate, the 'Commendations' cited in the Grand Jury Report. My department is understaffed, yet the "dedicated", "cohesive", and "hardworking" members of my department do a great job and, every year, continue to meet the complex demands of producing a timely and accurate assessment roll. I am proud of the fact that morale and job satisfaction is high, as evidenced by our high longevity rate. Our 'can-do' attitude prevails throughout the department and I am confident the future of the department is positive. Most of all, my staff and I are committed to the principle of providing the very best in public service. Each and every citizen shall always be treated fairly and equitably, with courtesy and respect. We pride ourselves on delivering to the public prompt, personal attention, with the goal of having all those we serve leave the department feeling as though they were heard, understood, and provided competent and professional service.

Recommendations

Recommendation #1 – The recommendation has not yet been implemented, but *hopefully* will be in the near future. I am doing all I can to convey the importance of fully funding the Assessor's office, and the long-term benefit of doing so.

Recommendation #2 – I have attempted to implement the recommendation, most recently as it applies to the 'support' division of my department. On April 24, 2007, I forwarded an interdepartmental memo to the Administration and the Human Resources (HR) Departments of Butte County, with supporting documentation, regarding inequities I believe occurred as a result of the 2005-2006 Class/Compensation Study. Specifically, an adverse effect of the Class/Compensation Study was the compression of our previous Assessment Clerk I and II positions into one entry-level position. This reduced the number of salary range differentials within the job series, and minimized promotional opportunities for long-term employees. The same-type compression occurred in our appraiser series. It takes years to train our support and appraisal staff, and I would like those qualified and so-inclined to have the opportunity for promotion by returning to pre-Class/Compensation Study salary range differentials.

Recommendation #3 – The recommendation has been implemented, and the cooperative working relationship we have with HR continues to be strengthened. I responded to the HR 'Recruitment Process Questionnaire' in February 2007. I appreciate the goal of the survey,

which was to provide HR with interdepartmental input to assist in analyzing and streamlining the recruitment process. The results were tabulated and it is my belief that the survey was not only a beneficial endeavor, but that it will assist in achieving its stated purpose.

Recommendation #4 – The recommendation has been implemented but there is only so much that can be done. My staff and I maintain on-going contact with the other two other tax-cycle departments (Auditor and Treasurer-Tax Collector) which utilize, and rely upon, the Megabyte property tax system. We are aligned in our attempt to gain improved service and accountability from the Consultant/Contractor, and I believe our efforts will eventually produce some positive results.

Recommendation #5 – The recommendation will not be implemented because it is not warranted. One third of California counties (19) adhere to a minimum value assessment policy of \$2,000. Twelve counties have no minimum value ordinance, and six counties have a minimum value assessment policy of between \$700 and \$1,350. Revenue and Taxation (R&T) statute 155.20 provides for a “determination” by the board based upon a cost/benefit, or break-even analysis...essentially a determination of the point at which costs exceed the proceeds to be collected. Costs of annually processing and taxing parcels with base values of \$2,001 to \$5,000 do not exceed \$20.00 per parcel. In Butte County, there are 855 parcels with base values of \$2,001 to \$5,000, for a total assessed value of \$3,300,000. At a county general tax rate of 1%, foregone tax revenue would be \$33,000 if the low value ordinance was amended to preclude these assessments from annual tax.

Recommendation #6 – The recommendation has not yet been implemented, but will be implemented in the future. Within the next month I will draft a ‘Board Agenda Transmittal’ requesting that a resolution be adopted, pursuant to R&T statute 155.20, to raise the low value threshold for transitory ‘Possessory Interests’ to \$50,000.

Recommendation #9 – The recommendation has been implemented but there is only so much that can be done. The PTAP funding is extremely important to the overall budget of my department, and I am thankful to Administration for infilling the foregone funding for the 2007/2008 budget cycle. Permanent loss of \$381,956 in annual PTAP funding would result in staff reductions my department can ill-afford.

Butte County Assessor's Response to Grand Jury Findings and Recommendations

Below are responses to the findings and recommendations of the 2007 Grand Jury report *as they apply specifically to the Business Division*.

Findings

I agree with findings 1, 8, 9, and 11. During the downsizing effort made in December 2004, the number of auditor-appraisers was reduced from four to three. At that time, the valuation of boats and aircraft was transferred to the auditor-appraiser's workload. Meanwhile, the number of mandatory audits continues to increase. While the time used for extra CCCASE audits could be used for local Butte County mandatory audits, current staffing would still be insufficient to keep up with the mandatory audit workload. The income derived from doing the extra CCCASE audits helps to maintain the current staffing level.

In reference to finding #10, I am doubtful that the expenses for the CCCASE audit trips are greater than the revenues generated. Prorated expenses are billed to the requesting counties along with the hourly charges for labor. If we do any audits for Butte County, then Butte County absorbs a prorated share of the expenses for those audits.

Recommendations

Recommendation #5 – The recommendation will not be implemented because it is not warranted. Raising the low value ordinance from \$2,000 to \$5,000 would eliminate from the assessment roll some of the very small businesses and 1,081 old boats, resulting in a small workload reduction. A corresponding reduction of some \$3,800,000 in assessed value and \$38,000 in forgone tax revenue would also result.

Recommendation #7a – The recommendation has not yet been implemented, but *hopefully* will be in the near future. I agree that the number of auditor-appraisers should be increased to five. However, that is not a possibility under current budget restraints. Additional funding to the Assessor's budget from the general fund will be necessary to increase the staff to a level adequate to maintain compliance with the mandatory audit regulations.

Recommendation #7b – The recommendation has been implemented, however, even with an increase to the auditor-appraiser staff, the office is so far behind in its mandatory audit workload that extra help would be required to catch up to a level that could then be maintained by an increased staff. The continued use of a retired auditor-appraiser for a portion of each year can help reduce the audit backlog. This could take a few years. Without an increase in staffing, the extra help is essential to continue audits at the current level of production.

Recommendation #7c – The recommendation has not yet been implemented, however, if adequate funding were received in the budget to fill all of the needed auditor-appraiser positions, it would not be necessary to perform extra CCCASE audit trips. We could perform only what is needed to offset the expense of the CCCASE audits that other counties are performing for our county. However, under the current budget situation, the revenue generated by the extra

CCCASE trips helps cover the salary of our third auditor-appraiser. A loss of that revenue would result in additional reduction of staff. While we are not completing all of the mandatory audits that are due, the extra auditor-appraiser is essential for help in processing property statements, valuing boats and aircraft, creating roll corrections, and handling the day-to-day dealings with taxpayers.

Recommendation #8 – The recommendation has been implemented, and I feel our participation in CCCASE continues to be the most practical tool for performing out-of-state audits. The alternative would be to do the audits through correspondence, which would consume more time, and result in a higher rate of inadequate information. It is often more difficult to gain compliance from taxpayers through correspondence.

Recommendation #9 – The recommendation will not be implemented because it is not likely to gain necessary support. Raising the mandatory audit threshold from \$400,000 to \$600,000 would place the total number of mandatory audits at a level just above that of 10 years ago. However, efforts by the Business Subcommittee of the Assessor's Association to raise the threshold have continually failed to gain the support of all the Assessors and therefore the request is not likely to reach the legislature at any time in the near future.

Respectfully Submitted,

Kenneth O. Reimers
Butte County Assessor



**BUTTE COUNTY
SHERIFF**

**PERRY L. RENIFF
SHERIFF-CORONER**

BUTTE COUNTY
ADMINISTRATION

JUL 09 2007

OROVILLE, CALIFORNIA

July 1, 2007

The Honorable Steven J. Howell, Judge Presiding
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Response to the 2006-2007 Grand Jury Report

Dear Judge Howell;

We once again express our thanks and appreciation to the Grand Jury for the tremendous effort they expended in addressing their statutory goals. We will respond to their "Findings and Recommendations" about the Office of Sheriff/Coroner in the order in which they appear in the final report.

BUTTE COUNTY JAIL REVIEW

FINDINGS

FINDING # 1:

"The Grand Jury is in agreement with the 2005-2006 GRAND JURY REPORT that the Women's Facility is out dated and over populated needing to be replaced and/or remodeled and expanded"

RESPONSE:

We agree with the Grand Jury's finding, as we have with similarly stated findings of previously seated Grand Juries. Unfortunately, agreement is not synonymous with the ability to bring about the desired change.

The women's section of our jail was constructed in 1964. This type of construction is referred to as a "linear" style jail, common to that era. This means that the housing units (cells) have walkways on either side, and the fronts are constructed of steel bars. This type of construction is noisier and more susceptible to adverse environmental impacts, of every nature, than newer construction methods. This appearance is obviously what led to the Grand Jury's description of a, "1940's caged zoo"; an apt but unfortunate phraseology. This section of the jail is continually painted and upgraded, to the extent financially possible, and the heating/cooling systems are closely monitored. This facility was quite recently inspected by the Corrections Standards Authority and found to be in full compliance with state regulations.

The reason women are incarcerated in this older section of the jail is due to their relatively fewer number than males and the law, and common sense, dictates the separation of inmates by gender. The types of inmate classifications, as was noted by the Grand Jury, further requires a number of housing alternatives, based on security needs, that greatly complicates this issue. This older section is the most plausible area of our facility for meeting our obligation to provide our female inmates with safe and secure housing.

We are very desirous of improving our jail situation, particularly the female housing. We have been seeking assistance from the State in this regard for years now, and have been supported in these efforts by County Administration and the Board of Supervisors. We expended thousands of dollars in 2006 for a Needs Assessment study by an outside agency, to document our needs and as a necessary step in securing possible financial assistance.

With the passage of AB900 the State has clarified their intentions of assisting local governments in the expansion of, and additions to jail facilities. We are currently meeting with state prison officials to determine if Butte County will qualify for funds dedicated to re-entry facilities. While much has yet to be determined, we are hopeful that this process will enhance/replace our women's facilities and greatly expand our ability to offer educational and vocational programs for all of our inmate population.

FINDING # 2:

“The Evidence Building is outdated and needs remodeling or replacement. Security is not adequate”.

RESPONSE:

We agree with the Grand Jury’s finding, but qualifiedly so.

The condition of the facility and working environment of the Evidence Building has been of concern to this administration since our first days in Office. This is evident to those who have seen the transformation of the involved evidence handling processes and the facility over the last several years. This progress, due largely to the truly outstanding performance of those currently assigned as Evidence Technicians, is likely not known by the sitting Grand Jury but must be commented upon. This, in no way, diminishes the significance of the decontamination of personnel due to hazardous materials exposure issues that were noted.

We have addressed, and somewhat mitigated, the environmental concerns found by the touring Jury members. During the last few weeks we have purchased two large, portable air conditioning units. The Facilities Services Department has installed hard foam insulating material to the interior metal walls and ceilings of the portion of the building housing the freezers. These steps have had the desired effects of reducing the ambient temperature and interrupting the frequent system cycling, and thus workload, of the freezers and refrigeration units. This lessens our concerns about the loss of crucial evidence. We are also advised by Facilities Services that they have a relatively new, permanent roof mounted air conditioning unit that they will install on the Evidence Building in the near future. This will further ease the fear of evidentiary damage, and should largely answer the creature-comfort environmental needs.

The Evidence Building is securely locked and fully alarmed, as is the surrounding compound, with a response by armed personnel to any intrusion capable within moments. While the security and preservation of evidence can always be improved upon, we feel adequate measures are in place until a new facility is constructed that will enhance our capabilities.

FINDING # 3:

“The decontamination facility at the Evidence Building is inadequate”.

RESPONSE:

The decontamination concern is real. While we have (thankfully) never experienced the need for emergency decontamination, the existing wash basin/shower module has seemed adequate. It frankly was a recent revelation to us that this decontamination unit was not properly plumbed. Only in the recent past, after many years, has there been enough

attention paid to this facility by those who labor there, that we are now truly aware of and are fixing some of the problems.

Facilities Services management assures us that they will purchase and install a properly plumbed decontamination unit in the near future. This will provide the safety and privacy appropriate for our employees.

The existing Evidence Facility has long represented the worst case scenario for the preservation of often-times fragile evidence, and a benignly negligent approach to those employed there. In the past few years we have struggled to repair existing issues and prepare for the future. The measures taken though, as previously described, have been palliative in nature. We know that the existing facility remains largely substandard, regardless of these improvements. Recognizing this we have presented the case, at every opportunity over the past several years, for the permanent replacement of the building. The Board of Supervisors has supported this position. We are advised by the Office of the CAO and the Facilities Services Department that the replacement of this building is one of the first Capital Improvement Projects slated for the next fiscal year, 2007-2008. We are further advised that the plans should be developed during January of 2008, with construction slated to begin in approximately July, 2008. We certainly look forward to this.

FINDING # 4:

“Staff is well trained and interacts with inmates in a professional manner”

RESPONSE:

It is encouraging, but not surprising, that those members of the Grand Jury who interacted with our staff left with this impression. Even the numerous contacts they had with the members of the inmate population confirmed that our personnel, sworn and civilian alike treat those in their custody with dignity and respect. Our contract staff, employees of the CFMG or the Dental contact, likewise is highly skilled, professional and adherents to our rules of conduct and behavior.

I appreciate the positive remarks by the Grand Jury, not only because the accurately reflect the reality of a professional staff working in a less than desirable environment, but because too few casual observers actually see the hard work that goes into causing a population of latent volatility to function as smoothly as this one does..

RECOMMENDATIONS:

RECOMMENDATION # 1:

“The Board of Supervisors must develop an appropriate time-line for replacement or remodeling of the women’s jail”.

RESPONSE:

We cannot speak for the Chief Administrative Officer or the Board of Supervisors, except to note that both entities have been sympathetic to our often stated needs in this matter.

RECOMMENDATION # 2:

“Each member of the Board of Supervisors should independently inspect the women’s facility and the Evidence Building”.

RESPONSE:

We will certainly accommodate the desires of the members of the Board of Supervisors in this regard.

RECOMMENDATION # 3:

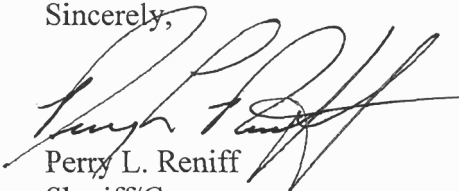
“The Sheriff should present a plan to the Board of Supervisors to repair or replace the current Evidence Building to include, but not limited to:

- a. adequate air conditioning
- b. adequate decontamination system
- c. adequate decontamination showers for employees”

RESPONSE:

It has been previously noted, in the response to finding number1, that efforts continue in addressing the Evidence Building problems. Significant headway has been accomplished and the future looks bright for the total resolution of this long standing issue.

Sincerely,



Perry L. Reniff
Sheriff/Coroner

cc:

Board of Supervisors

Jane Dolan

Bill Connelly

Curt Josiassen

Kim Yamaguchi

Maureen Kirk

✓ Starlyn Brown, Interim Chief Administrative Officer





Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY

District Attorney

FRANCISCO R. ZARATE

Chief Deputy District Attorney

ANTHONY G. KOESTER

Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California

BOARD OF SUPERVISORS

AUG 23 2007

OROVILLE, CALIFORNIA

Re: Response to 2006/07 Grand Jury Report on the District Attorney's Domestic Violence / Own Recognizance Program

Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to the 2006-07 Grand Jury Report on the District Attorney's Domestic Violence/ Own Recognizance (DV/OR) Program. For the most part the Grand Jury accurately portrayed the DV/OR Program as one of the tools used by our office and the courts to address the very complex and often frustrating challenge of domestic violence in our county. However, certain inaccuracies and philosophical differences would mislead a reader of the Grand Jury's report about the program and its intent.

First, a history of the program is necessary. The program is an outgrowth of a pre-1995 diversion program which was mandated under the law. Prior to 1995, misdemeanor domestic violence offenders were statutorily entitled to "diversion" from the criminal justice system if they met certain criteria involving a lack of a prior record. [Penal Code Section 1000.6 et seq.] As part of this statutory diversion, offenders were required to attend a 32-week (at a minimum) "batterer's treatment program" which had to meet certain statutory standards and be approved by the local probation department. Butte County had at least two programs at the time which met the standards and were approved by the probation department. The programs had the confidence of the court, the district attorney and the local defense bar. The programs, particularly the one operated by Family Violence Educational Programs (FVEP), was designed as a high accountability program which worked well with the court and this office in educating misdemeanor offenders about the wrongness of domestic violence. This program also provided the required 52-week mandatory batterer's treatment program for those convicted of felony domestic violence.

However this pre-1995 statutory diversion mandated that “no admission of guilt” be required before the misdemeanor offender was entitled to be diverted from the criminal justice system. This was referred to as a pre-plea diversion program. This meant if the offender failed the treatment program or committed a new offense, the offender would be back at the beginning of the criminal justice process with a plea of not guilty and the beginning of the hearing and trial process. This pre-plea process had two distinct disadvantages for the rehabilitation of misdemeanor domestic violence offenders: 1) by not having to enter a guilty plea, they avoided admitting responsibility for their actions, and 2) by delaying the process for months, the witnesses and case would dissolve with time, making prosecution difficult or impossible.

In 1995, the legislature did away with the statutory pre-plea diversion program for misdemeanor domestic violence cases. This meant generally “a conviction or nothing.” A misdemeanor offender would now have to be convicted of and sentenced for the crime of domestic violence before any batterer’s treatment program could be mandated.

The Butte County courts, this office and the defense bar saw this change in the law as both a challenge and an opportunity. The challenge lay in the fact that a number of low-level misdemeanor domestic violence cases would become even more difficult to prosecute when victims, who are traditionally reluctant to testify against their batterer, would become even more reluctant if the consequences of their testifying against a loved one would mean a criminal conviction, with its adverse consequences on legal rights and employment. (I cannot count the number of times domestic violence victims called this office and pleaded that criminal “charges be dropped.” That all they wanted was for their significant other to “get help” and not be convicted of a crime, as it would mean “he’ll go to jail, lose his job, not be able to support the family, etc.”)

With fewer convictions as a result of this fear of a criminal conviction, fewer offenders would be subject to the requirements of attending a batterer’s treatment program. This would mean that those offenders who may have benefitted most from a treatment program would miss the opportunity to learn how to avoid behavior patterns that led them to start down the road to domestic violence.

The opportunity afforded by the change in law allowed this office, with the encouragement of the court and defense bar to replace the old statutorily mandated pre-plea diversion program with a “deferred entry of judgement program” and a higher accountability program for misdemeanor domestic violence offenders. The structure of this new program was based upon the highly successful drug court model which had been recently instituted in the Butte County courts. Basically, an appropriately-screened domestic violence offender would be offered a chance to plea “guilty” to a misdemeanor domestic violence offense and then be released on his/her own recognizance pending the successful completion of the 32-week batterer’s treatment program previously approved by the probation department for low-level offenders. Should the offender not successfully complete the program or violate other terms of his/her release, the judge would then accept the guilty plea and sentence the offender just as any other convicted domestic violence offender (which, if the judge decided to give the offender a chance on probation, would include a required higher-order 52-week

batterer's treatment program). The program was called the Domestic Violence/ Own Recognizance (DV/OR) Program.

At first, the probation department included DV/OR offenders in their regular domestic violence probationary caseload to supervise. But as the more stringent requirements of the law change of 1995 impacted the probation department's caseload (without a concomitant increase in state funds) it soon became impossible for the probation department to supervise both DV/OR offenders and regular DV offenders. This office then arranged with Family Violence Educational Programs to increase their oversight of the DV/OR offenders in their program and to report not only to this office of the offender's progress but to the newly formed Domestic Violence Court calendar. This calendar, again modeled on the drug court model, was a post-plea court calendar which required offenders to report back to the court on a regular basis to monitor their progress on DV probation or DV/OR.

Over the dozen years since the institution of DV/OR, the primary provider of batterer's treatment services in Butte County – Family Violence Educational Programs – provided additional services for the offenders and their families and refined the program to needs of the prosecution, i.e., making the program a tough, no nonsense, accountability driven program. The program is not a truncated 52-week batterer's treatment program, as the grand jury was misled to believe, but a stand alone, specially designed program for the DV/OR program clientele.

In 1996, Family Violence Educational Programs and another program were also certified by the probation department (as required by the new 1995 law) to provide batterer's treatment services for those convicted of domestic violence and placed on probation. (The grand jury was mistaken when it wrote that only Family Violence Educational Programs was certified by the probation department in 1996.) The other program developed reporting and accountability problems after a few years and was decertified by the probation department, leaving only Family Violence Educational Programs as the only certified treatment program until late 2004. At that time, another program, New Beginnings, was certified by the probation department to offer batterer's treatment services for those offenders convicted and placed on probation.

New Beginnings approached this office to offer services for DV/OR offenders shortly after their certification. A review of the New Beginnings methodology was instituted and their performance was monitored in the weekly DV Court calendar.

The New Beginnings' approach to treatment was based loosely on the "Duluth model," which was the basis for most original domestic violence treatment programs, and formed some of the underpinnings of Penal Code section 1203.097 as it was passed by the state legislature in 1995. Regrettably, in the opinion of many experts this "empowerment" model did not work well enough to reduce family violence as had been originally hoped. However, this empowerment model is highly recommended for **victims** of domestic violence. Unfortunately, that is not our target population. Offenders are the target population, not victims. (See also New York state's model for domestic violence policy at: http://www.opdv.state.ny.us/coordination/model_policy/guiding.html.)

In contrast, the Family Violence Educational Programs' model is based primarily on behavior modification principles found in well-researched evidence-based literature. Contrary to the assertion of an unknown representative of Catalyst quoted in the grand jury report, the model is not based on "power and control." As noted, the unknown representative did not get an in-service training from Family Violence Educational Programs, so he/she may be misinformed. The Family Violence Educational Programs' curriculum focuses on education, challenging thinking errors, discovery of core values, and uses a group dynamic to focus change in necessary areas. Predominately it uses cognitive behavioral therapies. These processes have been found to be highly successful in working with criminal justice clients, including those with thinking errors, and addiction problems. Their program is coupled with support for those who work to the best of their ability, no matter what their ability is. It is a program that focuses on **accountability** and development of life skills. Family Violence Educational Programs has specialized classes for persons with cognitive challenges.

As our review continued, New Beginnings' performance on the normal domestic violence probation caseload was considered sub par by the deputy district attorneys attending the Domestic Violence Court calendar – in particular the Assistant District Attorney assigned this calendar, who summarized those concerns as expressed over the past two years in a memo in response to the grand jury report:

- *I personally have heard, and observed, comments by probation officers who have been unhappy with the performance of New Beginnings. I cannot comment further because I do not know which officers spoke to the Grand Jury.*
- *I have personally heard probation officers comment that the squabbling between the providers is wasting everyone's time when there is precious little time for all the work they have.*
- *I have personally, in my capacity as an Assistant District Attorney, expressed frustration at the lack of timely reporting by New Beginnings, by the lack of accurate reporting by New Beginnings, and on one occasion, by the testimony of a member of New Beginnings in a contested hearing when New Beginnings asked for a program termination and then could not substantiate their request.*
- *I enjoy the humor and company of the New Beginnings staff when they are in Court, but I note they often arrive late, and leave early. "Team" is not a word I would use in relation to them. It would be accurate to say I am concerned about the model of intervention they are using. As with all things, I suspect it is evolving.*
- *I believe the presence of competition is good, and have seen some difficult clients pass through New Beginnings. Whether their cognitive process is changed is unclear. No program can guarantee what the outcomes will be due to a wide range of variables specific to the client and their surroundings. Family violence is extraordinarily complex.*

As a result of both their model and performance challenges, it was decided to not change the vendor of services (both treatment and supervision) as Family Violence Educational Programs continued to provide superior services.

A complaint to the Grand Jury followed (undoubtedly by New Beginnings), prompting the grand jury review and this response.

RESPONSE TO GRAND JURY FINDINGS

(For ease of reference, the Grand Jury findings are in *italics* and my response is in **bold**.)

1. *Penal Code Section 1203.097 forbids any batterer's educational program being less than 52-weeks or one year for offenders on court probation for a domestic violence conviction.*
Response – I agree with this finding with the clarification that Penal Code Section 1203.097 did away with the previous statutorily mandated “pre-plea” diversion program and has no relevance to the DV/OR post-plea “deferred entry of judgement” program which is not a probation program.

2. *The DV/OR batterer's education program is a 32-week program approved by the District Attorney's Office, rather than the 52-week program as designated by Penal Code Section 1203.097.*
Response – I agree with this finding with the clarification offered in the finding above that the 52-week program only applies to those offenders on probation, not to DV/OR program participants.

3. *The offenders allowed into the DV/OR Program are not formally convicted and on probation, so the program is technically not subject to the regulations of Penal Code Section 1203.097.*
Response – I disagree partially with this finding as DV/OR offenders are formally convicted of domestic violence upon their entry of a guilty plea as required for entry into the program. It is their sentence that is deferred during the course of their participation in the program and once they successfully complete the program, they are allowed to withdraw their guilty plea. Should they not successfully complete the program, their guilty plea and conviction are confirmed and they are sentenced to either a terminal sentence or probation (which would require a 52-week program). The use of the term “technical” implies some sort of subterfuge. There is no such term in law as a “technical violation” of law. Violations of law, technical or otherwise, are determined by the courts, which, it should be noted, have supported the DV/OR Program for 12 years without a finding that it has somehow “technically” skirted the law.

4. *The DV/OR program, while worthwhile in intention, often effective, and possibly within the letter of the law, does not conform to the spirit of the law as addressed in legislative findings to Penal Code Section 1203.097 which states that “Diversion programs for perpetrators of domestic violence . . . are inadequate to address domestic violence as a serious [sic] crime.”*

Response – I disagree partially with this finding in that the DV/OR Program is not the type of statutorily mandated pre-plea program the legislature disfavored in its findings. The previous pre-plea diversion programs disfavored by the legislature suffered from a lack of accountability which caused them to be inadequate to address domestic violence as the serious crime it is. The DV/OR program recognizes this and requires a “guilty” plea, which acknowledges responsibility and accountability for the serious crime committed by the offender, which is the first important step in any treatment program.

5. *Some victim advocates are concerned that the 32-week batterers’ program as compared to the 52-week program mandated by law for convicted offenders on probation, is not legal nor in the spirit of the law which mandates the 52-week program.*

Response – I disagree wholly with this finding as the DV/OR program is a legal outgrowth of the District Attorney’s obligation under Government Code Section 26500.5 to “sponsor, supervise, or participate in any project or program to improve the administration of justice.” Further, it should be noted that the 32-week treatment program mandated in the DV/OR Program is a minimum requirement, not a maximum.

6. *According to Penal Code Section 1203.097, the Probation Department approves and certifies batterer’s treatment educational programs for Butte County. Offenders may select which program they wish to attend. If offenders wish to switch to the other program, they may, with good cause and with the approval of Probation.*

Response – I partially disagree with this finding. In probation cases, it is the court that must approve the program switch. This is because this population of offenders has a very high manipulation level. They will quit or change programs frequently if allowed to, particularly if they held accountable for their misbehavior in a program. Note, that since the DV/OR program is not a probation program, there is no need for a probation department approval or certification for any vendor who supplies the DV/OR treatment program. The District Attorney in this instance has simply chosen a treatment program provider (Family Violence Educational Programs) who also happens to be certified to provide batterers’ treatment services to those offenders on probation.

7. *DV/OR offenders are only allowed to attend the batterer’s educational program provided by FVEP, even though there is another certified program available through another provider, NB. The DV/OR offenders do not have a choice of programs.*

Response – I wholly disagree with the first sentence of this finding in that there is only

one “certified” batterer’s educational program for DV/OR offenders – Family Violence Educational Programs (FVEP). FVEP is the only program approved by the District Attorney to provide the treatment and supervision services as needed for the DV/OR Program. Any certification for other programs is irrelevant. As to the second sentence of the finding, I disagree partially as there have been rare instances of a DV/OR offender now residing far away who have been allowed to participate in an out-of-county treatment program approved by the District Attorney.

8. *DV/OR offenders who are assigned the 32-week program are taught in the same classes as are the convicted domestic violence offenders on probation who are enrolled in the statutory 52-week program.*

Response – I disagree partially with this finding in as far as it implies that the 32-week program is merely a truncated 52-week program. It is not. It is a specialized curriculum, which is proprietary, copyrighted and pending publication. This curriculum is in use in all but the special client accommodation classes where there is an insufficient population of clients to justify a separate class. These classes include “commuter classes” and classes where there are only one or two referrals, generally those who do not have English as a first language and live in one of our smaller communities. (E.g., a Spanish-speaking female who lives in Gridley.) While there may be some overlap during initial intake classes, or there may be circumstances where both DV/OR clients and probationary clients attend classes involving the same material together, that is not the practice overall.

9. *The Grand Jury could find no rational basis for the exclusion of NB from the DV/OR Program batterers’ education intervention component. Research in the Social Sciences has found that people may often benefit from one program/therapy while not benefitting from another. Based on this research, clients deserve a choice.*

Response – I wholly disagree with this finding. As noted in the narrative history above, when New Beginnings (NB) first approached the District Attorney’s Office, a review was begun and NB was found deficient in the treatment and supervision services needed for the DV/OR Program. As recommended to me by the Assistant District Attorney in charge of monitoring the program (and who is herself an expert in behavior modification):

- a. *I recommend we remain focused on the current cognitive behavioral model versus the empowerment model. Utilizing models of intervention that are known to address criminal thinking and decision making is important to outcomes. The decision to follow research provides a rational basis for using the selected provider.*
- b. *I recommend we retain the close monitoring and a high accountability model for persons who are unsupervised by probation. FVEP provides that service. A decision which closely monitors offenders provides a rational basis for using one*

provider.

c. DV/OR constitutes a very small group of the overall family violence offender profile, and only one vendor is required to support the program. Moving to two vendors will make the program financially less viable. It is noted that financial viability is part of the underpinning of the current provider disputes. This decision provides a rational basis for using one provider.

d. I recommend the FVEP protocol and the additional services that FVEP provides including diverse culturally proficient classes, free chemical dependency classes, random drug testing, and free victim empowerment classes. This provides a rational basis for supporting the DV/OR program through one provider.

10. *In the State of California auditor's report entitled Batterer Intervention Programs released in November of 2006 wherein Butte County's programs were audited, there was no mention of the DV/OR Program. The Grand Jury concludes that the audit committee was not aware that it existed.*

Response – I can neither agree nor disagree with this finding as the state auditor's report was not directed at the issue raised by this grand jury report – i.e. the DV/OR program. The full title of the state auditor's report was – *Batterer Intervention Programs: County Probation Departments Could Improve Their Compliance With State Law, but Progress in Batterer Accountability Also depends on the Courts.* As such it would be unlikely the auditor's report would mention the DV/OR program as it is not a Probation Department program but the District Attorney's public safety program. Of note, in the auditor's report was the suggestion that probation departments make their batterer's intervention programs more stringent in the case of missed classes and that the courts take a more active role in monitoring batterer accountability by having batterers appear in court regularly for progress reviews – both of which the DV/OR Program emphasizes.

11. *Probation approved the Family Violence Education Programs (FVEP) in 1996 and New Beginnings in November 2004. The license of the FVEP administrator is listed as "Inactive" and the licenses of the New Beginnings administrators are listed as "Clear."*

Response – I neither agree nor disagree with this finding as it is irrelevant to either the DV/OR Program or the regular Probation Department batterer's program as neither requires licensure for other than persons providing "direct counseling to batterers."

12. *In Butte County, there currently is no comprehensive domestic violence court to hear cases from start to finish before one specific judge. The District Attorney is supportive of implementing such a court.*

Response – I agree with this finding with the note that I have been advocating such a court for a number of years and although most judges are in general agreement, the

court has indicated they do not currently have adequate resources to implement such a separate court calendar.

13. *According to Penal Code Section 1203.097, certified batterer's educational program providers are to re-apply for certification annually. Twice during the year, the Probation Department is required to audit the programs.*

Response – I agree with this finding.

14. *The Probation Department has not been keeping up with program audits and with the re-application process. Probation did begin the re-application process in January of 2007.*

Response – I can neither agree nor disagree with this finding as this is within the knowledge of the Probation Department. (I do note, however, the Probation Department, like many other county departments, continually struggles with unfunded state mandates such as this one.)

15. *Statistics for the number of offenders entering batterer's educational intervention programs and successfully completing the program were not available. In addition, recidivism rates for offenders were not available.*

Response – I disagree partially with this finding. The information is available, it is the resources are that not available to capture the information.

RESPONSE TO GRAND JURY RECOMMENDATIONS

(For ease of reference, the Grand Jury recommendations are in *italics* and my response is in **bold**.)

1. *The District Attorney change the number of weeks required for offenders in the DV/OR program pleading guilty to a misdemeanor domestic violence from 32 weeks to 52 weeks. This change conforms to the spirit of the law requiring a batterer's program of no less than one year.*

Response – The recommendation will not be implemented because it is not warranted for all the reasons stated above. The 32-week program, as currently crafted and continually updated, supports the District Attorney's goal of moving suitable people through the system quickly and preserving assets for more serious offenders. The DV/OR offenders account for only 12 percent of convicted offenders in the system. The current configuration and number of treatment weeks for this population base has worked remarkably well for the past dozen years. The District Attorney chooses not change the program for the sake of change. The DV/OR Program advances the overriding "spirit of the law" in having an effective batterer's treatment program, which protects public safety and victims of domestic violence.

2. *The District Attorney revise the DV/OR program to include New Beginnings along with Family Violence Education Programs to give clients a choice, since both programs are certified and approved by the Probations Department according to Penal Code Section 1203.097.*

Response – The recommendation will not be implemented because it is not warranted and not reasonable for all the reasons stated above. Again certification or approval by the Probation Department for purposes of Penal Code Section 1203.097 is not relevant to a District Attorney public safety program.

3. *A County/Court/Public Defender/Victim Advocate team approach should explore the need for a more comprehensive domestic violence court.*

Response – The recommendation has been implemented with ongoing discussions in the Butte County Criminal Justice Coordinating Committee which represents all the above interests.

4. *The Probation Department conduct timely audits and require re-application from approved certified domestic violence programs yearly as required in Penal Code Section 1203.097.*

Response – This recommendation does not apply to the District Attorney.

5. *The Probation Department should keep and make available statistics . . .*

Response – This recommendation does not apply to the District Attorney.

CONCLUSION

The Grand Jury in its report focused on a small element of the family violence issue in our community. However, this provides a welcome opportunity to discuss the critical nature of the problem and to put forward a few points.

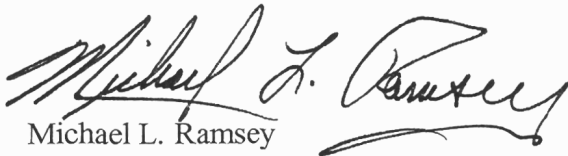
- We need a full time vertical DV Court to keep a focused effort of intervention and change in this dangerous crime.
- We need expanded victim advocacy and sheltering services, including intervention services for women with children and pets that need protection.
- We need sufficient access to drug and alcohol treatment. Methamphetamine is the predominant drug of abuse in the County. While alcohol use does NOT cause violence, methamphetamine, because of the unique impact on dopamine and serotonin, *can* cause violence. It is critically important that persons not be impaired by any form of substance abuse while working through a batterer's intervention program. If their learning is impaired, progress is limited.

August 20, 2007

- We need alcohol and drug treatment providers as part of the current Domestic Violence Court team. This would move us farther into the problem solving court model which has demonstrated national excellence.
- We need to move toward uniform and normed assessment instruments that allow the court team to measure progress, and focus additional services where deficits remain.
- We need additional community supervision to protect the public.

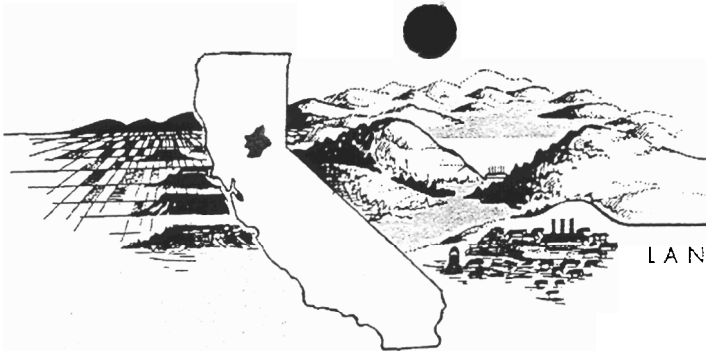
The Grand Jury is a group of citizens who dedicate significant amounts of personal time in an effort to make our community a better place to live. I applaud their efforts. I am very sorry that they appear to have been given insufficient information from vested interests. This lack of information has caused a focus on a very small aspect of the overall response to family violence and distracted them from addressing the many problems that we face in addressing family violence in a comprehensive manner.

Respectfully submitted,



Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY

District Attorney

FRANCISCO R. ZARATE
Chief Deputy District Attorney

ANTHONY G. KOESTER
Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California

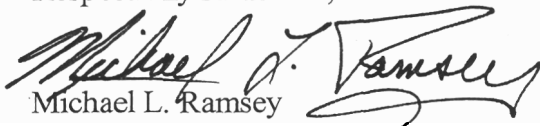
Re: Response to 2006/07 Grand Jury Report on the Feather River Recreation and Park District

Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to recommendation number 24 of the Butte County Grand Jury in their report on the Feather River Recreation and Park District. In that recommendation the Grand Jury requested this office “conduct an investigation into the alleged mishandling of funds for the Skate and Bike Park project and into the possibly biased Board-requested investigation of the appropriation process to see if criminal charges should be brought against the Board and the General Manager.”

The recommendation has been implemented. No summary of this action is possible as it would impede the investigation.

Respectfully submitted,


Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY
District Attorney

FRANCISCO R. ZARATE
Chief Deputy District Attorney

ANTHONY G. KOESTER
Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California

Re: Response to 2006/07 Grand Jury Report on the Law Enforcement Formal Complaint System

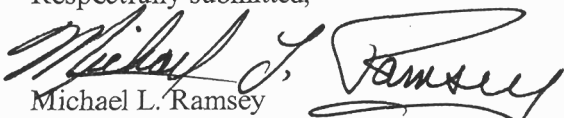
Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to an erroneous finding in the above report. Said finding “found that the DA refused to look into a matter saying it had been turned over to the Grand Jury for investigation.”

The District Attorney disagrees wholly with this finding. Although the “matter” is unspecified, a discussion with the grand jury foreperson after the report was submitted clarified what “matter” was being referenced. This office was very familiar with the subject matter, which involves two feuding neighbors, both of whom have been charged at different times for harassment/threats to the other. During this office’s review of the latest incident between the two, one of the neighbors complained of the investigating police agency handling of the incident (and many other items). Knowing that the grand jury was looking into the agency’s interactions with this particular neighbor (based upon his complaints), we referred his new complaints about that agency back to the proper body – the grand jury. We continued to review the criminal incident involving the neighbors and did file a criminal complaint in the court against one of them.

For the grand jury to make such an erroneous finding that the District Attorney refused to take appropriate action is not only personally distressing, but reflects badly upon the grand jury’s investigative and reporting procedures. A simple contact with me prior to the submission of the report would have avoided this embarrassing lapse by the grand jury.

Respectfully submitted,


Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors

Butte County Department of Development Services

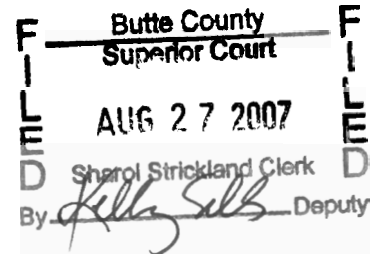
TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR



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www.buttegeneralplan.net

ADMINISTRATION * BUILDING * PLANNING

July 31, 2007



Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: **Response to the 2006-2007 Grand Jury Final Report**

Dear Judge Howell:

Pursuant to Penal Code Sections 933 and 933.5, the Department of Development Services (DDS) hereby submits its response to the findings and recommendations of the Grand Jury's 2006-2007 Final Report.

FINDINGS

1. *The County Board of Supervisors has not implemented the recommendation of the 2004-05 Grand Jury that protection from coercion by members of the Board be extended to include all county employees and that the definition of coercion be expanded.*

The respondent does not agree or disagree with this finding. This finding pertains to the Board of Supervisors and not specifically the Department of Development Services. Development Services provides no response to this item.

2. *The Director of the DDS has been working with the Board of Supervisors to update ordinances related to the implementation of the Agricultural Element of the General Plan.*

The respondent agrees with this finding. The County had lacked an ordinance addressing one of the programs in the General Plan Agricultural Element as adopted in 1995. Development Services presented reports for the Planning Commission and Board of Supervisors to clarify the applicability of the Agricultural Buffer requirement as outlined in Program 2.2 of the Agricultural Element of the General Plan. At the direction of the Board of Supervisors, Development Services also prepared an ordinance for consideration. The Board approved the Agricultural Buffer Setback ordinance in February 2007.

3. The Agriculture Building Exemption is inconsistent with the Uniform Building Code. Abuse of this exemption deprives the county of revenue and also creates the risk that unsafe buildings may be constructed.

The respondent agrees with this finding. For many years, the County has processed an Agricultural Building Exemption. The Department of Development Services presented this issue to the Board of Supervisors for discussion and direction on March 27, 2007.

4. The method of collecting school impact fees for building permits is inefficient; it does not demonstrate good customer service on the part of either the DDS or the school districts.

The respondent agrees with this finding. There are eight school districts that collect school fees. Each district has their own form to complete at the Department of Development Services front counter then the applicant pays the fee at the respective school district office. This office may be as close as Oroville or as far away as Marysville, depending on district location. Currently, the applicant pays the fee at the district office and then returns to DDS with proof of payment in order to obtain the building permit.

5. The Current Planning Division has a backlog of development applications, requiring individual planners to carry a caseload of 25 to 40 projects. Additional job responsibilities, such as working at the public counter, contribute to this backlog.

The respondent agrees with this finding. The Department of Development Services has experienced a high level of planning project workload with a range of complexity for several years.

RECOMMENDATIONS

1. The Board of Supervisors should implement the 2004-05 Grand Jury recommendation regarding coercion.

This recommendation is directed at the Board of Supervisors and is not within the authority of the Department of Development Services.

2. The Director of Development Services, Agriculture Commissioner and the Board of Supervisors should continue to identify and update unclear ordinances, especially those that are inconsistent with the General Plan or expose the county to liability.

This recommendation has been implemented. Development Services presented a report to the Board of Supervisors on June 26, 2007 requesting clarification on four aspects of the Agricultural Buffer Setback ordinance (as adopted on February 13, 2007) and related issues. Development Services received clear direction from the Board of Supervisors and posted a summary of that direction on the departmental website. Part of the action on June 26, 2007 was the Board's adoption of a resolution modifying the applicability exhibit (map) of the Agricultural Buffer Ordinance.

One of the requirements of the Agricultural Buffer Ordinance is to prepare buffer guidelines. The Agricultural Commissioner's Office will be leading the preparation of those guidelines. It is expected those guidelines will take a year to prepare a draft version.

Development Services with Public Works presented a list of code improvements for discussion and direction at the July 10, 2007 Board of Supervisors meeting. Development Services included 24 items for direction. Staff included a basic priority ranking of Pre-General Plan and General Plan 2030 as the timeframe for each item. Development Services received direction to work on 13 of the 24 items as a Pre-General Plan priority meaning this is work in advance of the September 2009 Butte General Plan 2030 completion timeframe.

3. The Board of Supervisors needs to reconsider the Agriculture Building Exemption needs to be reconsidered in the context of the Uniform Building Code.

This recommendation has been partially implemented. The Board of Supervisors considered this issue at its March 27, 2007 meeting and directed staff to bring back revisions consistent with the Uniform Building Code. Development Services will make a presentation to the Board of Supervisors on August 28, 2007 with recommendations for Agriculture Building requirements. Development Services has also met with the Butte County Farm Bureau and representatives from the Cattlemen's Association to receive public input on this program.

4. The Director of Development Services should meet with each superintendent of the county school districts to discuss the merits of having the DDS office collect their building permit fees and to exchange whatever technical information is needed to implement this proposal. The cost of implementing this program should reflect the actual administration cost to DDS.

The recommendation has not yet been implemented, but will be implemented in the future. There are eight school districts that Development Services refers the payment of school fees to the appropriate school district office. Those districts are Biggs Unified School District, Chico Unified School District, Durham Unified School District, Gridley Unified School Dist, Marysville Joint Unified School District, Oroville Elementary School District, Oroville Union High School District, and Paradise Unified School District.

The Development Services Director met with the Superintendent of the Thermalito School District recently to discuss Butte County General Plan 2030. As a follow up, the Development Services Director will contact the School Districts representatives and discuss this recommendation, as well as Butte County General Plan 2030 within six months. The County also expects to update its fee ordinance in 2008 and this may present an opportunity for additional coordination of fee collection process between the County and the school districts.

5. The Director of Development Services should direct resources toward reducing the response time on active applications.

The recommendation has been partially implemented. Development Services has worked with the Development Services Users' Group (Consultants, Contractors, Contractors Association Representative, Building Industry Association and other interested parties) to establish a forum for identifying deficiencies and problem areas, created forms on Trakit (an electronic permitting system) that help with response time, clarified the agricultural buffer requirements and improved information on the Departmental website. In conjunction with the Department of Public Health, Environmental Health Division, Development Services has also implemented a process to facilitate concurrent processing of project applications in both departments, saving applicants several months to two years of processing time .


Development Services presented a number of code improvement items for the Board of Supervisors consideration on July 10, 2007. The items prioritized for action prior to completion of the General Plan 2030 include, but are not limited to, the following:

- The Department will evaluate current hearing processes to identify efficiencies;
- The Department is developing a proposal for a new Zoning Administrator provision to facilitate the processing of lower-level project decisions;
- Bring to the Board of Supervisors for consideration an amended fee ordinance allowing applicants the option of County-retained consulting services to assist with processing for any project;
- General Plan and Zoning Code changes to consider allowing lots smaller than 6,500 square feet in residential zones; and

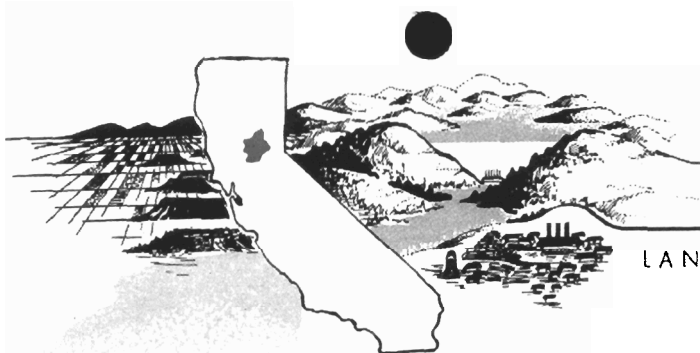
- Bring to the Board of Supervisors for consideration revisions to the flex-lot ordinance that would allow processing a subdivision even if the entire site is constrained by the 100-year flood zone. (Currently, a standard subdivision can be proposed in the 100-year flood zone. In any case the house must be elevated above the flood zone and equal flood water capacity is required for any fill in the flood zone.)

Additionally, the Department is recruiting for an existing vacant Assistant/Associate Planner and a newly authorized Senior Planner position. The Department will continuously evaluate existing systems for improvements to processing and response times.

This concludes the response to the Department of Development Services portion of the 2006-2007 fiscal year Grand Jury Report.

Sincerely,

Tim Snellings
Director

cc: Starlyn Brown, Interim County Administrator



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY

District Attorney

FRANCISCO R. ZARATE

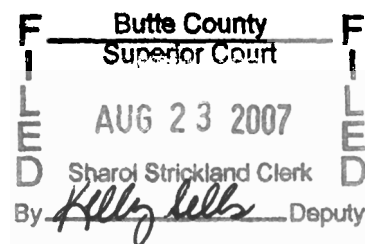
Chief Deputy District Attorney

ANTHONY G. KOESTER

Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California



Re: Response to 2006/07 Grand Jury Report on the District Attorney's Domestic Violence / Own Recognizance Program

Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to the 2006-07 Grand Jury Report on the District Attorney's Domestic Violence/ Own Recognizance (DV/OR) Program. For the most part the Grand Jury accurately portrayed the DV/OR Program as one of the tools used by our office and the courts to address the very complex and often frustrating challenge of domestic violence in our county. However, certain inaccuracies and philosophical differences would mislead a reader of the Grand Jury's report about the program and its intent.

First, a history of the program is necessary. The program is an outgrowth of a pre-1995 diversion program which was mandated under the law. Prior to 1995, misdemeanor domestic violence offenders were statutorily entitled to "diversion" from the criminal justice system if they met certain criteria involving a lack of a prior record. [Penal Code Section 1000.6 et seq.] As part of this statutory diversion, offenders were required to attend a 32-week (at a minimum) "batterer's treatment program" which had to meet certain statutory standards and be approved by the local probation department. Butte County had at least two programs at the time which met the standards and were approved by the probation department. The programs had the confidence of the court, the district attorney and the local defense bar. The programs, particularly the one operated by Family Violence Educational Programs (FVEP), was designed as a high accountability program which worked well with the court and this office in educating misdemeanor offenders about the wrongness of domestic violence. This program also provided the required 52-week mandatory batterer's treatment program for those convicted of felony domestic violence.

However this pre-1995 statutory diversion mandated that “no admission of guilt” be required before the misdemeanor offender was entitled to be diverted from the criminal justice system. This was referred to as a pre-plea diversion program. This meant if the offender failed the treatment program or committed a new offense, the offender would be back at the beginning of the criminal justice process with a plea of not guilty and the beginning of the hearing and trial process. This pre-plea process had two distinct disadvantages for the rehabilitation of misdemeanor domestic violence offenders: 1) by not having to enter a guilty plea, they avoided admitting responsibility for their actions, and 2) by delaying the process for months, the witnesses and case would dissolve with time, making prosecution difficult or impossible.

In 1995, the legislature did away with the statutory pre-plea diversion program for misdemeanor domestic violence cases. This meant generally “a conviction or nothing.” A misdemeanor offender would now have to be convicted of and sentenced for the crime of domestic violence before any batterer’s treatment program could be mandated.

The Butte County courts, this office and the defense bar saw this change in the law as both a challenge and an opportunity. The challenge lay in the fact that a number of low-level misdemeanor domestic violence cases would become even more difficult to prosecute when victims, who are traditionally reluctant to testify against their batterer, would become even more reluctant if the consequences of their testifying against a loved one would mean a criminal conviction, with its adverse consequences on legal rights and employment. (I cannot count the number of times domestic violence victims called this office and pleaded that criminal “charges be dropped.” That all they wanted was for their significant other to “get help” and not be convicted of a crime, as it would mean “he’ll go to jail, lose his job, not be able to support the family, etc.”)

With fewer convictions as a result of this fear of a criminal conviction, fewer offenders would be subject to the requirements of attending a batterer’s treatment program. This would mean that those offenders who may have benefitted most from a treatment program would miss the opportunity to learn how to avoid behavior patterns that led them to start down the road to domestic violence.

The opportunity afforded by the change in law allowed this office, with the encouragement of the court and defense bar to replace the old statutorily mandated pre-plea diversion program with a “deferred entry of judgement program” and a higher accountability program for misdemeanor domestic violence offenders. The structure of this new program was based upon the highly successful drug court model which had been recently instituted in the Butte County courts. Basically, an appropriately-screened domestic violence offender would be offered a chance to plea “guilty” to a misdemeanor domestic violence offense and then be released on his/her own recognizance pending the successful completion of the 32-week batterer’s treatment program previously approved by the probation department for low-level offenders. Should the offender not successfully complete the program or violate other terms of his/her release, the judge would then accept the guilty plea and sentence the offender just as any other convicted domestic violence offender (which, if the judge decided to give the offender a chance on probation, would include a required higher-order 52-week

batterer's treatment program). The program was called the Domestic Violence/ Own Recognizance (DV/OR) Program.

At first, the probation department included DV/OR offenders in their regular domestic violence probationary caseload to supervise. But as the more stringent requirements of the law change of 1995 impacted the probation department's caseload (without a concomitant increase in state funds) it soon became impossible for the probation department to supervise both DV/OR offenders and regular DV offenders. This office then arranged with Family Violence Educational Programs to increase their oversight of the DV/OR offenders in their program and to report not only to this office of the offender's progress but to the newly formed Domestic Violence Court calendar. This calendar, again modeled on the drug court model, was a post-plea court calendar which required offenders to report back to the court on a regular basis to monitor their progress on DV probation or DV/OR.

Over the dozen years since the institution of DV/OR, the primary provider of batterer's treatment services in Butte County – Family Violence Educational Programs – provided additional services for the offenders and their families and refined the program to needs of the prosecution, i.e., making the program a tough, no nonsense, accountability driven program. The program is not a truncated 52-week batterer's treatment program, as the grand jury was misled to believe, but a stand alone, specially designed program for the DV/OR program clientele.

In 1996, Family Violence Educational Programs and another program were also certified by the probation department (as required by the new 1995 law) to provide batterer's treatment services for those convicted of domestic violence and placed on probation. (The grand jury was mistaken when it wrote that only Family Violence Educational Programs was certified by the probation department in 1996.) The other program developed reporting and accountability problems after a few years and was decertified by the probation department, leaving only Family Violence Educational Programs as the only certified treatment program until late 2004. At that time, another program, New Beginnings, was certified by the probation department to offer batterer's treatment services for those offenders convicted and placed on probation.

New Beginnings approached this office to offer services for DV/OR offenders shortly after their certification. A review of the New Beginnings methodology was instituted and their performance was monitored in the weekly DV Court calendar.

The New Beginnings' approach to treatment was based loosely on the "Duluth model," which was the basis for most original domestic violence treatment programs, and formed some of the underpinnings of Penal Code section 1203.097 as it was passed by the state legislature in 1995. Regrettably, in the opinion of many experts this "empowerment" model did not work well enough to reduce family violence as had been originally hoped. However, this empowerment model is highly recommended for **victims** of domestic violence. Unfortunately, that is not our target population. Offenders are the target population, not victims. (See also New York state's model for domestic violence policy at: http://www.opdv.state.ny.us/coordination/model_policy/guiding.html.)

In contrast, the Family Violence Educational Programs' model is based primarily on behavior modification principles found in well-researched evidence-based literature. Contrary to the assertion of an unknown representative of Catalyst quoted in the grand jury report, the model is not based on "power and control." As noted, the unknown representative did not get an in-service training from Family Violence Educational Programs, so he/she may be misinformed. The Family Violence Educational Programs' curriculum focuses on education, challenging thinking errors, discovery of core values, and uses a group dynamic to focus change in necessary areas. Predominately it uses cognitive behavioral therapies. These processes have been found to be highly successful in working with criminal justice clients, including those with thinking errors, and addiction problems. Their program is coupled with support for those who work to the best of their ability, no matter what their ability is. It is a program that focuses on **accountability** and development of life skills. Family Violence Educational Programs has specialized classes for persons with cognitive challenges.

As our review continued, New Beginnings' performance on the normal domestic violence probation caseload was considered sub par by the deputy district attorneys attending the Domestic Violence Court calendar – in particular the Assistant District Attorney assigned this calendar, who summarized those concerns as expressed over the past two years in a memo in response to the grand jury report:

- *I personally have heard, and observed, comments by probation officers who have been unhappy with the performance of New Beginnings. I cannot comment further because I do not know which officers spoke to the Grand Jury.*
- *I have personally heard probation officers comment that the squabbling between the providers is wasting everyone's time when there is precious little time for all the work they have.*
- *I have personally, in my capacity as an Assistant District Attorney, expressed frustration at the lack of timely reporting by New Beginnings, by the lack of accurate reporting by New Beginnings, and on one occasion, by the testimony of a member of New Beginnings in a contested hearing when New Beginnings asked for a program termination and then could not substantiate their request.*
- *I enjoy the humor and company of the New Beginnings staff when they are in Court, but I note they often arrive late, and leave early. "Team" is not a word I would use in relation to them. It would be accurate to say I am concerned about the model of intervention they are using. As with all things, I suspect it is evolving.*
- *I believe the presence of competition is good, and have seen some difficult clients pass through New Beginnings. Whether their cognitive process is changed is unclear. No program can guarantee what the outcomes will be due to a wide range of variables specific to the client and their surroundings. Family violence is extraordinarily complex.*

As a result of both their model and performance challenges, it was decided to not change the vendor of services (both treatment and supervision) as Family Violence Educational Programs continued to provide superior services.

A complaint to the Grand Jury followed (undoubtedly by New Beginnings), prompting the grand jury review and this response.

RESPONSE TO GRAND JURY FINDINGS

(For ease of reference, the Grand Jury findings are in *italics* and my response is in **bold**.)

1. *Penal Code Section 1203.097 forbids any batterer's educational program being less than 52-weeks or one year for offenders on court probation for a domestic violence conviction.*
Response – I agree with this finding with the clarification that Penal Code Section 1203.097 did away with the previous statutorily mandated “pre-plea” diversion program and has no relevance to the DV/OR post-plea “deferred entry of judgement” program which is not a probation program.

2. *The DV/OR batterer's education program is a 32-week program approved by the District Attorney's Office, rather than the 52-week program as designated by Penal Code Section 1203.097.*
Response – I agree with this finding with the clarification offered in the finding above that the 52-week program only applies to those offenders on probation, not to DV/OR program participants.

3. *The offenders allowed into the DV/OR Program are not formally convicted and on probation, so the program is technically not subject to the regulations of Penal Code Section 1203.097.*
Response – I disagree partially with this finding as DV/OR offenders are formally convicted of domestic violence upon their entry of a guilty plea as required for entry into the program. It is their sentence that is deferred during the course of their participation in the program and once they successfully complete the program, they are allowed to withdraw their guilty plea. Should they not successfully complete the program, their guilty plea and conviction are confirmed and they are sentenced to either a terminal sentence or probation (which would require a 52-week program). The use of the term “technical” implies some sort of subterfuge. There is no such term in law as a “technical violation” of law. Violations of law, technical or otherwise, are determined by the courts, which, it should be noted, have supported the DV/OR Program for 12 years without a finding that it has somehow “technically” skirted the law.

4. *The DV/OR program, while worthwhile in intention, often effective, and possibly within the letter of the law, does not conform to the spirit of the law as addressed in legislative findings to Penal Code Section 1203.097 which states that “Diversion programs for perpetrators of domestic violence . . . are inadequate to address domestic violence as a serious [sic] crime.”*
Response – I disagree partially with this finding in that the DV/OR Program is not the type of statutorily mandated pre-plea program the legislature disfavored in its findings. The previous pre-plea diversion programs disfavored by the legislature suffered from a lack of accountability which caused them to be inadequate to address domestic violence as the serious crime it is. The DV/OR program recognizes this and requires a “guilty” plea, which acknowledges responsibility and accountability for the serious crime committed by the offender, which is the first important step in any treatment program.
5. *Some victim advocates are concerned that the 32-week batterers’ program as compared to the 52-week program mandated by law for convicted offenders on probation, is not legal nor in the spirit of the law which mandates the 52-week program.*
Response – I disagree wholly with this finding as the DV/OR program is a legal outgrowth of the District Attorney’s obligation under Government Code Section 26500.5 to “sponsor, supervise, or participate in any project or program to improve the administration of justice.” Further, it should be noted that the 32-week treatment program mandated in the DV/OR Program is a minimum requirement, not a maximum.
6. *According to Penal Code Section 1203.097, the Probation Department approves and certifies batterer’s treatment educational programs for Butte County. Offenders may select which program they wish to attend. If offenders wish to switch to the other program, they may, with good cause and with the approval of Probation.*
Response – I partially disagree with this finding. In probation cases, it is the court that must approve the program switch. This is because this population of offenders has a very high manipulation level. They will quit or change programs frequently if allowed to, particularly if they held accountable for their misbehavior in a program. Note, that since the DV/OR program is not a probation program, there is no need for a probation department approval or certification for any vendor who supplies the DV/OR treatment program. The District Attorney in this instance has simply chosen a treatment program provider (Family Violence Educational Programs) who also happens to be certified to provide batterers’ treatment services to those offenders on probation.
7. *DV/OR offenders are only allowed to attend the batterer’s educational program provided by FVEP, even though there is another certified program available through another provider, NB. The DV/OR offenders do not have a choice of programs.*
Response – I wholly disagree with the first sentence of this finding in that there is only

one “certified” batterer’s educational program for DV/OR offenders – Family Violence Educational Programs (FVEP). FVEP is the only program approved by the District Attorney to provide the treatment and supervision services as needed for the DV/OR Program. Any certification for other programs is irrelevant. As to the second sentence of the finding, I disagree partially as there have been rare instances of a DV/OR offender now residing far away who have been allowed to participate in an out-of-county treatment program approved by the District Attorney.

8. *DV/OR offenders who are assigned the 32-week program are taught in the same classes as are the convicted domestic violence offenders on probation who are enrolled in the statutory 52-week program.*

Response – I disagree partially with this finding in as far as it implies that the 32-week program is merely a truncated 52-week program. It is not. It is a specialized curriculum, which is proprietary, copyrighted and pending publication. This curriculum is in use in all but the special client accommodation classes where there is an insufficient population of clients to justify a separate class. These classes include “commuter classes” and classes where there are only one or two referrals, generally those who do not have English as a first language and live in one of our smaller communities. (E.g., a Spanish-speaking female who lives in Gridley.) While there may be some overlap during initial intake classes, or there may be circumstances where both DV/OR clients and probationary clients attend classes involving the same material together, that is not the practice overall.

9. *The Grand Jury could find no rational basis for the exclusion of NB from the DV/OR Program batterers’ education intervention component. Research in the Social Sciences has found that people may often benefit from one program/therapy while not benefitting from another. Based on this research, clients deserve a choice.*

Response – I wholly disagree with this finding. As noted in the narrative history above, when New Beginnings (NB) first approached the District Attorney’s Office, a review was begun and NB was found deficient in the treatment and supervision services needed for the DV/OR Program. As recommended to me by the Assistant District Attorney in charge of monitoring the program (and who is herself an expert in behavior modification):

- a. *I recommend we remain focused on the current cognitive behavioral model versus the empowerment model. Utilizing models of intervention that are known to address criminal thinking and decision making is important to outcomes. The decision to follow research provides a rational basis for using the selected provider.*
- b. *I recommend we retain the close monitoring and a high accountability model for persons who are unsupervised by probation. FVEP provides that service. A decision which closely monitors offenders provides a rational basis for using one*

provider.

- c. *DV/OR constitutes a very small group of the overall family violence offender profile, and only one vendor is required to support the program. Moving to two vendors will make the program financially less viable. It is noted that financial viability is part of the underpinning of the current provider disputes. This decision provides a rational basis for using one provider.*
- d. *I recommend the FVEP protocol and the additional services that FVEP provides including diverse culturally proficient classes, free chemical dependency classes, random drug testing, and free victim empowerment classes. This provides a rational basis for supporting the DV/OR program through one provider.*
10. *In the State of California auditor's report entitled Batterer Intervention Programs released in November of 2006 wherein Butte County's programs were audited, there was no mention of the DV/OR Program. The Grand Jury concludes that the audit committee was not aware that it existed.*
Response – I can neither agree nor disagree with this finding as the state auditor's report was not directed at the issue raised by this grand jury report – i.e. the DV/OR program. The full title of the state auditor's report was – *Batterer Intervention Programs: County Probation Departments Could Improve Their Compliance With State Law, but Progress in Batterer Accountability Also depends on the Courts.* As such it would be unlikely the auditor's report would mention the DV/OR program as it is not a Probation Department program but the District Attorney's public safety program. Of note, in the auditor's report was the suggestion that probation departments make their batterer's intervention programs more stringent in the case of missed classes and that the courts take a more active role in monitoring batterer accountability by having batterers appear in court regularly for progress reviews – both of which the DV/OR Program emphasizes.
11. *Probation approved the Family Violence Education Programs (FVEP) in 1996 and New Beginnings in November 2004. The license of the FVEP administrator is listed as "Inactive" and the licenses of the New Beginnings administrators are listed as "Clear."*
Response – I neither agree nor disagree with this finding as it is irrelevant to either the DV/OR Program or the regular Probation Department batterer's program as neither requires licensure for other than persons providing "direct counseling to batterers."
12. *In Butte County, there currently is no comprehensive domestic violence court to hear cases from start to finish before one specific judge. The District Attorney is supportive of implementing such a court.*
Response – I agree with this finding with the note that I have been advocating such a court for a number of years and although most judges are in general agreement, the

court has indicated they do not currently have adequate resources to implement such a separate court calendar.

13. *According to Penal Code Section 1203.097, certified batterer's educational program providers are to re-apply for certification annually. Twice during the year, the Probation Department is required to audit the programs.*

Response – I agree with this finding.

14. *The Probation Department has not been keeping up with program audits and with the re-application process. Probation did begin the re-application process in January of 2007.*

Response – I can neither agree nor disagree with this finding as this is within the knowledge of the Probation Department. (I do note, however, the Probation Department, like many other county departments, continually struggles with unfunded state mandates such as this one.)

15. *Statistics for the number of offenders entering batterer's educational intervention programs and successfully completing the program were not available. In addition, recidivism rates for offenders were not available.*

Response – I disagree partially with this finding. The information is available, it is the resources are that not available to capture the information.

RESPONSE TO GRAND JURY RECOMMENDATIONS

(For ease of reference, the Grand Jury recommendations are in *italics* and my response is in **bold**.)

1. *The District Attorney change the number of weeks required for offenders in the DV/OR program pleading guilty to a misdemeanor domestic violence from 32 weeks to 52 weeks. This change conforms to the spirit of the law requiring a batterer's program of no less than one year.*

Response – The recommendation will not be implemented because it is not warranted for all the reasons stated above. The 32-week program, as currently crafted and continually updated, supports the District Attorney's goal of moving suitable people through the system quickly and preserving assets for more serious offenders. The DV/OR offenders account for only 12 percent of convicted offenders in the system. The current configuration and number of treatment weeks for this population base has worked remarkably well for the past dozen years. The District Attorney chooses not change the program for the sake of change. The DV/OR Program advances the overriding "spirit of the law" in having an effective batterer's treatment program, which protects public safety and victims of domestic violence.

2. *The District Attorney revise the DV/OR program to include New Beginnings along with Family Violence Education Programs to give clients a choice, since both programs are certified and approved by the Probations Department according to Penal Code Section 1203.097.*

Response – The recommendation will not be implemented because it is not warranted and not reasonable for all the reasons stated above. Again certification or approval by the Probation Department for purposes of Penal Code Section 1203.097 is not relevant to a District Attorney public safety program.

3. *A County/Court/Public Defender/Victim Advocate team approach should explore the need for a more comprehensive domestic violence court.*

Response – The recommendation has been implemented with ongoing discussions in the Butte County Criminal Justice Coordinating Committee which represents all the above interests.

4. *The Probation Department conduct timely audits and require re-application from approved certified domestic violence programs yearly as required in Penal Code Section 1203.097.*

Response – This recommendation does not apply to the District Attorney.

5. *The Probation Department should keep and make available statistics . . .*

Response – This recommendation does not apply to the District Attorney.

CONCLUSION

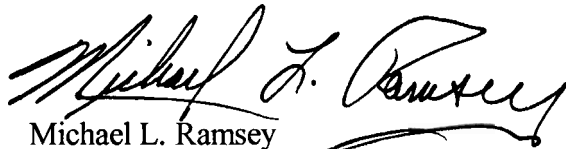
The Grand Jury in its report focused on a small element of the family violence issue in our community. However, this provides a welcome opportunity to discuss the critical nature of the problem and to put forward a few points.

- We need a full time vertical DV Court to keep a focused effort of intervention and change in this dangerous crime.
- We need expanded victim advocacy and sheltering services, including intervention services for women with children and pets that need protection.
- We need sufficient access to drug and alcohol treatment. Methamphetamine is the predominant drug of abuse in the County. While alcohol use does NOT cause violence, methamphetamine, because of the unique impact on dopamine and serotonin, *can* cause violence. It is critically important that persons not be impaired by any form of substance abuse while working through a batterer's intervention program. If their learning is impaired, progress is limited.

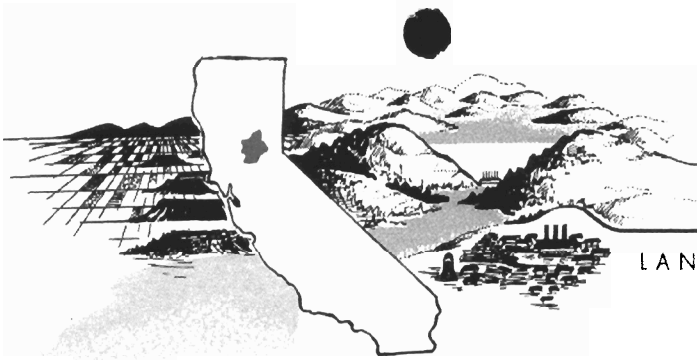
- We need alcohol and drug treatment providers as part of the current Domestic Violence Court team. This would move us farther into the problem solving court model which has demonstrated national excellence.
- We need to move toward uniform and normed assessment instruments that allow the court team to measure progress, and focus additional services where deficits remain.
- We need additional community supervision to protect the public.

The Grand Jury is a group of citizens who dedicate significant amounts of personal time in an effort to make our community a better place to live. I applaud their efforts. I am very sorry that they appear to have been given insufficient information from vested interests. This lack of information has caused a focus on a very small aspect of the overall response to family violence and distracted them from addressing the many problems that we face in addressing family violence in a comprehensive manner.

Respectfully submitted,


Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY

District Attorney

FRANCISCO R. ZARATE

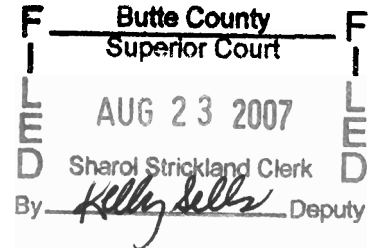
Chief Deputy District Attorney

ANTHONY G. KOESTER

Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California



Re: Response to 2006/07 Grand Jury Report on the Law Enforcement Formal Complaint System


Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to an erroneous finding in the above report. Said finding “found that the DA refused to look into a matter saying it had been turned over to the Grand Jury for investigation.”

The District Attorney disagrees wholly with this finding. Although the “matter” is unspecified, a discussion with the grand jury foreperson after the report was submitted clarified what “matter” was being referenced. This office was very familiar with the subject matter, which involves two feuding neighbors, both of whom have been charged at different times for harassment/threats to the other. During this office’s review of the latest incident between the two, one of the neighbors complained of the investigating police agency handling of the incident (and many other items). Knowing that the grand jury was looking into the agency’s interactions with this particular neighbor (based upon his complaints), we referred his new complaints about that agency back to the proper body – the grand jury. We continued to review the criminal incident involving the neighbors and did file a criminal complaint in the court against one of them.

For the grand jury to make such an erroneous finding that the District Attorney refused to take appropriate action is not only personally distressing, but reflects badly upon the grand jury’s investigative and reporting procedures. A simple contact with me prior to the submission of the report would have avoided this embarrassing lapse by the grand jury.

Respectfully submitted,


Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

MICHAEL L. RAMSEY

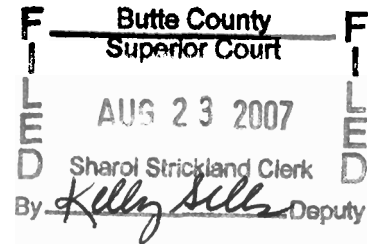
District Attorney

FRANCISCO R. ZARATE
Chief Deputy District Attorney

ANTHONY G. KOESTER
Chief Investigator

August 20, 2007

The Honorable Steven J. Howell
Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, California



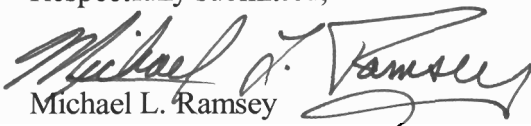
Re: Response to 2006/07 Grand Jury Report on the Feather River Recreation and Park District

Your Honor:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits this response to recommendation number 24 of the Butte County Grand Jury in their report on the Feather River Recreation and Park District. In that recommendation the Grand Jury requested this office “conduct an investigation into the alleged mishandling of funds for the Skate and Bike Park project and into the possibly biased Board-requested investigation of the appropriation process to see if criminal charges should be brought against the Board and the General Manager.”

The recommendation has been implemented. No summary of this action is possible as it would impede the investigation.

Respectfully submitted,


Michael L. Ramsey
District Attorney

cc: Butte County Board of Supervisors



GENERAL SERVICES DEPARTMENT

INTEROFFICE MEMORANDUM

F	Butte County Superior Court	F
FILED	AUG 03 2007	FILED
By	Sharol Strickland Clerk <i>Kelly Jells</i> Deputy	

RICH HALL
Director – General Services
rhall@buttecounty.net
Telephone: (530)-538-7064
Fax: (530)-538-6760

July 31, 2007

Hon. Steven J. Howell, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
1 Court Street
Oroville, CA 95965

Dear Judge Howell:

This memorandum contains my responses to the findings and recommendations contained in the Final Report of the 2006-07 Grand Jury. To my knowledge, the only section requiring response from the General Services Department is the section on the library system. If there are other sections I have missed, please let me know and I will respond.

Findings

1. *“Although it has now been corrected, in the past, money raised by the Gridley FOL was used to fund extra hours for a part-time position.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

2. *“There is a lack of overall funding for the Butte County Library system. The county is relying on FOL monies to supply some of the basics.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

3. *“There is demand for increased hours of operation.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

4. *“The six branch libraries do not have individual discretionary budgets.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

5. *“There are limited opportunities for communication among the branch librarians.”*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

6. *“The library facilities are deteriorating.”*

The respondent agrees with this finding. The County has a number of aging facilities and is in the process of implementing a plan to address these needs. On June 26, 2007 the Board of Supervisors approved a Capital Improvement Plan (CIP) which lays out a 20 year plan to address facility needs throughout the County. Significant remodeling and expansion of County libraries is planned for 2015, but this schedule may be modified dependent contributions from the community. In addition to addressing these large capital budget needs, the County is addressing maintenance needs. For example, in the current fiscal year the Board of Supervisors appropriated funds to replace the flooring in the Oroville Library and in the Chico Branch Library's conference room.

7. *"The roof leaks and mold damage at the Gridley Library took over two years to resolve."*

The respondent agrees with the finding as stated. However, it should be noted that although the resolution took two years, the problem was promptly addressed. Over the course of the two years a series of professional roofing contractors were retained, but failed to locate the source of the leak and remedy it. Finally, County staff, by an extensive effort, was able to locate and remedy this unique situation. Newly acquired equipment should allow for more prompt resolutions in the future.

8. *"The Biggs Library building is not owned by the county, is in poor condition without restroom facilities, and is not ADA accessible."*

The respondent agrees with this finding. The building in which the Biggs Branch Library operates is owned by the City of Biggs and leased to the County at essentially no cost. This facility, while not ideal, does allow for Library services to be provided in the City of Biggs. The City recently provided access to a restroom both for library staff and for patrons, and approached the County with an offer to discuss other City facilities that may become available for use by the library. Other County libraries, for example Gridley, which is nearby, are ADA accessible.

9. *"Handicapped parking access is a problem at the Paradise Library."*

The respondent agrees with this finding. Although the Paradise Branch Library has handicapped parking directly in front of the main entrance, there appears to be a problem with the slope of those parking spaces. There are few, if any, level parking spaces at this library. The General Services Department will analyze the extent of the problem with these parking spaces, and the most appropriate remedy as part of the ongoing effort to eliminate ADA issues throughout the County.

10. *"The Library Strategic Plan is six years old and is currently in the process of being updated."*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

11. *"The Board of Supervisors needs a clearer understanding of Butte County library issues."*

The respondent neither agrees nor disagrees with this finding as it is outside the scope of responsibility of this department.

Recommendations

1. *"The County should not use FOL money to fund routine operating expenses."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

2. *"To provide increased funding of libraries, the Butte County Library Director and the Board of Supervisors need to investigate other sources of income, as follows:*

- a. *Reconsider the proposal of a one-eighth (1/8) cent sales tax increased through a ballot measure to be voted on by the citizens of Butte County.*
- b. *Pursue grant opportunities aggressively.*
- c. *Partner with cities in Butte County to implement library impact fees.*
- d. *Apply for state library bond money, when available."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

3. *"The Butte County Library budget should allocate discretionary funds to each individual branch library."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

4. *"The Butte County Library Director should provide increased opportunities for branch personnel to network through regular meetings, workshops and conferences."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *"Facilities Services should address major maintenance issues in a timely manner."*

This recommendation has been implemented. General Services addresses major maintenance issues in a timely manner, within staffing and budgetary constraints, and with the recognition that some issues are not easily remedied (see response to Finding No. 7 above).

6. *"The Butte County Library administration should work with the City of Biggs to locate an appropriate facility for the Biggs Library."*

This recommendation requires further analysis. The City of Biggs has identified other potential City-owned facilities where a library might be located. County officials plan to tour these facilities no later than the end of September 2007. Although the respondent hopes to secure an appropriate space for the Biggs Branch Library, any existing facility is likely to require some remodeling, with the potential for rendering relocation cost-prohibitive.

7. *"ADA compliance issues at identified branches need to be resolved."*

This recommendation requires additional study. County staff will be reviewing potential ADA compliance issues and ranking them based on risk and cost. ADA issues at libraries will be included in that listing, which is scheduled to be completed no later than December 2007.

8. *"The Butte County Advisory Board should complete the update of the Library Strategic Plan."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *"A member of the Board of Supervisors should serve as a liaison to the Butte County Library Advisory Board."*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

Sincerely,


Richards L. Hall, Director
General Services Department

cc: Meegan Condon

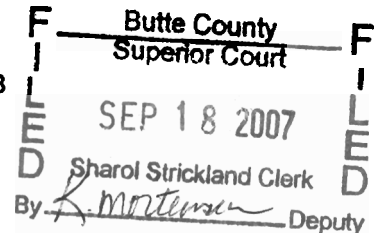


Butte County

LAND OF NATURAL WEALTH AND BEAUTY

HUMAN RESOURCES DEPARTMENT

County Administration Building
25 County Center Drive
Oroville, California 95965-3387
Tel: (530) 538-7651 x Fax: (530) 538-7790
Recruitment Hotline Tel: (530) 538-7653



Date: August 17, 2007

Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: **Response to the FY 2006-2007 Grand Jury Final Report**

Dear Judge Howell:

In accordance with Penal Code Sections 933 and 933.5, the Human Resources Director submits the following response to the findings and recommendations of the Grand Jury's Final Report for FY 2005-2006 pertaining to the Department of Human Resources:

HUMAN RESOURCES

Grand Jury Findings

1. *Office space is inadequate for the number of employees in the department.*

The respondent agrees with this finding. An additional position was added last year to the HR staff and an additional office created out of a portion of the training room, thereby reducing the number of people who can be in the training room at any one time. The Board added another Human Resources Analyst to the HR department's allocations for FY 07-08, for which the Director-Human Resources is very grateful, but with the number of files, meetings, equipment and people all situated in the department space has become limited.

2. *More employees are needed to better meet the needs of the county and to reduce the individual workload.*

The respondent agrees with this finding. The Board of Supervisors, at the fiscal year 2007-2008 budget hearing, approved the allocation of an additional Human Resources Analyst position within the Human Resources Department which will assist the department in meeting its obligations. If the department expands into offering more trainings or providing increased services, however, additional staff will be necessary.

3. *HR is able to provide screening, testing, orientation and training for all departments, but the HR staff has been working overtime to accomplish this.*

The respondent agrees with this finding. In addition to being understaffed in general, the department suffered several unexpected vacancies this past fiscal year, which added an additional burden to remaining staff. The filling of these vacancies, as well as the addition of a new position, will assist in alleviating this problem.

4. *Some departments express dissatisfaction with the recruitment process and test questions.*

The respondent agrees with this finding. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input concerning the recruitment and testing process utilized by Human Resources. The responses received were candid and very helpful in identifying areas where Human Resources can improve the service being provided in this respect. In addition, the Director-Human Resources and/or Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options that could assist them. The survey and the individual meetings have been invaluable. Areas addressed include the timeliness of the process, minimum qualification screening, the development of tests and test questions, and the interview and selection process. Some changes have already been made including the incorporation of department representatives in the minimum qualification screening process. As a result of a comprehensive review of the process, the Human Resources Department anticipates further changes commencing in October 2007. Examples of anticipated changes include, but are not limited to the following:

- ▶ Establishment of an electronic form for use in requesting an eligibility list
- ▶ Electronic generation of eligibility lists and applications to requesting departments (as opposed to paper copies only)
- ▶ Production of a mid-month supplemental flyer
- ▶ Implementing online applications whose information will be able to interface with existing payroll program
- ▶ Advertising written and oral exam test dates in the flyer (rather than waiting until after the recruitment has closed)
- ▶ Where appropriate, creating Training and Education (T & E) Tests for submission at the time of application; the results of which can be used to establish eligibility lists more quickly
- ▶ Establishment of an oral board rater pool for ease in creation of oral panels
- ▶ Creating regular recruitment schedules for identified positions rather than waiting for vacancies
- ▶ Establishing a 14-day turnaround for generation of lists once the recruitment has closed

Grand Jury Recommendations

1. *The County administrative Officer should provide additional office space for Human Resources.*

This recommendation is directed at the County Administrative Officer. The respondent does not have the authority to implement the recommendation.

2. *The County administrative Officer should increase staffing levels to the median level of one HR employee per 125 employees.*

This recommendation is directed at the County Administrative Officer. The respondent does not have the authority to implement the recommendation.

3. *HR needs to establish effective communication with county departments regarding test questions and the recruitment process.*

This recommendation has been partially implemented. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals seeking input on the recruitment and testing processes utilized by Human Resources. The responses received were candid and very helpful in identifying areas where improvement is necessary. In addition, the Director-Human Resources and Assistant Director-Human Resources met with each department head, or designee, to go over their responses to the questionnaire and discuss various options for streamlining the process. The survey and the individual meetings have been invaluable. Areas addressed include the timeliness of the recruitment process, minimum qualification screening, the development of tests and test questions, and the interview and selection process. Some changes have already been made including the incorporation of department representatives in the minimum qualification screening process and working with departments to review the appropriateness of existing test questions. This will remain an on-going effort to enhance communication and satisfaction with the recruitment process.

THE BUTTE COUNTY ASSESSOR

Grand Jury Findings

1. *The Appraiser's Office is understaffed, particularly in the business division.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

2. *A great many experienced appraisers within the Assessor's Office will be eligible for retirement within the next 10 years. It takes considerable time for an appraiser to build expertise.*

The respondent agrees with this finding. Of the 21 employees occupying classifications in the appraising series (Assessor, Assistant Assessor, Senior Auditor-Appraiser, Auditor-Appraiser, Senior Property Appraiser, Property Appraiser, Property Appraisal Specialist, Supervisor Appraiser, Principal Property Appraiser, Supervisor Auditor-Appraiser), 76% are vested and either eligible to retire now or will be in the next ten years.

3. *Morale is high within the department despite a heavy, time-driven workload and understaffing. There is very little staff turnover.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment with the exception that there is little turnover in the department.

4. *Many employees are at their top salary steps with no higher classifications available. While the policy of the Assessor is to promote from within the department, supervisor positions are few and rarely become available.*

The respondent agrees with this finding. Of the entire staff, 33% of employees are at step 7 (top step), 33% at step 6, 13% at step 5, 8% at step 4, 10% at step 3, none at step 2, and 5% at step 1. As in all departments, there are a limited number of supervisory positions that are appropriate to be allocated and/or available to interested parties. Currently, in the

Appraiser related series, there are 3.5 staff to each supervisor or manager which would indicate the number of supervisors is appropriate if not on the heavy side.

5. *The Assessor is concerned that with current Human Resource procedures, qualified applicants for entry-level appraiser positions may never make it to interview lists.*

The respondent disagrees with this finding. As with any department, the recruitment process is a joint venture between the department requesting recruitment services and Human Resources Department staff. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals, including the Assessor and two others within the department, seeking input on the recruitment and testing processes utilized by Human Resources. The Assessor's Office responded and since then meetings have been held with the Assessor and representatives to arrive at mutually agreeable approaches to the difficulties previously perceived. As is standard practice, department designees are being involved in the minimum qualification screening process and have worked closely with Human Resources staff to re-work test questions.

6. *The Assessor has effectively upgraded the technology in his department; however the department still faces problems with Megabyte Systems including product changes, tech support, and inadequate training.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

7. *BOE has indicated that all possessory interests involving the Butte County Fairgrounds in Gridley and the Silver Dollar Fairgrounds in Chico are not being enrolled. The Grand Jury finds that the cost of valuing fairground PI's would be more than the tax revenue generated.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

8. *By having a large and growing backlog of mandatory audits, butte County is out of compliance with Revenue and Taxation Code section 469.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

9. *The county participates in CCCASE to handle audits for those companies with the corporate headquarters out-of-state but doing business within California. The quality of CCCASE audits performed by other counties for Butte County varies in a range from excellent to worthless.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

10. *The Assessor has been using his business division to conduct extra CCCASE audit trips to generate independent revenue for the county. The expenses of these trips cost the county more than the revenue generated.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

11. *While CCCASE trips taken by Butte County staff may or may not include some Butte County locations, most of the time is spent doing work for other counties. The time lost by doing additional CCCASE trips means less time is available for conducting local business audits that are currently due, as well as eliminating the backlog.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

12. *The state legislature discontinued PTAP funding.*

The respondent neither agrees nor disagrees with this finding. The respondent is not involved in the daily operations of the Assessor's Office and therefore is not able to comment.

Grand Jury Recommendations

1. *Considering the time needed for building appraisal expertise, as well as the current understaffing, the Assessor and the County need to take steps necessary to return the department to the 2003-04 staffing levels of 49, if not higher.*

This recommendation requires further analysis. Succession planning is an issue needing to be addressed within the County as a whole. Currently in the United States there are approximately 77 million Baby Boomers nationwide (people born between 1946 and 1964) with the youngest person of this generation being only 7 years from eligibility to retire. Currently about 40% of the Boomer population is over the age of 60, which means that an even larger number is either approaching the legal retirement age of 50 or is already past it. The generation following the Boomers, generation X, consists of approximately 45 million individuals, the youngest of whom is now 27. For the next 12 to 15 years it is estimated that there will be a 24% gap between the expected number of available positions in the US and the people to fill them based on these statistics.

Considering that the next generation of available candidates for jobs will be significantly less than we are used to seeing as an employer, Butte County must begin preparations for the transfer of institutional knowledge that will leave the workforce as people retire. Currently, the median age of Butte County workers is 46 and 39% of our workers are over the age of 50 with an additional 14% who will turn 50 in one to five years and therefore be eligible to retire. This means that within a mere five years the County as a whole could see a huge gap between its continued need to deliver reliable services and its ability to do so based on the loss of history and skills possessed by its long term employees.

In order to plan effectively, all County departments must be subject to a comprehensive workforce analysis. Funding has been included in fiscal year 07-08 HR budget to conduct a comprehensive succession planning analysis for implementation in fiscal year 08-09 which will include the Assessor's Office.

2. *The Assessor and the County should investigate ways to create more advancement opportunities for employees of the Assessor's Office.*

This recommendation requires further analysis. It is safe to say that the County supports the establishment of internal advancement opportunities in all its departments, but a careful review of actual department need is critical as well. Currently, there is a range of classifications in the Assessor's office from entry to journey, advanced journey, senior advanced journey, lead, supervisory, and management which is a reasonable span through any classification series. Additionally, the County recently undertook a comprehensive

classification and compensation study that helped in determining appropriate career ladders in each department.

3. *The Assessor and Human Resources should have a mutually agreeable procedure in place to screen and hire new appraisers and auditor/appraisers.*

This recommendation has been implemented. As with any department, the recruitment process is a joint venture between the department requesting recruitment services and Human Resources Department staff. In January 2007 the Director-Human Resources distributed questionnaires to 52 key individuals, including the Assessor and two others within his department, seeking input on the recruitment and testing processes utilized by Human Resources. The Assessor's Office responded and since then meetings have been held with the Assessor and representatives to arrive at mutually agreeable approaches to the difficulties previously perceived by the department. As is standard practice, department designees are being involved in the minimum qualification screening process and have worked closely with **Human Resources staff to re-work test questions.** With this channel of communication opened, it is the opinion of the respondent that a cooperative planning process has already be established and will continue to evolve over the coming year.

4. *The Grand Jury encourages the Assessor to work with the other Megabyte users to exert stronger pressure on the company to deal with problem areas.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *The Board of Supervisors should adopt a resolution to raise the current low value property threshold from \$2000 to \$5000 for all properties. This is possible through Revenue and Taxation Code Section 155.20.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

6. *The Board of Supervisors should raise the low value threshold specified for possessory interest use of fairground, convention, and cultural facilities to \$50,000. This is possible through Revenue and Taxation Code Section 155.20.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

7. *To clear the backlog of mandatory and non-mandatory audits that must be performed by the business division and to remain current in the future,*
 - a. *The Assessor should strongly consider increasing the number of business division auditor/appraisers to 5;*
 - b. *The Assessor should continue the current practice of using a retired auditor/appraiser on a contract basis until the backlog has been eliminated; and*
 - c. *The Assessor should eliminate the practice of using extra CCCASE audit trips as source of independent income.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

8. *The Assessor should determine the value of continuing CCCASE participation.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *The Assessor should continue, either through a consortium of affected counties or independently, to lobby the state legislature for a renewal of the PTAP funding and for a higher threshold for mandatory business property and fixture audits, raising it from \$400,000 to \$600,000.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

THE BUTTE COUNTY AUDITOR-CONTROLLER

Grand Jury Findings

1. *The Auditor-Controller has adjusted his behavior to spend more time in the office.*

The respondent neither agrees nor disagrees with this finding. The Director-Human Resources is not in daily contact with the Auditor's department and has no personal knowledge regarding his daily attendance.

2. *The Auditor-Controller appears to making some effort to improve his interaction style; however, he is still viewed as intimidating as a result of his condescending and critical style. While this style of management may have been common in previous decades, more recent styles include much more positive, supportive guidance interaction.*

The respondent neither agrees nor disagrees with this finding. The Director-Human Resources is not in daily contact with the Auditor-Controller and therefore has no personal knowledge regarding his daily interactions with staff.

3. *Although reports from interviewees were varied, a certain amount of gender bias may be present in the office environment. The behavior may be inadvertent as a result of cultural conditioning.*

The respondent neither agrees nor disagrees with this finding. No complaints of gender bias have been received by the Director-Human Resources; however, it should be noted that whether gender bias exists due to cultural conditioning or not, it is not acceptable in the workplace.

4. *Some staff members still report the fear of retaliation; some report actions that they believe are retaliatory in nature.*

The respondent neither agrees nor disagrees with this finding. No complaints of gender bias have been received by the Director-Human Resources; however, on October 16, 2006 in response to an anonymous letter received by the Chief Administrative Officer complaining about the work environment in department, the Director-Human Resources sent each employee of the Auditor-Controller's Department a personal memo inviting them to come forward in a confidential manner to share any complaint or observations they may have concerning retaliation. Only three responses were received, each of which was in support of the Auditor.

5. *Morale in the Auditor-Controller's Office appears to be improving based on reports from a majority of the interviewees. Several changes in the office, previously described, have contributed to the increase in morale.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department and therefore has no direct knowledge regarding this finding.

6. *Issues affecting morale still need attention. Personnel issues, minimal communication between departments and among employees, little appreciation from higher administration, and lack of appropriate in-service trainings appear to be contributing to the problem.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department and therefore has no direct knowledge regarding this finding.

7. *A minimal amount of cross-training is being done.*

The respondent neither agrees nor disagrees with this finding. The Director- Human Resources is not in daily contact with the Auditor-Controller and/or his staff and its functions therefore has no personal knowledge regarding this finding.

8. *Employees interviewed report that they have had more opportunity and support to attend in-service training programs, but would like to see Human Resources offer even more trainings helpful to management and other staff.*

The respondent partially agrees with this finding. The respondent agrees only to the extent that Human Resources is exploring the feasibility of developing an expanded training program for supervisors and managers Countywide; however, without the additional staff and resources associated with such a program it simply is not feasible for Human Resources to provide more trainings than it already does. The Human Resources Director, Assistant Director, and Principal Analyst provide regular, advertised training every year on Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect & Professionalism (non-discrimination), Grievance & MOU Administration, and Sexual Harassment Prevention. During fiscal year 06/07, in the nine-month period in that these trainings were offered, 180 hours of management-related training was provided Countywide by staff of the Human Resources Department. The Human Resources Analysts provide additional training in Oral Interview Skills for Managers and Promotion & Transfer Tips. It is the observation of the Director- Human Resources that these offered trainings can be successful only to the degree that people take advantage of them.

In fiscal year 06-07 eleven of the Auditor's 35 employees took advantage of Human Resources provided trainings outlined above. Of these eleven employees, three were management/supervisory staff and the only classes attended by these three individuals consisted of Oral interview Skills for Managers, Promotion & Transfer Tips, and Managing Absenteeism.

All management, supervisory and lead staff in the Auditor's Department have been provided the Sexual Harassment Prevention training as mandated by AB 1825. In addition, the Director- Human Resources and Chief Deputy County Counsel provided training in Respect and Professionalism (non-discrimination and sexual harassment prevention) for all staff of the Auditor's Department in May 2006.

9. *The process of developing an office manual and worksite responsibilities has been implemented. However, the manual does not appear to have a high priority. Many of the staff said they do not have time to work on it, and administration has not set any timelines.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

10. *The office has done a good job at responding to problems which may be affecting response time by planning workshops for outside departments to better understand processes that must be followed for the Auditor-Controller's Office to do its job.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

11. *The Assistant Auditor-Controller has worked hard at learning a new job in a challenging environment.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

12. *The General Accounting Supervisor is viewed as a hard worker and a highly competent professional dealing with difficult issues and tasks.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in the daily operations of the Auditor-Controller Department or its staff and therefore has no direct knowledge regarding this finding.

13. *The County has transferred Kronos and Pentamation Systems from the Auditor-Controller's Office to the Information Systems Department, thereby addressing time-management and budget issues.*

The respondent agrees with this finding.

14. *The County has moved quickly to implement desired changes in the physical environment of the Auditor-Controller's Office.*

The respondent agrees with this finding.

15. *The Auditor Committee has developed by-laws and has minutes of meetings available.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in this committee and therefore has no direct knowledge regarding this finding.

16. *Even though the Grand Jury is charged by the Penal Code with the responsibility to review the budgetary issues of the county, notice of Audit committee meetings were not routinely sent until requested by the Grand Jury.*

The respondent neither agrees nor disagrees with this finding. The Respondent is not involved in this committee and therefore has no direct knowledge regarding this finding.

Grand Jury Recommendations

1. *The Auditor-Controller should attend management communication workshops which focus on more effective styles for supervising employees in today's working environments.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

2. *The Auditor-Controller should continue the recently implemented programs designed to improve interaction and be open to suggestions for effective change.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

3. *The Auditor-Controller should implement methods to improve the upward, downward, and lateral flow of communication.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

4. *The Auditor-Controller should implement cross-training in those sections that are not currently doing so.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

5. *Human Resources should plan and implement management communication skill workshops for supervisors at all levels in all departments.*

The recommendation has been implemented. The Human Resources Department already provides regular, on-going training in Effective Performance Evaluations, Managing Absenteeism, Positive Discipline, Implementing Discipline, Respect & Professionalism (non-discrimination), Grievance & MOU Administration, and Sexual Harassment Prevention. The Human Resources Analysts provide additional training in Oral Interview Skills for Managers and Promotion & Transfer Tips. These trainings are very well attended Countywide. In fiscal year 07/08 arrangements have been made to provide on-site training to staff in Child Support Services in all the subjects covered (August/September 2007) and arrangements are being explored to do the same for Employment and Social Services (to be determined). These trainings will be in addition to the regularly scheduled workshops provided through the year. It should be noted, however, that simply providing more training opportunities does not guarantee that staff will attend, or if forced to attend that they will appropriately assimilate the information for future use. A training program can only be as good as individuals are willing to avail themselves of the information provided.

6. *Human Resources should plan and implement workshops, which include educating all staff on behaviors that are gender biased in nature but often not recognized as such as a result of cultural conditioning.*

The recommendation has been implemented. The Human Resources Department currently offers both training in respect & professionalism on the job (includes non-discrimination) and sexual harassment prevention both of which address the subtleties of gender bias. In addition, with the exception of the Auditor-Controller who was unable to attend, the entire Auditor-Controller's Department staff was provided a two-hour training in respect and professionalism, addressing this issue, on May 18, 2006 and May 24, 2006. Any

staff member failing to understand and/or apply the principles of the trainings offered becomes an issue of performance management.

7. *Human Resources should better educate employees about the grievance procedures to be followed in case of a retaliatory action.*

The recommendation has been implemented. In addition to the special training provided all Auditor Department staff in May 2006 which addressed this issue in depth, Human Resources provides this training at new hire orientation and to all management/supervisory/lead staff on a regular basis in compliance with AB 1825 in addition to the Respect & Professionalism workshop made available to all County employees. Human Resources cannot control whether or not individuals choose to attend the offered trainings or whether they choose to adhere to the principles taught at these trainings.

8. *The Auditor-Controller should place a higher priority on the development of the office procedural manual and respective desk manuals. Staff should be held accountable to a timeline. A mechanism should be in place to encourage employee input.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

9. *The Auditor-Controller's Office should continue offering educational programs to help outside departments in their responsibilities for completing paper work more effectively.*

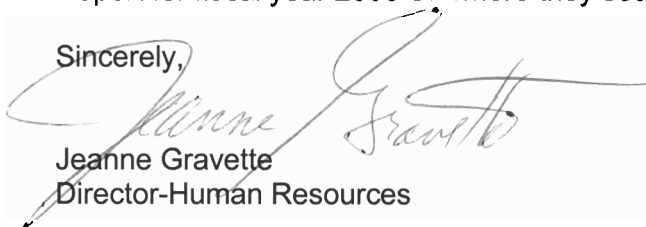
The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

10. *The CAO should inform the Grand Jury of all meetings of the Audit Committee.*

The respondent is unable to comment on this recommendation. The respondent does not have the authority to implement the recommendation.

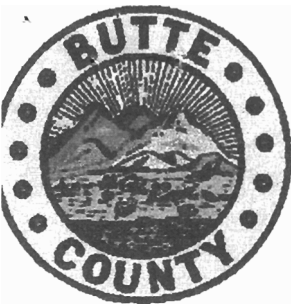
This concludes the response of the Human Resources Director to areas within the Grand Jury Report for fiscal year 2006-07 where they sought comments from the Director.

Sincerely,



Jeanne Gravette
Director-Human Resources

cc: Starlyn Brown, Interim Chief Administrative Officer



BUTTE COUNTY LIBRARY ADVISORY BOARD

1820 MITCHELL AVENUE
OROVILLE CA 95966

FILED
Butte County Superior Court
AUG 08 2007
Sharol Strickland Clerk
By *Kelly Mills* Deputy
FILED

1 August 2007

The Honorable Steven J. Howell
Butte County Superior Court
One Court Street
Oroville,
California 95965

Subj: *Response to Final Report of the 2006/2007 Butte County Grand Jury Investigation of the Butte County Library System*

Dear Judge Howell:

Attached to this letter is the Butte County Library Advisory Board's response to findings and recommendations contained in **2006/2007 Butte County Grand Jury Investigation of the Butte County Library System.**

Sincerely,

**T. CHAPMAN, CHAIRPERSON
BUTTE COUNTY LIBRARY ADVISORY BOARD**

Attachment

Cc: Butte County Board of Supervisors
Derek Wolfgram, Butte County Library Director
Butte County Library Advisory Board
Presidents, Butte County Friends of the Library

**B. T. CHAPMAN
CHAIRPERSON**

18 KESTREL COURT CHICO, CALIFORNIA 95928 **COUNTY LIBRARY ADVISORY BOARD**

530 864 0866

CACTWO@EARTHLINK.NET

LIBRARY ADVISORY BOARD RESPONSE TO FINDINGS AND RECOMMENDATIONS FROM THE GRAND JURY REPORT

<u>FINDING</u>	<u>ADVISORY BOARD RESPONSE</u>
<p>#2 LACK OF OVERALL FUNDING FOR THE COUNTY LIBRARY SYSTEM.</p>	<p>WE AGREE WITH THE FINDING. OUR ADVISORY BOARD HAS CONSISTENTLY MADE A CASE TO THE BOARD OF SUPERVISORS FOR INCREASED FUNDING FOR LIBRARIES. DURING BUDGET HEARINGS IN JUNE 2007 WE WERE FINALLY SUCCESSFUL IN HAVING THE BOARD REACT AND APPROVE OPERATING FUNDS FOR 2007/08 OVER AND ABOVE ANY ADJUSTMENTS FOR ECONOMICS. WE WILL CONTINUE TO WORK FOR STABLE, SUSTAINABLE FUNDING FOR THE LIBRARY SYSTEM.</p>
<p>#10 LIBRARY STRATEGIC PLAN NEEDS UPDATE.</p>	<p>WE AGREE WITH THE FINDING AND WILL CONTINUE TO WORK CLOSELY WITH THE LIBRARY DIRECTOR AND PROVIDE OUR INPUT, AS APPROPRIATE, TO COMPLETE THE UPDATE OF THE STRATEGIC PLAN NO LATER THAN THE END OF SECOND QUARTER 2008.</p>
<p>#11 BOARD OF SUPERVISORS NEEDS A CLEARER UNDERSTANDING OF BUTTE COUNTY LIBRARY ISSUES.</p>	<p>WE AGREE WITH THE FINDING. THE LIBRARY ADVISORY BOARD CONTRIBUTES TO THE SUPERVISORS' UNDERSTANDING OF LIBRARY ISSUES THRU OUR SEMI-ANNUAL REPORTS TO THE BOARD. THIS IS IN ADDITION TO REGULAR REPORTS TO THE BOARD BY THE LIBRARY DIRECTOR.</p>

RECOMMENDATION

#2a RECONSIDER THE PROPOSAL OF A ONE-EIGHTH CENT SALES TAX INCREASE THROUGH A BALLOT MEASURE TO BE VOTED ON BY THE CITIZENS OF BUTTE COUNTY.

#2c PARTNER WITH CITIES IN BUTTE COUNTY TO IMPLEMENT LIBRARY IMPACT FEES.

**#2b,d,#3,4,5,6 & 7
THESE RECOMMENDATIONS CONCERN SOURCES OF INCOME, ALLOCATION OF DISCRETIONARY FUNDS, AND OPPORTUNITIES FOR BRANCH PERSONNEL TO NETWORK, MAINTENANCE ISSUES AND ADA COMPLIANCE ISSUES AT IDENTIFIED LIBRARIES AND, LOCATING A FACILITY FOR THE BIGGS LIBRARY.**

ADVISORY BOARD RESPONSE

THE LIBRARY ADVISORY BOARD STRONGLY SUPPORTED THE 1/8 CENT SALES TAX PROPOSAL. UNFORTUNATELY, THE BOARD OF SUPERVISORS REJECTED THE PROPOSAL BY A 3-2 VOTE. WE ARE STILL INTERESTED IN PURSUING A SALES TAX AS ONE METHOD TO MEET LONG TERM SUSTAINABLE, STABLE FUNDING FOR BUTTE COUNTY LIBRARIES. WITH THE RECENT BOARD OF SUPERVISORS APPROVAL OF ADDITIONAL LIBRARY MONIES FOR 2007/08 TO FUND INCREASED OPERATING HOURS AND SUPPORT STAFF, WE ARE NOT PRESENTLY PARTICIPATING IN ANY PURSUIT OF A SALES TAX OR OTHER PROPOSAL. WE WILL CLOSELY MONITOR THE FUNDING ISSUE AND TAKE FUTURE ACTION AS APPROPRIATE TO DERIVE STABLE, SUSTAINABLE FUNDING FOR THE LIBRARIES.

THE LIBRARY ADVISORY BOARD AGREES WITH THE RECOMMENDATION AND WILL REQUEST THE CITIES TO IMPLEMENT IMPACT FEES ONCE THE COUNTY BOARD OF SUPERVISORS FORMALLY PROPOSES THE FEES TO THE CITIES. WE EXPECT THIS TO OCCUR BY 30 SEPTEMBER 2007 AFTER WHICH THE ADVISORY BOARD WILL INITIATE FOLLOW-UP ACTION WITH THE CITIES.

THE LIBRARY ADVISORY BOARD AGREES WITH THE RECOMMENDATIONS BUT NONE ARE WITHIN OUR POWER TO TAKE DIRECT ACTION. WE RECOGNIZE THESE ITEMS AS SOMETHING NEEDING TO BE DONE AND LOOK TO THE BUTTE COUNTY LIBRARY DIRECTOR TO TAKE ACTION. THE ADVISORY BOARD WILL ASSIST ANY WAY THE DIRECTOR MAY REQUEST.

RECOMMENDATION

#8 ADVISORY BOARD SHOULD COMPLETE THE UPDATE OF THE LIBRARY STRATEGIC PLAN.

#9 A MEMBER OF THE BOARD OF SUPERVISORS SHOULD SERVE AS A LIAISON TO THE BUTTE COUNTY LIBRARY ADVISORY BOARD.

072407 LAB REPLY TO GRAND JURY

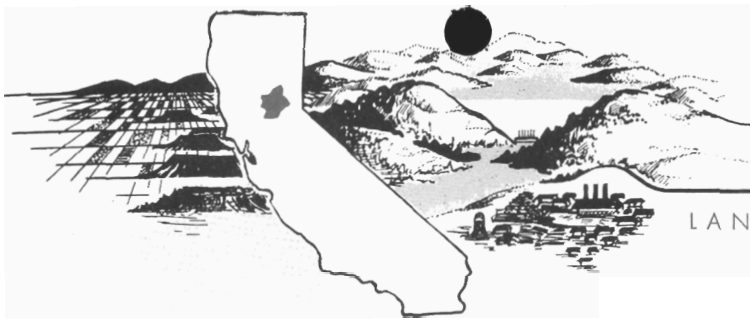
PREPARED BY B T CHAPMAN, CHAIR
BUTTE COUNTY LIBRARY ADVISORY BOARD

ADVISORY BOARD RESPONSE

THE BUTTE COUNTY LIBRARY DIRECTOR IS WORKING IN CONJUNCTION WITH THE LIBRARY ADVISORY BOARD TO COMPLETE TN UPDATE OF THE LIBRARY STRATEGIC PLAN. WE EXPECT TO COMPLETE THE UPDATE NO LATER THAN END OF SECOND QUARTER 2008.

THE LIBRARY ADVISORY BOARD RECOGNIZES THE BOARD OF SUPERVISORS MUST MAKE THE FINAL DECISION ON THIS RECOMMENDATION.

FURTHER, THE ADVISORY BOARD IS KEENLY AWARE OF THE MANY DEMANDS ON SUPERVISORS' TIME. THE ADVISORY BOARD ASSISTS THE BOARD OF SUPERVISORS IN UNDERSTANDING THE LIBRARY SITUATION BY MAKING A MINIMUM OF 2 REPORTS PER YEAR TO THE BOARD. THIS IS IN ADDITION TO REGULAR REPORTS TO THE BOARD BY THE LIBRARY DIRECTOR.



Butte County

Butte County
Superior Court

JUL 27 2007

LAND OF NATURAL WEALTH AND BEAUTY

Sharol Strickland, Clerk

BUTTE COUNTY LIBRARY HEADQUARTERS Deputy

1820 MITCHELL AVENUE
OROVILLE, CALIFORNIA 95966-5387
TELEPHONE: (530) 538-7525
FAX: (530) 538-7235

Derek E. Wolfgram
Director

Butte County
Superior Court

JUL 27 2007

By _____ Deputy

July 26, 2007

The Honorable Steven J. Howell
Butte County Superior Court
One Court Street
Oroville, CA 95965

RE: Response to Final Report of the 2006/2007 Butte County Grand Jury

Dear Judge Howell:

Pursuant to Section 933 and 933.05 of the California Penal Code, the Butte County Library Director responds to the findings and recommendations of the 2006/2007 Grand Jury's Final Report with the attached document.

Sincerely,

Derek Wolfgram
Library Director

Enclosure

Grand Jury Commendations

1. The Grand Jury commends the staff and volunteers at all the branch libraries for their commitment to providing library services to the citizens of Butte County, despite insufficient funding.

The respondent appreciates the commendation given to the Library's staff and volunteers for demonstrating professionalism, flexibility, and a dedication to public service.

2. The Grand Jury commends the cities of Gridley and Chico for providing additional funding to their libraries.

The respondent appreciates the commendation given to these cities for their financial commitment to enhance Butte County Library services for city residents. The respondent additionally commends the City of Biggs for providing a facility from which the Library can provide services in that community.

3. The Grand Jury commends the five FOL organizations and the BCLAB for providing major support, money and time to the library system.

The respondent appreciates the commendation given to Friends of the Library Groups and the Library Advisory Board. These citizen volunteers contribute tremendously to the financial health of the Library and the awareness of library services in the various communities throughout Butte County.

Grand Jury Findings

1. Although it has now been corrected, in the past, money raised by the Gridley FOL was used to fund extra hours for a part-time position.

The respondent partially disagrees with this finding. In the past the Gridley Friends of the Library (FOL) donated money to the County for the specified purpose of providing funds for part-time extra help at the Gridley Branch of the Butte County Library. The Gridley FOL no longer makes any donations for extra help, but instead makes donations for books or other items and the donations are used accordingly. All donations made to the Library are tracked and used for the purpose stated by the donor.

2. There is a lack of overall funding for the Butte County Library system. The county is relying on FOL monies to supply some of the basics.

The respondent partially disagrees with this finding. During the fiscal year 2007-2008 budget hearings the Board of Supervisors increased funding for the Library by \$491,145, including \$194,914 beyond that which was required to maintain current services. This additional funding will be used to hire staff and increase service hours at all six of the County's Library Branches.

Support from the Friends of the Library groups, which accounts for less than three percent of the Library budget, enhances County Library services. This valuable support contributes to the overall level of service provided by the Library.

3. There is demand for increased hours of operation.

The respondent agrees with this finding.

4. The six branch libraries do not have individual discretionary budgets.

The respondent agrees with this finding. Library budgets have historically been developed and expended on a Countywide basis to make the most efficient use of limited funds. Only nine percent of the entire County Library's budget could be considered discretionary, since 91% goes to salaries, internal service charges, and support services from other County departments. However, branch discretionary budgets for some expenses are built into the Library budget for fiscal year 2007-08.

5. There are limited opportunities for communication among the branch librarians.

The respondent partially disagrees with this finding. The respondent agrees that in the past there was limited opportunity for communication among the branch librarians. To remedy this situation, the Library Director implemented bi-weekly meetings of the Library Leadership Team beginning in January 2007.

6. The library facilities are deteriorating.

The respondent agrees with this finding. Library expansions and remodeling projects are included in the recently approved Capital Improvements Plan to address the County's aging infrastructure. While Library projects are not currently scheduled until 2015, community contributions could allow Library building improvements to begin sooner.

In addition to large capital budget needs the County is addressing maintenance needs. During the fiscal year 2007-2008 the Board of Supervisors budgeted funds to replace the flooring in the Oroville Branch as well as the flooring in the Chico Branch Conference Room.

7. The roof leaks and mold damage at the Gridley Library took over two years to resolve.

The respondent agrees with this finding. However, the General Services Director reports that although the resolution took two years, the problem was addressed promptly. A number of professional roofing contractors were utilized to solve the problem, but failed. Ultimately County staff identified and resolved the problem.

8. The Biggs Library building is not owned by the county, is in poor condition without restroom facilities, and is not ADA accessible.

The respondent agrees with this finding. The Biggs Branch of the Butte County Library is owned by the City of Biggs and leased to the County at essentially no cost in order that Library services are provided in the community. This facility, while not ideal, does allow for Library services to be provided in the City of Biggs. The City recently approached the County in order to provide Library employees and patrons access to a restroom as well as to discuss other City facilities that may be available for use by the Library. The Gridley Branch of the Butte County Library, located less than five miles from the Biggs Branch, provides an alternative that is fully accessible in addition to being open more hours.

9. Handicapped parking access is a problem at the Paradise Library.

The respondent agrees with this finding. The handicapped parking spaces at the Paradise Branch are not level, and the remainder of the parking lot is also sloped. The County's General Services Director reports that the General Services department will assess the problem and develop a solution in the context of accessibility needs throughout the County.

10. The Library Strategic Plan is six years old and is currently in the process of being updated.

The respondent agrees with this finding.

11. The Board of Supervisors needs a clearer understanding of Butte County library issues.

The respondent disagrees with this finding. The Board of Supervisors unanimously voted to approve an additional General Fund appropriation to support expanded Library staff and hours in 2007-08. This action proactively addressed the funding shortfall and demonstrated an understanding of the key issue facing Butte County Library: limited resources. The respondent intends to continue to provide members of the Board of Supervisors with additional information about the community impacts of Library services as the Library revises its strategic plan in the year ahead.

Grand Jury Recommendations

1. The county should not use FOL money to fund routine operating expenses.

The recommendation will not be implemented because it is not reasonable. The Library has effective partnerships in place with the Friends of the Library groups. The existing combination of public and private funding streams for Library expenses allows for Library services to be enhanced beyond what is available simply from County and State funds. Friends of the Library donations to the Library amount to less than

three percent of the Library budget and are earmarked by the Friends for specific purchases, such as books, furniture, equipment, or extra help salary support. These gifts are used to enhance, and not supplant, existing public funds. While Friends money and County general fund money are often used for complementary, or even identical purposes, the Library does not adjust its planned and budgeted expenses in order to "take advantage" of Friends contributions. No Friends of the Library gift is now or will in the future be used for purposes or locations other than what the Friends specify when they donate the funds.

2. To provide increased funding of libraries, the Butte County Library Director and the Board of Supervisors need to investigate other sources of income, as follows:

a. Reconsider the proposal of a one-eighth (1/8) cent sales tax increase through a ballot measure to be voted on by the citizens of Butte County.

This recommendation is directed to the Board of Supervisors. The respondent does not have the authority to place a sales tax measure on the ballot. However, it should be noted that the Board of Supervisors chose not to place a measure on the ballot on February 14, 2006.

b. Pursue grant opportunities aggressively.

The recommendation has been implemented. The Library has pursued grant opportunities aggressively, and it will continue to do so. The Library Director reviews available grant funds weekly through eCivis, the Foundation Center, the Library Grants blog, the California State Library and other sources. The Library recently received \$55,000 over three years from First 5, as well as \$25,000 for the 2007-08 fiscal year from the California State Library, to support the Early Learning with Families and Families for Literacy initiatives. The Library is also awaiting the outcomes of several additional applications, including one to the AT&T Foundation to provide wireless internet access in library buildings. While many grant programs support expansion projects or new initiatives, they rarely provide funding for routine operating expenses, and most grant makers do not fund applications to supplant local government funding. As a result, grants will always play a small but important role in the funding of the Butte County Library.

c. Partner with cities in Butte County to implement library impact fees.

This recommendation is directed to the Board of Supervisors. However it is the understanding of the respondent that the Board of Supervisors, at its July 10, 2007 meeting, adopted the third and final piece of the development impact fees and that by September 2007 the County will formally request that each city and town in the County adopt Library and other countywide impact fees.

d. Apply for state library bond money, when available.

This recommendation has been implemented to the degree possible. State library bond money is not currently available. California Senate Bill 156, the California Reading and Literacy Improvement and Public Library Construction and Renovation Act of 2008, sponsored by Senator Joe Simitian, has not been brought forward from the Senate Appropriations Committee for a vote by the full Senate. The respondent will continue to monitor the status of the bill. A new library strategic plan, in combination with the County's Capital Improvements Program, will provide much of the content for the application process for state bond funds when and if it becomes available.

Additionally, it should be noted that the Board of Supervisors allocated \$194,914 in additional General Fund dollars during the 2007-08 budget hearings to expand staff and hours at all six branch locations. The new service hours will begin in October 2007.

3. The Butte County Library budget should allocate discretionary funds to each individual branch library.

The recommendation has been partially implemented. With 72 percent of its 2007-08 budget dedicated to salaries and benefits and 19 percent allocated to internal service funds and support services from other County departments, the Library as a whole has very little discretionary funding. Six percent of the budget goes to purchase books and other materials, leaving three percent for all other expenses.

For the 2007-08 budget year, budgets for books and extra help staffing were developed by allocating funds to each branch with the intent to provide branch librarians with maximum flexibility within the constraints of budget limitations. By the end of September 2007, the Library Leadership Team (see response to recommendation 4 below) will determine whether branch discretionary office supply budgets would serve the branches better than the current integrated purchasing of supplies for the entire system.

4. The Butte County Library Director should provide increased opportunities for branch personnel to network through regular meetings, workshops and conferences.

The recommendation has been implemented. Beginning on January 17, 2007, the Library Leadership Team has met biweekly, including the Director, Senior Administrative Assistant, and representatives from all branches, the literacy program, and technical services. These meetings have included team building, opportunities to share training, collaborative decision making about policies and procedures, and discussions of how to strategically spend money. From the beginning, these meetings have focused on systemwide approaches to problem solving rather than each branch working in isolation.

In addition, a number of ad hoc work groups have been created and empowered to work on the Library's web site, strategize publicity and public relations efforts, implement changes to circulation procedures and technologies, and develop systemwide coordinated programming of library events. Each of these groups includes staff from a variety of locations and job classifications throughout the Library system.

The 2007-08 budget includes targeted increases for staff development, including opportunities for staff to attend conferences. It also supports professional membership dues for staff in order to improve networking not only with other Butte County Library staff, but also within the library profession as a whole. In addition, each supervisor's performance evaluation for the current year includes the following goal: "Take advantage of relevant professional development opportunities for yourself, as well as encouraging the same for your staff, and share what you learn with other Library colleagues as appropriate."

5. Facilities Services should address major maintenance issues in a timely manner.

The respondent is unable to respond to this recommendation. This recommendation is directed at the General Services Director. The General Services Director reports that major maintenance issues are currently addressed in a timely manner within the confines of staffing, budget and complexity of the issues.

6. The Butte County Library administration should work with the City of Biggs to locate an appropriate facility for the Biggs Library.

The recommendation requires further analysis. The City Manager of Biggs has provided a key to the restroom, located on the lower level of the building occupied by the Library, for staff and customer use. Because of the condition of the stairs, people must go outside and enter the building through a different external door. However, access to a restroom within the building is a very positive development.

The City of Biggs has identified other potential City-owned facilities where a library might be located, and County officials will tour these facilities by September 2007. The respondent hopes to secure a space that is centrally located, ADA-accessible, well maintained, larger than the current facility, and includes updated technology infrastructure. Any existing facility is likely to require some remodeling, which may render a relocation cost-prohibitive, but the Library Director is hopeful that an agreement for a more suitable facility can be reached.

7. ADA compliance issues at identified branches need to be resolved.

The respondent is unable to respond to this recommendation. This recommendation is directed at the General Services Director. However, the respondent understands from the General Services Director that a list of ADA issues, including those at the Library, is being compiled and will be prioritized based on risk and cost.

8. The Butte County Library Advisory Board should complete the update of the Library Strategic Plan.

The recommendation is directed at the Library Advisory Board. However, the desired outcome of the recommendation will be implemented by June 2008. The

respondent assumes primary responsibility for implementing the recommendation, with the assistance of the Library Advisory Board.

The Library Strategic Plan will be a valuable document for making budget allocations, focusing staff time and energy, identifying necessary operational changes, and assessing training and fundraising needs. The Library Advisory Board should play a significant role in the development of the strategic plan, but the Library Director is ultimately responsible for the development and implementation of such a plan. The intent of the Library Director is to complete a plan by the end of the current fiscal year.

9. A member of the Board of Supervisors should serve as a liaison to the Butte County Library Advisory Board.

The respondent is unable to respond to this recommendation. The respondent does not have the authority to implement this recommendation.



BUTTE COUNTY PROBATION DEPARTMENT



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Oroville, California 95965-3377
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July 24, 2007

Honorable Steven J. Howell, Presiding Judge
Butte County Superior Court
1 Court Street
Oroville, CA 95965

FILED Butte County Superior Court
AUG 21 2007
Sharol Strickland Clerk
By *Kelly Sells* Deputy

Dear Judge Howell,

The following is in response to the 2006-07 Grand Jury Final Report, pages C-22, to C-24.

Domestic Violence/Own Recognizance Program

Findings

1. Penal Code §1203.097 forbids any batterer's educational program being less than 52-weeks or one year for offenders on court probation for a domestic violence conviction.

The Respondent agrees with this finding.

2. The DV/OR batterer's educational program is a 32-week program approved by the District Attorney's Office, rather than the 52-week program as designated by Penal Code §1203.097.

The Respondent agrees with this finding.

3. The offenders allowed into the DV/OR Program are not formally convicted and on probation, so the program is technically not subject to the regulations of Penal Code §1203.097.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight of, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

4. The DV/OR program, while worthwhile in intention, often effective, and possibly within the letter of the law, does not conform to the spirit of the law as addressed in the legislative findings to Penal

Code §1203.097 which states that "Diversion programs for perpetrators of domestic violence . . . are inadequate to address domestic violence as a serious [sic] crime."

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

5. Some victim advocates are concerned that the 32-week batterers' program, as compared to the 52-week program mandated by law for convicted offenders on probation, is not legal nor in the spirit of the law which mandates the 52-week program.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

6. According to Penal Code §1203.097, the Probation Department approves and certifies batterer's educational programs for Butte County. Offenders may select which program they wish to attend. If offenders wish to switch to the other program, they may with good cause and with the approval of Probation.

The respondent partially disagrees with the findings. The Chief Probation Officer has direct statutory oversight of the Batterers Treatment Programs established pursuant to Penal Code 1203.097. There are currently two certified Batterers Treatment Programs within Butte County for which the Chief Probation Officer has direct oversight. Potential clients ordered to complete a 52-week Batterers Treatment Program are provided the names of both programs by the Court Compliance Unit of the Superior Court, from which they may choose. On the rare occasion, and for a showing of good cause, the probation officer may request of the Court upon behalf of a client that they be allowed to change providers. The ultimate decision of whether a client is allowed to switch Batterers Treatment Program Providers rests with the Court.

7. DV/OR offenders are only allowed to attend the batterer's educational program provided by FVEP, even though there is another certified program available through another provider, NB. The DV/OR offenders do not have a choice of programs.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

8. DV/OR offenders who are assigned the 32-week program are taught in the same classes as are the convicted domestic violence offenders on probation who are enrolled in the statutory 52-week program.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

9. The Grand Jury could find no rational basis for the exclusion of NB from the DV/OR Program batterers' education intervention component. Research in the Social Sciences has found that people may often benefit from one program/therapy while not benefiting from another. Based on this research, clients deserve a choice.

The respondent neither agrees nor disagrees with the findings. The Chief Probation Officer does not provide any statutory oversight, or participation in the District Attorney's DV/OR Program and therefore directs the response of this finding to the District Attorney's Office.

10. In the State of California auditor's report entitled *Batterer Intervention Programs* released in November of 2006 wherein Butte County's programs were audited, there was no mention of the DV/OR Program. The Grand Jury concludes that the audit committee was not aware that it existed.

The Respondent agrees with this finding.

11. Probation approved the Family Violence Education Programs (FVEP) in 1996 and New Beginnings in November of 2004. The license of the FVEP administrator is listed as "Inactive" and the licenses of the New Beginnings administrators are listed as "Clear."

The Respondent agrees with this finding.

12. In Butte County, there currently is no comprehensive domestic violence court to hear cases from start to finish before one specific judge. The District Attorney is supportive of implementing such a court.

The respondent neither agrees nor disagrees with the findings. The respondent is unable to comment on the position of the District attorney on a comprehensive domestic violence court.

13. According to Penal Code §1203.097, certified batterer's educational program providers are to re-apply for certification annually. Twice during the year, the Probation Department is required to audit the programs.

The Respondent agrees with this finding.

14. The Probation Department has not been keeping up with program audits and with the re-application process. Probation did begin the re-application process in January of 2007.

The Respondent agrees with this finding.

15. Statistics for the number of offenders entering batterer's educational intervention programs and successfully completing the program were not available. In addition, recidivism rates for offenders were not available.

The respondent partially disagrees with the findings. The Butte County Probation Department keeps a number of statistics and other information concerning the Batterers Treatment Programs. One such statistic is the number of clients referred to either of the two programs by the Court. The Butte County Probation Department can also provide statistics as to the number of clients referred by the Court, and who are supervised by the Probation Department. Recidivism rates are extremely difficult and costly to track, as once a client is no longer on probation it becomes very difficult to keep up with their activities or whereabouts. Clients may also ultimately be sentenced to the California State Department of Corrections and become the responsibility of State Parole. Recidivism is also difficult to define. It may not be truly reflected simply because a client is re-arrested once completing a Batterers Treatment Program, as their arrest may not be directly related to their history of domestic violence, charges may not be filed, or charges may be dismissed. The respondent agrees with the Grand Jury finding as to when cost effective, and possible within the resources available, clients placed by the Court in a Batterers Treatment Program be tracked for recidivism.

Recommendations:

1. The District Attorney change the number of weeks required for offenders in the DV/OR program pleading guilty to a misdemeanor domestic violence from 32 weeks to 52 weeks. This change conforms to the spirit of the law requiring a batterer's program of no less than one year.

The respondent is unable to comment on this recommendation as it is directed to the District Attorney.

2. The District Attorney revise the DV/OR program to include New Beginnings along with Family Violence Education Programs to give clients a choice, since both programs are certified and approved by the Probation Department according to Penal Code §1203.097.

The respondent is unable to comment on this recommendation as it is directed to the District Attorney.

3. A County/Court/Public Defender/Victim Advocate team approach should explore the need for a more comprehensive domestic violence court.

The recommendation has not yet been implemented and is not under the jurisdiction of the Chief Probation Officer. However, the concept is currently being explored and is under discussion between this department and the aforementioned entities.

4. The Probation Department conduct timely audits and require reapplication from approved certified domestic violence programs yearly as required in Penal Code §1203.097.

The recommendation has been implemented. The Probation Department is currently in compliance with the mandates of Penal Code §1203.097 with regard to Batters Treatment Programs.

5. The Probation Department should keep and make available statistics, which include but are not limited to, the number of offenders who enter each batterer's educational intervention programs annually, the number who successfully complete each program, the time it takes to successfully complete the program, and recidivism rates. These are essential measures for meaningful program evaluation.

The recommendation requires further analyses. The Probation Department continues to strive to provide all necessary statistical information requested by the Grand Jury through automation, and when retrieving such information is cost effective and possible within the resources made available to the Department. Identifying and analyzing available information to ensure that best practices are being utilize is the goal of the Probation Department. As some of the information is kept with the Batterer Treatment Providers, the possibility of collecting that information will also be explored, but will need further analysis to be concluded within six months from the submittal of this report.

Submitted by:



John M. Wardell
Chief Probation Officer

INTER-DEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT



TO: HONORABLE STEVEN J. HOWELL, PRESIDING JUDGE
FROM: MIKE CRUMP, DIRECTOR OF PUBLIC WORKS
SUBJECT: RESPONSE TO GRAND JURY FINAL REPORT FOR FY 2006/07
DATE: August 21, 2007

FILED
Butte County Superior Court
AUG 23 2007
Sharol Strickland Clerk
By Kelly Wells Deputy

I respectfully submit the following comments on the 2006/07 Butte County Grand Jury Report:

FINDINGS
PALERMO DRAINAGE DITCH

Grand Jury Findings

1. *The Department of Public Works has been unresponsive to citizen complaints regarding this issue.*

The Respondent disagrees with this finding. According to the complaint letter filed with the 2006/07 Grand Jury, the last time the water drainage ditch in Palermo was cleaned out by the County was about six years ago. However, each fall, County crews schedule and mow the vegetation in the sections of drainage ditch located within County road right of ways, including sections of the Palermo drainage ditch. Earlier this summer, Public Works coordinated with the Sheriff's Jail Work Crews to manually cut and remove vegetation and small trees in the County maintained section of the drainage ditch that were not assessable to the mower. The Public Works Department does receive calls from residents living along South Villa Avenue regarding the drainage ditch paralleling South Villa and Railroad Avenues, but mowing of the vegetation is completed annually on the section of the ditch located within the County road right of ways.

2. *According to our research, the county previously has cleared the ditch. Currently, the county is neglecting to perform a function for which they had previously accepted responsibility.*

The Respondent partially disagrees with the finding. The Respondent agrees that the County road crews have previously cleared the ditch located with the road right of way.

The Respondent disagrees that we are neglecting to perform a function for which we have previously accepted responsibility. The County has and will continue to annually mow the weeds in the drainage ditch located within the road right of ways.

3. *Currently, the responsibility for maintenance of this drainage ditch constructed by Butte County has not been accepted or acknowledged by the County.*

The Respondent disagrees with the finding. The County did not construct this drainage ditch which flows primarily across private property and ultimately drains into Wyman Ravine. However, a section of this drainage ditch is located within the County road right of way that runs parallel to South Villa and Railroad Avenues. The County has accepted responsibility to maintain this section of drainage ditch and annually mows the vegetation.

This area is within a FEMA designated 100 year flood zone. Public Works staff is unaware of any homes flooding in this area except during the State and Federal declared flood emergencies of 1995, 1997 and 2005/06.

After the 1997 State and Federally declared flood disaster, the County received a FEMA mitigation grant to replace a private culvert which was located downstream from the County's maintained section. The private culvert was undersized causing a constriction in the drainage ditch and flood water flows. The FEMA grant allowed the County to replace the culvert with a bridge which increased the capacity of the drainage ditch. The FEMA grant funds also allowed the removal of a large beaver dam and general cleaning of the adjacent section of this private drainage with the property owner's permission.

1997 FEMA mitigation funding also allowed Private Industry Council (PIC) crews to manually remove vegetation and small trees within this County maintained section of drainage ditch as well as many sections of privately owned and maintained sections when permitted by the property owner.

Grand Jury Recommendations

1. *The Department of Public Works should schedule and perform periodic inspection and maintenance of County drainage ditches.*

This recommendation has been implemented. Each fall, County maintenance crews switch from road pavement maintenance to preparing for the winter rains by clearing and mowing road side drainage ditches.

2. *The Board of Supervisors should instruct the Department of Public Works to be more responsive to citizen complaints.*

This recommendation is directed to the Board of Supervisors. However, the Board of Supervisors has always instructed all County departments to be responsive to citizen's complaints. The Public Works Department has been responsive to the citizens' complaints regarding the Palermo drainage ditch as discussed in Finding 1.

3. *The Board of Supervisors should adopt a resolution clarifying the County responsibility to maintain county-constructed ditches.*

This recommendation is directed to the Board of Supervisors. However, the County's responsibility to maintain drainage facilities within County maintained right of ways is clear and being performed as discussed in Findings 1 thru 3.



PERRY L. RENIFF
SHERIFF-CORONER

July 1, 2007

FILED
Butte County
Superior Court
JUL 05 2007
Sharol Strickland Clerk
By R. L. Deputy

The Honorable Steven J. Howell, Judge Presiding
Butte County Superior Court
One Court Street
Oroville, CA 95965

Re: Response to the 2006-2007 Grand Jury Report

Dear Judge Howell;

We once again express our thanks and appreciation to the Grand Jury for the tremendous effort they expended in addressing their statutory goals. We will respond to their "Findings and Recommendations" about the Office of Sheriff/Coroner in the order in which they appear in the final report.

BUTTE COUNTY JAIL REVIEW

FINDINGS

FINDING # 1:

"The Grand Jury is in agreement with the 2005-2006 GRAND JURY REPORT that the Women's Facility is out dated and over populated needing to be replaced and/or remodeled and expanded"

RESPONSE:

We agree with the Grand Jury's finding, as we have with similarly stated findings of previously seated Grand Juries. Unfortunately, agreement is not synonymous with the ability to bring about the desired change.

The women's section of our jail was constructed in 1964. This type of construction is referred to as a "linear" style jail, common to that era. This means that the housing units (cells) have walkways on either side, and the fronts are constructed of steel bars. This type of construction is noisier and more susceptible to adverse environmental impacts, of every nature, than newer construction methods. This appearance is obviously what led to the Grand Jury's description of a, "1940's caged zoo"; an apt but unfortunate phraseology. This section of the jail is continually painted and upgraded, to the extent financially possible, and the heating/cooling systems are closely monitored. This facility was quite recently inspected by the Corrections Standards Authority and found to be in full compliance with state regulations.

The reason women are incarcerated in this older section of the jail is due to their relatively fewer number than males and the law, and common sense, dictates the separation of inmates by gender. The types of inmate classifications, as was noted by the Grand Jury, further requires a number of housing alternatives, based on security needs, that greatly complicates this issue. This older section is the most plausible area of our facility for meeting our obligation to provide our female inmates with safe and secure housing.

We are very desirous of improving our jail situation, particularly the female housing. We have been seeking assistance from the State in this regard for years now, and have been supported in these efforts by County Administration and the Board of Supervisors. We expended thousands of dollars in 2006 for a Needs Assessment study by an outside agency, to document our needs and as a necessary step in securing possible financial assistance.

With the passage of AB900 the State has clarified their intentions of assisting local governments in the expansion of, and additions to jail facilities. We are currently meeting with state prison officials to determine if Butte County will qualify for funds dedicated to re-entry facilities. While much has yet to be determined, we are hopeful that this process will enhance/replace our women's facilities and greatly expand our ability to offer educational and vocational programs for all of our inmate population.

FINDING # 2:

“The Evidence Building is outdated and needs remodeling or replacement. Security is not adequate”.

RESPONSE:

We agree with the Grand Jury’s finding, but qualifiedly so. The condition of the facility and working environment of the Evidence Building has been of concern to this administration since our first days in Office. This is evident to those who have seen the transformation of the involved evidence handling processes and the facility over the last several years. This progress, due largely to the truly outstanding performance of those currently assigned as Evidence Technicians, is likely not known by the sitting Grand Jury but must be commented upon. This, in no way, diminishes the significance of the decontamination of personnel due to hazardous materials exposure issues that were noted.

We have addressed, and somewhat mitigated, the environmental concerns found by the touring Jury members. During the last few weeks we have purchased two large, portable air conditioning units. The Facilities Services Department has installed hard foam insulating material to the interior metal walls and ceilings of the portion of the building housing the freezers. These steps have had the desired effects of reducing the ambient temperature and interrupting the frequent system cycling, and thus workload, of the freezers and refrigeration units. This lessens our concerns about the loss of crucial evidence. We are also advised by Facilities Services that they have a relatively new, permanent roof mounted air conditioning unit that they will install on the Evidence Building in the near future. This will further ease the fear of evidentiary damage, and should largely answer the creature-comfort environmental needs.

The Evidence Building is securely locked and fully alarmed, as is the surrounding compound, with a response by armed personnel to any intrusion capable within moments. While the security and preservation of evidence can always be improved upon, we feel adequate measures are in place until a new facility is constructed that will enhance our capabilities.

FINDING # 3:

“The decontamination facility at the Evidence Building is inadequate”.

RESPONSE:

The decontamination concern is real. While we have (thankfully) never experienced the need for emergency decontamination, the existing wash basin/shower module has seemed adequate. It frankly was a recent revelation to us that this decontamination unit was not properly plumbed. Only in the recent past, after many years, has there been enough

attention paid to this facility by those who labor there, that we are now truly aware of and are fixing some of the problems.

Facilities Services management assures us that they will purchase and install a properly plumbed decontamination unit in the near future. This will provide the safety and privacy appropriate for our employees.

The existing Evidence Facility has long represented the worst case scenario for the preservation of often-times fragile evidence, and a benignly negligent approach to those employed there. In the past few years we have struggled to repair existing issues and prepare for the future. The measures taken though, as previously described, have been palliative in nature. We know that the existing facility remains largely substandard, regardless of these improvements. Recognizing this we have presented the case, at every opportunity over the past several years, for the permanent replacement of the building. The Board of Supervisors has supported this position. We are advised by the Office of the CAO and the Facilities Services Department that the replacement of this building is one of the first Capital Improvement Projects slated for the next fiscal year, 2007-2008. We are further advised that the plans should be developed during January of 2008, with construction slated to begin in approximately July, 2008. We certainly look forward to this.

FINDING # 4:

“Staff is well trained and interacts with inmates in a professional manner”

RESPONSE:

It is encouraging, but not surprising, that those members of the Grand Jury who interacted with our staff left with this impression. Even the numerous contacts they had with the members of the inmate population confirmed that our personnel, sworn and civilian alike treat those in their custody with dignity and respect. Our contract staff, employees of the CFMG or the Dental contact, likewise is highly skilled, professional and adherents to our rules of conduct and behavior.

I appreciate the positive remarks by the Grand Jury, not only because they accurately reflect the reality of a professional staff working in a less than desirable environment, but because too few casual observers actually see the hard work that goes into causing a population of latent volatility to function as smoothly as this one does..

RECOMMENDATIONS:

RECOMMENDATION # 1:

“The Board of Supervisors must develop an appropriate time-line for replacement or remodeling of the women’s jail”.

RESPONSE:

We cannot speak for the Chief Administrative Officer or the Board of Supervisors, except to note that both entities have been sympathetic to our often stated needs in this matter.

RECOMMENDATION # 2:

“Each member of the Board of Supervisors should independently inspect the women’s facility and the Evidence Building”.

RESPONSE:

We will certainly accommodate the desires of the members of the Board of Supervisors in this regard.

RECOMMENDATION # 3:

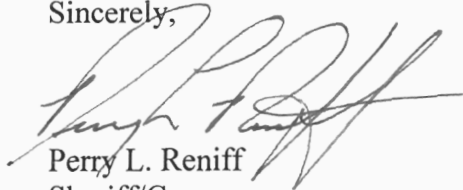
“The Sheriff should present a plan to the Board of Supervisors to repair or replace the current Evidence Building to include, but not limited to:

- a. adequate air conditioning
- b. adequate decontamination system
- c. adequate decontamination showers for employees”

RESPONSE:

It has been previously noted, in the response to finding number1, that efforts continue in addressing the Evidence Building problems. Significant headway has been accomplished and the future looks bright for the total resolution of this long standing issue.

Sincerely,



Perry L. Reniff
Sheriff/Coroner

cc:

Board of Supervisors

Jane Dolan

Bill Connelly

Curt Josiassen

Kim Yamaguchi

Maureen Kirk

Starlyn Brown, Interim Chief Administrative Officer



OFFICE OF THE
MAYOR

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FILED Butte County Superior Court
SEP 19 2007
Sharol Strickland Clerk
By *[Signature]* Deputy

G-GA-1-14

September 18, 2007

The Honorable Steven J. Howell, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: 2006-07 Final Report of the Butte County Grand Jury

Dear Judge Howell:

Pursuant to California Penal Code §933, this letter constitutes the response of the City of Chico to the 2006-07 Final Report of the Butte County Grand Jury.

CHICO CITY PLAZA PROJECT

FINDINGS

Finding: The Park Division has used no-bid contracts with a number of professional service providers, but the city has not been exercising its right to audit these contractors. Further, the city requires these contractors to maintain records for only one year rather than to maintain them for a period of four years covering the statute-of-limitations under contract law.

Response: Agree.

Finding: Currently in Section 10.1 of the city's standard Professional Service Agreement, consultants are allowed to charge the city for their time and expenses if the city chooses to review or conduct an audit of their books.

Response: Agree.

Finding: In reviewing the books of no-bid professional service providers, as well as through testimony, the Grand Jury found supplemental contracts that gave the appearance of, and were in fact, retroactive billing by professional service providers. This is a conflict with the provisions of their contracts with the City. In reviewing the records of these contractors, the Grand Jury believes that the irregularities in the contracts and their amendments go beyond what is justified as actions of expediency.

Response: Disagree that any irregularities have occurred in the contracting process. It is unclear what references are being made to specific contracts.

Finding: While all legal requirements related to due process were followed by the City of Chico in the City Plaza project, greater public participation should have been sought prior to groundbreaking.

Response: Disagree. Many efforts were made to graphically illustrate the process and expected outcomes through open public meetings, press releases and public announcements including at least 17 publicly noticed meetings before either the Chico City Council or Bidwell Park and Playground Commission. In addition, there were at least 11 publicly noticed meetings before various Committees of the Chico City Council, Bidwell Park and Playground Commission and the Arts Commission.

Finding: There are no clear guidelines as to when the Park Division should seek input from the Park Commission on projects.

Response: Disagree. The Bidwell Park and Playground Commission is kept informed of all park related projects. The Commission routinely receives updates and reports on specific projects.

RECOMMENDATIONS

Recommendation: The Chico City Council should meet in joint session with the Park Commission to discuss the scope of the Commission's authority.

Response: This recommendation will not be implemented. The Bidwell Park and Playground Commission's authority is clearly described in the City Charter and Chico Municipal Code and this material has been conveyed to the Council and Commission members.

Recommendation: The General Services Department and/or Park Division should periodically conduct audits of the books of no-bid contractors to ensure the city is receiving competitive pricing for services rendered.

Response: This recommendation will not be implemented. Conducting such audits would examine whether services were provided and billed as set forth in a particular contract but would not relate to the pricing of future contracts.

Recommendation: If the Park Division should choose to use no-bid contracts, the Division should conduct surveys of comparable wages and reimbursement schedules of other similar service providers in the region.

Response: This recommendation will not be implemented. The market for many of the services used is rather small for this region. In addition, costs of services are only one of the factors used in selecting a provider for professional services. Experience, availability and expertise are also considered. It is not reasonable to enter into professional services agreements based exclusively on comparable wages and reimbursement schedules. However, these will be factors that are considered in negotiating and entering into such agreements.

Recommendation: The time period that consultants must retain documents related to no-bid contracts should be increased to at least four years, the statute-of-limitations for filing a claim under California contract law.

Response: Implementation of this recommendation will be considered by the City Manager's and City Attorney's Offices. Such consideration will occur within six months.

Recommendation: The City of Chico should comply with the terms of its own contracts with respect to supplemental agreements to prevent retroactive billing.

Response: This recommendation is already implemented as it is consistent with the current purchasing procedures of the City.

Recommendation: When a project changes status from a "non-funded concept to be built in the distant future" to a funded project that will be built "in the near future," the City Council should require additional public outreach, such as postcard notification of workshops and/or creation advisory boards.

Response: This recommendation will not be implemented. It is not entirely clear what is meant by a "non-funded concept to be built in the distant future" and a project that will be built "in the near future." However, it should be noted that it is not uncommon for the design and scope of a project to be extensively reviewed and discussed before funds are finally budgeted. These discussions are necessary in order to determine estimated costs.

Recommendation: As an oversight commission, the Park Commission should be kept informed of the financial aspects of the city's parks and playgrounds.

Response: This recommendation is already implemented in that Commission discussions on park projects include costs and available funding. It is worth noting that budget authority resides with the City Council.

LAW ENFORCEMENT FORMAL COMPLAINT SYSTEM

FINDINGS

Finding: In at least one case, the Grand Jury found that the DA refused to look into a matter saying it had been turned over to the Grand Jury for investigation. Telling the complainant that the matter had been turned over to the Grand Jury is not a substitute for DA criminal investigation and prosecution. The frustration of the complainant is that no law enforcement agency wants to help them. The charges go from the complainant to the LEA to the DA, from the DA to the LEA, back to the complainant and nothing constructive happens.

Response: This finding addresses an issue with the District Attorney. The City does not know what response the District Attorney would make to this finding.

Finding: Inability to fully enforce the city's noise ordinances has led to situations where noise violations continue with little consequence. This leads to frustration for law enforcement officers and neighbors.

Response: Agree. Employees of the City of Chico Police Department and citizens may be frustrated at times with challenges related to the enforcement of noise ordinances. The law is very clear and specific about how and when arrests for criminal violations may take place. Often, frustrations that are experienced are a result of strict compliance with the procedural aspects of the law. The Chico Police Department will continue to follow the law as required in the handling of these matters, but will also seek alternative remedies as appropriate to ensure that all affected parties are satisfied with the outcome.

RECOMMENDATIONS

Recommendation: The City of Chico and Chico law enforcement need to re-examine noise ordinances and enforcement methods.

Response: Implemented. The Chico Police Department continually examines the overall response to noise related complaints, including enforcement methods, applicable statutes, and alternative dispositions. As a direct result of Police Department efforts during the last year, two local legislative changes have enhanced the capabilities of the Police Department in handling these matters. First, by Ordinance No. 2331, adopted December 6, 2005, the City's Second Response Ordinance was reinstated by the City Council, and second, an adjustment was made to the period of time during which a second response by police officers to a noise complaint may result in the issuance of a citation for a noise violation. Additionally, on September 4, 2007, the City Council introduced an ordinance to add Chapter 9.40, entitled "Disorderly Events," to the Chico Municipal Code. The ordinance was proposed and developed by

the Police Department to focus on specific criminal behavior at disorderly events and to provide a tool for police to maintain public safety. The ordinance is scheduled for final reading and adoption on September 18, 2007.

OLD HUMBOLDT ROAD WAGON TRAIL REVISITED

FINDINGS

Finding: Contrary to the City of Chico's current General Plan, the Old Humboldt Road Wagon Trail and its ruts, as well as the nearby rock walls, are not on the city's list of Historical Resources.

Response: Disagree in part. While City staff maintains a database inventory of historical resources, the City does not have an official list of historic resources approved by the City Council. However, the City's General Plan references a policy regarding rock walls generally (CD-G-54) and the wagon ruts along Humboldt Road specifically (OS-I-52) which states that ...“Limitations on demolition of designated historic buildings and historic sites (e.g. the wagon ruts along Humboldt Road) should be considered and a certificate of appropriateness required for alterations and additions to ensure compatibility with the historic or architectural character to be maintained.”

Finding: The city has recognized the need for additional environmental review for the land south of Humboldt Road but not for the north side.

Response: Agree in part. The EIR prepared for Oak Valley, the development north of Humboldt Road, has been certified by the City of Chico, and mitigations have been adopted for potential impacts to the trail and rock walls. At the time development is proposed for the property on the south side of Humboldt Road, additional environmental review will be undertaken which will include consideration of potential impacts to cultural and historic resources, including the trail and walls.

Finding: The Chico City Manager has stated that the City will involve the public in considering the eligibility of the wagon trail and rock walls for historic landmark designation.

Response: Agree. There will be extensive public involvement to consider historic and cultural preservation issues as part of the General Plan Update over the course of the next several years.

Finding: The Oak Valley EIR and City of Chico Planning Department continue to use previous changes to Humboldt Road's setting, such as power poles, a burn dump and cell tower complex, to justify the position of “no substantial adverse change” to Humboldt Road's setting.

Response: Agree in part. The EIR for Oak Valley was certified and adopted by the City Council. The environmental documents for any development south of Humboldt Road will include appropriate analysis as required by CEQA and the identification of mitigation measures, if necessary, to avoid or minimize impacts to cultural and historic resources based on the development design proposed.

Finding: The Bidwell Park and Playground Commission has not been included in any discussions or decisions related to options for preserving Humboldt Road and its environment.

Response: Agree. The Bidwell Park and Playground Commission does not have jurisdiction over the section of Humboldt Road that runs through the Oak Valley project.

Finding: The city agreed to follow the recommendations of the 2005-06 Butte County Grand Jury.

Response: Agree. In the 2005-06 Grand Jury response, the City agreed to: (1) consider the eligibility of the trail and adjacent rock walls for designation as historic landmarks through the comprehensive General Plan Update; (2) conduct additional environmental review for the property south of Humboldt Road at the time development occurs; and (3) include appropriate mitigation measures to avoid or minimize impacts on cultural and historic resources. Opportunities for public participation will be provided with the General Plan Update over the next two years.

RECOMMENDATIONS

Recommendation: Before any further development in the Humboldt Road area, the city should add Humboldt Road, its wagon trail ruts and the nearby rock walls to the list of historic resources in the current Chico General Plan. It should ensure that this designation is maintained in the General Plan Update.

Response: This recommendation has been partially implemented. Humboldt Road and its wagon ruts, and the nearby rock walls are recognized as historic landmarks in the General Plan and the City staff will recommend that this recognition be maintained in the General Plan Update.

Recommendation: The city should require a new EIR using the correct CEQA guidelines and definitions for the Oak Valley development currently being considered. Similar studies should be required for any developments on or near the Old Humboldt Road Wagon Trail.

Response: This recommendation will not be implemented insofar as it pertains to Oak Valley since it is not warranted. All proper CEQA guidelines and protocols were followed in the preparation of the Oak Valley Project EIR. All required studies and environmental review will be conducted for future projects proposed in the vicinity of the Old Humboldt Road Wagon Trail.

Recommendation: The city should commission and pay for a single EIR evaluating both direct and indirect effects of all projects along Humboldt Road from Bruce Road eastward to where Humboldt Road intersects Highway 32. This study should become a part of the city's General Plan Update.

Response: This recommendation will not be implemented since it is not warranted. It is not possible to conduct an EIR for all projects along that section of Humboldt Road as it is unknown what projects may be proposed. Appropriate environmental review will take place as applications are received.

Recommendation: The city should develop and implement a plan to involve the public in discussions and decisions concerning Humboldt Road, including but not limited to special meetings, use of the city's web site, newspaper articles and the like.

Response: This recommendation will be implemented as part of the General Plan Update community outreach process regarding the identification of historic resources.

Recommendation: The city should seriously consider during the development of properties along Humboldt Road the possibilities of burying power lines, moving the cell tower complex and/or other methods of lessening prior impacts to the road's setting.

Response: Part of the recommendation will not be implemented due to the infeasibility and cost associated with burying power lines and moving cell towers, and also due to the fact that the City does not have control over those actions. Other methods of lessening prior impacts to the road's impacts may be implemented consistent with the approval of the Oak Valley project and other development projects.

Recommendation: The Bidwell Park and Playground Commission should be directly involved in future discussions of Humboldt Road, especially if the city decides to preserve Humboldt Road's cultural and historic resources by making any part of the area a city park.

Response: The Bidwell Park and Playground Commission will be involved to the extent that the area is affected by the Bidwell Park Master Plan or is located within other park lands over which the Bidwell Park and Playground Commission has jurisdiction.

Recommendation: The city should follow through on its commitment to implement the 2005-06 Grand Jury recommendations.

Response: Agree. In the 2005-06 Grand Jury response, the City agreed to: (1) consider the eligibility of the trail and adjacent rock walls for designation as historic landmarks through the comprehensive General Plan Update; (2) conduct additional environmental review for the property south of Humboldt Road at the time development occurs; and (3) include appropriate mitigation measures to avoid or minimize impacts on cultural and historic resources. Opportunities for public participation will be provided with the General Plan Update over the next two years.

THE PLANNING PROCESS IN THE CITY OF CHICO: TRANSFORMING A BIG TOWN INTO A SMALL CITY

FINDINGS

Finding: City ordinances related to development standards (Title 19) are outdated and vague, leading to inconsistent interpretation.

Response: Agree in part. While some inconsistencies exist, the Planning Services Director periodically issues zoning ordinance interpretations and City ordinances are periodically updated in order to resolve vague or inconsistent standards.

Finding: There is poor communication between the City Council, the Planning Commission and the Planning Services Department staff.

Response: Disagree. Communication has improved to align Commission, Council and staff work priorities through the two year Commission Work Plan approved by Council and through regular communications between the mayor, staff and the Commission.

Finding: Other than the city-sponsored general orientation, new members of the Planning Commission are not required to attend any formal training regarding their roles and duties as Commissioners, nor are they required to have training on planning issues.

Response: Agree in part. Each new Commissioner is encouraged to attend an orientation session at which the role of the Planning Commission is discussed and all Commissioners receive training materials from the League of California Cities. In addition, while attendance is not required, the Planning Services Department provides funding each year for several commissioners to attend the League of California Cities Planning Conference.

Finding: There is continuing low staff morale in the Planning Services Department.

Response: Disagree in part. Any staff morale problems that may exist are being addressed through filling staff vacancies, better management of workload, alignment of staff resources with Commission/Council work priorities and participation in ongoing Planning Services Department team building workshops (two held in July 2007).

Finding: Too many minor or routine projects appear before the Planning Commission and City Council.

Response: Agree. Staff has proposed amendments to the Chico Municipal Code to improve the transparency and predictability of the decision making process, including more staff review of minor projects. Consideration of the amendments is anticipated in December 2007.

Finding: Too many development projects are being appealed to City Council.

Response: Agree in part. The proposed code reforms include a one step appeal process to reduce the number of meetings for obtaining an appeal decision.

Finding: The current process used to appoint Planning Commissioners is structured in such a way as to produce a body that is not necessarily versed in planning issues and/or representative of the electorate.

Response: Disagree. The Commission has broad representation from different professions and community organizations familiar with local planning issues, including members of the architectural, neighborhood, environmental, university and legal community.

Finding: The computer tracking software purchased by the Planning Services Department has not been implemented.

Response: Agree. Currently the building division uses the permits plus tracking system. The City has hired a permit specialist to develop a computer tracking system and hired a consultant to document and improve the efficiency of the planning, building and engineering review process.

Finding: The Planning Services Department lacks templates which would help reduce redundancy in writing staff reports.

Response: Disagree. The Planning Services Department has templates for streamlining staff reports.

Finding: It is difficult for members of the Planning Commission to follow all the changes made to a project by the Planning Services Department before it reaches the Commission.

Response: Disagree. Staff reports and presentations often include a review of project changes made during the review process and staff is available to answer questions.

RECOMMENDATIONS

Recommendation: The City Council should direct the Planning Services Department staff to identify areas within Title 19 of the Municipal Code where the language is unclear and/or outdated. Staff should report back to the City Council with recommendations.

Response: The recommendation requires further analysis. A comprehensive update to Title 19 (Zoning Code) should be undertaken after the General Plan Update. A scope of work and budget would need to be approved before completion of the Update in two years. Minor changes to update Title 19 are included in the two year Commission work plan.

Recommendation: The City Council, Planning Commission, and the Planning Services Department should continue working toward better communication, including, but not limited to workshops, email, joint sessions and Work Plans.

Response: This recommendation has been implemented in part. In addition to the work plans, mayor/staff/commission communications and regular electronic mail, several joint study sessions are planned over the next two years between the Commission/Council on the General Plan Update.

Recommendation: The City Council should strongly encourage all new Planning Commissioners to attend an approved training program, in order to learn about their responsibilities as commissioners and to gain experience in planning issues. This training should occur as soon as possible after their appointment.

Response: Recommendation has already been implemented. All commissioners attended mandatory training from the City Clerk earlier this year.

Recommendation: The City Manager should regularly monitor the morale in the Planning Services Department and report to the City Council.

Response: The recommendation has partially been implemented. The Assistant City Manager made an initial assessment of permit tracking needs of the Planning Services Department, the Building and Development Services Department, and the Engineering Division resulting in the hiring of the permit specialist and consultant. The City Manager also monitors the effectiveness of the development services departments operations, including Planning, as part of the Management Achievement Plan (MAPS) process each year.

Recommendation: The Planning Services Department should provide follow-up sessions to the planned communication training to ensure long-term improvement in department morale.

Response: The recommendation has been implemented. A team building workshop was held with planning staff in July 2007 and future sessions are planned during the next year to ensure a long-term commitment to the City's Mission, Vision and Values (MVV). Improvement in communication and teamwork are key elements of the MVV.

Recommendation: The City Council should initiate the process to amend the Municipal Code in order to expand the types of projects that can be approved at the ministerial level.

Response: The recommendation has not yet been implemented, but it is anticipated that some amendment will be considered by the City Council in December 2007.

Recommendation: The City Council should review and amend the appeal fee schedule during its annual review of the fee structure.

Response: The recommendation requires further analysis, with a review of all City fees scheduled to be completed and updated by June 2008.

Recommendation: The City Council should investigate other options for the selection process of Planning Commissioners.

Response: This recommendation will not be implemented. The City Charter provides for the appointment of all board and commission members by the council as a whole. Therefore, the other appointment methods discussed in the grand jury's report pursuant to which appointments are made by a mayor, individual Councilmembers or a committee cannot be utilized in Chico.

Recommendation: The City Council should set criteria for some appointees to the Planning Commission, with a minimum of three having experience in the fields of planning, development, architecture or a related field.

Response: This recommendation requires further analysis and consideration by the City Council to determine whether it is warranted. If implemented, this recommendation could require amendment of the Chico Municipal Code. Consideration of this recommendation will be scheduled for discussion by the City Council prior to December 26, 2007.

Recommendation: The Planning Services Department should implement the existing computer tracking software and provide adequate and ongoing staff training in its use.

Responses to 2006-07 Grand Jury Report
September 18, 2007
Page 12

Response: The recommendation has not yet been implemented, but will be implemented within the next year with the hiring of a permit specialist and the completion of the consultant work flow study.

Recommendation: The Planning Services Department should develop templates to reduce the redundancy of creating staff reports for projects that are similar in nature.

Response: This recommendation has already been implemented.

Recommendation: The planning staff should keep a simple, ongoing time line for each project that indicates the dates for all modifications and changes made throughout the planning process.

Response: Recommendation has already been implemented. Project status reports are updated monthly.

On behalf of the City Council, I would like to extend my appreciation to the 2006-07 Butte County Grand Jury for affording the City an opportunity to improve services to better serve the community. If you have any questions regarding the City's response, please contact me or call Interim City Manager David Burkland at 896-7201.

Sincerely,



Andy Holcombe
Mayor

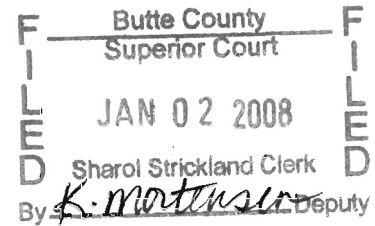
Authorized pursuant to City Council
Motion on September 18, 2007.

cc: City Clerk (8)
City Manager
City Attorney
Department Heads
Bidwell Park and Playground Commission
Planning Commission



OFFICE OF THE
MAYOR

411 Main Street (530) 896-7250
P.O. Box 3420 Fax (530) 895-8825
Chico, CA 95927 <http://www.ci.chico.ca.us>



December 21, 2007

The Honorable Steven J. Howell, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: **2006-07 Final Report of the Butte County Grand Jury**

Dear Judge Howell:

Pursuant to California Penal Code §933, this letter constitutes the follow up response of the City of Chico to the 2006-07 Final Report of the Butte County Grand Jury pertaining to the appointment of the City of Chico's Planning Commission members.

In the 2006-07 Final Report, the Grand Jury made the following recommendation:

"The City Council should set criteria for some appointees to the Planning Commission, with a minimum of three having experience in the fields of planning, development, architecture or a related field."

The City Council did consider this recommendation at its meeting of 11/27/07 and at that time voted (5-2) to not set additional criteria for appointment to the City of Chico's Planning Commission.

If you have any questions, please call me or City Clerk Deborah Presson at 896-7251.

Sincerely,

Andy Holcombe
Mayor

cc: City Council (7)
Interim City Manager
City Clerk - 2006-07 Grand Jury Report

JUL 13 2007

Feather Falls Union Elementary School
2651 Lumpkin Road
Feather Falls c/o Oroville, CA 95966
(530) 589-1810 Fax (530) 589-1446
Superintendent/Principal Deborah I. Nelson

FILED	Butte County	FILED
	Superior Court	
	JUL 13 2007	
	Sharol Strickland Clerk By <i>Kelly Ellis</i> Deputy	

July 11, 2007

Hon. Steven J. Howell, Presiding Judge
C/o Court Administration
Superior Court of California, County of Butte
1 Court Street, Oroville, CA 95966

Judge Howell,

I am acknowledging receipt of the Grand Jury's findings which were filed on June 21, 2007 regarding our school site.

In reference to the Summary in Appendix I (pp.5-6 of report):

Item 1. Modernization and Extreme Hardship Applications are on file with the California Department of Education. An Official from the CA Office of Public Construction has visited our school and confirmed our needs. We have been advised that we now await release of funding by the CA Department of Education School Board which is scheduled to meet in December of 2007. If they find our application for funding to be a valid one and if funding streams allow restoration of our school funds may possibly be released in the Spring of 2008 and restoration may begin in the Summer of 2008.

Item 2. Staff, School Board and Administration of FFUESD will continue to pursue creative avenues for increasing parental and community involvement. We feel we have a very active and aggressive program in this area and have outstanding involvement for such a small community. Our SITE Council and Parent's Clubs have active parent volunteers and we often have over 70% parental participation in extra-curricular events as evidenced by parent sign up sheets at the events.

Item 3. We Post and advertise our vacant School Board Position monthly. All board members and Staff actively pursue interested individuals and will continue to do so.

Item 4. The Superintendent is pursuing the installation of an automatic telephone calling system with Gaynor Telesystems Inc. They are investigating the line possibilities and equipment needs of our site. If it is financially and physically possible to install a new system which has this capability we will install one as soon as possible. Gaynor has speculated that the system could be in place by Fall of 2007.

Item 5. FFUESD and Superintendent are actively updating our Safety Plan and are in direct contact with FEMA, Red Cross, CDF, Public Health and our local Community Fire Safe Councils. All aspects of our current plan are operational; escape plans are in place and practiced. Updates are being made as the cooperative agencies finalize their strategies. This will possibly be an on-going process due to the School's unique designation as the Community FEMA site and the plan may be in revision due to evolving expectations at the County, State and Federal Levels. A School Safety Plan is in place.

Sincerely,

Deborah I Nelson
Deborah I Nelson

7/12/2007

Deborah I Nelson
Superintendent and School Board Secretary

Cc FFUESD School Board @ July 23, 2007 Meeting



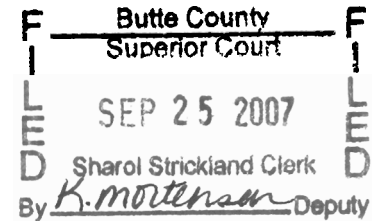
FEATHER RIVER RECREATION & PARK DISTRICT

OROVILLE, CALIFORNIA 95965

MUNICIPAL AUDITORIUM, 1200 MYERS STREET
PHONE: (530) 533-2011 • FAX: (530) 533-2724

August 22, 2007

Honorable Steven J. Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville, CA 95965



Re: Response to the 2006-2007 Grand Jury Final Report from the Board of Feather River Recreation and Park District

Honorable Judge Howell;

The Board of the Feather River Recreation and Park District (FRRPD) submits the following response to the Grand Jury Final Report, dated 2006-2007 based on *Penal Code Sections 933 and 933.05*.

Introduction

The current Board of Directors and employees of FRRPD have, over the span of the last year, made great strides in correcting the various shortcomings and delinquencies of the prior management of FRRPD as documented in the Grand Jury's Final Report dated 2005-2006. For example, both the Employee Policies and Procedures Handbook and Board Manual were updated over the past year by FRRPD and approved by the Board of Directors on August 22, 2007. In addition, FRRPD has completed an updated organizational chart. Further, FRRPD is still working on several goals/objectives created by FRRPD from the recommendations found in the 2005-06 Grand Jury Report. These objectives are ongoing and should be reached in the near future by FRRPD.

In 2005-2006, FRRPD underwent major changes in both its Board of Directors and in its employees. These changes brought with them a realization that the policies and procedures of FRRPD were outdated and needed major revision. The changes also shed light that FRRPD, by continuing to adhere to outdated and inconsistent policies and procedures, had created significant problems in the areas of bookkeeping, record retention, and financial oversight.

Over the past year FRRPD has diligently strived to update the procedures of its office and the policies of its board in order to correct problems created by prior administrations. FRRPD realizes that its work in this regard is incomplete. Overall, FRRPD would like to implement many of the recommendations found in the 2006-2007

Over the past year FRRPD has also strived diligently to improve its fiscal condition. FRRPD has, over the past year, made significant attempts to rectify financial problems inherited from prior administrations. To date, FRRPD has a fully functional accounting system, a system is in place allowing monthly and bi-monthly monitoring of the fiscal conditional of FRRPD by Board members, and an outside firm has been hired to complete yearly audits for FRRPD. The first of these audits has been completed and the Final Audit report should be available after September 30, 2007.

Based on the above, the Board of Directors of the FRRPD hereby submits the following in response to the 2006-2007 Grand Jury Report:

Findings:

1. The FRRPD management has lost track of, or has chosen to ignore, the established Director's Handbook for the district and has instead hastily assembled an inadequate and incomplete *Policies and Procedures Handbook*.

The Respondent disagrees wholly with the finding. The FRRPD has an established Director's Handbook (referred to by FRRPD as its "Board Manual"), which is a separate and distinct document from the Policies and Procedures Handbook for FRRPD (referred to by FRRPD internally as its "Employee Handbook"). Further, the Board of Directors approved both an updated Employee Handbook and Board Manual on August 22, 2007. These updated documents were created by and through a significant amount of time and effort expended by FRRPD staff, FRRPD board members, and legal counsel for FRRPD. Copies of said documents are available upon request to FRRPD pursuant to Government Code Section 6250 et seq.

2. The FRRPD management is remiss in not following the 2005-06 Grand Jury recommendation that an updated Personnel Policy document be provided to facilitate the operation of the District.

The Respondent disagrees wholly with the finding. The Board of Directors have been working with FRRPD employees and legal counsel over the past year to follow-through with the 2005-06 Grand Jury recommendation regarding an updated Personnel Policy document. An updated Employee Handbook containing the personnel policy of FRRPD was adopted by the Board of Directors on August 22, 2007 and is available upon request pursuant to Government Code Section 6250 et seq.

3. The FRRPD Personnel Policy Manual has not been updated since November 15, 1983.

The Respondent agrees with the finding. The Board of Directors agrees that the prior to the Grand Jury's Report FRRPD'S Personnel Policy Manual had not been updated since November 15, 1983. However, as discussed above the Board of Directors adopted an updated Employee Handbook on August 22, 2007.

4. Personnel practices are not well documented or well understood by the FRRPD Board and General Manager.

The Respondent disagrees wholly with the finding. The Board of Directors and the General Manager have a firm understanding of the personnel practices currently in place for FRRPD. In addition, the Board of Directors and the General Manager have a firm understanding of the updates to the personnel practices given the work done by FRRPD to facilitate a revised Employee Handbook.

5. The Personnel Manual does not contain a written policy consistent with state law regarding screening of employees in proximity to children.

The Respondent disagrees wholly with the finding. The Employee Handbook adopted by the Board of Directors on August 22, 2007 contains written policy regarding the screening of employees in proximity to children found in Section 3.2. A copy of this document is available to the public upon request as discussed above.

6. The Personnel Manual does not contain a written policy regarding DUI, Live Scan and Department of Justice screening(s).

The Respondent disagrees wholly with the finding. The Employee Handbook adopted by the Board of Directors on August 22, 2007 contains written policy regarding DUI, Live Scan and Department of Justice screening(s) found in Section 3.2. A copy of this document is available to the public upon request as discussed above.

7. The Personnel Manual does not include the "Classification" list referred to in its index.

The Respondent agrees with the finding. Given the recent adoption of an updated Employee Handbook it is entirely irrelevant whether the personnel manual contains the "Classification" list referred to in its index. FRRPD made a conscious decision not to include information regarding classifications of employees in the Employee Handbook. Said information is available as a separate and distinct document.

8. The current General Manager is unsuited to his job and is over committed in his dual assignment as General Manager and Park Superintendent.

The Respondent disagrees wholly with the finding. The Board of Directors are confident in the abilities and qualifications of the current General Manager of FRRPD, Bob Sharkey. Mr. Sharkey handles his responsibilities as General Manager and Park Superintendent competently and efficiently. Ideally it would be better for FRRPD to have two separate employees handle these significant and important jobs. Unfortunately the current fiscal situation of FRRPD precludes the hiring of an additional employee to evenly distribute the demanding workload of

these two positions. As such, Mr. Sharkey excels in balancing these two positions as General Manager for FRRPD.

9. No one on the FRRPD staff has a degree in recreation.

The Respondent disagrees wholly with the finding. FRRPD currently has one staff member with a degree in recreation. Numerous other staff members hold college degrees as well as practical experience in the realm of recreation.

10. The FRRPD has no Master Plan, nor any other form of long range plan, nor is there any current effort to produce a long range plan.

The Respondent disagrees wholly with the finding. FRRPD created a master plan in 1983, which is in need of an update. However, the cost associated with such an endeavor is not feasible at this time. Should FRRPD'S fiscal situation allow for an update of the 1983 Master Plan the Board of Directors would certainly consider it. The Board of Directors has established both long-term and short-term goals for FRRPD. Further, the Board of Directors discusses these goals with FRRPD on a regular basis.

11. The FRRPD board and General Manager have mishandled District financial affairs; by doing so they have placed the District in a position of debt from which it will be difficult to recover.

The Respondent disagrees in part with the finding. While the Board of Directors agree with this characterization of the current fiscal circumstances of FRRPD they would like to point out that his problem was inherited from prior administrations. Over the past year, FRRPD has made great strides in correcting the errors of prior management as discussed in the introduction above.

12. The lack of a functional accounting system makes it impossible for the Board to exercise the appropriate oversight.

The Respondent disagrees wholly with the finding. FRRPD'S accounting system is fully operational. Further, the Board of Directors feels confident that they are able to exercise the appropriate oversight in the financial affairs of FRRPD given the diligent efforts of FRRPD staff to provide relevant and updated information relating to the finances of FRRPD at board meetings.

13. The FRRPD will finish the current fiscal year in June 2007 owing more than \$1,000,000 on the \$2,000,000 line of credit that it has established.

The Respondent agrees with the finding.

14. The borrowed money was used in part to pay off obligations created by a capital project for which there were not sufficient funds.

The Respondent agrees with the finding. Prior FRRPD administration authorized a capital project based on the speculative sale of real property owned by FRRPD. The project had already started when the sale of the real property did not occur. As such, FRRPD was obligated to pay for the project regardless of the loss of the source of funding.

15. The interest and principal payments required to service and retire this debt impose a substantial burden on the FRRPD finances. If the District continues to borrow against the line of credit, the burden will grow proportionately.

The Respondent agrees with the finding. The Board of Directors is aware that any additional borrowing from the line of credit will further burden FRRPD finances. The current debt owed on the line of credit has been properly budgeted for by FRRPD. FRRPD will continue to properly budget in an effort to assure that this debt is paid in a timely and efficient manner.

16. The FRRPD General Manager and board have not provided long term financial planning for the District.

The Respondent disagrees wholly with the finding. The Board of Directors and FRRPD staff have, over the past year, made it a priority to correct the financial wrongs of prior administrations. Through this process, FRRPD has and will continue to plan for the long term financial needs of FRRPD.

17. The General Manager and the Board of Directors have failed to provide the FRRPD with the staff necessary to handle day-to-day financial affairs of the District. There is neither enough experience nor enough staff.

The Respondent disagrees wholly with the finding.

18. There is no regular reporting of financial status at Board Meetings.

The Respondent disagrees wholly with the finding. The financial status of FRRPD is discussed at every board meeting by and through the staff reports presented to the Board of Directors.

19. The accounting software is not fully operational.

The Respondent disagrees wholly with the finding.

20. The FRRPD is actively discouraging public participation in the affairs of the district, most particularly in meetings of the Board of Directors.

The Respondent disagrees wholly with the finding. Public participation in the affairs of FRRPD and at meetings of the Board of Directors is an important and

necessary, part the operation of FRRPD. As such, the Board of Directors actively encourages public participation at all of its meetings, as well as in the affairs of FRRPD. This is an important aspect of FRRPD, which allows it to monitor whether the activities and facilities managed by FRRPD are adequately meeting the needs of the public it serves.

21. Director Thompson is discouraging public participation in FRRPD Board meetings by persistent harassment of some attendees. The remainder of the Board tolerates this behavior without public comment.

The Respondent disagrees wholly with the finding. As stated above, public participation is a necessary and important part of the operation of FRRPD. As such, Director Thompson, or any other Board member, would not act in any manner intended to discourage any member of the public from participation in board meetings.

22. The FRRPD Board and General Manager have not actively recruited members for the Benefit Assessment District Citizens Oversight Committee. The Oversight committee was promised to the voters when the Benefit Assessment District was being promoted.

The Respondent disagrees wholly with the finding. The Benefit Assessment District Citizens Oversight Committee members have been appointed by the Board of Directors along with alternate members.

23. The FRRPD does not adequately serve the senior citizens in the District.

The Respondent disagrees wholly with the finding. Currently FRRPD offers numerous senior programs including: senior exercise, Tai Chi, and senior softball. A senior citizen Valentines Day Dance is being planned for February 2008. Further, FRRPD works with Feather River Senior Center Association to provide lunches, bingo, potlucks, guest speakers, special events, weekly bands, as well as coffee and social hours to the senior citizens living within FRRPD'S boundaries.

24. Currently the FRRPD is working cooperatively with only one of the two senior citizen organizations in the greater Oroville area.

The Respondent agrees with the finding. It is the Board of Director's understanding that the senior citizen organization it currently does not work with has its own meeting facility and is not in need of a facility for meeting through FRRPD. The Board of Directors would encourage any senior citizen's organization to approach FRRPD in an attempt to facilitate a *cooperative* relationship between the organizations.

25. The FRRPD Board and General Manager are remiss in not providing timely guidance to new Board members on their conflict of interest responsibilities.

The Respondent disagrees wholly with the finding. All members of the Board of Director's have received training as to their conflict of interest responsibilities. This information was provided to each Board member when they were duly elected or appointed by FRRPD staff. This issue is also addressed in the revised version of the Board Member's Handbook.

26. Credible testimony from knowledgeable witnesses concerning the appropriation of funds for the Skate and Bike Park contradicts the account given by the FRRPD Board in their response to the 2005-06 Grand Jury Report. The FRRPD Board's investigation into the appropriation process was conducted by the General Manger who, as a principal in the situation, would appear to be biased.

The Respondent disagrees wholly with the finding. The Board of Directors has already addressed this issue. FRRPD has done its own independent investigation into the events surrounding this park and provided in depth information surrounding the park in its 2005-06 response to the Grand Jury Report. Please refer to this prior response relating to the happenings of the Skate and Bike Park. Also available to the public at the FRRPD district office is a binder of information relating to the Skate and Bike Park, which the public is free to inspect or request copies of, as well as a resolution passed by the Board of Directors indicating the timeline of events as it relates to the Skate and Bike Park.

Recommendations:

1. The FRRPD Board should further develop a more relevant, comprehensive and concise *Policies & Procedures Handbook* that includes adoption and amendment dates. The handbook should be reviewed by the District's legal counsel and in place by October 2007.

The Respondent agrees with the recommendation. The Board of Directors adopted an updated Employee Handbook on August 22, 2007 after a substantial amount of time and effort was expended by FRRPD staff, the Board of Directors, as well as legal counsel for FRRPD.

2. The FRRPD board should revise and update the Personnel Manual to assure that all policies and procedures are clearly stated, especially those related to pre-employment and periodic screenings. The manual should include job descriptions for each full or part time employee, as well as volunteer positions which document the duties and typical tasks related to each position and which set forth the minimum education and experience required for each position. The Personnel Manual should be completed by October 2007 and reviewed by the District's legal counsel.

The Respondent agrees with the recommendation. Please see respondent's response to recommendation number 1, above.

3. The FRRPD Board should hire a General Manger with strong management experience and qualifications.

The Respondent disagrees wholly with the recommendation. FRRPD'S current general manager, Bob Sharkey, has over 20 years experience in the field of parks and recreation and has demonstrated to the Board of Directors he possesses both strong management skills and is highly qualified to continue on in the position of General Manager. Further, Mr. Sharkey came into the position of General Manager at a time when FRRPD was undergoing a major flux in both staff and members of the Board of Directors. He successfully weathered this change and assisted FRRPD in adjusting to the flux, brought to light the financial shortcomings of FRRPD created by prior administrations, and has worked with staff and the Board of Directors to work towards solutions to these problems. The Board of Directors have already hired a competent and qualified General Manager and see no need to replace him as recommended by this report.

4. The FRRPD board should hire a Park Superintendent.

The Respondent agrees with the recommendation. If it were fiscally possible for FRRPD to hire a Park Superintendent, it would certainly do so. The Board of Directors appreciates this recommendation but feels FRRPD does not have adequate resources to comply with the recommendation at this time.

5. The FRRPD Board should hire a Recreation Director with an appropriate degree or equivalent experience.

The Respondent agrees with the recommendation. If it were fiscally possible for FRRPD to hire a Recreation Director, it would certainly do so. The Board of Directors appreciates this recommendation but feels FRRPD does not have adequate resources to comply with the recommendation at this time.

6. The FRRPD Board should immediately resume the commitment to produce an up-to-date long range plan for the District. It should be completed before June 2008.

The Respondent agrees with the recommendation. The Board of Directors is already committed to producing a long-range plan for the District. The generation of an updated Master Plan is a costly endeavor. Should FRRPD'S financial condition improve to an extent that would allow the update of FRRPD'S Master Plan, the Board of Director's would certainly be supportive of that endeavor. Until that occurs, the Board of Directors, has and will continue to be committed to working with FRRPD staff to develop and implement both short and long term goals for FRRPD.

7. The FRRPD Board should hire a General Manager with appropriate financial management expertise.

The Respondent disagrees with the recommendation. Please see respondent's response to recommendation number 3, above.

8. The FRRPD Board should ensure that it has competent financial management expertise available either in its own financial manager or by hiring a financial management consultant.

The Respondent disagrees wholly with the recommendation. FRRPD already has competent financial management expertise available to them through staff and through a financial management consultant hired to conduct yearly accountings for FRRPD.

9. The FRRPD Board should assure that the accounting system is made operational.

The Respondent disagrees wholly with the recommendation. The accounting system is fully operational at this time.

10. The FRRPD Board should review the District's balance sheet and cash flow in detail each month.

The Respondent agrees with the recommendation. The Board of Directors already reviews the district's balance sheet and cash flow in detail on a month-to-month basis.

11. The FRRPD Board and management should use the line of credit only for cash flow management.

The Respondent disagrees wholly with the recommendation. Use of the line of credit should be implemented only when the Board of Directors concurs it is in the best interest of FRRPD after receiving the appropriate staff reports and recommendation from FRRPD employees. The Board of Directors will decide when and if the line of credit is utilized on behalf of FRRPD.

12. The FRRPD Board should budget to pay off the incurred debt well in advance of the ten year limit.

The Respondent agrees with the recommendation, to the extent it is possible.

13. The FRRPD Board should arrange to have a long term financial plan prepared before October 2007. It should cover at least the next five years. In addition to the usual cash flow projections the plan should pay detailed attention to:

- a. The maintenance part of operating costs;
- b. A schedule for debt retirement

- c. An independent evaluation of the amount, timing, and likelihood of extraordinary income items, such as re-licensing payments, concession income from Riverbend Park, and development venture income;
- d. The FRRPD investment required to pursue the potential income items above.

The Respondent disagrees in part with the recommendation. A long-term financial plan covering the next five years would certainly benefit FRRPD. As a practical matter, however, this simply cannot be completed by October 2007. As such, the Board of Directors will take into consideration the recommendation with hopes to complete a long term financial plan in the near future.

14. The FRRPD Board should arrange to have a financial staff of between two and three full time equivalents, including the FM.

The Respondent agrees with the recommendation. FRRPD currently has a financial staff consisting of two employees. FRRPD is satisfied with the job performance of its financial staff.

15. The FRRPD Board should ensure that the financial manager position be filled by a degreed professional with some years of appropriate experience.

The Respondent disagrees wholly with the recommendation. FRRPD currently has an experienced and qualified financial manager dedicated to straightening out the financial affairs of the district. In addition to her prior work experience, the current financial manager has been continuing her education so as to further benefit FRRPD with additional knowledge and skills. The current financial manager inherited a financial mess of which great strides have been made in curing over the past year. The progress made as to the financial records and procedures of FRRPD are due in great part to the current financial manager. As such, respondent does not agree that a replacement should be found for the current financial manager.

16. The FRRPD Board should see that the accounting software is set up and running so that a monthly formal report can be made to the Board of Directors. If the existing staff cannot complete the setup work by August 1, 2007, the work should be contracted out to a financial consulting firm.

The Respondent agrees with the recommendation. Monthly formal reports are already provided to the Board of Directors as to the financial affairs of FRRPD. Further, the accounting software is fully operational and there is no need to contract any work out to a financial consulting firm.

17. The FRRPD Board should adopt a resolution affirming the Board's commitment to public attendance at, and participation in, the Board meetings.

The Respondent agrees with the recommendation.

18. The FRRPD Board should change the logistics and conduct the Board meetings so as to facilitate public participation:

- a. Change the time of all meetings back to the evening.
- b. Change the venue back to the City Council Chambers or some other location that has adequate acoustics, an audio system, accessibility for the disabled, and is not impacted by external noise.
- c. Require that all Board members treat attendees with respect.
- d. Provide 72 hour prior public notice of the meetings by arranging for publication in the local newspaper and by keeping the District website current.
- e. Publish the agenda and minutes on the website at least 72 hours prior to a regularly scheduled meeting and at least 24 hours prior to a special meeting.
- f. Restrict the use of special board meetings to emergency situations.

The Respondent disagrees in part with the recommendation. Respondent agrees that all Board members should treat attendees with respect, that proper notice should be given regarding meetings (which FRRPD has and will continue to be in compliance with), and that the agenda and minutes should be published on the FRRPD website. The respondent disagrees with the recommendation that the meetings should be held in the evening and should be moved back to the City of Oroville Council Chambers. The 3:30p.m. meeting time is consistent with other public meetings held in this area. Further, FRRPD does not see a need to impose on City Council Chambers when it currently has a meeting facility available to it within its own walls. As to recommended item f, the Government Code allows for both special board meeting under section 1125.4 and emergency board meetings under section 1125.5. FRRPD will continue to hold regular board meetings, special board meetings, and emergency board meetings as specified in the Government Code.

19. The FRRPD Board should adopt a resolution which formally recognizes that Board Member Thompson's behavior has become an embarrassment to the FRRPD and to the community, and which requests his immediate resignation from the Board.

The Respondent disagrees wholly with the recommendation. The Board will not comment on the behavior of Board Member Thompson. Mr. Thompson is an elected member of the Board of Directors. If the public does not agree with his actions or his membership on the Board of Directors for FRRPD then it will be reflected in future elections for the FRRPD Board of Directors. The public can also address any concerns they have by contacting the Board of Directors by letter or at one of its meetings.

20. The FRRPD Board should fulfill its election commitment by assuring that the Citizens Oversight Committee has sufficient members and performs its duties.

The Respondent agrees with the recommendation.

21. The FRRPD Board and General Manager should explore ways to increase their offerings for seniors. This should be a focus area for a qualified Recreation Director, once hired.

The Respondent disagrees in part with the recommendation. Respondent agrees that FRRPD should explore ways to increase their offerings for seniors. Respondent disagrees with hiring a Recreation Director and making this a focus area for the new employees. As discussed above, FRRPD is not in a financial position to hire an employee with this classification and will be unable to comply with this recommendation.

22. The FRRPD Board and General Manager should work cooperatively with both greater Oroville senior organizations to arrange facilities and programs for seniors.

The Respondent agrees with the recommendation. The Board of Director's and General Manager agree that *cooperative* efforts should be made by FRRPD and both greater Oroville senior organizations to arrange facilities and programs for seniors.

23. The FRRPD Board and General Manager should include in the revision of the Policies and Procedures Handbook (recommended elsewhere in this report) a summary of the conflict of interest related obligations of Board members and other designated officials of the District.

The Respondent agrees with the recommendation. The current Board Manual, includes a provision relating to conflicts of interest and obligations of Board members and other designated officials in the District. Further, the updated Employee Handbook contains a summary of the conflict of interest related obligations found at section 5.8. A copy of this document is available to the public upon request as discussed above.

24. The Butte County District Attorney should conduct an investigation into the alleged mishandling of funds for the Skate and Bike Park project and into the possibly biased Board-requested investigation of the appropriation process to see if criminal charges should be brought against the Board and the General Manger.

The respondent disagrees in whole with the recommendation. This issue was explored in detail in the 2005-06 grand jury report and the corresponding response from FRRPD. The issues surrounding the Skate and Bike Park have been adequately and fully addressed to the public. No further investigation should be necessary.

Conclusion

While FRRPD is appreciative of the Grand Jury and their job as watchdogs of the community, it seems that in this instance the Grand Jury submitted a report based on the biased comments and complaints of a few citizens, which were not even fully explored by the Grand Jury prior to the submittal of its report. In submitting its report, the Grand

Jury did not rely on accurate information nor did it properly reference documents or actions of FRRPD rebutting the information found in the investigation, the findings, and the recommendations of the report.

FRRPD, over the past year has made significant strides towards putting its financial and managerial houses in order. FRRPD is operating on a limited financial budget, and while in theory the recommendations of the Grand Jury would only benefit FRRPD, it is practically an impossible feat. Further, responding to a second probe by the Grand Jury has cost the District financially as funds had to be diverted to cover legal expenses and staff time associated with the generation of this response.

It is the hope of FRRPD that the Grand Jury will recognize the improvements the District has made over the past year and allow it time to continue to improve before issuing another report full of impractical and inaccurate findings and recommendations. At the very least, it is FRRPD'S hope that any future Grand Jury investigation will be completed in an unbiased, impartial way that reflects all information available to the Grand Jury after a full and complete investigation occurs.

Sincerely,

The Board of Feather River
Recreation and Park District



Monique Gurr, Chairman

Response approved by the Board of the Feather River Recreation and Park District on September 12, 2007 by a vote of 3/5 majority.