

2023 - 2024

Grand Jury



# ANNUAL REPORT



SUPERIOR COURT OF CALIFORNIA  
**COUNTY OF SUTTER**



SUPERIOR COURT OF CALIFORNIA  
**COUNTY OF SUTTER**

**Final Report**

**of the**

**2023 – 2024**

**Sutter County Grand Jury**

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Tim McGee,  
Foreperson

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Honorable Susan E. Green,  
Presiding Judge

**Report  
of the 2023 – 2024  
Sutter County Grand Jury**

Tisa Abreu, Carrie Bearry, James Coffman, Craig Hall, Mark Harmon, Tim McGee, Tammy McHaney, Laura Michel, Cliff Pearson, Don Petty, Eric Rood, Hector Sanchez, Jack Simpson, Lisa Hughes-Wilhelmi, Lory Williams, Ava Woodard, and Laura York



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Tim McGee

2023 – 2024 Sutter County Grand Jury Foreperson

5-23-24

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Date

Pursuant to California Penal Code Section 933(a), the Presiding Judge makes the findings that the foregoing report is in compliance with Title 4, Chapter 3 of the California Penal Code ("Powers and Duties of the Grand Jury").



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Honorable Susan E. Green, Presiding Judge  
Superior Court of California, County of Sutter

May 29, 2024

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Date

5-7-24

The Honorable Susan E Green  
The Honorable Laura J Davis

Sutter County Superior Court  
1175 Civic Center Boulevard  
Yuba City California 95993

On behalf of the Grand Jury and myself, I would like to thank the superior court for their help and support for this Grand Jury term 2023-2024. The Grand Jury Foreperson is a challenging job that could not be accomplished without your guidance. The judges and importantly the administrative staff were crucial to the success of this year's Grand Jury term. (Jackie, you're awesome!)

The entire Grand Jury served diligently with honesty and tenacity. It took a lot of work to do your job well, and you succeeded.

I would like to thank the editorial committee for their steadfast commitment to getting this report through the process and on to final print.

Being a man of few words, I would just like to say thanks to everyone, and it has been an honor, a privilege and a pleasure to serve as the 2023-2024 Grand Jury Foreperson.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tim McGee', with a large, stylized 'X' or flourish at the end.

Tim McGee  
Foreperson





Tim McGee, Foreperson

Jack Simpson, Sergeant-at-Arms

Tisa Marie Abreu

Craig R. Hall

Lisa A. Hughes-Wilhelmi

Laura Petersen York

Eric Lee Rood

James C. Coffman

Hector Sanchez

Carrie Ann Bearry, Secretary

Tammy Jeannine McHaney

Lory Ann Williams, Librarian

Don Edward Petty, Pro tem

Mark Alan Harmon

Ava P. Woodard

Laura Maria Michel

Cliff Pearson

# GRAND JURY APPROVAL

California Penal Code §933(a) states:

*“Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year...”*

In conformance with the aforementioned Penal Code requirement, the 2023-2024 Sutter County Grand Jury approves and respectfully submits this report to the Honorable Judge Green, Presiding Judge, Superior Court of California, County of Sutter.

Tim McGee, Foreperson  
Carrie Bearry  
Craig Hall  
Tammy McHaney  
Cliff Pearson  
Eric Rood  
Jack Simpson  
Lory Williams  
Laura York

Tisa Abreau  
James Coffman  
Mark Harmon  
Laura Michel  
Don Petty  
Hector Sanchez  
Lisa Hughes – Wilhelmi  
Ava Woodard

In Loving Memory of Danny Roy Reiswig 2024.



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## **2023-2024 SUTTER COUNTY GRAND JURY CONTINUITY AND COMPLIANCE REPORT**



## Summary

The 2023-2024 Sutter County Grand Jury (SCGJ) reviewed the responses to the investigative reports issued by the 2022-2023 Grand Jury to assess compliance with the California Penal Code. The complete text of these reports can be found on the following website:

<https://www.sutter.courts.ca.gov/general-information/grand-jury/grand-jury-reports>

This website also provides links to the responses given by the various county officials and other agencies to the **Findings** and **Recommendations** contained in the reports.

## Background

California Penal Code Section 933(a) requires the Grand Jury to “submit to the presiding judge of the Superior Court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Governing bodies of department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a Grand Jury’s report. Elected officials are required to respond within 60 days. (PC §933(c)). This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations.

Penal Code Section 933.05 states that the governing body or department official is required to select one of four possible responses to the Recommendations (PC §933.05(b)).

**The recommendation has been implemented** with a summary regarding the implemented action.

**The recommendation has not been implemented but will be implemented in the future** with a time frame for implementation.

**The recommendation requires further analysis** with an explanation and the scope and parameters of an analysis or study and a time frame (which shall not exceed 6 months from date of report publication) for the matter to be prepared for discussion.

**The recommendation will not be implemented** because it is not warranted or not reasonable with an explanation provided.

This Continuity and Compliance Report focuses on the responses to the Recommendations made by the 2022-2023 Grand Jury in four reports:

1. Sutter County Sheriff’s Office Staffing and Jail Improvements While Facility Conditions Heat Up
2. Sutter County Public Buildings and Properties: Behind the Curve

3. Local Government Report: Rough Roads Ahead for Yuba City
4. Sutter Yuba Behavioral Psychiatric Health Facility Unit Safety Improvement and Funding

These four reports made a cumulative total of 15 recommendations to the various agencies.

## Discussion

### Sutter County Sheriff's Office: Staffing and Jail Improvements While Facility Conditions Heat Up

#### Reducing Contraband in the Jail

Grand Jury Finding F1	The Sheriff Department consistently acted on recommendations and implemented those recommendations to reduce narcotics and contraband from entering the jail. These actions have greatly reduced the infiltration of narcotics and contraband into the jail, providing a safer environment for jail staff and inmates.
BOS Response Sheriff's Office Response	<i>The Board of Supervisors agrees with the Grand Jury finding. The Sheriff's Office would like to express our appreciation of the Grand Jury for these comments. We pride ourselves on being innovative and fiscally responsible in accomplishing our goals. Prior Grand Jury reports have offered good suggestions for improvements, and we are glad we were able to implement many of their recommendations into our facility.</i>
Grand Jury Recommendation	No recommendation.
Response	N/A
2023-2024 Grand Jury	There was no recommendation required by the 2022-2023 Grand Jury. No further action required.
Follow-up Response	

## Staffing

Grand Jury Finding F2	While staffing remains a challenge, significant progress has been made in staffing at Sutter County Sheriff's Office. The staff efficiency and morale continue to improve as staffing levels increase.
BOS Response Sheriff's Office Response	<i>The Board of Supervisors agrees with the Grand Jury finding. The Sheriff's Office appreciates the Grand Jury's acknowledgment of our efforts to recruit and hire qualified personnel to provide public safety services. The Board of Supervisors have shown their support through salary increases and this has allowed the Sheriff's Office to stay competitive in the market. The Sheriff's Office is committed to creating an environment where candidates will feel valued and want to be part of a great organization. We will continue our recruitment efforts throughout this next fiscal year.</i>
Grand Jury Recommendation Response	No recommendation. N/A
2023-2024 Grand Jury Follow-up Response	There was no recommendation required by the 2022-2023 Grand Jury. No further action required.



## Air Conditioning System in Older Section of Jail (R1)

Grand Jury Finding F3	The current evaporative cooling system in the older section of the jail is not adequate, creating unsafe working conditions for the jail staff and unsafe living conditions for the inmates.
BOS Response	<i>The Board of Supervisors disagrees with the Grand Jury finding. The evaporative cooling system that is utilized in some parts of the jail is not ideal and would be better served with a modern cooling system.</i>
Sheriff's Office Response	<i>The Sheriff's office agrees the evaporative cooling system is in need of replacement and this could potentially cause "Unsafe" working conditions. However, it is my belief staff goes to great lengths to ensure a safe environment for both staff and incarcerated persons. Some of these procedures included bringing in additional fans, handing out ice packs and mopping condensation from the floors. As noted in the Grand Jury's report, there have been no formal complaints lodged in the jail about excessive heat or heat related emergencies. Again, this credit belongs to our exceptional staff, we acknowledge improvements must be made with the cooling system.</i>
Grand Jury Recommendation R1	General Services should obtain a current cost estimate for the replacement of the air conditioning system in the old section of the Sutter County Jail by December 1, 2023.
BOS Response	<i>This recommendation has not been implemented, but will be by June 30, 2024, to allow staff adequate time to seek quotes.</i>
Sheriff's Office Response	<i>The Sheriff's Office supports this recommendation and would appreciate additional assistance in locating and securing grant funding opportunities.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors (BOS) and the Sutter County Sheriff's Office have put the air conditioning system out to bid for replacement as of March 2024. The project is expected to be completed by October 2024.

## Air Conditioning System in Older Section of Jail (R2)

Grand Jury Finding F3	The current evaporative cooling system in the older section of the jail is not adequate, creating unsafe working conditions for the jail staff and unsafe living conditions for the inmates.
Grand Jury Recommendation R2	Board of Supervisors should research, identify, and begin funding the capital improvement fund for the new cooling system for Sutter County Jail by December 1, 2023.
BOS Response	<i>This recommendation will not be implemented because it is not warranted or not reasonable. To be clear, the preceding language is legally required if the recommendation will not be implemented. The reason it will not be implemented is not because it is truly unreasonable, but because the County has a capital improvement plan, and jail cooling system is included in it with an estimated cost of \$4,000,000.</i>
	<i>As noted by the Grand Jury's 2022-2023 report titled "Sutter County Public Buildings and Properties: Behind the Curve," there are multiple Sutter County facilities in need of repair or replacement. For many years, Sutter County has prioritized maintaining services to the public at the expense of facility maintenance, repair, and construction. Facility repairs are prioritized by need related to safety and then funding availability. If practical, funds will be set aside for a new cooling system in the jail, and the County will research grants.</i>
Sheriff's Office Response	<i>The Sheriff's Office supports this recommendation and will work in cooperation with the Board of Supervisors on potential funding solutions.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors and the Sheriff's Office have identified potential funding sources for this air-conditioning project.



## Public Safety Grant Writing Position

Grand Jury Finding F4	Sutter County has secured grant funds through the grant writing functions of the Development Officer position (libraries and museums) that well exceeds the cost of this position.
BOS Response	<i>The Board of Supervisors agrees with the Grand Jury finding.</i>
Grand Jury Recommendation R3	Board of Supervisors should create a Public Safety Grant Writing position to research possible funding for facility improvements via grants by June 30, 2024.
BOS Response	<i>This recommendation will not be implemented because it is not warranted or not reasonable. The County Administrative Office is currently reviewing a grant writing proposal from an agency that can research and write grants for any County department. A related recommendation will be brought to the Board of Supervisors by December 31, 2023.</i>
Sheriff's Office Response	<i>The Sheriff's Office supports this recommendation. The Sheriff's Office would recommend a "Public Safety" grant writing position that supports law, fire, Probation and our District Attorney's Office. The Sheriff's Office currently manages 14 different grants or legislative revenue streams (Table A [see original response on SCGJ website]). Grant writing requires a tremendous amount of research to meet specific grant requirements. Additionally, if a grant is awarded there are reporting requirements associated with most grants. The Sheriff's Office is limited on staffing that can accomplish such tasks given the current number of grants we currently manage. Having a designated position to write and monitor grant revenues would be a welcomed addition to our public safety departments.</i>
2023-2024 Grand Jury Follow-up Response	The Grand Jury was told by County Officials that a third-party grant writing company was contracted by the County. As such, a reasonable solution has been implemented by the Board of Supervisors.

## Sutter County Public Buildings and Properties: Behind the Curve

### SCGJ Room Accessibility

Grand Jury Finding F1	There is no access to the Grand Jury Room to allow someone in a wheelchair to access the jury room without assistance.
BOS Response	<i>The Board of Supervisors disagrees with the Grand Jury finding. There are ramps at the front and rear entrances to the facility at 463 Second Street that lead to the interior door to the Grand Jury meeting room.</i>
Grand Jury Recommendation R1	General Services and Development Services should build an American with Disabilities Act (ADA) compliant ramp to the SCGJ room entrance so that all jury members have equal accessibility to the SCGJ room. This should be completed by September 30, 2023 (F1)
BOS Response	<i>This recommendation will not be implemented because it is not warranted or not reasonable. The building where the Sutter County Grand Jury is located, 463 Second Street, already includes an ADA compliant ramp at the main entrance to the structure. The County's access control system can be modified so grand jury members can enter through the main entrance after hours and on weekends.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors' response fails to address the issue as stated in the Finding (F1). It is accurate in that the facility <u>does</u> provide wheelchair access <u>to</u> the interior door of the Grand Jury Room. However, this door is locked by a deadbolt. The only key that Grand Jury members can use to open this door is kept in a lockbox inside the Grand Jury Room. Members with accessibility issues must wait for another Grand Jury member to enter the room using the non-ADA compliant entrance before they can gain access to the Grand Jury Room. The Grand Jury Room is still not compliant with ADA and California Disabled Persons Act requirements. The 2023-2024 Grand Jury found the Board of Supervisors' response to the 2022-2023 Grand Jury was inadequate and a new report has been issued by the 2023-2024 Grand Jury.



## Sutter County Transition Plan Annual Updates

Grand Jury Finding F2	It is difficult for Sutter County citizens to view annual updates of what has been repaired or replaced to meet ADA compliance since the publishing of the County of Sutter Americans with Disabilities Act Transition plan 11 years ago.
BOS Response Grand Jury Recommendation R2	<i>The Board of Supervisors agrees with the Grand Jury finding. General Services and Development Services should maintain due diligence and management practices of the Transition Plan to ensure that all issues found in 2011 are on track for completion within 15 years of those findings. This should be completed by September 30, 2023. (F2)</i>
BOS Response	<i>This recommendation has not been implemented, but will be implemented by June 30, 2024. The Development Services Department expects to complete the right-of-way improvements listed in the 2011 ADA Transition Plan by 2025-26. The department will add the current level of completion for the Department's webpage and make update as improvements are completed. Additionally, the department will provide an annual correspondence report to the Board of Supervisors summarizing the status of the completed and planned improvements.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors is taking steps to implement the recommendation by June 30, 2024, and to take steps to improve the right-of-way improvements by 2025-2026.
Grand Jury Finding F5	There is no county ADA coordinator to manage and monitor the annual updates to the Sutter County Transition Plan and to provide customer service to Sutter County residents.
BOS Response	<i>The Board of Supervisors disagrees with the Grand Jury finding. The County has designated the Director of Development Services as ADA Coordinator for County roads and right of way and the Director of General Services for County facilities.</i>
Grand Jury Recommendation R5	The Board of Supervisors should either add the responsibilities of an ADA coordinator to an existing staff position or develop an ADA coordinator position and fill the position. Make publicly known of this position and how the public can contact this staff member. This should be completed by August 31, 2023. (F5)
BOS Response	<i>This Recommendation has been implemented. It was implemented before the Grand Jury report was issued. However, the County is in the process of designating the Risk Manager as the ADA Coordinator for County facilities. The Director of Development Services will remain the designated ADA Coordinator for County roads and right of way.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors' response to the recommendation has been implemented.

## Sutter County Website

Grand Jury Finding F3	Sutter County website is difficult to navigate and find resources related to ADA compliance. This makes it challenging for the public to file complaints, review the Transition Plan, and check on updates.
BOS Response	<i>The Board of Supervisors partially disagrees with the Grand Jury finding. The Sutter County website is not difficult to navigate, though it may be difficult to find specific ADA information.</i>
Grand Jury Recommendation R3	General Services should revise the Sutter County website to make it more user friendly and easy to navigate for ADA and all maintenance related issues. This should be completed by September 30, 2023. (F3)
BOS Response	<i>This Recommendation has not been implemented, but will be implemented by June 30, 2024.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors is taking steps to implement the recommendations made by the 2022-2023 Grand Jury. The transition plan is on the website and there is a place on the website to file complaints.

## Computerized Maintenance Management System

Grand Jury Finding F4	There is no modern Computerized Maintenance Management System (CMMS) to initiate maintenance/repair orders (either by the public or Sutter County Employees) and to be able to monitor its progress and completion.
BOS Response	<i>The Board of Supervisors agrees with the Grand Jury finding.</i>
Grand Jury Recommendation R4	General Services and Development Services need to gather information from the local government entities on their CMMS to determine the appropriate customized CMMS that will meet the needs of Sutter County and purchase that program. This should be completed by September 30, 2023. (F4)
BOS Response	<i>This Recommendation has not been implemented, but will be reconsidered in FY24-25 after current system implementations are completed.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors has not committed to implementing this recommendation; however, it has not ruled out some future action.



## Boat Launch Facilities

Grand Jury Finding F6	Some of the Sutter County boat launches are overdue for much needed maintenance and repairs as the grants were for one-time improvements/construction and ongoing maintenance.
BOS Response	<i>The Board of Supervisors agrees with the Grand Jury finding. However, to clarify, the grants were <u>not</u> for ongoing maintenance.</i>
Grand Jury Recommendation R6	The Board of Supervisors should renegotiate grant funding for each individual boat launch facility, include the current cost of maintenance and repairs, and ensure that these funds are used only for Sutter County boat launch facility maintenance and repair. This should be completed by August 31, 2023. (F6)
BOS Response	<i>This Recommendation will not be implemented because it is not reasonable as the California State Parks, Division of Boating and Waterways does not offer grant funding for operations or maintenance of a boat launching facility. Additionally, grants for capital improvements require a future operating period of 20 years, which is often beyond the useful life of the improvements, thus leaving the County responsible for hundreds of thousands of dollars of repairs and maintenance that cannot be practically obtained through user fees.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors will not entertain the recommendations. The Grand Jury is satisfied with the response.
Grand Jury Finding F7	The cost for maintenance/repairs, water safety, and ensuring that the boat launches are ADA compliant exceeds the available revenues because the boat launch fees have not been adjusted with inflation.
BOS Response	<i>The Board of Supervisors was not asked to respond. However, the Board of Supervisors partially disagrees with this finding. If boat launch fees were adjusted with inflation, it would still not cover the costs of operating the facilities.</i>
Grand Jury Recommendation R7	The Board of Supervisors should increase boat launch fees to help offset the cost of maintenance and repairs as well as making these launch facilities ADA compliant with equal accessibility and making water safety a priority. This should be completed by August 31, 2023. (F7)
BOS Response	<i>This Recommendation will not be implemented because it is not warranted. The Board of Supervisors considers County fees as needed and will determine if any future fee changes are to be made.</i>
2023-2024 Grand Jury Follow-up Response	The Board of Supervisors will not entertain the recommendations. The Grand Jury is satisfied with the response.



## Local Government Report: Rough Roads Ahead for Yuba City

Grand Jury Finding F1	The road pavements through Yuba City currently require extensive maintenance and refurbishment to sufficiently provide for critical transportation infrastructure.
Yuba City Response	<i>The City agrees with the finding. Additionally, non-critical transportation infrastructure such as local residential roads require similar levels of maintenance and refurbishment that affect the overall quality of life for City residents.</i>
Grand Jury Recommendation R1	The City Council of Yuba City must create a funding plan by April 30, 2024 to finance the program that the Public Works Department has formed for continuous improvements of the road pavement conditions throughout Yuba City.
Yuba City Response	<i>The recommendation requires further analysis. The City has recently coordinated to establish a Revenue Ad-hoc Committee and hire a consultant to help develop a potential revenue measure for the November 2024 election. These efforts directly precipitate the development of a sustainable road funding plan per the Grand Jury recommendation. A date after the November 2024 election is required for the City to create a funding plan that provides for continuous Citywide pavement condition improvements.</i>
2023-2024 Grand Jury Follow-up Response	Yuba City and Sutter County have entered into a mutual agreement to put a sales tax initiative on the November 2024 ballot. If passed, this could create the needed funding.

Grand Jury Finding F2	The budget for the road pavements of Yuba City is inadequate to improve or even maintain their current Poor/Fair conditions into the future.
Yuba City Response	<i>The City agrees with the finding. Available funding from existing state and federal gas taxes is insufficient to provide necessary maintenance to keep City roadways from further deterioration. As stated in the Grand Jury Report, road conditions are at a critical level, with costs to rehabilitate roads exponentially increasing with time due to lack of maintenance.</i>
Grand Jury Recommendation R2	The Yuba City Council must make efforts to survey and determine the public's views on a sales tax for additional funding to address road pavement maintenance by December 31, 2023.
Yuba City Response	<i>The recommendation will not be implemented because it is not warranted. The City has previously obtained sufficient survey data from the public, including relatively recent countywide polling data related to road maintenance funding. The survey data has shown that there is strong support for the use of funds for maintaining roads throughout the community. Additional surveys are not anticipated to change since the data was last collected. The City believes the resources required for the recommended effort can be better utilized on other priorities.</i>
2023-2024 Grand Jury Follow-up Response	The voters will decide this issue for a sales tax increase on the November 2024 ballot.

Grand Jury Finding F3	Yuba City has created an App "YC311" to make it easier for residents to report road maintenance concerns.
Yuba City Response	<i>NOTE: The Grand Jury did not request a response to Finding F3</i>
Grand Jury Recommendation R3	The Sutter County Grand Jury recommends that the Yuba City Council authorize an independent audit to be completed by April 30, 2024, to examine if additional cost savings can be found to help pay for road maintenance and refurbishment. The audit finding should be made available to the public.
Yuba City Response	<i>The recommendation will not be implemented because it is not warranted. It has been made clear and public, in the Grand Jury Report, annual City Budget workshops, and through regular public audits of the City's finances that additional savings cannot be found to offset the road funding without severely impacting core municipal functions. These are all public documents with professional credentials associated with their development. The City respectfully disagrees that another independent audit is needed. As discussed in the report, the recommendation is purely to help provide public assurances that the funding issue is real. The City believes this Grand Jury Report serves this purpose and that resources can be better utilized on other priorities.</i>
2023-2024 Grand Jury Follow-up Response	No further response is needed from Yuba City.



Grand Jury  
Finding F4

The Yuba City Council is attempting to address the serious problems with the deteriorating municipal road pavements and is struggling to find a funding solution.

Yuba City  
Response

*The City agrees with the finding. The City has thoroughly reviewed the budgets and available funding sources, including special efforts made to establish a Council Budget Ad-hoc Committee, hiring grant consultants to increase available funds, and through regular audits to review and prioritize funds.*

Grand Jury  
Recommendation  
R4

The Yuba City Council should propose a sales tax to only Yuba City voters by next election to increase funding for only road pavement maintenance and refurbishment for Yuba City.

Yuba City  
Response

*The recommendation requires further analysis and study. The City Council has hired a professional consultant to help the City move forward with a strategy to develop a successful plan for funding City needs. A timeline is to be determined through further analysis with the consultant and City leaders.*

*The City notes the Grand Jury's input regarding a sales tax measure specific to only roads and to be decided by only Yuba City voters; however, the Grand Jury report solely focused on roads, and there are also substantial findings and public input regarding the need for public safety funding. The City believes that public safety funding is a critical element that needs to be considered by the City as we work to develop a sustainable funding plan for City priorities.*

2023-2024  
Grand Jury  
Follow-up  
Response

Yuba City has successfully put the measure on the November 2024 ballot.

## Sutter Yuba Behavioral Psychiatric Health Facility Unit Safety Improvement and Funding

Grand Jury Finding F1	Ligature points are an unresolved safety concern in the Sutter Yuba Behavioral Psychiatric Health Facility (SYBH PHF).
BOS / HHS Response	<i>The Board of Supervisors agrees with the Grand Jury finding.</i>
Grand Jury Finding F2	There is a deficiency in funding of non-categorical money for facility repair work specifically for the Sutter Yuba Behavioral Psychiatric Health Facility.
BOS / HHS Response	<i>The Board of Supervisors agrees with the Grand Jury finding.</i>
Grand Jury Recommendation R1	Health and Human Services (HHS) Director to conduct an audit of HHS funding and allocation to assure resources are funded and available to complete the urgent required safety repairs to the SYBH PHF unit by end of December 2023.
BOS / HHS Response	<i>This recommendation has not been implemented but will be implemented in the future, by December 31, 2023. HHS has identified that behavioral health realignment, Mental Health Service Act, and the Development Impact Fees in a combination of allowable regulatory use parameters, will be available in FY 2023-24 to complete urgent SYBH PHF facility repairs.</i>
2023-2024 Grand Jury Follow-up Response	Grand Jury 2023-2024 did not verify these results.



2023-2024  
Sutter County Grand Jury



Grand Jury Room Accessibility and  
Danger in the Dark

## Summary

The Grand Jury room, located at 463 Second Street, has been an issue for the Sutter County Grand Jury (SCGJ) for several years. Access to the Grand Jury room is not compliant with the California Disabled Persons Act (CDPA) and the Americans with Disabilities Act (ADA). Failure to correct these deficiencies prevents Grand Jury members with mobility issues from having equal access to the workspace that is required for their service. The lighting is not compliant with California Code of Regulations, Title 24, which puts all Grand Jury members at risk of injury due to unsafe conditions. Finally, these issues put Sutter County at risk of lawsuits for injuries and failure to meet the requirements of the law.

## Background

The 2022-2023 Sutter County Grand Jury (SCGJ) conducted investigations into the Grand Jury Room and found that it is not compliant with the California Disabled Persons Act (CDPA) and the Americans with Disabilities Act (ADA).

The interior of the building is accessible by ramp at either the main front entrance or a back entrance from the parking lot (photo 1). There are two locked doors which provide access to the Grand Jury room. The external door opens to the parking lot, has a lock with a badge-reader, and is not accessible for those with mobility issues (photo 2). This is the main entrance and exit used by the Grand Jury members. There is also an interior door to the Grand Jury room. The interior door has a single-cylinder deadbolt lock that is always locked except when used by Grand Jury members to access other areas of the building (photo 3). The key for this door is kept in a combination lockbox inside the Grand Jury room (photo 4), preventing those with mobility issues from entering through this door if alone or with other jury members who need to use that same entrance, without the help of someone who can enter through the back door to the Grand Jury room.

The 2022-2023 Sutter County Grand Jury published a report finding that the Grand Jury room was not accessible and including a recommendation to add an ADA compliant ramp to the exterior entrance to the Grand Jury room.

F1 (2022-2023): There is no access to the Grand Jury Room to allow someone in a wheelchair to access the jury room without assistance.

R1 (2022-2023): General Services and Development Services should build an ADA compliant ramp to the SCGJ room entrance so that all jury members have equal accessibility to the SCGJ room. This should be completed by September 30, 2023 (F1)

The Board of Supervisors responded to the finding (F1):

*The Board of Supervisors disagrees with the Grand Jury finding. There are ramps at the front and rear entrances to the facility at 463 Second Street that lead to the interior door to the Grand Jury meeting room.*

The Board of Supervisors responded to the recommendation (R1):

*This recommendation will not be implemented because it is not warranted or not reasonable. The building where the Sutter County Grand Jury is located, 463 Second Street, already includes an ADA compliant ramp at the main entrance to the structure. The County's access control system can be modified so grand jury members can enter through the main entrance after hours and on weekends.*

Upon receiving the response from the Board of Supervisors to the 2022-2023 SCGJ Final Report about the Grand Jury Room, the 2023-2024 SCGJ conducted their own investigation and feel the responses received are inadequate. The 2023-2024 SCGJ has several jurors with different mobility issues, such as a broken foot, gout, knee replacements, etc. These jurors struggle to use the only entrance that is available to all Grand Jury members.

## **Accessibility**

The SCGJ recognizes that the County strives to provide compliant access to all managed facilities in accordance with the CDPA and the ADA.

The 2023-2024 Grand Jury acknowledges the responses received for the 2022-2023 report are accurate in part. The SCGJ does have access to the building after hours through the County's access control system but does not have access to the Grand Jury room through those entrances, because the key to that door is locked inside the SCGJ room (photos 3 and 4). Also, the hallways are dark after hours and make it difficult to move safely to/from the interior door of the Grand Jury room. This would need to be corrected with motion-sensing lighting or other means even if the interior door could be used as an entrance. The SCGJ has considered many alternative solutions, but the only solution that removes all barriers to equal access by all Grand Jury members, as required by law, is the construction of a ramp leading to the external door of the Grand Jury room.





Photo 1: Accessible entrance to 463 Second Street from back parking lot.

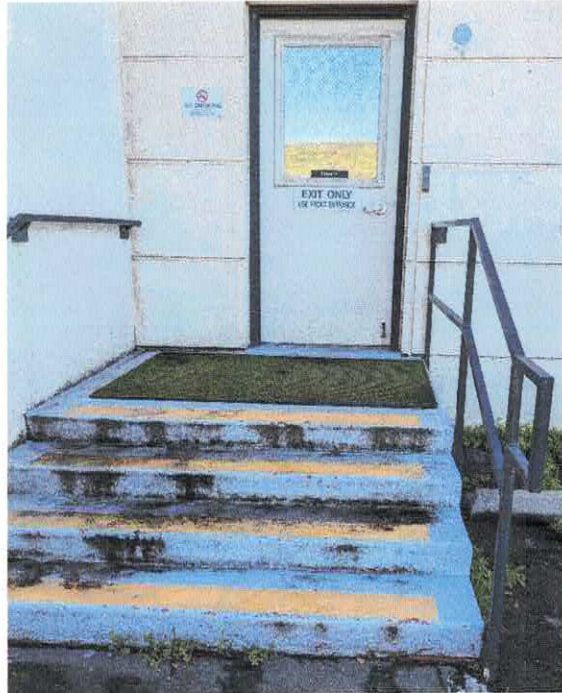


Photo 2: External (non-accessible) entrance to Grand Jury room with badge-reader.



Photo 3: Deadbolt lock on interior door to the Grand Jury room.

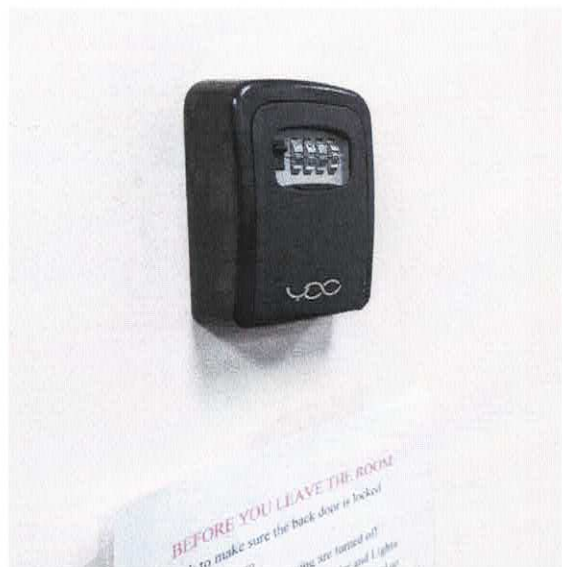


Photo 4: Lockbox on wall inside the Grand Jury room (contains key for deadbolt lock).

## **Danger In the Dark**

Although the back door of the Grand Jury room is labeled as an EXIT ONLY door, it must be used as the main entrance to the Grand Jury room because there is no other access to get into or out of the Grand Jury without a key for the interior door.

The light switches for the Grand Jury room are by the interior door, 30ft from the entry/exit door. This is in violation of California Code of Regulations, Title 24, Section 130.1(a), which mandates that any manual device used to control lighting be readily accessible and located in the same enclosed area with the lighting it controls. California Code of Regulations, Title 24, Section 130.1(c)(5) authorizes the usage of occupant sensing controls for lighting purposes. When entering or exiting, whether during daylight or at night, the room is dimly lit by ambient light. This makes it difficult to maneuver between tables and chairs and subjects the SCGJ to a high risk of trip hazards and injury.

## **Findings**

F1: The Grand Jury room remains non-compliant with the ADA because those with mobility issues do not have equal access to the building without assistance from other members.

F2: The lack of light in the Grand Jury room when entering or exiting causes a high risk for trip injuries.

## **Recommendations**

R1: If this room is going to continue to be used by the Grand Jury or anyone else, it needs to be made safe and compliant with the California Disabled Persons Act and the Americans with Disabilities Act (ADA). General Services and Development Services should construct an ADA compliant ramp to the external entrance door to the Grand Jury room. This should be completed before Daylight Savings changes on November 3, 2024.

R2: General Services and Development Services shall install motion-activated light controls in the Grand Jury room to reduce the risk of injury that is inherent while traversing in the dark when entering or leaving. This should be completed before Daylight Savings changes on November 3, 2024.

## **Required Responses**

Pursuant to Penal Code §933 and §933.05 the Grand Jury requests responses from the following elected county officials within 60 days:

Sutter County Board of Supervisors: Respond to recommendations R1 and R2.

## **References**

The 2022-2023 Grand Jury final report and responses can be viewed online at:



<https://www.sutter.courts.ca.gov/general-information/grand-jury/grand-jury-reports>

Code of Federal Regulations, Title 28 § 36.304 – Removal of Barriers

California Code of Regulations, Title 24 § 110.9 – Mandatory Requirements for Lighting Controls

**California Code of Regulations, Title 24 § 130.1 – Mandatory Indoor Lighting Controls**



## **Voter Integrity: Yay or Nay**

### **Summary**

The Grand Jury found no evidence of voter fraud in Sutter County.

### **Background**

The Sutter County Grand Jury launched an investigation into safeguarding voter integrity within the election process. Sutter County has approximately 53,000 registered voters. Since 2008, the Sutter County Recorder/Voter Registrar has overseen voter rolls, as well as birth and death certificates. The inquiry focused on ensuring that all legally eligible voters could cast their vote without coercion, while preventing illegal votes from non-citizens, non-residents, deceased individuals, or those attempting to cast multiple ballots.

Last year, Judicial Watch, a prominent advocate for voting integrity, announced a significant milestone in its ongoing efforts to ensure fair and accurate elections. Following a federal lawsuit filed in 2017, Los Angeles County has removed a staggering 1,207,613 ineligible voters from its rolls, as mandated by a settlement agreement. As a result of that settlement, the former California Secretary of State Alex Padilla agreed to update the state's online National Voter Registration Act manual to make clear that ineligible names must be removed and to notify each California county that they are obligated to do this.

Sutter County removed the following ineligible voters from its voter rolls:

2021	1,597
2022	1,231
2023	447

## Methodology

Some key steps and actions taken by the Sutter County Grand Jury include:

1. **Interviews with County Officials:** This involved speaking with various election officials, poll workers, and County Executives responsible for overseeing the election process in Sutter County. These interviews provided insights into the procedures followed and any challenges encountered during elections.
2. **Observation of Election Process:** By directly observing the March 2024 election process, the Grand Jury witnessed firsthand how elections were conducted, including the handling of ballots and adherence to established protocols.
3. **Review of Crucial Data:** The Grand Jury examined the active voter rolls for Sutter County. This data was essential for evaluating the accuracy and fairness of the electoral process.
4. **Random Sample of Voter Rolls:** Taking a random sample of the voter rolls was a standard practice to verify the validity of voter information. This process ensured that registered voters were still eligible and residing at their listed address.

Overall, the actions undertaken by the Sutter County Grand Jury demonstrated a thorough investigation into the election processes and associated data. By gathering evidence through interviews, observation, and data analysis, the Grand Jury aimed to uphold the principles of accountability and transparency in the electoral system.

## Discussion

### 1. Identity Verification Process

- Voter identity is rigorously confirmed through the statewide voter system, including checks with the Department of Motor Vehicles (DMV) for those registered through 1993 National Motor Voter Act.

### 2. Voter Registration System

- The State VoteCal System was utilized for voter registration, as the State of California does not participate in the Election Registration Information Center (ERIC) used by 24 other states and the District of Columbia.
- Address verification through the National Voter Registration Act 8D2 survey card was conducted by the County Elections office to confirm that voters were residing within Sutter County, and addresses using mailbox locations or post office boxes were flagged as ineligible for voting.

### 3. Clarification on "Ballot Harvesting"



- Sutter County Officials stated there was no legal term "ballot harvesting," and the label has been propagated by the media.
- Sutter County Officials expressed unawareness of any groups obtaining mass ballots at nursing homes and emphasized the absence of any such practice in Sutter County.

#### **4. Non-United States Citizens and Voter Rolls**

- Sutter County Officials stated that the Sutter County Recorder's/Voter Registrar does not cross-reference County data from other departments.

#### **5. Signature Verification**

- Staff actively analyzed both dropped-in and mailed-in ballots against the signature on record to detect and prevent fraudulent voting.
- This process contributed to the overall effort to ensure that only legal voters can cast their votes.

#### **6. Prevention of Multiple Voting**

- Every Sutter County voter was issued a mail-in ballot. County election officials were required to cancel the mailed-in ballot when voters appear in person. The process ensured that individuals appearing at polling stations do not cast multiple votes.

### **Findings**

1. **Identity Verification Process:** Rigorous confirmation of voter identity through the statewide voter system, including checks with the Department of Motor Vehicles (DMV), ensures that only legitimate voters cast their ballots. Mail-in ballots were canceled upon in-person voting to prevent duplicate voting.
2. **Voter Registration System:** The utilization of the State VoteCal System for voter registration ensures accuracy, while the 8D2 survey card verified the registered address. Measures were in place to flag ineligible addresses, such as mailbox locations or post office boxes.
3. **Ballot Harvesting Clarification:** Contrary to media claims, Sutter County does not practice "ballot harvesting," and there was no evidence to suggest mass collection of ballots from nursing homes or other facilities.
4. **Signature Verification:** Stringent signature verification processes were conducted to detect and prevent fraudulent voting. This contributed to overall efforts to maintain the integrity of the electoral process.



5. **Voter Rolls:** An analysis of the Sutter County voter rolls data revealed some irregularities. From a random sample, it was observed that approximately 3% of individuals listed on the voter rolls were deceased, another 3% have relocated outside of the state, and an additional 3% moved to different addresses within the County. **There was no evidence that any of these irregularities were found to suggest an unlawful vote was cast.** We also investigated any addresses that had more than eight registered voters. There was no evidence that there were any illegal voters at those addresses.

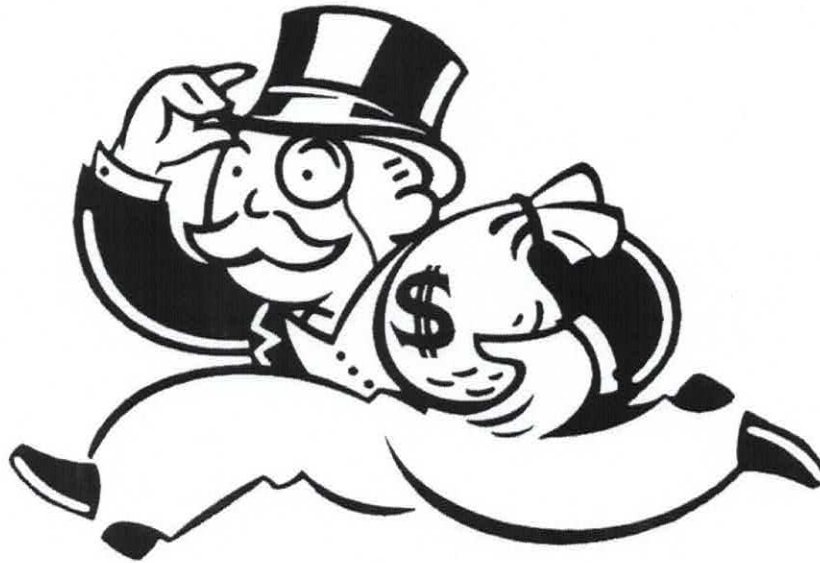
### **Recommendations**

1. Conduct a thorough analysis of voter roll data to confirm the accuracy of the voter roll by removing all ineligible voters.
2. Establish collaboration between county agencies to enhance the accuracy of voter rolls.
3. Advocate for ongoing public education efforts to dispel misinformation surrounding the electoral process, promoting trust and confidence in the integrity of elections.

### **Response**

Invited Response, Sutter County Clerk Recorder

## **Supervisor Salaries: 20 Years Without a Raise**



### **Summary**

The Sutter County Grand Jury has determined that the Sutter County Board of Supervisors is currently underpaid.

### **Glossary**

BOS - Board of Supervisors  
SCBOS - Sutter County Board of Supervisors  
PERS - Public Employees Retirement System  
SCGJ - Sutter County Grand Jury

### **Background**

Pursuant to Penal Code 927, the Sutter County Grand Jury was tasked with evaluating whether the compensation for the Sutter County Board of Supervisors (SCBOS) is just compensation. The primary question addressed was whether they are either overpaid, sufficiently paid, or underpaid. SCGJ compared other Boards of Supervisors (BOS) in similar counties to address that question.

The last pay increase for the SCBOS occurred in 2004, and inflation has eroded their compensation each year since. The SCBOS must vote on their own pay raise, a decision that can have significant political consequences. Sutter County has historically been one of the lowest-paying counties for all its employees in California. While some counties have lower BOS compensation, they often have smaller workforces.

### Methodology

This investigation relied on publicly available online data concerning Board of Supervisors (BOS) compensation across the State of California, and interviews with County officials. Although no counties matched Sutter County in all aspects, we chose different counties with similar employee numbers, budgets, populations, and situated in the northern region of the state.

County	# of County Employees	Total Compensation for BOS
Lake	1,148	\$ 83,350
Nevada	1,101	\$ 96,562
Tehama	1,134	\$ 29,905
Yuba	1,024	\$ 96,689
<b>Sutter</b>	<b>1,144</b>	<b>\$ 65,037</b>

County	Total Budget (in Millions) 2020-2021 Fiscal Year	Total Compensation for BOS
Lake	\$ 179,720	\$ 83,350
Mendocino	\$ 319,890	\$ 61,131
Nevada	\$ 222,370	\$ 100,223
Yuba	\$ 225,150	\$ 96,688
<b>Sutter</b>	<b>\$ 245,800</b>	<b>\$ 65,037</b>

County	Population (2022)	Total Compensation for BOS
Mendocino	89,783	\$ 61,131
Napa	134,300	\$ 167,089
Nevada	102,293	\$ 100,223
Yuba	84,310	\$ 96,688
<b>Sutter</b>	<b>99,063</b>	<b>\$ 65,037</b>

In reviewing the tables listed above, indicates that SCBOS total compensation is approximately \$20,000 per year below similar counties.



## Discussion

The investigation revealed that the total compensation for SCBOS is approximately \$65,000 per year. After deducting \$30,000 for a health insurance package and \$10,000 for PERS (Public Employees Retirement), the remaining \$25,000, minus taxes, constitutes their full-time paycheck—approximately \$2,100 per month before taxes. In comparison, Yuba County BOS receives around \$95,000 in total compensation, taking home roughly \$30,000 more annually.

Nevada County's Grand Jury experience in 2008 is cited below as an example of the challenges faced when considering BOS compensation adjustments.

1. Arguments Against Raising Salaries - The most prevalent argument against increasing Nevada County BOS salaries over the years has included: The County cannot afford to spend money on Supervisor salaries when money is needed to repair or enhance roads. The incumbent Supervisors ran for office knowing the duties, functions, and salary of the office and, by asking for a salary increase, are, in effect, trying to change the terms of their ongoing employment agreement. Given the current economic conditions, it is difficult for the County to justify an increase in Supervisor salaries. An element of being a Supervisor is the duty of the citizen to take part in the discharge of government—a duty shared by all—for which there should be a contribution of uncompensated service. Some citizens assert the position is not full-time.
2. Arguments in Favor of Raising Services - In a similar fashion, the most often heard arguments in favor of increasing Nevada County Supervisor salaries have included: A Supervisor should receive enough pay so that a young person or a head of a family could afford to run for Supervisor and thus give the Board a good cross-section of the County citizenry. The current salary is based on the Supervisor position being a part-time job, which it is not. Supervisors in other comparable counties are paid significantly more than Nevada County Supervisors. Unless Supervisor salaries are increased, the County will end up with a BOS comprised of retired persons or those who have other sources of income. The duties and responsibilities of a Supervisor, and the complexity of the job, require each Supervisor to devote in excess of 40 hours per week to the management of the County—a fact not reflected in their current salaries.

## **Investigative Findings**

Findings 1: The Sutter County Grand Jury conducted various analyses based on employee numbers, total budgets, and counties with similar populations. The findings indicate that SCBOS is underpaid by \$20,000 annually. This potentially limits the pool of individuals who can afford to serve as SCBOS to retirees, those with other employment, or the wealthy. The Sutter County Grand Jury also found during our investigation that being a Sutter County Supervisor is a time-consuming position. Each supervisor is responsible for the Sutter County budget, responsible for implementing California State and Federal Law when starting new projects, maintaining the county's physical resources and properties. There are close to 1,000 county employees for which they are indirectly responsible. All five of our supervisors attend many meetings. All five of our supervisors are on special committees of various districts within the county and represent the county at those meetings. Each of our five Supervisors are on 16 to 25 committees and are required to be at those meetings to represent Sutter County.

## **Recommendations**

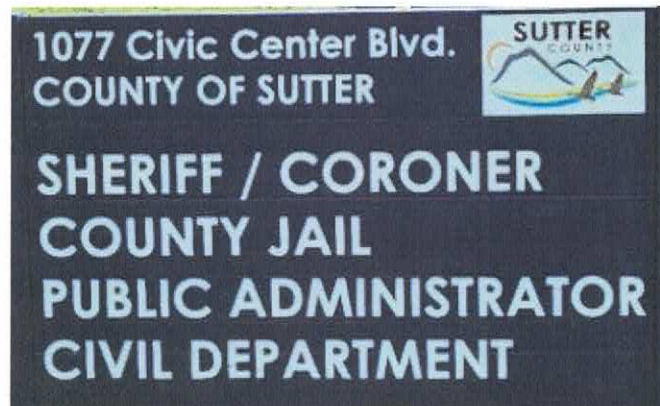
Recommendation 1: The Sutter County Grand Jury recommends that the SCBOS consider a compensation raise in line with the local economy. The specific amount and method are left to their discretion since they are responsible for voting on their own compensation. The current take-home pay, after health insurance package and Public Employees Retirement System (PERS) contribution, is deemed insufficient for the time and effort invested in this role. Fair compensation is essential for the SCBOS, reflecting the value of their service to the community. Action shall be taken before October 31, 2024.

**A possible alternative solution is proposed to minimize public backlash. The SCBOS could vote to raise their compensation, with the increase taking effect only after their next election. This ensures transparency, and potential candidates would be aware of the compensation change. However, it may result in the current SCBOS not benefiting from the raise until their subsequent term, creating a delay in financial improvement.**

## **Response**

Invited Response, Sutter County Board of Supervisors

## **Sentenced Served at the Sutter County Jail Sutter County Grand Jury Tour**



### **Summary**

This report presents information gathered during the annual Sutter County Grand Jury tour of the Sutter County Jail.

### **Background**

The Sutter County Jail located at 1077 Civic Center Boulevard, Yuba City, California, serves a county population of approximately 101,000. The facility was built in 1977 and expanded in 1991. The facility has housed an average of 231 inmates over the past three years (2020-2023).

The Sutter County Sheriff puts forth a great effort to engage the community in a positive manner. He attends many community events in which community members are given an opportunity to engage with the Sheriff personally with questions and express their concerns.

### **Methodology**

Tours:

1. Sutter County Sheriff's Office
2. Sutter County Detention Facility (Jail)
3. Sutter County Medium Security Facility

### **Research**

[www.suttersheriff.org/](http://www.suttersheriff.org/)



Sutter County Grand Jury Past Reports

Board of Supervisors Meetings

Board of State & Community Corrections

Assembly Bill 109

Management Partners, a third party survey: "Sutter County Sheriff's Office, Organization Assessment and Staffing Study." SutterSheriff.org (Jan 2022)

## **Discussions**

### **Staff Retention.**

The facility administration is challenged in retaining their staff and hiring new staff due to non-competitive wages.

### **California State law (AB109)**

That law requires counties to house inmates, previously housed in state prisons, in local jails for longer periods of time.

### **Incompetent to Stand Trial (IST)**

If the number of IST inmates is greater than 17, the jail shall incur state penalties.

### **Facility Conditions.**

The Sutter County Grand Jury was made aware of a potential contraband drop off location at an exterior door of the jail.

We witnessed pools of water in the corridor areas of the facility caused by leaks in the interior walls of the jail.

During the summer months when temperatures exceed 100 degrees Fahrenheit, staff provides ice to the inmates to cool down. This is necessary due to an insufficient cooling system installed in the original construction of the jail.

## **Findings**

Finding-1: Difficulty in hiring and retaining staff due to noncompetitive compensation, source from Management Partners. Increased cost caused by forced inmate retention, as well as increased housing cost due to retention of IST inmates.

Finding-2: Potential contraband drop-off location at Southwest exterior door of the jail.

Finding-3: Structural damage within the facility has led to pooling of water into the corridor areas posing a risk of slip and fall incidents as well as further structural deterioration.

Finding-4: Ineffective cooling system causing potential health risk (e.g., heat related medical issues). We have since received information at a recent Board of Supervisors' meeting that the existing cooling system is being put out for bid to be replaced.

### **Recommendations**

Recommendation 1: Review budget and pay structures to allow competitive pay with similar size Northern California counties by September 30, 2024.

Recommendation 2: Build perimeter fencing adjacent to the Southwest exterior door location by December 31, 2024.

Recommendation 3: Repair structural damage to the interior walls of the jail by December 31, 2024.

Recommendation 4: Replace outdated cooling system at the jail. A contract should be in place by September 30, 2024.

### **Required Responses**

Pursuant to California Penal Code sections 933 and 933.05 the Sutter County Grand Jury requests responses as follows:

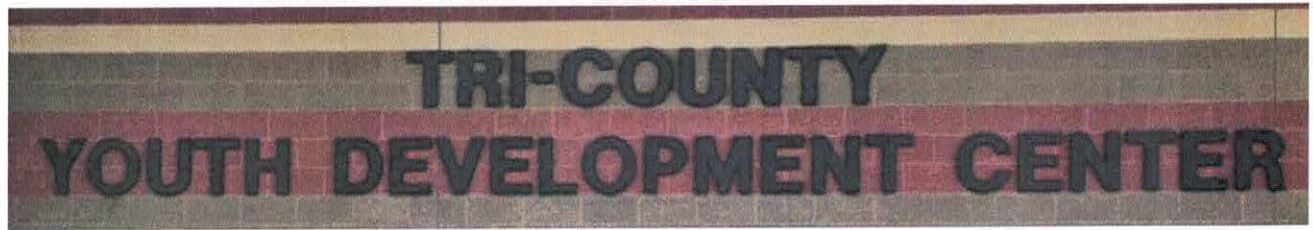
**The following elected county officials within 60 days:**

Sutter County Sheriff: Findings 1 through 4 and Recommendations 1 through 4

**The following response is required within 90 days:**

Sutter County Board of Supervisors: Findings 1 through 4 and Recommendations 1 through 4

## TRI COUNTY REHABILITATION FACILITY AND MAXINE SINGER YOUTH GUIDANCE CENTER



### SUMMARY

California Penal Code section 919(b) states: "The Grand Jury shall inquire into the condition and management of public prisons within the county." In compliance with this section, we have conducted a tour of the old facility on September 27, 2023. We also conducted a tour of the new facility on December 5, 2023. We discovered the older facility to be outdated, yet well taken care of by the staff. At the time of our first tour, the construction of a new facility had been completed and it was in the final stages of inspection for occupancy.

Prior to the actual tours, we met with staff and discussed operations and functions of the facilities. The staff were very professional and attentive to our questions. The staff provided informative answers as well as literature to better inform the committee as to various programs offered.



## **BACKGROUND**

The facilities are located on 14<sup>th</sup> Street, in Marysville, California, and provide services to Yuba, Sutter and Colusa Counties.

While Yuba County is responsible for the primary administration, the cost is split between Yuba County at 44%, Sutter County at 44%, and Colusa County at 12%. Both facilities are governed by the California Board of State and Community Corrections (BSCC).

The facility has a combined capacity of 120 beds for youth between the ages of 12 and 18 years old with 45 temporary beds, 15 secure housing beds, and 60 minimum security beds currently. The old facility will be expanded by a brand-new state-of-the-art facility in the Spring of 2024.

## **METHODOLOGY**

Tours:

Juvenile Hall

Camp Singer

## **RESEARCH**

1. Tri-County Juvenile Hall Orientation Manual
2. Past Grand Jury reports
3. Website at [www.Yuba.org](http://www.Yuba.org)
4. Discussions with staff

## **DISCUSSIONS**

During our tour we were given the opportunity to speak with staff and counselors regarding their roles, responsibilities, and personal views. It was an uplifting experience to discuss the various aspects and challenges faced by them and for them to reflect such a positive attitude and approaches. They have a vested interest in the well-being and success of these kids. We discussed this as a group later and the entire committee agreed that everyone we encountered within these facilities genuinely had the best interest of the youth.

We have read through recent reports and have concluded that those in charge of implementing the requests of past Grand Juries have done so to the best of their abilities. We have no complaints to consider among ourselves, nor have we received any from the community.

## **FINDINGS**

Findings 1: Inspection of the new facility is taking too much time to complete.

## **RECOMMENDATIONS**

Recommendation 1: Local county government to investigate and resolve the new facility inspections.

## **REQUIRE RESPONSES**

Per California Penal Code sections 933 and 933.05, the Sutter County Grand Jury request responses as follows:

**The following response is required within 90 days:**

Sutter County Board of Supervisors: Finding 1 and Recommendation 1