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JUN 30 2017

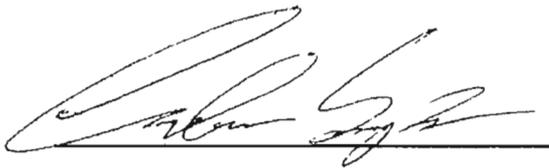
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER  
CLERK OF THE COURT  
By JACKIE LASWELL Deputy

# Final Report

of the

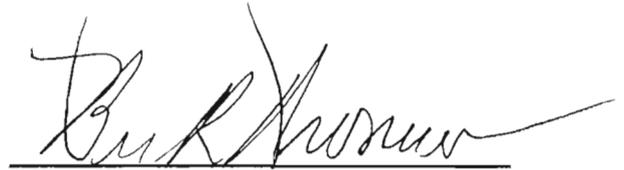
2016-2017

## Sutter County Grand Jury



Andrew Sampeck

Foreperson



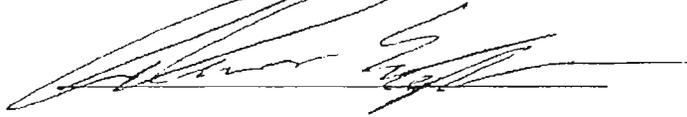
Honorable Brian R. Aronson

Presiding Judge

Report  
Of the 2016-2017  
Sutter County Grand Jury

Andrew Sampeck-Foreperson, Addam Heltsley, Ellen Ferra, Wade Kirchner, Richard Snyder, Anthony Kurlan, Christy Cook-Pratt, Sandra Taylor, John Forberg, Valerie Terbush, Debra Wood, Ranjit Bhlular, Stephen Limper, Patricia Harper, Hardial Dulay

Final Report [pursuant to Penal Code 933(a)]



Andrew Sampeck

2016-2017 Foreperson

May 8<sup>th</sup>, 2017

Date

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



Honorable Brian R. Aronson, Presiding Judge

Superior Court of California, County of Sutter

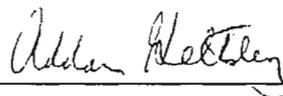
May 31, 2017

Date

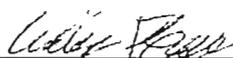
2016-2017 Signature Page



Andrew K. Sampeck  
Foreman



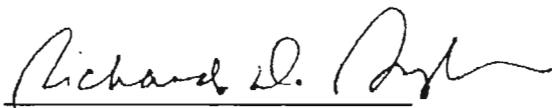
Addam Heltsley  
Pro-Tem



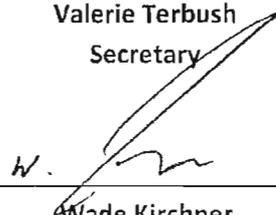
Ellen Ferra  
Secretary



Valerie Terbush  
Secretary



Richard Snyder



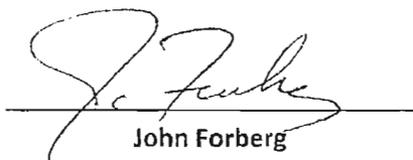
Wade Kirchner



Christy Cook-Pratt



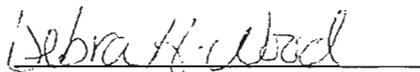
Sandra Taylor



John Forberg



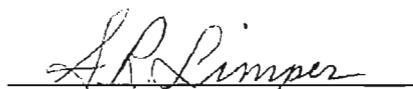
Anthony Kurlan



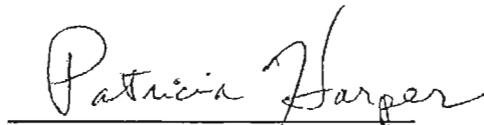
Debra Wood



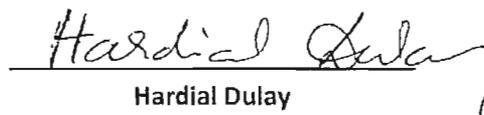
Ranjit Bhullar



Stephen Limper



Patricia Harper



Hardial Dulay

# Sutter County Grand Jury

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# **EDUCATION: BUILDING REPAIRS NEEDED**

## **SUMMARY**

The Sutter County Grand Jury (SCGJ) visited several schools this year within Yuba City Unified School District, Sutter County Superintendent of Schools, and Yuba Community College District. The SCGJ observed that there are several schools in need of repair in YCUSD. Issues include roof leaks, exposed wood, cracks in pavement, and an uneven dirt track. The district has been behind on repairs and projects due to the recession from 2008-2009. The district is aware of the needs, and has planned a list of projects to be completed this summer while schools are closed. The roof replacements at the newer schools, River Valley High School and Riverbend Elementary School, are covered by warranty.

## **BACKGROUND**

One of the responsibilities of the Sutter County Grand Jury is to visit various schools within Sutter County. This year, the schools were impacted by several major events: a teacher strike in September 2016, an evacuation of Andros Karperos Middle School due to a suspicious package, and an evacuation due to concerns with the emergency spillway at Lake Oroville in February 2017. Therefore, the SCGJ decided to visit various schools and meet with administrators to review the schools.

## **RESOURCES**

The Sutter County Grand Jury visited the following campuses:

- Albert Powell High School
- Andros Karperos Elementary School
- Barry Elementary School
- Butte Vista Elementary School
- Feather River Academy
- Gray Avenue Middle School
- Park Avenue Elementary School
- Riverbend Elementary School
- River Valley High School
- Sutter County Superintendent of Schools

- Twin Rivers Charter School
- Yuba City Charter School
- Yuba City Unified School District Office
- Yuba Community College, Yuba City Campus

## **DISCUSSION**

The SCGJ visited multiple campuses within the Yuba City Unified School District (YCUSD), the Sutter County Superintendent of Schools (SCSOS), and the Yuba Community College District. The SCGJ inquired about evacuation plans and the effect of the teacher strike at each school. The SCGJ observed the teachers and students in the classrooms and noted the positive relationships between them. Morale for teachers and staff is improving since the teacher strike. At first, there was a lot of tension, but they are moving forward focusing on the students. Administration at several schools has planned several events to encourage communication.

All school sites have evacuation plans that cover a variety of situations. The District Office serves as a command center during any emergency. The evacuation occurred on a Sunday evening, February 12<sup>th</sup>, so schools were not in session. The following Monday was a planned holiday, and schools were closed on Tuesday since the evacuation order was still in place. Once the mandatory/voluntary evacuation order was lifted on Tuesday afternoon, an evacuation advisory was put into place. The decision was made to close all YCUSD schools for the rest of the week since many families chose to stay away, and the district did not have enough staff in town to safely open the schools.

The SCGJ found that several of the schools in YCUSD are in need of repairs. The district sets aside some of the funding it receives from the state each year for building maintenance and projects. During the recession of 2008-2009, much of that funding was lost, so the larger maintenance projects were delayed. Over the last few years, the district has been able to replenish the accounts, and is now working on catching up on the needed repairs and other projects. Several projects are planned over the summer, including roofing repairs and replacements, carpet replacement, blacktop resurfacing, painting, and exterior LED lighting. The heavy rains this year revealed multiple leaks at various schools. The District reported they have made many attempts to identify and repair these leaks, but in most cases, it is necessary to wait until the dry summer months for major repairs.

### Park Avenue School

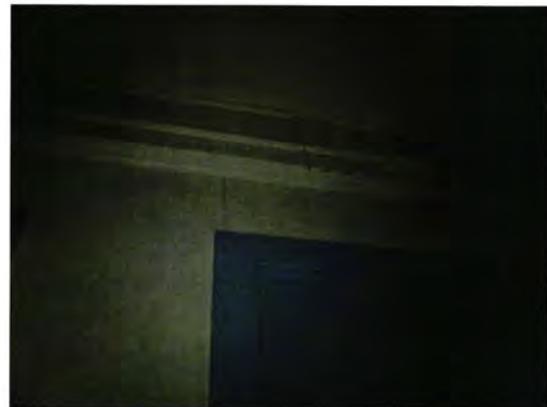
At the time of our visit in February 2017, Park Avenue School had three classrooms with leaks: Room 18, Room 29, and the Speech room. Although, the leaks in Room 29 had been addressed in December, January, and February, the roof was still actively leaking. In addition,

the SCGJ observed the blacktops were very uneven and had cracks. The SCGJ was told a teacher tripped and fell in May 2016. As of February 2017, she was still out recovering from her injury. The garbage dumpsters for the school must be pushed up an incline daily by custodians for pick up, then pushed back down to the loading area. The day we visited, there was a large puddle at the base of the ramp. Also, the ramp, which goes from the kitchen to the dumpsters, has no guardrails, and is a potential hazard for staff. The building that houses the staff room has a bad roof, and the exterior of the building is in need of repair. The portable buildings had been recently painted, but the permanent classrooms are in need of painting. Many of them have exposed wood and dry rot. The track is a dirt track which was created by spraying a section of grass with weed killer 5 years ago. It is now very uneven with large ruts, making it a safety hazard for students.

Leak in Room 18



Leak in Speech Room



Uneven Blacktop with Deep Puddle



Cracks in Blacktop



Dumpsters



Ramp to Kitchen



Ramp to Dumpsters



Puddle on Ramp to Dumpsters



Exposed Wood with Dry Rot



## Track with Ruts



### Barry Elementary School

A building project is planned at Barry Elementary School, which includes construction of a new gym, with an administrative office and music room. There will also be improvements to the front drop off zone and drainage. The SCGJ observed large cracks in the pavement on the basketball courts and were told that these cracks would be addressed during the building project. Due to arsenic in the well water, water dispensers are currently being used. Yuba City Unified School District is working with the City of Yuba City to extend a treated water line to Barry Elementary School. They are approximately one year away from implementation.

### Riverbend Elementary School

Riverbend Elementary School had a few leaks. The gym/multipurpose room building has an inverted roof with a flat center section. During rainstorms, water pools on the flat section of the roof, and leaks into several areas of both the gym and the multipurpose room. Several attempts have been made to find the source of the leaks, but so far it has been a challenge. The building is relatively new and the roof is still under warranty. They plan to replace the center flat section of the roof this summer. Room 17 also had a leak.

## Leaks in Gym



### River Valley High School

River Valley High School (RVHS) is having a new weight room built. The double portable building that had been used for dance, wrestling, and rainy day PE is reportedly unusable, therefore those classes will move to the current weight room, which is at one end of the gym building. RVHS also has had some roof leaks. The flat roofs of the classroom wings have been resurfaced already, and reroofing of the gyms is scheduled for completion this summer. A few basketball games were moved due to leaks in the gym. The district received a settlement from the roofing company for installing faulty roof material. This funding has been used to cover some of the roof replacement. The District reported they are planning to use better quality materials in the new roof, which will have a new warranty.

### Gray Avenue Middle School

Gray Avenue Middle School is an older school. A new coat of paint would greatly help to improve the appearance. It has not been painted in 11 years. The fence at the front of the school is short, and could allow students to get out or intruders to get in. Also, the school does not have a gym; the multipurpose room is used as both a cafeteria and gym. The SCGJ was informed that this could be added to the project list after the gyms are completed at Barry Elementary and Tierra Buena Elementary.

### Andros Karperos Elementary School

Andros Karperos Elementary School has several roof leaks that are on the project list for this summer: gym, kitchen, and Room 48. Some of these leaks have been happening for several

years, and the heavy rains this year revealed that they had not been adequately repaired in the past.

During the 2016-2017 school year, Andros Karperos School was evacuated due to a suspicious package found on campus. The school and district staff responded quickly, and all students were safely transported to a suitable and safe location. Parents were notified to pick up their children at this location.

## **FINDINGS**

- F1. The track at Park Avenue Elementary School has developed large ruts, and is a safety hazard for students.
- F2. The blacktop at Park Avenue Elementary School is very uneven, and is a safety hazard to the public, staff and students.
- F3. Park Avenue Elementary School has exposed wood on many of the permanent buildings that needs to be painted.
- F4. At Park Avenue Elementary School, the process for transporting garbage to the dumpsters and moving dumpsters to the pickup location is a potential hazard to staff.
- F5. Park Avenue Elementary School, Andros Karperos Elementary School, Riverbend Elementary School, and River Valley High School have roof leaks that need to be addressed.
- F6. The blacktop on the basketball courts at Barry Elementary School has large cracks, which may cause injuries to students and staff.
- F7. The fence at the front of Gray Avenue Middle School is too short, and can allow intruders to enter the campus.
- F8. Gray Avenue Elementary Middle School needs painting on exterior of buildings.

## **RECOMMENDATIONS**

- R1. A plan should be determined within 6 months to install a suitable track at Park Avenue Elementary School.
- R2. The blacktop at Park Avenue Elementary School should be made level and safe by the start of the 2017-18 school year.

- R3. The permanent buildings at Park Avenue Elementary School should be painted by the start of the 2017-18 school year.
- R4. At Park Avenue Elementary School, an alternate permanent location for the dumpsters should be found and a guardrail should be installed on the ramp near the kitchen within 6 months.
- R5. Roof leaks at Park Avenue Elementary School, Andros Karperos Elementary School, Riverbend Elementary School, and River Valley High School should be addressed by the start of the 2017-18 school year.
- R6. The blacktop at Barry Elementary School should be repaired during the current construction project.
- R7. The fence at the front of Gray Avenue Middle School should be replaced with an appropriate taller fence within 6 months.
- R8. Gray Avenue Middle School should be painted within 1 year.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the following response is required, within 90 days:

- YCUSD Governing Board: Respond to F1-F8 and R1-R8.

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses, within 60 days:

- YCUSD Superintendent: Respond to F1-F8 and R1-R8.

## **DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person who provides information to the Grand Jury.

# **CHILD PROTECTIVE SERVICES: ADDRESSING GRIEVANCES**

## **SUMMARY**

The Sutter County Grand Jury conducted an investigation into a complaint received from several employees of Child Protective Services. Employees complained they felt disrespect from management which in their view led to poor morale in the workplace. During the investigation, the Sutter County Grand Jury found that the county has a grievance procedure in Sutter County Policies and Procedures that states specific steps and requirements for filing a grievance. The employees had not filed a formal grievance, but instead sought help from the Union and the Grand Jury. We recommend that the employees follow their official grievance procedure to seek resolution for their concerns. We also recommend that management provide additional training on the grievance procedure.

## **BACKGROUND**

The Sutter County Human Services Department is broken into three divisions: Public Health, Behavioral Health, and Welfare & Social Services. Child Protective Services is part of the Welfare & Social Services Division. Child Protective Services investigates allegations of child abuse and neglect, and provides both court ordered and voluntary services to families. They provide Foster Home Licensing, and work with families through a concurrent planning process with goals to either reunify children with their parents or provide permanency through an adoptive home. Due to the nature of the field, this type of work can be highly stressful.

Last year, the 2015-16 Sutter County Grand Jury published a report addressing Child Protective Services employee complaints. An additional complaint was received in May 2016 from several employees of Child Protective Services. They were discontent with the way they were treated by management. Due to the history of similar employee concerns, the 2016-17 Sutter County Grand Jury decided to investigate this complaint.

## **RESOURCES**

The Sutter County Grand Jury:

- Toured the Child Protective Services building
- Toured the Human Services Administration building
- Interviewed 3 Social Workers from Child Protective Services
- Interviewed 3 current and past Supervisors from Child Protective Services
- Interviewed the Assistant Director of Human Services, Welfare and Social Services Division
- Interviewed the Director of Human Services
- Reviewed the Sutter County Equal Employment Opportunity Plan
- Reviewed Personnel Rules and Regulations, Section 20.0 – Grievance Procedures
- Reviewed the Sutter County New Hire Package
- Reviewed the Balance Report for Vacation, Sick Leave, and other time tracking for Sutter County Child Protective Services
- Reviewed Social Worker and Supervisor job descriptions and qualifications posted on the Merit System Services website

## **DISCUSSION**

The Sutter County Grand Jury received a complaint dated May 15, 2016 from several Social Workers in Child Protective Services. The complaint alleged disrespect displayed by management during a staff meeting and an ongoing issue of poor treatment of employees. The Social Workers are discontented with various issues within the department. At the time of the complaint, there were multiple social worker positions open, but applicants were lacking. Social Workers had requested support staff to help with non-social work duties such as clerical work and visitation to relieve some of their workload and allow them to keep up on their cases. When bringing up their concerns to management, they reportedly felt disrespected by the response they received. Social Workers are also concerned about a high turnover rate within the department.

The Sutter County Grand Jury conducted a full investigation into this complaint. Several Social Workers and Supervisors were interviewed beginning in August 2016. During these interviews, the Sutter County Grand Jury learned that most if not all of the vacant positions had been filled. Also, the department has two Vocational Assistants who assist the Social Workers with transportation, supervising visits, filing, and organizing. They also have three Office Assistants who perform court-related duties, and review and edit documents.

Staff meetings for the whole department are usually held once a month, and smaller meetings for each supervisor and subordinates are held more often, up to once a week. The department staff meetings have been useful for communicating information to the Social Workers, but the Social Workers tend to keep quiet at the meetings, and they do not share their concerns. The employees are asked their opinions, but they do not discuss anything in the group setting. Social Workers do discuss concerns amongst themselves, but they have held back their concerns from supervisors and higher management. Employees have stated that they keep quiet due to a fear of retaliation.

The investigation led to a finding that there is a grievance process in place within the county that is available to all employees in Sutter County Personnel Rules and Regulations, Section 20.0, "Grievance Procedures." This document is available to all employees online and in binders in the office. As part of new hire orientation, all new county employees receive a New Hire Package. This package includes the Sutter County (New) Employee Handbook. Page 5 of this handbook contains a section entitled, "Resolving Complaints, Conflicts or Grievances," which references Personnel Rules and Regulations, Section 20.0 and summarizes the procedure. Employees are required to sign a "New Employee Orientation Checklist" that states that they have received this information. (See Appendix) Additional Human Resources trainings are held when procedures are updated.

Step I of the Grievance Procedure is to informally discuss the complaint with the immediate supervisor. The supervisor provides a decision within 7 days. If the employee is not satisfied, he or she has seven days to formally submit the grievance in writing on the Grievance Petition Form (provided by the Human Resources Director) to the next higher authority (Step II). This can progress further up the chain of command eventually up to the Department Head. The grievance process must be initiated within 20 days of the situation complained of as unfair.

Within the department, it appears it is not generally known that a grievance process exists. Some employees are aware and others are not. When approached with workers' complaints, supervisors have not explained the grievance process to their subordinates. Some employees have gone to the Union Representative instead of following the county's grievance process, but the Union has not provided much support. The supervisors are open to discussing the concerns with their employees, but employees do not often come to them. They would like to hear about the issues sooner so they may address them. Human Resources has not received any formal written grievances from county employees in 2016. There has been no Human Resources Department Head for the past several years. The county just completed a recruitment process and the position has been filled. The new Human Resources Director should be able to objectively handle employees concerns and provide additional training and resources.

It is our conclusion that management has not violated any policies or procedures regarding the grievance process. Employees have not followed this grievance process. Although not required to, supervisors have not informed their subordinates about the process or suggested that they initiate the process when they have unresolved issues. The Sutter County Grand Jury suggests that management train their employees more thoroughly on this procedure. Employees should follow the county's grievance process and seek resolution through the procedure that is already in place. The Grand Jury is available to assist after official procedures have been followed.

## **FINDINGS**

- F1. There is a clear perception by some employees that management is not responsive to employees' concerns, and this contributes to morale issues for some employees.
- F2. Employees have not followed stated grievance procedures in an attempt to resolve their concerns.
- F3. It is our conclusion that management has not violated any policies or procedures regarding the grievance process.
- F4. After a vacancy for several years, Sutter County recently hired a new Human Resources Department Head. This will provide another route for the employees to express their concerns.

## **RECOMMENDATIONS**

- R1. Management should be more proactive with employees by providing additional training on grievance procedures and better communication with staff.
- R2. Management should look at the current practices for addressing employee concerns that are effective in other areas of the Human Services Department and implement them in the Child Protective Services Department.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the following response is required, within 90 days:

- Sutter County Board of Supervisors: Respond to F1-F4 and R1-R2

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses, within 60 days:

- Sutter County Child Protective Services Management: Respond to F1-F4 and R1-R2
- Sutter County Human Services Director: Respond to F1-F4 and R1-R2

## **APPENDIX**

Sutter County Personnel Rules and Regulations, Section 20.0 – Grievance Procedures, revised March 2014

Sutter County Employee Handbook, p. 5, revised June 2015

New Employee Orientation Checklist, Revised 4/21/14

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# **EMERGENCY EVACUATION REPORT**



**Wednesday, March 1, 2017. RANDY PENCH / The Sacramento Bee**

# EMERGENCY EVACUATION REPORT

## SUMMARY

Sutter County experienced an emergency in February 2017 which required the evacuation of 188,000 residents from Sutter, Yuba and Butte counties. The evacuation highlighted several areas of concern that need to be addressed to ensure that Sutter County is better prepared for future emergencies. Plans need to be developed for notifying citizens of an emergency, evacuation routes, and how to accommodate handicapped individuals, livestock, and schools. Sutter County and Yuba City need to agree on who makes the final decisions during an emergency.

## BACKGROUND

On the evening of February 12<sup>th</sup>, 2017, orders were issued for an evacuation of the communities south of the Oroville Dam which lead to the temporary displacement of 188,000 residents. Preceding this order, on February 7<sup>th</sup>, a giant crater erupted in the dam's main spillway leading to the breakup of the spillway during the planned runoff to allow enough room for the oncoming storms. The crater essentially split the spillway in two. "Water gushing down the spillway, misdirected by the giant chasm, carved an enormous ravine in a nearby hillside." (Oroville News Only) Due to the amount of destruction to the spillway, the Department of Water Resources (DWR) made the decision to turn off the primary flow and only allow flows from the powerhouse. This decision lead to the rapid rise of the lake level. DWR commissioned crews to begin to clear the hillside below the untested emergency spillway. On the evening of February 11<sup>th</sup>, water began to pour over this structure and erode the hillside to the point that the spillway was in danger of collapsing. Communities downstream were told that the emergency spillway was an hour from failure and to expect the possibility of 700,000 cubic feet per second, or a "30 foot wall of water" to rush down the channel. What makes this scenario distressing is that the river channel between the cities of Marysville and Yuba City can accommodate between 160,000 to 180,000 cubic feet per second.

## RESOURCES

The Sutter County Grand Jury:

- Reviewed:
  - The Appeal Democrat
  - The Territorial Dispatch
  - Oroville News Only
- Interviewed:
  - Sutter County Public Information Officer
  - Sutter County Sheriff
- Attended:
  - Public Debate at Sutter County Veterans' Hall on March 14<sup>th</sup> 2017

## DISCUSSION

The County of Sutter does have evacuation plans in place, but these are based on a slow river rise emergency as was seen in 1955, 1986 and 1997. In those situations the public was aware of the possibility of a levee breach somewhere along the Feather River and the likelihood of an evacuation. Therefore it is the opinion of the Sutter County Grand Jury (SCGJ) that a broader evacuation plan is needed. This plan should take into consideration a much larger regional evacuation, using the limited routes available.

A plan was created shortly after the 1997 event that gave Sutter County the final say in the event of an evacuation. During this most recent event Sutter County did order a mandatory evacuation but Yuba City did not follow suit, leading to a certain amount of confusion on the part of the public at large.

The recent emergency evacuation of the Yuba/Sutter area showed several shortcomings in response planning. Additionally, several concerns were brought up at the public forum on the matter at the Veterans Hall on March 14<sup>th</sup>:

1. The need for planned and publically-known evacuation routes for the communities below the Oroville Dam.
2. Public access to accurate and widely-known emergency information, with consideration that not everyone has access to the Internet.
3. Clarification on the types of evacuation notices and what they mean. (County versus city, voluntary versus mandatory or strongly urged.)
4. A comprehensive plan for schools, care facilities and handicapped individuals.

5. Plans to deal with livestock.
6. An accurate model or timeframe for communities to use to understand how much time they have, based on where they live, before they are in danger of flooding due to:
  - Complete dam failure
  - Partial dam failure, i.e. emergency spillway failure
7. It was brought up by multiple citizens that all traffic lanes should have been “opened” in the direction for outbound evacuation.

The flood emergencies of 1955, 1986, 1997, and 2017 illustrate that this is an ongoing challenge that needs to be addressed with our growing population. Planning and education are the keys for a region with limited resources and escape routes.

## **FINDINGS**

- F1. Sutter County has the final say in the event of an evacuation call.
- F2. Sutter County does have a “slow river rise, levee failure scenario” evacuation plan, but it is inadequate for rapidly evolving events.
- F3. Opening up a second lane to traffic on Highway 20 or 99 is seen as unrealistic due to the amount of officers needed to accomplish the task.
- F4. Not everyone in Yuba City received a phone call telling them of the evacuation order.

## **RECOMMENDATIONS**

- R1. Sutter County and Yuba City should be in agreement when considering an evacuation order to avoid public confusion.
- R2. Create evacuation routes based on resident address and projected population growth to expedite the process.
- R3. Plans should be in place to accommodate handicapped individuals and those in need.
- R4. Develop an accurate model or timeframe for communities to use to understand how much time they have, based on where they live, before they are in danger of flooding due to:
  - Complete dam failure

- Partial dam failure (i.e. emergency spillway failure)

R5. Create a plan to deal with animals (livestock)

R6. Develop a plan for the orderly evacuation of all schools in the area.

R7. Create a communication link to keep the communities up-to-date on any potential crisis.

R8. The county should use a call list that informs the public in time of emergency.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the following response is required, within 90 days:

- Sutter County Sheriff: Respond to F1-F4 and R1-R8.
- Sutter County Board of Supervisors: Respond to F1-F4 and R1-R8.
- City of Yuba City City Council: Respond to F1-F4 and R1-R8.

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses, within 60 days:

- Sutter County Chief Administrative Officer: Respond to F1-F4 and R1-R8.
- General Services Department Director: Respond to F1-F4 and R1-R8.
- City of Yuba City City Manager: Respond to F1-F4 and R1-R8.

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# **A REVIEW OF WHITAKER HALL AND CONSOLIDATION OF COUNTY BUILDINGS**

## **SUMMARY**

The Sutter County Grand Jury (SCGJ) toured several county and governmental buildings. During these tours it became apparent that many of these buildings are crowded and in various stages of disrepair. These facilities are often in buildings not originally designed for office usage and are spread haphazardly across the county.

## **BACKGROUND**

The Sutter County Grand Jury (SCGJ) followed up on the previous year's grand jury report and to assess the progress, if any, which was made in repairing the facility of Whitaker Hall.

## **RESOURCES**

The Sutter County Grand Jury:

- **Toured:**
  - 44 2<sup>nd</sup> Street Yuba City, (Whitaker Hall)
  - 1280 Barry Road, Yuba City (Oswald-Tudor Fire Station)
  - 190 Garden Highway, Yuba City (Sutter County Welfare Department)
  - 545 Garden Highway, Yuba City (Sutter County Behavioral Health Cultural Services)
  - 1185 Market Street, Yuba City (City Corporation Yard)
  - 101 Sumner Street, Yuba City (Feather River Parkway)
  - 1333 Butte House Road, Yuba City (Sutter County Museum)
  - 1333 Butte House Road, Yuba City (Ettl Hall)
  - 421 C Street, Yuba City (Gauche Aquatic Park)
  - 200 Garden Highway, Yuba City (Sutter County Animal Shelter)
  - 1077 Civic Center Blvd, Yuba City (Sutter County Jail)
- **Interviewed:**
  - Department Heads, Facility Directors

## **DISCUSSION**

At the time of the initial visit, the interior of Whitaker Hall was in disrepair. Ceiling tiles were discolored or damaged. The room was in need of painting. The restrooms were worn and in need of repair. Ovens in the kitchen were old and outdated. We were told that the building was constructed in the early 80's and until very recently funds generated from the use of the facility went into the county's general fund. As of July 2016, a revenue account was created and the funds are now going directly into the maintaining of the facility. The rent for the hall is \$500, with a \$200 cleaning deposit. These numbers seem to be low and the consensus was to have these amounts increased to be more in line with fair market value.

At the conclusion of this visit, the SCGJ was informed that the facility was to be remodeled and a follow up tour was scheduled. During a subsequent visit, six months later, most of the SCGJ's observations of deficiencies had been addressed. The interior of the hall had been painted and ceiling tiles replaced. Restrooms had been repaired and painted. The Captain mentioned that a request had been placed for an increase to the rent/deposit fees and for new ovens for the kitchen. Rental rates for other county facilities: Ettl Hall - \$950/\$400 cleaning deposit and Sutter County Veteran's Hall - \$1,290/\$440 cleaning deposit.

### **Whitaker Hall - Before Repairs**





**Whitaker Hall - After Repairs**





During tours, it was observed that some departments are split among multiple locations; such as Human Services, Probation, and District Attorney. It became apparent that many of the buildings are crowded and in various stages of disrepair. Multiple departments are often in buildings not originally designed for office usage and are spread across the county.

## **FINDINGS**

- F1. The ovens at Whitaker Hall are outdated.
- F2. The county may not be receiving market value for building rental rates.
- F3. There is a need for consolidation of county facilities.

## **RECOMMENDATIONS**

- R1. Purchase new ovens for Whitaker Hall within six months.
- R2. Perform a study on rental rates for local buildings and determine an appropriate rate for

the county buildings at market value within six months.

R3. Investigate the feasibility of consolidation of departments into fewer county facility locations.

## **REQUEST FOR RESPONSES**

Pursuant to penal Code section 933.05, the Grand Jury requests responses as follows:

- Sutter County Sheriff: Respond to F1-F3 and R1-R3.
- Sutter County Board of Supervisors: Respond to F1-F3 and R1-R3.

## **INVITED RESPONSES**

- Sutter County CAO: Respond to F1-F3 and R1-R3.
- Director of General Services Department: Respond to F1-F3 and R1-R3.

## **DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person of facts leading to the identity of any person who provides information to the grand Jury.

# **AN OVERVIEW OF SUTTER COUNTY**

## **FIRE AND EMERGENCY**

### **SUMMARY**

Sutter County's fire stations and firefighters fill a vital role in the delivery of fire services and medical aid for its citizens. The Sutter County Grand Jury (SCGJ) toured several fire stations within Sutter County to ensure that operations were running smoothly. The SCGJ observed the Oswald-Tudor Fire Station and Live Oak Fire Station do not have exhaust ventilation systems, potentially causing health risks to employees and damage to equipment. The Oswald-Tudor south auxiliary building is not large enough to adequately and safely secure the equipment.

The SCGJ also investigated a complaint alleging a lack of active shooter training. The investigation led to finding that there is a plan in place and appropriate active shooter training has been conducted.

### **BACKGROUND**

The Sutter County Grand Jury (SCGJ) was asked to address a complaint regarding the county building on the corner of Winship and Garden Highway. The concern of the complainant was the absence of any form of active shooter plan or training. A tour was conducted and what was ascertained was that the facilities did not suit the need of the entities that occupy it. This was noted in the previous Grand Jury report. In short, the facility is too small. The buildings weren't designed with county offices in mind. Some of the evacuation routes were poorly marked or lit.

During the investigation it came to light that the county does offer active shooter training for its employees on a volunteer basis. Part of the original concern is that the employees would be vulnerable during an evacuation. Due to the layout of the facility and its limited space not much can be done about this problem.

When the SCGJ returned to the facility months later they did notice positive changes had occurred. Updated evacuation maps had been posted and newer exit signs had been installed. This concluded the SCGJ's investigation.

## RESOURCES

The Sutter County Grand Jury:

- Interviewed the following representatives
  - Live Oak Fire Captain
  - Yuba City Fire Chief
  - Three Yuba City Fire Captains
  - Oswald Fire Captain
- Received a presentation from the Yuba City Fire Chief
- Toured
  - Oswald-Tudor Fire Station #8
  - Live Oak Fire Station #5
  - Yuba City Fire Station #7 on Butte House
  - Yuba City Fire Station #3 on Lincoln Road
  - Yuba City Fire Station #2 on Gray Avenue
  - County facilities at Holly Oak
- Reviewed Documents
  - Diesel Emissions in Fire Stations
  - Sutter County Grand Jury Report 2015-2016

## DISCUSSION

The city and county fire services are rebuilding after the hiring freezes enacted due to a recession. Recently, Yuba City was able to hire 15 firefighters which was the single largest hiring in city history. This was due to a SAFER (Staffing for Adequate Fire and Emergency Response) Grant that was awarded to the city. This grant provides funds for a period of two years at a time.

There are 5 city stations that cover 30 square miles. They are staffed by 48 individuals that run in shifts of 17. 85% of all calls received are medical emergencies, 10% fall under miscellaneous, while 5% are some type of "fire emergency." The goal of the department is to be onsite at an emergency in 4 minutes or less. An often asked question is why is it necessary to have fire personnel in addition to the local ambulance company respond to a 911 call. The SCGJ was told that the local ambulance company covers both counties and is not geographically placed to respond as quickly to emergencies as the fire departments are.

The needs of the Live Oak Station and Oswald-Tudor Station remain consistent with the findings of the 2015-16 SCGJ. The lack of effective ventilation at the Live Oak and Oswald-

Tudor Fire Stations is still a concern for employees' health. Also, the structure at Oswald-Tudor is not adequate to house the equipment correctly.

## **FINDINGS**

- F1. The Live Oak Fire Station needs a ventilation exhaust system in the engine bays.
- F2. Oswald-Tudor Fire Station needs a ventilation exhaust system in the engine bays of both buildings.
- F3. The Oswald-Tudor south auxiliary building needs to be expanded to enable the equipment to be adequately and safely secured.

## **RECOMMENDATIONS**

- R1. The Oswald-Tudor Fire Station and Live Oak Fire Station should purchase updated exhaust ventilation systems that would mitigate the issues of equipment exposure and minimize health risks.
- R2. Expand the Oswald-Tudor south auxiliary building.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the following response is required, within 90 days:

- Sutter County Board of Supervisors: Respond to F1-F3 and R1-R2.

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses, within 60 days:

- Sutter County Fire Chief: Respond to F1-F3 and R1-R2.

## **APPENDIX**

Diesel Emissions in Fire Stations

## **DISCLAIMER**

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# SUTTER COUNTY JAIL OPERATIONS

## SUMMARY

Section 919(b) of the California Penal Code mandates that the Grand Jury inquire into the conditions of any public prison within the county. Sections 919(a), 925 and 925(a) authorize the grand jury to investigate county and city jails and other detention facilities. The 2016-2017 Sutter County Grand Jury toured and inspected the Sutter County Main Jail, the juvenile detention center operated by Yuba County and the Yuba City Police Department's holding cells. In addition to facility tours, the Grand Jury interviewed Jail staff, inmates and representatives from other departments that frequently interact with Jail staff and inmates. This Grand Jury focused its attention on a thorough review of Sutter County Main Jail operations for this report. The Grand Jury found several issues that need to be addressed:

- Lack of educational, recreational and vocational opportunities for inmates.
- Hiring and retention of staff is an ongoing issue. Many shifts are short staffed, causing safety and workload issues.
- Facilities are inadequate for segregation, inmate education, medical services and meal preparation.

In general, many of the needs addressed in this report have been created by the realignment of prisoners due to Assembly Bill 109, adopted in 2011. Local facilities are now housing inmates who would have previously been located at state prison facilities. Those state facilities offer a multitude of health services as well as educational, recreational and vocational programs that local jails are not configured, staffed or funded to offer. Without a substantial influx of outside funding, it is extremely unlikely that local custody facilities such as the Sutter County Jail will be able to significantly address many of these needs.

Sutter County is in the process of a significant jail facility upgrade. This upgrade will provide improved meal preparation facility improvements, as well as additional inmate housing areas. While the current facility is below maximum capacity, the segregation of inmates due to classification needs is challenging. The expanded facility will not address all of the segregation challenges but will greatly improve the current situation.

As the demand for law enforcement and correctional officers increases for local agencies, and the supply continues to decline, local agencies are challenged to adequately staff existing positions, let alone address true operational staffing requirements. Reviewing salary and benefits, marketing, hiring bonuses and expedited hiring processes must be addressed.

## **BACKGROUND**

The Sutter County Jail is co-located with the Sheriff's Office and is adjacent to the Sutter County Superior Court. The Jail is a facility that was originally built in 1977. Several additions and remodels have occurred since that time, but the oldest portion of the facility is nearly 40 years of age and is still being used for the housing of inmates. The Jail has 352 inmate beds but cannot house this maximum due to the need to separate inmates based on classification issues. The Jail houses many different types of inmates that must be segregated by classification. An example of one such classification is Protective Custody (PC) inmates, which are sex offenders and gang dropouts. There are also General Population inmates as well as Dangerous Felons and Mentally Ill inmate classifications. Housing such populations together often results in conflicts, altercations and physical violence. At various times there are inmates facing charges from Civil Court being housed at the Jail who cannot be housed with criminal inmates. The average Jail population has been approximately 250 for the past year. When Jail population reaches 300, staff indicated that significant issues occur in maintaining separation of classifications due to the limits of the Jail facilities.

### **Public Safety Realignment**

Through AB109, signed into law on April 4, 2011, the State of California enacted a realignment of funds and responsibilities to counties, often referred to as Public Safety Realignment. This realignment pertains to sentenced felons who, prior to Public Safety Realignment, would have been under State custody or under the supervision of State parole. Public Safety Realignment specifically applies to those felons convicted of what are known as "non-non-non" crimes, in that the crimes are not deemed of a sexual, violent, or serious nature. In short, these felons are now the responsibility of counties and serve their sentences in county jails rather than in State prisons. Prior to AB109, local jail inmates typically were those sentenced to one year or less, whereas under AB109 felons meeting the criteria are now housed for sentences of many years. The Jail is adjusting to the State-to-County prisoner shift. It was expected that once additional Realignment-funded correctional staff were hired and trained, the Jail would comply with recent Board of Community Corrections (BSCC) (formally known as the Corrections Standards Authority or CSA), inspection recommendations. Those correctional officers have been hired, trained and are now working in the Jail. The BSCC is charged by law to inspect correctional facilities for compliance with correctional standards. AB109 prohibits the use of Public Safety Realignment funds to supplement current funding. The funds allocated by the Community Corrections Partnership were intended to increase Jail staffing levels beyond those prior to Public Safety Realignment.

The Jail is being expanded through the AB900 Phase II Construction/Expansion of County Jails program. The envisioned project will add 28 Maximum Security male beds in a new housing unit along with 14 Medium Security female beds in a new housing unit. Additionally, the project will remodel and expand the Medical Services and Kitchen Areas. The project's design phase was completed by the end of FY 2015-16. This will be followed by the construction phase lasting approximately 18 months.

The new Jail building expansion will take total bed space from 352 to 394, which will help with the classification issues. This expansion will also include many other features such as another safety cell, a negative air pressure cell, another holding tank, a larger medical facility with a conference room, exam room, holding areas and a secure lock up room for narcotic storage. The kitchen is also being redone with the addition of a larger freezer and storage room. This will allow the purchase of larger quantities at reduced prices. This project went to bid and initial phases for construction began in April 2017. The project is targeted for completion in the fall of 2018.

## **RESOURCES**

This review included physical tours of both maximum and medium housing areas, interviews with the Sheriff, Jail Commander, Jail Lieutenant, Corrections Sergeant, Correctional Officer, male and female inmates from maximum and medium custody areas, as well as interviews with the District Attorney, Public Defender and a representative from the Probation Department's jail adult education program.

Documents reviewed and information sources:

- Fire Inspection
- Health, Nutrition and Environmental Health Inspection
- Board of State and Community Corrections Inspection
- Jail Operations Manual
- Sutter County FY 2017-18 Proposed Budget

## **DISCUSSION**

When interviewing the Sheriff, the Jail Commander and the lieutenant, the problem of staffing was illuminated. When trying to recruit new officers as well as experienced officers they all cited the same problems. In today's culture, it is very difficult to encourage people to apply for custody and other law enforcement careers. Problems they encounter trying to recruit people for Sutter County are low salaries compared to surrounding areas, and non-existent or minimal hiring incentive bonuses. (Yuba City has offered cash bonuses, and neighboring Chico and Roseville Police Departments have offered upwards of \$5,000-\$10,000 signing bonuses.) The lengthy recruitment process (often 8-10 months), inability of candidates to pass background checks and retirement rules for transferees are all adding to the difficulty of getting people to join or relocate to Sutter County.

Some things that could be looked at in order to make Sutter County more desirable would be to find ways to streamline the recruitment process, find funds to increase the signing bonuses, increase the beginning salary, and develop brochures or other marketing tools that would present the benefits and amenities available here. Other options include developing a marketing and education program within the local high schools and colleges to recruit students into a cadet program with the possibility of offering them a job at the end of the program. Offering to pay for qualified cadets to complete the law enforcement academies is another possible solution. The Sheriff's Office, in conjunction with the Human Resources Department, should also consider investigating why possible candidates are not passing the background checks or accepting other employment while the recruitment and background processes are already underway.

During the inmate interviews, many of them complained about the lack of educational and other training programs within the Jail. Even though inmates are complaining about the lack of such opportunities, when investigated we found that they are given several opportunities to attend various programs and classes, but most inmates are opting out because they are only interested in participating if they can get their sentences shortened. The number and variety of educational programs for inmates is also difficult due to the lack of adequate space within the Jail as well as the increased demand on Corrections staff. Due to classification, inmates must be segregated from one another for safety issues and the Jail does not have enough classrooms or staff to accommodate all the various groups for each and every possible program. One possible remedy for the low attendance would be to review and encourage judges to adjust sentencing to encourage those to take classes, with some of these programs possibly made mandatory for release. The Sheriff's Office may also wish to investigate offering more of these classes and programs as independent study where inmates can complete these programs in their cells.

### **Spring Emergency Evacuation**

Late in January, the Sheriff directed each division to review the slow rise flood plan. The Jail moved ahead and reviewed the slow rise flood plan and started preparing in accordance with the plan. On Friday, February 10, 2017 the Emergency Operations Center (EOC) was manned because there was going to be large releases from the Oroville Dam. The weather forecast was for more heavy rain with an additional two to three inches expected. The Jail prepared for potential evacuation in conformance with their slow rise flood plan.

The EOC was downgraded to Phase I on February 12 at 1300 hours. At 1700 hours the Sheriff's Office received a call advising that the EOC was being upgraded to Phase III and a mandatory evacuation was called for by the County Administrative Officer (CAO). The Jail started making arrangements with other agencies to take the high profile inmates (those who committed crimes of violence). The remaining inmates were temporarily released under contracts to return in two weeks by turning themselves back in. The Jail sent 97 inmates to other jails and released 123 inmates on contract. The Jail sent correctional officers to some of the other agencies to help care for our inmates. For that week the Jail was not occupied, Jail staff used the opportunity to perform more thorough housekeeping, cleaning and routine maintenance in the inmates' absence. Many of the correctional officers painted parts of the Jail

and did all the inmates' laundry in preparation for their return. On February 20, 2017 all the inmates that were sent out to other agencies were returned and on February 26, 2017 the inmates let out on contract started returning.

## **FINDINGS**

- F1. There are multiple educational opportunity programs available that the inmates are not taking advantage of.
- F2. Jail is understaffed due to comparatively low pay, lengthy recruitment processes, inability of candidates to pass background checks and low transfer rates from other agencies due to pension reform rules.
- F3. Inmates reported lack of activities to occupy time spent in custody.
- F4. Current Jail facility makes it difficult to segregate inmates based on inmate classifications.

## **RECOMMENDATIONS**

- R1. Improve marketing of law enforcement opportunities to local educational institutions at the high school and community college levels.
- R2. Conduct a salary and benefit survey to identify comparative benefits.
- R3. Consider a scholarship program/hiring bonus incentive to attract potential officers.
- R4. Streamline and prioritize the recruitment process.
- R5. Partner with other agencies to offer enhanced recreational, educational and vocational programs.
- R6. Solicit additional funding from the State of California to house, staff and operate additional programs consistent with those offered by State prison facilities.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 935.05, the following response is required, within 90 days:

- Sutter County Sheriff: Respond to F1-F4 and R1-R6

## **INVITED RESPONSES**

The Sutter County Grand Jury invites the following responses, within 60 days:

- Sutter County Board of Supervisors: Respond to F1-F4 and R1-R6
- Sutter County Director of Human Resources: Respond to F1-F4 and R1-R6

## **DISCLAIMER**

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# **TRANSPARENCY -- CAN IT BE ACHIEVED?**

## **SUMMARY**

The recruitment and selection of a County Administrative Officer (CAO) is secondary to the electing of members of the Board of Supervisors (BOS) and other elected County Department Heads, some people might consider the selection of a CAO as a more important step, as the CAO is charged with making the county run smoothly.

Tasked with filling the Sutter County CAO vacancy, the BOS demanded that a transparent process take place to search for and select the new CAO, as well as conduct full vetting. To this end, the County decided to hire a professional search team to oversee this process. After reviewing various bids received, the BOS selected CPS HR Consulting (CPS HR) as the consultant firm to conduct the search and the selection of a new CAO.

Upon choosing a candidate as the permanent CAO, concern was raised whether the selection process was executed as designed -- that the process was not transparent and that not all candidates were properly vetted or screened. The Sutter County Grand Jury (SCGJ) takes such accusations seriously and believes they should be fully investigated.

This report examines the process and its implementation.

## **BACKGROUND**

The CAO is responsible to the BOS for day-to-day administration of all County departments. The CAO provides staff support to the BOS and generally ensures that the BOS policies are carried out. It is not every day that a new CAO is recruited to run the County government. For whatever reasons, there has been a lack of continuity in Sutter County with the CAO position in recent years.

The BOS intended to select the best person possible to fill this key position, and authorized CPS HR to conduct the search, research the candidates, and to set up as transparent a process as possible to conduct this search. To this end, the Board unanimously approved the hiring of the consulting firm, and to expedite the process, as the then-current acting CAO would not be able to continue beyond December 2016.

After the process was completed, and the selection made, a concerned citizen alerted the SCGJ of a person who might shed some light into the process, especially as to the lack of transparency in the process. The SCGJ arranged to meet with that individual as a Confidential Informant (CI). After hearing information from the CI, the SCGJ decided to launch a formal investigation into the CAO hiring process.

## RESOURCES

The SCJG used a number of sources to confirm factual information. These included: written documents provided by CPS HR hired by the BOS to develop a transparent process for the search for a new CAO; articles appearing in the Appeal-Democrat (both print and online editions), the Territorial Dispatch, and articles in newspapers and blogs from Internet sources; interviews conducted with persons serving on various panels that interviewed the candidates.

- Interviews were conducted with:
  - Two members of the Citizens Panel
  - Two members of the Department Head Panel
  - Two members of the Board of Supervisors
  - The consultant from CPS HR Consulting
- The SCGJ received and reviewed the following written information from CPS HR Consulting:
  - The Executive Recruitment Services for the CAO position for the County of Sutter which detailed the scope of the services to be performed
  - The Candidate Evaluation Manual, showing the schedule for interviews, suggested questions, scoring system and scope of the interviews
  - Brochure used in recruiting for the CAO position
  - Media reports on the candidates
  - Reference check summary for the successful candidate
  - Writing sample submitted by the successful candidate
  - Names of members of the various selection panels
- Various newspaper accounts from the Appeal-Democrat and The Territorial Dispatch

## DISCUSSION

The SCGJ initiated an investigation into the process used to hire the new CAO in late 2016 through early 2017. This investigation began with the appearance of a Confidential Informant (CI) before the SCGJ to air concerns about the process. The CI's concerns:

- The process was flawed; it was not sufficiently transparent.

- o 26 candidates applied for the position, but only seven were interviewed. There was no transparency as to why 19 were eliminated.
- o What criteria were used to empanel the Citizens Panel?
- o The backgrounds of the seven candidates interviewed were not as complete as they could have been.
- o The professional misconduct of one of the applicants was not taken as seriously as it should have been by the Citizens Panel and the BOS.
- o The successful candidate would not move to Sutter County.

Based on the interview with the CI, the SCGJ felt that sufficient questions were raised as to whether the process was as transparent as the BOS promised. To do this, the SCGJ embarked on an ambitious schedule of interviews and fact-finding to determine if any of the questions raised resulted in a less than transparent process.

The process of the hiring of CPS HR to act as the recruiter was examined. CPS HR received the contract for this search based on a strong track record throughout California, and also with previous searches in northern California in communities similar in nature to Sutter County. The proposal from CPS HR to the BOS included the promise of transparency.

There were three panels used in the interview process:

- Citizens Panel: Consisted of one person named to this panel by each Supervisor.
- Department Head Panel: Consisted of one Department Head named to this panel by each Supervisor.
- Technical Panel; Consisted of the CAO of Yuba County, the CEO of Nevada County, and the Assistant CAO of Yolo County.

The Citizens Panel ranked the candidates after each interview, in a 'rolling' format; that is, after each candidate was interviewed, the panel ranked the candidates as to preference. The Citizens Panel unanimously recommended one candidate for the position of CAO. This candidate became the Sutter County CAO.

The Department Head/Technical Panel met as one unit and recommended that none of the candidates be hired; that the BOS ask CPS HR to continue/broaden their search.

The BOS, after reviewing the input from the various panels, along with a review of the documentation provided, unanimously agreed to offer a contract to the number one ranked candidate of the Citizens Panel. Although the composition of the BOS would change in January 2017 as a result of the November 2016 election, the supervisor-elect was not made part of the interview/selection process. This decision not to include was made by the outgoing supervisor.

The interview with the CPS HR consultant left the SCJG with the understanding that the process was designed to be transparent. It met the criteria in the sense that all of the prescribed steps of the hiring process were strictly followed; that each panel followed the process outlined for them and that the results were based on the process, not a preconceived determination of who the successful candidate would be.

The interviews with the members of both the Citizens Panel and the Department Head Panel confirmed that all steps of the process were followed. While their recollections differed

slightly as to the numbers of candidates and questions, the SCGJ was satisfied that the panels functioned as designed, and that the process was properly followed.

The interviews with members of the Citizens Panel revealed that the panel members were fully aware of any possible misconduct by any candidate, and did not feel that that incident would preclude his hiring by the County.

## **FINDINGS**

- F1. CPS HR conducted a thorough search for a new Sutter County CAO that included not only California but other areas of the country as well. The search was publicized in various trade journals as well as through Internet avenues.
- F2. The information provided to the various panels was comprehensive and as complete as could be expected.
- F3. The members of the Citizens and Department Head Panels were selected and appointed according to the designed process, and performed their duties within the scope of that process.
- F4. The Board of Supervisors relied on the recommendations and input from the Citizens and Department Head/Technical Panels and made their decision to hire a CAO based on the totality of the information provided to them.

## **REQUEST FOR RESPONSES**

No responses are required or requested.

## **DISCLAIMER**

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