

ENDORSED FILED

Report
of the
2020-2021
Sutter County Grand Jury

FEB 12 2021

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

Charles Smith-Foreperson, Herbert Bradley III, Sukhvinder Singh Bhugal, Heather Ann Chambers,
Todd Chambers, Heather Esemann, Randall Helvey, Millard Johnson, Sylvia Johnson, Jessica Jopson,
Betty Mack, Danika Mann, Emma Nelson, Julie Nissen, Marco Ontiveros, Paul Tuttle,
Margaret Walker, Noelle Zumoff

Final Report [pursuant to Penal Code 933(a)] on subject:
SUTTER COUNTY CODE ENFORCEMENT *Fight the Blight-Keep Sutter County Beautiful!*



Charles Smith
2020-2021 Foreperson

2-4-2021

Date

Pursuant to Penal Code Section 933(a), the Presiding Judge makes the finding 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 Susan E. Green, Presiding Judge
Superior Court of California, County of Sutter County

2/5/21

Date

SUTTER COUNTY CODE ENFORCEMENT

Fight the Blight – Keep Sutter County Beautiful!



**Sutter County Grand Jury Report
2020-2021**

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Sutter County Code Enforcement

Fight the Blight – Keep Sutter County Beautiful

SUMMARY

Why code enforcement? Codes are designed to preserve and enhance safety and to protect the values of the community. Code enforcement encourages compliance, resulting in less blight, more safety and improved quality of life. The 2020-2021 Sutter County Grand Jury reviewed three years of data and found Sutter County neglected its responsibility for code enforcement. Fines totaling over \$1.1 million had not been collected as of November 30, 2020. The enforcement of county zoning codes, ordinances and building permits improves or maintains the quality of life and property values for the residents. Collection of fines associated with enforcement can create revenue to defray the cost of enforcement activities and encourage compliance. There are 178 citations (of the 651 issued) still categorized as open from 2018 to 2020. Sutter County's code enforcement has been under-staffed, as evidenced by the large number of outstanding citations and fines. Finally, 206 active cases from 2018 -2020 were closed without an inspection, which suggests that active cases were dropped for no apparent or valid reason. The Grand Jury recommends:

- Outstanding fines be collected or mitigated¹.
- Additional enforcement officers be hired to immediately address the backlog of cases and to effectively process current and future complaints.
- Board of Supervisors be informed of the ongoing progress regarding code enforcement on a regular basis.
- The County publicly explain why the cases were closed without investigation.

¹ Mitigate: to lessen in force or intensity; make something less harmful, unpleasant, or bad

BACKGROUND

Each year the Grand Jury receives citizen complaints and is obligated to consider whether any warrant an investigation. This year the Grand Jury received numerous complaints related to illegal building and zoning violations not being addressed or investigated by the County. The Grand Jury interviewed several people that are familiar with the workings of the County and decided to investigate the operation and performance of code enforcement. The County's process for addressing violations of ordinances, building codes and zoning codes starts with a complaint from our citizens or citations from law enforcement or the code enforcement officer. A complaint is given a case number and then an investigator will do an inspection to determine if the complaint is valid. At that point, there any number of valid reasons to close the case as the complaint may be unwarranted or easily corrected. Otherwise, the code enforcement officer can issue a citation. Non-compliance with the citation can result in fines being levied.

METHODOLOGY

The main sources for this investigation were Sutter County public domain document P000322-120820 and the Sutter County Code of Ordinances https://library.municode.com/ca/sutter_county/codes/code_of_ordinances. The data covers January 2018 through November 30, 2020. The Grand Jury asked for and received all County data regarding:

- the number of complaints;
- the date the complaints were given a case number;
- citations given;
- case closing dates;
- outstanding fines associated with citations.

The Grand Jury also held five interviews with County personnel or elected officials to substantiate what we discovered.

DISCUSSION

The Grand Jury was given presentations by various Sutter County department heads as an introduction into the workings of the County. During some of these presentations this year, it was brought to our attention that there is a large sum of uncollected fines from code enforcement. Upon investigation and through recent complaints the Grand Jury found, in addition to the outstanding fines, that numerous violations and citations have not been addressed. The Grand Jury determined that the areas that fall under code enforcement include blight, structural permits and hazards, fire hazards, illegal and non-permitted commercial truck yards, abandoned vehicles and marijuana grow violations. Each of these has a direct effect on the quality of life for residents of Sutter County. Collection of fines associated with enforcement can create revenue to defray the cost of enforcement activities and encourage compliance. Over the last three years less than 10 percent of the outstanding fines have been collected. Currently, the County is working on updating its policies and procedures. Hopefully, the new code enforcement procedures will resolve some of these problems. Resolution of the outstanding violations, citations and fines would benefit the County and its citizens. The Grand Jury asked for the records of complaints, citations and fines from the last three years through the public document request portal on the County website. The Grand Jury looked at the data and found the following:

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Outstanding Fines

As of November 30, 2020, the County has outstanding fines for both open and closed cases with a sum of \$1,143,991.15. The categories that accrued the bulk of these fines are building code violations with \$534,056.63 owed and zoning violations with \$402,561.42 owed.

Violations	Amount Owed
Abandoned Vehicles	-
Animal Regulations	218.89
California Building Code Violations	534,056.63
California Fire Code – Fire Hazards	69,978.95
Marijuana Grow Violations	44,776.14
Property Maintenance - Nuisances	57,513.89
Signs	-
Substandard Housing	-
Violation of Adopted Codes by Sutter County	34,885.23
Water Violations	-
Weed Abatement	-
Zoning	402,561.42
Total	\$ 1,143,991.15

Some of the fines for open cases have been on the books for the last three years.

Years	Fines
2018	\$538,056.63
2019	\$312,274.40
2020	\$105,991.44
Total	\$956,322.47

The fines for citations over two years old total over half a million dollars. The fines serve as a deterrent for the continued poor behavior by those property owners and businesses where the violations were committed. Without fines being levied and collected these entities have no reason to cease the action that warranted the citation. Many citations show that some individuals and/or businesses continue to repeat the same offense(s).

Caseload

Sutter County fields a significant number of complaints every year. There was a total of 651 complaints in the last three years.

Years	Complaints with case number
2018	292
2019	224
2020	135
Total	651

It is important to keep in mind that whereas some cases can be closed with a minimum of effort, others, such as building and zoning code violations, can take a large amount of time with multiple trips or inspections performed by the code enforcement officer which cost the County in staff time and resources. Our neighbors in Yuba and Placer Counties have five code enforcement officers each and Butte County has eight for their caseloads. Our County has only one dedicated position to code enforcement. The large sum of uncollected fines and the number of outstanding citations that go back for years all point to the fact that the County has not been able to effectively carry out the act of code enforcement. With the COVID-19 pandemic this year has been especially difficult, but the evidence shows that this has been a systemic problem for years. Please note that this position has nothing to do with health code enforcement conducted during the COVID-19 pandemic.

Open Cases

The data from the County shows that as of November 30, 2020 there are 178 citations that are categorized as open.

Open cases	
2018	62
2019	77
2020	39
Total	178

It is clear that citations are not being addressed in a timely manner.

Cases with No Inspection

The Grand Jury discovered troubling facts while looking at the data. A complaint will be given a case number and an inspection should follow to determine what, if any, steps need to be taken. It is imperative that a timely inspection takes place to make that determination. The Grand Jury discovered that there are 54 open cases that have not been inspected as of November 30, 2020.

Cases Not Closed	
Years	Cases
2018	9
2019	19
2020	26
Total	54

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This underscores the need to have a well-staffed department. The data also shows that 152 cases were closed without an inspection date and no valid reason given. Some of these cases go back to 2018 and 2019. The table below shows cases without an inspection date.

Complaint Date	Year Cases Closed			Total
	2018	2019	2020	
2018	11	14	4	29
2019		41	12	53
2020			70	70
Total	11	55	86	152

The citizens of Sutter County require a county government that actively enforces the ordinances and codes it has created. It speaks to the quality of life when blight, hazards, nuisances, building codes and zoning codes go unaddressed. A responsible government should not allow potentially life threatening issues to continue.

FINDINGS

The Sutter County Grand Jury finds:

- F1. The County has been lacking in collecting fines from citations for the last three years.
- F2. The County has understaffed Code Enforcement for the last three years.
- F3. The County has been negligent in pursuing violations and citations for the last three years.
- F4. The County has been closing cases without inspecting them with no valid reason given.
- F5. Some legitimate complaints, possible citations and fines are being ignored.

RECOMMENDATIONS

The Sutter County Grand Jury recommends:

- R1. The Board of Supervisors require the County to collect or mitigate the outstanding fines before new policies take effect.
- R2. The Board of Supervisors have the County hire additional code enforcement officers to adequately address the workload immediately.
- R3. The County Administrator inform the Board of Supervisors of the progress that code enforcement has been making at monthly board meetings starting immediately.
- R4. The County Administration publicly explain why each of the cases were closed without investigation within the next six months and reopen those case for investigation if the reason for closure was insufficient.

REQUIRED RESPONSES

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

From the following governing bodies within 90 days:

- Sutter County Board of Supervisors

INVITED RESPONSES

- County Administrative Officer of Sutter County

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 or facts leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

One juror recused themselves from this investigation due to possible conflict of interest and did not participate in the investigation, preparation, or approval of this report.