

**The Sutter County
Board of Supervisors' Response to the**

**2015-2016
Sutter County Grand Jury
Final Report**

ENDORSED FILED

AUG 25 2016

Part 1 of 2

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By JACKIE LAWELL Deputy**



**Ronald Sullenger
Dan Flores
Larry Munger
Jim Whiteaker
Barbara LeVake**

**District No. 1
District No. 2
District No. 3
District No. 4
District No. 5**



County of Sutter
Office of the County Administrator

1160 Civic Center Boulevard
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August 9, 2016

The Honorable Brian R. Aronson
Presiding Judge of the Sutter County Superior Court
466 Second Street
Yuba City, CA 95991

Dear Judge Aronson:

I am herein submitting the Sutter County Board of Supervisors responses to the findings and recommendations of four reports filed by the 2015-2016 Sutter County Grand Jury. The Reports are entitled:

- Board of Supervisors Response to 2014-2015 Sutter County Grand Jury Final Report
- Chevron Solar Energy Savings Project
- Pension Enhancements: A Case of Government Code Violations & Lack of Transparency
- A Need for Greater Public Transparency: Civic Openness in Negotiations (COIN)

While the Board of Supervisors does not always agree with the Grand Jury's findings and recommendations, the Board members have asked me to convey their appreciation and respect for the work the Grand Jurors have performed and their dedication in fulfilling this important function. I share that sentiment and am looking forward to working with the members of the 2016-17 County Grand Jury.

I also want to inform you that we are working with some current and former Grand Jurors to provide the Grand Jury with improved office facilities. I appreciate you raising this issue with me last month.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Curtis R. Coad", is written over a horizontal line.

CURTIS R. COAD
INTERIM COUNTY ADMINISTRATIVE OFFICER

RECEIVED

AUG 10 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
TRAFFIC DIVISION

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Board of Supervisors' Response to 2014-2015 Sutter County Grand Jury Final Report

FINDINGS

Grand Jury Finding #1:

"F1: The BOS' Response to the 2014-2015 SCGJ Final Report was received by the Presiding Judge after the date the response was due."

Grand Jury Finding #2:

"F2: The BOS' Response to the 2014-2015 SCGJ Final Report did not follow California Penal Code Section 933.05 with respects to the mandated format and content. Additionally, the Sutter County District Attorney did not provide an acceptable timeframe in its response."

Grand Jury Finding #3:

"F3: The Sutter County Sheriff's Response to the 2014-2015 SCGJ Final Report was received by the Presiding Judge."

Grand Jury Finding #4:

"F4: The CAO invited the SCGJ to meet to discuss issues covered in the BOS' Response to the 2014-2015 SCGJ Final Report."

Grand Jury Finding #5:

"F5: The SCGJ has a complaint form that may be utilized by citizens to allege mistreatment by officials, suspicions of misconducts, and/or government inefficiencies."

Response from the Board of Supervisors:

F1: The Board of Supervisors agrees with this finding. The SCGJ Final Report was filed with the Sutter County Superior Court on June 25, 2015, so the Board's Response should have been filed and submitted by September 23, 2015. In the event, the Response wasn't approved and submitted until September 29, 2015. A draft copy of the Response was submitted to the Presiding Judge on September 25, 2015. The Grand Jury's Response matrix indicates the Board of Supervisors Response was due on August 24, 2015. This is incorrect.

F2: The Board of Supervisors largely disagrees with this finding. The Board believes its Response to the 2014-15 SCGJ basically complied with the requirements of PC 933.05. In reviewing its Response, the Board did find one instance (the Fire and Emergency

Committee's Recommendation #1) in which, arguably, a suitable timetable was not given. It should be noted, however, that it would have been difficult to provide a meaningful timetable at the time the Response was prepared.

A portion of this finding relates to the District Attorney, who is an elected official. The District Attorney has already responded to the Superior Court. Her response is attached as Attachment A.

F3: This finding pertains to the County Sheriff-Coroner, who is an elected official. The Sheriff-Coroner has already responded to the Superior Court. His response is attached at Attachment B.

F4: The Board of Supervisors agrees with this finding.

F5: While the Board of Supervisors commends the Grand Jury for having a complaint form for citizens, this finding does not involve an issue within the Board's purview.

RECOMMENDATIONS

Grand Jury Recommendation #1:

"R1: All BOS and elected officials' responses shall follow California Penal Code Sections 933(c) and 933.05 with respect to the timeliness of the response and the mandated format and content."

Grand Jury Recommendation #2:

"R2: The Sutter County Sheriff shall follow California Penal Code Sections 933(c) with respect to response submission to the Presiding Judge."

Grand Jury Recommendation #3:

"R3: The BOS shall fully review the responses to the grand jury final report before approval for statements made by representatives of the County for accuracy with respect to California Penal Code (i.e.: Section 911 and 929)."

Grand Jury Recommendation #4:

"R4: Citizens with concerns regarding County or City government, that are within SCGJ jurisdiction, should submit a complaint. You may submit a complaint to the SCGJ using the form attached or by accessing the Sutter County Courts website at www.suttercourts.com/general-info/grand-jury/submit-complaint. You may print the form then later type in or fill in with ink all of the fields of information that apply to your concern and the issue(s) you have identified. Or, you may fill out the form electronically. After filling out the form, print the document, sign it attesting to the information, and mail to the address noted on the form. You are encouraged to attach additional

information or documents that contribute information to your concern. Completed forms that are brought to the court for delivery to the SCGJ must be in a sealed envelope. All complaints submitted to the SCGJ are treated confidentially."

Response from the Board of Supervisors:

R1: The Board of Supervisors agrees with this recommendation, and is implementing it in this years' Response. Other than the tardy filing discussed in Finding #1, the Board believes it has always complied fully with Penal Code Section 933(c) and 933.05.

R2: This recommendation applies to the County Sheriff-Coroner who is an elected official. As noted, the Sheriff-Coroner has already responded to the Superior County, and a copy of the response is attached as Attachment B. No response from the Board of Supervisors is necessary.

R3: The Board of Supervisors is uncertain about the meaning of this recommendation and consequently cannot implement it. Penal Code Section 911 sets forth the oath that each member of the Grand Jury is required to take and Section 929 deals with the ability of the Grand Jury to make evidentiary material and other material available to the public.

R4: This recommendation is directed toward citizens. The Board of Supervisors would have no role or responsibility in implementing it.

The Sutter County District Attorney and Sutter County Sheriff-Coroner are independently elected officials and, as such, respond directly to the Grand Jury's findings and recommendations concerning their respective offices. Copies of the two responses are included in this document as Attachments A and B.

Chevron Solar Energy Savings Project

FINDINGS

Grand Jury Finding #1:

“F1: The BOS signed an agreement with Chevron ES to construct energy producing and energy saving devices on and within Sutter County facilities. Financing for the project was provided by PNC Equipment Finance, LLC in the form of a Master Lease-Purchase agreement spreading the repayment over fifteen years.”

Grand Jury Finding #2:

“F2: The Master Lease-Purchase agreement stated that repayment would be considered to be Rent Payments under the lease. These payments would constitute an annual expense for the County.”

Grand Jury Finding #3:

“F3: The Rent Payments are a part of the annual budget for the respective departments of the County, instead of project funds. By defining the payments as rent, it removed it from the Auditor-Controller’s jurisdiction and independent oversight.”

Grand Jury Finding #4:

“F4: The largest photovoltaic array is projected to produce over half of the total power produced by all ten solar units. The site for this large array was the Sutter County Airport. However, the Federal Aviation Administration (FAA) advised the County that an extensive delay would be incurred while a site study was to be conducted to determine if there were any safety issues regarding airport operations. This required an alternate site to be selected.”

Grand Jury Finding #5:

“F5: The second largest photovoltaic array is projected to produce 16% of the total power. Its site at Mental Health also proved to be problematic with no alternative site yet to be determined.”

Grand Jury Finding #6:

“F6: In the rush to complete the Chevron Project, incomplete research resulted in the selection of “problem” sites for two thirds of the total projected energy production resulting in extensive delays and added expense to the County.”

Grand Jury Finding #7:

“F7: The BOS approved the CAO and the Assistant CAO sole access to the \$9.1 million escrow account to disburse funds for the Chevron Project. This was later amended by giving the Treasurer-Tax Collector and Auditor-Controller sole access to the account.”

Response from the Board of Supervisors:

F1: The Board of Supervisors agrees with this finding.

F2: The Board of Supervisors agrees with this finding.

F3: The Board of Supervisors disagrees in part with this finding. The Rent Payments are part of an annual budget for the County. However, defining the payments as rent does not remove the payments from the “jurisdiction” of the Auditor-Controller. Rent payments in the annual budget can be monitored and reviewed by the Auditor-Controller’s Office.

F4: The Board of Supervisors disagrees with this finding. While it is true that the largest planned solar array will produce approximately half of the power generated by the project, the Federal Aviation Administration did not advise the County that there would be extensive delay while conducting a site study. In fact, it was County staff that discovered that savings generated from energy generated on the airport property would need to be applied to the airport. Because the point of the largest array was to primarily generate savings for general fund departments, an alternative site was selected.

F5: The Board of Supervisors disagrees in part with this finding. The photovoltaic array designed for the Mental Health property was projected to produce approximately 16 percent of the power generated from the overall project. The project was temporarily delayed for the Mental Health site to explore an alternate plan and ensure the best placement of the array. The project is currently moving forward with the original design at the Mental Health site.

F6: The Board of Supervisors disagrees in part with this finding. As mentioned in a separate report to the Grand Jury, the Chevron Project was not rushed. The Chevron Project appeared on the agenda of the Board of Supervisors five times over a seven month period, was discussed during a publicly-noticed Board Committee meeting, and was the subject of a public Board Study Session and, two weeks later, a noticed Public Hearing. The proposed use of airport property was ultimately changed to the Acacia Avenue site in the Town of Sutter, while options for the Mental Health array are being considered. Ultimately, delays to the Mental Health array have added time and some expense to the project related to storing purchased solar equipment.

F7: The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

Grand Jury Recommendation #1:

“R1: Any future projects shall take advantage of all of the resources available to the BOS. The Auditor-Controller shall be included. He was elected by the people of the County to act as an independent agent to prevent the opportunity for improprieties or the appearance of such improprieties.”

Grand Jury Recommendation #2:

“R2: Any future project involving County funds shall always name the Treasurer-Tax Collector as the sole agent of the County to handle these funds. He was elected by the people to handle this responsibility and it is inconceivable that, in the original escrow agreement, he was excluded.”

Grand Jury Recommendation #3:

“R3: In the future, adequate time for thorough research shall be allowed to avoid such expensive delays, as this project has experienced, costing the County hundreds of thousands of taxpayer dollars (see lease payment schedule Attachment A).”

Grand Jury Recommendation #4:

“R4: The BOS employ an internal auditor, by the next fiscal year, to ensure that the County is in full compliance with County Policy & Procedures.”

Response from the Board of Supervisors:

R1: Recommendation #1 includes more than one recommendation. The recommendation in part states that *“Any future projects shall take advantage of all of the resources available to the BOS,”* and has been implemented in that the Board agrees and strives to utilize the best resources available for each individual project. An internal Finance Committee, consisting of the Auditor-Controller, County Administrative Officer, and Treasurer-Tax Collector, has been established.

Recommendation #1 also states in part that, *“The Auditor-Controller shall be included (in any future projects).”* This recommendation has been implemented in that the Board of Supervisors and the staff of the County Administrative Office recognize the value and importance of including the Auditor-Controller in projects. Not all projects will involve all County offices and it should be recognized that many smaller projects will likely not include the Auditor-Controller.

R2: Recommendation #2 states that the Treasurer-Tax Collector shall solely be named to handle County funds in future projects. This has been implemented and will be included in the policies of the Finance Committee.

R3: Recommendation #3 states that adequate time for research shall be allowed to avoid expensive project delays, costing the taxpayers hundreds of thousands of dollars. It is not reasonable to implement this recommendation as there are material misstatements in the recommendation itself. No delays in the Chevron Project have cost the County “hundreds of thousands of taxpayer dollars.” The schedule referred to in Recommendation #3 is simply a payment schedule for the project, not evidence of any delay causing the County additional expense. It is true that payments are being made even though the project is not yet complete. However, the projected savings will be realized in future years. Of course adequate time for thorough research should be allowed to avoid expensive delays in all projects. However, sometimes delays are unavoidable, even in the most thoroughly researched and planned projects implemented by the most experienced of organizations.

R4: Recommendation #4 was implemented and approved by the Board of Supervisors at its April 26, 2016 meeting, before the issuance of the Grand Jury report for FY 2015-16.

The Sutter County Auditor-Controller and Sutter County Treasurer-Tax Collector are independently elected officials and, as such, respond directly to the Grand Jury’s findings and recommendations concerning their respective offices. Copies of the two responses are included in this document as Attachments C and D.

Pension Enhancements: A Case of Government Code Violations & a Lack of Transparency

FINDINGS

Grand Jury Finding #1:

“F1: The BOS violated GC Section 31516 by failing to secure an actuarial statement that explained the financial impact of the pension increase and present it to the public at least two weeks prior to its approval.”

Grand Jury Finding #2:

“F2: The BOS violated GC Section 23026 by placing the item which enhanced pension benefits on the Consent Calendar instead of “as an item of business.””

Grand Jury Finding #3:

“F3: The BOS refused to remove this highly controversial issue from the Consent Calendar when requested to do so by the Sutter County Auditor-Controller.”

Grand Jury Finding #4:

“F4: The BOS removed a safeguard that was designed to fiscally protect the citizens of Sutter County by refusing the Sutter County Auditor-Controller’s request to bring the enhanced benefits package forward for public review and further study.”

Response from the Board of Supervisors:

F1: The Board of Supervisors disagrees with this finding that the 2004 Board of Supervisors violated the provisions of California Government Code Section 31516. Simply put, this Section of the Government Code does not, and did not in 2004, apply to Sutter County. Further, based on our review, the 2004 Board of Supervisors did comply with all the pension-related laws which applied to Sutter County.

Under California law, a county may provide retirement benefits to its employees in three ways: 1) establish an “independent” system pursuant to Article XI of the State Constitution; 2) contract with the California Public Employees Retirement System (CalPERS) pursuant to the Public Employees’ Retirement Law (Government Code Section 20000, et. seq.); or 3) establish its own retirement system under the County Employees’ Retirement Law of 1937 (Government Code Section 31450, et. seq.)¹

¹One county and one city and county have established retirement plans using the first option. Currently, 37 counties, including Sutter, contract with CalPERS. Twenty counties operate retirement systems under the third option, and are commonly referred to as “1937 Act Counties.”

Sutter County contracts with CalPERS pursuant to the second option described above. Section 31516 of the Government Code is within the County Employees' Retirement Law of 1937, and therefore has no applicability to Sutter County.

The Public Employees' Retirement Law, which the County is subject to, has provisions which are roughly parallel to those of the County Employees' Law of 1937. CalPERS oversees the implementation of these provisions when a county wishes to amend its retirement plan contract with CalPERS. In 2004, the Sutter County Board of Supervisors fully complied with these provisions. While describing the specific compliance actions which were undertaken is beyond the purview of our Response to the Grand Jury's Report, we have attached two Board of Supervisors meeting agendas from 2004 which outline what was done. Please refer to the agenda for the November 16, 2004 Board of Supervisors meeting (items 13 and 14a, b, c and d) and the agenda for the December 14, 2004 meeting (item 14) (Attachment E). Since the Grand Jury mentioned Government Code Section 7507 in its narrative, we have also enclosed a copy of Sutter County's Certification of Compliance with Government Code Section 7507 (Attachment F). This document was required by CalPERS. It should be noted that then, as now, the County Counsel reviewed all documents and actions of the Board to ensure legal compliance.

F2: The Board of Supervisors disagrees with this finding that the 2004 Board of Supervisors violated Government Code Section 23026. In its own words, Section 23026 applies to "... any county which has established a county employees' retirement system pursuant to the County Employees' Retirement Law of 1937." As discussed in our Response to Finding F1 above, Sutter is not such a county.

F3: The Board of Supervisors disagrees with this finding. At the August 31, 2004 Board of Supervisors meeting the Auditor-Controller appeared under the Public Participation section of the agenda and expressed, among other things, his viewpoint that the agreements with the various employee bargaining units should not have been placed on the Consent Calendar. However, he did not specifically request the items be removed from the Consent Calendar. After a discussion, the Board decided to approve the items on the Consent Calendar. They did not, technically, refuse the Auditor-Controller's request, because no such request was made. Had the Auditor-Controller specifically asked the items be removed from the Consent Calendar we surmise that the Board of Supervisors would have done so.²

The Board notes that this issue occurred 12 years ago. A majority of the current Board of Supervisors was not in office at that time. The Auditor-Controller retired a few years ago and all of the key staff members involved have long-since left the County. It is unclear to us why the Grand Jury thinks this issue has any relevance today.

² It should be understood that the Auditor-Controller had himself received the enhanced retirement benefits in January, 2004. In the ensuing eight months, while negotiations were in progress with the employee bargaining groups, the Auditor-Controller never expressed any concerns about extending the benefit to other employees. During a meeting held on September 2, 2004, the Auditor-Controller was asked why he did not bring his concerns to Board members during the eight-month period. He responded that he "... did not want to interfere with the negotiations."

F4: The Board of Supervisors disagrees with this finding which, again, is based on something that purportedly happened 12 years ago. We do not understand what “safeguard” the Grand Jury is referring to and we are unaware of any request the (then) County Auditor-Controller made to bring the “enhanced benefits package” forward for public review and further study.

RECOMMENDATIONS

Grand Jury Recommendation #1:

“R1: The BOS develop, adopt and implement policy and procedures, including staff training, to prevent future violations of the California Government Code.”

Grand Jury Recommendation #2:

“R2: The BOS designate that the Auditor-Controller develop written quarterly reports for the public to view as to the financial security of the County’s pension fund.”

Grand Jury Recommendation #3:

“R3: The BOS employ an internal auditor, by the next fiscal year, to ensure that the County is in full compliance with Federal & State law and County Policy & Procedures.”

Grand Jury Recommendation #4:

“R4: The BOS adopt a policy where transparency in the County’s legislative process should take precedence over expediency, especially concerning fiscal matters.”

Response from the Board of Supervisors:

R1: The Board of Supervisors disagrees with this recommendation and it will not be implemented because it is both unwarranted and unreasonable. The County Counsel’s Office reviews agenda items, and other issues, to ensure that the County complies with the California Government Code and all other applicable laws and regulations. The Board also notes none of the violations alleged by the Grand Jury actually occurred.

R2: This recommendation will be implemented, but in a slightly different manner than suggested by the Grand Jury. The Auditor-Controller, in conjunction with the County Administrative Officer, is developing an annual report to the Citizens of Sutter County that will contain the pension information cited by the Grand Jury. The Board of Supervisors believes this report will suffice and is pleased to designate the Auditor-Controller as recommended by the Grand Jury. The Auditor-Controller may also bring pension information to the Board of Supervisors whenever he deems it necessary.

R3: This recommendation has already been implemented by the Board of Supervisors. On April 26, 2016, the Board, upon joint recommendation of the Auditor-Controller and the Interim CAO, established an Internal Audit Program in the County Auditor-Controller's Office and approved a Senior Internal Auditor position. The Auditor-Controller is now implementing the Internal Audit Program. The issues raised by the Grand Jury in this report were not a factor in our decision to establish the Internal Audit Program. We believe an effective Internal Audit Program will help guard against illegal activities and increase efficiency.

R4: This recommendation will not be implemented because it is unnecessary and unwarranted. The Board of Supervisors supports the concept of governmental transparency and complies with all laws associated with it. We do not allow "expediency" to take precedence on fiscal, or any other, matters. The Grand Jury is attempting to take issues which it believes happened 12 years ago and use them as a basis for establishing County policy today. We do not think this is necessary.

The Sutter County Auditor-Controller is an independently elected official and, as such, responds directly to the Grand Jury's findings and recommendations concerning their office. A copy of his response is included in this document as Attachment C.

A Need for Greater Public Transparency: Civic Openness in Negotiations (COIN)

FINDINGS

Grand Jury Finding #1:

“F1: The Sutter County Board of Supervisors has negotiated expensive contracts with various entities, including the employees’ union representatives, with little or no public input or knowledge.”

Grand Jury Finding #2:

“F2: Often, these contracts were approved without an independent economic analysis describing their fiscal costs.”

Response from the Board of Supervisors:

F1: The Board of Supervisors disagrees with this finding because it seems to imply the public has no opportunity to provide input through the entire contract process. It would be more accurate to say the Board of Supervisors, like virtually every other county, city, special district and school district in California, has, for years, confidentially negotiated contracts with various entities, including employee’s union representatives. When a negotiation is completed, any proposed contract or agreement is placed on the agenda for a Board of Supervisors public meeting. Pursuant to the State’s Open Meeting Law (i.e. the Brown Act), the agenda is made public at least 72 hours before the meeting. The agenda and staff reports on individual agenda items are available on the County’s website. At the meeting, anyone who wants to address the issue with the Board has an opportunity to do so.³ The Board understands and is sensitive to the fact that some members of the public may feel this time is insufficient.

F2: The Grand Jury has not defined what it considers to be an “independent economic analysis.” If it is an analysis prepared by someone who is not a County employee, we agree with the finding. We note, however, that the County staff provides the Board of Supervisors with necessary economic, cost and legal information during the negotiation process. That is one of the reasons the County hires a staff. When necessary, the Board of Supervisors will hire consultants or rely on independent reports prepared by other agencies.

³ The Board of Supervisors usually meets at 6:00 p.m. on Tuesdays, and the agenda is posted by 10:00 a.m. on the Friday prior. This notice is significantly more than that required by the Brown Act.

RECOMMENDATIONS

Grand Jury Recommendation #1:

"R1: The BOS adopt, by the next fiscal year, a Civic Openness in Negotiations (COIN) ordinance."

Grand Jury Recommendation #2:

"R2: The BOS employ an internal auditor, by the next fiscal year, to ensure compliance with the requirements of COIN."

Response from the Board of Supervisors:

R1: The Board of Supervisors is very open-minded with respect to the manner in which employee negotiations and contracts are conducted. However, we cannot, at this time, commit to adopting a Civic Openness in Negotiations (COIN) Ordinance by the next fiscal year. Consequently, this recommendation will not be implemented. Our reluctance is prompted by two concerns.

First, there are legal questions concerning our ability to adopt a COIN Ordinance within the specified time period. Orange County is the only California County which has adopted a COIN Ordinance. It did so in 2014. In July, 2015, that Ordinance was effectively struck down by a Public Employment Relations Board Administrative Law Judge in a challenge brought by the Orange County Employees Association.⁴ The Judge essentially ruled that the adoption of the COIN Ordinance was subject to the collective bargaining process, which had not been undertaken by Orange County. A few months later Orange County suspended its Ordinance with respect to ensuing labor negotiations.

Second, we have a different perspective on SB331 (the Bill was signed into law by the Governor on October 9, 2015) than the Grand Jury. The Grand Jury believes that SB331, which was supported by the Orange County Employees Association among others, encourages "... counties, cities, and special districts to establish specific procedures for the negotiation and approval of significant contracts that would allow the public to be better informed." The Board of Supervisors notes that several commentators and newspapers throughout the State believe the Bill will have the opposite effect; i.e. it will greatly discourage the adoption and implementation of COIN Ordinances.

We share this viewpoint. SB331 would require us to follow a complicated and potentially costly process for negotiations with employees and for any contracts for services that cost over \$250,000. Given the many budgetary issues we face, some of which have been highlighted by the Grand Jury, we think a COIN Ordinance at this time would not be in the public's best interest.

⁴ Orange County Employees Association, et. al. v. County of Orange, No. LA-CE-934-M. According to newspaper accounts, Orange County is appealing the decision.

R2: The Board of Supervisors agrees with this recommendation and has implemented it, although we did not do so with a COIN Ordinance specifically in mind. On April 26, 2016, the Board approved the creation of an Internal Audit Program in the Auditor-Controller's Office and the establishment of a Senior Internal Auditor position. The Auditor-Controller has recently filled this position and is developing the Program. The Board is enthusiastic about the Program and believes it will be of great benefit and use to the County.

The Grand Jury requested a response from the Sutter County Auditor-Controller, who is an elected official. The Auditor-Controller has already responded to the Superior Court. A copy of his response is included in this document as Attachment C.

The Grand Jury invited a response from the Sutter County CAO. The Interim CAO has already responded to the Superior Court. A copy of his response is included in this document as Attachment G.

ATTACHMENTS:

- A: Response from the Sutter County District Attorney
- B: Response from the Sutter County Sheriff-Coroner
- C: Response from the Sutter County Auditor-Controller
- D: Response from the Sutter County Treasurer-Tax Collector
- E: Agendas from the 11/16/04 and 12/14/04 Board of Supervisors meetings
- F: Certification of Compliance with Government Code Section 7507
- G: Response from the Sutter County Interim County Administrative Officer

Attachment A

SUTTER COUNTY DISTRICT ATTORNEY'S OFFICE

AMANDA L. HOPPER
District Attorney



463 Second Street
Yuba City, CA. 95991
(530) 822-7330
(530) 822-7337 (fax)

May 31, 2016

RECEIVED

JUN 01 2016

Office of the County Administrator
Sutter County

Honorable Brian R. Aronson
Presiding Judge
Sutter County Superior Court
1175 Civic Center Blvd.
Yuba City, CA 95993

Re: Response to Grand Jury Final Report

Dear Judge Aronson,

Submitted herewith is Sutter County District Attorney's response to the Final Report of the 2014-2015 Sutter County Grand Jury. Penal Code Sections 933 et al. require elected officials to respond to the findings and recommendations of the Grand Jury. This response is submitted to you directly as required by Penal Code Section 933.05.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda L. Hopper", is written over the typed name and title.

Amanda L. Hopper
Sutter County District Attorney

cc: Sutter County Administrative Office
Sutter County Board of Supervisors

Grand Jury Finding F2

[in relevant part] *The Sutter County District Attorney's Office did not provide an acceptable timeframe in its response.*

Response 1

The respondent agrees with the finding, as pertains to the District Attorney's Office. The District Attorney cannot respond to the first sentence of Finding F2 as it does not fall within the District Attorney's purview.

Grand Jury Recommendation 1

All BOS and elected officials responses shall follow California Penal Code Sections 933(c) and 933.05 with respect to the timeliness of the response and the mandated format and content.

Response 2

This recommendation has been implemented as relates to the Sutter County District Attorney. The Sutter County District Attorney's response to the SCGJ Final Report complies with California Penal Code Sections 933(c) and 933.05 with respect to the timeliness of the response and the mandated format and content.

Attachment B



SUTTER COUNTY SHERIFF'S OFFICE
J. PAUL PARKER
SHERIFF - CORONER

May 24, 2016

Honorable Brian R. Aronson - Presiding Judge
Superior Court of California
County of Sutter

RECEIVED

MAY 26 2016

*Office of the County Administrator
Sutter County*

RE: Response to the 2015-2016 Grand Jury Final Report

On May 23, 2016 the Sheriff's Office received a copy of the 2015-2016 /final report of the Grand Jury on the subject of response to the 2014-2015 Sutter County Grand Jury Final Report. The areas dealing with the Sheriff's Office are listed below.

Findings

F3. The Sutter County Sheriff's Response to the 2014-2015 SCGJ Final Report was not received by the Presiding Judge.

Recommendations:

R2. The Sutter County Sheriff shall follow California Penal Code Sections 933(c) with respect to response submission to the Presiding Judge.

The Grand Jury requested the Sheriff respond to F3 and R2.

Response to Finding 3.

I completed the Sheriff's Response to the Grand Jury on August 17, 2015 and placed it in interoffice mail to the Honorable Brian Aronson – Presiding Judge with cc: copies to the Sutter County Board of Supervisors and James Arkens who was at that time the CAO. This was days prior to the due date of August 24th. The Board of Supervisors and the CAO received their copy of the response as it was included in the BOS response. Apparently the Presiding Judge did not.

Response to Recommendation 2.

The Sheriff always has and always will observe the penal code as to responses to the Grand Jury. Apparently interoffice mail will no longer suffice and we will instead expend the manpower to have an employee go to the court and obtain a signed receipt from the Presiding Judge for receipt of the Sheriffs response to the Grand Jury.

This concludes the Sheriff-Coroner-Public Administrator's response to the findings and recommendations of the 2012-2013 Sutter County Grand Jury Final Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Paul Parker", written over the printed name.

J. PAUL PARKER
SHERIFF-CORONER

cc: Sutter County Board of Supervisors
Curt Code, Interim County Administrative Officer
Donna M. Johnston – County Clerk

COUNTY OF SUTTER

RECEIVED

JUN 21 2016

COUNTY CLERK
and EX-OFFICIO CLERK
BOARD OF SUPERVISORS
SUTTER COUNTY



NATHAN M. BLACK, CPA

AUDITOR-CONTROLLER

July 21, 2016

The Honorable Brian R. Aronson
Presiding Judge of the Superior Court of California
County of Sutter
1175 Civic Center Blvd.
Yuba City, California 95993

**COPY PROVIDED TO
ALL BOARD MEMBERS**

*CC: Lord
Smith*

Dear Judge Aronson:

Submitted herewith is the Auditor-Controller's response to the 2015-2016 Grand Jury Report section on CHEVRON SOLAR ENERGY SAVINGS, PENSION ENHANCEMENTS: A CASE OF GOVERNMENT CODE VIOLATIONS AND A LACK OF TRANSPARENCY, and A NEED FOR GREATER PUBLIC TRANSPARENCY: CIVIC OPENNESS IN NEGOTIATIONS (COIN). Penal code §933(c) and §933.05 require elected officers to respond within 60 days to the findings and recommendations of the Grand Jury. This response is submitted directly to you pursuant to Penal Code §933.05.

I commend the individual members of the Grand Jury for their service to the public.

Chevron Solar Energy Savings Project

Response to Findings Identified

F1: I agree without reservation.

F2: I agree without reservation.

F3: The use of rents and or leases to account for the payments did not have the effect of removing the Auditor-Controller's jurisdiction and oversight. However, it was an inappropriate method of accounting for a capital lease contract pursuant to Generally Accepted Accounting Principles (GAAP), of which the Governmental Accounting Standards Board (GASB) agrees. After consultations with county leadership we were able to properly account for the lease through capitalization.

F4: This finding seems consistent with my understanding, however, I was not involved with site selections nor was I involved in evaluating the airport or an alternative site. It is my hope and desire that the Auditor-Controller's office be involved on any future significant projects.

F5: My understanding from attending certain building committee meetings is that the solar panels to be installed at Mental Health will be installed at Mental Health, but there has been a delay as the county re-evaluates which part of the site will host the panels.

July 21, 2016

Response to 2015-2016 Grand Jury Report

Page 2 of 3

F6: While I was not a part of the evaluation/suitability planning for this project, there appears to be merit in your finding that incomplete research resulted in certain project delays. It should be noted that I was not in office at the time the Board of Supervisors approved this project and associated contracts in February 2014.

F7: I agree without reservation.

Response to Recommendations Identified

R1: I agree without reservation.

R2: I agree without reservation.

R3: I agree without reservation.

R4: I agree without reservation. During fiscal year 2015-2016 the Board of Supervisors approved the reinstatement of an internal auditor position within the Auditor-Controller's department. In June of 2016 an individual was hired into the position and is currently conducting a countywide risk assessment in order to commence internal audits in the near future.

Pension Enhancements:

A Case of Government Code Violations and a Lack of Transparency

Response to Findings Identified

F1: I agree without reservation.

F2: I agree without reservation.

F3: I agree without reservation.

F4: I agree without reservation.

Response to Recommendations Identified

R1: I agree without reservation. The Auditor-Controller, Treasurer-Tax Collector and County Administrative Officer are currently developing two policies that will assist in curtailing these risks. One policy would formalize the budget amendment process amongst county departments while the other will create and maintain a debt advisory committee made up of the aforementioned department heads that will evaluate all debt issuances considered in the future.

R2: I agree without reservation. With the Board of Supervisors blessing my office would be happy to accommodate this request.

R3: I agree without reservation. As previously described in the foregoing, the county has approved and hired an internal auditor within the Auditor-Controller department.

R4: While I agree that transparency in government is of paramount importance, there are situations where expediency is appropriate if not preferred if the business is routine in nature. The Board of Supervisors, however, should not seek expediency when the item is non-routine or in some other way in need of greater discourse and discussion before being voted upon.

**A Need for Greater Public Transparency:
Civic Openness in Negotiations (COIN)**

Response to Findings Identified

F1: I agree in part and diverge in part. Although I am not party to all contract negotiations, and specifically not party to union negotiations, the county is represented by the Board of Supervisors whom are elected by the public to represent the public. There have been, on occasion, poorly negotiated contracts which may have been improved had constituent input been sought in the process. My interest primarily pertains to the inclusion of the auditor-controller's office in contract negotiations as I am the duly elected fiscal representative of the people with a specific interest in financial accountability. Additionally, we bring a unique perspective based on our technical training that generally adds value to any negotiated agreement.

F2: I agree without reservation.

Response to Recommendations Identified

R1: I agree with the concept, however I am not an expert on the impact of a COIN ordinance, especially as it is a new phenomenon in California. Although COIN was adopted in Orange County it was recently suspended due to pending litigation¹. The total impact of the ordinance on transparency and other espoused benefits is perhaps unclear at this time.

R2: I agree without reservation. As previously described in the foregoing, the county has approved and hired an internal auditor within the Auditor-Controller department.

Pursuant to §933(c), the Auditor-Controller as an elected official is also required to send a copy of this report to the Sutter County Board of Supervisors, after which they will have another 30 days to write their response. I am complying with that requirement. I trust that this response will likewise be distributed to all recipients of the Grand Jury's report and all recipients of the Board of Supervisors' response.

Sincerely,



Nathan M. Black, CPA
Auditor-Controller

cc: Sutter County Board of Supervisors
Sutter County Clerk-Recorder

NMB:jj

¹ Orange County Municipal Code Section 1-3-12(h) found at:
https://www.municode.com/library/ca/orange_county/codes/code_of_ordinances?nodeId=TIT1GOAD_DIV3PESA_ART1GEPR_S1-3-12CIOPNECO

Attachment D

Steven L. Harrah, CPA

Treasurer-Tax Collector



Christina N. Hernandez

Assistant Treasurer-Tax Collector

RECEIVED

July 5, 2016

JUL 05 2016

Honorable Brian R. Aronson, Presiding Judge
Superior Court of California
County of Sutter County

Office of the County Administrator
Sutter County

RE: Response to the 2015-2016 Grand Jury Final Report, Chevron Solar Energy Savings Project.

To begin I would like to thank and commend the members of the Grand Jury for their service to the citizens of Sutter County. It is through the hard work and time sacrificed by the members that provides oversight of the many and unique operations of the county, which in turn strengthen the county.

As required by California Penal Code §933(c) and §933.05, following is the Treasurer-Tax Collector's response to the Chevron Solar Energy Savings Project.

Findings

Finding F1: The BOS signed an agreement with Chevron ES to construct energy producing and energy saving devices on and within Sutter County facilities. Financing for the project was provided by PNC Equipment Financing, LLC in the form of a Master Lease-Purchase agreement spreading the repayment over fifteen years.

Response: The Office of the Treasurer-Tax Collector agrees with the finding.

Finding F2: The Master Lease-Purchase agreement stated that repayment would be considered to be Rent Payments under the lease. These payments would constitute an annual expense for the County.

Response: The Office of the Treasurer-Tax Collector agrees with the finding in that each payment represents principle and interest, an expense, of the capitalized lease agreement.

Finding F3: The Rent Payments are a part of the annual budget for the respective departments of the County, instead of project funds. By defining the payments as rent, it removed it from the Auditor-Controller's jurisdiction and independent oversight.

Response: The Office of the Treasurer-Tax Collector disagrees with this finding. The Auditor-Controller is responsible for the oversight of the County's accounting functions including oversight of the County's budget.

Finding F4: The largest photovoltaic array is projected to produce over half of the total power produced by all ten solar units. The site for this large array was the Sutter County Airport. However, the Federal Aviation Administration (FAA) advised the County that an extensive delay would be incurred while a site

July 5, 2016

Response to the 2015-2016 Grand Jury Final Report

Page 2 of 3

study was to be conducted to determine if there were any safety issues regarding the airport operations. This required an alternate site be selected.

Response: Finding F4 is not within the purview of the Office of the Treasurer-Tax Collector. The determination of facilities and land use falls under the purview of the General Services Department along with the CAO and County Counsel offices.

Finding F5: The second largest photovoltaic array is projected to product 16% of the total power. Its site at Mental Health also proved to be problematic with no alternative site yet to be determined.

Response: The Office of the Treasurer-Tax Collector partially disagrees with the finding. The photovoltaic array site at the Mental Health location was requested to be relocated or redesigned by the Building Committee, which is attempting to preserve the site for a possible future building site. The planned array was to be built on the ground. The committee believes and has requested that other options be investigated such as placing the array or a portion thereof on the roof of the Mental Health building and or covered parking structures.

Finding F6: In the rush to complete the Chevron Project, incomplete research resulted in the selection of "problem" sites for two thirds of the total projected energy production resulting in extensive delays and added expense to the County.

Response: The Office of the Treasurer-Tax Collector agrees with this finding. Had time been provided to fully research all possible sites for their pros and cons along with cost benefit, changes to the project would have been mitigated prior to the start of construction.

Finding F7 The BOS approved the CAO and the Assistant CAO sole access to the \$9.1 million escrow account to disburse funds for the Chevron Project. This was later amended by giving the Treasurer-Tax Collector and the Auditor-Controller sole access to the account.

Response: The Office of the Treasurer-Tax Collector agrees with the finding. Through a corroborative process involving the Office of the Auditor-Controller, Office of the Treasurer-Tax Collector, Office of the Assessor, members of the CAO office and a member of the Board of Supervisors the US Bank Escrow account was transfer to the control of the Treasurer-Tax Collector and with the Auditor-Controller providing checks and balance (internal controls) between the approval process and the release of funds.

Recommendations

Recommendation R1: Any future projects shall take advantage of all the resources available to the BOS. The Auditor-Controller shall be included. He was elected by the people of the County to act as an independent agent to prevent the opportunity for improprieties or the appearance of such improprieties.

Response R1: The recommendation has not yet been implemented. Solutions to implement this recommendation are currently in draft form and are expected to be brought before the Board of Supervisors for approval by September 2016.

Recommendation R2: Any future projects involving County funds shall always name the Treasurer-Tax Collector as the sole agent of the County to handle these funds. He was elected by the people to handle this responsibility and it is inconceivable that, in the original escrow agreement, he was excluded.

Response R2: This recommendation has been implemented by way of California Government Code.

Recommendation R3: In the future, adequate time for thorough research shall be allowed to avoid such expensive delays, as this project has experienced, costing the County hundreds of thousands of taxpayer dollars. (See lease payment schedule Attachment A)

Response R3: This recommendation has not yet been implemented. Currently through corroboration between department heads, both elected and appointed, processes and committees are being developed to bring the knowledge and talents of all to the table in developing future long-term projects. One such committee that has been formed and that is currently in place is the Building Committee.

This concludes the Office of the Treasurer-Tax Collector's response to the findings and recommendations of the 2015-2016 Grand Jury, Chevron Solar Energy Savings Project final report.

Respectfully submitted;



Steven L. Harrah, CPA
Treasurer-Tax Collector

cc: Sutter County Board of Supervisors
Curt Coed, Interim County Administrative Officer

The complete agenda, including backup materials is posted in the entrance of the County Office Bldg., 1160 Civic Center Blvd., Yuba City, and the County Library, 750 Forbes Ave., Yuba City. The Agenda Summary and Approved Minutes are also posted on the Sutter County Website at <http://www.SutterCounty.org>



**Board of Supervisors
County of Sutter**

AGENDA SUMMARY

November 16, 2004

**6:35 P.M. Closed Session
7:00 P.M. Regular Session
Board of Supervisors Chambers
Hall of Records Building
466 Second Street
Yuba City, CA 95991**

DAN SILVA, Chairman, District 5

**CASEY KROON District 1
DENNIS NELSON District 2**

**LARRY MUNGER District 3
JIM WHITEAKER District 4**

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. If you intend to speak on an issue, please submit a yellow Speakers Notice card to the Board Clerk. When the matter is announced, please approach the speakers' rostrum and wait to be recognized by the Chairman. Testimony should always begin with the speaker giving his or her name and place of residence. The times listed on the agenda are approximate and items may be brought up for discussion within a reasonable length of time before or after the time scheduled.

6:35 P.M. SPECIAL MEETING/CLOSED SESSION

1. Call to order and announcement of purpose of closed session: Existing litigation – Conference with Legal Counsel (Litigation has been formally initiated (Gov. Code, § 54956.9, sub. (a).) Name of Case: *Calpine Corporation et al. v. State Board of Equalization et al.* – Superior Court of California County of San Diego Case No. GIC 828751
2. Public Comment

7:00 P.M. REGULAR MEETING/CALL TO ORDER

- a) Roll Call
- b) Pledge of Allegiance to The Flag
- c) Presentation of California County Information Services Directors' Association Innovation Award for Best Information Technology Collaboration among Organizations to the Board of Supervisors, and award of Certificates to Information Technology employees Max Jenkins and Ken Sra

- d) Presentation of 30-Year Service Award Plaques to Sheriff's Department employees:
- 1) Undersheriff Bill Grove
 - 2) Lieutenant Gary Odom
 - 3) Captain Dearl Skinner

APPROVAL OF MINUTES

- 1) Approval of the minutes of the November 9, 2004 regular session

PUBLIC PARTICIPATION

Members of the public will be allowed to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been agendaized may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda. The Board requests that comments be limited to three minutes.

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered non-controversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chairman will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

Child Support Services

- 2) Approval of extension of official leave of absence without pay for an Account Clerk II

Community Services

- 3) Approval of amendment to subrecipient agreement with the Consolidated Area Housing Authority of Sutter County and approval of a Voter Transfer and related budget amendment
- 4) Approval of initiation of changes to the Sutter County Zoning Ordinance

Human Services – Health Division

- 5) Approval of retroactive advance step hire for Nutritionist for the Women's, Infants and Children (WIC) Program

Human Services – Mental Health Division

- 6) Approval of amendment to agreement with Sutter Health Sacramento Sierra Region (dba Sutter Center for Psychiatry for Short-Doyle Funded Inpatient Services)
- 7) Approval of amendment to agreement with Sutter Health Sacramento Sierra Region (dba Sutter Center for Psychiatry for Managed Care Inpatient Services)
- 8) Authorization for Assistant Director of Human Services for Mental Health to apply for a Dependency Drug Court Grant
- 9) Approval to delete an Office Assistant III position and add an Account Clerk III position
- 10) Approval to delete a Prevention Services Coordinator position and add a flexibly staffed Mental Health Therapist I/II/III position

Human Services – Welfare & Social Services Division

- 11) Approval of California Department of Education Contract (GAPP-4083, amendment 01) to increase the amount of State funded contract with California Department of Education for childcare for FY 2004-05

Public Works

- 12) Approval of purchase of an alarm system for the front counter at 1130 Civic Center Boulevard, Yuba City

APPEARANCE ITEMS

7:05 P.M. LARRY T. COMBS, COUNTY ADMINISTRATIVE OFFICER

- 13) Discussion and possible action regarding Board of Supervisors' waiver of closed session information relative to retirement benefits

7:10 P.M. JOANN DOBELBOWER, PERSONNEL DIRECTOR

- 14)
 - a. Approval of Resolution of Intention to amend the County's PERS agreement to provide for the 2.7% @ 55 retirement formula for miscellaneous members, to provide the 3% @ 50 retirement formula for safety members and transfer correctional officer classifications from the miscellaneous category to the safety category,
 - b. Authorization for the Clerk of the Board to execute the "Certification of Governing Body's Action" and the "Certification of Compliance with Government Code Section 78507,"

- c. First presentation of the enabling Ordinance, waiver of the reading of the full ordinance, and direction to the Clerk to read the title only, and
- d. First presentation of an ordinance to amend Section 52-596 of the Sutter County Ordinance Code relating to benefits for County Supervisors, waiver of the reading of the full ordinance, and direction to the Clerk to read the title only

CORRESPONDENCE NOT INCLUDED IN AGENDA PACKET

- 15) Invitation to an open house to celebrate the opening of Marysville Dialysis Center on November 30, 2004
- 16) Correspondence from State of California Department of Social Services regarding County Children's Trust Fund Share of Kid's Plate Revenue
- 17) Brochure from State Board of Equalization Taxpayers' Rights Advocate's 2003-04 Property Taxes Annual Report
- 18) Publication, The Park & Rec Trades, November 15, 2004

PUBLIC COMMENT

During this time, the public may comment regarding any item discussed by the Board during this meeting.

OTHER BUSINESS – BOARD OF SUPERVISORS

BOARD CONSIDERATION OF SYMPATHY OR HONOR OF CERTAIN INDIVIDUALS AND AGENCIES

CLOSED SESSION

A Closed Session may be held anytime during the meeting concerning pending litigation, personnel and/or employee negotiations.

BOARD COMMITTEE ASSIGNMENTS - November 15 – November 19, 2004				
Monday 11/15/04	Tuesday 11/16/04	Wednesday 11/17/04	Thursday 11/18/04	Friday 11/19/04
9:00 a.m. - SACOG	8:30 a.m. – Health/Welfare Committee 3:00 p.m. – Substance Abuse Advisory Board	9:00 a.m. – Emergency Medical Care Services Committee (EMCC)	12:15 p.m. – Library Comm 3:00 p.m. – SAFCA 4:30 p.m. – Y/S Transit 5:00 p.m. – Regional Waste 5:30 p.m. – Mental Health Advisory Board	10:00 a.m. Sacto Valley Air Basin Technical Advisory Committee

Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Clerk of Board at (530) 822-7106. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

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**Board of Supervisors
County of Sutter**

AGENDA SUMMARY

December 14, 2004

**6:45 P.M. Closed Session
7:00 P.M. Regular Session
Board of Supervisors Chambers
Hall of Records Building
466 Second Street
Yuba City, CA 95991**

December 16, 2004

**7:00 P.M. Study Session
Sutter County Health Department
Auditorium
1445 Veterans Memorial Circle
Yuba City, CA 95993**

DAN SILVA, Chairman, District 5

**CASEY KROON District 1
DENNIS NELSON District 2**

**LARRY MUNGER District 3
JIM WHITEAKER District 4**

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6:45 P.M. SPECIAL MEETING/CLOSED SESSION

1. Call to order and announcement of purpose of closed session: Conference with Labor Negotiator Joann Dobelbower: Sutter Deputy Sheriffs' Association, Sutter County Employees' Association, Sutter County Professional Firefighters' Association, and unrepresented employees of Deputy County Counsels, Assistant County Counsel, Management Unit including County Administrative Officer, Personnel Director, County Counsel and the Confidential Unit including Administrative Assistant/Assistant Clerk of the Board, Personnel Assistants, Office Assistant II-C, Administrative Legal

Secretary, Legal Secretary I-C, Executive Secretary-C and Board Clerks
(California Government Code Section 54957.6)

2. Public comment

7:00 P.M. REGULAR MEETING/CALL TO ORDER

Roll Call

Pledge of Allegiance to The Flag

Presentation of Gold Resolution to Sue Scholz upon her retirement

Presentation of Certificate of Appreciation to George Musallam for 15 years of service

APPROVAL OF MINUTES

- 1) Approval of the minutes of the December 2, 2004 study session and the December 7, 2004 regular session

PUBLIC PARTICIPATION

Members of the public will be allowed to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been agendaized may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda. The Board requests that comments be limited to three minutes.

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered non-controversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chairman will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

Board Clerk

- 2) Approval of re-appointment of Joe Krieg to the Sutter County Commission on Aging as District 5 representative

Child Care Planning Council of Yuba and Sutter Counties

- 3) Approval of Certification Statement regarding composition of Local Planning Council (LPC) Membership

Community Services Department

- 4) Approval of Land Conservation (Williamson Act) G & C Frye Enterprises, L.P. - Application #04-04

Human Services Department – Mental Health Division

- 5) Approval of contract with Milhous Children's Services, Inc. for adolescent residential services for FY 2004-05
- 6) Approval of contract with Full Circle Program for Therapeutic Behavioral Services for FY 2004-05
- 7) Approval of preparation of Gold Resolution for Richard Riley on the occasion of his retirement
- 8) Acceptance of \$500 donation from Century 21 Select Real Estate in Yuba City

Public Works Department

- 9) Approval of sale of County surplus personal property

Sheriff-Coroner

- 10) Approval of contract with Motorola for maintenance of 9-1-1 radio console, and approval of related budget amendment

PUBLIC HEARINGS

- 11) Public Hearing regarding Project #04-037 - request to amend the Criteria of Development for Rezoning # 01-12: P (Public) District; located at 7200 Butte Avenue, Sutter; A.P. #14-031-015; applicant/property owner – Sutter Cemetery District
- 12) Public Hearing regarding Project #04-018 – proposal for an amendment to the Subdivision Ordinance to add a new section pertaining to the subdivision or lot line adjustment of agricultural parcels for estate or financial planning purposes only; located Countywide; initiated by the Sutter County Board of Supervisors

NON-APPEARANCE ITEMS

Non-Appearance Items may be considered at any time; however, they are normally considered immediately following Appearance Items. Persons who wish to request that a Non-Appearance Item be set for a specific time should contact the Office of the Clerk of the Board prior to the Board meeting.

- 13) First presentation of an ordinance amending Sutter County Ordinance Chapter 75 – Children and Families Commission (proposed amendments deal with appointment of one member of the commission, and deletion of obsolete language); waive the full reading of the ordinance and direct the Clerk to read the title only

- 14) Second presentation and adoption of an ordinance of the County of Sutter amending the Sutter County ordinance Code Chapter 58 thereof relating to Public Employees' Retirement and amendment to contract between the Board of Administration California Public Employees' Retirement System and the Board of Supervisors County of Sutter and authorize the Clerk of the Board to execute the certification of governing body's final action
- 15) Approval of design for interior alterations to County facility leased to Casa de Esperanza , and waiver of building permit fees

CORRESPONDENCE NOT INCLUDED IN AGENDA PACKET

- 16) Agenda for meeting of Child Care Planning Council Executive Steering Committee on December 14, 2004
- 17) Assessors' Handbook Section 581 Equipment Index and Percent Good Factors
- 18) Agenda for Child Care Planning Council Quality Improvement and Capacity Building Committee for December 15, 2004
- 19) Agenda for Child Care Planning Council Community Outreach Committee for December 16, 2004
- 20) Agenda for Joint Powers Agency Governing Board for Sierra-Sacramento Valley EMS Agency for December 17, 2004
- 21) Agenda for Sutter County Planning Commission for December 15, 2004

PUBLIC COMMENT

During this time, the public may comment regarding any item discussed by the Board during this meeting.

OTHER BUSINESS – BOARD OF SUPERVISORS

BOARD CONSIDERATION OF SYMPATHY OR HONOR OF CERTAIN INDIVIDUALS AND AGENCIES

CLOSED SESSION

A Closed Session may be held anytime during the meeting concerning pending litigation, personnel and/or employee negotiations.

BOARD COMMITTEE ASSIGNMENTS - December 13 – December 17, 2004				
Monday 12/13/04	Tuesday 12/14/04	Wednesday 12/15/04	Thursday 12/16/04	Friday 12/17/04
<u>3:30 p.m.</u> Ag, Public Protection, General Govt. Comm.		9:00 a.m. Emergency Medical Care Services Comm.	<u>9:00 a.m.</u> – SACOG <u>12:15 p.m.</u> – Library Commission <u>3:00 pm</u> – SAFCO <u>4:30 p.m.</u> – Y/S Transit Authority <u>5:00 p.m.</u> – Regional Waste Mgmt.	<u>9:00 a.m.</u> – Sierra Sacto Valley EMS Bi-Mo. <u>10:00 a.m.</u> SACTO Valley Air Basin Technical Advisory Comm.

Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Clerk of Board at (530) 822-7106. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Division
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507

I hereby certify that in accordance with Section 7507 of the Government Code
the future annual costs as determined by the System Actuary and/or the increase
in retirement benefit(s) have been made public at a public meeting of the

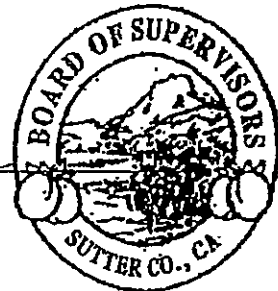
Sutter County Board of Supervisors of the
(governing body)

County of Sutter
(public agency)

on November 16, 2004 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

Nora McNamara
Clerk/Secretary



Deputy Clerk of the Board
Title

Date November 17, 2004

Attachment G



County of Sutter

Office of the County Administrator

1160 Civic Center Boulevard
Yuba City, California 95993
Phone: (530) 822-7100 Fax: (530) 822-7103

August 5, 2016

Honorable Brian R. Aronson
Presiding Judge
Sutter County Superior Court
1175 Civic Center Blvd.
Yuba City, CA 95993

Re: Invited Response to the 2015-16 Grand Jury Final Report
"A Need for Greater Public Transparency: COIN" Report

Dear Judge Aronson:

The Sutter County Grand Jury has invited the County Administrative Officer to respond to its Report entitled "A Need for Greater Public Transparency: COIN." The Sutter County Board of Supervisors will, as required by law, respond to the Report's findings and recommendations. My comments, which are not mandated by law, will focus on two issues. First, I am concerned that the Grand Jury, in its advocacy of a COIN (Civic Awareness in Negotiations) Ordinance, has misinformed the public about actions the County has and has not taken. Second, I will comment on the manner in which the Report was conducted, and suggest how it could perhaps have been improved.

1. On page 2 of its Report, the Grand Jury cites two examples of "... the County's adoption of contracts that imposed a significant financial obligation on the part of its citizens with a minimum of public review." The first example is the Board of Supervisors approval in 2004 of an enhanced retirement package for County employees. The second is the Board's approval of a contract in 2014 with Chevron Energy Solutions. In the following, I will focus on the second example.¹

According to the Grand Jury:

"On February 25, 2014, a \$10,500,000 agreement with Chevron Energy Solutions was approved by the BOS. The purpose of the agreement was to build a series of solar arrays, upgrade HVAC systems, and provide other energy saving improvements which were designed to reduce the County's energy costs. The system was designed and rushed through for approval without an independent financial analysis and with only minimal public input. The BOS even denied the request by the Sutter County Auditor-Controller to delay the vote until further study on the financial impact of the project could be studied." (Emphasis added by the Grand Jury.)²

¹ The 2004 pension issue was the subject of a separate report prepared by the Grand Jury. The Board of Supervisors will respond to that report's findings and recommendations, and I will comment upon it in a separate letter.

² The Auditor-Controller at the time this issue was considered by the Board of Supervisors was Robert E. Stark. He has subsequently retired and been succeeded in office by Nathan Black.

The Chevron project first appeared on the agenda for a Board of Supervisors' meeting on July 23, 2013. At that time a presentation was made by a County staff member and a representative of Chevron Energy Solutions. As is the normal practice, the agenda for this meeting, and a written staff report on this item, had been made available to the public five days earlier. The Board of Supervisors approved an agreement with Chevron Energy Solutions to develop a project plan for the County's consideration.

The Chevron Project next appeared on the Board of Supervisors December 10, 2013 agenda, approximately five and one-half months later. At this time, the Board was asked to set a public Board Study Session on the Chevron Project for January 7, 2014 and a Public Hearing on the proposed project for January 14, 2014. On the agenda for the January 7, 2014 Board of Supervisors meeting, an agenda item prepared by the County Administrative Office asked the Board of Supervisors to reschedule the Study Session for February 11, 2014 and the Public Hearing to February 25, 2014. The Board approved this rescheduling.

On January 23, 2014, the Board of Supervisors Public Works/Support Services Committee, which was composed of Supervisors Larry Munger and James Gallagher, met and discussed a report entitled "Adoption of Findings and Recommendations regarding Energy Savings and Generation Project prepared by Chevron Energy Solutions, adoption of a Contract with Chevron Energy Solutions, and approval of related Financing Agreement." Public notice of the committee meeting was given pursuant to the State's Open Meeting Law (i.e. the Brown Act).

The Board of Supervisors public Study Session was held as scheduled on February 7, 2014. At that time, a Chevron Energy Solutions staff member gave a detailed description of the proposed project and the Assistant County Administrator discussed the County's plan to pay for the project. A written report was provided to the Board of Supervisors and was available to the public.

On February 25, 2014 the Board of Supervisors conducted a Public Hearing on the project. A lengthy written report on the project set forth, among other things, the financial plan for the project and included all the requisite agreements and contracts. After the conclusion of the hearing, the project was approved by the Board.

In my mind, a project which appeared on the Board of Supervisors' publicly-noticed meetings five times over a seven-month period, was discussed during a publicly-noticed Board Committee meeting, was the subject of a public Board Study Session and, two weeks later, a publicly-noticed Board Public Hearing was not, as the Grand Jury asserts, "rushed through for approval."

As noted above, the Grand Jury also faults the Board of Supervisors for purportedly denying a request by the Sutter County Auditor-Controller to delay voting on the project until further study could be done on its financial impact. The facts do not support this assertion. The Board of Supervisors never denied such a request. In fact, we can find no evidence that the Auditor-Controller submitted the request in question. Further, it should be emphasized that, as a separate elected official, the Auditor-Controller could have prepared a report without the consent of the Board of Supervisors any time he chose to do so.

Frankly, I think the Grand Jury, however unintentionally, has greatly misrepresented the actions taken by the County Board of Supervisors on the Chevron project, and, in this case, poorly served the public.

2. In preparing its report, the Grand Jury indicates it interviewed three parties: the Sutter County Auditor-Controller, the Sutter County County Counsel, and the Sutter County Taxpayer's Association. While no one would object to these parties being interviewed, it should be noted that none of them are involved in actual public employee collective bargaining. Consequently, the Grand Jury may have received something of a limited perspective on this issue. I think the Grand Jury's Report would have been improved had they interviewed people (city or county administrators, human resources specialists, union members and representatives, etc.) who have direct experience in such negotiations. While they might have reached the same conclusions, the Grand Jury would at least have been exposed to perhaps different perspectives on the issue. When grand juries don't seek different viewpoints, they may create an impression that they were more interested in justifying a certain conclusion than conducting an objective study.

I am available to discuss my comments with anyone, including current or former grand jurors, who would like to do so.

Respectfully Submitted,



Curtis R. Coad
Interim County Administrative Officer

Cc: Sutter County Board of Supervisors
2015-16 Grand Jury Foreperson
2016-17 Grand Jury Foreperson
Sutter County Auditor-Controller