

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

2020-2021

ENDORSED FILED

JUN 25 2021

**Sutter County Grand Jury
Final Report**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTER
CLERK OF THE COURT
By JACKIE LASWELL Deputy**



Nicholas Micheli

Dan Flores

Mike Ziegenmeyer

Karm Bains

Mat Conant

District No. 1

District No. 2

District No. 3

District No. 4

District No. 5



County of Sutter
Office of the County Administrator

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April 27, 2021

The Honorable Susan E. Green
Presiding Judge of the Sutter County Superior Court
1175 Civic Center Boulevard
Yuba City, CA 95993

Dear Judge Green:

On behalf of the Sutter County Board of Supervisors, I am herewith submitting its response to the findings and recommendations of the 2020-2021 Grand Jury Report on Sutter County Code Enforcement.

The Sutter County Board of Supervisors and administration thanks the Grand Jurors for their service to the citizens of Sutter County. Grand Jury service requires a great amount of time and effort and each juror's dedication is truly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Smith", written in a cursive style.

Steven M. Smith
County Administrator

RECEIVED

JUN 25 2021

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER

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Sutter County Code Enforcement

The Board of Supervisors are required to respond to the report. The County Administrative Officer was invited to respond to the report. Below is the response from the Board of Supervisors, developed in concert with the County Administrative Office.

FINDINGS

Grand Jury Finding #1:

“F1: The County has been lacking in collecting fines from citations for the last three years.”

Grand Jury Finding #2:

“F2: The County has understaffed Code Enforcement for the last three years.”

Grand Jury Finding #3:

“F3: The County has been negligent in pursuing violations and citations for the last three years.”

Grand Jury Finding #4:

“F4: The County has been closing cases without inspecting them with no valid reason given.”

Grand Jury Finding #5:

“F5: Some legitimate complaints, possible citations and fines are being ignored.”

Response from the Board of Supervisors:

F1: The Board of Supervisors disagrees with this finding.

F2: The Board of Supervisors agrees with this finding.

F3: The Board of Supervisors disagrees with this finding.

F4: The Board of Supervisors disagrees with this finding.

F5: The Board of Supervisors disagrees with this finding.

RECOMMENDATIONS

Grand Jury Recommendation #1:

“R1: The Board of Supervisors require the County to collect or mitigate the outstanding fines before new policies take effect.”

Grand Jury Recommendation #2:

“R2: The Board of Supervisors have to hire additional code enforcement officers to adequately address the workload immediately.”

Grand Jury Recommendation #3:

“R3: The County Administrator inform the Board of Supervisors of the progress that code enforcement has been making at monthly board meetings starting immediately.”

Grand Jury Recommendation #4:

“R4: The County Administration publicly explain why each of the cases were closed without investigation within the next six months and reopen those cases for investigation, if the reason for closure was insufficient.”

Response from the Board of Supervisors:

R1: The recommendation will not be implemented because it is not warranted. The report identified \$1,143,991.15 in outstanding fines based upon a spreadsheet that was provided by the Development Services Department to the Grand Jury as the result of a Public Records Request. In consultation with Code Enforcement, consultant TRB+ Associates have indicated, based upon their experience and court rulings, that the County's Administrative Penalties Ordinance, Section 87, was incorrectly interpreted to accrue daily fines and is flawed as applied. TRB+ Associates advised that daily fines should be accumulated on any day that a site inspection is made, and an existing violation is confirmed. As a result of this guidance, the revised accrued fine balance is approximately \$168,000.

R2: The recommendation will be implemented by August 31, 2021. The Board of Supervisors approved an additional Code Enforcement Officer position at its meeting on April 27, 2021. Funding for the additional positions will be included in the FY 2021-22 Recommended Budget.

R3: The recommendation will not be implemented because it is not warranted. Instead, the Development Services Department will include a monthly summary of Code Enforcement activities on an agenda of the Board of Supervisors in the Correspondence section. The report will include information on new cases, existing cases investigated, existing cases closed, the number of administrative hearings held, and the value of

Sutter County Board of Supervisors Response to 2020-21 Grand Jury Report

administrative penalties collected and outstanding. The County Administrator will also verbally address the report as appropriate to update the Board of Supervisors on the progress of the program.

R4: The recommendation will be implemented by June 30, 2021.