

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF BUTTE  
ONE COURT STREET  
OROVILLE, CA 95965-3394  
(530) 538-7611**

**June 30,1999**

**1998-1999  
BUTTE COUNTY GRAND JURY  
FINAL REPORT**

The Grand Jury Final Report has been filed on this date pursuant to Penal Code Section 933. A copy of the report is enclosed. Your attention is invited to the following code section regarding the time requirements for comment to the report.

**PENAL CODE SECTION 933**

Section 933. [Findings and recommendations; comment of governing bodies, elective officers, or agency]

(a) No later than the end of each fiscal or calendar year of a county, each grand jury impaneled during that fiscal or calendar year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters other than fiscal matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. One copy of each report found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk.

(b) No later than the end of each fiscal or calendar year, each grand jury impaneled during that fiscal or calendar year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to fiscal matters of county government during the fiscal or calendar year of the county.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section

**914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.**

**(Amended by Stats 1987 c. 690 § 1; Stats 1988 c. 1297 § 5)**

**PENAL CODE SECTION 933.05**

**Section 933.05. [Grand Jury Reports; responses]**

**(a) For purposes of subdivision (c) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:**

**(1) The respondent agrees with the finding.**

**(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**

**(b) For purposes of subdivision (c) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:**

**(1) The recommendation has been implemented, with a summary regarding the implemented action.**

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

**(3) The recommendation requires further analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.**

**(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.**

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the supervising judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

[Added by Stats. 1996, c. 1170 §11

## 1998-1999 Butte County Grand Jury Final Report

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# 1998 - 1999 BUTTE COUNTY GRAND JURY FINAL REPORT

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## Final Resolution

WHEREAS, the 1998-1999 Butte County Grand Jury has concluded the business of its term and has reached certain conclusions; and

WHEREAS, the Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies and the citizens of Butte County;

BE IT RESOLVED that the attached reports, commendations, findings and recommendations are adopted as the Grand Jury Final Report and submitted to the presiding judge and the Superior Court of California, County of Butte to be entered as a public document pursuant to California law.

The above Resolution PASSED AND ADOPTED by the 1998-1999 Butte County Grand Jury in Oroville on the 25<sup>th</sup> day of June, 1999.

“... wherever the people are well informed they can be trusted with their own government, that whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights.”

-Thomas Jefferson, 1759

Butte County Grand Jury  
P.O. Box 110  
Oroville, California 95965  
(530) 538-7667

June 30, 1999

The Honorable Judge Gerald Hermansen  
Presiding Judge  
Superior Court of California, County of Butte  
One Court Street  
Oroville, California 95965

Dear Judge Hermansen,

It has been a pleasure to work with you and Judge Howell for the past two years. As a member of the 1997/1998 and 1998/1999 Grand Juries, I have learned so much! I appreciate the opportunity.

At the beginning of my term as Foreperson, I did not envision that the 1998/1999 Grand Jury would be able to meet the challenges of the previous Grand Jury. I was pleasantly surprised! This Grand Jury significantly changed the manner in which various departments were visited and reviewed. Previously, it was standard practice to visit as many departments as possible. Each committee decided to use a different approach by visiting fewer departments, but conducting a more comprehensive review. Our goal was to talk to every available employee about departmental operations. This turned out to be impractical, because some departments have hundreds of employees. It was decided to hand out a confidential questionnaire to sample opinions of the employees. We conducted personal interviews with those that returned the questionnaires and indicated a desire to speak with us. Response was almost overwhelming! Most employees were eager to express themselves about concerns that would not have been discovered by routine visits. We dismissed any concern that was singular in nature and concentrated on those that showed definite pattern.

Another innovation with positive results was to invite every department head and county supervisor to appear before the Grand Jury. Each invitee provided a wealth of information and helped new grand jurors get acquainted with departmental functions. Most department heads and supervisors were so eager to talk about their departments it was difficult to keep a specific time allotment. The experience was enjoyable for both department leaders and Grand Jury members. It is strongly recommended that future Grand Juries continue to invite department heads and supervisors to their early meetings.

A new bill that took effect on January 1, 1999, AB 1907, which authorizes the Grand Jury to transmit any (civil oversight) information to a succeeding Grand Jury, should prove to be a real asset to this and future Grand Juries. Prior to this bill any investigation that the grand jury was conducting had to be finished by the end of their term or dropped if they were incomplete. This has allowed us to take on investigations

that would normally be considered too time consuming to even look at. One particular investigation is the City of Oroville. Considering the circumstances and the fact that the investigation did not start until January of 1999, it is understandable that a problem of this magnitude could not be completed in a few months. This Grand Jury worked diligently on this investigation and probably won't be able to see the results until after our term has ended. Realization that the law has changed allowing us to pass all our information on, made it possible for us to feel we could go full speed into a investigation. Of course, we cannot guarantee that any future Grand Juries will be willing to continue on with an investigation.

I had the privilege of working with a very dedicated group of jurors. Their efforts are greatly appreciated. Only one original member resigned before our first meeting and it was not necessary to impanel an alternate during the year. Considering that an average of four members dropped out of previous Grand Juries, this appears to be quite an accomplishment! We had our health problems, medical operations and family concerns, but we made a commitment, and we saw it through.

Although every member contributed endless hours of work, I am especially appreciative of the committee chairpersons. Their willingness to put in extra time as dedicated leaders gave their committees a sense of direction. They were, in many instances, the ones responsible for writing the final report. To this dedicated group of chairpersons, I want to express my deepest thanks for their willingness to make this year a very productive one.

I am beholden to the following chairpersons.

Catherine Hendrix	Chuck Boydston
Marjorie Price	Mike Russell
Ken Singleton	Rick Storey
Rich Taylor	Steve Wilson

Another group of individuals served as Grand Jury Officers. They were always willing and able to assist in making our endeavors run smoothly and efficiently. They were often "one step" ahead of me. At times it seemed as if they could read my mind and would have things ready for me before I even knew they were needed. Thil Wilcox, a carry-over from the previous year, was my foreperson pro tempore. Thil was more than an officer; she was a friend. She was always willing to help out and willing to listen to my views about important decisions. Darlene Thomasson served as Recording Secretary. She was outstanding! Minutes of meetings were organized and detailed and provided a smooth transition from meeting to meeting. Kathe Westman-Roper was another carry-over from the previous year. Kathe served as Corresponding Secretary and contributed countless hours to the task. Rick Storey served admirably as Sergeant-At-Arms.

To the other members of the Grand Jury, Dave Blanchard, Kimberly Louis, Alan Seely, Paul Skripek, Bill Sperry and Paul Wilson, I thank you for all your time and effort in making this a great and productive year. So many helped in so many ways; sometimes it was a suggestion, sometimes it was a smile, and sometimes it was just offering to help in another way. Know that I am very appreciative of the opportunity to serve with each and every one.

My hope is that we have helped to make Butte County a better place to live. I wish I could properly relay to the citizens of Butte County the effort and the time that was put in by this dedicated group of citizens. Grand Jury members aren't required by law to serve; it is a willingness that has brought us here. Some people may not think that the Grand Jury has accomplished all that they had wished for, but I want those citizens to know that it wasn't from lack of effort.

Grand Jury members have very little experience that would help them prepare for this job. They have to learn as they go. Even with the help of the judges, county counsel, court staff, and the District Attorney, there are still a lot of roads we have to travel by ourselves. We have tried to be fair and to keep an open mind.

Finally, I would like to thank the courts and the citizens of Butte County for allowing me to serve. I especially want to thank the members of the Grand Jury for a great year and let you know what a privilege it has been to be your foreperson for 1998-1999.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Michelet".

Christine Michelet,  
Butte County Foreperson 1998-1999

# 1998-1999 Butte County Grand Jury Final Report

## ACKNOWLEDGMENTS

The 1997-1998 Butte County Grand Jury hereby acknowledges and thanks the following people and organizations for making our efforts and this report possible:

- All the judges of the Superior Court of California, County of Butte for support and guidance.
- Butte County District Attorney Mike Ramsey; County Counsel Susan Minasian and Chief Deputy County Counsel David McClain for their willing and timely support whenever requested.
- The staff of the Superior Court of California, County of Butte, in particular, court clerks and deputy jury commissioners Toni Jimenez and Synda Sayre and Rich Holst of the Jury Commissioner's office for their tireless and lifesaving administrative assistance.
- The court bailiffs whose reassuring presence provided for our well-being, always with humor and a good dose of institutional coffee.
- The Chico Police Department, the County Veterans Service Office and PG&E for providing regular meeting places apart from our home-away-from-home, the County Courthouse.
- Our endlessly patient, understanding and forgiving families, friends and employers who indulged us the opportunity to perform this service.

It is most appropriate to acknowledge the many department heads, officers and their staffs who made our task feasible. We found, for the most part, departments to be cooperative and enthusiastic about our visits, phone calls and repeated requests for information. Our demands of the leaders of Butte County often took time away from their busy schedules and pressing business of the County in order to answer questions, find materials and generally respond to our needs. We were generally well impressed by their professionalism, efficiency and abiding helpfulness. For this, the Grand Jury is enormously appreciative.

Finally, this Grand Jury is pleased to announce that this Final Report will be posted again on the Internet. The World Wide Web site is: <http://Helections.co.butte.ca.us>. We invite the public's response to this report (see Appendix VI), and we hope this use of technology continues to open doors to greater efficiency and effectiveness for future grand juries. Our heartfelt gratitude and appreciation go to Clerk-Recorder Candace Grubbs and the superb staff of the County Recorder's office for providing the web site and technical expertise to facilitate this milestone.

“Give us the tools and we will finish the job.”

*Sir Winston Churchill*

# **1998-1999 Butte County Grand Jury Final Report**

## **A BRIEF HISTORY AND OVERVIEW OF THE GRAND JURY**

**(-with appreciation to various other grand juries for much of the following information)**

### **What is a grand jury?**

The name of "grand jury" derives from the fact that the body usually has a greater number of jurors than a trial (petit) jury. The concept of the grand jury traces its roots to classical Greece. Ancient Athenians employed an "accusatory body" much as the Saxons of early Britain did. In fact, from 978 until 1016 one of the Saxon Domesday (laws) required an accusatory body of 12 for every 100 men. The accusing body was exhorted ". . . not to accuse an innocent man or spare a guilty one."

The modern European jury system began to evolve during the eleventh and twelfth centuries. As early as 1066, during the Norman conquest of England, courts summoned bodies of sworn citizens to investigate crimes that had come to their attention. Initially, these early juries both accused and tried suspects, and since the members of the accusing bodies were selected from small jurisdictions, they naturally presented accusations based on their personal knowledge.

During the reign of Henry II (1154-1189), juries were divided into two types-civil and criminal-with the development of each influencing the other. The oath taken by these jurors provided that they would faithfully carry out their duties, that they would aggrieve no one through enmity nor give deference to anyone through love, and that they would conceal those things that they had heard. By the year 1290, civil juries were given authority to inquire about the conditions of bridges and highways and to review the practices and conditions in the jails.

The Massachusetts Bay Colony impaneled the first American grand jury in 1635 to consider cases of murder, robbery and wife beating. By the end of the colonial period the institution of the grand jury was firmly fixed in America's new and ever-evolving system of government. Although the Constitution does not specifically mention grand juries, the Fifth Amendment provides the guarantee that "No person shall be held to answer to a capital, or otherwise infamous crime, unless on the presentment or indictment of a Grand Jury . . ." Grand juries were used in our early history to protest governmental abuses, to propose new laws and very often to determine who should face trial. Today, forty-two states have some form of grand jury, and California is one of the states that still allow prosecution to be initiated by either criminal grand jury indictment or by judicial preliminary hearing.

The California State Constitution calls specifically for the use of grand juries in the governance of the state, and in 1849 the California Legislature authorized grand juries in each county. The Legislature passed laws in 1880 that required grand juries to review and investigate the activities of county government, and in 1983 the State added municipalities and districts to the purview of grand juries. Beyond alleged misconduct of

## **1998-1999 Butte County Grand Jury Final Report**

public officials, just seven other states currently provide for grand jury investigations of county and city government. Only California and Nevada laws require the annual impanelment of grand juries with the specific civil duty of local government "watchdog." Certain larger jurisdictions-such as the Cities/Counties of San Francisco and Los Angeles-impanel separate criminal (indictment) and civil (watchdog) grand juries each year. Some counties impanel a separate criminal grand jury only when needed. The Butte County Grand Jury serves in both capacities.

### **How is the jury selected?**

**E**ach fiscal year the county superior court summons a large number of qualified citizens who have resided in the County for over a year and are at least 18 years of age. The court makes it clear that service on the Grand Jury is voluntary. Potential jurors should be reasonably intelligent, of good character, and must possess a working command of the English language. From the pool of willing candidates, the Court makes a good faith effort to select qualified men and women who are diverse in age and socioeconomic, ethnic and educational backgrounds, and who represent the varied geographic areas of the County.

Superior court judges and staff interview the body of qualified and willing candidates and choose 30 potential jurors. Nineteen members make up a full jury. At the discretion of the presiding judge, as many as 10 members from the previous year's jury may "holdover" or serve a second term. In order to constitute the full panel of 19, names are drawn at random, and new jurors are added to the existing holdovers. Jurors serve for a term of twelve months beginning in July. Over the course of the year and as necessary, alternates are called in sequential order from the pool of remaining potential jurors.

### **How does it work?**

**T**he presiding judge appoints a foreperson to preside at meetings. The Grand Jury organizes itself into officers and committees and determines which of the various departments and functions of county, city and joint powers government it will review. It also reviews compliance with the recommendations of previous Butte County Grand Juries.

Inquiries on the part of the jury, letters and complaints from citizens, and dictates of the State Penal Code collectively determine the jury's work. The Grand Jury aims to identify policies in government that may need improvement. All actions of the jury--including any communication from the public and all deliberations and votes--are completely confidential. The jury does publish a report of its significant findings and recommendations. The jury's final report, however, typically reflects only a small part of the jury's actual endeavors over the course of its term.

## **1998-1999 Butte County Grand Jury Final Report**

State law requires specific and detailed responses from departments upon which the jury renders findings and recommendations in its reports. Elected officials have 60 days to respond; public agencies have 90 days.

The work of a grand jury is demanding. Most members can expect to invest approximately 500 hours of time over the course of their term, but the work can be both gratifying and personally rewarding. Service on a jury leads one to a much-improved understanding of the organization and business of local government, and to the personal satisfaction of having contributed to its improvement. The grand jury experience provides a unique and valuable opportunity for community service.

## **1998/1999 Grand Jury Statement**

### **BACKGROUND**

The 1998/1999 Grand Jury was impaneled on July 9, 1998. Members collectively agreed to serve one year reviewing citizen's complaints regarding alleged improprieties of elected officials, investigating Butte County and City offices, visiting and inspecting detention facilities and serving in a "watch dog" role over county and local governments. Hopefully, this Final Report of the 1998/1999 Grand Jury reflects the diligence for responsibility of its members.

In addition to the yearly reviews of city and county offices, several individuals were called to testify on various matters of concern to Butte County citizens. Not all investigations reached conclusion. Some may be addressed by succeeding Grand Juries, if time permits. Because of time constraints, it is impractical to expect the Grand Jury to satisfy all the inquiries that were submitted.

The room to which we were assigned was too visible to the public and discouraged witnesses as they appeared before the Jury. The room was too close to the regular jury holding room, and discussions could be heard through the doors. At times, other jury panels were escorted through the room to other areas. Use of the room had to be scheduled in advance, thereby discouraging emergency impromptu meetings. A lack of storage for Grand Jury records required members to take material to their homes for safekeeping. The room is not exclusive to the Grand Jury, but also is used by members of the court staff.

Ordinary office supplies were not volunteered readily. Computer or typewriters were not provided. Members were obligated to use their own office equipment and supplies. This lack of support does not promote Grand Jury efficiency.

### **RECOMMENDATION**

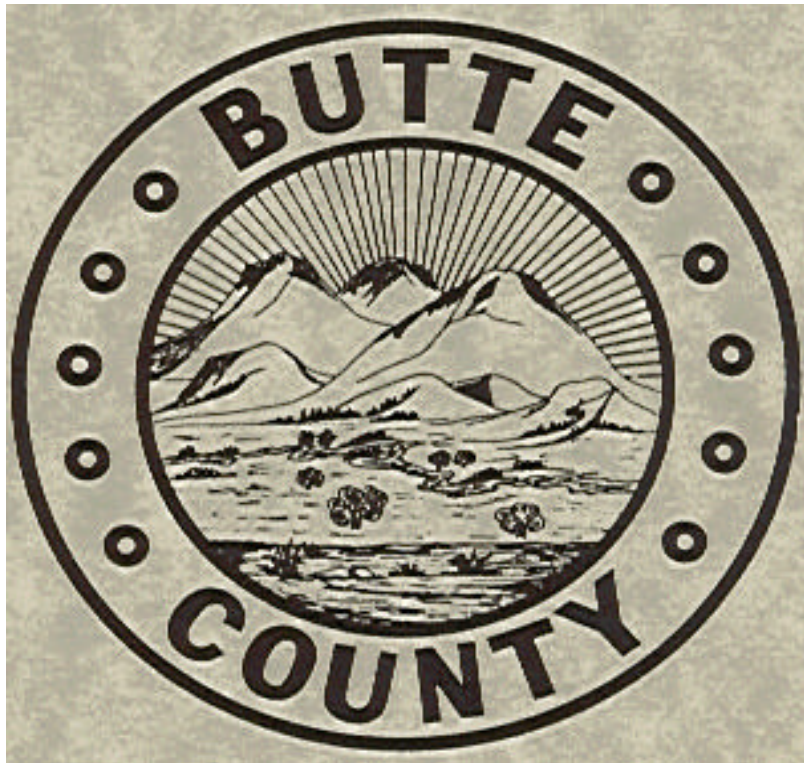
Grand Jury effectiveness will be enhanced with a secure meeting location away from the "jury" holding room. Office equipment, supplies, and secure file cabinets should be included to facilitate Grand Jury operations.

# FINAL REPORT

OF THE

BUTTE COUNTY  
GRAND JURY

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1998 -1999

# **1998-1999 Butte County Grand Jury Final Report**

## **Reports on Administrative and General Issues**

### **NOVEMBER 1998 ELECTION**

#### ***BACKGROUND***

The November, 1998 election afforded citizens in cities, towns and unincorporated areas of Butte County an opportunity to vote on a number of issues and candidates. Initially, the Oroville mayoral election resulted in a victory for the challenger. The incumbent requested a recount that reversed the previous outcome by five votes in favor of the incumbent. The staff of the Elections Office supervised the recount process with representatives of both candidates viewing the proceedings. Upon receiving several letters of objection, the Grand Jury considered a number of issues surrounding the process and decided that an investigation was in order.

#### ***INVESTIGATION***

Without prior notice to the Elections Office, the Grand Jury obtained a subpoena for all ballots and paperwork for the entire election. All ballots and precinct logbooks were seized and held under Grand Jury control for the duration of the investigation. This was done so that there could be no doubt that the condition of the ballots was never changed after it became known that the Grand Jury was investigating the election process. During the investigation, the Grand Jury looked into most aspects of the Oroville election. We also reviewed the election process for obtaining, counting and handling of used and unused ballots before and after the election. The Grand Jury looked at these issues with particular concern for ballot security at the precinct and at the Elections Office. We reviewed the manner in which an election is prepared, the process of ballot counting and issues surrounding recount procedures.

#### ***FINDINGS***

- Ballots in Butte County differ greatly from election to election. Before ballots can be printed, Butte County must notify the state to release a special printer paper for the purpose of printing the upcoming election ballots. The paper is weighed by the state prior to its release. The ballot printer then prints the number of ballots requested by the county. All waste paper is then reported by weight so that a match can be determined as to waste versus number of ballots printed. Each ballot is marked with water marks and other security information in order to prevent ballot tampering.

Ballots are then sent to the Butte County Elections Office and at the proper time distributed to the precinct officers to be taken to the polling places. Precinct officers are given the number of ballots that are needed at their polling places. At the end of the Election Day, precinct officers count the number of ballots used and the number unused to account for the number of ballots signed out to that polling place. This is done in writing so that a tally is returned to the Elections Office at

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the end of the day. A timed messenger takes all ballots to the Elections Office in a sealed container. In other words, the time that it takes to get from any particular polling place to the Elections Office is timed and a log is maintained.

When ballots reach the Elections Office, the sealed container is opened. A check of the precinct tally sheets is done to determine that the number of ballots checked out is the same as the number returned. Like ballots with like issues are placed together (Chico with Chico, Paradise with Paradise, etc.), and eventually a count is done by machine. The Grand Jury discovered that a Policy and Procedures Manual for the Elections Office does not exist. Too much policy-making is left to law or the Elections Code, which does not sufficiently address some issues.

- Most absentee ballots are machine counted at the Elections Office just prior to the closing of the polling places. The Grand Jury found an alarming number of absentee ballots that were not counted or were disallowed. Absentee ballots are clearly marked that they must be at the Elections Office no later than 8 p.m. the night of the election. Apparently, many voters think that an 8 p.m. postmark will suffice. It does not.

Absentee ballots trickled in to the Elections Office for days after the election deadline. Those ballots were not opened, and by law, were not counted. They are maintained in a sealed condition for twenty-two months and then destroyed. The Grand Jury also found that absentee ballots were marked with writing instruments other than a No. 2 pencil. Using a No. 2 pencil on a ballot is very important. The machine that reads the ballots reads the amount of graphite in the marks on the ballot. The machine reads the graphite density of a No. 2 pencil, but is not sensitive to graphite of other pencils or pens. Those ballots that are improperly marked are hand-counted by the election staff. This time-consuming process leaves room for human error at a very busy time in the Elections Office. The Grand Jury was impressed by the effort the election staff made to ensure that each vote counts. Coffee and food stains on absentee ballots are not uncommon, making the counting of absentee ballots time-consuming and difficult.

The special pens that were provided to mark ballots at the polling places may have caused some to believe *any* pen would be suitable. The “special” pens have the required amount of graphite to allow a counting machine to read the markings on the ballot.

- The change in the Oroville mayoral election was caused by only a few factors. When a recount is requested, the recount is done by hand, whereas the original count is done by machine. A representative of each party is present during the recount and is able to see each ballot. Each party has the right to challenge any ballot that they think should or should not be counted. At the completion of the recount, the Butte County Registrar of Voters views those contested ballots and decides how they will be counted. Contrary to what the final count appeared, the race did not rest on just a few votes. A number of votes went for and against each opponent during the recount. Many of the questionable ballots were over-votes (a

## **1998-1999 Butte County Grand Jury Final Report**

voter voted for more than one person in the race) or under-votes (no one received a vote). Other ballots were marked in such a manner that the machine read a vote for one of the candidates, but when a hand count was done, it was unclear as to voter preference. This situation occurred for and against both candidates.

The Grand Jury inspected each of the contested ballots and concurred with the Registrar of Voter's decision as to the way each of the ballots should be counted. In almost every case, the absentee ballots were marked with something other than a No. 2 pencil or marked in such a manner that the ballot had to be disallowed because it was impossible to determine the voter's selection.

Concern over ballots being re-used is unfounded. Each ballot is unique to that election. The fact that ballots are different colors for each election and the issues are different from election to election makes the re-use of ballots impossible.

Use of absentee ballots is increasing in Butte County. It is the belief of this Grand Jury that any means to allow people to vote should be encouraged; however, voter education and awareness are crucial to the voting process. Using a No. 2 pencil and delivering ballots on time are essential parts of the absentee voter's responsibility. A large number of absentee ballots were not counted in the November, 1998 election due not to problems with the Elections Office, but rather to the fact that ballots were not delivered on time as required by law. Absentee ballots can be delivered to the Elections Office prior to 8 p.m. on the night of the election, dropped at any polling place or mailed in advance of the election. If a ballot is mailed the day of the election it will not reach the Elections Office in time to be counted.

- The Grand Jury learned that more than one hundred voters who voted on other issues chose not to vote in the Oroville mayoral race. They chose to leave their ballots blank. If ever there was an indication that each vote counts, this is a good example.
- Concern about improper use of emergency absentee ballots is unfounded. Complaints were presented to the Grand Jury regarding the use of these and the effect that they had on the election. Absentee ballots from hospitals, rest and care facilities in Oroville were also considered. The Grand Jury found that only six such ballots were cast and those six votes were cast prior to the first vote count. It was determined that those ballots were not a factor in the eventual outcome of the election.
- The Grand Jury found no wrongdoing or fraud in the Elections Office of the Butte County Registrar of Voters.

# **1998-1999 Butte County Grand Jury Final Report**

## ***RECOMMENDATIONS***

The areas of concern discussed in this report had no bearing on the November, 1998 election outcome. For future elections the Grand Jury makes the following suggestions to ensure that no complaint can be made as to ballot security.

1. Currently after an election, ballots are put in two rooms in the Elections Office. The ballots are under the control of members of the election staff. The Grand Jury found that as many as ten keys to these two rooms may be in possession of Butte County employees. The Grand Jury requested, but has not received, a list regarding both the number of keys and the names of the employees with keys to the rooms used to hold the ballots. Rooms that hold the ballots should be kept on a card lock system. A record of persons going in and out, dates, and times should be kept as a means of security.
2. Currently, ballots are placed in unsealed boxes after the final count. These boxes should be sealed so that any tampering would be obvious
3. The Grand Jury strongly recommends that a Policy and Procedures Manual be implemented as soon as possible. It should include, but not be limited to the following items: 1.) Establish a recount policy. 2.) Establish a method to secure ballots. 3.) Establish an office policy regarding the handling of public complaints. 4.) Establish a list of authorized personnel with access to ballot storage rooms. 5.) Assign a limited number of keys to authorized personnel and keep a record of those persons allowed access to the security rooms.

## ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Registrar of Voters
- Butte County Administrative Office

## **DEPARTMENT OF PUBLIC WORKS**

### ***BACKGROUND***

The Butte County Department of Public Works is responsible for construction and maintenance of county roads and bridges, land development and engineering, public transit, maintenance of County Service Areas and repair and service of county vehicles. Public Works is also responsible for the supervision of solid waste disposal.

## **1998-1999 Butte County Grand Jury Final Report**

The committee toured the office facilities, equipment maintenance operation, traffic control division and main county yard. During our visitation, the Grand Jury issued 112 confidential questionnaire forms that were to be distributed to all employees. We were seeking information, suggestions and ratings of various areas of their employment. We received 63 completed responses, many with positive comments.

### ***FINDINGS***

The employee questionnaires identified the following problem areas:

- Low morale. There seems to be difficulty with communications between staff and management.
- Lack of job training. Many workers expressed a desire for additional training to improve their employment positions and the need for proper training on new equipment.
- Computer equipment and electronic inter departmental communications are under-utilized. However, recent developments indicate computers are now being used online with other departments.
- Concerns about high staff turnover were expressed.
- In comparison with other counties of similar size, pay scales were found to be in average range.

During a visit to the Corporation yard on County Center Drive, on April 13, 1999, it was discovered that the existing underground fuel storage tanks need to be removed and new ones installed.

### ***RECOMMENDATIONS***

1. The Grand Jury finds that Public Works needs clearly defined goals, procedures and policies accessible to all employees.
2. Management needs to be pro-active in improving morale and motivation.
3. The questionnaires from the 1998-1999 Grand Jury will be passed on to next year's Grand Jury. It is recommended that new questionnaires be issued one year later to note improvement.
4. Continue to train all employees in the areas needed to fully utilize computer equipment.
5. The underground fuel tanks problem has not been resolved. The County needs to make the decision to replace the tanks or remove them completely and commit to card lock facilities.

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## ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Development Services Director
- Butte County Director of Public Works

## **COUNTY OFFICES**

### **Administrative Offices**

### ***BACKGROUND***

The Committee conducted a survey of all the offices in the complex at 25 County Center Drive. During our visitations, we became concerned over fire and emergency safety. Each office had an evacuation plan posted. The offices on the first floor (with one exception) had at least two exits, one into the atrium and one to the outside. The second floor offices have irregular and minimal exits.

### ***FINDINGS***

- The County Administrator's Office has three exits: the main entrance, one to the Board of Supervisors' chamber and one through the back. All three end up in the hall around the Board of Supervisors' chamber, or back into the building.
- The District Attorney's main office has three exits, but all open out onto the balcony in the atrium. Exits are down the east stairs to the first floor inside the atrium or the west stairs to the outside by way of the balcony inside the atrium.
- The District Attorney has two other offices on the second floor. One has two exits, the other has one, but all open to the balcony.
- Purchasing has only one exit --onto the balcony.
- Personnel has two exits – onto the balcony.
- Inspection of the complex was accomplished with the aid of the City of Oroville Code Enforcement Manager/Fire Marshall. (His response follows in Appendix 5 of this report.) A County Emergency Services Officer responded with a quote from Title 8 of the California Code of Regulations, Section 3228 (b) Title 8 "...in all occupancies, floors above the first story having an occupant load of more than 10 shall have not less than two exits."
- No response has been received from CDF.

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- **Contact with Building and Maintenance indicated that plans for the second floor were implemented after construction of the first floor had begun. This may account for the lack of adequate fire and safety planning for the second floor.**

### ***RECOMMENDATIONS***

1. The Grand Jury strongly urges all departments to address concerns for the safety of their employees.
2. A stairway should be installed from the second floor to ground level at several strategic locations.
3. Exiting doors should not be blocked by office furniture.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Administration
- Butte County Emergency Services Office
- Butte County District Attorney
- Butte County Purchasing Director
- Butte County Personnel Director
- Butte County Buildings and Maintenance
- CDF Fire Chief

“Let us have faith that right makes right; and in that faith lets us to the end dare to do our duty as we understand it.”

\_\_\_Abraham Lincoln

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## **Office of the County Counsel**

### ***BACKGROUND***

The County Counsel serves as chief legal counsel to the Board of Supervisors, County departments, the courts, some special districts of the county, The Butte County Association of Government, LAFCO, and boards and commissions created by the Board of Supervisors.

The Committee checked on the general operation of the offices, how they were adhering to their budgets and how the office staff is working for the public. This year the office of the County Counsel was reviewed in depth. We conducted one-on-one interviews with the County Counsel office employees. Questionnaires were given to each member of the staff. Those returned were used to evaluate staff morale and efficiency.

- The offices were well organized and appeared to run in an efficient manner. The staff seemed to be comfortable in their jobs and morale was very high. The returned questionnaires supported this observation.
- The Grand Jury was well received during our announced and unannounced visits. Staff members answered all our questions without hesitation. We are satisfied the operations of the department are being conducted to the benefit of the citizens of Butte County.

### ***RECOMENTATIONS***

Emergency exits should be provided and identified as such.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Counsel
- Butte County Emergency Services Offices

## **Purchasing**

### ***BACKGROUND***

The Purchasing Office is responsible for the operation of a centralized purchasing function serving all county departments. The office also controls the disposition of surplus equipment, maintains vehicle ownership records and licenses for all vehicles.

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In review of the Purchasing Department, the Committee found it in the middle of a change in procedures, up-date of computers and the arrival of a new person in charge. Employee interviews indicated morale was very high. The new department head was very enthusiastic about his job and all the things he is planning to upgrade his department.

### ***FINDINGS***

- The office space has only one entrance, which is acceptable according to the California Code.

No further comments or recommendations at this time.

## **CITY GOVERNMENT**

### ***BACKGROUND***

The Committee visited three mayors this year. Mayors Bertagna, Hubb, and Rothchild of Chico, Paradise, and Biggs respectively, were impressive in their concerns for their constituents. Each share common needs as well as having unique situations calling for exceptional planning for the future. They appeared to be anxious to address the problems surrounding and within their communities.

### ***FINDINGS***

#### **CHICO**

- The Chico City Council developed better communication with city and county agencies through the forming of the Inter-Government Committee. This round table discussion group is opening better forms of communication.
- The city is planning for any needs that might arise concerning Y2K. An emergency plan is in place and the council is attempting to present a positive and unified model of leadership in the community.
- The city is working hard to resolve the mutual aid issues between the Chico fire department and the CDF, and hopefully, will be settled before the end of our term.

#### **PARADISE**

- According to Mayor Hubb, the Town Council has prepared for any problems that might arise during a Y2K emergency.

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- Although the council has addressed staffing of the Fire and Police Departments, issues surrounding pay and retention is of major concern.
- The council realizes the need for road repair
- The council has been researching a replacement system of cluster type sewage processing for businesses on Clark and Skyway.

### **BIGGS**

- The council says it has prepared for possible Y2K problems.
- Resources found in the schools and churches are providing activity for the youth of the community.
- Efforts to develop better inter-governmental relationship with the county are ongoing.
- The city is working in conjunction with Butte County Social Services to provide activities and meals for senior adults.

### ***RECOMMENDATIONS***

Paradise needs to solve the issue of pay and retention of the Fire and Police Departments.

### ***REQUESTED RESPONDENTS***

- Paradise Town Council

### **AUDIT AND FINANCE**

#### ***BACKGROUND***

The Auditor/Controller's Office is the chief accounting department of the county. Responsibilities include the accounting of county revenues, expenditures, assets, liabilities, fund balances and related fiduciary responsibilities in accordance with law and generally accepted accounting principles. This department is also responsible for providing accurate and timely financial information to the Board of Supervisors, other county offices and Butte County residents.

## **1998-1999 Butte County Grand Jury Final Report**

A committee of Grand Jury members met with Butte County Chief Administrator, John Blacklock; Butte County Auditor and Controller, Dave Houser; and Butte County Assessor, Ken Reimers, in order to gain first-hand appreciation of their administrative duties. Each administrator provided general explanation on the functions of his particular segment of Butte County government.

### ***FINDINGS***

- Mr. Blacklock was very agreeable to conducting a tour of his office while explaining his responsibilities. With his permission, the Committee distributed questionnaires to office personnel. All returned questionnaires indicated positive responses to questions about training, communication with supervisors, office morale and personal job satisfaction.
- Mr. Houser explained that the County Administrator works together with his office to prepare the Proposed County Budget for each fiscal year. The Committee requested a monthly fund balance report for expenses charged to the Grand Jury's budget allotment. In August 1998 Mr. Houser assured the Committee that the information would be forthcoming in a regular and timely manner. The Grand Jury did not receive the promised information until Judge Hermansen interceded in late April of 1999.
- Mr. Reimers stated that the State of California had randomly selected Butte County for a review. The County Assessor's Office received a general-purpose Financial Audit for the year ending June 30, 1998. Macias, Gini & Company, certified public accountants from Sacramento conducted the audit. The audit/report was addressed to the Board of Supervisors and the Butte County Grand Jury, but it is a public record document and is available to anyone.

### ***RECOMMENDATIONS***

1. The Grand Jury has no recommendations for the Butte County Chief Administrator's Office.
2. The Grand Jury has no recommendations for the Butte County Assessor's Office.

### ***REQUESTED RESPONDENTS***

- Butte County Auditor/Controller
- Butte County Board of Supervisors

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## **REVIEW OF LOCAL AGENCY FORMATION COMMISSION**

### ***HISTORY AND BACKGROUND***

At the end of World War II California experienced a tremendous population increase, which resulted in sporadic formation of cities and special service districts. Special districts first arose to meet the water needs of farmers in the San Joaquin Valley. They cover services from A to Z: Airports to Zoos and have dramatically increased in number and scope. Enterprise districts render services that are run like a business enterprise: they provide services which are used by individual customers. For example, water districts charge water rates to their customers. Non-enterprise districts provide services that don't lend themselves to fees. Activities such as fire protection and mosquito abatement benefit the entire community, not just individual citizens.

In the 1963 Commission on Metropolitan Area Problems recommendations, *resulted* in the creation of Local Agency Formation Commissions (LAFCO) operating in each county. LAFCO's are responsible for, coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify and streamline governmental structure and preparing a Sphere of Influence for each city and special district within each county. The Commission's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

A section of the California Government Code exist to provide LAFCO with its powers, to "approve or disapprove with or without amendment" proposals concerning the formation of cities and special districts, and changes in jurisdiction or organization of local governmental agencies. This power is pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Government Code section 56100, et seq. (amended 1990). They were also given authority to make studies of existing governmental agencies in an effort to improve efficiency of urban services. As of 1994, LAFCO was given the authority to initiate proposals that include the dissolution or consolidation of special districts, or merging of existing subsidiary districts. In California there are 57 LAFCO's working with nearly 4,000 governmental agencies in 57 counties, 500+ cities, and 3000+ special districts. Of the top 21 counties, Butte County stands at second highest in the number of Special Districts.

### **BUTTE COUNTY LAFCO**

Butte LAFCO consists of a seven-member Commission composed of two members of the County Board of Supervisors; two members representing cities in Butte County; two members representing the independent special districts in Butte County; and, one public member, from the general public. As per Memorandum of Understanding, staff from the County Planning Department supports Butte County LAFCO.

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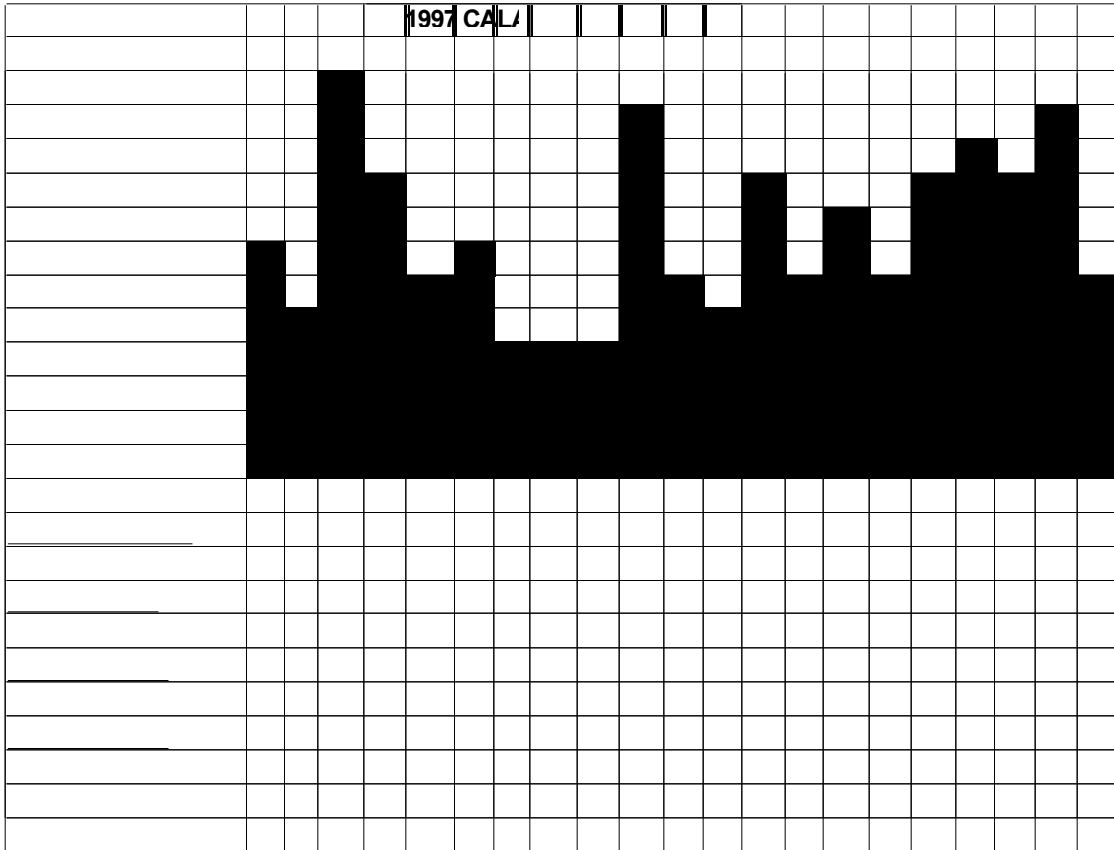
### ***FINDINGS***

- There is a Memorandum of Understanding (MOU) between the County of Butte and LAFCO for services of an Executive Officer and Support Services. Under Government Code Section 56375 (m), LAFCO is given the power to appoint and contract for staff and support services as necessary to carry out their functions. Pursuant to Section 56380, all expenses of LAFCO are also a county charge.
- Because LAFCO staffing isn't reflected as a budget item it is left to the discretion of the Department of Developmental Services. In 1995 LAFCO made known its concerns that staff was falling short of its mandates due to manpower shortages. They requested additional staff hours and a compromise amendment to the MOU was submitted to the Board of Supervisors. The amendment designated the Executive Officer at 75% time, LAFCO Clerk at 100% and a planning staff member at 50%. However, County Administration removed the item from the Board Agenda due to concerns about a possible budget shortfall. Administration was concerned that an amendment to the MOU would "lock in" increased LAFCO staffing at a time when county funding was an issue. The Commission agreed to remove the item with the understanding that staffing levels would be increased informally. The Commission has not requested the Board of Supervisors increase staffing since 1995.
- With over 150 County Special districts, it takes sufficient staff to cover all actions of various districts. If staff is insufficient, it is understandable how events such as the Lime Saddle Community Service District dissolution didn't happen until ten years after they sold their water delivery system. In order to meet their mandate, to see that county services are provided efficiently and economically, the commission needs to have the ability to review special districts on a regular basis.

### ***RECOMMENDATIONS***

1. The Grand Jury wishes to commend the Local Agency Formation Commission and in particular its staff for the amount of work that they do with the somewhat limited staff time allowed under the existing Memorandum of Understanding. We strongly recommend that the current MOU be amended to reflect the 1995 requested staff time percentages as well as consider increasing the total staff hours so they can meet their mandate.
2. Because of the high number of special districts in the county, the Grand Jury recommends that all districts be reviewed for compliance with their mandate of record on a periodic basis.

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### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Administrative Office
- Butte County Department of Developmental Services
- Butte County LAFCO

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**Reports on County Law Enforcement Agencies**

**BUTTE COUNTY JAIL**

***BACKGROUND***

As part of its responsibilities, the Grand Jury is charged with inspecting the county jail facilities at least one time per year and providing a report on its conditions.

The 1998-1999 Grand Jury made two visits to the Butte County Jail. The first visit was announced; the second was not.

On October 8, 1998 the full Grand Jury conducted an inspection of the Butte County Jail facility that was built in 1965. Sgt. Mike Thompson, who guided our inspection, was very helpful answering questions and assisting us in any way that we requested. All areas of the jail were open for our inspection.

On March 9, 1999 members of the Grand Jury conducted a second, unannounced visit to the jail. Admittance to the facilities was without incident and all areas made available. Once again, all areas were clean. Construction of new facilities was still apparent, but completion is expected in June of 1999. On this day, the jail was at full staffing levels. Of the fifty-one officers employed, thirty have less than two years on the job.

***FINDINGS***

- Currently, the booking and male inmate areas are being remodeled. However, no plans exist for a remodel of the women's area. This is due in part to the much larger population of male inmates vs. female inmates. Female inmates are usually housed twelve to a cell and males are housed forty to a pod (dormitory). Each pod contains 20, two-man cells.

Each female inmate is assigned a bed and each cell has a TV that is controlled by inmates from within the cell. During our visit many of the female inmates were interviewed. They were allowed to speak to us without being closely monitored by staff. The inmates were open and often frank about conditions in the jail. The inmates most often voiced complaints about poor food, bad television program choices, and a lack of special programs such as *Alcoholics Anonymous* and *Narcotics Anonymous*. At no time did any prisoner complain about treatment by jail staff.

The TVs are placed in a common viewing area, and inmates may choose what is watched. One area of concern is for staff and prisoner safety. It was noted that cable and electrical cords that plug into the TVs are accessible to the prisoners. The staff pointed out that prisoners have used these electrical plugs to light smuggled cigarettes. The cords could also be used as weapons against staff, jail

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personnel, and might even be used to cause personal injury.

The male inmate areas are set up as pods. Showers and TV are provided in the common areas. Inmates are allowed out of their cells into the common pod area on a rotating basis. The areas were clean and well maintained. Cameras are used to monitor the pod areas. Usually, only one guard works in the monitoring room and may be responsible for observation of more than one hundred inmates.

- Responding to concerns about the food at the jail, the Grand Jury visited the kitchen area and spoke to the food services manager. He was very helpful and answered all questions. The areas used to store the inmates' food are clean and well maintained. Because food is prepared in advance, we were able to inspect the actual meals served to inmates. Meals seem to be well planned and nutritious. The manager takes a great deal of pride in his work and makes food purchases in 90-day cycles, while always attempting to get the most for the money spent. Concerns about food quality by inmates were found to be unjustified.

- Inmates in the Butte County Jail also complained about the fact that medical care costs are three dollars per visit to the jail's medical facility. The charge to the inmate is based on ability to pay. If an inmate does not have the three-dollar amount required for a medical visit, they still get the care they require and are not charged for the visit or for medical needs like aspirin, bandages etc. In response to complaints by prisoners, members of the Grand Jury visited the jail's medical office and care facility. We also met with the jail's physician assistant. The facility was clean and seemed to be well managed. Apparently, the medical needs of inmates are met in a conscientious manner. The three-dollar charge to an inmate for medical attention seems justified and may constitute a bargain for a majority of the inmates. Concern over medical costs was found to be unwarranted.

- In discussion with jail staff, it was noted that the jail often has a shortage of personnel. Because of the shortage, at times unsafe conditions may exist for personnel and inmates. On the day of the Grand Jury visit, mandatory overtime was in effect. Some members of the staff were working under extreme hardship because of the "mandatory" condition. Extended hours away from home, family, and lack of adequate rest were common complaints.

- This Grand Jury spoke to Sheriff Scott McKenzie about inmates' requests for implementation of programs such as *Alcoholics Anonymous* and *Jail Outreach*. Sheriff McKenzie acknowledged the implementation was under consideration.

### ***RECOMMENDATIONS***

1. The Board of Supervisors should make every effort to correct the staffing shortage and address concerns about losing personnel because of low wages. While the recent pay increase for deputy sheriffs was much needed, the same

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recognition and pay increase is needed for jail staff. Longevity pay and shift differential are areas that must be addressed in an effort to keep staff in Butte County. After minimal training by Butte County, jail staff is able to obtain employment in neighboring counties at a substantially higher rate of pay. Possible recruitment of Butte County Jail Personnel by other counties is cause for immediate concern.

2. Enclosed electrical outlets for TVs in the women's facility must be installed to prevent injury to personnel and inmates. Accessible wall outlets may cause fire or injury. Enclosed outlets would alleviate the problems caused by exposed electrical cords.

3. The inmate monitoring station is under-staffed. One officer should not be expected to adequately observe the activities of the many inmates. Staff assignments should include additional staff for the monitoring station.

### ***COMMENDATION***

The Grand Jury concluded that even with severe personnel shortages, the Butte County Jail is managed and staffed by strongly dedicated individuals who are attempting to insure public safety for the citizens of the county.

### **JUVENILE HALL**

#### ***BACKGROUND***

It is the Grand Jury's duty to inquire into the condition and management of Butte County's Juvenile Hall. To that end, the Grand Jury made an unannounced visit on a day that court was in session. Previous Grand Jury reports were used to examine potential problems and to judge the county's response.

#### ***INVESTIGATION***

The Grand Jury was allowed immediate access to all areas in the facility.

Using information obtained from previous Grand Jury reports, inquiries were made as to staffing levels at busy times. On the day we visited the facility adequate numbers of staff were available to handle the influx of people for court and the supervision of those juveniles detained in the facility. Inquiry of staff indicates that staffing levels are not a concern at this time. The Grand Jury discovered that Juvenile Hall has 29 staff members and the ability to call in 29 "extra help" staff members as well. Juvenile Hall maintains a daytime staffing level of one staff member to each 10 in custody. At night the staffing

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level is one staff member for every twenty in custody.

The Grand Jury inspected the kitchen and interviewed kitchen staff. The kitchen though very small, was clean and well maintained. The kitchen staff obviously takes great pride and care in preparing the menu.

During our inspection of “A” unit, we found that the patio outside of this area does not have razor wire at the top of the fences. Further we found that the door leading outside is blocked with a couch. None of the staff knew why the fences were not secured with razor wire nor how long this situation had existed. We also found that the hot water in the bathrooms of “A” unit was very hot. In fact, it was felt that the water was so hot as to be unsafe. This situation had been noted in the staff’s daily log prior to our arrival and we mentioned it to them. We were assured that the situation would be corrected at once.

As mentioned, Juvenile court was being held on the day that we visited. The caseload for the morning calendar was 53 cases to be heard from approximately 8 a. m. to noon. There were 50-60 criminal cases scheduled for the succeeding two weeks. It was discovered that among the cases being heard were cases of alleged sex crimes, car thefts, drug possession, driving under the influence, and violation of probation. We discovered that this caseload is rather consistent from week to week.

As part of our investigative process we spoke to members of staff and several of those who are detained in the facility. On a few occasions, incarcerated youth confided to members of the Grand Jury that drugs are easy to obtain within the Juvenile Hall facility. Though reticent to discuss all of the details we were assured by more than one person that this information was truthful. Personnel are not trained in drug recognition. It is important that personnel be trained to identify drug properties and to notice physical effects of drug use.

At the time of our inspection, the age range of children in the facility was from eleven to seventeen. Each person has his/her own room with a bed. This facility was built to hold 60 people, On this day 59 were in custody. It was discovered that it is not uncommon for “double bunking” to occur whereby several more people are held than the facility was meant to provide for. Many of those in the facility were being held for drug related charges.

Addressing the security in the facility, we found that the metal detector was not in use as intended, because of building material interference at the main entrance. It is stored in the kitchen storage area. Family members are allowed into the facility on court days without adequate drug or weapons searches. Family members are even allowed physical contact with those being held in custody. Statements from some of those held in custody suggest this as a means for the introduction of drugs and other types of contraband into the facility.

At least two previous Grand Juries commented on the cramped conditions and lack of safety in the courtroom at Juvenile Hall. For this reason we inspected the “court room”

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to what had been done to improve the unsafe situation. The room in which “court” is held measures 12’ X 20’. There are two small tables to seat the Judge, two members of the court staff, a prosecuting attorney, a defense attorney and a defendant. The attorneys are seated only 3 feet in front of the defendant’s family. The room was not large enough to hold all of the people needed in court and the visiting Grand Jury. The proximity of defendants and family to the court staff is hazardous to everyone. This “court room” has more in common with a “closet” than a court of law! Members of the Grand Jury were appalled at the unsafe conditions. Furthermore, because of the volume of cases, defendants are required to sit on the floor in a hallway for several hours awaiting their trial. Due to inadequate security at the entrance, personnel are subjected to possible violent acts from defendants.

### ***FINDINGS***

- Staffing levels at Juvenile Hall are adequate at this time.
- The kitchen area appears to be sanitary and the preparation of meals is supervised with dietary care.
- The patio area of Unit A is not secure and allows for possible escape. Furniture is blocking some doors.
- There exists a possibility that those incarcerated within Juvenile Hall may obtain illicit and illegal drugs.
- Juvenile Hall personnel are not trained in the identification of illegal drugs or the physical signs of drug use.
- Family members and others, are allowed contact with those youths in custody. Obviously, This promotes the possibility for passing weapons and drugs. Inadequate means are used to search members of the public who enter Juvenile Hall.
- Apparently, the materials used at the entrance to Juvenile Hall interferes with the metal detector functions.
- Previous Grand Jury recommendations concerning “court room” problems have been ignored!
- Despite unsafe conditions, Juvenile Hall personnel are functioning at a satisfactory level.

### ***RECOMMENDATIONS***

1. Razor wire should be installed on the outer fences of Unit A. Exit doors must not be blocked.

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2. Hot water should be monitored and maintained at a safe temperature. Immediate steps should be taken to insure that drugs and other contraband are not introduced into the Juvenile Hall facility by any means.
3. Immediate action should be taken to insure that drugs and other contraband are not available in Juvenile Hall.
4. The metal detector should be used for weapons detection to insure the safety of youth and personnel. Additional methods for weapons surveillance should be developed.
5. Until the dangerous situation that exposes staff to precarious conditions in the “court room”, the County Board of Supervisors and Butte County Administrative Officers should attend a full “court day” at Juvenile Hall to assess and appreciate the situation. Consideration should be given to controlling large, mad and out-of-control teenagers in a court environment. The “court room” is too small, inadequate and unsafe for all. Provisions for remodeling or expanding the building should be a primary consideration.
6. A review of the problem areas of Juvenile Hall should be a priority of the 1999/2000 Grand Jury.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Administrative Offices

“I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it.”

*Thomas Jefferson*

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## **Report on Veterans Issues**

### **VETERANS MEMORIAL HALLS**

The Grand Jury met with concerned county veterans about rental rates and required liability insurance for veterans halls. They feel that rate increases cause a significant decrease in non-veteran use. It is the opinion of many local veterans that these actions discourage non-veterans (as well as veterans) use of the hall. This might lead to claims that the halls were underutilized and thus justify any efforts to eliminate county responsibility for, or sale of, the halls.

### ***BACKGROUND***

The 1996-97 and 1997-98 Grand Juries addressed issues relating to the county's Veterans Memorial Halls. Crucial to the complex problem is that the county-operated Memorial Halls (Biggs, Chico, Gridley, Oroville and Paradise) fail to comply with current building codes and requirements of the Americans with Disabilities Act (ADA).

The California Military and Veteran's Code (Section 1266) places certain restraints on the county's ability to transfer and or dispose of the halls. In short, the code states that whenever a county has provided and maintained any building for use or benefit of veterans associations, it may not revoke the dedication unless it finds substitute facilities.

Considerations of the county revolve around the fact that the Military & Veterans Code governing Memorial Halls was adopted in 1957 at a time when Butte County could still raise local property taxes (prior to Proposition 13) for the support of the Memorial Halls. Section 17514 of Government Code (SB 90) precludes the county from claiming the Memorial Hall costs as an unfunded state mandate.

With respect to previous Grand Juries' recommendations, the county has been able to transfer title of the Durham Memorial Hall to the Durham Recreation and Parks District in December 1996.

### ***FINDINGS***

- With Butte County having a veteran population in excess of 20,000 the Grand Jury finds that the veterans groups have reasonable concerns for the continued availability of Memorial Halls.
- On the other hand, the county has the burden of maintaining older buildings that don't meet current standards (ADA and Building Code). They do so with falling rental revenues and rising maintenance costs.
- Various Memorial Hall Committees determine the hall rental rates. These committee members are nominated by the Commander/Commandant of the recognized veterans organizations and appointed by the Board of Supervisors.

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- In response to previous Grand Jury recommendations the County Veterans Council unanimously voted to reject the proposal to lease or purchase a centrally located ADA compliant building for all veterans organizations. The Board of Supervisors took action and accepted the council's recommendation.

### ***RECOMMENDATIONS***

The Grand Jury is sensitive to the county veterans desire to have halls in the same proximity as their existing halls, so we would strongly recommend that the county continue to actively investigate possibilities of transferring titles of halls to local parks and recreation districts as was done in Durahm.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Veterans Service Office
- Butte County Administrative Office

“A long habit of not thinking a thing wrong,  
gives it a superficial appearance of being right.”

\_\_Thomas Paine

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## **Report on Districts and Commissions**

### **LIME SADDLE COMMUNITY SERVICE DISTRICT**

On behalf of concerned county residents the Grand Jury looked into the dissolution process of the Lime Saddle Community Service District initiated by petition of registered voters in the district. Butte County Local Agency Formation Commission (LAFCo) was handling the process.

#### ***BACKGROUND***

The district, which consists of 2,750 acres along Pentz Road south of Paradise, was formed in 1973 at the request of the property owners. The sole purpose was to develop a water supply for the residents of the district. The district managed to supply a limited water conveyance system but little progress was made toward a complete comprehensive water delivery system to serve the entire district. The system was sold, along with the district's water entitlements, to Del Oro Water Company in 1989. Del Oro also assumed the district's debt (\$235,000) of Davis-Grunsky Act funds used to finance the water service.

Although the district is no longer in the water business, it is legally required to collect taxes and has now accumulated over \$250,000 in tax revenues. Taxes amount to around \$38,000 a fiscal year.

Two years ago LAFCo (having statutory oversight jurisdiction over districts) proceeded with hearings and commissioned Braitman and Associates to study the status of the district and its possible dissolution. In January 1999 LAFCo unanimously voted to dissolve the controversial district, stipulating that the County Board of Supervisors make a commitment to actively pursue the goal of providing the district with an enhanced water supply.

In May 1999 LAFCo put the dissolution on hold for 30 days as the district tries to reach agreement on how the districts water issue should be resolved.

#### ***FINDINGS***

- A section of the California Government Code provided LAFCo with powers, procedures and functions to make studies of existing governmental agencies to improve efficiency.
- Water rights for the district were sold over ten years ago and until LAFCo started the hearings for dissolution there was little or no action being taken to secure a water delivery system as per the original mandate. The district could have gone to LAFCo to be given new authority or tried to buy back the water delivery system from Del Oro. They did neither. The Government Code mandates that if a

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district has not performed its function, it can be dissolved.

- Butte County apparently has unused water entitlements from Lake Oroville. A delivery system is needed to move water from the Lime Saddle Marina at Lake Oroville to the Lime Saddle District and then connect with the Paradise Irrigation District (PID) in the northern end of the district. This solution would serve the needs of both Lime Saddle and Paradise districts.

### ***RECOMMENDATIONS***

The Grand Jury wishes to commend LAFCo and its staff for the many hours devoted to the Lime Saddle Community Service District dissolution. This is a complex issue and we feel that the commission has made the right decision to dissolve the service district. Some concern exists that the Board of Supervisors may not be willing to commit the staff time needed to bring the pipeline to completion. The amendments to the motion for dissolution called for a commitment by the Board of Supervisors to earmark the accumulated funds from the district to improve the water supply. We strongly recommend that the Board of Supervisors commit to the steps necessary to engineer, find funding for and proceed with a water supply project.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Department of Developmental Services
- Butte County Administrative Office

“To many people are ready to carry the stool when the piano needs to be moved.”  
\_\_Anonymous

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## **Report on Health Education and Welfare**

### **DEPARTMENT OF SOCIAL WELFARE**

#### ***BACKGROUND***

Since Health, Education and Welfare cover such a broad scope, the committee chose to focus on the Department of Social Welfare for an in-depth study. Early in the year, the committee met with Assistant Director-Administration Bob Mjoen, and Assistant Directors-Multi Program Cathi Grams (south county) and Donna Gaghagen (north county). At that time, many changes were occurring in the field and new funding was available. The department was in a period of great transition. The Butte County Employment Center in Chico had recently opened its doors. Many services are now under one roof and are available to north county clients for the first time. A site has been chosen in Oroville for a similar one-stop facility for south county clients.

In order to gain input from workers, a survey was sent to five hundred employees of the Department of Social Welfare, and one hundred seventy five were returned. Eighteen survey respondents agreed to meet and talk with committee members. After reading the surveys and hearing the concerns of those who came forward, the committee visited the new Butte County Employment Center in Chico and the three facilities in Oroville serving south county clients. We then held meetings with Personnel Director Don Turko and Social Welfare Director Pat Cragar to address questions raised in our investigation.

In response to a recommendation made by the 1997-98 Grand Jury, the committee subpoenaed and reviewed a randomly selected case that entered the Children's Services Division system after January 1998 to determine whether or not new legislation had improved the placement-decision process. Committee members then met with CSD Program Manager Mike McIver to review and update the case and to discuss concerns that had been raised in the survey.

In this investigation, many hard-working, dedicated employees who genuinely wanted to improve the quality of client services worked with us. Many were struggling with the stress of change due to new state and federal mandates. Though most workers felt that reform was necessary, the transition had been swift, and workers were left feeling that efficiency had been sacrificed.

#### **FINDINGS**

- In the new north county facility in Chico, the configuration of the work stations is such that eligibility workers have to have their backs to clients in order to use their computers. This is partly due to the requirement that clients within the cubicle must be able to read information on the screen pertaining to their cases. In the new Oroville facility this problem will be addressed by placing the workers at a ninety-degree angle from their clients. This modification will allow workers to face their clients, thus creating a more friendly and safe work situation.

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- The reception desk in the Chico facility is too high for clients in wheel chairs, requiring them to circle around the desk to find an area where the counter is lower. No Americans with Disabilities Act posters were displayed at any of the sites visited.
- The Employment Development Department serves the entire public, including Department of Social Welfare clients. Though local and state job openings are available on-line, county job-listings are not.
- Adult Services Department and Children's Services Department workers are expected to use their own vehicles and insurance for work in the field. Though some county cars and 4-wheel drives are available, there aren't enough of them, and they frequently break down. This situation is stressful and lowers morale.
- Many workers felt that caseloads are unequal. One example cited was that of four workers: two had four cases each; two had fourteen cases each. This perception also lowers morale and causes burnout.
- Immediate Response CSD workers often find themselves supervising children while trying to place them. This can go on for long hours and into the night.
- In the Personnel Department's recent reclassification study, some workers claim they were told to say they had been doing work that they had not done in the past year while other workers were told to remove references to some duties they had been performing.
- A promotional list was established by testing worker's qualification. Some workers were unhappy because they were passed over in favor of less qualified personnel. In some cases, workers not on the list were promoted. Workers were even more disgruntled when the list was prematurely abolished at the request of the Social Welfare Director.
- Many workers felt that training was inadequate, especially for new hires. The committee was pleased to learn that, since the survey, a five-week training course has been funded for new employees. In addition, training for working with drug babies is now available. Workers also believed that supervisors needed training to update their understanding of the realities of a changing work climate.
- At the time of our survey, workers were just going on-line with the new CMS/CWS statewide computer link. Many were not adequately trained some were not even computer literate. Reports were lost and not always retrievable, and many felt their work suffered due to the time spent trying to make the program work. Since the survey, northern counties computer-training center has been opened in Glenn County and many Butte County workers have been sent there for training. New user-friendly formatting software has also helped workers to adapt to the new program.

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- At the same time many workers were struggling to master CMS/CWS, workers in the Adult Services Department had another problem. They had no computers.
- Computers that had been received for ASD use were not the correct kinds and had to be returned. ASD is still without computers.
- Upon reviewing the subpoenaed case from CSD, the committee was impressed to see how well the new legislation impacted the way in which the case was resolved. Clients were connected with collateral services, they cooperated, and the case was closed without further incident. As representative citizens, we were satisfied that the final placement made in this case was appropriate.
- Many agencies work with children in the social welfare system. Yet communication between these agencies is often lacking. Some attempts have been made lately to set up a policy council of department heads that make decisions about children.

### RECOMMENDATIONS

1. The configuration of the Chico facility workstations should be altered in the same manner as those in the proposed facility in Oroville, so these employees may also face their clients.
2. The reception desk at the Chico center should be modified to allow clients wheelchair access to needed services without having to go around to the rear. Americans with Disabilities Act posters should be prominently displayed at all facilities.
3. The County Personnel Director should work with the Director of Social Welfare and her partner agencies to insure that job seekers have computer access to county job listings through the CALJOBS system.
7. While it may not be financially feasible at this time to provide each worker with a county car, first priority for vehicle usage should go to workers in the field, rather than to management. If management would use their private vehicles and insurance, thus freeing more cars for workers, morale would soar.
8. Though management prefers to assign caseloads intuitively, cases do vary in size and scope. Use of a weighting system would serve to ameliorate the workers' perception that caseloads are unbalanced. We recommend that the weighting system now available in the *CMS/CWS* system be used with room for "intuitive adjustments" where needed.
9. ER/IR workers must be able to do their work knowing that the needs of their traumatized wards are being addressed. A Children's Receiving Home, which

## **1998-1999 Butte County Grand Jury Final Report**

has existed in Butte County in the past, should be funded. Until this more permanent arrangement can be made, case aides, available on call, should be provided immediately.

7. While it is understandable that management needs to change job descriptions and reconfigure its work force to meet new mandates, a reclassification study should be based on fact. Workers reluctant to come forward with information about surveys that were changed are urged to talk to Don Turko, who will guarantee confidentiality and protection.

8. The perception that the promotion process is fair is very important for morale. If lists need updating, a policy should be in place to allow this to happen without the appearance of arbitrary or preferential treatment to a select few. Otherwise, the process is compromised and viewed as an empty exercise.

9. Due to societal changes in the work environment, a policy should be implemented to see that supervisors experience the field every three to five years as part of their ongoing training.

10. Computers for ASD should be ordered immediately.

11. A Policy Council including the Director of Social Welfare, the Director of Behavioral Health, the Director of Public Health, the Chief Probation Officer, the Superintendent of Schools, and a representative judge from Superior Court should be formed and should meet on a regular basis in order to best serve the needs of young county clients.

### ***COMMENDATIONS***

The Health, Education and Welfare Committee commends all the people we worked with for their dedication and hard work.

### ***REQUESTED RESPONDENTS***

- Butte County Board of Supervisors
- Butte County Department of Social Welfare
- Butte County Department of Personnel

“The only thing necessary for the triumph of evil  
is for good men to do nothing.”  
— Edmund Burke (1729-1797)

## APPENDIX I

### 1998-1999 Butte County Grand Jury Final Report

#### Summary List of Final Report Respondents

<b>County Board of Supervisors</b>	<b>Elections Office Report, County Offices Report, Audit and Finance Report, Department of Public Works Report, Butte County LAFCo Report, Juvenile Hall Report, Memorial Halls Report, Districts and Commission Report, Department of Social Welfare Report</b>
<b>County Department of Social Welfare</b>	<b>Department of Social Welfare Report</b>
<b>County Veterans Service Office</b>	<b>Memorial Halls Report</b>
<b>County Registrar of Voters</b>	<b>Elections Office Report</b>
<b>County Administrative Offices</b>	<b>Elections Office Report, County Offices Report, Butte County LAFCo Report, Juvenile Hall Report, Memorial Halls Report, Districts and Commissions Report</b>
<b>County Director of Public Works</b>	<b>Department of Public Works Report</b>
<b>County Developmental Services</b>	<b>Department of Public Works Report, Butte County LAFCo Report, Districts and Commissions Report</b>
<b>County Emergency Services Office</b>	<b>County Offices Report</b>
<b>County Counsel</b>	<b>County Offices Report</b>
<b>County District Attorney</b>	<b>County Offices Report</b>
<b>County Purchasing Director</b>	<b>County Offices Report</b>
<b>County Personnel Director</b>	<b>County Offices Report, Department of Social Welfare Report</b>
<b>County Buildings and Maintenance</b>	<b>County Offices Report</b>
<b>CDF Fire Chief</b>	<b>County Offices Report</b>
<b>Paradise Town Council</b>	<b>City Government Report</b>
<b>Butte County LAFCO</b>	<b>Butte County LAFCo Report</b>
<b>Butte County Audit/Controller</b>	<b>Audit and Finance Report</b>
<b>Oroville City Council</b>	<b>Appendix V--- Special Assignment</b>
<b>City of Oroville Personnel Director</b>	<b>Appendix V--- Special Assignment</b>
<b>Oroville City Administrator</b>	<b>Appendix V--- Special Assignment</b>

## APPENDIX II

### 1998-1999 Butte County Grand Jury Final Report

#### **Partial List (by committee) of Offices, Departments, Boards and Commissions Visited, Interviewed, Observed, Reviewed, Investigated or Consulted by the Jury**

##### Audit and Finance

- Butte County Auditor/Controller
- Butte County Chief Administrator
- Butte County Assessor's Office

##### City Governments

- City of Oroville City Council
- Town of Paradise
  - Town Council
  - Mayor's Office
- City of Chico
  - City Council
  - Mayor's Office
- City of Biggs
  - City Council
  - Mayor's Office

##### County Offices

- County Clerk/Recorder/Registrar of Voters and Elections Office
- County Personnel Department
- Public Administration, Public Guardian
- County Board of Supervisors

##### Districts & Commissions

- Local Agency Formation Commission
- Veterans Memorial Halls
- County Planning Department
- Chief Administrative Offices

##### Emergency Services/Law Enforcement

- Chico Police Department
- Paradise Police Department
- Juvenile Hall
- Butte County Jail

## **APPENDIX II (Continued)**

### **Health/Education & Welfare**

- **Department of Social Welfare**
- **Department of Mental Health**
- **Personnel Director**

### **Public Works**

- **Public Works Administration**
- **Butte County Yard and Storage**

# Appendix III

## 1998-1999 Butte County Grand Jury Final Report

### Membership of the 1998-1999 Grand Jury (at close of term)

<b>Christine L. Michelet, Foreperson</b>	<b>Gridley</b>
<b>Thil Wilcox, Foreperson Pro Tempore</b>	<b>Oroville</b>
<b>Darlene Thomasson, Recording Secretary</b>	<b>Chico</b>
<b>Kathe J. Roper, Corresponding Secretary</b>	<b>Forest Ranch</b>
<b>Charles "Rick" Storey, Sargeant-At-Arms</b>	<b>Chico</b>

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<b>David C. Blanchard</b>	<b>Paradise</b>
<b>Charles B. Boydstun</b>	<b>Magalia</b>
<b>Catherine B. Hendrix</b>	<b>Chico</b>
<b>Kimberly A. Louis</b>	<b>Oroville</b>
<b>Marjorie H. Price</b>	<b>Chico</b>
<b>Michael D. Russell</b>	<b>Chico</b>
<b>Alan R. Seely</b>	<b>Oroville</b>
<b>Kenneth E. Singleton</b>	<b>Paradise</b>
<b>Paul D. Skripek</b>	<b>Chico</b>
<b>Willis T. Sperry</b>	<b>Oroville</b>
<b>Richard C. Taylor, Jr.</b>	<b>Chico</b>
<b>Kathe J. Roper</b>	<b>Forest Ranch</b>
<b>Paul A. Wilson, Jr.</b>	<b>Paradise</b>
<b>Steve P. Wilson</b>	<b>Paradise</b>

# Appendix IV

## RESPONSE FROM CODE ENFORCEMENT/FIRE/MARSHALL

Discover Gold—Discover Oroville

1735 Montgomery Street

Oroville, CA 95965-4897

Building/Code Enforcement/Fire Protection, Planning and Prevention

TELEPHONE: (530) 538-2425

March 24, 1999

Butte County Grand Jury

Post Office Box 11 0

Oroville, California 95965-01 1 0

### CONDITIONS OBSERVED DURING AN INSPECTION ON MARCH 22, 1999 AT BUTTE COUNTY ADMINISTRATION CENTER

In response to your request for an inspection for fire and life safety in certain areas of Butte County Administration and a report of same, I submit the following:

The County Counsel's office was our first stop and while the normal course of business does not call for the office area to be occupied to its maximum capacity the potential does exist. The possibility for maximum occupancy of a room or space is the fundamental upon which the exiting provisions of the Building Code are written.

The County Counsel's office is large enough to require a second exit. This is especially important in light of the potential for blockage of the only exit available by someone who may have violence in mind. Some exploration of the building plans would reveal the most appropriate location for a second exit from the Counsel's office, but I do think that one would be advisable. This is particularly important considering the fact that the door into the Counsel's lobby area requires a key or operation of an electric release to open the door for leaving. In the 1994 Uniform Building Code at Section 1004.3, it reads as follows: "Exit doors shall be openable from the inside without the use of a key or any special knowledge of effort," which gives us the condition of use for an exit door whether it provides access to a lobby or outside.

I understand and appreciate the reason for security in certain offices at the administration center but I am concerned about the ability of the employees to leave in an emergency. It is for this reason that I would like to emphasize the necessity of an alternate exit from the County Counsel's office area.

The balance of the facility (Administration Center ) had exiting suitable for the occupant load in the offices that we visited but I was concerned about the fact that virtually all of the employees on the second level are required to exit through the atrium which if exposed to some toxic gas or biological agent would compel the employees to submit themselves to potential death or damage. When this facility was first built little thought was given to terrorist activity but the realities of modern life dictate that these things must be considered. I realize that second exits from the upper level at the Administration Center directly to the outside present myriad problems, not the least of which is financial, but I thought it worthy of mention since my opinion was sought.

I trust that I have been of some help and thank you for the opportunity to provide some measure of service. If I may be of further help to you please do not hesitate to let me know.

Sincerely,

David E. Noel

Code Enforcement Manager/Fire Marshal

## Appendix V

### City of Oroville Personnel Policy Special Assignment

Acting on complaints from Oroville citizens the Grand Jury investigated the personnel policies of the City of Oroville. The issue at question was whether new employees could be granted vacation credits in excess of that allowed by City Personnel Rules and Regulations or existing Memorandum of Understanding (MOU)

#### **BACKGROUND**

New employees were hired on 8 Aug. 1995 and 11 June 1996 and were initially given four weeks vacation credit as per testimony and verified by an auditors report by Davis Hammon & Co. dated 5 Nov. 1998. Personnel Action Forms for these employees dated 10 July 1997 show changes in vacation credit from 4 weeks to 3 weeks. Three weeks would still be one week more than the existing MOU or Personnel Rules and Regulations then, or now, allow.

- I. City of Oroville Personnel Rules and Regulations dated 8/3/87 states:  
Section 3. *“An employee shall be entitled to his/her earned vacation leave after being in continuous service for twelve (12) calendar months. On the anniversary date of the employee’s first year of service he/she shall be entitled to two (2) calendar weeks (10 working days) of vacation leave.”*
  
- II. Resolution #5298 MOU between the City of Oroville and the Association of Mid-Management Employees dated 12/19/95 states:  
Section 11.1 *“Two (2) weeks (ten(10) working days) with pay if the employee shall have been in service of the city for a period of one (1) year or more but less than five (5) years prior to such anniversary date.”*  
Current MOU dated 6/16/98 shows no changes in Section 11.1
  
- III. Resolution #5228 dated 8/19/97 Personnel Rules and Regulations states:  
Section 10.2 *“...on the anniversary date of the employee’s first year of service he/she shall be entitled to two (2) calendar weeks (10 working days) of vacation time.”*
  
- IV. The auditor’s report dated 20 November 1997 states:  
*“As expressed to us, vacation granted in excess of the City’s adopted Personnel Rules and Regulations was permitted under provisions which state ‘... considerable latitude shall be given the City Administrator and the Personnel Officer in the interpretation of these rules...’”* This comes from Resolution #5102 dated 7/2/96 which states: *“WHEREAS, at the same time, within the limits of administrative feasibility, considerable latitude shall be given the City Administrator and the Personnel Officer in the interpretation of these rules:”*

## Appendix V (continued)

This paragraph was deleted in its entirety under Resolution #5228, passed and adopted on August 19, 1997.

Current City Rules and Regulations under 17.1 Appeals **indicates where there is a conflict with the City Rules and Regulations, the City Charter , City Code, or the Memorandum of Understanding will prevail. Clearly, this was meant to be consistent with current labor law in that the prevailing authority over conflicts would rest with the negotiated labor contract (MOU).**

### ***FINDINGS***

The majority of scholars in the field regard long standing plant practices as incorporated into the collective bargaining contract unless expressly negated by its terms. Long standing policy on vacation credits in the form of Personnel Rules and Regulations would be in effect until changed by a new MOU. In the present case, language in the form of Resolution #5102 has been loosely inturpited to meet these change requirements. This language was removed the next year by Resolution #5228.

“A union-management contract is far more than words on paper. It is also the oral understandings, interpretations and mutually acceptable habits of action which have grown up around it over the course of time... If any of these mutually acceptable methods of effectuating the contract become undesirable to either party, it should obtain the consent of the other party to revise the contract, accordingly...” **Coca Cola Bottling Co., 9 L.A. 197**

### ***RECOMMENDATION***

Collective Bargaining issues are not the type of issues authorized under Grand Jury jurisdictions. But, in order to ensure similar treatment for those who compete for original employment and promotion, it would be the recommendation of this Grand Jury that the City negotiate with the Association to develop language to change the MOU to reflect any desired vacation credit changes before they are implemented. Likewise, this issue would fall to the Association representing the employees to work for corrective action.

### REQUESTED RESPONDENTS

Oroville City Council  
City of Oroville Personnel Director  
Oroville City Administrator

