FILED
Superior Court of California
County of Butte
AUG 24 2023
Sharif Elmallah, Clerk
By Deputy
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BOARD OF SUPERVISORS

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Fourth District

DOUG TEETER
Fifth District

August 22, 2023

The Honorable Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
One Court Street
Oroville, California 95965

Re: Response to 2022-2023 Butte County Grand Jury Final Report

Dear Judge Caraway:

The Butte County Board of Supervisors would like to thank the members of the 2022-2023 Grand Jury for the many hours spent in researching, investigating, and making recommendations for improvements in government operations that benefit the citizens and taxpayers of Butte County.

In accordance with Penal Code Sections 933 and 933.05, the Board submits the following agency response to the findings and recommendations of the 2022-2023 Grand Jury Final Report pertaining to matters under its control.

Appointed and Elected department heads were requested to submit responses to the Chief Administrative Officer for attachment to the overall agency response included herein. You will find the various departmental responses located in Attachment A of this agency response. The Board of Supervisors' response is organized by major heading in the same order as listed in the 2022-2023 Grand Jury Report.

Respectfully submitted,

Tod Kimmelshue, Chair

Butte County Board of Supervisors

BUTTE COUNTY GRAND JURY REPORT – 2022-2023
BOARD OF SUPERVISOR RESPONSE

PAYROLL CLEARING FUND 1420 ANALYSIS REPORT - Payroll

FINDINGS

F1. BC has not implemented some of the recommendations proposed in the IA report on Fund 1420 which was released in February 2019.

Response: The respondent agrees with the finding.

F2. The compensation contracts between BC and third-party entities for providing payroll and benefit administration servicing have not been updated since origination which causes BC to provide those services at a charge rate below cost.

Response: The respondent agrees with the finding.

F3. The BC practice of advancing benefit premium funds to off-payroll employees does not follow BOS policy.

Response: The respondent agrees with the finding.

F4. There is no applicable BC termination policy for ex-employees who fail to repay their benefit contribution fund advancements.

Response: The respondent agrees with the finding.

F5. It is unclear as to the amount of the set-aside reserve fund for Fund 1420 that is available for release.

Response: The respondent partially disagrees with the finding. The Payroll Clearing Fund Analysis Report dated February 7, 2019 outlined the recommended amount that the County should set aside to remain in the fund. The balance as of 6/30/22 is $923,801.10

F6. There is no management plan in place to replenish funding shortfalls within Fund 1420.

Response: The respondent partially disagrees with the finding. While no formal written plan is in place, as illustrated by the responses of the following recommendations, Butte County Human Resources (BCHR) is actively managing the elements of the fund that it can control, and is aware of the remaining steps needed to resolve shortfalls.

F7. Complete quarterly reconciliations of Fund 1420 are not occurring.

Response: The respondent partially disagrees with the finding. BCHR is currently reconciling the active fund ledger accounts on a bi-weekly or quarterly basis. The fund houses payroll clearing accounts for three agencies: Butte County, Butte County Association of Governments (BCAG), and Butte Local Agency Formation Commission (LAFCo). The remaining non-active ledger accounts cannot be reconciled because the records no longer exist (in accordance with the County's records retention practices).

RECOMMENDATIONS

R1. BOS address and resolve all recommendations that appear in the outstanding BC commissioned IA audit reports or internal audit reports by June 30, 2024.

Response: The recommendation requires further analysis. A number of the IA audit report recommendations have been implemented or initiated. However, a number of practices associated with the management of the fund are outdated (including the BOS Resolution 21-005). Additionally, the added complication of not being able to reconcile non-active accounts due to the records no longer existing means that both the IA and Grand Jury report recommendations are not likely to be resolved prior to June 30, 2024. The respondent does not disagree with this recommendation; rather, that the resolution process would take longer than June 30, 2024 to be completely resolved. BOS will direct the CAO to work with BCHR and BCAC to initiate the development of a management plan to address all issues by December 31, 2023.

R2. BOS outsource third-party agency payroll administration and servicing functions to an outside vendor by June 30, 2024.

Response: The recommendation has been partially implemented. Effective June 24, 2023, BCAG payroll/human resources services were transferred to a third party payroll administrator. It is anticipated that the Butte Local Agency Formation Commission (LAFCo) will do the same by August 31, 2023.

R3. BCHR should comply with BOS Resolution 21-005 by June 30, 2024.

Response: This recommendation requires further analysis. BCHR is currently in the process of reviewing and recommending changes to BOS Resolution 21-005 (Butte County Personnel Rules). The first step in this process is researching best payroll practices and incorporating recommending changes to the resolution. Following Board approval, the County will need to go through the meet and confer process. Compliance with this recommendation is likely to extend beyond June 30, 2024. The CAO will work with BCHR to initiate this process by December 31, 2023.

R4. The funds in the set-aside reserve account for Fund 1420 should not be released until an accounting true up is performed by BCAC to identify the amount needed to cover anticipated Fund 1420 deficits. This should be completed by June 30, 2024.

Response: The recommendation requires further analysis. The account should be reconciled. However, BCHR cannot reconcile non-active accounts of the fund because the records no longer exist. In light of this, if BCAC has the ability to reconcile the fund by June 30, 2024, then the Board of Supervisors will fully support and direct the CAO and BCHR assist as able. If not, then this recommendation is not possible.

R5. The CAO, in coordination with BCAC, develop a management plan for replenishing Fund 1420 by June 30, 2024.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The CAO will work closely with BCAC and BCHR on this recommendation. Due to the complexity and time associated with the management and resolution of Fund 1420 issues which are outlined in these responses, the development of the plan may extend beyond June 30, 2024. The development of a plan will by initiated by December 31, 2023.

R6. BCHR, in coordination with BCAC, perform quarterly reconciliations of Fund 1420 by June 30, 2024.

Response: The BOS cannot respond on behalf of the separately elected BCAC. But in the case of the CAO and BCHR, the recommendation has been implemented for the active accounts of the fund as outlined in the response to F7. Quarterly reconciliations of the inactive accounts of Fund 1420 are not possible because the data does not exist. Once a management plan is in place to resolve the inactive accounts, quarterly reconciliations of the entire fund accounts will be possible.

DRAINAGE – WHEN IT RAINS, IT POURS! – Special Districts Drainage (Board only listed for R4, R5)

FINDINGS

F1 Two drainage districts do not have publicly available or current contact information

Response: This finding has been made for the referenced drainage district; which are separate governmental agencies and have separate elected officers than the BOS.

F2 All these districts have similar expenses that could be shared.

Response: This finding has been made for the referenced drainage district; which are separate governmental agencies and have separate elected officers than the BOS.

F3. A few drainage districts have administrative costs that outweigh the benefit to the community.

Response: This finding has been made for the referenced drainage district; which are separate governmental agencies and have separate elected officers than the BOS.

F4. Many of these districts have difficulty finding candidates for their governing boards.

Response: This finding has been made for the referenced drainage district; which are separate governmental agencies and have separate elected officers than the BOS.

F5. Reclamation District 833 has done an outstanding job being proactive in their district.

Response: This finding has been made for the referenced drainage district; which are separate governmental agencies and have separate elected officers than the BOS.

RECOMMENDATIONS

R1. The Drainage District 100 Governing Board should update their contact information for public access by January 15, 2024.

Response: This recommendation has been directed to the Drainage District 100 Governing Board, which is a separate governmental agency and has separate elected officers than the BOS.

R2. The Butte Creek Drainage District Governing Board should update their contact information for public access by January 15, 2024.

Response: This recommendation has been directed to the Butte Creek Drainage District Governing Board, which is a separate governmental agency and has separate elected officers than the BOS.

R3. LAFCO should update and maintain current contact information for the drainage districts they list on their website by January 15, 2024

Response: This recommendation has been directed to LAFCO, which is a separate governmental agency and has separate elected officers than the BOS.

R4. LAFCO should update and maintain current contact information for the drainage districts they list on their website by January 15, 2024

Response: This recommendation has been directed to LAFCO, which is a separate governmental agency and has separate elected officers than the BOS.

R5. The Butte Creek Drainage District Governing Board or Butte County Board of Supervisors should initiate the dissolution of Butte Creek Drainage District, with Drainage District 100 being the successor agency by January 15, 2024.

Response: The recommendation requires further analysis. The Board of Supervisors can initiate a discussion about dissolution of a Special District before January 15, 2024, but cannot impose a dissolution or absorption by another entity. The County will research this recommendation and work with the Butte Creek Drainage District, LAFCO, and the District residents on a realistic outcome.

R6. The Drainage District 200 Governing Board or Butte County Board of Supervisors should initiate the dissolution of Drainage District 200, with Drainage District 100 being the successor agency by January 15, 2024.

Response: The recommendation requires further analysis. The Board of Supervisors can initiate a discussion about dissolution of a Special District before January 15, 2024, but cannot impose a dissolution or absorption by another entity. The County will research this recommendation and work with the Drainage District 100, LAFCO, and the District residents on a realistic outcome.

WHO PAYS FOR STREET LIGHTING? – Special Districts Lighting

FINDINGS

F1. Butte County has too many County Service Areas (39) providing street lighting maintenance, which have high overhead costs compared to the benefit they provide.

Response: The respondent disagrees partially with this finding. It is true that Butte County has many County Service Areas, however, each one was initiated by residents needing a specific service completed. County Service Areas are critical to unincorporated areas with large geographical areas that may not have access to important services, and overhead costs are a necessary part of allowing the County Service Area to operate.

F2. Butte County Department of Public Works overestimates the administrative expenses for County Service Areas that provide street lighting maintenance, which influences assessment adjustments.

Response: The respondent disagrees with the finding. Conservative budgeting principles are utilized to minimize risk to the various County Service Areas. Despite these conservative principles, administrative expenses typically represent a minimal portion of overall expenses and have little to no influence over proposed assessment adjustments.

F3. Some streetlights within the unincorporated territory of Butte County are still using less-efficient HPSV lamps, resulting in higher energy costs for nearby residents.

Response: The respondent agrees with the finding.

F4. Butte County has no procedure for residents within its unincorporated territory to request new streetlights in their neighborhood, making it more difficult to enhance pedestrian visibility and reduce crime.

Response: The respondent disagrees with the finding. The Butte County Department of Public Works employs a County Service Area coordinator to assist with public requests for new street lights. Residents may contact the department and ask the coordinator to assist them with their request.

RECOMMENDATIONS

R1. The Board of Supervisors should adopt a plan to form a single district for street lighting maintenance by March 31, 2024.

Response: The recommendation will not be implemented because it is not reasonable. Such an action requires the input of LAFCO and all the residents of the involved districts, and cannot be imposed arbitrarily by the Board of Supervisors. Given the complexity of what this process entails, consolidating street lighting districts by any date is unrealistic.

R2. The Butte County Department of Public Works should establish procedures for estimating expenses for County Service Areas (or successor agencies) that provide street lighting maintenance by March 31, 2024.

Response: The recommendation will not be implemented because it is not warranted. The Butte County Department of Public Works has already adopted procedures for estimating expenses for County Service Areas as part of the annual budget process.

R3. The Board of Supervisors should commit to completing conversion of the remaining HPSV lamps to LED technology by March 31, 2024.

Response: The recommendation will not be implemented because it is not reasonable. The total estimated cost to install LED lights is at least $600 per streetlight (including the purchase, installation, and administrative overhead); and does not account for any administrative efforts navigating the PG&E process. Currently, the savings to switch from HPS to LED is about $60 per year, making the replacement a poor investment that would be a financial burden for the CSAs.

R4. The Board of Supervisors should adopt a procedure for residents to request new streetlights in their neighborhood by March 31, 2024

Response: The recommendation will not be implemented because it is not warranted. The Butte County Department of Public Works has already adopted process for residents requesting new streetlights in their neighborhood. Residents may contact the department during business hours and ask the CSA coordinator to assist them with their request.

DISTRICT ATTORNEY'S INFORMATION SYSTEMS HOLDS UP POLICE OPERATIONS – Law Enforcement

FINDINGS

F1. Significant IS problems exist uploading required case documents from CPD, GPD, OPD, PPD and BCSO to BCDA resulting in repeated failures and lost worker time.

Response: The BOS cannot respond on behalf of the separately elected BCDA.

F2. BCDA has existing updates for the E-Prosecutor internal DA system which will bridge and integrate with CPD, GPD, OPD, PPD and BCSO. BCDA IS has scheduled this installation.

Response: The BOS cannot respond on behalf of the separately elected BCDA.

F3. The training previously provided to CPD, GPD, OPD, PPD and BCSO regarding BCDA data transfer protocols was not adequate for the current full process, including utilization of larger files and management of errors.

Response: The BOS cannot respond on behalf of the separately elected BCDA.

F4. BCDA IS lacks reference materials, i.e., videos/presentations/etc. explaining how to interface with reporting police departments.

Response: The BOS cannot respond on behalf of the separately elected BCDA.

F5. All law enforcement agencies utilizing RIMS will require updated process training after completion of BCDA software upgrade and implementation. The BCGJ recommends the BOS form a multi-agency task force to develop and implement a proposal addressing the future growth of BC, to include staffing concerns, by December 31, 2023.

Response: The BOS cannot respond on behalf of the separately elected BCDA.

F6. Butte County, as a whole, has a difficult time recruiting and retaining staff

Response: The respondent disagrees partially with this finding. In the last few years, all County departments started experiencing great difficulty in recruiting and retaining staff. In many County departments the vacancy rate was as high as 20 percent. This trend was heavily influenced by the County enduring multiple disasters during that time and the need for employees in all departments needing to shoulder more work. Additionally, with the last classification and compensation study being implemented in 2007, the total compensation for many positions in all bargaining groups began to fall below those of comparator agencies. In 2022 the County completed a new classification and compensation study which updated all classifications to be accurate as well as made compensation more competitive within the Butte County region. Since the implications of implementing the study were significant, the compensation adjustments were structured over three years; concluding in FY 2024-25. Even with this, the County had to still reduce over 100 vacant positions, close three Amador fire stations, and significantly reduce Library hours in December 2022 in order afford the higher compensation costs. The goals of completing this entire process are to retain existing employees, obtain more qualified applicants, and avoid catastrophic service reductions. While it is true that the County as a whole has struggled with recruiting and retaining staff, this recent process will significantly lessen the recruiting and retention issues in the future.

RECOMMENDATIONS

R1. BCDA direct the internal BCDA IS department to schedule the already purchased and tested update to the E-Prosecutor proprietary software utilized for case documentation retrieval by October 31, 2023.

Response: The recommendation has been directed to the BCDA. The BOS cannot respond on behalf of the separately elected BCDA.

R2. BCDA install the already purchased and tested update to the proprietary software utilized for case documentation retrieval by December 31, 2023.

Response: The recommendation has been directed to the BCDA. The BOS cannot respond on behalf of the separately elected BCDA.

R3. BCDA direct the BCDA IS schedule utilization and use training with key representatives in CPD, GPD, OPD, PPD and BCSO on transfer of record protocols by March 31, 2024.

Response: The recommendation has been directed to the BCDA. The BOS cannot respond on behalf of the separately elected BCDA.

R4. BCDA IS to create and distribute a training video/presentation (at the time of each training) to be used as a reference for future key representatives at CPD, GPD, OPD, PPD and BCSO on transfer of record protocols by March 31, 2024.

Response: The recommendation has been directed to the BCDA. The BOS cannot respond on behalf of the separately elected BCDA.

R5. The BCGJ recommends the BOS form a multi-agency task force to develop and implement a proposal addressing the future growth of BC, to include staffing concerns, by December 31, 2023.

Response: The recommendation will not be implemented because it is not warranted. The County has taken the necessary steps to improve its staffing concerns by completing an extensive process of implementing a classification and compensation study, phasing in the significant implementation costs from the study, and reducing operating cost as appropriate to be able to afford the higher costs. If the County were to significantly increase compensation in the near future, the results would have catastrophic impacts to existing service levels. Therefore, the solution to any future staffing issues will not be to significantly increase salaries again. Instead, the clear solution will be to increase revenue to a level where salaries can be gradually adjusted from time to time to keep up with inflation; instead of needing to do much larger and drastic adjustments and cuts further down the line. To this end, the Board of Supervisors has established an ad-hoc committee to explore options for putting a revenue measure in Butte County on the ballot.

IS BUTTE COUNTY PREPARED FOR THE NEXT DISASTER? County Office of Emergency Services

FINDINGS

F1. The county has been slow in showing progress on emergency preparedness.

Response: The respondent disagrees wholly with the finding. In the last five years Butte County has been through nine major disasters not including the State-declared drought emergency. Over that time,

tremendous progress has been made on the County's preparedness. The entire County now has defined evacuation zones. Both the County Emergency Operations Plan and the Local Hazard Mitigation Plan underwent full rewrites and State review. The County has invested millions of dollars in wildfire fuel reduction, disaster education, disaster outreach, wildfire defensible space clearing, mass notification systems, emergency response equipment, additional emergency response staff, and millions more in matching funds to support similar programs and initiatives by local non-profit groups like the Butte Fire Safe Council. Butte County is a State role model for its emergency preparedness and disaster mitigation efforts.

F2. There has been no public follow-up to the recommendations found in the 2020 Camp Fire Corrective Action Plan, leaving residents in the dark about improvements in the county's emergency preparedness.

Response: The respondent disagrees wholly with the finding. The Camp Fire Corrective Action Plan contains 79 recommendations. Of those recommendations, 46 have been completed, 12 were found to be either not feasible or outside the County's jurisdiction, and 21 are processes that are always ongoing such as training, education, and outreach. Almost all of the completed recommendations where part of the Emergency Operations Plan update presented to the BOS in May of 2022.

F3. The Office of Emergency Management is principally funded through grants. There is a risk of a severe funding gap if the county loses one or more of these grants.

Response: The respondent disagrees wholly with the finding. The grants funding OEM are part of the federal budget appropriations package, and as such the risk of a funding gap is not a concern. Additionally, all grants are managed according to stringent federal and State grant management criteria; therefore, the risk of not being awarded these grants in the future is very low.

F4. In the County Code of Ordinances, the Director of the Office of Emergency Management is not assigned to an administrative officer, contrary to all other directors in county government.

Response: The respondent agrees with the finding.

F5. Emergency preparedness is spread among multiple departments each with different priorities.

Response: The respondent agrees with the finding.

RECOMMENDATIONS

R1. Board of Supervisors issue a public statement or report on the state of emergency preparedness in the county, including ongoing and future efforts to enhance emergency preparedness, by December 31, 2023, and update this statement or report semi-annually thereafter until there is no longer need to enhance emergency preparedness.

Response: This recommendation has been implemented. Preparedness is a cycle of constant improvement. Butte County continues to move through the disaster cycle, updating plans and policy with lessons learned and best practices, implementing mitigation measures, and training for the next event. New technology, new policies, a changing environment and changes in resident population all create a dynamic risk profile for Butte County. There will always be a need to enhance capabilities and prepare for disasters through training and exercise and the implementation of new technology. State law requires the

Butte County Disaster Council meet at least annually. The intent of the Disaster Council is to evaluate the County's preparedness and gather input from the public. These meetings are open to the public and have been in place for decades, providing an opportunity for the public to hear updates from OEM and the Sheriff on current preparedness efforts and future plans.

R2. The Chief Administrative Officer publish a status report on the implementation of recommendations found in the 2020 Camp Fire Corrective Action Plan by December 31, 2023.

Response: This recommendation has been implemented. Many of these recommendations and the implementation of the plans and programs that were spawned by them are complex and involve multiple departments. Updates on these actions have been part of the Emergency Operation Plan updates and Disaster Council meetings.

R3. The Board of Supervisors ensure that the Office of Emergency Management is permanently funded by June 30, 2024.

Response: This recommendation has been implemented. OEM is funded through two sources: County General Purpose Revenue (GPR) and the Emergency Management Performance Grant (EMPG) Program (which is administered by FEMA). The purpose of the EMPG Program is to provide federal grants to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This money is appropriated annually by Congress as part of the federal budget package. As the EMPG funds fluctuate based on national budget priorities, OEM will live within its GPR target given for the program to operate. Should the EMPG program not be funded, the County General Fund Appropriation for Contingencies can be temporarily used to make up any shortfall.

R4. The Board of Supervisors update the Butte County Code to define the Director of the Office of Emergency Management as an administrative position by June 30, 2024.

Response: The recommendation will not be implemented because it is not warranted. The California Emergency Services Act states that each County will be defined as an Operational Area (OA) and that each county may organize and structure their OA as best suites the county. Butte County has structured OEM in a manner best suited for response to disasters within the County and to ensure appropriate lines of communication during emergencies.

R5. The Board of Supervisors consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

Response: The recommendation will not be implemented because it is not warranted or reasonable. Emergencies are diverse and multifaceted in nature. They can range from natural disasters like fires, floods and earthquakes, to acts of criminal violence, public health crises, and cyber threats. Each type of emergency requires a unique set of skills, expertise, and resources to effectively manage and respond. With consolidation of emergency management, there is a risk of overlooking the specific needs and nuances of different types of emergencies.

Emergencies often transcend geographical boundaries. They can affect multiple regions, cities, and counties simultaneously. In such cases, a centralized agency may struggle to effectively coordinate and communicate with various stakeholders across different jurisdictional boundaries and professional disciplines, (i.e. fire, law enforcement, medical services, etc.). A decentralized approach allows for better

coordination, information sharing, and resource allocation across different levels of government. This is effectively achieved through robust and well-established systems to manage emergencies known as the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS) and the Incident Command System (ICS). These systems have been utilized extensively and effectively on numerous occasions within Butte County.

Emergencies require a multidisciplinary approach. They involve various sectors and professional disciplines such as firefighting, law enforcement, healthcare, human services, sheltering, transportation, communication and many others. Each sector or professional discipline brings unique skills, knowledge, and resources that are crucial in addressing different aspects of the emergency. By distributing responsibilities among multiple agencies, each specializing in their respective fields, a more comprehensive and coordinated response can be achieved. It simply is not logistically feasible to have all those sectors and professional disciplines consolidated within a single agency.

In the case of the Department of Employment and Social Services (DESS), the department employs nearly 700 employees who also serve as Disaster Service Workers in times of need. The department is assigned under Federal Emergency Management Agency (FEMA) guidance the role of Mass Care and Shelter. This role includes opening and managing all County sponsored emergency shelters, evacuation centers and temporary evacuation centers.

For Public Health, the recommendation is not possible. The roles, responsibilities and function of the Department of Public Health is multi-pronged during every emergency that has a public health component. The Federal Emergency Management Agency (FEMA) establishes Emergency Support Functions (ESFs) under the National Response Framework. Local Public Health agencies coordinate response efforts ESFs - Public Health and Medical Services Annex. California Code, Health and Safety Code - HSC § 1797.153 establishes the Medical Health Operational Area Coordinator (MHOAC) program and provides that the county health officer and the local EMS agency administrator act jointly (or appoints designees) to manage the program.

In summary, the size and scope of disasters and disaster recovery impacts may vary in which various county departments may be called to action with expertise and experience specific to the disaster. Consolidating these efforts into a single office or agency could result in overwhelming workloads, conflicting priorities, lack of specialization, reduced flexibility and agility, potential conflicts of interest, and resource allocation challenges. While consolidation may provide limited benefits for small-scale disasters on a case-by-case basis, it is essential to strike a balance between efficiency and maintaining the necessary specialization, flexibility, and accountability required for effective emergency management.

R6. The Office of Emergency Management provide better education and outreach to county residents for CodeRED and Alert FM by June 30, 2024.

Response: This recommendation has been implemented. These programs are run by the Butte County Sheriff's Office and the Department of Employment and Social Services respectively. OEM actively supports both in their efforts to educate and inform the public but is not the lead for either of these programs. Both these programs are displayed on Sheriff, DESS, and OEM websites. Brochures for both programs are distributed at all community outreach events by all three departments. Lastly, a very robust social media campaign was launched and has been in place for several years for both programs.

BUTTE COUNTY UTILIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANTS – County Community Development

FINDINGS

F1. BC has delayed previous development of very-low, low-to-moderate income community Housing due to scarcity of skilled personnel to deal with increasingly complex program requirements within the unincorporated areas.

Response: The respondent disagrees wholly with the finding. County Administration employs highly skilled personnel to administer the increasingly complex CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome) and works with the Board to identify broad community needs to be addressed with these funds. At the direction of the Board, Administration staff applies for funds for specific projects and programs, administers the grants, maintains compliance with federal and State regulations through reporting and monitoring, and closes out the grants.

To fulfill Board-approved program guidelines calling for highly specialized community services, such as housing rehabilitation program management, Administration staff procures contractors through the competitive solicitation process required by the State and federal funders. This model provides dual benefit to the community in expanding the capacity and resources within many local and regional non-profits to increase needed service delivery within the community.

This model also allows the County to be a responsible steward of public funds in scaling up and down according to available grant funds, often dependent upon one-time funding related to disasters, ensuring grant-related expenses including staff time are reimbursed by the state or federal agencies. Maintaining peak levels of staffing when grants are unavailable places unnecessary financial burden on the County's general fund.

The County has facilitated the development of very-low and low-to-moderate income community housing as recipient of CDBG-DR funding for multi-family housing (MHP). To date, the County has conditionally committed the 2018 CDBG-DR MHP allocation of $71 million to nine affordable housing projects in Butte County. The County continues to advocate for local control over future CDBG-DR MHP allocations, such as the $33 million allocated to Butte County in the 2020 Action Plan for the North Complex Fire to support the construction of multi-family housing to support ongoing recovery.

F2. BC has not fostered relationships with local businesses or nonprofits to provide local implementation and administration of rehabilitation/reconstruction grant programs.

Response: The respondent disagrees wholly with the finding. Butte County has fostered relationships with local businesses, nonprofits, and other local government agencies to support housing development and recovery in the wake of catastrophic fires. County Administration regularly interacts and collaborates with local housing providers on their goals and priorities for housing recovery, sometimes jointly issuing public comment letters to state agencies on removing barriers to owner-occupied reconstruction funding and multi-family housing development funding.

F3. Responsibility for attainment of goals (as stated in grants) and accountability is diffused throughout BC, with major responsibility given to County administrative offices.

Response: The respondent partially disagrees with the finding. Responsibility and accountability for the attainment of goals as stated in CDBG grant programs (including CDBG-CDBG-DR, HOME, and CalHome) is fully consolidated within Butte County Administration where grant administration occurs for the CDBG Grants Program. Program and project activities may be assigned and/or contracted out to other county departments or external agencies, but accountability for the attainment of goals remains with County Administration. Responsibility and accountability for the attainment of goals as stated in grants received by other departments within Butte County is the obligation of the administering department.

F4. There is a lack of outreach and knowledge of affordable housing programs to targeted populations and potential consumers of these services.

Response: the respondent wholly disagrees with the finding. CDBG grant-funded housing rehabilitation and reconstruction programs often have waiting lists and/or are oversubscribed. If funds are returned, it is not for lack of qualified candidates but for the challenge of meeting grant requirements. Marketing materials can be found on the Butte County website under 'Community Development.' New materials are added as programs are approved.

F5. In-county employment and training opportunities are unavailable to very-low and low-to-moderate income individuals and populations within the targeted areas.

Response: The respondent disagrees wholly with the finding. Section 3 of the Housing and Urban Development Act of 1968 delineates the provision of employment and training opportunities to very-low and low-to-moderate income and populations within targeted areas. All of these services have been implemented in compliance with CDBG-DR requirements.

F6. BC suffers from damaged infrastructure due to disasters and a lack of expansion to support affordable housing development within unincorporated areas of BC.

Response: The respondent agrees that infrastructure was damaged by disasters, and disagrees wholly with the perception that a lack of expansion fails to support affordable housing development.

Butte County was awarded $72 million in CDBG-DR infrastructure funds for Camp Fire recovery. By design, CDBG-DR funds address unmet needs remaining after initial disaster recovery funds have been exhausted. For that reason, none of the 2018 CDBG-DR funding allocated to Butte County for infrastructure repair and recovery has yet been expended. The County only signed the Master Standard Agreement setting the award amount in June of 2023 which predates the submission of applications for use of the funds.

Currently, under Board direction, CDBG-DR infrastructure funding is conditionally planned for the repair and reconstruction of roads throughout Butte County that support housing and commercial activity, as well as facilities for the deployment of needed social services following the disaster. CDBG-DR infrastructure funds are also conditionally committed to wastewater system upgrades in neighborhoods of urgent need and/or low-to-moderate income areas with higher population density due to fire survivor displacement.

RECOMMENDATIONS

R1. The Butte County Board of Supervisors (BOS) create a distinct housing and community development unit within BC to address affordable housing development; funding development

and grant acquisition, for utilization of all funding sources available to BC with special interests in unincorporated areas by June 30, 2024.

Response: The recommendation has been implemented. Butte County Administration created a distinct Community Development unit that administers the CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome). Funding development, grant acquisition, and utilization of the CDBG grants program has been consolidated within the Community Development unit.

R2. The Butte County Chief Administrative Officer (CAO) utilize HCD and all funding resources to develop training programs targeted toward employment activities for groups of exceptionally low, low-to-moderate income populations; foster development of local nonprofits and businesses for the implementation of grant funded programs where feasible by June 30, 2024.

Response: The recommendation has been implemented. The County follows State and federal guidelines to implement Section 3 regulations as required by specific CDBG-DR grants. Additionally, the State has allocated $18.7 million in CDBG-DR Workforce Development funds available to education and workforce development agencies, as well as public agencies and non-profits, to support training programs benefitting exceptionally low to low-to-moderate income populations.

R3. The BOS create a centralized capability to develop and coordinate grant requests and grant applications for all BC departments by June 30, 2024.

Response: The recommendation has been implemented. The Community Development unit within County Administration develops and coordinates grant requests and applications for the CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome) as well as disaster mitigation and recovery needs across Butte County departments. Departments throughout Butte County administer grants specific to their service obligations which consolidates responsibility, subject matter expertise, and financial management within the administering department.

R4. The CAO develop marketing and outreach programs for affordable housing ensuring it is targeted to all segments of the community by June 30, 2024.

Response: This recommendation has been implemented. The Community Development unit within County Administration develops marketing and outreach materials for the CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome). Marketing materials and outreach programs are available on the Butte County website. Eligible beneficiaries of the housing programs are low-to-moderate income households as required by the state; not all segments of the population are eligible. The County also plans to use social media more in program outreach.

R5. The BOS complete a feasibility study to determine the costs and ability of BC to administer and implement the rehabilitation/recovery program and utilize state and federal funding sources to develop workforce within BC to meet the local workforce requirements within the State funding contracts by June 30, 2024.

Response: This recommendation will not be implemented because it is not reasonable. County Administration employs highly skilled personnel to administer the increasingly complex CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome) and works with the Board to identify broad community needs to be addressed with these funds. At the direction of the Board, Administration staff

applies for funds for specific projects and programs, administers the grants, maintains compliance with federal and State regulations through reporting and monitoring, and closes out the grants.

To fulfill Board-approved program guidelines calling for highly specialized community services, such as housing rehabilitation program management, Administration staff procures contractors through the competitive solicitation process required by the State and federal funders. This model provides dual benefit to the community in expanding the capacity and resources within many local and regional non-profits to increase needed service delivery within the community. Additionally, local businesses and non-profits providing housing services are always encouraged to apply during competitive solicitation.

This model also allows the County to be a responsible steward of public funds in scaling up and down according to available grant funds, often dependent upon one-time funding related to disasters, ensuring grant-related expenses including staff time are reimbursed by the state or federal agencies. Maintaining peak levels of staffing when grants are unavailable places unnecessary financial burden on the County's general fund.

R6. The BOS direct the CAO to apply for planning and mitigation grants to aid/incentivize the development of low-income to moderate income housing within unincorporated areas of BC per funding cycle by June 30, 2024.

Response: This recommendation has been implemented. The Community Development unit within County Administration applies for planning and mitigation grants to aid/incentivize the development of low-income to moderate income housing within the unincorporated areas and areas that satisfy tax credit requirements for funding to increase housing supply.

ATTACHMENT A

Public Health Administration Danette York, MPH, Director
Dr. David Canton, DO, MPH, JD, Health Officer

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FILED
Superior Court of California
County of Butte
AUG 02 2023
Sharif Elmallah, Clerk
By Deputy
FILED

July 20, 2023

Honorable Superior Court Judge
c/o Court Administration
Superior Court of California, County of Butte
1 Court Street
Oroville, CA 95965

Re: Butte County Public Health Director Response to the 2022-2023 Grand Jury Final Report

Honorable Judge:

Under Penal Code Sections 933 and 933.05, the Butte County Department of Public Health submits the following response to the recommendations of the Butte County Grand Jury Report for 2022-2023.

Recommendation:

R5: The Board of Supervisors consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. The roles, responsibilities and function of the Department of Public Health is multi-pronged during every emergency that has a public health component. The Federal Emergency Management Agency (FEMA) establishes Emergency Support Functions (ESFs) under the National Response Framework. Local Public Health agencies coordinate response efforts ESFs - Public Health and Medical Services Annex. California Code, Health and Safety Code - HSC § 1797.153 establishes the Medical Health Operational Area Coordinator (MHOAC) program and provides that the county health officer and the local EMS agency administrator act jointly (or appoints designees) to manage the program.

Public Health staff play integral roles in joint response and recovery efforts to emergencies within Butte County. The MHOAC program has proven to be efficient and is supportive to other agencies/departments. Consolidating efforts into a single office or agency would go against the best practice of maintaining specialization and flexibility established through FEMA's ESFs and California's MHOAC program. Therefore, it is not reasonable for public health aspects of emergency preparedness and response to be moved from the public health department to a single office or agency within the county.

Sincerely,

Danette York, MPH, CPH
Public Health Director

Cc: Board of Supervisors
Andy Pickett, Chief Administrative Officer

Employment and Social Services

Shelby Boston, Director
Public Guardian/Public Administrator

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FILED
Superior Court of California
County of Butte
JUL 24 2023
Sheryl Elmallah, Clerk
By _____ Deputy
FILED

July 20, 2023

Honorable Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
Butte County Superior Court
1 Court Street
Oroville, CA 95965

Re: Department of Employment and Social Services (DESS) Director Response to the 2022-2023 Grand Jury Final Report

Dear Judge Caraway:

Penal Code Section 933 and 933.05 provides that the governing body of the public agency shall comment to the designated judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body. The Board of Supervisors, as the governing body of the County of Butte, will provide its response to the 2022-2023 Grand Jury Report by the statutory deadline.

County Office of Emergency Management-Dept. of Employment and Social Services (DESS)

Grand Jury Findings

F5: Emergency preparedness is spread among multiple departments each with different priorities.

The respondent agrees with the finding.

Grand Jury Recommendations

R5: The Board of Supervisors consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

The recommendation will not be implemented because it is not warranted or is not reasonable. The role and function of the Department of Employment and Social Services (DESS) is multi-pronged within every large emergency response inside of Butte County. As the largest department, employing nearly 700 employees who also serve as Disaster Service Workers in times of need, the department is assigned under Federal Emergency Management Agency (FEMA) guidance the role of Mass Care and Shelter. This role includes opening and managing all County sponsored emergency shelters, evacuation centers and temporary evacuation centers. The services provided to the County residents at local shelters include but are not limited to emergency food, shelter, clothing, ensuring emergency medical care, spiritual and mental health needs are met. If needed, reunification with family members

is facilitated. After the initial evacuation, DESS is responsible for assisting residents in recovering from the disaster. This includes providing and managing key recovery services by opening and managing Local Assistance Centers/Disaster Recovery Centers. At these centers, vital records, information regarding recovery services as well assistance completing necessary applications for FEMA assistance or even basic welfare programs may be found. This initial support assists the survivor on their road to recovery. Historically, DESS has also take a vital role in ensuring disaster case management services and temporary housing resources are provided to the survivors of incidents within the County.

In addition to providing emergency shelter, food, clothing during evacuations and immediately following an incident, DESS also manages the Special Needs Awareness Program commonly referred to as the SNAP list. This is a registry of residents with access and functional needs who require additional time to evacuate. The SNAP registry provides early notification to residents if they request such support. Historically, this registry includes all residents who receive In-Home Supportive Services (IHSS) within the County as well as individuals who request to be included on the registry. Since DESS is the gatekeeper for IHSS services, it is logical that DESS would maintain the SNAP list as well. The Alert FM receivers are also distributed by DESS since the department has capacity to manage the program as well as oversee the application process.

The role of DESS during times of disaster has proven to be efficient and within the service array that the department already provides to the general public in blue skies. For these reasons, the recommendation will not be implemented.

Sincerely,

Shelby Boston

Shelby Boston, MSW
Butte County Department of Employment and Social Services

cc: Board of Supervisors
Andy Pickett, Chief Administrative Officer

SHERIFF
BUTTE COUNTY

KORY L. HONEA
SHERIFF - CORONER

July 13, 2023

FILED
Superior Court of California
County of Butte
JUL 17 2023
Shalif Elmallah, Clerk
By _____ Deputy
FILED

Honorable Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
Superior Court of California, County of Butte
One Court Street, Oroville, CA 95965

RE: BUTTE COUNTY SHERIFF'S RESPONSE TO 2022-2023 GRAND JURY REPORT

Dear Judge Caraway:

On behalf of the Butte County Sheriff's Office (BCSO), I would like to thank the members of the Grand Jury for their many hours of dedicated service to the citizens of Butte County. The Grand Jury function is critical to ensuring the efficient operation of local government and I appreciate their efforts in regards to the Sheriff's Office and the citizens of Butte County.

As requested by the Grand Jury, and in accordance with Penal Code Sections 933 and 933.05, please accept this response to Finding 5 and Recommendation 5 of the 2022-2023 Grand Jury Report titled, "Is Butte County Prepared for the Next Disaster?"

Grand Jury Finding:

F5: Emergency preparedness is spread among multiple departments, each with different priorities.

The respondent agrees in part with this finding:

It is accurate to say that efforts to ensure emergency preparedness is spread among multiple departments, with those departments focusing on the aspects of preparedness that are aligned with the department's primary mission and professional discipline. For example, the fire department focuses on emergency preparedness pertaining to wildfires, the sheriff's office focuses on emergency preparedness pertaining to alert, warning and evacuations and the public health department focuses on emergency preparedness pertaining to disease and illness.

That said, when it comes to emergency preparedness the priorities of all county agencies are aligned and efforts are focused on doing what is necessary to protect our community from whatever threat we are facing.

Grand Jury Recommendations:

R5: The Board of Supervisors [should] consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

This recommendation should not be implemented:

Consolidating the coordination and management of emergency preparedness and response into a single government agency may seem like an efficient approach at first glance. However, there are several reasons why it is not advisable or logistically feasible to place all responsibilities for emergency preparedness and response in the hands of a single agency.

Firstly, emergencies are diverse and multifaceted in nature. They can range from natural disasters like fires, floods and earthquakes to acts of criminal violence, public health crises and cyber threats. Each type of emergency requires a unique set of skills, expertise, and resources to effectively manage and respond. By consolidating all emergency management functions within one agency, there is a risk of overlooking the specific needs and nuances of different types of emergencies. Specialized agencies are better equipped to handle the complexities associated with specific emergencies that call for the professional disciplines housed within those agencies.

Secondly, emergencies often transcend geographical boundaries. They can affect multiple regions, cities, and counties simultaneously. In such cases, a centralized agency may struggle to effectively coordinate and communicate with various stakeholders across different jurisdictional boundaries and professional disciplines, (i.e. fire, law enforcement, medical services, etc.). A decentralized approach, with multiple agencies working collaboratively, allows for better coordination, information sharing, and resource allocation across different levels of government. This is effectively achieved through robust and well-established systems to manage emergencies known as the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS) and the Incident Command System (ICS). These systems have been utilized extensively and effectively on numerous occasions within Butte County.

Furthermore, emergencies require a multidisciplinary approach. They involve various sectors and professional disciplines such as firefighting, law enforcement, healthcare, human services, sheltering, transportation, communication and many others. Each sector or professional discipline brings unique skills, knowledge, and resources that are crucial in addressing different aspects of the emergency. By distributing responsibilities among multiple agencies, each specializing in their respective fields, a more comprehensive and coordinated response can be achieved. This allows for better integration of expertise, resources, and decision-making across different disciplines, leading to a more holistic approach to emergency management. It simply is not logistically feasible to have all those sectors and professional disciplines consolidated within a single agency, nor is that the standard approach in any jurisdiction.

In summary, the coordination and management of emergency preparedness and response should not be consolidated under a single government agency. Scalability and the multi-disciplinary nature of emergencies necessitate the involvement of multiple agencies to ensure an effective and efficient response. Collaboration and coordination among specialized agencies enable the pooling of resources, expertise, and perspectives required to tackle the diverse challenges posed by emergencies.

Respectfully submitted,

Kory L. Honea
Sheriff-Coroner

cc: Butte County Board of Supervisors
Andy Pickett, Butte County CAO

Department of Public Works Joshua Pack, Director

Butte County
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FILED
Superior Court of California
County of Butte
JUL 17 2023
Sharif Elmallah, Clerk
By _____ Deputy
FILED

July 13, 2023

Honorable Superior Court Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: Response to the 2022-23 Butte County Grand Jury Final Report

Dear Honorable Judge:

Under Penal Code Sections 933 and 933.05, the Butte County Department of Public Works submits the following response to the findings and recommendations of the Butte County Grand Jury Report for 2022-23 on the Department of Public Works.

Is Butte County Prepared for the Next Disaster?

Findings:

F5. Emergency preparedness is spread among multiple departments each with different priorities.

Response: The respondent agrees with this finding.

Recommendations:

R5. The Board of Supervisors consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. The size and scope of disasters and disaster recovery impacts may vary in which various county departments may be called to action with expertise and experience specific to the disaster. Consolidating these efforts into a single office or agency could result in overwhelming workloads, conflicting priorities, lack of specialization, reduced flexibility and agility, potential conflicts of interest, and resource allocation challenges. While consolidation may provide limited benefits for small-scale disasters on a case-by-case basis, it is essential to strike a balance between efficiency and maintaining the necessary specialization, flexibility, and accountability required for effective emergency management.

Sincerely,

Joshua Pack
Director – Public Works

CC: Board of Supervisors
Andy Pickett, Chief Administrative Officer

FILED Superior Court of California County of Butte AUG 09 2023 Sharif Elmallah, Clerk By Deputy FILED

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July 17, 2023

Honorable Corie J. Caraway, Presiding Judge
c/o Administrative Services
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

Dear Judge Caraway:

In adherence to the requirements of Penal Code §933/933.5, the Assessor submits the following response to the 2022-2023 Grand Jury Report findings pertaining to the department.

Grand Jury Finding

F1. The BCAO succeeded in passing the BOE sampling audit, allowing BC to continue to receive additional funding available for the purpose of conducting supplemental assessments.

The respondent agrees with this finding.

The efforts of the Grand Jurors in fulfilling their duties are greatly appreciated. Many thanks for their dedication to the process and genuine interest in gaining an accurate picture of the Assessor's Office and its mission.

Sincerely,

Alyssa M Douglass

Alyssa Douglass
Butte County Assessor

Office of the Auditor-Controller

Graciela Gutierrez, Auditor-Controller
Arlene Trafton, Assistant Auditor-Controller

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August 16, 2023

Hon. Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
Superior Court of California, County of Butte
One Court Street, Oroville, CA 95965

Dear Honorable Judge Caraway,

Please see the required responses to the findings and recommendations issued on the Final Report of the 2022-2023 Butte County Grand Jury, filed on June 16, 2023.

COUNTY OF BUTTE SINGLE AUDIT REPORT: YEAR ENDED JUNE 30, 2022

FINDINGS

F1. Although achieving an unmodified opinion, the 2022 Butte County Single Audit Report flagged a significant deficiency in internal controls. The deficiency was due to Butte County following the guidance proposed by the IA for the previous fiscal year-end report. The deficiency was corrected in the fiscal year ended June 30, 2022, report and caused no financial harm to Butte County.

Response:

F1. The respondent agrees with the finding.

PAYROLL CLEARING FUND 1420 ANALYSIS REPORT - Payroll

FINDINGS

F1. BC has not implemented some of the recommendations proposed in the IA report on Fund 1420 which was released in February 2019.

Response:

The respondent agrees with the finding.

F2. The compensation contracts between BC and third-party entities for providing payroll and benefit administration servicing have not been updated since origination which causes BC to provide those services at a charge rate below cost.

Response:

The respondent disagrees partially with the finding, because the agreement allows for a review of actual costs through the cost allocation plan and adjust cost through mutual agreement of both parties, therefore not the cause for BC providing services at a charge rate below cost.

F3. The BC practice of advancing benefit premium funds to off-payroll employees does not follow BOS policy.

Response:

The respondent agrees with the finding.

F4. There is no applicable BC termination policy for ex-employees who fail to repay their benefit contribution fund advancements.

Response:

The respondent disagrees partially with the finding for the reason that a BC termination policy for ex-employees to repay their benefits is not needed if BC would comply with BOS Resolution 21-005 that specifies employees with less than the required compensated days of employment may continue coverage by "advancing to the Human Resources Department the total premium amount for the month".

F5. It is unclear as to the amount of the set-aside reserve fund for Fund 1420 that is available for release.

Response:

The respondent agrees with the finding.

F6. There is no management plan in place to replenish funding shortfalls within Fund 1420.

Response:

The respondent agrees with the finding.

F7. Complete quarterly reconciliations of Fund 1420 are not occurring.

Response:

The respondent agrees with the finding.

RECOMMENDATIONS

R1. BOS address and resolve all recommendations that appear in the outstanding BC commissioned IA audit reports or internal audit reports by June 30, 2024.

Response:

The recommendation has not yet been implemented, but will be implemented in the future and should be within the Grand Jury recommended date of June 30, 2024.

R2. BOS outsource third-party agency payroll administration and servicing functions to an outside vendor by June 30, 2024.

Response:

The recommendation requires further analysis, by tracking actual costs for the payroll run then identifying the true cost. LAFCO (reported as a third-party entity) is funded 1/3 by County, 1/3 by Cities, 1/3 by Special Districts. Special Districts are often so small that they cannot afford additional expenses. By having payroll administration of LAFCO's 4 filled positions no longer processed by Butte County, the consequence is going to increase the cost to all (County, Cities and Special Districts). Therefore, within six months timeframe of tracking should be sufficient to identify the true costs.

R3. BCHR should comply with BOS Resolution 21-005 by June 30, 2024.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. Personnel Rules adopted via resolution 21-005 already addresses the requirement that employees are to pay benefit premiums in advance therefore complying with Resolution 21-005 by June 30, 2024 is attainable.

R4. The funds in the set-aside reserve account for Fund 1420 should not be released until an accounting true up is performed by BCAC to identify the amount needed to cover anticipated Fund 1420 deficits. This should be completed by June 30, 2024.

Response:

The recommendation requires further analysis, for the sole reason that an accounting true up isn't possible until resolution 21-005 is complied with.

R5. The CAO, in coordination with BCAC, develop a management plan for replenishing Fund 1420 by June 30, 2024.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. Once resolution 21-005 is complied with, the accounting true up will be completed, Fund 1420 will be replenished. The management plan is attainable by June 30, 2024.

R6. BCHR, in coordination with BCAC, perform quarterly reconciliations of Fund 1420 by June 30, 2024.

Response:

The recommendation requires further analysis, BCAC will need to collaborate with BCHR to ensure the departmental reconciliation includes reconciling to the General Ledger. The timeframe not to exceed six months is attainable.

Sincerely,

Graciela C. Gutierrez
Auditor-Controller
County of Butte

cc: County Board of Supervisors

County Administration

Andy Pickett, County Administrator
Meegan Jessee, Assistant County Administrator

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Members of the Board
Bill Connelly | Peter Durfee | Tami Ritter | Tod Kimmelshue | Doug Teeter

August 15, 2023

Honorable Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: Response to the 2022-2023 Butte County Grand Jury Final Report

Honorable Judge Caraway:

Pursuant to Penal Code 933 and 933.5, the Chief Administrative Officer submits the following response to the findings and recommendations of the Grand Jury's 2022-2023 Final Report.

PAYROLL CLEARING FUND 1420 ANALYSIS REPORT - Payroll

FINDINGS

F1. BC has not implemented some of the recommendations proposed in the IA report on Fund 1420 which was released in February 2019.

Response: The respondent agrees with the finding.

F2. The compensation contracts between BC and third-party entities for providing payroll and benefit administration servicing have not been updated since origination which causes BC to provide those services at a charge rate below cost.

Response: The respondent agrees with the finding.

F3. The BC practice of advancing benefit premium funds to off-payroll employees does not follow BOS policy.

Response: The respondent agrees with the finding.

F4. There is no applicable BC termination policy for ex-employees who fail to repay their benefit contribution fund advancements.

Response: The respondent agrees with the finding.

F5. It is unclear as to the amount of the set-aside reserve fund for Fund 1420 that is available for release.

Response: The respondent partially disagrees with the finding. The Payroll Clearing Fund Analysis Report dated February 7, 2019 outlined the recommended amount that the County should set aside to remain in Fund 1420. The report recommended reserving $150,000 of the $921,000 in 2019. The balance as of 6/30/22 is $923,801.10.

F6. There is no management plan in place to replenish funding shortfalls within Fund 1420.

Response: The respondent partially disagrees with the finding. While no formal written plan is in place, as illustrated by the responses of the following recommendations, Butte County Human Resources (BCHR) is actively managing the elements of Fund 1420 that it can control, and is aware of the remaining steps needed to resolve shortfalls.

F7. Complete quarterly reconciliations of Fund 1420 are not occurring.

Response: The respondent partially disagrees with the finding. BCHR is currently reconciling the 25 active Fund 1420 ledger accounts on a bi-weekly or quarterly basis. Fund 1420 is comprised of 55 payroll clearing accounts for three agencies: Butte County, Butte County Association of Governments (BCAG), and Butte Local Agency Formation Commission (LAFCo). Fifteen of the 55 are BCAG and LAFCo accounts. The remaining non-active ledger accounts involve payroll records or other historical components that are no longer available due to the 'Butte County Resolution Establishing an Orderly System for Destruction of Records.' In other words, the non-active accounts cannot be reconciled because the records don't exist.

R2. BOS outsource third-party agency payroll administration and servicing functions to an outside vendor by June 30, 2024.

Response: The recommendation has been partially implemented. Effective June 24, 2023, BCAG payroll/human resources services were transferred to a third party payroll administrator. It is anticipated that that LAFCo will do the same by August 31, 2023. The transition to an outside payroll vendor will provide an approximate savings of $20,000-$50,000 annually for LAFCo.

R3. BCHR should comply with BOS Resolution 21-005 by June 30, 2024.

Response: This recommendation requires further analysis. BCHR is currently in the process of reviewing and recommending changes to BOS Resolution 21-005 (Butte County Personnel Rules). The first step in this process involves BCHR researching best payroll practices and proposing changes to the resolution to the Board. Following Board approval, the County will need to go through the meet and confer process. Compliance with this recommendation is likely to extend beyond June 30, 2024. BCHR will work with the CAO to initiate this process by December 31, 2023.

R4. The funds in the set-aside reserve account for Fund 1420 should not be released until an accounting true up is performed by BCAC to identify the amount needed to cover anticipated Fund 1420 deficits. This should be completed by June 30, 2024.

Response: The recommendation requires further analysis. The account should be reconciled. However, due to the number of years the fund has existed, there are many inactive records that are gone as a result of the Butte County Resolution on 'Establishing an Orderly System for Destruction of Records' and as a result the non-active accounts can't be reconciled. In light of this, if BCAC has the ability to reconcile the fund by June 30, 2024, then the CAO will support and assist as able. If not, then this recommendation is not possible.

R5. The CAO, in coordination with BCAC, develop a management plan for replenishing Fund 1420 by June 30, 2024.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The CAO will work closely with BCAC and BCHR on this recommendation. Due to the complexity and time associated with the management and resolution of Fund 1420 issues which ware outlined in these responses, the implementation of any plan will extend beyond June 30, 2024. However, BCHR will work with the CAO to initiate the development of a plan by December 31, 2023.

R6. BCHR, in coordination with BCAC, perform quarterly reconciliations of Fund 1420 by June 30, 2024.

Response: The recommendation will be implemented in the future. By June 30, 2024 all current (active) accounts in Fund 1420 will be reconciled on a quarterly basis. Quarterly reconciliations of the inactive accounts of Fund 1420 are not possible because not all the data needed to reconcile exists. Once a management plan is in place to resolve the 1420 liability accounts future quarterly reconciliations of all Fund 1420 accounts will be possible.

IS BUTTE COUNTY PREPARED FOR THE NEXT DISASTER? County Office of Emergency Services

FINDINGS

F1. The county has been slow in showing progress on emergency preparedness.

Response: The respondent disagrees wholly with the finding. In the last five years Butte County has been through nine major disasters not including the State-declared drought emergency. Over that time, tremendous progress has been made on the County's preparedness. The entire County now has defined evacuation zones. FM Alert was added to Code Red, WEA, and IPAWS as another system to alert residents of emergency situations. Both the County Emergency Operations Plan and the Local Hazard Mitigation Plan underwent full rewrites and State review. The County has invested millions of dollars in wildfire fuel reduction, disaster education, disaster outreach, wildfire defensible space clearing, mass notification systems, emergency response equipment, additional emergency response staff, and millions more in matching funds to support similar programs and initiatives by local non-profit groups like the Butte Fire Safe Council. Butte County is a role model throughout the State for its emergency preparedness and disaster mitigation efforts.

F2. There has been no public follow-up to the recommendations found in the 2020 Camp Fire Corrective Action Plan, leaving residents in the dark about improvements in the county's emergency preparedness.

Response: The respondent disagrees wholly with the finding. The Camp Fire Corrective Action Plan was broken into eight sections containing a total of 79 recommendations. Of the 79 recommendations: 46 have been completed, 12 were found to be either not feasible or outside the County's jurisdiction/policy and 21 are processes that are always ongoing such as training, education, and outreach. Almost all of the completed recommendations where part of the Emergency Operations Plan update presented to the Board of Supervisors in May of 2022.

F3. The Office of Emergency Management is principally funded through grants. There is a risk of a severe funding gap if the county loses one or more of these grants.

Response: The respondent disagrees wholly with the finding. The grants funding OEM are part of the federal budget appropriations package, and as such the risk of a funding gap is not a concern. Additionally, all grants are managed according to stringent federal and State grant management criteria; therefore, the risk of not being awarded these grants in the future is very low.

F5. Emergency preparedness is spread among multiple departments each with different priorities.

Response: The respondent agrees with the finding.

RECOMMENDATIONS

R1. Board of Supervisors issue a public statement or report on the state of emergency preparedness in the county, including ongoing and future efforts to enhance emergency preparedness, by December 31, 2023, and update this statement or report semi-annually thereafter until there is no longer need to enhance emergency preparedness.

Response: This recommendation has been implemented. Preparedness is not a linear progression but a cycle of constant improvement. Butte County continues to move through the disaster cycle, updating plans and policy with lessons learned and best practices, implementing mitigation measures, and training for the next event. New technology, new policies, a changing environment and changes in resident population all create a dynamic risk profile for Butte County. There will always be a need to enhance capabilities and prepare for disasters through training and exercise and the implementation of new technology. The process for evaluating risk, vulnerability and exposure are part of the Hazard Mitigation Plan update. This plan is required to be updated every five years to ensure the most current risk profile for the County is used. In addition, State law requires the Butte County Disaster Council meet at least annually. The intent of the Disaster Council is to evaluate the County's preparedness and gather input from the public. These meetings are open to the public and have been in place for decades, providing an opportunity for the public to hear updates from OEM and the Sheriff on current preparedness efforts and future plans.

R2. The Chief Administrative Officer publish a status report on the implementation of recommendations found in the 2020 Camp Fire Corrective Action Plan by December 31, 2023.

Response: This recommendation has been implemented. Many of these recommendations and the implementation of the associated plans and programs are complex and involve multiple departments. Updates on these actions have been part of the Emergency Operation Plan updates and Disaster Council meetings.

R3. The Board of Supervisors ensure that the Office of Emergency Management is permanently funded by June 30, 2024.

Response: This recommendation has been implemented. OEM is funded through two sources: County General Purpose Revenue (GPR) and the Emergency Management Performance Grant (EMPG) Program (which is administered by FEMA). The purpose of the EMPG Program is to provide federal grants to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This money is appropriated annually by Congress as part of the federal budget package. As the EMPG funds fluctuate based on national budget priorities, OEM will live within its Target Net County Cost figure; which represents the GPR portion given for the program to operate. Should the EMPG program not be funded, the County General Fund Appropriation for Contingencies can be temporarily used to make up any shortfall.

R5. The Board of Supervisors consolidate all emergency preparedness and response into a single office or agency within the county by June 30, 2024.

Response: The recommendation will not be implemented because it is not warranted or reasonable. Emergencies are diverse and multifaceted in nature. They can range from natural disasters like fires, floods and earthquakes, to acts of criminal violence, public health crises, and cyber threats. Each type of emergency requires a unique set of skills, expertise, and resources to effectively manage and respond. With consolidation of emergency management, there is a risk of overlooking the specific needs and nuances of different types of emergencies.

Emergencies often transcend geographical boundaries. They can affect multiple regions, cities, and counties simultaneously. In such cases, a centralized agency may struggle to effectively coordinate and communicate with various stakeholders across different jurisdictional boundaries and professional disciplines, (i.e. fire, law enforcement, medical services, etc.). A decentralized approach allows for better coordination, information sharing, and resource allocation across different levels of government. This is effectively achieved through robust and well-established systems to manage emergencies known as the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS) and the Incident Command System (ICS). These systems have been utilized extensively and effectively on numerous occasions within Butte County.

Emergencies require a multidisciplinary approach. They involve various sectors and professional disciplines such as firefighting, law enforcement, healthcare, human services, sheltering, transportation, communication and many others. Each sector or professional discipline brings unique skills, knowledge, and resources that are crucial in addressing different aspects of the emergency. By distributing responsibilities among multiple agencies, each specializing in their respective fields, a more comprehensive and coordinated response can be achieved. It simply is not logistically feasible to have all those sectors and professional disciplines consolidated within a single agency.

In the case of the Department of Employment and Social Services (DESS), the department employs nearly 700 employees who also serve as Disaster Service Workers in times of need. The department is assigned under Federal Emergency Management Agency (FEMA) guidance the role of Mass Care and Shelter. This role includes opening and managing all County sponsored emergency shelters, evacuation centers and temporary evacuation centers.

For Public Health, the recommendation is not possible. The roles, responsibilities and function of the Department of Public Health is multi-pronged during every emergency that has a public health component. The Federal Emergency Management Agency (FEMA) establishes Emergency Support Functions (ESFs) under the National Response Framework. Local Public Health agencies coordinate response efforts ESFs - Public Health and Medical Services Annex. California Code, Health and Safety Code - HSC § 1797.153 establishes the Medical Health Operational Area Coordinator (MHOAC) program and provides that the county health officer and the local EMS agency administrator act jointly (or appoints designees) to manage the program.

In summary, the size and scope of disasters and disaster recovery impacts may vary in which various county departments may be called to action with expertise and experience specific to the disaster. Consolidating these efforts into a single office or agency could result in overwhelming workloads, conflicting priorities, lack of specialization, reduced flexibility and agility, potential conflicts of interest, and resource allocation challenges. While consolidation may provide limited benefits for small-scale disasters on a case-by-case basis, it is essential to strike a balance between efficiency and maintaining the necessary specialization, flexibility, and accountability required for effective emergency management.

R6. The Office of Emergency Management provide better education and outreach to county residents for CodeRED and Alert FM by June 30, 2024.

Response: This recommendation has been implemented. These programs are run by the Butte County Sheriff's Office and the Department of Employment and Social Services respectively. OEM actively supports both in their efforts to educate and inform the public but is not the lead for either of these programs. Both these programs are displayed on Sheriff, DESS, and OEM websites. Brochures for both programs are distributed at all community outreach events by all three departments. Lastly, a very robust social media campaign was launched and has been in place for several years for both programs.

BUTTE COUNTY UTILIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANTS – County Community Development

RECOMMENDATIONS

R2. The Butte County Chief Administrative Officer (CAO) utilize HCD and all funding resources to develop training programs targeted toward employment activities for groups of exceptionally low, low-to-moderate income populations; foster development of local nonprofits and businesses for the implementation of grant funded programs where feasible by June 30, 2024.

Response: The recommendation has been implemented. The County follows State and federal guidelines to implement Section 3 regulations as required by specific CDBG-DR grants. Additionally, the State has allocated

$18.7 million in CDBG-DR Workforce Development funds available to education and workforce development agencies, as well as public agencies and non-profits, to support training programs benefitting exceptionally low to low-to-moderate income populations.

R4. The CAO develop marketing and outreach programs for affordable housing ensuring it is targeted to all segments of the community by June 30, 2024.

Response: This recommendation has been implemented. The Community Development unit within County Administration develops marketing and outreach materials for the CDBG grants program (including CDBG, CDBG-DR, HOME, and CalHome). Marketing materials and outreach programs are available on the Butte County website. Eligible beneficiaries of the housing programs are low-to-moderate income households as required by the state; not all segments of the population are eligible.

Respectfully Submitted,

Andy Pickett
County Administrator

BUTTE COUNTY DISTRICT ATTORNEY

MICHAEL L. RAMSEY
District Attorney

MARK MURPHY
Chief Deputy District Attorney

JASON WINES
Chief Investigator

August 14, 2023

Honorable Corie J. Caraway, Judge of the Superior Court
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: DISTRICT ATTORNEY RESPONSE TO 2022-23 GRAND JURY REPORT

Dear Judge Caraway:

Pursuant to Penal Code Section 933, the District Attorney of Butte County submits his response to the 2022-2023 Grand Jury report.

The 2022-2023 Grand Jury badly informed the public when it declared in its subject line that the "District Attorney's Information Systems Holds Up Police Operations". This comes from an inadequate investigation revealing a fundamental misunderstanding of how and why law enforcement reports are passed to the District Attorney's Office. This was illustrated when the report implied that officers are required to process their own reports into the District Attorney's data portal. Agency civilian records staff, not officers, process each agency's reports into the portal.

Additionally, the report's assertions that each law enforcement agency suffers massive incomplete data transfers and a daily loss of 2-4 hours of work time could not be confirmed with the agencies themselves when District Attorney staff checked back with them after the report was done. It was felt that the Grand Jury committee responsible for the report either used badly outdated information or conflated the current time necessary to manually load data into the District Attorney portal with promised (and long overdue) automatic data uploads.

Unfortunately, the Grand Jury committee tasked with this report did not check with District Attorney staff to better inform their report and therefore reported out mistaken information.

As background, law enforcement agencies in the past had to physically transport copies of all their reports, videotapes, cassette tapes, and photos to the District Attorney's office. This would entail the agencies having to gather this information into a Request for Complaint package with a cover sheet (known as a pink sheet) that required the agency to write down information such as the suspect name, DOB, investigating officers' names, victim names, arrest charges, dates, etc. This information would then be manually transferred by District Attorney staff into our then electronic case management system (DAMION).

Law enforcement agencies eventually evolved into using electronic case management systems to

process and store their criminal cases. These systems are used to gather the information the law enforcement agency consolidates in their investigations. This may include reports, documents, photos, audio and video recordings, digital information from cell phones, surveillance videos, body camera videos, etc.

Law enforcement agencies in Butte County now electronically send large amounts of this information to be uploaded into the District Attorney's current case management system (eProsecutor) to be reviewed for prosecution and sent to defense attorneys. This data is sent in several different ways.

Agency records clerks generally gather individual agency criminal case information together to send to the District Attorney by uploading it onto a web-based connection known as the District Attorney's eProsecutor Portal. To load the individual case information into the eProsecutor Portal requires the records clerk to first manually enter data about the case (e.g. suspect name, DOB, investigating officers' names, victim names, arrest charges, dates, etc.) onto a web-based cover sheet that looks like the old pink sheet cover sheet form. To this form, the records clerks attach all the police reports, rap sheets, photos, audio, video, etc. that make up an individual criminal case.

Information can also be added to a case in the District Attorney's internal eProsecutor system through a File Transfer System. This electronic system allows law enforcement to send larger files directly from their computer to a computer at the District Attorney's Office. Once the District Attorney's Office receives these files, they are moved by District Attorney staff to the appropriate case inside our case management system.

Very large files (e.g. cell phone downloads) and files of a sensitive nature (e.g. child pornography), are physically delivered to the District Attorney's Office. These files are placed on a memory stick or large hard drive and hand-delivered to District Attorney's Office. These files are then copied and stored on a separate secure computer system where both the prosecuting attorney and defense attorney can have access. For defense attorney's use, the files will be copied to a memory stick, or large hard drive, and made available for pickup so they can review that information.

Discovery is the process where the District Attorney makes case information available to the defense attorney. Most discovery is made available to a defendant's attorney of record via the eProsecutor Portal.

Below please find the Grand Jury findings/recommendations and the District Attorney's responses to each:

Findings

F1. Significant IS problems exist uploading required case documents from CPD, GPD, OPD, PPD and BCSO to BCDA resulting in repeated failures and lost worker time.

Response. The District Attorney disagrees with this finding. Case documents are submitted to the District Attorney's Office by law enforcement agencies utilizing the three different methods described above:

- Electronic upload submission through the eProsecutor Portal,
- Electronic upload submission through a File Transfer System, or

- Physical delivery of electronic media.

Electronic Upload Submission through the eProsecutor Portal

The eProsecutor Portal is the primary delivery method for law enforcement agencies to provide their case documents to the District Attorney's Office to initiate a review and criminal prosecution. This system has a size limitation of 4 GB per portal submission. The primary reason for this limitation is the availability of system and network infrastructure resources through Butte County IS, the law enforcement agency itself, and the data network carrier. Insufficient network bandwidth anywhere between the agency and the District Attorney's Office will cause the file upload process to slow and then stop. Unlike streaming content from media providers such as Amazon, Netflix, YouTube, Pandora, and others, case file submissions cannot simply stop in the middle of a transfer. Generally, a transfer interruption results in a failed submission. Network infrastructure improvements to increase available bandwidth were made at the countywide level in May 2023, during the Grand Jury report period.

Upload failures from law enforcement agencies regularly occurred immediately following the implementation of the new eProsecutor case management and portal systems in October 2019, with a submission error rate of 25% in the first month. By the second month, the error rate dropped to 18%, but stubbornly remained at this high level until April 2021 when the software vendor provided DA IS staff with software tools to manually address the problem. (Recall this was during the COVID months, which severely limited communication between the vendor and the District Attorney's staff.)

Utilizing the vendor-recommended methods, DA IS staff began actively monitoring submissions and drastically reduced the error rate to 3.9% in April 2021. The error rate dropped to 2.1% in May 2021, the second month of the corrective action. By July 2021, the error rate fell to 1.0%. Since that time the errors have largely disappeared. A review of the portal submission logs reveals that during the Grand Jury investigation period, the failure rate hovered around 0.1% over an average of 1600 individual law enforcement agency submissions per month (or only 1.6 out of 1600 submission per month).

Electronic Upload Submission Through a File Transfer System

A File Transfer System is employed as a secondary submission method for case information delivery. This service is external to the eProsecutor portal system and is intended for file submissions that exceed the 4 GB limitation. These files could include electronic media such as surveillance camera video, cell phone video, body camera video from a few law enforcement agencies, and/or other large electronic media packages. (Note: Most agencies' police body camera videos are accessed from completely separate digital evidence management system and are not uploaded into eProsecutor.)

Physical Delivery of Electronic Media

Physical delivery of electronic media is a method utilized by most law enforcement agencies for extremely large submissions such as cellphone data (commonly known as "cellphone dumps"), which on a modern phone could be as large as 1 terabyte (1,000,000 megabytes). This delivery method is also used for ultra-sensitive information such as child pornography. Physical delivery of electronic media was not cited in the Grand Jury report but is included here for completeness.

F2. BCDA has existing updates for the eProsecutor internal DA system which will bridge and integrate with CPD, GPD, OPD, PPD and BCSO. BCDA IS has scheduled this installation.

Response. The District Attorney partly agrees with this finding. It is important to distinguish between "existing updates" and "bridge and integrate" – as these are two separate concepts that the Grand Jury reported as one. The eProsecutor Portal system and the eProsecutor internal case management system had "existing updates" during the Grand Jury reporting period. Separately, there is a pending data interface software solution that will "bridge and integrate" the case management record systems at CPD, GPD, OPD, PPD, and BCSO with eProsecutor at the District Attorney's Office.

eProsecutor Portal

The eProsecutor Portal is the web-based software component utilized externally by law enforcement agencies to upload criminal cases to the District Attorney. Its purpose, as discussed above, is for submission of new and supplemental case information and for delivery of required discovery information to defense counsel.

An eProsecutor Portal upgrade (perhaps the "update" referred to in the Grand Jury report) was completed in October of 2022. Such maintenance upgrades/updates are expected and standard with any commercial software package. It was also during this same period that the eProsecutor software vendor came up with an idea that reduced the agency case submission wait time by over 90 seconds per submission. This fix saved busy law enforcement agencies an estimated 10 to 15 man-hours per month.

eProsecutor Application

The eProsecutor application is the full-functionality software case management system utilized internally by District Attorney staff. An upgrade was completed in mid-June of 2023. This major upgrade, which moved the software from a 2018 version to a current version, was a priority effort during the entire Grand Jury reporting period, and for the year prior. Future maintenance updates are expected as with any software package. All upgrades are performed in a manner to minimally interfere with outside law enforcement agency workloads.

Data Interface

A data interface (assuming this is what the Grand Jury refers to as "bridge and integrate") is an active work in progress. The work represents a joint effort between the District Attorney's Office, Journal Technologies (developer of eProsecutor), and Sun Ridge Systems (developer of the law enforcement agency records information management system – RIMS) used by the majority of the law enforcement agencies in Butte County (CPD, GPD, OPD, PPD, and BCSO). Once completed, this data interface will facilitate automated data and case file transmissions directly into the District Attorney's eProsecutor case management system from the records systems at CPD, GPD, OPD, PPD, and BCSO. This proposed interface will virtually eliminate the manual data entry requirements of the eProsecutor Portal. It is this manual data entry that is cited by our law enforcement agencies as the primary time-consuming activity in the submission process.

No specific delivery date can be provided at the time of this response. The District Attorney's Office is waiting for information from the software providers, Journal Technologies and Sun Ridge

Systems. This information is however expected very soon.

(Of note, Journal Technologies is also working with the District Attorney's Office's automated electronic subpoena service (Legal Notification Systems - iSubpoena) and the Superior Court's case management system (Tyler – Odyssey) to electronically integrate those systems with eProsecutor.)

F3. The training previously provided to CPD, GPD, OPD, PPD and BCSO regarding BCDA data transfer protocols was not adequate for the current full process, including utilization of larger files and management of errors.

Response. The District Attorney partly agrees with this finding. The eProsecutor case management system rolled out in October 2019, replacing a less robust and antiquated system.

Before the implementation of eProsecutor, the District Attorney's office used a case management system known as DAMION. The DAMION system was easier for law enforcement agencies to upload case files as all the cover-sheet information supplied by a law enforcement agency was manually entered into the DAMION system by the District Attorney clerical staff, not the law enforcement agency staff. As noted above, cover-sheet information summarizes any information used to describe the persons and other data involved in a submitted case. This information typically includes, at a minimum: arrest charges, incident dates, names, physical descriptions, contact information, and identification information. When county budget constraints led to a significant reduction in overall District Attorney staff, the District Attorney's Office could no longer sustain the workload of manually entering this information into our case management system.

As the DAMION system reached its end of life, and eProsecutor was selected to replace it, it was determined, by necessity, to require law enforcement agencies to directly enter cover-sheet information into the system. Each agency was then required to directly upload their own cover sheet information as opposed to an overburdened District Attorney staff which was uploading the data for the 10+ agencies regularly submitting over 1600 records monthly to the District Attorney. The idea was to spread this burden out amongst the agencies who combined had much larger staffs than the District Attorney.

In addition to the change noted above, law enforcement agencies began utilizing digital media at a much larger scale than during the time of DAMION. Body cams, digital recordings, and photos all increased in size, which increased the amount of data the District Attorney's Office had to process. This created a burden on both the District Attorney storage capabilities as well as the eProsecutor Portal speed. Almost as soon as eProsecutor was implemented, immediate flaws were discovered in the submission process and as discussed above were a source of frustration both internally and externally.

As the District Attorney's Office attempted to work through the problems, COVID restrictions began to be placed on all, preventing much-needed face-to-face communications between staff and the vendor and generally reduced the availability of staff in both organizations.

During the initial rollout period, there were several operational issues experienced by system users, both internal users in the District Attorney's Office and external users in the law enforcement

agencies. Large file submissions were particularly troublesome, requiring Portal user training and system configuration modifications. The system stabilized following the configuration changes and subsequent upgrades. Large files within the defined system size limit of 4 GB no longer result in errors, as evidenced by the low submission failure rates cited in the response to the finding (F1) above.

It should be noted the eProsecutor Portal user interface is a common web interface that should be easily and intuitively understood by most new system users. However, it is recognized that additional training could and should be provided.

F4. BCDA IS lacks reference materials, i.e., videos/presentations/etc. explaining how to interface with reporting police departments.

Response. The District Attorney agrees with this finding. If the "interface" referenced in this finding is related to the manual use of the existing eProsecutor Portal, the District Attorney's Office could have provided more training early on.

However, the District Attorney's Office expected the manual Portal was an interim solution and that the automatic data interface described above would be brought online soon. In practice, this did not happen as planned.

F5. All law enforcement agencies utilizing RIMS will require updated process training after completion of BCDA software upgrade and implementation.

Response. The District Attorney agrees with this finding. The District Attorney's Office will train agency staff on the new simplified process as soon as it becomes available for use.

Recommendations

R1. BCDA direct the internal BCDA IS department to schedule the already purchased and tested update to the eProsecutor proprietary software utilized for case documentation retrieval by October 31, 2023.

Response. The District Attorney agrees with this recommendation. The software updates referenced here are normal maintenance upgrades and have already been completed as noted above.

R2. BDCA install the already purchased and tested update to the proprietary software utilized for case documentation retrieval by December 31, 2023.

Response. The District Attorney agrees with this recommendation. See above. The software update to a current version of the eProsecutor application and eProsecutor Portal software was completed in June 2023 and October 2022 respectively.

R3. BCDA direct the BCDA IS schedule utilization and use training with key representatives in CPD, GPD, OPD, PPD and BCSO on transfer of record protocols by March 31, 2024.

Response. The District Attorney agrees with this recommendation assuming that "transfer of records protocols" refers to the previously discussed data interface between the law enforcement agencies' records systems and eProsecutor.

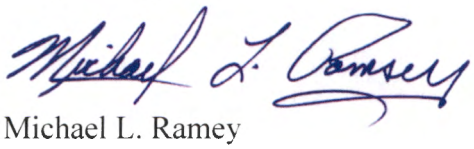
BCDA IS will create and distribute training and reference materials for the transfer of records protocols to address operational knowledge gaps at CPD, GPD, OPD, PPD, and BCSO by March 31, 2024.

R4. BCDA IS to create and distribute a training video/presentation (at the time of each training) to be used as a reference for future representatives at CPD, GPD, OPD, PPD and BCSO on transfer of records protocols by March 31, 2024.

Response. The District Attorney agrees with this recommendation assuming that "transfer of records protocols" refers to the previously discussed data interface between the law enforcement agencies' records systems and eProsecutor.

BCDA IS will distribute training and reference materials at the time of training for transfer of records protocols to address operational knowledge gaps at CPD, GPD, OPD, PPD, and BCSO by March 31, 2024.

Respectfully submitted,



Michael L. Ramey
District Attorney

cc: Butte County Board of Supervisors

Human Resources Department Sheri Waters, Director

3 County Center Drive
Oroville, California 95965

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F: 530.538.7790

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FILED
Superior Court of California
County of Butte
AUG 18 2023
Sheri Elmallah, Clerk
By Deputy
FILED

August 10, 2023

Honorable Corie J. Caraway, Judge of the Superior Court
c/o Administrative Services
Butte County Superior Court
1 Court Street
Oroville, CA 95965

Re: Department of Human Resources Director Response to the
2022-2023 Grand Jury Final Report

Dear Judge Caraway:

Penal Code Section 933 and 933.05 provides that the governing body of the public agency shall comment to the designated judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body. The Board of Supervisors, as the governing body of the County of Butte, will provide its response to the 2022-2023 Grand Jury Report by the statutory deadline.

County Office of Human Resources

Grand Jury Findings

F1: BC has not implemented some of the recommendations proposed in the IA report on Fund 1420 which was released in February 2019.

The respondent agrees with the finding.

F2: The compensation contracts between BC and third party entities for providing payroll and benefit administration servicing have not been updated since origination, which causes BC to provide those services at a charge rate below cost.

The respondent agrees with the finding.

F3: The BC practice of advancing benefit premium funds to off-payroll employees does not follow BOS policy.

The respondent agrees with the finding.

F4: There is no applicable BC termination policy for ex-employees who fail to repay their benefit contribution fund advancements.

The respondent agrees with the finding.

F5: It is unclear as to the amount of the set-aside reserve fund for Fund 1420 that is available for release.

The respondent partially disagrees with the finding. The Payroll Clearing Fund Analysis Report dated February 7, 2019 outlined the recommended amount that the County should set aside to remain in Fund 1420. The report recommended reserving $150,000 of the $921,000 in 2019. The balance as of 6/30/22 is $923,801.10.

F7: Complete quarterly reconciliations of Fund 1420 are not occurring.

The respondent partially disagrees with the finding. BCHR is currently reconciling approximately 25 (active fund) 1420 ledger accounts on a bi-weekly or quarterly basis. Fund 1420 is comprised of 55 payroll clearing accounts for three agencies: Butte County, Butte County Association of Governments (BCAG) and Butte Local Agency Formation Commission (LAFCo). Fifteen of the 55 are BCAG and LAFCo accounts. The remaining non-active ledger accounts involve payroll records or other historical components that are no longer available due to the *Butte County Resolution Establishing an Orderly System for Destruction of Records*.

Grand Jury Recommendations

R2: BOS outsource third-party payroll administration and servicing functions to an outside vendor by June 30, 2024.

The recommendation has been partially implemented. Effective June 24, 2023, Butte County Association of Governments (BCAG) payroll/human resources services were transferred to a third party payroll administrator. It is anticipated that the Butte Local Agency Formation Commission (LAFCo) will do the same by August 31, 2023. The transition to an outside payroll vendor will provide an approximate savings of $20,000-$50,000 annually for each agency.

R3: BCHR should comply with BOS Resolution 21-005 by June 30, 2024.

This recommendation requires further analysis. The respondent is currently in the process of reviewing and recommending changes to the BOS Resolution 21-005 (Butte County Personnel Rules). This process involves discussion of proposed changes with the BOS, their approval to move forward with the changes, meet and confer requirements with County labor units and HR time for procedural changes to be designed and implemented. Compliance with this recommendation is likely to extend beyond June 30, 2024.

R4: The funds in the set-aside reserve account for Fund 1420 should not be released until an accounting true up is performed by BCAC to identify the amount needed to cover anticipated Fund 1420 deficits. This should be completed by June 30, 2024.

The recommendation requires further analysis. BCHR agrees that the account should be reconciled. However, due to the number of years the Fund 1420 has existed there are many inactive/dated records needed for full reconciliation that are gone in accordance with the *Butte County Resolution-Establishing an Orderly System for Destruction of Records*. In light of this, if BCAC has the ability to reconcile the fund by 6/30/24, then BCHR will fully support and assist as able. If, not, then this recommendation is not possible.

R6: BCHR, in coordination with BCAC, perform quarterly reconciliations of Fund 1420 by June 30, 2024.

The recommendation will be implemented in the future. By June 30, 2024 all current (active) accounts in Fund 1420 will be reconciled on a quarterly basis. Quarterly reconciliations of the inactive accounts of Fund 1420 are not possible because not all the data needed to reconcile exists. Once a management plan is in place to resolve the 1420 liability accounts future quarterly reconciliations of all Fund 1420 accounts will be possible.

Sincerely,

Sheri Waters
Director, Butte County Department of Human Resources

cc: Board of Supervisors
Andy Pickett, Chief Administrative Officer

Department of Public Works Joshua Pack, Director

Butte County
PUBLIC WORKS

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August 16, 2023

Honorable Superior Court Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: Response to the 2022-23 Butte County Grand Jury Final Report

Dear Honorable Judge:

Under Penal Code Sections 933 and 933.05, the Butte County Director of Public Works submits the following response to the findings and recommendations of the Butte County Grand Jury Report for 2022-23 on the Department of Public Works.

Who Pays for Street Lighting?

Findings:

F2. Butte County Department of Public Works overestimates the administrative expenses for County Service Areas that provide street lighting maintenance, which influences assessment adjustments.

Response: The respondent disagrees wholly with the finding. The Butte County Department of Public Works closely works with Administration to develop budget projections for the anticipated administrative overhead in the upcoming fiscal year. Conservative budgeting principles are utilized to minimize risk to the various County Service Areas. Despite these conservative principles, administrative expenses typically represent a minimal portion of overall expenses and have little to no influence over proposed assessment adjustments.

F4. Butte County has no procedures for residents within its unincorporated territory to request new streetlights in their neighborhood, making it more difficult to enhance pedestrian visibility and reduce crime.

Response: The respondent disagrees wholly with the finding. The Butte County Department of Public Works employs a County Service Area Coordinator to assist with public requests for new street lights. Residents may call 530-538-7681 during business hours and ask the Coordinator to assist them with their request.

Recommendations:

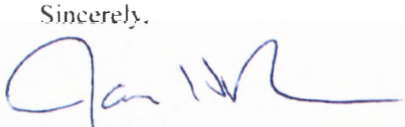
R2. The Butte County Department of Public Works should establish procedures for estimating expenses for County Service Areas (or successor agencies) that provide street lighting maintenance by March 31, 2024.

Response: The recommendation will not be implemented because it is not warranted. The Butte County Department of Public Works has already adopted procedures for estimating expenses for County Service Areas as part of the annual budget process.

R4. The Board of Supervisors should adopt a procedure for residents to request new streetlights in their neighborhood by March 31, 2024.

Response: The recommendation will not be implemented because it is not warranted. The Butte County Department of Public Works has already adopted process for residents requesting new streetlights in their neighborhood. Residents may contact the Department of Public Works County Service Area Coordinator to assist with public requests for new street lights. Residents may call 530-538-7681 during business hours and ask the Coordinator to assist them with their request.

Sincerely,



Joshua Pack
Director of Public Works

CC: Board of Supervisors
Andy Pickett, Chief Administrative Officer