



# BILL CONNELLY

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FILED Superior Court of California  
County of Butte  
SEP 13 2010  
Kimberly Fiener, Clerk  
By K. Mordense Deputy

September 1, 2010

Honorable Steven Howell, Presiding Judge  
Superior Court of California, County of Butte  
One Court Street  
Oroville, CA 95965

**RE: Butte County District One Supervisor response to the 2009-2010 Butte County Grand Jury Final Report**

Honorable Judge Howell,

The 2009-1010 Grand Jury required a response from me, as the Butte County District One Supervisor, as well as the Butte County Board of Supervisors on the Oroville Mosquito Abatement District report. This distinction requires this respondent to reply in like manner on two specific points.

First, the powers and authorities of the Board of Supervisors are vested in the Board as a whole, and no individual Board member can take that authority for him or herself. Therefore, the obligation to respond to some of the findings and recommendations of the Grand Jury's Oroville Mosquito Abatement District report properly rests with the Board of Supervisors since the subject matter is under its control, and not under the control of any single Board member. Nonetheless, as a courtesy, and out of respect for the work of the Grand Jury, I will respond.

Second, because I will have input on the Board of Supervisors response as a member of that Board, but cannot answer for the entire Board, I will limit my personal responses to the report specifically to the Findings and Recommendations that reference me personally. These responses are to be viewed as my own, and should not be construed to mean the Board agrees or endorses my responses.

## OROVILLE MOSQUITO ABATEMENT DISTRICT

### *Grand Jury Findings*

*F1. OMAD operations are functioning effectively; there have been no instances of human cases of West Nile Virus in the OMAD.*

**The respondent neither agrees nor disagrees with these findings.** The findings are directed at the Oroville Mosquito Abatement District, which is not under my control.

*F2. The service provided by OMAD, a smaller district, is more personal to the residents of the district, and is cost effective.*

**The respondent neither agrees nor disagrees with these findings.** The findings are directed at the Oroville Mosquito Abatement District, which is not under my control.

*F3. Appointments to the OMAD Board by the Butte County Board of Supervisors and the Oroville City Council have not been timely or in accordance with California law.*

**The respondent partially agrees with the finding.** I understand that requests from OMAD to its board for appointments have not been done timely, therefore appointments have not been done timely. However, appointments have been done in accordance to California law.

*F4. As a result of lengthy vacancies, the OMAD Board has often not had a quorum and has been unable to conduct business. From October 2007 through March 2010, there has only been a full five-member OMAD Board for seven months.*

**The respondent neither agrees nor disagrees with these findings.** Since I am not involved in the day-to-day operations of OMAD, I am not aware of the reasons why the OMAD board has been unable to conduct business.

*F5. A qualified person who had demonstrated interest and commitment to the OMAD Board by attending numerous meetings and who was recommended as an appointee by the OMAD Board was not even considered for that appointment by the District One Supervisor.*

**The respondent disagrees with the finding.** I did consider the individual for appointment, but chose not to bring the name to the Board of Supervisors, as the candidate did not meet my criteria of a qualified candidate.

F6. *The District One Supervisor's failure to fulfill his obligation to oversee appointments to the OMAD Board appears to be due to making his personal interests more important than his regard for California law which states: The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them. This has often left the OMAD Board unable to function properly, due to long, unfilled vacancies.*

**The respondent emphatically disagrees with the finding.** The law cited in the finding refers specifically to the duties of district trustees, not the members of the Board of Supervisors. Also, the obligation of overseeing appointments belongs to OMAD, not the Board of Supervisors. Since I am not involved in the daily workings of the OMAD Board, I cannot comment on the reasons they have been unable to properly function, or how their lack of appointment oversight has contributed to it. I take the appointment process seriously, and do not recommend appointments simply because a name was provided. When an individual is presented to me for an appointment, I need to be sure that the individual is the best candidate to serve the community in that capacity.

F7. *Appointments to the OMAD Board by the Board of Supervisors, as recommended by the District One Supervisor, have included at least one person who was unqualified due to their residency being outside the District.*

**The respondent agrees with the finding.** At the October 13, 2009 Board of Supervisors meeting, I recommended an appointment to a listed vacancy on the OMAD. It was determined after the appointment was approved that the individual did not meet the residency requirements. The appointee, having been made aware of the requirement, subsequently resigned from the OMAD.

F8. *The appointment letters to new OMAD Board appointees by the Board of Supervisors do not include the relevant information regarding the OMAD Board responsibilities, meeting time, and place.*

**The respondent neither agrees nor disagrees with these findings.** The findings are directed at the Board of Supervisors, and although I am a member of the Board, I cannot speak for the Board. However, the responsibility to provide OMAD Board members relevant information about their responsibilities, meeting time, and place belongs to the OMAD Board.

F9. *The OMAD Board and the appointee were not notified by mail of an October 2009 appointment recommended by the District One Supervisor and approved by the Board of Supervisors.*

**The respondent neither agrees nor disagrees with these findings.** The findings are directed at the Clerk of the Board of Supervisors.

*F10. The Locals Appointments List, as related to the OMAD, and over a period of time that we reviewed has not been accurately maintained as required by California law by both the County of Butte and the City of Oroville.*

**The respondent neither agrees nor disagrees with these findings.** The findings are directed at the Clerk of the Board of Supervisors and the City of Oroville.

*F11. The OMAD Board has not been monitoring Board Members' term expiration dates. As a result, they have not been notifying the proper appointing authorities in a timely manner or current or anticipated vacancies or their interest of being reappointed.*

**The respondent is unable to agree or disagree with the finding.** The findings are directed to OMAD.

*F12. At times, for security reasons, the doors to the OMAD Board meeting room in the Oroville City Hall have been locked and access for citizens may have been hindered.*

**The respondent is unable to agree or disagree with the finding.** The findings are directed to OMAD and the City of Oroville, and does not know the reasons for locking the doors.

### ***Grand Jury Recommendations***

*R1 OMAD should continue to function as an independent mosquito abatement district and should not be consolidated with another mosquito abatement district.*

**The respondent is unable to comment on these recommendations.** The recommendations are directed at the Oroville Mosquito Abatement District, which is an independent governmental entity.

*R2. The Butte County Board of Supervisors should make use of their website to actively publicize vacancies and information (qualifications, purpose, functions, and current board members) for the special district boards, commissions, and committees to which they have the responsibility to appoint members.*

**The respondent is unable to comment on these recommendations.** The recommendation is directed at the Board of Supervisors, and although I am a member of the Board, I cannot speak for the Board.

R3. *The Butte County Board of Supervisors and Oroville City Council should take steps to assure that appointments to fill vacancies to OMAD and other special districts boards, commissions, and committees for which they have the responsibility to appoint members are timely and in accordance with California Law.*

**The respondent is unable to comment on these recommendations.** The recommendations are directed at the Board of Supervisors, and although I am a member of the Board, I cannot speak for the Board, nor the Oroville City Council.

R4. *The Butte County Board of Supervisors and Oroville City Council should take steps to assure that the Local Appointments List is accurate with respect to OMAD and other special districts boards, commissions, and committees for which they have the responsibility to appoint members.*

**The respondent is unable to comment on these recommendations.** The recommendation is directed at the Board of Supervisors, and although I am a member of the Board, I cannot speak for the Board.

R5. *When making appointments to districts, boards, commissions, Butte County Board of Supervisors and Oroville City Council should base their appointments on the needs of the district or commission and not on an individual supervisor's or council member's agenda.*

**The respondent cannot respond to the recommendation.** The recommendation is specific to the Board of Supervisors. However, I can unequivocally say that when I am acting in the capacity of a Board member making appointments, my appointments and votes are done with the best interests of the community in mind.

R6. *The Board of Supervisors should assign responsibility to the Clerk of the Board of Supervisors or another county government official to determine if an applicant or appointed person to fill a board vacancy meetings the residency and other mandated requirements. The Oroville City Council should also designate such a person in the city administration.*

**The respondent cannot respond to the recommendation.** The recommendation is specific to the Board of Supervisors and the Oroville City Council.

R7. *The OMAD Board should monitor upcoming vacancies and communicate with the appointing authorities so that vacancies are filled in a timely manner.*

**The respondent cannot respond to the recommendation.** The recommendation is specific to the OMAD Board.

R8. *The OMAD Board should immediately communicate with the appointing authority whenever an unexpected vacancy occurs.*

**The respondent cannot respond to the recommendation.** The recommendation is specific to the OMAD Board.

R9. *The City of Oroville and the OMAD Board should work together to assure that the doors to the OMAD Board meeting room in the Oroville City Hall are unlocked during OMAD Board meetings.*

**The respondent cannot respond to the recommendation.** The recommendation is specific to the OMAD Board and the City of Oroville. However, I fully endorse the recommendation. The most basic concept of a public meeting is access to the public. To meet behind closed doors, even if everything else is done properly, gives the appearance of impropriety, which results in a loss of public confidence.

*Bill Connelly*