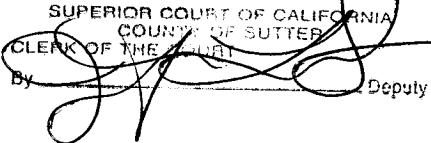


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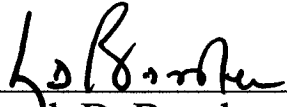
FEB 28 2008

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By  Deputy

**Report
of the
2007-2008
Sutter County Grand Jury**

ROBERT WILIAM AHU, KIMBER LEE ANDERSEN, GLENN ARONOWITZ,
MARIA A. ARREOLA, DEBORAH LEE BAKER, KEVIN CHARLES BERMINGHAM, KENNETH
DEAN BROOKE-FOREPERSON, NANCE ANN CONTRERAS,
JOAN DUBUISSON DOOLITTLE, KENT BRYON EKBERG, JOHN EDWARD ELLIOTT,
THERESE ANN GUIDERA, DOUGLAS JAMES HEACOCK, SATOKO SHINOZAKI KIM,
TAMI RENE KING, JODY MARIE MCGINNIS, SARA NEILAH NEUKIRCHNER, CYNTHIA LEE
TAYLOR, DIANE REBECCA UUTELA

**Final report [pursuant to Penal Code Section 933(a)] on subject:
Board of Supervisors' Response to 2006-2007 Grand Jury Report**




Kenneth D. Brooke,
07-08 Grand Jury Foreperson

Feb. 20, 2008

Date

Pursuant to Penal Code Section 933(a), the Presiding Judge makes the finding that the foregoing report is in compliance with Title 4, Chapter 3 of the Penal Code ("Powers and Duties of the Grand Jury").



Christopher R. Chandler, Presiding Judge
Superior Court of California, County of Sutter



Sutter County Grand Jury

February 20, 2008

RE: Revised Report on The Board of Supervisors Response to 2006-2007
Grand Jury Report

Judges Hansen and Chandler,

Attached is a revised report on the subject referenced above.

Sincerely,

A handwritten signature in black ink, appearing to read "K. D. Brooke".

Kenneth D. Brooke
Foreperson

Board of Supervisors' Response to Fiscal Year 06/07 Grand Jury Report

Introduction

The 2007-2008 Sutter County Grand Jury investigated allegations of bias and political motivation on the part of the 2006-2007 Grand Jury made by the Board of Supervisors in their "Response to Fiscal Year 2006-2007 Grand Jury Report" (Response).

The current Grand Jury also initiated discussions with Larry Combs, the County Administrative Officer (CAO) and the Board of Supervisors (Board) to establish a dialogue with the intentions of restoring the mutual respect that should be inherent in their respective positions.

The investigation and discussions were conducted by the Continuity Committee comprised of the following jurors: Deborah Baker, Kenneth Brooke (Foreperson), John Elliott, Doug Heacock and Tami King.

Discussion

The preceding three Sutter County Grand Juries (2004-2005, 2005-2006, and 2006-2007) were publicly accused of acting in a politically motivated fashion. According to media reports the 2004-2005 and 2005-2006 Grand Juries, following their indictments of the Auditor/Controller, were accused by The Sutter County Taxpayers Association (SCTA) and Citizens for Change of acting at the behest of the County Administration. Similarly, the 2006-2007 Grand Jury was accused by the County Administration of acting as an agent of the SCTA. In each case, these accusations are without merit and are supported only by innuendo. No evidence has ever been offered that could prove such allegations.

Grand Juries are, by design, apolitical; however, the Findings and Recommendations of Grand Jury reports can, and sometimes do, have political consequences. Members on both sides of the current "political divide" have viewed the work of recent Grand Juries through their own political prisms.

An active member of SCTA served on the 2006-2007 Grand Jury. Although her vote was only one in nineteen, and her association with SCTA was well known, the County's position was to discredit, by that association, the entire jury and its report despite the fact that no allegation was made that she acted improperly or that she violated her oath in any way.

Richard Nelson, foreperson of the 2006-2007 Grand Jury, addressed the Board on September 25, 2007, prior to their vote to approve the Board's response to the *Grand Jury Report*.

An excerpt from Mr. Richard Nelson's address to the Board of Supervisors, September 25, 2007:

"What seems to have happened is that from the moment the report was issued, the only response is to accuse 19 dedicated citizens of bias and personal political motives. Somehow it never occurred to me that producing significant findings and thoughtful reports so that local government and its processes are improved as a result of our service would be interpreted as bias or political motivation."

In several portions of the *Response*, as approved by the Board, the 2006-2007 Grand Jury is accused of being politically motivated in several areas.

From the 2006-2007 Response to the Grand Jury Report:

(Pg. 2) Describing the Grand Jury's receipt of a Draft Report of the Independent Audit "...the manner in which they received it raises questions concerning the relationship between the County Auditor-Controller and the Audit and Finance Committee."

(Pg. 29) Responding to criticism of the process for approving pay and pension increases in the Grand Jury Report "...To then bolster this misleading information by misquoting the CAO in an effort to support the Grand Jury's desired conclusion underscores the biased and politically charged agenda present in the Grand Jury Report."

(Pg. 30) Responding to the Grand Jury's Recommendation regarding future salary increase deliberations "...the Grand Jury apparently intentionally took language out of context to match its political agenda."

(Pg. 44) Responding to the Grand Jury's discussion concerning the demeanor of the Board of Supervisors "...it is the proverbial attempt to make a "mountain out of a molehill" in furtherance of a political agenda."

The Grand Jury and the CAO have engaged in lengthy and productive discussions regarding the County's *Response*. The County's *Response* attributed most disputed statements, findings and recommendations to bias or political motivation. The CAO has acknowledged that his office viewed the 2006-2007 *Grand Jury Report* as a political document requiring a political response.

Throughout the course of numerous meetings neither the County CAO, who was responsible for preparing the *Response*, nor the members of the Board who approved it, have presented the Grand Jury with any evidence of bias or political agenda on the part of the 2006-2007 Grand Jury.

In reviewing those areas of the *Grand Jury Report* where the County has expressed concerns as to accuracy, both the 2007-2008 Grand Jury and the CAO are satisfied that any disputed facts or findings are the result of honest and genuine differences of opinion or less than perfect communication.

Findings

The SCTA and Citizens for Change are private associations and are, therefore, beyond the purview of the Grand Jury.

In discussions conducted by the Grand Jury with each member of the Board of Supervisors, Stan Cleveland, Larry Montna, Larry Munger, Dan Silva and Jim Whiteaker, not one of them alleged or offered any proof of bias or political motivation, on the part of the 2006-2007 Grand Jury or its Report.

In discussions conducted by the Grand Jury with Larry Combs, Sutter County Administrative Officer, Mr. Combs offered no proof of bias or a political agenda on the part of the 2006-2007 Sutter County Grand Jury.

The Grand Jury finds that there is no evidence of bias or political agendas on the part of the 2006-2007 Sutter County Grand Jury.

Recommendations

As private associations, The Sutter County Taxpayers Association and Citizens for Change are beyond the Grand Jury's purview. However, the Grand Jury urges that they, and all other interested parties, remember that the jury is comprised of nineteen citizens who voluntarily devote a year of their lives, work confidentially, and then render collective judgments to the best of their ability. Impugning their integrity and service should not be done lightly or without proof.

Unfounded allegations of bias, or the furtherance of a political agenda, as were directed by the Board and CAO toward the 2006-2007 Sutter County Grand Jury and its *Report* do a disservice to the citizens of Sutter County. The Grand Jury system is dependent on the voluntary service of ordinary citizens who may be either reluctant to serve, or reluctant to initiate investigations of important matters, if their character or motives are called into question, without just cause, by government officials.

Sutter County CAO, Larry Combs, stated:

"One of the principles that formed the foundation of our discussions was the importance of the Grand Jury in assisting the County of Sutter in seeing its operations through the eyes of its citizens and, thus, enabling the County to correct identified problems or even perceptions of problems that dedicated public servants might not perceive because they are "part of the system." This is an invaluable service, both to the County government and the citizens we all serve. It is apparent that conflict between the County and the Grand Jury would have a negative effect on the provision of that service by Grand Jury members who, after all, are dedicated members of the community volunteering their time and effort to help improve Sutter County government."

The Grand Jury concurs and recommends that the dialog established between the Board, the CAO, and the Grand Jury continue. It is the belief, and hope, of the Grand Jury that an ongoing dialog will contribute to an atmosphere that encourages a healthy exchange of information, analysis, ideas and constructive recommendations.

Respondents:

Sutter County Board of Supervisors

Larry Combs, County Administrator

