

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

**FY 2016-17**

**Sutter County Grand Jury  
Final Report**

**ENDORSED FILED**

**SEP 28 2017**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER  
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**Scott Mitnick  
County Administrator**

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**SEP 13 2017**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER**



**County of Sutter**  
*Office of the County Administrator*

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September 12, 2017

The Honorable Brian R. Aronson  
Presiding Judge of the Sutter County Superior Court  
1175 Civic Center Boulevard  
Yuba City, CA 95993

Dear Judge Aronson:

On behalf of the Sutter County Board of Supervisors, included herewith are Sutter County's responses to applicable findings and recommendations of the FY 2016-17 Grand Jury. The Board of Supervisors has responded to the following reports as requested by the Sutter County Grand Jury:

- Child Protective Services: Addressing Grievances
- Emergency Evacuation Report
- A Review of Whiteaker Hall and Consolidation of Buildings
- An Overview of Sutter County Fire and Emergency
- Sutter County Jail Operations

The Sutter County Board of Supervisors and administration thanks the Grand Jury for its time and dedication in serving the citizens of Sutter County. The County organization looks forward to implementing the applicable recommendations.

I would be happy to meet with the Grand Jury to discuss any or all of its issues, findings and recommendations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Mitnick".

Scott Mitnick  
County Administrator

CC: Sutter County Board of Supervisors

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## **Child Protective Services: Addressing Grievances**

The Board of Supervisors was requested to respond to this report, while both the Sutter County Health and Human Services (HHS) Director and Child Protective Services Management were invited to respond. Below is the response from the Board of Supervisors. A response from the HHS Director, developed by the Director along with CPS management staff, is attached (Attachment A).

### **FINDINGS**

#### **Grand Jury Finding #1:**

*“F1: There is a clear perception by some employees that management is not responsive to employees’ concerns, and this contributes to morale issues for some employees.”*

#### **Grand Jury Finding #2:**

*“F2: Employees have not followed stated grievance procedures in an attempt to resolve their concerns.”*

#### **Grand Jury Finding #3:**

*“F3: It is our conclusion that management has not violated any policies or procedures regarding the grievance process.”*

#### **Grand Jury Finding #4:**

*“F4: After a vacancy for several years, Sutter County recently hired a new Human Resources Department Head. This will provide another route for the employees to express their concerns.”*

#### **Response from the Board of Supervisors:**

F1: The Board of Supervisors agrees.

F2: The Board of Supervisors agrees.

F3: The Board of Supervisors agrees.

F4: The Board of Supervisors agrees. Please note that employees are required to follow County policies and procedures for escalating concerns to supervisors.

## **RECOMMENDATIONS**

### **Grand Jury Recommendation #1:**

*“R1: Management should be more proactive with employees by providing additional training on grievance procedures and better communication with staff.”*

### **Grand Jury Recommendation #2:**

*“R2: Management should look at the current practices for addressing employee concerns that are effective in other areas of the Human Services Department and implement them in the Child Protective Services Department.”*

### **Response from the Board of Supervisors:**

R1: This recommendation will be implemented. The Department of Health and Human Services Director has reviewed operations within the department and made decisions and supported changes regarding methods of communication and problem resolution. Refresher training for managers, supervisors and all Social Services branch staff regarding Sutter County’s grievance procedure will be completed by November 1, 2017.

R2: This recommendation will be implemented on an ongoing basis. Management will look into practices for addressing employee concerns in all divisions of the Department of Health and Human Services and apply them as appropriate. In order to provide consistency among and between County departments, formal employee grievances will be addressed through the County’s grievance procedure. However, management and administration have agreed to continue looking at and sharing practices in other areas to determine effective strategies for supporting positive employee morale and implementing those practices when feasible.

## **Emergency Evacuation Report**

The Board of Supervisors was requested to respond to this report, while the Sutter County Chief Administrative Officer was invited to respond. Below is the response from the Board of Supervisors, developed in concert with the County Administrative Office.

### **FINDINGS**

#### **Grand Jury Finding #1:**

*“F1: Sutter County has the final say in the event of an evacuation call.”*

#### **Grand Jury Finding #2:**

*“F2: Sutter County does have a “slow river rise, levee failure scenario” evacuation plan, but it is inadequate for rapidly evolving events.”*

#### **Grand Jury Finding #3:**

*“F3: Opening up a second lane to traffic on Highway 20 or 99 is seen as unrealistic due to the amount of officers needed to accomplish the task.”*

#### **Grand Jury Finding #4:**

*“F4: Not everyone in Yuba City received a phone call telling them of the evacuation order.”*

#### **Response from the Board of Supervisors:**

F1: Sutter County agrees with this finding, to the extent it relates to the geographic boundaries of Sutter County, including all incorporated areas. Under the Local Proclamation of Emergency, the County, acting as the Operational Area, has increased powers through the Emergency Services Act. The Local Proclamation of Emergency expands the emergency powers and authorities of the State and its political subdivisions, such as the County of Sutter. In response to an executive order by the Governor following flooding in 1997, the California Office of Emergency Services published “Legal Guidelines for Flood Evacuation.” Citing a 1979 opinion by then Attorney General George Deukmejian, the Flood Evacuation Guidelines state: “Under the provisions of the Emergency Services Act, should a county and a city within that county declare local emergencies seeking to control the same event, and in so doing the two entities issue conflicting, overlapping, emergency ordinances and/or orders, the county emergency ordinances and/or orders are controlling.”

F2: Sutter County agrees with this finding. The Flood and Dam Failure Annex of the Sutter County Emergency Operations Plan does address both “slow rise” (increases in river elevation that are forecast days in advance due to advancing technology) flooding that provide hours of advanced warnings about dangerous conditions and full failures of

four dams that would impact Sutter County within hours if they failed; Oroville (9 hours) on the Feather River, Bullards Bar (1 hour) on the Yuba River, Camp Far West (1 hour) on the Bear River, and Shasta (100 hours) on the Sacramento River. A failure of any of these dams would have catastrophic impacts on varying portions of the County. There is likely to be some advance warning of problems developing with the dams themselves, however. The County's Emergency Operation Plan does not anticipate a partial failure of Oroville Dam (e.g., the emergency spillway), or any of the other dams, in a "no-notice" scenario, and our region's highway system lacks capacity to quickly evacuate an entire county with no notice, particularly when neighboring regions are evacuating at the same time.

F3: Sutter County agrees with this finding. Especially in a no-notice evacuation, when off duty public safety officers will have difficulty fighting traffic to report to the emergency, mutual aid officers from other regions will have the same difficulty arriving here, or when the California Highway Patrol is dispatched to support multiple counties at once, it is unrealistic to believe enough emergency services support staff will be able to establish safe "contra flow" conditions on local highways.

F4: The Board of Supervisors agrees with this finding.

## **RECOMMENDATIONS**

### **Grand Jury Recommendation #1:**

*"R1: Sutter County and Yuba City should be in agreement when considering an evacuation order to avoid public confusion."*

### **Grand Jury Recommendation #2:**

*"R2: Create evacuation routes based on resident address and projected population growth to expedite the process."*

### **Grand Jury Recommendation #3:**

*"R3: Plans should be in place to accommodate handicapped individuals and those in need."*

### **Grand Jury Recommendation #4:**

*"R4: Develop an accurate model or timeframe for communities to use to understand how much time they have, based on where they live, before they are in danger of flooding due to: complete dam failure and partial dam failure (i.e. emergency spillway failure)."*

### **Grand Jury Recommendation #5:**

*"R5: Create a plan to deal with animals (livestock)."*

**Grand Jury Recommendation #6:**

*“R6: Develop a plan for the orderly evacuation of all schools in the area.”*

**Grand Jury Recommendation #7:**

*“R7: Create a communication link to keep the communities up-to-date on any potential crisis.”*

**Grand Jury Recommendation #8:**

*“R8: The County should use a call list that informs the public in time of emergency.”*

**Response from the Board of Supervisors:**

R1: Sutter County is dedicated to implementing this recommendation and believes agreement between jurisdictions is critical in lessening confusion during an evacuation. This recommendation will be implemented to the extent that Sutter County can influence the situation through discussion and sharing of information. Whether leaders in the incorporated cities agree or disagree, however, it is important to clarify that under State law, agreement of the cities with the action taken by the County *is not required*. The County has the authority to declare an evacuation of the Operational Area which includes all political subdivisions (including incorporated cities) within County boundaries. The Mandatory Evacuation called by Sutter County on the evening of February 12, 2017 fully complied with State law and the County’s Emergency Operations Plan.

During the events of late afternoon and early evening on February 12th, 2017, Sutter County issued its Countywide Mandatory Evacuation notice after the following steps took place:

- Butte County had earlier issued a Mandatory Evacuation for the portion of its county located generally south of Oroville (including cities of Oroville, Biggs, and Gridley).
- Yuba County had earlier issued a Mandatory Evacuation for the portion of its county located along portions of Feather River and Yuba River (including cities of Marysville and Wheatland).
- Sutter County Administrator and Sutter County Fire Chief were strongly advised by representatives of the Department of Water Resources (DWR) and Cal-Fire, who were located at the Oroville Dam, to issue a Mandatory Evacuation for Sutter County as soon as possible due to the “imminent failure of the emergency spillway within one hour” and that “excessive amounts of water would reach Yuba City within eight to nine hours.”



Sutter County Board of Supervisors Response to 2016-17 Grand Jury Report

- Sutter County Administrator spoke separately with City Managers of City of Live Oak and City of Yuba City to confirm that both of their cities were going to issue evacuation orders before Sutter County decided to do the same. Both confirmed that their cities were going to issue evacuation orders.
- Sutter County Administrator discussed and confirmed with Sutter County Sheriff, local OES representatives, Sutter County Counsel, Sutter County Fire Chief, and individual members of County Board of Supervisors that a Countywide Mandatory Evacuation would be issued in full compliance with Page 6 of Annex 9 of the Sutter County Emergency Operations Plan, attached (Attachment B), which specifies when a “Mandatory Evacuation” is to be ordered. County Counsel confirmed this interpretation. (The Sutter County Board of Supervisors officially ratified the Mandatory Evacuation order at its meeting of February 14, 2017.) In the early evening of February 12, 2017, Sutter County Administrator wrote an email, attached (Attachment C), to the City Managers of City of Live Oak and City of Yuba City, and several County and City employees, and others, detailing the Countywide Mandatory Evacuation order. In addition, the Mandatory Evacuation order was widely distributed through traditional and social media.

As previously stated above, in response to an executive order by the Governor following flooding in 1997, the California Office of Emergency Services published “Legal Guidelines for Flood Evacuation.” Citing a 1979 opinion by then Attorney General George Deukmejian, the Flood Evacuation Guidelines state: “Under the provisions of the Emergency Services Act, should a county and a city within that county declare local emergencies seeking to control the same event, and in so doing the two entities issue conflicting, overlapping, emergency ordinances and/or orders, the county emergency ordinances and/or orders are controlling.”

In the future, Sutter County will work to ensure that all applicable agencies clearly understand which level of evacuation (voluntary or mandatory) will be ordered before doing so to ensure all local governments remain on the same page to avoid the confusion that took place in February 2017. Emergency preparedness staff from Sutter County and Yuba City are currently working together to develop and implement mutual training programs.

R2: This recommendation has been implemented and is ongoing. Following the evacuation, City of Yuba City created evacuation maps for the evacuation of the City in the specific event of a failure of the emergency spillway at Oroville Dam. Sutter County expanded on Yuba City’s work to include the entire county, and added the ability to get an evacuation route by entering a street address into the online version ([https://www.co.sutter.ca.us/doc/government/depts/cao/em/cs\\_es\\_home](https://www.co.sutter.ca.us/doc/government/depts/cao/em/cs_es_home)). However, evacuation routes are selected and announced based upon the specific emergency scenario and conditions on the ground at the time an evacuation is called.

R3: This recommendation will be implemented to comply with state law (AB 2311). In September of 2016, Governor Brown signed the following into law:

*Article 6.5. Accessibility to Emergency Information and Services: SEC. 2. Section 8593.3 is added to the Government Code, to read:*

*8593.3. (a) A county, including a city and county, shall, upon the next update to its emergency plan, integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by the following:*

*(1) Emergency communications, including the integration of interpreters, translators, and assistive technology.*

*(2) Emergency evacuation, including the identification of transportation resources and resources that are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) for individuals who are dependent on public transportation.*

*(3) Emergency sheltering, including ensuring that designated shelters are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or can be made compliant through modification and that showers and bathrooms are fully accessible to all occupants.*

*(b) For purposes of this section, the “access and functional needs population” consists of individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.*

Sutter County will be updating its Emergency Operations Plan in the coming year and anticipates this particular update will be completed by June 30, 2018. Key County staff have attended Access and Functional Needs Training and Sutter County Public Health conducts regular Access and Functional Needs meetings with key stakeholders. Ensuring the County is inclusive of access and functional needs concerns in its Emergency Operations Planning is a priority.

Sutter County is researching, and plans to acquire, robust communications software that will allow it to, among many things, communicate with and poll by cell phone or landline, those who self-identify as needing assistance in an emergency because of a disability or other issue. However, there is no single database of the access and functional needs population and no clear ability for local government emergency responders to assist every individual in a database in an emergency. Disability advocates recommend against a “registry” of those with access and functional needs because they feel the population with access and functional needs will not develop their own safety plans if they believe they will be rescued because their name is on a registry.

Sutter County will identify and work with agencies such as FREED Independent Living (which called 500 clients in the evacuation area during the emergency), the Alta Regional Center, and other organizations which work with individuals with access and

functional needs.

Skilled Nursing Facilities and Long Term Care facilities are required to have their own emergency plans to take care of the people in their charge. In a slow rise flood scenario, they are among the first to be notified of conditions—five feet before a river reaches warning stage—so they are prepared for the possibility of a needed evacuation. During the “no-notice” February evacuation, more than 600 individuals from these types of facilities were taken by ambulance to facilities outside the evacuation area, some as far away as four hours’ drive. Sutter County will continue to work with these facilities to ensure they understand their responsibility for emergency plans, and to ensure they receive timely communications in an emergency.

R4: This recommendation will be implemented to the extent possible by working with outside agencies to develop such a model. It is important to recognize that Sutter County does not have the resources nor expertise to develop such models on its own. Such models are developed by universities and other government agencies, some of which are available on the internet. These models differ greatly in their assumptions and timelines with limited ability to know which model is most accurate.

R5: This recommendation has been implemented. Sutter County’s Emergency Operations Plan already included an annex for the care of domestic pets and livestock. Essentially, pet owners are responsible for advance planning to identify how they will care for their pets in an emergency, including identifying where to go when Red Cross shelters do not accept pets. Livestock, too, are the responsibility of the owner. The County can call in State assistance to help evacuate livestock, but the first priorities of the County are the safety of humans, property, and the environment.

R6: This recommendation will be implemented to the extent that Sutter County will work with local school districts and private schools as requested. It is important to note that each school and school district is responsible for the evacuation of its students. However, the County is willing to assist schools and school districts as they review, develop, or modify their emergency plans. The emergency communications software referenced in the response to Recommendation 3 will enhance communications between the County’s Emergency Operations Center and the public and private schools in the County. The County’s Emergency Operations Plan contains checklists to provide schools with as much advanced warning as possible of the probability of an evacuation. Schools are a valuable partner in evacuations and Sutter County looks forward to continuing that partnership.

R7: This recommendation has been implemented, however, it will be further expanded. Even still, it needs to be acknowledged that no single communication link will reach the entire community.

When river levels were elevated in January, February, and March 2017, County staff communicated regularly with the media and posted information on its website and social media pages. When the Countywide Mandatory Evacuation was ordered on February 12<sup>th</sup>, the information was communicated to local and regional media, posted on social media pages, and distributed via text to approximately 4,700 people signed up

to receive Nixle emergency texts and/or emails. At the time the last Advisory Evacuation was lifted in Robbins and Meridian a few weeks later, more than 23,300 people had signed up to receive Nixle texts from Sutter County and/or Yuba City and/or Live Oak.

Sutter County prepared a script to be delivered to telephone landlines via Yuba City's Rapid Notify reverse 911 system. Sutter County provided emergency preparedness information and updated crisis communications on its Emergency Operations website at [www.bepreparedsutter.org](http://www.bepreparedsutter.org), and it posted updated crisis communications on its main website, [www.suttercounty.org](http://www.suttercounty.org). The County also published updates on levee, river and weather conditions on a regular basis.

This was the single largest peacetime evacuation in United States history for anything other than a hurricane. Following the evacuation, Sutter County conducted two online surveys in which it sought feedback about experiences during the evacuation. Of 880 respondents from Sutter County to a question about whether information provided during the emergency was clear and actionable, 56 percent of the respondents said it was not. Some, but certainly not all, of the dissatisfaction and frustration is likely attributable to the conflicting evacuation messages sent out by different local governments. Announced evacuation routes were clogged and the gathering of shelter information in the immediate aftermath of the evacuation was difficult to obtain. In addition, the "no notice" nature of the evacuation led several respondents to complain about the lack of warning and led to questions about information about conditions previously announced by DWR at Oroville Dam.

As was stated in the response to Recommendation 3, to improve both internal and external communications in a crisis, the County is researching and will acquire robust emergency communications software that will include the capability of sending texts, emails, phone calls to landlines, and update Social Media sites immediately, as well as conduct immediate surveys of vulnerable populations to determine whether they need assistance in evacuating. This is anticipated to be purchased and implemented by June 30, 2018.

R8: This recommendation will be implemented. The County is researching and will be acquiring communications software (see responses to Recommendation 3 and 7) that will allow it to call landlines in addition to sending out text messages and emails. However, the number of landlines in homes continues to decrease and there is no single database of landlines. It is anticipated the software system will be purchased and implemented by June 30, 2018.

In 2014, Sutter County conducted an online survey in which it was determined that 80 percent of the population preferred receiving a text message for emergency notification. According to a post evacuation survey, of 891 Sutter County respondents to a question about how they received notification of an evacuation, 52 percent said they received a text message, 46 percent said they heard about it on television, 34 percent said they received information from social media, and 11 percent received an automated phone call to their home landline. Word of mouth played an important role: 68 percent said they were notified by a family member or a friend.

## **A Review of Whiteaker Hall and Consolidation of County Buildings**

The Board of Supervisors was requested to respond to this report, while the Sutter County CAO and Director of General Services were invited to respond. Below is the response from the Board of Supervisors, developed in concert with the County Administrative Office. The response from the Director of General Services is attached (Attachment D).

### **FINDINGS**

#### **Grand Jury Finding #1:**

*"F1: The ovens at Whiteaker Hall are outdated."*

#### **Grand Jury Finding #2:**

*"F2: The County may not be receiving market value for building rental rates."*

#### **Grand Jury Finding #3:**

*"F3: There is a need for consolidation of county facilities."*

#### **Response from the Board of Supervisors:**

F1: The Board of Supervisors agrees with this finding.

F2: The Board of Supervisors agrees with this finding.

F3: The Board of Supervisors agrees with this finding.

### **RECOMMENDATIONS**

#### **Grand Jury Recommendation #1:**

*"R1: Purchase new ovens for Whiteaker Hall within six months."*

#### **Grand Jury Recommendation #2:**

*"R2: Perform a study on rental rates for local buildings and determine an appropriate rate for the county buildings at market value within six months."*

#### **Grand Jury Recommendation #3:**

*"R3: Investigate the feasibility of consolidation of departments into fewer county facility locations."*

**Response from the Board of Supervisors:**

R1: This recommendation will be implemented. The FY 2017-18 budget includes funding for replacement of the oven, which is expected to be purchased and installed by December 31, 2017.

R2: This recommendation has been implemented. The Board of Supervisors approved a rental rate increase of \$150 per day for Whiteaker Hall in May 2016.

R3: This recommendation will be implemented and is ongoing. The Board of Supervisors adopted ten goals and a list of the top ten priorities for FY 2017-18. Goal G is: "Reduce number of County facilities and ensure that all buildings are maintained at high standards to 'lead by example' for other governmental agencies and private sector companies to emulate."

Top Priority #3 is to "Complete a comprehensive County Facilities Master Plan (with measurable target dates) by December 31, 2017; Complete transition of District Attorney's Office and Child Support Services to new buildings by June 30, 2018; Complete Jail Expansion Project by March 30, 2019; obtain approval to consolidate multiple Health & Human Services Department functions into a new location by December 31, 2017; and, submit a report of consolidated public safety dispatch by June 30, 2018."

## **An Overview of Sutter County Fire & Emergency**

The Board of Supervisors was requested to respond to this report, while the Sutter County Fire Chief was invited to respond. Below is the response from the Board of Supervisors. The response from the Sutter County Fire Chief is attached (Attachment E).

### **FINDINGS**

#### **Grand Jury Finding #1:**

*“F1: The Live Oak Fire Station needs a ventilation exhaust system in the engine bays.”*

#### **Grand Jury Finding #2:**

*“F2: Oswald-Tudor Fire Station needs a ventilation exhaust system in the engine bays of both buildings.”*

#### **Grand Jury Finding #3:**

*“F3: The Oswald-Tudor south auxiliary building needs to be expanded to enable the equipment to be adequately and safely secured.”*

#### **Response from the Board of Supervisors:**

F1: The Board of Supervisors agrees with this finding.

F2: The Board of Supervisors agrees with this finding.

F3: The Board of Supervisors agrees with this finding.

### **RECOMMENDATIONS**

#### **Grand Jury Recommendation #1:**

*“R1: The Oswald-Tudor Fire Station and Live Oak Fire Station should purchase updated exhaust ventilation systems that would mitigate the issues of equipment exposure and minimize health risks.”*

#### **Grand Jury Recommendation #2:**

*“R2: Expand the Oswald-Tudor south auxiliary building.”*

**Response from the Board of Supervisors:**

R1: This recommendation will be implemented. The Sutter County Fire Division is currently working towards installation of ventilation exhaust systems in each facility with anticipated installation during calendar year 2018.

R2: This recommendation will not be implemented. However, County staff are analyzing the matter and have conducted meetings to develop possible solutions, both fiscal and logistical, which may lead to a project to expand or replace the auxiliary building. At this point in the process, the Board of Supervisors cannot provide a timeframe for such a project as there are many variables involved in the funding of such a project.