

The 2004 Madera County Grand Jury



Final Report
January 1 - December 31, 2004



The 2004 Madera County Grand Jury

Back Row: Salome Phillips, Katherine Ross, Winnie Medelmin Aguirre, Stephanie Green, Janet Trappier, Donna Maghdirin, Jo Ann Swallow, Douglas Kleist, Hal Lane
Middle Row: Joe Mitchell, Foreman Gary Powell, Gayle Huls, Robert Isaacs, Donald Hoffman
Top Row: Bryant 'Bear' Johnston, Harry Cocciaolo, Michael Stynes, Deputy Jury Commissioner, Presiding Judge Edward P. Moffat, Madera County Superior Court, Linda Pierini

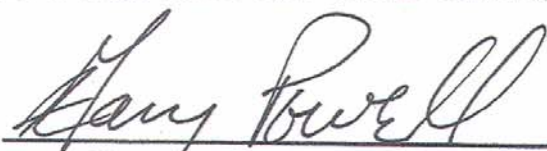
The 2004 Madera County Grand Jury Printed 250 Bound Copies of the Final Report, and distributed 800 CD Versions, in addition to the Final Report available in digital form at the Madera Grand Jury website, www.maderagrاندjury.org. The CD version and website version are both viewable in formats designed for all viewing levels, including large type

WITH SIGNATURES BELOW
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THE FINAL REPORT
OF
THE MADERA GRAND JURY
2004 TERM

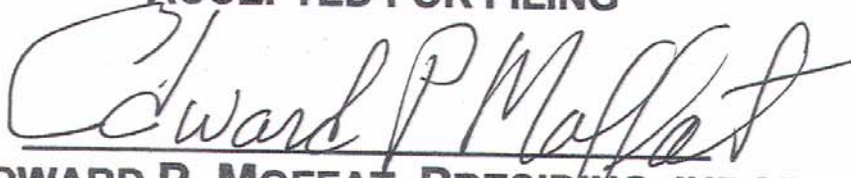
JANUARY 12, 2004 – DECEMBER 31, 2004

APPROVED BY THE GRAND JURY



GARY POWELL, FOREMAN

ACCEPTED FOR FILING



**EDWARD P. MOFFAT, PRESIDING JUDGE
SUPERIOR COURT OF CALIFORNIA**

The 2004 Madera County Grand Jury
Wishes to Thank
These Officials
For Their Assistance

**GRAND JURY PRESIDING JUDGE
THE HONORABLE EDWARD P. MOFFAT**

**MADERA COUNTY DISTRICT ATTORNEY
ERNEST J. LICALSI**

**MADERA COUNTY COUNSEL
DAVID A. PRENTICE**

**JURY COMMISSIONER
HAROLD E. NABORS**

**DEPUTY JURY COMMISSIONER
LYNDA PIERINI**

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2004 Madera County Grand Jury Members

January 12, 2004 – December 31, 2004

Minnie M Aguirre
Madera

Joe Mitchell - Chairperson
Coarsegold

Harry F Cocciolo - Chairperson
Raymond

*Barbara Mohler**
Madera

Don Craib Treasurer*
Oakhurst

Salome' Philips
Madera

Stephanie Green - Chairperson
Madera

Gary Powell - Foreman
Madera

Mikhail P Haynes - Secretary
Madera

Katheryn Ross
Chowchilla

Donald G Hoffman - Treasurer
Madera

Mona Sturgeon - Pro-tem*
Madera

Gayle Huls
Madera

JoAnn Swallow - Secretary
Coarsegold

Robert H Isaacs – Treasurer/Chairperson
Madera

Donna Taghdiri – Pro-tem/Legal
Madera

Bryant 'Bear' Johnston - Chairperson
Madera

Janet Trosper - Chairperson
Madera

Douglas Kleist - Chairperson
Ahwahnee

*John Villa**
Madera

Hal Lane - Chairperson
Madera

*Robert E Walls**
Chowchilla

This year's Grand Jury created 10 different committee's including the City, County Government, Water, Special Districts, Special Issues, Schools, and Public Safety/Welfare. In addition, the Reports Committee, Records, Operations and Relocation Committees were created to deal with issues within the Grand Jury itself.

The Treasurer position changed during the term.

** Resigned during term*

**The Madera County Grand Jury
And
The History of The Grand Jury's of California's Counties**

Juries first were created under the law of Etherel II, who reigned during the Anglo-Saxon period of A.D. 978-1016. By A.D. 1368, Juries had evolved to include the Grand Jury, or Grand Inquest, formed by Edward III.

Most of us have heard the term, "Grand Jury", but most of us have little knowledge of what a *grand jury* actually does.

Grand Jury's in America first started in 1635, and later became a full legal body, with the Fifth Amendment of the U.S. Constitution, which states, "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service time of War or public danger..."

The Grand Jury system has been in existence in California since 1879, when the State Constitution was adopted. Every county in California has at least one Grand Jury, and in some cases, the larger counties have more than one. Santa Clara County, for instance, has one Grand Jury that deals with civil issues, and another Grand Jury for criminal issues. There are also times that Grand Juries may handle Coroner Inquests, though these are rare occasions.

Madera County has one Grand Jury, which normally handles all investigations. The District Attorney may pull a Special Grand Jury from the petit jury pool, for a criminal issue, and allow the regular Grand Jury time to work on other issues. In criminal cases, the Grand Jury is presented with evidence of a crime and decides if there is enough evidence to permit a case to be brought against a defendant. The Grand Jury also has the power to accuse public official of improper actions in the performance of official duties. In its civil jurisdiction, the Grand Jury is the watchdog of local government.

Most Grand Jury members are drawn from the regular petit jury pool. Letters are sent out to a random group from the jury pool, and those whom respond with interest then go through an interview process. Nineteen people and several alternates are selected each year, and are then impaneled in January to serve for one year. The nineteen members that are selected at random from those who finish the interview process commit themselves to do this work and find that they spend a great deal of time attending meetings, conducting investigations, and writing reports on those investigations. Most investigations are routine and do not result in recommendations.

Some of the Grand Jury investigations are triggered by public concerns. These may be brought to the Grand Jury through letters, phone calls, and personal contact with members of the Grand Jury. The concerns of these issues are then brought before the Grand Jury, or one of the Grand Jury Committees, in order to determine if an investigation should be carried out. All Grand Jury business is conducted in secret, and all information and discussions are considered highly confidential. This is done, (1) to protect the innocent accused who is exonerated from disclosure of the fact that he has been under investigation and from the expense of standing trial where there was probably no guilt; (2) to ensure the utmost freedom to the Grand Jury in its deliberations, (3) to prevent subordination of perjury or tampering with witnesses; (4) to encourage free and untrammelled disclosures by persons who have information with respect to the commission of a crime, and (5) to prevent the escape of those whose indictment may be contemplated.

If any citizen or member of the community has questions or concerns about anything that might involve the Madera County Grand Jury, please call or fax the Grand jury office at 559-662-0946. You can also write a letter to the Madera County Grand Jury, P.O. Box 534, Madera, CA 93639.

You can be assured that no one outside the Grand Jury will know about your contact.



2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



December 31, 2004

Foreman's Letter

The Honorable Edward P. Moffat
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Dear Judge,

The 2004 Madera Civil Grand Jury would like to present its Final Report in accordance with applicable California Penal Code, Section 933 with great Pride.

The Taxpayers and Government of Madera County can be very proud of this Grand Jury Panel. They have served a tremendous amount of hours investigating various departments of the Government and taxpayer's personal complaints. Their professionalism and dedication is second to none. The devotion that has been shown over the past year by the 2004 Panel has been overwhelming. When I was appointed Foreperson of this panel, I was concerned whether I could direct these Great Citizens as a Civil Grand Jury, but believe me they put their feet on the ground running. Their quality and quantity of work will be seen and read in this 2004 Final Report.

It has been a privilege and honor to serve with this panel of distinguished people. We hope we have made a difference in our County, and especially a county with growing pains. I hope the citizens of Madera County understand the need to keep up with the New Technologies and Tools of the Governments of the County and Cities to keep up with the ever-growing changes.

I want to congratulate the 2003 Grand Jury Panel for the 'Certificate of Merit' they received from the California Grand Jury Association for their investigative work concerning court fees. They made a difference. Well Done.

Your Honor, I want to give you and the Deputy Jury Commissioner, Ms. Lynda Pierini, a big "Thank You" for all the great help I have received.

Respectfully Submitted,

Gary Powell, Foreman
2004 Madera County Grand Jury

**The 2004 Madera County Grand Jury's
Final Report on
The Madera County Department of Corrections Adult Jail**

INTRODUCTION

Members of the Grand Jury toured the Madera County Department of Corrections (the Madera County Jail) on February 20, 2004.

FINDINGS

The Madera County Jail is not operated by the County Sheriffs Department, but is a separate and independent entity. The facility consists of housing units, cells, a medical clinic, a mental health clinic, central control, hearing room, a booking & release center, and administrative offices.

The current annual budget of the County Jail is 4.9 million dollars, 3 million for staffing, at least 1.26 million for health care, and .49 million for food. Budget cuts from the State of California total \$50,000 for the current year. Current staffing at the jail is 79 sworn personnel and 14 non-sworn personnel. There are 7 sworn personnel vacancies, which are being recruited for at the present time. There are a minimum of 12 officers and a watch commander per shift.

In 2003 the County Jail processed 5000 bookings, 80 % of which were related to drug or alcohol abuse. The population of the County Jail is at an all time high. The average daily count during 2003 was 344 inmates at a cost of \$51.20 per inmate per day, or \$18,717 per year. The majority of inmates are awaiting trial and their stay ranges from one day to two or three years. The jail is rated to house 316 inmates. Men and women are housed in separate areas in a dormitory style or in cells.

The jail contracts with ARAMARK, a Correctional Service to operate the kitchen and provide meals to the inmates at the cost of \$489,000 per year. The average cost of a 300-calorie meal is \$1.26.

Health care and other hospitalization has been provided for the last seven years through a contract with Correctional Managed Care Medical Corporation. The current annual contract is for 1.26 million dollars. The contract specifies that the corporation is to provide services up to \$50,000 per inmate, at which point the county assumes any additional expense. The jail has a four -bed infirmary and a nurse is on duty at the jail 24 hour a day. Inmates who have psychotic emergencies are hospitalized in Fresno at Community Hospital Behavior Health Center for up to 72 hours. If longer hospitalization is needed, the inmate remains at the jail until a psychiatric bed is found outside the county. There is no mental health facility in Madera County. Inmates who are mentally challenged can serve their sentence at the Regional Vocational Center.

By law, educational opportunities are required. Inmates may participate in the General Education Development (G.E.D.) program, the Substance Abuse program, English as a Second Language, and kitchen certificates can be earned by those working in the kitchen. Other jobs available to the inmates are work in the parks, at the animal shelter, auditor's office, and in trash collection.

CONCLUSION

The Grand Jury was favorably impressed during their tour of the Madera County Jail. The Jury recognizes the unique challenges of housing inmates who represent a full range of security issues on a limited budget. The facilities were clean and well maintained and the staff exhibited professionalism and commitment to serving the community.

ENTITIES TO RESPOND: NONE

**Final Report on
The Office of The City Attorney
City of Madera Hiring Policy**

INTRODUCTION

The 2004 Madera County Grand Jury was asked to investigate the hiring policy of the Office of the City Attorney of the City of Madera. The Foreman was given a complaint suggesting that a particular hiring incident in 2003 had an appearance of impropriety and/or nepotism.

FINDINGS

The Grand Jury investigated the following issues in order to determine what, if any, policies were in place at the time of the 2003 incident and at the present time. (1) Was there a hiring policy that affected all hiring within the City of Madera and within the City Attorney's Office? (2) Did the City Attorney's Office post the position for hiring of an attorney for the Office? (3) Was there a formal interview process for the hiring of attorneys at that time and is there such a process today? (4) Has the City of Madera adopted a Code of Ethics to guide all matters that might need to be addressed by such a code?

During our investigation, the Grand Jury determined that there are two types of situations for hiring people in the City of Madera. There are Civil Service employees who are hired through a rigorous process with clear guidelines and standards. There are also employees, commonly known as "at-will" employees, who are hired at the discretion of the hiring authority, and for which no formal hiring policies have been established. The latter can be hired without the City posting the position or interviewing alternate candidates. The attorneys in the City Attorney's office fall under this category.

The incident in 2003, which led to the Grand Jury's review, involved the hiring of an attorney who was the son of another attorney in the office. Although this hiring was approved by the Madera City Council, a review of the minutes of Council meetings at that time made it clear that several Council members were quite concerned about the appearance of impropriety in this matter. Interviews with a number of people in the City seemed to suggest that the reason the hiring was done so quickly revolved around the immediate need of an attorney at that time and the fact that the attorney hired had already been working as an Intern in the office. In addition, this Intern already had other job offers. Speed was deemed to be essential in making sure that this candidate was not lost.

Although the City Council of the City of Madera concluded that this was not a violation of the City hiring policies at the time, the City Council did recently adopt two new resolutions regarding this issue for the future, in order to address their concern over impropriety or nepotism in the hiring of at-will employees. Specifically, the City Council adopted Resolution No. 04-78 (see attachment 1), which establishes a procedure for hiring and promoting "at-will" employees, and Resolution No. 04-87 (see attachment 2), which extends the City's nepotism policy to include "at-will" employment.

CONCLUSION

The 2004 Madera County Grand Jury found that the hiring of a new Deputy City Attorney without going through a posting and interview process was understandable due to the necessity to fill the position quickly. The outward appearance of this situation caused many within the community to view this hiring as an unfair hiring practice. Though this hiring was done quickly due to understaffing at the City Attorney's Office, it might have been better if the hiring had been done with a formal posting and interview process. With the changes currently being made to the City's hiring policies, it is believed that the City of Madera has moved forward and will be better positioned to insure that hiring of any staff be done with less appearance of impropriety.

RECOMMENDATIONS

As mentioned earlier, the City of Madera does not at this time have a Code of Ethics. The Grand Jury recommends that the City Council of Madera quickly adopt and implement a Code of Ethics to guide and regulate the personal conduct of both elected officials and City employees in conducting city business.

RESPONSES

- 1) The Board of Supervisors of The County of Madera

- 2) The City Council of The City of Madera (See Response at end of this Report)
- 3) The City Attorney of the City of Madera (See Response at end of this Report)

RESOLUTION NO. 04-78



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A HIRING POLICY FOR "AT-WILL EMPLOYEES" DESCRIBED IN SECTION 2-2.305(E) OF THE MADERA MUNICIPAL CODE

WHEREAS, the City of Madera (the "City") desires to ensure fair and equitable hiring and promotion practices for all positions in the Competitive and non-Competitive Service; and

WHEREAS, currently, the City has no official, written policy covering the hiring and promotion of "at-will" employees of the City described in Section 2-2.305(E) of the Madera Municipal Code; and

WHEREAS, City now desires to adopt a hiring and promotion policy covering all employees described in Section 2-2.305(E) of the Madera Municipal Code; and

WHEREAS, the City's Human Resources Department has prepared a proposed policy which addresses hiring and promotion practices for "at-will" employees described in Section 2-2.305(E) of the Madera Municipal Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA, hereby finds, orders, and determines as follows:


1. The above recitals are true and correct.
2. The City hereby adopts the proposed policy pertaining to the hiring and promotion of "at-will" employees, attached hereto.
3. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Madera this 7th day of April, 2004, by the following vote:

AYES: Council Members Wells, Armentrout, Svanda, Nabors.


NOES: None.

ABSENT: Council Member Skeels.



John W. Wells, Mayor

ATTEST:
SONIA ALVAREZ
CITY CLERK

By: 



APPROVED AS TO LEGAL FORM:
JOSEPH A. SOLDANI
CITY ATTORNEY

By: 

SUBJECT: HIRING POLICY**PURPOSE**

This policy has been prepared for and shall apply to those employees described in Section 2-2.305 (E) of the Madera Municipal Code ("at will" employees). It shall be implemented in all hiring and promotional opportunities after the date of its adoption.

POLICY

Through the City's operating principles and values, the City embraces its responsibility to its employees. These operating Principles and Values provide in part that the City shall:

- Embrace our obligation to provide equal employment opportunities.
- Provide professional growth and development opportunities.
- Fairly recognize, empower and reward our employees for their contributions.

In order to implement these principles and values, this policy will define a process by which hiring and promotional opportunities for at will employees shall take place.

1. All appointments of at will employees will be made based on merit and fitness for the position. Many factors may be considered in making this determination including, but not limited to education, experience, professional licenses, past performance and/or professional accomplishments, and specific measurable skills.
2. Prior to beginning recruitment for an at will position, the City Administrator shall review the job description for the job classification and the potential pool of candidates currently employed by the City. Based on the knowledge, skills, and abilities required for the position, the City Administrator will make a determination of whether the recruitment for the position will be open (open to all who meet the specified qualifications) or closed (open only to those qualified candidates currently employed by the City of Madera). For those at will positions that the Madera Municipal Code provides that the City Council

is the appointing authority, the City Administrator shall make a recommendation to the City Council regarding an open or closed recruitment. The City Council shall then make that determination.

3. In either case, the period of time provided for the recruitment process will be determined by the City Administrator or his designee. At the close of the recruitment period, the City Administrator or his designee shall review the pool of candidates, determine those who, among those candidates who meet the minimum qualifications, are most qualified for the position, and invite them for an interview with an oral board. Unless authorized by the City Administrator, the number of candidates invited to the oral board shall be no less than three.
4. The oral board shall consist of at least one professional external to the City organization, one member of the City staff, and one person who is a resident of Madera but not an employee or elected official of the City. The oral board shall examine the candidates based on those factors determined to constitute the merit and fitness for the position. At a minimum, these factors shall include the skills, knowledge and abilities described in the job description. The oral board shall rank the candidates based on the criteria the City Administrator or his designee provide. The City Administrator, City Council, or its designee, for Council designated appointments, shall interview at a minimum the top three ranked candidates. Additional candidates may be interviewed if it is determined the City's interests are served by interviewing a greater number of candidates.
5. A conditional offer of employment for an at will position shall be made only by the City Administrator or his designee for those positions that the Madera Municipal Code designates as being hired by the City Administrator. Offers of conditional employment for Council appointed at will positions shall be made only by the City Council.
6. Following a conditional offer of employment, candidates will be subject to the City's hiring practices which include medical evaluation, drug screen, background check, Department of Justice fingerprint check, and any other pre-employment

screening tools the City Administrator or his designee deems necessary.

7. Exceptions to this policy may be approved on a case-by-case basis only upon the approval of the City Administrator or City Council.

RESOLUTION NO. ~~04-~~ 87

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE NEPOTISM POLICY FOR THE CITY COUNCIL AND "AT-WILL EMPLOYEES" DESCRIBED IN SECTION 2-2.305(E) OF THE MADERA MUNICIPAL CODE

WHEREAS, the City of Madera (the "City") desires to ensure fair and equitable hiring and promotion practices for all positions in the Competitive and non-Competitive Service; and

WHEREAS, currently, the City has no nepotism policy covering City Council members and employees described in Section 2-2.305(E) of the Madera Municipal Code; and

WHEREAS, City now desires to adopt a nepotism policy covering the City Council members and employees described in Section 2-2.305(E) of the Madera Municipal Code; and

WHEREAS, the Human Resources Department has prepared a proposed policy which addresses nepotism in the hiring and promotion of "at-will" employees described in Section 2-2.305(E) of the Madera Municipal Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA, hereby finds, orders, and determines as follows:

1. The above recitals are true and correct.
2. The City hereby adopts the proposed policy pertaining to nepotism attached hereto.
3. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Madera this 7th day of April, 2004, by the following vote:

AYES: Council Members Wells, Armentrout, Svanda, Nabors.

NOES: None.

ABSENT: Council Member Skeels.



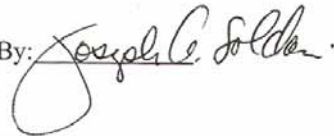
John W. Wells, Mayor

ATTEST:
SONIA ALVAREZ
CITY CLERK

By: 



APPROVED AS TO LEGAL FORM:
JOSEPH A. SOLDANI
CITY ATTORNEY

By: 

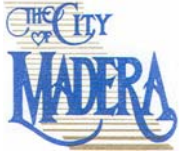
SUBJECT: NEPOTISM POLICY

PURPOSE

This policy has been prepared for and shall apply to the City Council and those employees described in Section 2-2.305 (E) of the Madera Municipal Code ("At Will" Employees). It shall apply to all new hire and promotions of at will employees made after the date of its adoption.

POLICY

It shall be the policy of the City of Madera that no applicant for at will employment will be considered for employment in such position who is related as a husband, wife, parent, child, or sibling to a Council Member or to a City employee employed in the particular department/division in which the position is available where common supervision may exist.



November 4, 2004

2004 Madera Grand Jury
P.O. Box 534
Madera, CA 93639-0534


Re: Combined Response To Grand Jury From City Council and City Attorney, City of Madera

Dear Grand Jury Members,

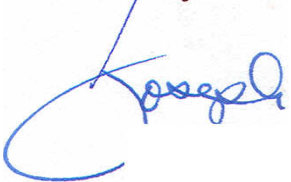
Thank you for the opportunity to respond to the report prepared by the 2004 Grand Jury. Your conclusion that the hiring was not in violation of any existing policy and was understandable given the needs of the City and the qualifications of the candidate is consistent with the facts that were facing the City at the time of the hire.

The City wishes to thank the grand jury for the manner in which the investigation was conducted, including their fairness and analysis of the issues. It is always helpful to have an outside independent party take time to review the policies and practices of the City especially when the review is done in a professional, unbiased and reasoned fashion. Your additional suggestion to consider adoption of a "Code of Ethics" will also be considered by the City.

Should you have any questions, please feel free to give me a call at (559) 675-0855.



John W. Wells,
Mayor



Joseph A. Soldani
City Attorney



2004 Madera County Grand Jury
PO Box 534
Madera, California 93639-0534
(559) 662-0946



3rd Interim Report On Valley State Prison for Women

INTRODUCTION

Members of the 2004 Madera County Grand Jury toured Valley State Prison for Women, an institution of the California Department of Corrections, on March 25, 2004, pursuant to the duty to “inquire into the condition and management of the public prisons within the county,” as prescribed in §919(b) of the California Penal Code. This report deals strictly with the prison facility and its programs.

FINDINGS

Valley State Prison for Women (VSPW) is a state prison located at the intersection of Road 22 and Avenue 24 in Chowchilla, California. This prison consists of four housing areas, administrative buildings, vocational & educational buildings, a central kitchen, an infirmary, visiting buildings, a library, gym, and chapel. The inside grounds of the prison include a landscaping nursery, manicured lawns, and a sports track. The entire prison is surrounded by a lethal, high-voltage electric fence. The grounds outside the electric fence are surrounded by alfalfa fields and almond orchards, which provide an additional source of income for the California Department of Corrections (DOC).

VSPW houses women who have been convicted of felonies. Sentences range from a minimum of one year, to a maximum of life without parole. There are 400 women at VSPW who are serving life sentences with, and without the possibility of parole. There are no death row inmates at VSPW, as that mission has been assigned exclusively to the adjacent institution, Central California Women’s Facility. One of the missions assigned to VSPW is to specialize in the housing of pregnant inmates, and those inmates who require housing that is segregated from the rest of the inmate population.

The racial and ethnic makeup of the inmate population is approximately 37% non-Hispanic White, 29% African-American, 21% Hispanic, 3% Native American, and 10% other. The staff reports that, in general, female inmates are less violent and more productive in prison than their male counterparts. Seventy percent of the offenses by the female inmates at this prison are drug or property related. The prison staff also reported that there is approximately a 70% recidivism rate among the inmate population.

VSPW’s budget for the fiscal year 2003-2004 was 70 million dollars, and the prison was operating within that budget. It costs \$28,000 per year to incarcerate one inmate. The prison was designed to house 1980 inmates. On the day of the tour by the Grand Jury, the prison was overcrowded with an inmate population of 3,645. Extra bunks have been added to dormitory rooms to double the number of inmates living in each dorm from four to eight, and one extra bunk has been added to each cell to allow double occupancy of cells that were designed to hold one inmate.

The inmates are provided with three meals each day. Breakfast and dinner are served hot in a dining hall, and a box lunch is issued at breakfast time for each inmate to take along with her. Meals are designed to meet nutritional requirements, and to be “heart healthy”. The Grand Jury members sampled the lunch and found it to be fresh, nutritious, and appetizing.

An infirmary at the prison provides medical, mental health, vision, and dental care to inmates. The staff includes five physicians, twenty Registered Nurses, twenty-six Licensed Vocational Nurses, and mental health professionals who conduct clinics on weekdays. Despite the large medical staffing, the high volume of complaints keeps the facility busy at all times.

Of the five physicians, one is assigned to each of the four housing units, and one is assigned to the emergency room at the clinic. Nurses are on site at all times, and physicians are on call, and available to respond to the prison 24 hours a day. The infirmary has a medical laboratory, a pharmacy, and x-ray equipment. It has an inpatient housing unit with 20 beds, and three “safety cells”, for inmates who need care, to “protect life, prevent significant illness or disability, or to alleviate severe pain”.¹ Due to the current State Court supervision of the California State Department of Corrections Medical Facilities, the Grand Jury does not investigate the duty of care, or the care provided to inmates.²

Inmates may have contact with approved individuals through letters, telephone calls, and receipt of care packages. Regular visits are permitted on weekends. Overnight family visits, in secure on-site apartments, are available, for approved inmates to maintain contact with their families. No inmates serving life sentences are allowed the overnight family visits.

Educational opportunities are offered through the prison’s Education Department. Programs included are non-reader’s, Adult basic education, English as a Second Language, General Education Degree’s (GED), High School Diploma, and College education. During the first few weeks of incarceration, inmates are tested for reading ability. The average reading level of the inmates is five years, eight months of schooling. For inmates who read below a fifth grade level, the Department of Education makes a presumption of reading disabilities and provides individual attention. For those inmates who read below ninth grade levels, the curriculum is focused on reading skills. For those inmates who read at or above the ninth grade level, but have not graduated from high school, programs to earn a GED or High School Diploma are offered. Those who choose to enter academic educational programs earn one day off their sentences for each day of attendance in school. Approximately 1300 of the 3,645 inmates attend school.

Two hundred and fifty inmates, many of whom are on scholarships, are enrolled in college level courses through correspondence with various universities and colleges. The Grand Jury commends the donors, many of whom are anonymous, for providing many of these scholarships. The various colleges and universities provide the remaining scholarships. The courses are by correspondence only, as no Internet access is permitted to inmates. In addition to the academic subjects, the Education Department also provides training in life skills in an effort to reduce the recidivism rate of the inmate’s population. Skills taught include personal growth, life plan development, finding a job after incarceration, anger management, parenting, ethics in the workplace, and the Substance Abuse Program. Participants in the Substance Abuse Program also receive education in ways to bolster self-esteem. Seventy percent of the Substance Abuse Program participants go on to attend aftercare programs upon release from prison.

There are 15 vocational training programs at VSPW. Many of these programs, in addition to teaching life skills to the inmates, also produce goods and services, which are either sold or produced for other government agencies at less than retail market cost. Many of these vocational shops also provide various services to the local community,

¹ “Valley State Prison for Women”, an informational booklet, distributed to the Grand Jury members at the close of the tour. No copyright was listed in the booklet.

² Plata v. Davis, U.S. District Judge Thelton Henderson.

including schools, charities, and service organizations. Among the existing programs at the prison are office/clerical, welding, dry cleaning, auto repair, landscaping, electronic repair, cosmetology, eye wear, air-conditioning and refrigeration, cabinet making, and printing & graphic arts. Although the training programs receive funding through the DOC, most of the items used in the different training programs are donated by businesses in the adjacent communities. These items, including paper, inks, beauty supplies, and other items, are always welcomed with great appreciation.

CONCLUSION

The 2004 Madera County Grand Jury tour of the Valley State Prison for Women showed the prison facility to have a pleasant appearance, despite the overcrowding, and the buildings to be modern and well tended.

There has never been an escape from Valley State Prison for Women.

Recommendations: None

Responses Required: None Required



2004 Madera County Grand Jury

PO Box 534

Madera, California 93639-0534

(559) 662-0946



Final Report On The Transient Occupancy Tax For Madera County

Or

Madera Tourists Sleep Cheap, Residents Want Sleep, Too!

INTRODUCTION

The 2004 Madera County Grand Jury received a complaint that the County Tax Collector's Office had not sent a paid receipt for the Transient Occupancy Tax (TOT), which had been paid, but not noted on the County's Tax Collection Information Sheet in the Tax Collector's Office. After a review of this complaint, by the entire Grand Jury, the County Committee visited the Tax Collector's Office to determine if the payment had been noted, and if a receipt had been sent to the business owner.

Upon review, it was determined that the receipt had recently been sent to the owner; however, the method of payments, collection, recording, and depositing of TOT payments drew more questions than answers. The 2004 Madera County Grand Jury determined that a review of this tax, and its collection process was warranted. The investigation that followed led the Grand Jury through many different departments, and to many different answers. The Grand Jury learned that although the County of Madera handled most taxes in its computer system, this particular tax was recorded by hand. Furthermore, the payment of the tax was on the 'honor system', and it was left up to the businesses themselves to report and submit the tax.

FINDINGS

This tax is assessed upon all persons who exercise occupancy, or are occupying, by reason of concession, permit, or right of access, for a period of thirty days or less, a living space defined as or for occupancy for dwelling, including lodging, or sleeping purpose. The tax includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof. "Other structure" for purpose of the TOT includes, but is not be limited to, a camping site or a space at the campground or recreational vehicle park, but does not include any facilities operated by a government entity or any lodging excluded from taxation under Tax Code Section 7280 (b) or 7282. This includes all group camps that operate under Section 501 c3 of the Tax Code for religious and other groups.

Using the original tax forms, updated with yearly changes in names, etc, the TOT form asks each owner to perform the calculations necessary to determine how much tax is owed from the occupancy of its lodging facilities, and to determine what, if any taxes are due, and if any late fees are owed as a condition of when payment is made. However, as the Tax Collector's Office noted, the TOT is paid on the 'honor system', with no checks, or audits, and that as far as can be recollected, no late fees have ever been recorded, or collected. Late fees are due if the payment is made more than 30 days after the due date of the tax, which is due no later than 30 days after the end of each fiscal quarter.

The tax collected is done manually, either by being brought in to the Tax Collector's Office, or by being mailed. In both cases, the tax is recorded on a sheet corresponding to the business entity, in pencil or pen, and then the amount paid is noted in the daily ledger. No note is made in the daily ledger as to which company paid which amount. The daily ledger is simply a total of all payments made that day. If for any reason, an entry is mistakenly

made to a different business' entities recording sheet, it would be unlikely to be discovered, or corrected, as no checks or audits are performed. It was also noted that the Tax Collector's audit, performed each year on the entire County Administration and its departments, does not delve into the exact nature of the taxes paid under this category, TOT, due to the small percentage this tax revenue plays in the overall revenue of the County. Last year, the 2002-2003-tax year revenue received from the TOT was \$1,396,103. At the end of May 2004 the 2003-2004 11-month total was \$1,456,472. Although these amounts seem small in comparison to the overall revenues collected by Madera County, this tax has shown little or no growth in many years. The tax sheets for this tax show only forty-two businesses paying these taxes. The Grand Jury believed that this figure was low, and learned that there are more than 100 businesses operating in Madera County that would fall in this tax category. In addition, 3 different realty companies manage an aggregate of more than 250 homes for rent as vacation rentals, which would also fall within this tax. It was learned that the realty management companies do make the TOT payments, however, the realty management companies are paying aggregate payments for all the rentals, rather than individual payments for each rental. The collection of taxes, using the form provided by the Tax Collector's office, does not verify that the calculations are done correctly, just the amount paid. The Tax Collector's Office indicates that closer scrutiny of this payment procedure would be difficult under current staffing.

The 2004 Madera County Grand Jury used information available from the Internet, phone books, and The Chambers of Commerce to determine the number of businesses, which might fall into this tax category. In addition, The Grand Jury obtained information from the computers in the Assessor's and Tax Collector's Office's. The information gathered from the computers was easily retrieved, and could have been used by the departments at any time. This information could have allowed the County to realize more revenue and create additional resources to assure that taxes are paid correctly. It is also noted that the information provided on the business license application is not clearly entered into the Tax Collector's Computer Database, which would have allowed the Tax Collector to recognize that some businesses were not paying the tax. The Assessor's information was not shared with the Collector's Office, in regard to type of business, which could have brought in additional revenues. It is felt that with the departments working more closely and sharing information, the County of Madera will see a dramatic increase in revenues under the TOT category. The 2004 Madera County Grand Jury estimated, based at 60% occupancy rates, with lodgings available 7 days per week, that the businesses not currently listed on the TOT Bed Tax could be adding additional revenues to the County Treasury upwards of \$300,000. This figure is based on the published rates.

CONCLUSIONS

The Tax Collector's Office, Assessor's Office, and the Auditor's Office are now aware of these issues, and are currently creating new programs, which should enable the County of Madera to see these revenue increases.

RECOMMENDATIONS:

1. Create and implement communications channels between the Auditor/Controller, Tax Collector, and Assessor's Offices, to allow for accurate determination of each business within the County of Madera, as to the type of business, and to ensure that all businesses are notified each year that they are responsible for certain taxes.
2. Add new fields to the current business license database program, in order to be able to determine and list businesses by the type of business, not just a category, i.e.: service. This could be done with the addition of a 'type of business' entry in the computer database, with a new field of search usage on the County's Computer systems; i.e.: Bed & Breakfast.
3. Implement a new business license application form for information to be entered into the County Computer System, which would automatically request the name of business, and owner, as well as type of business, and other relevant information currently built into the current business license applications.

- a. The TOT business license application should also include the number of units of lodging available at the business.
- b. Consider adding a new computerized self-registration system that could be made available to new business owners at a new business license application window in the Tax Collector's Office.
4. Create a new computer program for the County of Madera Tax Collector's Office to manage and record the receipt of the TOT taxes from businesses, which would note the date when the payment was received, and the postmark date if mailed.
 - a. If the payment included a late fee, the amount should be listed in a separate field, with an added total paid field to show the total amount paid.
 - b. The computer program should be designed to determine automatically, upon entry of the postmark/date paid, whether the payment is late under the late fee policy.
 - c. This system should automatically generate billing forms and notices of late fees due.
5. Payments received in the Tax Collector's Office should be able to maintain, and list umbrella payments for each property when multiple properties are owned, and amount, on the newly created computer program. This should also include the ability to create sub-property listings for businesses owning or managing separate properties, such as management companies with multiple rentals. Each rental property should pay its tax separately.
6. Require as part of doing business under the TOT rules, that each business within Madera County provide income verification on the rental income, if requested by the Tax Collector. This should be done yearly, to verify payments are made accurately, rather than the current 'honor system' policy.
7. The daily collection of taxes, in the Tax Collector's Office, should be processed for deposit daily, rather than the current holdover process.
8. Revise the RETURN ON TRANSIENT ROOM TAX form to include the name of the business, the name of the owner, address, mailing address, phone number of business if changed line, and note the type of business. The form should include in the OFFICIAL USE ONLY section, a line for the entry of the postmark date from the envelope when mail received.
9. Recommend that the Madera County Board of Supervisors adopt a resolution for the usage of some of the revenues from the Transient Occupancy Tax to be used for promoting the businesses that pay this tax. An example of this would be creating a website sponsored by the Board of Supervisors, specifically for the listing of businesses which offer lodging in Madera County and pay this Tax.
10. Recommend that the Tax Collector work with the Auditor, and County Counsel, to determine whether retroactive collections of taxes may be assessed against businesses that have not been paying taxes under the TOT rules.

ENTITIES TO RESPOND:

1. Madera County Board of Supervisors ([See Response at end of this Report](#))
2. Madera County Auditor
3. Madera County Tax Collector ([See Response at end of this Report](#))
4. Madera County Assessor ([See Response at end of this Report](#))
5. Madera County Office of Business Licenses
6. Madera County Counsel ([See Response at end of this Report](#))

Response # 1
4th FR

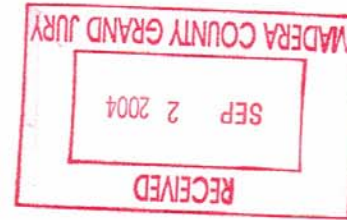


Madera County Assessor's Office
209 West Yosemite Avenue
Madera, California 93637
Phone (559) 675-7710
Fax (559) 675-7654

THOMAS P. KIDWELL
ASSESSOR

September 1, 2004

The Honorable Ed Moffat
Presiding Judge of the Superior Court
County Government Center
209 W. Yosemite Ave.
Madera, CA 93637



Dear Judge Moffat,

This is my response to the 2004 Madera County Grand Jury's 4th Final Report, entitled "Draft Report On The Transient Occupancy Tax For Madera County, Or, Madera Tourists Sleep Cheap, Residents Want Sleep, Too!" delivered to my office on August 20, 2004, pursuant to Penal Code Section 933 (c), which states, "(e)very elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the finding and recommendations pertaining to matters under the control of that county officer or department head."

When made aware of the problematic collection of the Transient Occupancy Tax (TOT), we met with representatives of the Auditor and Tax Collector's Offices to determine what actions we could take to improve the process. For our part, we helped to identify businesses that would be subject to the collection of the TOT and devised a way to track these businesses through our Use Code system. By further future coordination with the Tax Collector's Office we should be able to help track these businesses, provide for the addition to and deletion of businesses, and thereby assist in the collection of the Transient Occupancy Tax.

Respectfully Submitted,

Thomas P. Kidwell
Madera County Assessor

- cc: Honorable Members, Madera County Board of Supervisors
- The Honorable Tracy Kennedy Desmond, Madera County Tax Collector
- The Honorable Robert DeWall, Madera County Auditor
- Mr. Stell Manfredi, Madera County Administrative Officer
- Mr. David Prentice, Madera County Counsel
- Mr. Gary Powell, Foreman, 2004 Madera County Grand Jury



COUNTY OF MADERA
OFFICE OF THE TREASURER/TAX COLLECTOR
TRACY KENNEDY DESMOND
 209 W. Yosemite, Madera, CA 93637
 Telephone: (559) 675-7713 Fax: (559) 673-0262
 e-mail: treasurer@madera-county.com

Response #2
FR#4

August 27, 2004

The Honorable Judge Ed Moffat
 Presiding Judge of the Superior Court
 County Government Center
 209 W. Yosemite Ave.
 Madera, CA 93637



RE: RESPONSE TO GRAND JURY REPORT

“THE TRANSIENT OCCUPANCY TAX FOR MADERA COUNTY
 OR
 MADERA TOURISTS SLEEP CHEAP, RESIDENTS WANT SLEEP, TOO!”

Dear Judge Moffat

While the headline of your Grand Jury’s report is catchy, I’m not sure of it’s value here, but that aside, let me thank them for the amount of work they did in reviewing potential hotel/motel businesses that should collect transient occupancy taxes On behalf of the County.

The Grand Jury investigations led us to send out over 50 notices to potential lodging operators. We’ve received a few complaints from Church Camps thinking they should be ‘exempt’ a few that were in Mariposa County and a few businesses that turned out to be other than lodging operators, but by and large a good deal of them were in Madera County.

It appears that in addition to the departments that were mentioned the Public Health Department is also a participant in the Transient Occupancy Tax process, as noted in Chapter 7 of the Madera County Code specific to Hotel/ Motel issue, and we will include them in future discussions.

Our Madera County Code from which we determine many of our policies and procedures is silent in many areas of this program. While we have complied with each County Code section in the Uniform Transient Occupancy Tax Chapter, we have not taken that compliance much further and will review it and perhaps implement new or better procedures for it internally.

Therefore our responses to the Grand Jury recommendations are as follows:

1. We have already met with the Assessor and Auditor’s offices to establish the necessary communication to maintain the flow of information when changes occur and will continue to do so.
2. We have an existing database that is expandable for our County Business License program on our computers in the Tax Collectors office and will populate the data with appropriate coding that is significant to all lodging operators. The Resource Management Agency is also keeping a workflow database of businesses in their system called POSSE.

Business Licenses are mainly an Enforcement and Safety issue; therefore we are working closely with the RMA to eventually transition the workflow process for them when they become the lead agency for the entire program. No official change of the County Code has been implemented yet as we are still trying to merge the internal workflows of the two departments.

3. We can easily add a designated code to the Business License application for lodging facilities. This could also include requesting the number of lodging units. The Self Registration system will be a little more difficult given our current limitations in equipment, budget and even real physical space. But for the new government center I will keep it in mind.
4. My Administrative Analyst has already begun creating a database for the Hotel/Motel T.O.T. together with fields for posting payments and retaining history information. This should be operational by December of this year.
5. We are incorporating this recommendation with response #4.
6. While I'm not sure how we can get "verification" of rental income, we will be making more of an effort to track payments.
7. Payments are not held for any reason. When payments are received they are recorded on daily permits and the total amount is batched together. The detail of individual payments is not included on the permit; but is kept separate in our manual system until a database reporting structure of this detail has been tested for accuracy.
8. We have wanted to revise our current form for many years and do away with the 3 part NCR form that has been common. A draft document is being designed to replace the need for NCR forms and implemented hopefully by December of this year.
9. This recommendation is more of a recommendation of the Grand Jury sentiment and opinion of others. I don't believe it is something that belongs in this forum. TOT is discretionary general fund money and therefore it is up to the Board of Supervisors how they want to appropriate it.
10. Chapter 3.20.050 refers to collecting Transient Occupancy Taxes *at the same time* the rent is collected. Therefore I think we are out of luck trying to collect TOT from rents previously collected.

Respectfully,



Tracy Kennedy
Madera County Treasurer-Tax Collector

- c.c. Madera County Board of Supervisors
- ✓ Gary Powell, Foreman Madera County Grand Jury
 - Stell Manfredi, County Administrative Officer
 - David Prentice, Madera County Counsel
 - Robert DeWall, Madera County Auditor-Controller
 - Thomas Kidwell, Madera County Assessor
 - Dave Herb, Resource Management Agency
 - Carol Barney, Public Health



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVENUE/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
JOHN V. SILVA
GARY GILBERT

BONNIE HOLIDAY, Clerk of the Board

File No: 04161
Tape No: 1-20
Date: October 5, 2004



In the Matter of

CONSIDERATION OF APPROVAL OF RESPONSE FROM THE
TREASURER-TAX COLLECTOR TO THE GRAND JURY-DRAFT
REPORT ON THE TRANSIENT OCCUPANCY TAX FOR MADERA
COUNTY GRAND JURY, 4TH FINAL REPORT, ADMINISTRATION
DEPARTMENT.

Upon motion of Supervisor Moss, seconded by Supervisor Bigelow, it is
ordered that the attached be and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

AYES: Supervisors Bigelow, Moss, Dominici, Silva and Gilbert.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

Auditor
CAO
County Counsel
Tax Collector
~~Grand Jury~~

ATTEST: BONNIE HOLIDAY, CLERK
BOARD OF SUPERVISORS

By *[Signature]*
Deputy Clerk



COUNTY OF MADERA
ADMINISTRATIVE MANAGEMENT
333 W. OLIVE AVENUE / MADERA, CALIFORNIA 93637-5402
(559) 675-7703 / FAX (559) 675-7950 / TDD TELEPHONE (559) 675-8970

FILED

SEP 21 2004

MADERA COUNTY BOARD
OF SUPERVISORS

September 21, 2004

To: Board of Supervisors
From: Stell Manfredi, County Administrative Officer *Stell Manfredi*
Subject: Grand Jury - Draft Report on the Transient Occupancy Tax for Madera County (4th Final Report)

I. RECOMMENDATION

That your Board accept the Treasurer-Tax Collector's response to the Grand Jury concerning the above subject, and adopt this report as your response to the Grand Jury on this matter.

II. SUMMARY

On August 20, 2004, the Grand Jury issued the attached report concerning the above subject. The report requested a response from the Board of Supervisors.

Also attached is a response, dated August 27, 2004, from Tracy Kennedy Desmond, Treasurer-Tax Collector, addressing the Grand Jury report on this subject.

III. FISCAL IMPACT

Your Board's action concerning this report does not create a fiscal impact to the County.

SM:rw

Attachments

cc: Tracy Kennedy Desmond, Treasurer-Tax Collector
Bonnie Holiday, Chief Clerk to the Board

10



ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
209 W YOSEMITE AVENUE/MADERA, CALIFORNIA 93637
(559) 675-7707 / FAX (559) 673-0262 / TDD (559) 675-8970

December 30, 2004

The Honorable Judge Edward Moffat
Presiding Judge of the Superior Court
County Government Center
209 West Yosemite Avenue
Madera, CA 93637



Re: Response to Grand Jury Report on Transient Occupancy Tax for Madera County.

In Madera County, the County Treasurer-Tax Collector administers the Transient Occupancy Tax. The responsibility of the County Auditor-Controller is to receive the funds collected by the Tax Collector and to make sure it is posted to the proper revenue account. Additionally, it is the Auditor-Controller's responsibility to determine that all County departments exercise proper internal controls over county assets and revenues.

The review performed by the 2004 Grand Jury revealed that procedures and internal controls in the area of Transient Occupancy Tax revenues need to be improved. I was personally involved in the meetings between the Grand Jury members, the staff of the County Tax Collectors's Office and the County Assessor and am aware of the corrective actions proposed by those two County officials as contained in their reports to the Grand Jury. I believe that those actions address all of the Grand Jury's recommendations and it is my plan to assign a member of my accounting staff to periodically review the progress being made in the Tax Collector's and Assessor's Offices to improve the conditions described in the Grand Jury's report.

Respectfully,

A handwritten signature in cursive script that reads "Robert F. DeWall".

Robert F. DeWall, CPA
Auditor-Controller



2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**2004 Madera County Grand Jury
 Final Report On
 The Rolling Hills Citizen's Association
 Special Assessment Tax
 Auditing Error**

INTRODUCTION

The Madera County Grand Jury received a written complaint from a Special District 19 Board Member, referring to funds that had been removed from the District-19 reserve account. The amount missing was in excess of \$58,000.00. These funds, according to the complaint, had come from taxes collected in the Rolling Hills community (SA19). The Rolling Hills Citizens Association was deeply disappointed in the response from the Auditor-Controller's Office to this issue. This group suggested that manipulation or "cooking-of-the-books" had occurred, and called into question the County's fiduciary obligation to the Special District 19 community. The Madera County Grand Jury voted to inquire into the propriety of this event.

SCOPE OF INVESTIGATION

The following were interviewed:

The Assistant Auditor was interviewed twice.

The complaining party (Rolling Hills Citizen's Association) was contacted by phone for verification information

The following documents were reviewed and attached to this report.

The letter of complaint from the Board Members of The Rolling Hills Citizen's Association

The Complaint Form received from the Rolling Hills Citizens Association

The records from the Auditors Office

FINDINGS

The above statement, that \$58,000.00 was removed from SA 19's maintenance account inappropriately, is incorrect. An internal audit found a computer error in the tax rate applied to the amounts deposited to the SA 19 account. The records at the Auditors office indicated that a readjustment of tax collected by Madera County from the years 1999 to 2003 was performed, due to an error in collections, which was in turn due to a computer error in the tax rate. It was not apparent to the auditor or to the District 19 Citizen's Association that an over-payment was made. In fact, no money was taken inappropriately; the funds were redistributed as per the appropriate tax rate. The Madera County Auditor's Office simply failed to notify the appropriate members of the Board of District 19's Rolling Hills Citizen's Association of the misapplication of taxes, and the subsequent reallocation of these taxes to the appropriate fund.

RECOMMENDATION

In the case of errors, which affect the balance of accounts, the Auditors Office shall send an official notification to *all affected* parties, and explanation of remedies shall be given to the parties involved, when adjustments are

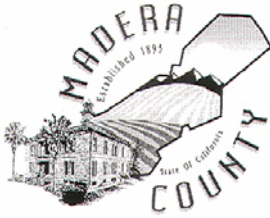
performed to resolve such errors. This report would not have come before the Grand Jury had the Auditors Office notified the parties involved at the time the incident was realized. This incident is a classic lack of communication.

RESPONSES

1. Madera County Board of Supervisors
2. Madera County Auditors Office
3. Special Dist 19 Board (Rolling Hills Citizen's Association)

RESPONSE REQUIRED FOR RECOMMENDATION

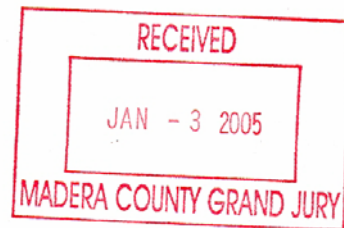
1. Madera County Board of Supervisors
2. Madera County Auditors Office



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December 30, 2004

The Honorable Judge Edward Moffat
Presiding Judge of the Superior Court
County Government Center
209 West Yosemite Avenue
Madera, CA 93637



Re: Response to 2004 Grand Jury Report on Rolling Hills Citizen's Association
Special Assessment Tax Auditing Error.

The findings of the Grand Jury are substantially correct concerning this issue with the exception that it involves the distribution of general property taxes rather than a special assessment tax. Service Area 19 is a dependent special district for which the County Board of Supervisors is the Board of Directors. The District receives a share of the general property taxes generated by the 1% property tax rate. One of the responsibilities of the Auditor-Controller's office is to apportion those taxes to all the entities that, by law, are to receive a share of them. In 1999, my staff made a data processing error in apportioning taxes that was not discovered until 2003. This error resulted in Service Area 19 receiving \$ 58,000 more in property taxes during that period than it was entitled to. This means that other tax-receiving agencies in the County received less than their correct share. When the error was discovered, it had to be corrected. The statement by the Grand Jury in their report that, "In fact, no money was taken inappropriately; the funds were redistributed as per the appropriate tax rate" is correct.

I would like to point out that no one from the Citizen's Association ever contacted my office for an explanation of this transaction. The question to my staff came from the Engineering Department Special District Supervisor and was not communicated to the Assistant Auditor-Controller, who could have provided a full and accurate explanation. Prior to the Grand Jury's inquiry, neither my assistant nor I were aware that the Citizens Association was dissatisfied with the explanation they had received indirectly.

As to the Grand Jury's recommendation that the Auditor's Office send an official notification to all affected parties when adjustments are performed, that is not possible. There are just too many parties involved, some of who are not even known to the Auditor-Controller's office. When adjustments are made, they are reflected in the accounting reports prepared monthly by my office. These reports are widely distributed. Since dependent special districts are part of County of Madera operations, their reports are sent to the County Engineering Department, who has responsibility for the management of these districts. The County Board of Supervisors, acting as District Board of Directors, also reviews the finances of these districts annually during the budget approval process. Since the Board of Supervisors is the Board of Directors for all dependent special districts, they have the ultimate authority for their management and the relationship of property owners associations, homeowners associations and other such groups is in an advisory capacity to the Board. My office sends copies of the monthly special district financial reports to those citizen's groups that have requested we do so. Prior to this inquiry, the Rolling Hills Citizen's Association had not requested to be placed on the distribution list for Service Area 19's information.

It is my opinion that the proper solution to this situation is for the Rolling Hills Citizen's Association to notify the Auditor-Controller's Office of the name and address of one of their members who could receive the Service Area 19 monthly financial reports from my office. The Association could then review these reports and contact me or my staff for the answers to any financial questions they might have.

Respectfully,



Robert F. DeWall, CPA
Auditor-Controller

Cc:
Madera County Board of Supervisors
Gary Powell, Foreman Madera County Grand Jury
Stell Manfredi, County Administrative Officer
David Prentice, County Counsel



2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**The 2004 Madera County Grand Jury
 Review of
 The 2003 Madera Grand Jury
 Final Report On the
 Janitorial Services Contract
 For County Buildings in Eastern Madera County**

INTRODUCTION

The 2004 Madera County Grand Jury was not formally charged with following up on the Janitorial Services Contract issues identified by the 2003 Grand Jury. However, it was determined to be an issue that needed further review after the responses from the County of Madera had been received.

With the full Grand Jury in support of this review, the County Committee of the 2004 Madera County Grand Jury investigated all the allegations originally made in 2001, with follow-up letters to the persons responsible for each building in Madera County. The Grand Jury first investigated the Janitorial Contract itself. This contract stipulates when and what cleaning work is to be done in each building, as well as what is considered a breach of contract. Specifically, the contract stipulates, “The County may terminate this contract at any time upon the COUNTY giving a ninety (90) day written notice to CONTRACTOR; however the COUNTY may terminate the contract immediately without notice in the event any terms or conditions of this contract are violated.”³

FINDINGS

The 2004 Madera County Grand Jury sent a copy of Exhibit “B”⁴ ([see attachment at end of this report](#)), to all heads of departments of County Buildings located in the Eastern District of Madera County. The responses showed that most departments were upset with the poor quality of janitorial services. The 2004 Madera County Grand Jury resolved to investigate by touring the facilities to verify the problem. On July 6, 2004, the County Committee of the Grand Jury toured the Eastern District of Madera buildings, including the Health Department’s Clinic in Oakhurst, the Oakhurst Library, as well as the Sheriff’s Sub-Station and Probation Office in Oakhurst. Also toured were the Bass Lake Government Center and the North Fork Library.

The tours showed on obvious lack of cleaning, both on a daily and quarterly schedule. All the buildings were toured in the early morning to ensure that the visits were after the cleaning was scheduled and before any usage that day.

In every case, except the North Fork Library, the restrooms showed a complete lack of cleanliness, and in most cases, trashcans were not emptied and were overflowing.

In the Oakhurst Library, no toilet seat covers were evident, though the supply closet showed an ample supply available. The shelves of books, which were to be dusted according to the Contract, did not show any signs of cleaning and were layered in dust. The librarian’s employee kitchen had stains in the sinks, food spots were not cleaned, and the floor had dead bugs and leftover food particles everywhere. The drinking fountain was filthy.

³ County of Madera, Agreement No. 6603-C-2000, pg. 2, subsection 1, paragraph 2.

⁴ County of Madera, Agreement No. 6603-C-2000Exhibit B, list of cleaning schedule.

The toilets were clearly not cleaned. The toilet bowls and the floors around them had urine and other stains. The bathrooms showed clear signs of a lack of mopping, dirt buildup and scuffmarks. Stains from human usage were everywhere. Cobwebs, with dusting of age, were evident in the recesses of the building; the carpets and floors were stained, with litter and small bits of trash still evident. The windows and glass doors showed prints and smears of all type, which appeared not to have been cleaned in several weeks.

The Oakhurst Sheriff's Sub-Station's Unisex restroom was so dirty that Grand Jury members were not able to step into the facility, due to the amount of trash on the floor and the odor of urine and feces. The floors in all the rooms, including the oft-used detectives lounge, were so dirty that it was evident that no attempt had been made to even sweep the area. The officers noted that it was often necessary to either do some sweeping themselves or to kick the trash aside and hope that eventually the cleaning staff would sweep the area. The windowsills in this building were so full of dead flies and insects that it was clear that months had gone by since the last cleaning of this important area. It is noted that the Parole (Probation) Department maintains its own office because the area is locked for security reasons, and can only be cleaned if Probation Officers are in the area at the same time the cleaning staff is in the building.

The Government Center in Bass Lake was as bad as all the other facilities, and it must be noted that even within the Presiding Judge's Chambers, the private restroom showed no evidence of any cleaning. The floors, windows, doors, jail cells, ashtrays, trashcans, and counters at the Government Center also showed a lack of regular cleaning. It is noted that the staff within the Government Center often ends up doing most of the cleaning that should be done by cleaning services, and the Grand Jury heard their justified complaints.

The Health Department's Clinic in Oakhurst at first glance appeared to be clean; however, upon entering the employee areas it was clear that the Janitorial Service's cleaning staff simply did the minimal cleaning possible in the outer lobby. In the rest of the building there was dust on the window blinds, no windows cleaned, dead flies on the sills and floor, trash in the trashcans and dust and dirt under the desks. Only the client lobby appeared presentable.

The North Fork Library was a surprise to the Grand Jury members, because it was very clean. However, it turned out that the volunteers at the library had taken it upon themselves to clean the library at the end of each day. The Janitorial Staff has never been seen entering the building to either inspect or do any cleaning. In August 2004, as the Grand Jury was ending the investigation of the Janitorial Services Contract, a meeting was held with the County Librarian, Linda Sitterding. During this meeting, Ms. Sitterding noted that the Oakhurst Branch Librarian had already recommended the termination of the Janitorial Service Contract, though no action had ever been taken on her recommendation. It is noted also that after the first two-year contract term, the Janitorial Service Contract had been renewed through the fiscal year ending June 30, 2004. Currently, the contract is out for bid, with multiple companies expressing interest. The company currently contracted for cleaning the facilities, North American Building Maintenance, Inc., no longer has an extended contract and is cleaning on a temporary month-to-month basis. Also noted during the review of the facilities were the statements by volunteers and employees of Madera County, who had ended up doing the cleaning themselves, that they should be paid for the cleaning.

CONCLUSIONS

Though the heads of the departments located in these facilities have written, faxed, and called the Janitorial Services in regard to the lack of cleaning, and requested corrections be made, no real improvements have

been seen. The contract appears to have been renewed without due consideration to the actual cleaning ability of the Contracted Service Company, and it's staff. The cost to the County of Madera per month is so low, that the Grand Jury cannot determine how the crews are being paid even minimum wages to clean these facilities.

RECOMMENDATIONS:

1. The 2004 Madera County Grand Jury recommends the immediate cancellation of the contract with the Janitorial Services Company, due to the requirements of cleaning having not been met, per County of Madera, Agreement No. 6603-C-2000, pg.2, subsection 1, paragraph 2.
2. That the Board of Supervisors bid these services out for contract as individual cleaning contracts, by building, and that all attempt be made to contract to companies, or persons, who live in the area of Eastern Madera County.
3. That the County of Madera perform reviews, and survey the employees or volunteers of the departments affected, of the cleaning ability of the contracted companies or persons, to ensure compliance with the contracted cleaning schedules, and that this be done at least every sixty (60) days.
4. Should the County of Madera find substandard performance during the reviews as recommended in item 3, that the County demand performance, and if the contractor fails to perform, then the County shall terminate the contract.
5. All contracts for Janitorial Services should be done with the stipulation that no contract may be sub-contracted.
6. All contracts should be done as to ensure that the amount of service provided meet the State of California minimum hourly rates for these services.

RESPONSES:

1. Madera County Board of Supervisors
2. Madera County Administrative Officer
3. Madera County Counsel

DOCUMENT USED DURING INVESTIGATION OF EASTERN MADERA JANITORIAL SERVICES

EXHIBIT B ATTACHMENT

⁴ County of Madera, Agreement No. 6603-C-2000Exhibit B, list of cleaning schedule.

Cleaning Responsibility	FREQUENCY			Performed
	Times Week	Times Month	Times Year	
Gather and dispose of all waste paper			5	
Clean all sinks located within departments				5
Sweep and dust mop all floor surfaces			5	
Vacuum all carpeted areas (under desks using vacuum			5	
Dust all office furniture (except desks and all items on desks)				1
Dust counters and file cabinets, etc.				1
Dust all ledges and other flat surfaces within reach				1
Properly arrange furniture in offices			1	
Remove fingerprints from woodwork, walls, partitions			1	
Clean Baseboards				1
Clean restrooms fixtures and chrome fittings				5
Clean and refill all restroom dispensers from stock				1
Spot wash restroom walls, tile, partitions, and doors				5
Clean all restroom mirrors				5
Sweep and wet mop restroom floors			5	
Sanitize toilets, toilet seats, urinals (inside and outside)			5	
Wash all drinking fountains (inside and outside)			5	
Sweep and or dust stairs, landings, handrails				5
Clean lobby and entry ways (inside and outside)			5	
Wash doors and entry way door glass (inside and outside)				5
Leave only designated night lights on			5	
Check windows and doors upon completion of work				5
Refill all soap, towel, and toiler tissue dispensers			5	
Clean up any floor "mess" created by the public			5	
Remove fingerprints from door & partition glass			1	
Clean all sand urns on outside of building				2
Dust high partition ledges and moldings				2
Mop, wax, and polish all tile floors				2
Clean all metal hardware throughout offices				1
Shampoo carpets				4
Wash all exterior windows				4
Dust all window blinds				3
Vacuum all window draperies				3
Clean all light fixtures				4
Bleach all bathroom tiles				2
Empty all ash trays located near doors on outside of building				2
Remove spider webs from ceilings				1
Strip wax and refinish all tile floors				1
Clean bathrooms and hose down floor in holding cell area				2
Clean all baseboards				1

Please note yes or no for each item and return to the Grand Jury in the envelope provided.



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVENUE/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
JOHN V. SILVA
GARY GILBERT

BONNIE HOLIDAY, Clerk of the Board



File No: 04161
Tape No: 1-160
Date: November 23, 2004

In the Matter of CONSIDERATION OF ACCEPTANCE OF THE RESPONSE TO THE GRAND JURY REPORT CONCERNING JANITORIAL SERVICES FOR COUNTY BUILDINGS IN EASTERN MADERA COUNTY.

Upon motion of Supervisor Gilbert, seconded by Supervisor Bigelow, it is ordered that the attached be and it is hereby adopted as shown.

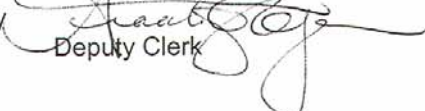
I hereby certify that the above order was adopted by the following vote, to wit:

AYES: Supervisors Bigelow, Dominici, Silva and Gilbert.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Moss.

Distribution:

ATTEST: BONNIE HOLIDAY, CLERK
BOARD OF SUPERVISORS

- Auditor
- CAO
- County Counsel
- ✓ Grand Jury
- Oakhurst Health Department Clinic
- Oakhurst Library
- Sheriff's Sub-Station
- Oakhurst Probation Office
- Bass Lake Government Center
- North Fork Library

By 
Deputy Clerk

RESPONSE TO GRAND JURY REPORT DATED OCTOBER 25, 2004Concerning Janitorial Services for County Buildings in
Eastern Madera County

As noted in the response to the last Grand Jury report on this subject, all mountain County Departments had been provided with a Janitorial Complaint Form, and a total of 4 (four) were sent to the County Administrative Office over a period of one year. The contractor responded immediately to correct the noted discrepancies. In response to the last Grand Jury report, the Janitorial Complaint Forms were again sent to all Mountain departments to ensure they were still available. To date, since the last Grand Jury report, no complaints have been sent to Administrative Office concerning the janitorial services in Eastern Madera County.

Following are responses to the Grand Jury's recommendations:

Recommendation 1. The 2004 Madera County Grand Jury recommends the immediate cancellation of the contract with the Janitorial Services Company, due to the requirements of cleaning having not been met, per County of Madera, Agreement No. 6603-C-2000, pg.2, subsection1, paragraph 2.

Response: New contracts, with new providers, will be presented to the Board of Supervisors in the immediate future, and the current contract, which is on a month to month basis, will end upon approval of the new contract.

Recommendation 2. That the Board of Supervisors bid these services out for contract as individual cleaning contracts, by building, and that all attempt (sic) be made to contract to companies, or persons, who live in the area of Eastern Madera County.

Response: Before the receipt of this Grand Jury report, the janitorial bids had already been received and opened. As noted, a new contractor is being recommended for the Eastern Madera County area.

Recommendation 3. That the County of Madera perform reviews, and survey the employees or volunteers of the departments affected, of the cleaning ability of the contracted companies or persons, and ensure compliance with the contracted cleaning schedules, and that this be done at least every sixty (60) days.

Response: Upon awarding of the janitorial contracts, contract monitoring will be returned to RMA Building Maintenance for closer oversight by County employees. This recommendation will be forwarded to RMA Building Maintenance for compliance.

Recommendation 4. Should the County of Madera find substandard performance during the

reviews as recommended in item 3, that the County demand performance, and if the contractor fails to perform, then the County shall terminate the contract.

Response: This recommendation will be forwarded to RMA Building Maintenance for compliance.

Recommendation 5: All contracts for Janitorial Services should be done with the stipulation that no contract may be subcontracted.

Response: The new contracts will stipulate that no contract may be subcontracted without County approval.

Recommendation 6: All contracts should be done as to ensure that the amount of service provided meet the State of California minimum hourly rates for these services.

Response: As a contracted service provider, the contractor is required to meet all of the laws of the State of California for this service.



2004 Madera County Grand Jury
P.O. Box 534
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**The 2004 Madera County Grand Jury
Final Report
On The
Prison Crimes Case Tracking Log**

INTRODUCTION

The Valley State Prison for Women (VSPW), located in Chowchilla, California, is a State-run Penal Institution. The inmates housed at this facility often commit additional crimes within the prison itself. Depending on the crime committed, and the severity of the crime, the incident may be forwarded to the local District Attorney's Office for prosecution of these crimes.

FINDINGS

On the last visit to the VSPW, the Chairman of the Public Safety & Welfare Committee was asked to check on the status of the 'Prison Crimes Case Tracking Log' for 2002-2003, as well as the status of the incidents on file for 2004. Tony Bacci, the VSPW Legal Representative, provided the Logs and was the person that requested the status up the logs with the District Attorney's Office.

The 2004 Madera County Grand Jury contacted the District Attorney's Office and spoke with John Bell, the Accounting Manager for the District Attorney's Office. Mr. Bell researched the information and gave the Grand Jury a copy of the status sheets for the cases listed in the logs, which were subsequently provided to Mr. Bacci at the VSPW.

CONCLUSION

The crime incidents at VSPW are confidential, and are not published in this Grand Jury Final Report. However, the request for information assistance is considered a Grand Jury duty, and is noted herein, as a matter of public record.

RECOMMENDATIONS: None

RESPONSES: Warden, Valley State Prison for Women, Chowchilla, CA



2004 Madera County Grand Jury
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**The 2004 Madera County Grand Jury
Final Report on
The Chukchansi Indian Casino Gambler's Anonymous Payments**

Date: Sept 20,2004

To: 2004 Madera County Grand Jury

From: 2004 Madera County Grand Jury Committee on Special Districts & Issues

Subject: Final Report on the Payment of Gamblers Anonymous Funds
by the Chukchansi Indians Tribe, dba: Chuckchansi Indian Casino

The Madera Grand Jury received an inquiry regarding the Chukchansi Indian Casino, from a member of the Madera County Mental Health Board. The issue was the status of the required payment of the \$15,000.00 per-year payment to the Gamblers Anonymous Fund.

Two members of the 2004 Madera County Grand Jury checked with County Administration Office and the Auditors Office. We found that the tribe had been billed within the prior two weeks. After two weeks to give time for the appropriate payment, the Grand Jury learned that the payment had been received, in the amount of \$30,000.00.

We found no failure to comply, as the tribe paid the amount in a timely manner.

Submitted,

2004 Madera County Grand Jury Committee on Special Districts and Issues

**2004 Madera County Grand Jury**

P.O. Box 534
Madera, California 93639-0534
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**The 2004 Madera County Grand Jury
Final Report
On the City of Chowchilla Police Department and Jail**

INTRODUCTION

Members of the Madera County Grand Jury toured the Chowchilla Police Department at 122 Trinity Avenue, Chowchilla California, on July 14, 2004, pursuant to §919(a) of the California Penal Code to, "...inquire as to county prisons."

FINDINGS

The Chief of Police in Chowchilla has a staff of 17 full time sworn officers. Among them is a sergeant who assists with administration and manages information technology ("911" software, and hardware). Also included on the staff are four Community Service Officers, one Officer who performs the functions of animal control and evidence technician, and one School Resources Officer. The Officers are organized into four teams that staff the Police Department and jail and patrol the city 24 hours per day, 7 days a week on twelve hour shifts that change at 6 am and 6 pm. In addition to the full time staff, there are four relief Community Service Officers who work part time (approximately 20 hours per week).

The Police Chief reports that, on average, the jail processes one inmate per day, but rarely more than two. The jail performs preliminary booking and then either cites and releases the inmate, or transports them to the Madera County Department of Corrections.

The Chowchilla Jail is a temporary holding facility with one two-person holding cell and one "cage" type cell. A camera monitors the holding cell. The State of California Board of Corrections audited the facility in 2003 at which time the "cage" cell was deemed substandard. In response to the audit, funds were earmarked in the 2004-2005 City of Chowchilla General Operating Budget for removal and replacement of the cage cell.

On the date of the Grand Jury's visit, the jail was undergoing a process of renovation and expansion to double its area. The modernized facility now has an interview room, dispatch area, report writing area, investigations office, Sergeants' office, lunchroom/kitchen, conference room, and evidence room with a vault. The jail now has two cells, rather than one, plus the 'cage cell'.

The Grand Jury was very favorably impressed with the renovation. The Grand Jury commends the contractor and construction workers who performed the work. The City of Chowchilla is fortunate to have a contractor and construction workers as city employees who have performed such an excellent job in an expeditious manner.

The Grand Jury notes that the jail is one of the few agencies remaining that still takes fingerprints manually using the ink-and-roll method rather than by digital scan of the fingers on the LiveScan system. Inked fingerprints are sent to the California Department of Justice for identification, and receipt of the results may take from 90 days to a year. Alternately, the Chowchilla jail may avail itself of Madera County's LiveScan system at a cost of \$75 per scan with results available within 30 minutes.

CONCLUSION

The Grand Jury found the condition of the jail to be excellent and the management to be professional. The now completed renovation to the jail is clean and well organized with efficient use of space. The Jury is especially impressed that such a small city with limited resources has performed so well. With so many cities reducing city services due to budgetary constraints exacerbated by State budget issues, it is important to note the City of Chowchilla's commitment to providing for its long-term needs while still providing the basic services that have been cut or reduced by other cities and communities.

RECOMMENDATION

1. The Grand Jury recommends that the Chowchilla Police Department procure a LiveScan fingerprint system. The Jury is concerned that the City of Chowchilla is not taking advantage of current technology and may miss opportunities to contribute to the safety of the community at this time of heightened security awareness. The LiveScan system may in the long-term provide additional savings by reducing the cost to the Police Department for the processing of fingerprints manually.

ENTITIES TO RESPOND

1. Madera County Board of Supervisors
2. City of Chowchilla Chief of Police
3. Chowchilla City Council



2004 Madera County Grand Jury
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**The 2004 Madera County Grand Jury
Tour of
The Madera County Juvenile Detention Facility**

INTRODUCTION

Members of the Madera County Grand Jury toured the Madera County Juvenile Detention Facility, on February 20, 2004.

FINDINGS

The Detention Facility is in a new building, less than two years old, located at 28219 Avenue 14. The facility has a capacity for seventy youths and there are now between forty and fifty youths in residence. There is room at the premises to build an expansion that would increase the capacity to 130, if and when needed.

The facility accepts boys and girls from Madera and Mariposa Counties, who are being held while going through the legal system. The youths may be anywhere in the legal process from arraignment through preliminary hearing, disposition, and into additional supervision, through the Juvenile Courts. Any child from as young as five years old may be housed at the facility and, in fact, a nine year old child has actually been received there. The average stay is eleven days. The facility is under contract to receive youths from Mariposa County on a space available basis. Madera County is paid for the expense of housing youths from Mariposa, but does not profit from the arrangement. Youths who are under the influence of drugs or alcohol are not admitted directly to the facility, but are sent to a hospital until they are sober. Half of all youths detained in Madera County come from families who are receiving Temporary Aid to Needy Families (TANF).

Each housing area of the facility has dormitory rooms, which surround a day room with an adjoining yard. Boys and girls are housed in separate areas. The areas are bright, roomy, and exceptionally clean. The youths do all the cleaning and the facility is in excellent condition. Television, including HBO, may be viewed by the youths at the officers' discretion. There are no telephones for use by the youths, but payphones may be installed in the future in order to raise money to buy more computers for the classrooms. Staff would monitor telephone calls. Youths are allowed to receive visits from grandparents, parents, and siblings only.

Meals are provided through a contract with ARAMARK food service, and other supplies are provided through UNISOURCE. The State provides \$80,000 per year, and the Federal Government an additional \$15,000 for nutritional programs. Last year the facility was budgeted \$120,000 for food service by the Madera County Board of Supervisors. As a result of contract services with ARAMARK, the Juvenile Detention Facility ended its contract year with actual costs of \$92,500. The funds provided by the State and Federal programs are grant-style, and do not require all monies to be used nor any unused monies to be returned.

Each youth is issued three sets of clothing so that one may be worn, one is on the shelf, and one is in the laundry. The laundry has its own industrial size laundry machines. The youth's do their own laundry.

Medical care is provided under contract, and a physician is on duty at the facility one day each week and as needed. Asthma, allergies, and bronchial disorders are the most common ailments among the youths. Staff is trained in first aid and cardiopulmonary resuscitation. They rely on paramedics for medical emergencies.

The detainees' day begins at 6:45am, with attendance at school until 2:30pm. The school day is followed by time in the yard, showers, homework, time in the day room, and dinner.

There are 25 officers at the facility over two twelve-hour shifts, seven days per week. Staff members make rounds of the facility every fifteen minutes. The rounds are documented electronically by use of an electronic key card system wherein the staff member inserts a key card into a scanner at each station on the round to verify a presence at that location. Night shifts consist of five officers.

An administrative segregation unit is closed because there is no staff available to run it. The unit has been used once in the history of the facility. The staff responds to gang fights by locking down the facility for three days.

The Madera County Office of Education provides education by certified teachers with 15 students per class. There are also two teachers of English as a Second Language. The Enterprise School provides education for the learning disabled, as well as specialized classes on the effects of violent crime, and sexual abuse. Classes are also given on life skills and other specialty subjects. Mental health issues are addressed by the Madera County Mental Health Department.

A safety cell is available for those youths who need one. The cell is checked every five minutes. Madera County Mental Health staff members check on youths within one hour of initially being placed in safety cells. Only licensed professionals may touch the youths during strip searches.

The administration at the facility places a heavy emphasis on training for its staff and also offers training to surrounding agencies. Each officer at the facility receives 24 hours of training and sergeants receive 40 hours per year. Training includes beginning, intermediate, and advanced coursework in weaponless defense, use of OC pepper spray, physical restraints, handcuffing, and POST (Peace Officer Standards and Training). Unfortunately, the training program is being impacted because funds received from the State of California for "Standards and Training for Corrections" has been cut entirely from the training program, though the mandate for training in this category must still be implemented. It is also noted that the Superintendent provides training in excess of that mandated by the State and other government agencies.

There is significant turnover among the staff due to low pay and the absence of benefits such as "safety" retirement.

CONCLUSION

The 2004 Madera County Grand Jury found the Madera County Juvenile Detention Facility to be very clean, well run and maintained. The safety and care of the detainees seemed to be a high priority for all of the staff. The facility is under-staffed by eight positions. The Superintendent is to be commended for the high standards at the facility.

RECOMMENDATIONS

1. The Superintendent should be granted the funding for adequate staffing.
2. The Board of Supervisors should consider increasing the funds for training to offset the funding cuts by the State of California, without decreasing the funding of the overall current funding provided to the Detention Facility.

RESPONSES REQUIRED

1. Madera County Board of Supervisors
2. Superintendent, Madera County Juvenile Detention Facility



2004 Madera County Grand Jury
P.O. Box 534
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**The 2004 Madera County Grand Jury
Tour of
Central California Women's Facility Tour**

INTRODUCTION

Members of the Grand Jury toured Central California Women's Facility, an institution of the California Department of Corrections, on March 25, 2004, pursuant to the duty to "inquire into the condition and management of the public prisons within the county" as prescribed in §919(b) of the California Penal Code.

FINDINGS

The primary mission of the Central California Women's Facility (CCWF) is to process and incarcerate California female offenders in a secure, safe, disciplined, and ethical institutional setting. CCWF provides inmates academic education, work, and vocational training, counseling, and specialized programs for their successful reintegration into society after release.

CCWF opened in October 1990, covers 640 acres. There are currently 3,680 inmates, 560 are serving life sentences while 15 are on "Death Row". CCWF has a staff of 984, including guards, management, and other staff, with an annual budget of \$82,000,000.

The inmate dress code is casual, with blue and white colors for the general population, orange for new arrivals, and lime green for inmates that work outside the prison grounds. "Death Row" inmates wear the same clothing as the general population; though "Death Row" inmates and those in the general population may choose to wear civilian clothing during non-work hours. New arrival inmates are the only population segment that may not wear civilian clothing. The option to wear civilian clothing is a recent change to the California Prison clothing policy, and is only for inmates while within the prison grounds. Inmates that work outside the perimeter fence, or are being transported must wear prison clothing.

CCWF's specialized health and medical services provide a licensed medical facility. CCWF also encourages personal health responsibility.

There are many vocational education programs available for inmates who choose to participate. These programs include:

- ~ Auto-Body Repair & Refinishing
- ~ Computer Technology
- ~ Cosmetology
- ~ Electronics
- ~ Graphic Arts
- ~ Cabinet Making
- ~ Silk Screening
- ~ Small Engine Repair

~ Upholstery
~ Welding

The Prison Industry Authority not only benefits from the farms' production, but also has at this facility:

~ Dental Manufacturing (to produce dental devices for the California Department of Corrections Inmates)

Unlike regular inmate jobs, public-private partnerships allow inmates to earn a prevailing wage, similar to those in the public environment. A public-private partnership, known as The Joint Venture Program, an electronic manufacturing program, exists between the inmates and a private manufacturing company. Deductions are taken from the inmate's wages for room and board, victim compensation funds, prisoner-family support, and mandatory savings for release. These public-private partnerships save the CDC untold monies in educational instruction and help the State's businesses and economy. These partnerships also allow the inmates to learn a new skill, as well as earn additional monies to further their educational opportunities after release.

The prison also offers Adult Education, High School G.E.D., English as a Second Language, and Literacy Programs.

The inmates are provided three meals each day, including hot meals at breakfast and dinner. A boxed lunch is provided to each inmate as they exit the mess hall after breakfast. A dessert is served with the dinner meal, and varies, based on ingredients available. The diet appears to be nutritious and is made of high quality ingredients.

CONCLUSION

The inmates appear to be well provided for and the staff and administration appears to perform their duties in a professional manner. The grounds of the facility are very well maintained.

RECOMMENDATIONS

None.

RESPONSES NOT REQUIRED

Madera County Board of Supervisors

California Department of Corrections, Central California Women's Facility, Warden



2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**The 2004 Madera County Grand Jury
 Final Report On The Tour of
 The Central California Women's Facility
 Fire Department**

INTRODUCTION

Members of the Grand Jury toured Central California Women's Facility (CCWF), an institution of the California Department of Corrections, on March 25, 2004, pursuant to the duty to "inquire into the condition and management of the public prisons within the county" as prescribed in §919(b) of the California Penal Code.

FINDINGS

The primary mission of the Fire Department located on the grounds of CCWF, is to provide professional fire protection for itself and the adjacent facility, Valley State Prison for Women (VSPW), which are located near Chowchilla.

One Fire Chief, five (5) Captains, and nine (9) trustee inmate firefighters staff the Fire Department. There is also one dispatcher/cook position, which is performed by a trustee inmate who is also qualified to fight fires when needed. In the first eight months of 2004, the Fire Department responded to 805 medical and fire related emergencies for CCWF, VSPW, and other areas within Madera County. In 2003, the Fire Department participated in over 1200 events including calls for assistance.

The Fire Department provides:

- ~ Fire & rescue services within a 10-mile radius, including fire suppression and protection
- ~ Medical aid to persons in need, when requested through the Fire Dispatch Center
- ~ Fire extinguisher servicing for extinguishers within the two State Prisons
- ~ Hazardous material protection and assistance to HazMat teams, as well as removal of material
- ~ Responses, when requested, to fire and rescue requests within 150 square miles, including wild fires and highway accidents.
- ~ a response crew, including one Captain, and four firefighters.
- ~ over 1500 community service hours each year.
- ~ over 400 responses to Madera County official requests each year.

The Fire Department is equipped to deal with accidents, fires, rescues, and other issues with two Type I Fire Engines, each of which have 300 gallon "pump & roll" capabilities, allowing the engines to perform without access to outside sources of water. "Pump & roll" means to pump water into the tanks and drive the engine to the fire without the need for fire hydrants. A deck-mounted water gun and 1400 feet of three inch Fire Hose is also on each Engine. Each Engine includes, and is equipped with the "Jaws of Life" device, and a crew of 4-5 inmate firefighters.

The inmate firefighters are assigned to the Fire Department, and live in the Fire Department's living quarters, in similar fashion as other Fire Departments nationwide. Prior to being assigned to the Fire Department, the inmates must first be nominated by their Prison Counselor, recommended for this job by an inmate committee, approved

by the Institution's Jobs Committee, and finally, approved by the Warden of the Prison and the Fire Chief. All the conditions must be met before formal training is begun and prior to inmates being transferred to the Fire Department facility.

Inmate Firefighters are expected to:

- ~ live at the Fire Department
- ~ be available for duty 6am – 3pm
- ~ provide emergency responses 24/7
- ~ be physically fit through mandatory firefighter training
- ~ display a proficiency in operation and use of all available power tools, including the “Jaws of Life”, apparatus and pumps
- ~ Share in the cooking duties on weekends

Inmate Firefighters also provide emergency services to the local community. From January 1, 1999 to June 30, 2004 the Inmate Firefighters have made over 1500 emergency responses and performed over 6,000 hours of community service.

CONCLUSION

The Fire Department is responsive to the needs of the County and its population. The Fire Chief maintains strict discipline over the inmate firefighters. With the assistance of the Captains, the Fire Department ensures that responses that are requested of the CCWF Fire Department are handled in a professional and immediate manner. During the tour, the inmate firefighters showed the Grand Jury their proficiency with the equipment. The Grand Jury commends the inmates for their dedication and the duties they perform. These firefighters are often found fighting wildfires side-by-side with firefighters from other locations throughout California.

RECOMMENDATIONS

The CCWF Fire Department is in serious need of parts and repair assistance to maintain the aging Fire Engines. The current engines are aging and in need of maintenance which is often beyond the budget of the Prison System and the State of California. In the past, reciprocal agreements with the County of Madera have assisted in some repairs, but time and usage continues to deteriorate the aging engines. The Grand Jury recommends that the Madera County Board of Supervisors work with the Fire Chief to locate funds, grants, equipment, and parts to help maintain this vital link to the Madera County Community.

RESPONSES REQUIRED

1. Madera County Board of Supervisors
2. Madera County Counsel ([See Response at end of this Report](#))
3. Warden, Central California Women's Facility ([See Response at end of this Report](#))
4. Fire Chief, Central California Women's Facility Fire Department

[RESPONSES FOLLOW THIS REPORT](#)

STATE OF CALIFORNIA-YOUTH AND ADULT CORRECTIONS AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CORRECTIONS
Central California Women's Facility
P.O. Box 1501
23370 Road 22
Chowchilla, CA 93610-1501
(559) 665-5531



December 7, 2004

Madera County Grand Jury
Attention: Gary Powell
PO Box 534
Madera, California 93639-0534



Dear Mr. Powell,

Thank you and all the members of the Madera County Grand Jury for visiting CCWF's Fire Department and for the interest in the service provided to the citizens and neighbors in Madera County. This visit gave the CCWF Fire Department the opportunity to display our abilities and the Institutions commitment to public service.

As to your report recommendations that the Madera County Board of Supervisors work with the Fire Chief to locate funds, grants, equipment and parts to help maintain CCWF's vital link to the Madera County Community, CCWF concurs and looks forward to working with the Board should they approve this recommendation.

The CCWF Fire Department has a strong working relationship with the Madera County Fire Department. That relationship has been beneficial to the citizens of Madera County as well as each agency. This year the Madera County Fire Department participated in a cost share with CCWF and Valley State Prison for Women (VSPW) by using a portion of their operating budget to repair CCWF Engine 5. Also this year under the auspices of the Madera County Office of Emergency Services, and through the Madera County and Chowchilla City Fire Departments, the CCWF Fire Department received eight breathing apparatus through a federal grant.

Currently, the Madera County and the CCWF Fire Departments are drafting an update to their Mutual Aid Agreement, which will be presented to the Madera County Board of Supervisors and the CCWF Warden for approval. Within this draft agreement some cost sharing and maintenance issues are addressed. However, at the present time the Madera County Fire Department advises they do not have the resources or the funds to provide maintenance, equipment or parts to help CCWF Engine 5 maintain a response ready posture.

Should you have additional questions or comments, please contact me at (559) 665-5531, extension 7700.

Sincerely,

A handwritten signature in blue ink that reads "R. W. Blankinship".

R. W. BLANKINSHIP
Fire Chief
Central California Women's Facility
Valley State Prison for Women

STATE OF CALIFORNIA-YOUTH AND ADULT CORRECTIONS AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CORRECTIONS
Central California Women's Facility
P.O. Box 1501
23370 Road 22
Chowchilla, CA 93610-1501
(559) 665-5531



December 8, 2004



Gary Powell, Foreman
2004 Madera County Grand Jury
P.O. Box 534
Madera, CA 93639-0534

Dear Mr. Powell:

This is in response to your letter dated November 8, 2004, documenting the Grand Jury's tour of Central California Women's Facility Fire Department on March 25, 2004.

The tour found that, "The CCWF Fire Department is in serious need of parts and repair assistance to maintain the aging Fire Engines." Based on the finding, the Grand Jury recommended, "The Madera County Board of Supervisors work with the Fire Chief to locate funds, grants, equipment, and parts to help maintain this vital link to the Madera County Community."

CCWF strongly supports the Grand Jury's finding and it is my expectation that Fire Chief Blankinship will work closely with the County of Madera, to explore all funding options to help maintain the Fire Department's high level of operational readiness.

Presently, the CCWF and Madera County Fire Departments are in the process of updating their existing Mutual Aid Agreement. Upon completion, the Mutual Aid Agreement will be presented to the Madera County Board of Supervisors for approval. This agreement will address cost sharing and maintenance issues.

Should you have any additional questions or concerns regarding these matters, please contact Kevin Kostecky, Administrative Assistant/Public Information Officer, at (559) 665-5012

Sincerely,

A handwritten signature in blue ink that reads "D. Jacquez" with a stylized flourish at the end.

D. JACQUEZ
Warden (A)

*Office of the County Counsel*

David A. Prentice, County Counsel
Douglas W. Nelson, Asst. County Counsel

William G. Smith, Deputy
James M. Gerecke, Deputy
David L. Herman, Deputy

November 29, 2004



The 2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639

Re: Response to Grand Jury Report on Tour of Central
California Women's Facility Fire Department

Dear Grand Jury Members:

Pursuant to Penal Code § 933.05, County Counsel, County of Madera, responds as follows to the final release version of the 2004 Madera County Grand Jury report on the tour of Central California Women's Facility (CCWF) Fire Department. The Grand Jury has made recommendations regarding the CCWF Fire Department's equipment and made several recommendations regarding the County of Madera assisting CCWF Fire Department in obtaining repairs or new equipment.

The recommendations require further analysis.

The County of Madera has a contractual relationship with the California Department of Forestry for fire protection services. Therefore, research must take place to determine the feasibility of assisting the State with fire equipment for the correctional facility.

This office will work with the Madera County Board of Supervisors and the County Administrative Officer in determining the feasibility of the Grand Jury's recommendations.

Very Truly Yours,

A blue ink signature of David A. Prentice, written in a cursive style.

DAVID A. PRENTICE
County Counsel

DAP:jab

S:\Admin\County Counsel\Grand Jury\Correspondence\2004 Madera County Grand Jury.doc

333 West Olive Avenue / Madera, California 93637
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Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



**The 2004 Madera County Grand Jury
Final Report on The Public Safety and Welfare Committee's Review of
The Madera County Department of Social Services Fraud Unit, Income and Eligibility Verification System
And The Madera County District Attorney's Office, Special Investigation Unit**

INTRODUCTION

The 2003 Madera County Grand Jury and previous Grand Juries investigated the Madera County Department of Social Services. In the 2003 Final Report, the Grand Jury recommended that the 2004 Grand Jury continue to monitor the Department. The 2004 Grand Jury chose to focus on the Department's Fraud Unit.

FINDINGS

There are two crucial departments, the Special Investigative Unit of the District Attorney's Office (SIU) and the Income and Eligibility Verification System of the Department of Social Services (IEVS), which must cooperate with one another and coordinate their efforts in order to investigate fraud by welfare recipients.

The Grand Jury found that SIU and IEVS failed to perform fraud prevention and prosecution of offenders in a comprehensive and timely manner due to discord between the two departments. In spite of protocols intended to facilitate communications, personal animosities prevailed.

This issue has been addressed repeatedly by successive Grand Juries. The two Departments have recently developed corrective measures, and plan a joint training session in order to come to a common understanding of each one's specific responsibilities.

The Grand Jury finds it curious that heretofore no manager at any level has put a stop to the discord that has interfered with the Departments' functions.

CONCLUSION

After continuing mediation by members of the 2004 Grand Jury, SIU and IEVS have developed a new set of protocols and training that they feel will bring the departments together to overcome their differences. The Grand Jury finds that this function should have been accomplished by management and should never have become the job of the Grand Jury.

RECOMMENDATIONS

1. That the 2005 Grand Jury insures that the new protocols for communication and cooperation between SIU and IEVS are effectively implemented and practiced.

ENTITIES TO RESPOND

1. Madera County Board of Supervisors
2. Madera County Department of Social Services Director
3. Madera County District Attorney



2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



**The 2004 Madera County Grand Jury
Final Report on The
Eastern Madera County Sheriff's Facility**

INTRODUCTION

The Madera County Grand Jury toured the Eastern Madera County Sheriff's Facility on July 15, 2004, pursuant to Penal Code 925, charging the Grand Jury with investigation of, "County officers, departments or functions; operations, accounts and records; investigations and reports".

FINDINGS

The Madera County Sheriff met and welcomed the Public Safety Committee of the Grand Jury. He introduced the Sergeant who is in charge of the Bass Lake Division. He explained the patrol operations on Bass Lake. During the summer season, May through September, they have four sworn and four non-sworn personnel assigned. Non-sworn (volunteer) officers perform oversight and control issues on Bass Lake, and report incidents to the sworn officers. Sworn officers have peace-officer powers, including the enforcement of California Law. They enforce boat speed limits, operating under the influence, etc. Jet ski operators cause the most problems and accidents, according to information provided by the Sergeant. They have specific areas of use on Bass Lake for jet skis.

The Sergeant is also in charge of the other volunteer operations such as 'Search and Rescue'. This unit is well trained and primarily used in the mountain and remote areas. They continuously train in order to be prepared when an emergency occurs.

The Sergeant is also in charge of the Dive Team. They must be trained to dive in murky water with only a few feet of visibility, swift-water rescue and recovery, and water containing hazardous debris. They must be exceptionally well trained for their own survival. The Sergeant is also the coordinator for the SWAT Team, which is a multi-agency operational task force. All members of SWAT Team are sworn personnel.

The Sergeant then introduced the Grand Jury members to the Lieutenant who is in charge of the Eastern Madera Sheriff's Operations. He escorted us into the Government Center where we observed the Dispatch and Clerical Operations. From there the Grand Jury tour continued to the two holding cells. The cells are strictly temporary holding units, which appeared to be well maintained. One detriment of the facility is a nearby sewage-processing system, which is very evident. The Lieutenant then took us through the rest of the center and showed us the courtroom. The Grand Jury's tour then proceeded up a long driveway, around the rear of the Government Center to a small house that had been converted to the needs of the Detective Division. The Detective Division has offices and a "Briefing/Report Writing Area". The space appeared to be quite adequate. There is a shortage of detectives. At the time we were there, the Detective Division had one Sergeant and two Detectives, but both of the detectives were leaving shortly thereafter - one on a medical leave and the other for emergency leave.

The Grand Jury then went to the Sheriff's Mountain Area Headquarters in Oakhurst. It is a converted doctor's office. It had one large room, where meetings or briefings can be held, a break room with a refrigerator where the

deputies can relax and eat their lunches, etc. The remaining areas consist of offices. They have both phone service and radio contact from this location. This enables the officers to be available to handle calls when needed.

The Grand Jury then requested that the Sheriff provide a personnel roster covering the Mountain Division. This roster uncovered and revealed that the Board of Supervisors had supplied the five deputies from the existing Sheriff's staffing, rather than providing for five additional deputies as required by the Memorandum of Understanding (MOU). The MOU is the Agreement between the Chukchansi Tribe and The Madera County Government regarding Casino Operations. When the Chukchansi Gold Casino opened and agreed to pay for five deputy positions, it sounded like a good boost to security in the Mountain community. However, this is not the case.

The County accepted the money, from the Chukchansi Tribe and Casino, but instead of adding the five additional deputies that Chukchansi paid for, they transferred the five deputies from the existing Patrol Deputy allotment. This means that the five deputies are assigned to the Coarsegold area around the Casino. This leaves nine deputies assigned to patrol to handle enforcement in the remainder of Eastern Madera County. One of these deputies is assigned to Yosemite High School, leaving eight deputies to protect the rest of Eastern Madera County. It requires five deputy positions to provide one deputy around the clock. This means that there are less than two deputies per shift to cover the area from the San Joaquin River to North Fork up to the Mariposa County line and across to the Valley Division Line. An article in the Sierra Star newspaper, September 17, 2004, had headlines that state, "Sheriff won't lose deputies with budget." This is misleading because there is a hiring freeze that does not allow vacancies to be filled. The Madera County Board of Supervisors transferred Sheriff's personnel to meet the requirements of the Chukchansi Tribe & Casino, to fund the police security at the Casino and within the Coarsegold area as mandated in the agreement.

CONCLUSION

The antiquated space at the Government Center for the Sheriff's Station is used efficiently. The Sheriff and his staff should be commended for the job they do with the limited number of personnel. Currently, the staffing requirements at the Bass Lake Station is under-staffed by three positions. The budget of the Sheriff's Department appears in need of additional funds.

RECOMMENDATIONS

1. The Board of Supervisors review the level of protection they provide to the residents of the Mountain Area.
2. The two frozen positions in Patrol are filled.
3. The money received for the five additional deputies that Chukchansi paid for should be used only for those five additional deputy positions and not taken out of the Sheriff's Budget.
4. The Board of Supervisors fund the Sheriff's Department Budget adequately to hire the additional detectives necessary to maintain the Detectives Division at the Bass Lake Government Center.
5. The Board of Supervisors provides funding for the deputies to staff the main force of the Sheriff's Department at pre-Chukchansi Casino levels.

RESPONSES

1. Board of Supervisors
2. Madera County Sheriff's Department



2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



**2004 Madera County Grand Jury
Final Report On
The City of Madera Finance Department
As Regards Business Licenses for Rental Properties**

INTRODUCTION

Members of the 2004 Madera County Grand Jury went to the Finance Department of the City of Madera pursuant to Code 925(a) charging the Grand Jury to "investigate and report upon the fiscal matters of any such city or joint powers agency." The Grand Jury met with the Finance Director on June 15, 2004 to learn about the collection of business license fees for rental properties.

FINDINGS

The Rental Business License Fee Ordinance is found in City of Madera Municipal Code §6-1.28 RENTAL PROPERTIES, "Every person conducting or maintaining real property in the city for rental as a dwelling unit, whether as a single-family, two family, or multi-family residential unit, except the Housing Authority of the city and owners of motels and hotels, which are taxed pursuant to the provisions of Chapter 3 of Title 8 of this code, shall pay an annual license tax based upon the average monthly gross receipts for such rental units in accordance with the schedule set forth in § 6-1.22 of this chapter. Applications for issuance of a business license for residential income properties shall be submitted to the Director of Finance together with a fee of \$ [according to a set schedule] as set by Council Resolution no later than June 17, 1994 or within one calendar year of commencement of the use of the property as rental income property, either as a new use or as a change of use."

The Business License fee for rental properties is collected on a sliding scale. Owners whose rental income is under \$500.00 a month pay \$20.00/year. Owners receiving between \$500.00 and \$1,000.00 pay \$28.00, and so on. An owner would have to be receiving more than \$6,000.00 a month, for all rental properties, to pay over \$100.00/year.

The Finance Director stated that the City of Madera collects about \$36,000 a year from Rental Business License Fees. The Grand Jury was concerned about the possibility that quite a few rental property owners might be unaware of this fee. When asked how the public was notified, the Finance Director said that the information was posted in the Public Notices section of the newspapers in the County. The Grand Jury asked if people were informed about this issue when they ordered water and sewer services for a new property. The Finance Director said that an effort had been made to keep clerks aware of this and to have them inform the public at such times, but a large turnover in staff has made it very difficult to be consistent.

In general, the Finance Director expressed concern about budget cuts that have resulted in personnel cuts for his department. He said that it is very difficult to cover all the finance responsibilities with the existing staff.

The Madera County Grand Jury in late August requested documentation from the Finance Department in order to attempt to determine how large a problem there might be with regard to the failure of the Finance Department to collect rental property business license fees. The Grand Jury asked for a list of all properties where the service address was different from the mailing address for billing of water and sewer fees. The Grand Jury also asked for

a list of all rental properties on which Business License Rental Fees are being paid.

CONCLUSION

The letter that accompanied the materials, that were received based on the documentation previously requested by the Madera County Grand Jury, informed the Grand Jury about a new program that should help in solving the problem of finding rental properties and collecting the revenues for the rental business license fee. The letter mentioned the Local Government Sharing Program (AB63). This program allows any city in the State of California to request a listing of any resident filing a tax return as a resident of that city that contains a Schedule C. This information will be cross-referenced with the business license database. Individuals not licensed by the City of Madera will receive a notice of violation and have a specified amount of time to correct the violation or prove that they do not do business within the City Limits. This allows the City of Madera to be sure that they are collecting Business License fees for all City of Madera businesses that also California State tax forms. The City of Madera signed a sharing agreement with the Franchise Tax Board, under AB63, on May 20, 2004. The City of Madera is to receive its first disc in January 2005.

Finally, in December of 2004, another cross-reference is scheduled with the County of Madera database, which will cover rental business licenses. The last cross-reference using the County property tax database was done in January 2003. The Finance Director did not mention this during our June meeting.

The Madera County Grand Jury commends the City of Madera for initiating the use of recent technology in solving revenue collection problems.

RECOMMENDATIONS

1. In the belief that it is always better to inform new owners about the Rental Business License Fee when they first acquire the property rather than to locate them after they have become delinquent, the Grand Jury suggests that every person who comes into the City to turn on utilities be given a notice that if the property is to be a rental property, such fees must be paid.
2. Clerks must advise people who ask to have billing sent to an address other than the service address, that a Business License and payment of a Rental Business License Fee might be required.

RESPONSES REQUIRED

1. City of Madera Finance Department
2. City of Madera City Council

RESPONSE NOT REQUIRED BUT ALLOWED

1. Madera County Board of Supervisors



2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



**The 2004 Madera County Grand Jury
Final Report on
The Madera County Animal Shelter
And
The Roberta J. Wills Trust**

INTRODUCTION

The 2003 Madera County Grand Jury received a request to look into the status of the Roberta J. Wills' Trust and to determine if the County of Madera had formulated plans to enhance the County of Madera's Animal Shelter in accordance with the Trust. Upon the death of Ms. Wills in 1983, funds from her probated Will were transferred to a named trustee. For personal reasons, the trustee entered into an agreement with the County of Madera for distribution of the funds. Funds from Ms. Wills' Trust in the amount of \$268,725.51 were transferred to the County of Madera on May 22, 1984. According to the Last Will and Testament of Ms. Wills, all of the funds are to be used for the County of Madera's Animal Shelter. Half of the money is to be used for making capital improvements at any existing animal shelter or toward acquisition and construction of a new facility. The other half of the trust's funds is to be used for administrative purposes. In each instance, it was noted that funds could be used for these purposes at the trustee's sole discretion. Effectively, there was \$134,362 in each account.

FINDINGS

One recommendation made by the 2003 Madera County Grand Jury was to have the 2004 Madera County Grand Jury review this matter to determine if progress was being made in a timely manner. On February 11, 2004, in response to the findings, the Animal Control Director advised that shelter improvements had not yet been implemented, and that the Animal Shelter Expansion Advisory Board was continuing to work on planning, coordinating, and implementing the shelter expansion project.

The funds from Ms. Wills trust are held in a separate fund from the County of Madera's General Fund, and are currently in excess of \$300,000. Additionally, the City of Madera has allocated \$45,000 to the project. This allocation of monies specifies it is to be used within two years, which ends February 11, 2005, or it will revert back to the City General Fund. The Auditor for the County of Madera maintains a complete accounting for all transactions concerning the Trust. Overseeing the use of the funds is the Madera County Board of Supervisors. The Friends of the Madera Animal Shelter has been a leading proponent for expanding the Animal Shelter. The Friends of the Madera Animal Shelter is a nonprofit organization, whose mission is dedicated to improving the general well being of animals through community education and outreach.

The 2004 Madera County Grand Jury visited the animal shelter on May 12, 2004. The Director of the Animal Shelter provided the members with a tour of the facility. There were crowded conditions, with dogs and cats held in close proximity. Evidence of a lack of cleaning was also noted. There is a shortage of staff at the Animal Shelter, due to budget cuts throughout Madera County's Government. Approximately twenty animals are 'put down' or euthanised each day. As Madera continues to grow, and new housing developments are completed, the increase in animal populations with no apparent increase in the capacity for housing unwanted pets is resulting in the diminished ability of the animal shelter to perform its primary functions. During a subsequent visit to the Animal Shelter in October 2004, the Grand Jury noted that the facility appeared to be cleaner. The Director of the Animal Shelter noted that this was due to additional volunteers helping out in the last month. Funding by the

County is critical. Assistance from other counties in adoption services and medical supplies is ongoing but not on a regular basis. The expansion plan for the Animal Shelter has continued throughout 2004 with many delays for various reasons. The County Engineering Department had been developing plans for the Animal Shelter expansion for many years. The Animal Shelter during those years was not a priority for the Engineering Department. In August, 2003, The Board of Supervisors approved the Animal Shelter Expansion Advisory Board. The newly created Board then found an architect who agreed to draw up the basic plans for free, however, due to exigent circumstances, the architect never completed the plans. The Animal Shelter Expansion Advisory Board didn't want to spend additional monies on locating a new architect and instead drew up a basic design without the assistance of the Madera County RMA or Building Departments. After this design was reviewed by the Building Department, which wanted changes to meet building codes, the Advisory Board rejected the changes. Finally, the Engineering Department stepped into the issue and revised the basic design of the expansion, as first designed by the Advisory Board into a schematic without code compliant information. This schematic was the basic information provided to contractors and other interested parties in October, 2004, when the bid for proposals was announced. The bid process ended November 12, 2004, at 4:00pm. At that time the Engineering Department, and the Grand Jury, reviewed the bids. Six companies provided bid information, which was reviewed by the Engineering Department and all bids were rejected, due to various exclusionary reasons.

CONCLUSIONS

In order to retain the \$45,000 matching funds provided by the City of Madera, the winning contractor must break ground no later than February 11, 2005. There is no reason to delay the construction of this project. The County of Madera has been in control of the funds of the Roberta Wills Trust for twenty years. Due to increased costs associated with building in today's economic environment, the cost to build this expansion may have increased beyond the level of the Trust's ability to complete.

Once again, The County of Madera, through the Engineering Department, has managed to delay the expansion of the Animal Shelter, with 20 years of indifference. These delays have resulted in the continued growth of animal populations without the controls in place to deal with them. Due to these delays, the Roberta J. Wills' Trust Funds no longer have the ability to build and complete the expansion of the Animal Shelter as originally conceived by the Advisory Board. Dogs and cats are and will continue to suffer due to this negligence.

RECOMMENDATIONS

1. That The Madera County Board of Supervisors provide the additional funds necessary to complete the expansion of the Animal Shelter if the funds already provided are not enough to cover the costs.
2. That the Board of Supervisors includes sufficient funding for the shelter, including staffing, and other support services, for the increased capacity ability of the finished expansion.
3. That the Board of Supervisors continues to fund at levels sufficient to operate both the old and new buildings, and not seek to reduce the capacity or ability of the Animal Shelter from performing its primary function.
4. That the staffing requirements be reviewed by the County's Human Resources Department, and changes made, if necessary, to ensure that adequate staffing is available for the facility after the completion of the expansion.
5. That an outreach program educating on the necessity of spay and neuter, and humane pet care are implemented and funded by the County of Madera. This funding should be separate from, or in addition to, the normal operating budget of the Madera County Animal Shelter.
6. That 'The Friends of the Madera Animal Shelter' be given County *recognition* for seeking volunteers to assist the County Animal Shelter with needed services and support.

7. That the Roberta J. Wills Trust be audited, and completed, no later than December 30, 2005, to determine whether funds have been managed correctly, and that the funds disbursed were according to the Directives of the Trust.

CHARGE OF DUTY TO FUTURE GRAND JURIES

1. We charge the 2005 Madera County Grand Jury with following up on the continued expansion of the Animal Shelter, until such time that the expansion is completed. Due to the twenty-year ongoing delays to expand the Animal Shelter, if the building and opening of the expansion is not completed by the end of the 2005 Madera County Grand Jury term; then we charge each subsequent Grand Jury with the continuation of this important matter.

RESPONSES REQUIRED

1. Madera County Board of Supervisors
2. Madera County Animal Shelter Director
3. Madera County Auditor
4. Madera County Planning and Engineering Department
5. Madera County Human Resources Department
6. Friends of the Madera Animal Shelter



ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
 209 W YOSEMITE AVENUE/MADERA, CALIFORNIA 93637
 (559) 675-7707 / FAX (559) 673-0262 / TDD (559) 675-8970

December 30, 2004

The Honorable Judge Edward Moffat
 Presiding Judge of the Superior Court
 County Government Center
 209 West Yosemite Avenue
 Madera, CA 93637



Re: Response to 2004 Grand Jury Report on The Madera County Animal Shelter
 And The Robert J. Wills Trust Funds.

All of the recommendations in the subject final report are directed to departments other than the County Auditor-Controller with the exception of number 7 so I will only respond to that recommendation which is; "That the Roberta J. Wills Trust be audited, and completed, no later than December 30, 2005, to determine whether funds have been managed correctly, and that the funds disbursed were according to the Directives of the Trust."

As County Auditor-Controller part of my responsibility is to "audit" County financial operations. However, I can only perform internal audits. According to the rules and regulations for governmental accounting and auditing established by the Government Accounting Standards Board (GASB) and the federal and California governments, an accountant must be independent from the financial operations of the entity in order to conduct what most people understand an "audit" to be. For example, as required by the California Government Code Section 25250, the County must have an annual "audit" of their financial statements conducted in accordance with generally accepted accounting and auditing standards. The Board hires an outside CPA firm to conduct these audits as I am unable to do so because, as County Controller, I am responsible for the financial transactions of the County (i.e. I am not "independent").

In my 20 years as County Auditor I have always paid particular attention to the financial transactions the Roberta J. Wills Trust Funds. Although I have never seen a copy of the will that bequeathed this money to the County, my predecessor impressed upon me that it could only be used for the operations and maintenance

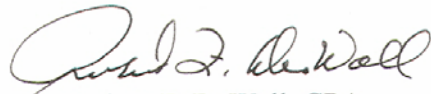
of and capital improvements to, the animal shelter. Each year I monitor the Trust activity from the proposed uses for the money that are contained and explained in the County's General Fund Budget and any Resolutions Appropriating Unanticipated Revenue through the approval of the actual journal entries that transfer cash from the Trusts to the General Fund as reimbursement for actual expenditures made. In my opinion, during my tenure as County Auditor-Controller, all of the expenditures made from the Roberta J. Wills Trust Funds have been in compliance with the directive of the Trust. I believe that County Counsel, County Administration and the Board of Supervisors concur with this opinion, otherwise the appropriations and actual expenditures would not have been approved and transacted. The point I am making is that I, as County Auditor-Controller, do not believe I could perform any "audit" procedures other than those I have always conducted and will continue to conduct on the Trust transactions.

However, if other entities such as the Grand Jury, the Board of Supervisors or the Friends of the Madera Animal Shelter believe that an outside audit of the Roberta J. Wills Trusts should be conducted by an outside accounting firm, I have no objection or disagreement and I would fully cooperate and participate in such an engagement. As I explained previously, Madera County contracts with an independent CPA firm to conduct the annual, state-required financial audit. The selection and hiring of this firm is arranged by the County Administrative Office and approved by the Board of Supervisors. My involvement in the process is as minimal as possible because, as the Controller responsible for all of the financial activities of the County, much of the audit work done by the outside auditor would review and audit activity under my responsibility and direction. Since the transactions of the Roberta J. Wills Trusts also are under my financial direction and responsibility, I believe any outside audit of that activity should be arranged by County Administration so that I am as unconnected with that selection process as I am with the selection of the County's independent financial auditor.

In conclusion, when the Grand Jury recommends an audit of the Roberta J. Wills Trusts, if they have in mind an internal audit conducted by the County Auditor-Controller, I believe I am already doing such an audit and have been on an on-going basis for the last 20 years. However, if the Grand Jury has in mind an independent audit by an outside-the-County-operations accounting firm, then, to preserve my disassociation with the selection process, it should be conducted by County Administration or the Grand Jury itself.

In closing, I wish to stress emphatically that I am not disagreeing with the Grand Jury's recommendation. I do believe however that, since the activities I am responsible for would be one of the major focuses of such an audit, someone other than I should implement the recommendation.

Respectfully,



Robert F. DeWall, CPA
Auditor-Controller

Cc:

Madera County Board of Supervisors
Gary Powell, Foreman Madera County Grand Jury
Stell Manfredi, County Administrative Officer
David Prentice, County Counsel



January 3, 2005

Gary Powell, Foreman
2004 Madera County Grand Jury
P.O. Box 534
Madera, CA 93639-0534



Dear Mr. Powell:

On behalf of Friends of Madera Animal Shelter, I would like to acknowledge receipt and thank you for the report titled "Final Report on The Madera County Animal Shelter and The Robert J. Wills Trust".

The Board of Friends of Madera Animal Shelter agrees with the report and appreciates the Grand Jury investigating the conditions at the shelter and the status of the shelter expansion project.

Sincerely,

Carrie Tuttle
Secretary



2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**The 2004 Madera County Grand Jury
 Final Report on
 The Madera~Chowchilla Water and Power Authority**

INTRODUCTION

The 2004 Madera County Grand Jury investigated the Madera-Chowchilla Water and Power Authority (MCWPA) in order to review findings made by the 2003 Grand Jury.

Principal members of the MCWPA provided financial and operational data detailing the project since its inception. The president and general manager were interviewed on August 9, 2004. They also conducted a tour of the four power generating facilities on the Madera Canal.

SCOPE OF INVESTIGATION

A review of MCWPA's annual financial statements, income statements, budgets, and related information on the Authority's operation from 1989 to the present was conducted. In addition, the minutes of the Board of Directors' meetings, which covered this same period, were also reviewed.

In conjunction with the above, an August 1981 feasibility study conducted by Parsons-Brinckerhoff-Quade and Douglas, Inc. was analyzed.

FINDINGS

1. Three of the four generating plants were operating during our inspection. The plants appear to be producing electricity at their prescribed levels.
2. Management stated that the water flow from the Friant-Kern canal would continue until September 1, 2004, at which time the supply of water would no longer be available this season for irrigation or production of electrical power.
3. The geographic area that is the source of water for this system has been experiencing a drought for the past seven years. This condition has lowered the generating capacity of the units.
4. The four hydroelectric power plants are owned and operated by MCWPA. An agreement by both the Madera Irrigation District (MID) and Chowchilla Irrigation district (CID) guarantees the payment of any deficiency payments on the debt obligations of the MCWPA. This is done on a 50:50 percentage basis.
5. The MCWPA assumes there would be adequate revenues to pay the costs for all operations, maintenance, and indebtedness in the normal water flow years.
6. The MCWPA currently does not have "boiler and maintenance" insurance for any of its four generating plants. The carrier upon sustaining a catastrophic failure at one site, which cost approximately one million dollars, to repair, canceled a previously existing insurance policy.
7. Current contracts with Pacific Gas and Electric (PG&E) may not provide adequate sustaining income for the payment of financial indebtedness, and the cost of operation and maintenance of these facilities.
8. A balloon payment of \$1,264,160 is on the generating units-numbers 1114, 1302, and 1923; this is due September 30, 2005.
9. The feasibility study used a 15-year period of normal water availability to sustain the project's operation.

10. During most of the authority's operation it has been unable to adequately provide needed income to make bond indebtedness payments. The deficiency payments are assessed and paid for on a 50:50 bases by the MID and CID. In turn, the MID and CID tax the landowners.
11. According to Board minutes of the MCWPA, options to solve the authority's problems are: (1) refinance their debts, (2) sell the generating units, (3) default on current debts, or (4) fund the deficiencies from other sources.

CONCLUSIONS

1. A longer period may have been a more realistic historical measure of the area's ability to sustain this project.
2. If drought conditions persist, or anyone of the plants sustains another catastrophic failure, the MCWPA would likely become a long-term financial burden to the landowners.
3. Without insurance coverage, it is uncertain if the MWPCA or the two irrigation districts combined would have the financial capacity to cover the cost of another substantial mechanical failure to the generating plants.
4. It is not clear whether MCWPA or its two parent irrigation districts will be able to pay the loans when due.

RECOMMENDATIONS

The Madera-Chowchilla Water and Power Authority should pursue the following options:

1. Seek various sources of refinancing the current debt on terms, which would more accurately match the ability of the units to produce income.
2. Obtain insurance to cover unforeseeable equipment and operational failures.
3. Explore the possibility of equipment insurance coverage through the state or federal agencies.
4. Investigate employing an outside consultant with the expertise to negotiate terms relating to the sale of electricity to other sources.
5. Explore the possibility of negotiating a more favorable contract with PG&E or other sources.
6. Explore the possibility of leasing all generating facilities to outside entities.
7. Establish a more realistic five-year budget with assistance of MID, CID, and their accountants.
8. Evaluate once again the original feasibility study to determine if the factual data is germane to future projections.
9. Sell all or a portion of the generating units
10. Continue to monitor the mechanical operation on a 24 hour basis, thus reducing the potential for catastrophic failures.

ENTITIES TO RESPOND

1. President and Board of Directors, Madera Irrigation District
2. President and Board of Directors, Chowchilla Irrigation District
3. President and Board of Directors, Madera-Chowchilla Water and Power Authority
4. Madera County Board of Supervisors



2004 Madera County Grand Jury
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**The 2004 Madera County Grand Jury
 Final Report on
 Madera County Road Conditions on Road 620**

INTRODUCTION

Complaints were received by the 2004 Grand Jury regarding road maintenance; specifically dust control and excessive vehicle speed.

FINDINGS

Road 620 is designated a rural dirt road, purportedly a two lane road by the Madera County Road Department. On September 16, 2004 the Grand Jury inspected Road 620/628 between Ahwahnee and Highway 41. Primarily the residents use Road 620. Additionally, the road is used for emergency vehicles and normal commerce vehicles, i.e. USPS, building material trucks, propane delivery, etc. Road Department officials indicated that because the road has minimal traffic, the County would only maintain the road to minimal standards. Large emergency vehicles would have difficulty navigating certain portions of Road 620. Rapid transit by emergency/health vehicles is prohibitive due to the width of the road, the washboard effect present on the road and the many blind turns. Stopping safely is another consideration regarding the washboard effect of the road.

Grading of the road is scheduled only two times a year. However, within a few days after grading, the washboard effect returns due to high traffic. These conditions are exacerbated during rain and snow conditions. In view of the rural dust road designation, during rain & snow conditions, it has the lowest priority for maintenance. The application of asphalt grindings would greatly improve the condition of the rougher parts of Road 620.

In view of the numerous water trucks that may be observed around road and other construction sites, there is most likely an EPA standard regarding dust control. The complaint received by the Grand Jury indicated a dust problem. The excessive speeds in this area could cause an unhealthy dust problem for the residents that live adjacent to Road 620.

CONCLUSION

That the unsurfaced portions of Road 620 do not properly provide for safe travel.

RECOMMENDATIONS

1. Reassess traffic volume on Road 620.
2. Madera County Road Department should, if possible:
 - a. Provide more frequent grading of the road.
 - b. Fill in potholes in those paved portions of Road 620.
 - c. Repair areas adjacent to U.S. mailboxes on Road 628/620.
 - d. Provide additional asphalt grindings/gravel in those areas requiring repair.
3. Further investigation is suggested by the 2005 Grand Jury improvement of road conditions.

RESPONSES

1. Madera County Road Department
2. Madera County Board of Supervisors



2004 Madera County Grand Jury
P.O. Box 534
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**The 2004 Madera County Grand Jury
Final Report on The
Madera County Office of Education
Funding Shortage**

INTRODUCTION

The 2004 Madera County Grand Jury conducted an investigation of the Madera County Office of Education and the Madera County Treasurer regarding the issue of unresolved bank statements. This investigation has been ongoing since the original investigation began with the 1999 - 2000 Madera County Grand Jury. The amount of the discrepancy was \$230,000.00. The date of the discrepancy goes back to the early 1990's.

BACKGROUND

In 1976, the California State Legislature transferred financial duties and functions from supervision by the County Boards of Supervisors to the County Board of Education. In Madera County, the County Tax Collector was made responsible for transfer of funds in and out of Board of Education bank accounts based on authorization by the County Superintendent of Schools. A problem developed in 1995 and 1996 when local banks handling Board of Education funds were changed. Reconciliation of the bank accounts was discontinued in 1992 when a key employee retired and no one was tasked with completion of the reconciliation. Lack of reconciliation contributed to a problem at closing of the accounts at the Bank handling Board of Education Accounts Payables. A list of 203 checks considered to be outstanding by that bank was presented which exceeded the balance of funds on hand at the Bank when the account closed. Funds were therefore, advanced by the County Treasurer to the Board of Education to cover the discrepancy pending determination as to the status of these checks. It was found that they consisted primarily of checks cancelled, but funds of which were not reversed from the Bank account back to the County Treasurer by the Board of Education.

FINDINGS

The 2003 Madera County Grand Jury recommended that the 2004 Madera County Grand Jury monitor:

1. The reconciliation of the Board's bank accounts by Madera County Office of Education.
2. The Resolution of issues with the Madera County Treasurer.
3. Continue to request that the Madera County Office of Education advise the sitting Grand Jury on a regular basis, of the status of continuing efforts to bring reconciliation of bank accounts current.

As to the monitoring recommendation # 1- the case is still in litigation and the Grand Jury cannot interfere and/or investigate when a case is in litigation.

As to the monitoring recommendation #2 - the Madera County Treasurer turned all reports and documents related to this investigation over to the Madera County Office of Education and has declared no further involvement in this issue.

As to the monitoring recommendation #3 - the Madera County Office of Education did not keep the 2004 Madera County Grand Jury advised on a regular basis, of their efforts to reconcile and/or the status of their court case.

The Year 2004 Grand Jury consulted with the Madera County Superintendent of Schools and the Madera County Counsel. It was determined that a Madera County Board of Education employee was still dedicated solely to the task of reconciling the bank accounts. This staffing change was implemented last year when a Madera County Board of Education employee returned from a two-year tour of duty with the military and was immediately assigned to this job duty.

As of this report, the bank account to which the school funds were transferred has been reconciled through January 2001. There are still several more years remaining to be resolved before this situation can be considered current. In the meantime, the cost of this investigation continues to add up with the continuing dedication of one fulltime employee to this task, legal counsel, litigation costs, etc. All of this could have been avoided had proper accounting procedures and practices been in place and followed at the time these bank account changes took place.

CONCLUSION

As the funding shortage is awaiting resolution in the Courts, the current Grand Jury must defer final comment on the case until that action is resolved. It is hoped that the Madera County Superintendent will continue to support and expedite the accounts reconciliation and that this situation will be brought to current and that finally this matter can be laid to rest. As was stated by the Director of Business and Administrative Services for Madera County, they are currently exploring the ability to reach a decision and resolution either through mediation or arbitration in order to expedite this matter. This is hoped to happen in early, 2005.

RECOMMENDATIONS

1. The Madera County Office of Education should continue their efforts to complete the reconciliation of both the closed and replacement accounts.
2. The Madera County Office of Education is requested to advise the sitting Grand Jury on a regular basis, of the status of continuing efforts to bring reconciliation of bank accounts current.
3. The 2005 Madera Grand Jury is requested to continue monitoring the efforts of the Madera County Office of Education to reconcile the Board's bank accounts.

ENTITIES TO RESPOND

1. Madera County Superintendent of Schools
2. Madera County Board of Supervisors
3. The Madera County Board of Education Trustees
4. Madera County Administrator
5. Madera County Counsel



2004 Madera County Grand Jury
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**The 2004 Madera County Grand Jury
Final Report on
The Yosemite Union High School District
Board Member Claiming False Residency
Within the Yosemite Union High School District**

INTRODUCTION

A complaint was filed with the 2004 Madera County Grand Jury from a private citizen alleging that a member of the Yosemite Union High School District School Board of the Yosemite Union High School District does not reside in the school board area that he has been elected by the voters of the Yosemite Union High School District to represent.

BACKGROUND

This complaint appears to be an ongoing issue with citizens of the Yosemite Union High School District. It was a previous complaint that was investigated with the then Grand Jury's findings published in the final report of the 1998 -1999 Madera County Grand Jury. Their findings at that time indicated that the Madera County Clerk's Office confirmed that the address listed by the board member is within the boundaries of the Yosemite Union High School District. They also indicated that there was no evidence to suggest that the board member's permanent address is anything other than the address listed on the registered voting polls. With all due respect to the 1998 - 1999 Madera County Grand Jury, their investigation was brief and not in depth. The only investigation cited in their final report was that members of the Grand Jury visited the Madera County Clerk's Office to verify that the board member's registered address lies within the boundaries of the Yosemite Union High School District. The current Grand Jury went way beyond that in their investigation gathering evidence and spending many hours on this particular case. The summary of our investigation is contained in this report.

INVESTIGATION

Members of the Grand Jury individually interviewed each of the five Yosemite Union High School District School Board of Trustees. The Madera County Superintendent of Schools was also interviewed. The Madera County Clerk's and the Madera County Tax Assessor's offices were consulted and verification of the place where the offending member voted and paid property taxes were verified. It was confirmed that the board member in question indeed did pay property taxes on a parcel owned in the Bass Lake area of the school board and that he consistently votes in Madera County. It was also confirmed that the board member in question owns a home in Fresno and lives there for a majority of his time as his wife owns and operates a business out of that home.

FINDINGS

While it does appear from a technical point of view that this school board member does live in the area that he says he does and so fairly represents this area as their school board member, there are a number of discrepancies. The two most obvious are that he does own a home in Fresno and does spend the majority of his time there. So what constitutes residency and fair representation on your local school board? The fact that someone owns a home there but does not actually live in it? Or perhaps because, occasionally, they can drive to a polling place and vote?

Do these really add up to being a valued member of the community? Is this really the way a school board trustee comes to know his community and how the community feels about current issues that are before the school board on an ongoing basis? How is it that the area really does get representation on the school board if the school board member does not live in the community to know how the community thinks and feels?

As the Grand Jury interviewed many people and most agreed and admitted to knowing that this particular board member does not live in the area that he claims to, we as a Grand Jury feel that the Board member should admit this and take appropriate action.

RECOMMENDATIONS

1. Since a safe assumption would be that the board member does not indeed live full time in the school district area that he is representing, it is a recommendation of this Grand Jury that the school board member should resign his duties as a Trustee of the Yosemite Union High School District School Board.
2. That the Yosemite Union High School District School Board rewrite and refine the school board member requirements. As of this writing the current school board does not have any board policy regarding trustee seats.
3. That all future school board members be held to their integrity and honesty in regards to their residence and other requirements as will be contained in the new board policy or appropriate consequences will be followed.
4. The 2004 Madera County Grand Jury charges the 2005 Madera County Grand Jury with the follow-up of the recommendations as outlined in this Report.

ENTITIES TO RESPOND

1. Yosemite Union High School District School Board
2. Madera County Superintendent of Schools
3. Madera County School Board

RESPONSE ALLOWED, BUT NOT REQUIRED

1. Madera County Board of Supervisors



2004 Madera County Grand Jury
P.O. Box 534
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**The 2004 Madera County Grand Jury
Report on
The 2003 Grand Jury
Charge to Follow-up on
The Madera County Court Fines Report**

INTRODUCTION

The 2004 Madera County Grand Jury was charged with the duty to follow-up on the collections of court fines that had not been collected, due to procedural and collection issues, as noted in the 2003 Grand Jury Report.

FINDINGS

Members of the County Government Committee of the 2004 Grand Jury met with the Assistant Administrator of the Court Administration Office, in late March 2004, and requested documentation of fines collected from the uncollected amounts that had been outstanding as of December 2003. As of April 2, 2004, the Courts, and the collection agency contracted to assist in these collections, had collected \$512,187.75.

The Grand Jury again contacted and requested, in November 2004, an update from the Court Administration Office on any additional fines collected from this same issue, from April 3, 2004 to present. The additional amount of \$412,390 had been collected, bringing the total to \$924,577.75.

The Grand Jury believes that the Court Administration is now handling the collection of court fines, both old and new, in a more controlled manner, and will continue to collect the fines in the future.

The Court Administration is commended for the changes made within the office and its collection practices. These changes have resulted in more revenue and a more streamlined collection process.

We look forward to the continued semi-annual updates, to succeeding Grand Jury's, on the collection of the past fines issues.

RECOMMENDATIONS

1. That the 2005 Madera County Grand Jury continues to request semi-annual updates on the amounts collected on the 2003 Grand Jury Uncollected Court Fines issue, and report these updates in the Yearly Final Report.

RESPONSES

1. Madera County Court Administrator
2. Madera County Board of Supervisors
3. Madera County Superior Court Presiding Judge



2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639-0534
(559) 662-0946



**The 2004 Madera County Grand Jury
Final Report On
The Madera County Juvenile Correctional Camp**

INTRODUCTION

Members of the Madera County Grand Jury toured the Madera County Juvenile Correctional Camp on March 30, 2004, pursuant to Penal Code §925 charging the Grand Jury with investigation of, "County officers, departments or functions; operations, accounts and records; investigations and reports."

FINDINGS

The original concept for the Juvenile Correctional Camp was a two-year program: six months in custody followed by eighteen months of probation. The success of the program depended upon intensive counseling and attention from probation officers. At present, however, a staff shortage is so critical that the program has been essentially dismantled. The program currently has no counselors and just one probation officer.

The Correctional Camp, which opened in May of 1977, is located at 28281 Avenue 14. The facility has the capacity for 64 cadets, ages 14-18. It consists of a housing area with barrack-style rooms, classrooms, dayrooms, administrative offices, an infirmary, and a large outside yard with a drill area. Boys and girls are segregated by gender in different housing areas. The facility is exceptionally clean thanks to the military-style standard of housekeeping, which is done by the cadets.

The staff consists of 22 officers, one probation officer, one administrative assistant, and a Superintendent. The officers receive initial training in a 200-hour course followed by 24 hours of additional training per year. The probation officer(s) also receive 200 initial training hours, but must complete 40 additional hours of training per year.

The cadets' day begins at 4:30 a.m. with physical training. The remainder of the day consists of work detail, school, and classes in life skills, and additional physical training. The Madera County Office of Education provides for their academic needs. Cadets are not permitted to speak without permission. Their posture is erect with eyes forward and they move from place to place in formation. Drills are performed in groups, with the more experienced cadets serving as leaders. The cadets wear uniforms with colored t-shirts, designating their level of progress or security status. The boys have military style haircuts, and the girls' hair is cut into a designated style.

Meals are provided through a contract with ARAMARK Food Service, and other supplies are provided through UNISOURCE. The monthly menu certified by ARAMARK's Registered Dietician states, "This menu meets the guidelines of the American Correctional Association which are based upon the current RDA (Recommended Daily Allowance) and DRI (Daily Recommended Intake) for males and females 19 to 50 years as established by the Food and Nutrition Board of the Institute of Medicine." In the guidelines ARAMARK uses, states that the diet should provide 3,200 calories (see Attachment 1 – menu).

The Grand Jury finds that the County, through ARAMARK, is using the wrong standard to determine the number of calories that should be served to the cadets. The cadets are not in the 19 to 50 year old age group for whom ARAMARK's diet is designed. Rather, they are youths, 14 to 18 years of age, who are experiencing the most intensive growth spurt of their lives. In addition to needing additional food for growth, the cadets need extra calories to perform the physical activities that are required of them. Their physical activity is commensurate with that done at military boot camps and requires many additional calories.

The food given to incarcerated juveniles is regulated under Title 15 (see Attachment 2 – Title 15). It states that, "The average daily caloric allowances shall be as follows: 2200 calories for females 11 to 18 years of age; 2500 to 3000 calories for males 11 to 18 years of age. The RDA allows for a plus or minus 20% of the recommended caloric intake." A subsequent part of Title 15, however, adds that additional food must be given depending on the activity level. It was recommended by the Madera County Health Department's Registered Dietician Supervisor that the daily caloric intake should be a minimum of 3,600 calories.

The Grand Jury believes the current diet is inconsistent with the legal requirement, and that an additional snack would be beneficial to supply the energy that the cadets need to perform their duties.

Medical care is provided under contract with a physician on duty at the facility one day a week, and as needed. A nurse's station is staffed twelve hours a day, seven days a week. Cadets who require hospitalization are sent to Madera Community Hospital, University Medical Center, or Children's Hospital of Central California, as appropriate.

CONCLUSION

The Grand Jury finds that while the Juvenile Correctional Camp is in an impressive facility with a highly professional and dedicated staff, the program has been rendered ineffectual by staff cuts.

RECOMMENDATIONS

1. That the Board of Supervisors provides the personnel necessary to conduct the program as originally designed. This includes providing the counselors and probation officers needed for the follow-up treatment that can make this program a success.
2. That the Board of Supervisors provide a fully adequate diet, including an afternoon nutritious snack, that is designed for 14 to 18 year old cadets.
3. On entry to the program a cadet should be given a nutritional assessment, special consideration for possible malnutrition, and a strong consideration for additional nutrients for activity factors.

RESPONSES

1. Madera County Board of Supervisors
2. Madera County Juvenile Correctional Camp Superintendent
3. Madera County Probation Department
4. Madera County Health Department, Registered Dietician Supervisor

The Following documents are related to the Final Report on the Juvenile Correctional Camp:

TITLE 15. Crime Prevention And Corrections
Division 1. Board of Corrections
Chapter 1. Board of Corrections
Subchapter 5. Minimum Standards for Juvenile Facilities
Article 9. Food
§1461. Minimum Diet.

§1461. Minimum Diet.

[§](#) • [Note](#) • [History](#)

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 1989 Recommended Dietary Allowances (RDA) of the Food and Nutrition Board of the National Research Council, National Academy of Sciences; 2001 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies; the 1990 California Daily Food Guide, and the 2000 Dietary Guidelines for Americans. Facilities electing to provide vegetarian diets, and facilities that provide religious diets, shall also conform to these nutrition standards.

The nutritional requirements for the minimum diet are specified in the following subsections. Snacks may be included as part of the minimum diet. A wide variety of foods should be served and spices should be used to improve the taste and eye appeal of food served.

(a) Protein Group. Includes: beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter, and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall equal two servings. In addition, there shall be a requirement to serve a third serving from the legumes three days a week. One serving equals, but is not limited to, one of the following examples:

2 to 3 oz. (without bone) lean, cooked meat, poultry or fish

2 medium eggs

1 cup cooked dry beans, peas, or lentils

4 Tbsp. peanut butter

8 oz. tofu

2 1/4 oz. dry, or 1 cup rehydrated, canned, or frozen TVP

1/2 cup seeds

2/3 cup nuts

(b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat; 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk, and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg of calcium. All milk shall be pasteurized and fortified with vitamins A and D. For persons 9-18 years of age, including pregnant and lactating women, the daily requirement is four servings.

One serving equals, but is not limited to, one of the following examples:

8 oz. fluid milk (nonfat, 1% or 2% reduced fat)

1 1/2 oz. natural cheese

2 oz. processed cheese

1 1/2 cups of lowfat, or nonfat cottage cheese

1 1/2 cups of ice milk, or ice cream

1/3 cup nonfat dry milk

1/2 cup nonfat, or lowfat evaporated milk

1 cup nonfat, or lowfat plain yogurt
 1 cup pudding

(c) Vegetable-Fruit Group. Includes: fresh, frozen, dried, and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 oz. of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit, or 1/4 cup dried fruit. The daily requirement shall be at least six servings; at least one serving shall be from each of the following three categories:

- (1) One serving of a fresh fruit or vegetable.
- (2) One serving of a Vitamin C source containing 30 mg. or more. One serving equals, but is not limited to, the following examples:

Broccoli	Orange juice
Brussels Sprouts	Potato (baked only)
Cabbage	Strawberries
Cantaloupe, or honeydew melon	Tangerine, large
Cauliflower	Tomato paste
Green and red peppers (not dehydrated)	Tomato puree
Greens collards including kale, turnip, and mustard greens	Tomato juice
Grapefruit	Tomato sauce (6 oz.)
Grapefruit juice	Vegetable juice cocktail
Orange	

- (3) One serving of a Vitamin A source fruit or vegetable containing 2000 micrograms Retinol Equivalents (RE) or more. One serving equals, but is not limited to, the following examples:

Apricot nectar (6 oz.)	Peas and carrots
Apricots	Pumpkin
Cantaloupe	Red peppers
Carrots	Sweet potatoes or yams
Greens, including kale, beets, chard, mustard, turnips, or spinach	Vegetable juice cocktail (6 oz.)
Mixed vegetables with carrots	Winter squash

(d) Grain Group. Includes: bread, rolls, pancakes, sweet rolls, ready-to-eat, or cooked cereals, corn bread, pasta, rice, tortillas, etc., and any food item containing whole or enriched grains. At least three servings from this group must be made with some whole grains. The daily requirement for minors shall be a minimum of six

servings. One serving equals, but is not limited to, one of the following examples:

Bread, white (including French and Italian), whole wheat, rye, pumpernickel, or raisin	1 slice
Bagel, small	1/2
English muffin, small	1/2
Plain roll, muffin or biscuit	1
Frankfurter roll	1/2
Hamburger bun	1/2
Dry bread crumbs	3 Tbsp.
Crackers:	
Arrowroot	3
Graham, 2 1/2 "	2
Matzo, 4" x 6"	1/2
Oyster	20
Pretzels, 3 1/8" long, 1/8" diameter	25
Rye wafers, 2" x 3 1/2"	3
Soda, 2 1/2" sq.	6
Ready-to-eat unsweetened cereal	3/4 cup
Cereal, cooked	1/2 cup
Barley, couscous, grits, macaroni, noodles, pastas, rice, spaghetti, etc.	1/2 cup
Cornmeal, dry	2 Tbsp.
Flour (wheat, whole wheat, carob, soybean, cornmeal, etc.)	2 1/2 Tbsp.
Wheat germ	1/4 cup
Pancakes, 5"	1
Waffle, 5"	1
Tortilla, 6" (corn/flour)	1

The following are examples of whole grains and whole grain products:

Barley	Pumpernickel bread
Bran	Rolled oats
Brown rice	Rye
Corn meal	Whole grain
tortilla	bagels, muffins, and crackers, graham
baked taco/tostada shell	hot cereal

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Cracked wheat (bulgur)	pancakes and waffles
Flour	ready-to-eat cereal
carob	Whole wheat
soybean	bread
whole wheat	rolls
Oatmeal	tortilla
Popcorn	

(e) Calories. The average daily caloric allowances shall be as follows: 2200 calories for females 11 to 18 years of age; 2500 to 3000 calories for males 11 to 18 years of age. The RDA allows for a plus or minus 20% of the recommended caloric intake.

(1) Providing only the minimum servings outlined earlier in this regulation is not sufficient to meet the minors' caloric requirements. Based on activity levels, additional servings from dairy, vegetable-fruit, and bread-cereal groups shall be provided in amounts to meet caloric requirements. Pregnant minors shall be provided with a supplemental snack, if medically indicated.

(2) In keeping with chronic disease prevention goals, total dietary fat should not exceed 30 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable.

NOTE

Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Change without regulatory effect amending section filed 8-25-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 35).
3. Amendment filed 1-11-2001; operative 2-10-2001 (Register 2001, No. 2).
4. Amendment filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).

§1462. Therapeutic Diets.

 • [Note](#) • [History](#)

Only the attending physician shall prescribe a therapeutic diet. The therapeutic diets utilized by a facility shall be planned, prepared, and served with the consultation of a registered dietitian. The facility manager shall comply with any therapeutic diet prescribed for a minor. Diet orders shall be maintained on file for at least one year.

The facility manager and responsible physician shall ensure that the therapeutic diet manual, with sample menus for therapeutic diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve the diet manual on an annual basis.

NOTE

Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

HISTORY

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3. Amendment filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).





2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**The 2004 Madera County Grand Jury
 Final Report
 On
 The Indian Child Welfare Act of 1978**

INTRODUCTION

Information from the 2003 Madera County Grand Jury advised the 2004 Madera County Grand Jury that the Madera County Department of Social Services, Child Protective Services was not abiding by the law as set forth in ICWA (Indian Child Welfare Act).

FINDINGS

On May 11, 2004, members of the Public Safety & Welfare Committee (PS&W) of the 2004 Grand Jury had a meeting with the Madera County Department of Social Services Director and the two Deputy Directors. They informed the Grand Jury members that they were familiar with the federal law as set out in ICWA, and were fully complying. They also told the Grand Jury members that they would have periodic meetings and training with the ICWA coordinators to be sure that the needs of both organizations would be met.

On June 15, 2004 the PS&W Committee members met with ICWA Coordinators from Chukchansi, Big Sandy, and Mono Tribes. The Coordinators informed the Grand Jury members that there were still problems with Madera County Department of Social Services. They stated that when Social Services had a child for placement, they did not inquire if the child was Indian, and always placed the child as though he/she was not an Indian.

The ICWA Coordinators told the Grand Jury members that they had one meeting with The Madera County Department of Social Services, but it was the ICWA Coordinators that had requested the meeting.

On September 14, 2004, we had a meeting with the Madera County Department of Social Services Director, to discuss several items concerning his department. One of the questions asked of him was, "of the meeting held with tribal members concerning ICWA, how many have you attended?" The Director's answer was, "I have never been invited." He never gave any indication that he was aware that there had ever been any meetings.

On December 1, 2004, we had a meeting with the ICWA Coordinators for Chukchansi and Mono Tribes. They informed us that there is still no real cooperation with Madera County Department of Social Services. They think that there is still no inquiring by the Madera County Department of Social Services to see if a child is Indian, and therefore no interaction. When they do know that a child is Indian, they do not notify the tribe within ten days as required by law. They said there have been no meetings between the Department of Social Services and ICWA, since the one at the beginning of the year.

The Grand Jury members asked the ICWA coordinators if this lack of communications was a common practice with other counties. They stated that it was not. The Grand Jury inquired as to why they felt this to be. They stated, "Because Fresno County Department of Social Services has an ICWA Coordinator, and that they have a contact for any problems or questions that may present themselves".

CONCLUSION

The Madera County Grand Jury finds that The Madera County Department of Social Services has not established or maintained a line of communication with the ICWA representatives.

RECOMMENDATIONS

1. That the Madera County Department of Social Services assign an existing employee to act as the Coordinator between the Department and ICWA.
2. That Madera County Department of Social Services abide by the ICWA of 1978, including inquiring as to the possibility that a child to be placed is or is not Indian, and proceed accordingly.
3. That Madera County Department of Social Services initiates monthly meetings with ICWA Coordinators for the Madera County Tribes.
4. The 2005 Madera County Grand Jury is charged to do a follow-up review to assure that the above recommendations are incorporated.

RESPONSES

1. Madera County Department of Social Services
2. Madera County Board of Supervisors



2004 Madera County Grand Jury
 P.O. Box 534
 Madera, California 93639-0534
 (559) 662-0946



**The 2004 Madera County Grand Jury
 Final Report On
 The Yosemite Union High School District Superintendents
 Circumvention of School Policy to Benefit a Favored Student**

INTRODUCTION

The 2004 Madera County Grand Jury received complaints that the Superintendent of Yosemite Union High School District was guilty of fraudulent award of grades on behalf of a favored student at Yosemite High School, so he could attend California Polytechnic University at San Luis Obispo.

BACKGROUND

Students enrolled at Yosemite High School are permitted to take courses from other high schools and from colleges for credit toward high school graduation. The classes the student takes must be comparable to, or more rigorous than, regular high school classes. Alternatively, if a student has already failed a class at Yosemite High School, they may attempt the class again through Adult Education at the District's Adult School.

A strict protocol is in place for students to get consent from Yosemite High School before acquiring credits through these alternative means. The student and parent must meet with the student's counselor for approval that is documented in an "Adult Education Agreement." The Agreement states, "The student is voluntarily enrolling in the course after a counseling session with: student, parent and counselor..." The Form has signature lines for the student, parent, counselor, high school principal, and adult school principal to be signed in advance of concurrent enrollment.

FINDINGS

Although the Yosemite High School offers four years of Spanish courses, by May of 2001, near the end of the student's senior year at Yosemite High School, he had completed only one year of the Spanish language classes available to him. At that time, one year of Spanish class was not enough to apply for admission to the California State University system, which required two years of a foreign language.

In an examination of documents, the Grand Jury discovered that on April 2, 2001, a year of foreign language class called "Spanish II" with ten units of credit and a grade of "A" had been entered on behalf of the student on an Evergreen High School Master Agreement Form. Evergreen is the District's Independent Study. Evergreen did not offer a class in Spanish II at that time, nor does it do so today.

Shortly thereafter, the student's Yosemite High School transcript showed a Spanish course with ten units and a grade of A. Though it had an unusual course number, the implication was that this was a Yosemite High School course.

The Yosemite High School transcript was later changed to Evergreen H.S. Spanish with ten units of credit and a grade of A. Then, it remained on the transcript, thus indicating that the student had taken a total of two years of Spanish classes.

The Grand Jury wondered why the student in question had credit from Evergreen High School when he had never failed a Spanish class at Yosemite High School and had no signed Adult Education Agreement as is required to take a Spanish class at Evergreen High School. Furthermore, neither the counselor nor the principal were consulted when the arrangements were made for this student to take this course.

The Grand Jury discovered that the credit represented a one-month course offered through National University and that the student was actually enrolled in the class. The Grand Jury was not able to verify whether or not the student actually attended the class in person. The class description indicates that it was not designed to teach the Spanish language. It was designed as a refresher course for high school Spanish teachers to renew their Spanish teaching skills. National University graded the class on a pass/fail basis and the student received a grade of "pass."

The principal of Evergreen during 2001, who was a subordinate of the Superintendent, acknowledges that he is the one who arranged to enter the "Spanish" class onto the transcript of the student in question. He granted the student credit and changed the "pass" grade to an "A." He claims that a 3-unit refresher course for teachers who have already learned Spanish is the equivalent to 10 units of high school credit.

Of all the professional educators interviewed by the Grand Jury, only the Superintendent and the then Principal of Evergreen High School deemed it appropriate that the student was permitted to take the National University class, receive 10 units of high school credit for it, receive a grade of "A" rather than "pass," and channel those units through the Evergreen High School to Yosemite High School without an Adult Education Agreement.

The Superintendent and the then Principal of Evergreen High School cited a policy of the Yosemite Union High School District dated 1991 that permits one semester of college credit to be equivalent to a year of high school credit. The Grand Jury believes the policy to have been intended for advanced students undergoing accelerated learning by concurrent enrollment in college classes. The use of the policy to justify favoritism for a student who did not perform the usual college preparatory work is inappropriate.

The Grand Jury finds that this student received preferential treatment. During testimony many of the educators from Yosemite Union High School District expressed that the National University class is not the equivalent of "Spanish II." Witnesses stated that if a student were to approach one of the high school counselors for permission to take the class, it would be denied. In fact, one parent asked that her child be allowed to take the same class at National University. The request was denied.

The student's transcript showed ten units of credit for Spanish I, as well as an "A" and ten units for the Spanish course through Evergreen High School, which was ultimately sent to California Polytechnic University at San Luis Obispo as part of his college application.

CONCLUSION

The Grand Jury concludes that the Superintendent misused his position to circumvent the Yosemite Union High School District policies in favor of this student, for application and acceptance to college.

RECOMMENDATIONS

1. That the Yosemite Union High School Board review the District's policy regarding acquisition of high school credit from educational institutions outside of the School District.
2. That the Yosemite Union High School Board exercise heightened diligence in its aegis over the fiduciary duties of the Superintendent.
3. That the citizens served by the Yosemite Union High School District exercise due vigilance regarding the performance of the School Board and the Superintendent.

RESPONSES REQUIRED

1. Yosemite Union High School Board of Trustees
2. Madera County Superintendent of Schools
3. Madera County School Board
4. Yosemite Union High School District Superintendent

RESPONSE ALLOWED, BUT NOT REQUIRED

1. Madera County Board of Supervisors



SALLY L. FRAZIER, Ed.D.
Superintendent

December 22, 2004

Gary Powell, Foreman
The 2004 Madera County Grand Jury
P.O. Box 534
Madera, California 93639



Dear Mr. Powell:

Thank you for the opportunity to respond to 3 issues to be included in the Final Reports of The 2004 Madera County Grand Jury. It is my understanding that you must be in receipt of written responses by December 30, 2004 for inclusion in the Final Report.

The following comments are in response to the 2 matters dealing with Yosemite Joint Union High School District and 1 matter for the Madera County Office of Education. These responses are intended to be included in the Final Reports.

1. Final Report on the Yosemite Joint Union High School District Board Member Claiming False Residency within the Yosemite Joint Union High School District.

Given its findings, The 2004 Madera County Grand Jury offers an appropriate recommendation that a member of the Board of Trustees not residing in the district as intended in the residency requirements for a school board trustee resign that position.

The recommendation to develop a board policy regarding trustee seats would go beyond the authority and jurisdiction of a school district board as residency requirements are a function of California Legal Code and not an individual school board of trustee policy.

2. Final Report on the Yosemite Joint Union High School District Superintendent's Circumvention of School Policy to Benefit a Favored Student.

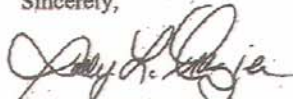
The recommendations of The 2004 Madera County Grand Jury are appropriately addressed to the attention and responsibility of the Yosemite Joint Union High School District Board of Trustees.

3. Final Report on the Madera County Office of Education Funding Shortage.

The Madera County Superintendent of Schools has completed the reconciliation of the closed account and concurs with the recommendation to continue the effort to complete the reconciliation of the replacement account advising the 2005 Madera County Grand Jury of such.

Once again, thank you for the opportunity to respond to these matters to be included in the 2004 Grand Jury Final Reports.

Sincerely,



Sally L. Frazier, Ed.D.
Madera County Superintendent of Schools

cc: Madera County Board of Education

SLF/nib

THIS ENDS THE REPORTS
OF THE
2004 MADERA COUNTY
GRAND JURY

**The Following Pages contain
The Responses to The
Recommendations from
The 2003 Madera County Grand Jury
Final Report**



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

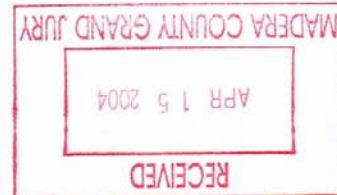
MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVENUE / MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
JOHN V. SILVA
GARY GILBERT

BONNIE HOLIDAY, Clerk of the Board

April 6, 2004



The Honorable Judge Edward Moffat
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Responses to the 2003 Final Report of the Grand Jury

Dear Honorable Judge Moffat:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

1. The Grand Jury has requested a response to a Recommendation pertaining to a Section of the Report entitled, "**Animal Shelter and the Roberta J. Wills Trust**" (Attachment #1, Page 8). A requested response from the Director of Animal Control is attached (Attachment #2).

Grand Jury Recommendation # 2 (page 8)

"Maintenance funds are to be used for maintaining and expanding the Animal Shelter and not for any other purpose."

Board of Supervisors' Response to Grand Jury Recommendation #2

The recommendation has and will be continued to be implemented. The response by the Director of Animal Control is appropriate.

2. The Grand Jury has requested a response to Recommendations pertaining to a Section of the Report entitled, "**Uncollected Madera County Fees.**" (Attachment #1, Pages 8 and 9). The following specific recommendations were directed to the County:

Grand Jury Recommendation #1 (page 9)

"When the final report from the 2003 Administration Office of the Courts (AOC) audit is completed, the Board of Supervisors must take an active role in implementing the changes necessary to resolve the problems identified through the audit and any additional concerns noted by the Grand Jury."

Honorable Judge Edward Moffat

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April 6, 2004

Grand Jury Recommendation #3 (page 9)

"Substantial forfeiture bail money that is due to the Courts is not being collected. All forfeiture bail accounts should be audited and accounted for properly."

Grand Jury Recommendation #4 (page 9)

"The contract with GCS should be cancelled and an audit of their accounting practices initiated. County Counsel needs to review the GCS contract to see if the Board of Supervisors can sue GCS for failure to comply. When a new contract system becomes active, the County Auditor and Financial Officer should insure all data transferred is validated and balances. They should ensure that the data should coordinate correctly with Court records, and they must take responsibility for resolving all cases deemed **unable to process**. They are to prepare a full status report for the Board of Supervisors upon completion of transfer to the new system."

Grand Jury Recommendation #5 (page 9)

"The Madera County Revenue Service's Collection System should be contracted by the Courts. Revenue Services was very supportive when they took over the County Probation Collections. They accounted for items not found or not identified on the Courts records, such as cases and items destroyed after three years by the Courts staff. This fails to meet the Internal Revenue Service regulation of archiving records 5/7 years."

Board of Supervisors' Responses to Grand Jury Recommendations #1, #3, #4, and #5

The Recommendations require further analysis; however, the Board of Supervisors does concur that the Court's effort to collect outstanding fines and fees directly affects that portion of the revenue to which the County is entitled. It must be stressed that the collection of court fines and fees is solely under the administrative direction of the local Courts; therefore, the County cannot arbitrarily intercede into the Court's collection process.

The County Administrative Office, County Auditor-Controller, and County Counsel have met with the Presiding Judge to explore what potential role the County may perform in the collection of court fines and fees. The Presiding Judge has indicated his willingness to be involved in these discussions and determine what element of the collection process they may request County involvement. The Administrative Office will maintain close communications with the Court to keep these discussions active and productive.

Honorable Judge Edward Moffat

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April 6, 2004

3. The Grand Jury has requested responses to Recommendations pertaining to a section in the Report entitled, "**Review of Janitorial Services for Eastern Madera County Offices**" (Attachment #1, Pages 9 and 10.) The following specific recommendations were directed to the County:

Grand Jury Recommendation #1 (page 10)

"Although the Grand Jury did not review the contract for janitorial services in county offices, it would seem extremely inefficient if the county service contracts did not contain minimum expectations, a review process and a means to terminate a contract in the event the contractor failed to meet minimum expectations. If county service contracts do not contain such language, the Grand Jury recommends that all county contracts should contain language that allows the county the ability to terminate a contract in the event of nonperformance or failure to meet minimum requirements. As noted in the findings section of this report, being unable to terminate a service contract simply because one has recently been signed is difficult to understand. If contract services are not being performed or are being performed at a level below minimum expectations, county employees must have a method to communicate such deficiencies to the CAPA and the CAPA must have the authority, with proper cause, to terminate a contract and hire another contractor. In that this problem appears to have been extant for a number of years, the Grand Jury remains incredulous and requests the CAPA, in conjunction with the County Administrator, to review their existing contract with the relevant service provider and take to whatever actions are necessary to correct the situation."

Board of Supervisors' Response to Recommendation #1

The recommendation has, and will continue to be implemented. As noted in this recommendation, the Grand Jury had not reviewed the provisions of the janitorial services contract. The current contract has a 90-day termination clause in the event any terms or conditions of the contract are violated. Another provision in the agreement allows the County, should the janitorial service fail to perform any provisions of the contract, with one day notice, have the work completed and deduct the cost from the contractor. The janitorial contract also provides the County with the ability to impose a penalty of sixty (\$60) dollars a day for deficiencies in the performance of services according to the Master Cleaning Schedule.

Honorable Judge Edward Moffat

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April 6, 2004

Grand Jury Recommendation #2 (page 10)

"Establish and affect a process by which county employees may request services from a contractor and forward complaints regarding the failure to perform contract services. The procedure should also include a method for tracking service requests in order to ensure services are provided in a timely manner."

Board of Supervisors' Response to Recommendation #2

The recommendation has, and will continue to be implemented. Approximately five (5) years ago, a "Janitorial Monitoring Form for the Mountain Area" was developed and implemented. This form was submitted to mountain area departments to report any deficiencies. A copy of the form is attached (see Attachment #3). Four (4) monitoring forms were received during 2002-03. The Purchasing Agent sends notices to the mountain departments reminding them of the form to report any deficiencies.

Grand Jury Recommendation #3 (page 10)

"Prior to issuing a new janitorial contract, consider advertising for and hiring local residents who would be more likely able to arrive for work even in the event of snow or other travel restrictions. The foothill and mountain communities have unique problems and are sometimes cut off from communities on the valley floor. Utilizing the local workforce might go a long way toward resolving some of these concerns. One creative idea would be to contract with local individuals or small groups who would be responsible for designated county buildings. Contracting with local retired annuitants may also save the county certain costs such as medical benefits and paid sick leave."

Board of Supervisors' Response to Recommendation #3

The recommendation has, and will continue to be implemented. The Purchasing Agent has made efforts to encourage local residents to bid on the valley and mountain area janitorial contracts. The contractual requirements and safeguards to the County does not attract the interest of casual janitorial services. As a minimum, the individual must be able to pass a background investigation, have a business license to provide the service, have necessary insurance coverage, a surety bond or cash to insure compliance, and their own equipment, supplies and transportation.

Honorable Judge Edward Moffat

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April 6, 2004

4. The Grand Jury has requested a response to a Recommendation pertaining to the Section of the Report entitled: "**County Road Department Encroachment Bonds**" (Attachment #1, page 10).

Grand Jury Recommendation (page 10)

"The 2003 Grand Jury requests the 2004 Grand Jury to continue to review any progress made by the Road Department. The 2003 Grand Jury also suggests that the Road Department has failed to properly affect procedures extant for over 25 years and there appears to be some deficiencies with regard to past management. As such, it would seem appropriate for the Resource Management Agency Director to attempt to determine independently if there are procedural deficiencies and, if so, to work toward correcting any procedural problems found; especially if it is going to take more than another year for the Road Department to implement their computer based program."

Attached is the requested response from the Resource Management Agency. (See Attachment #4, No. 1)

5. The Grand Jury has requested a response to a Recommendation pertaining to the Section of the Report entitled: "**Madera County Correctional Facility (Jail)**" (Attachment #1, page 11).

Grand Jury Recommendation #1 (page 11)

"The 2003 Grand Jury again recommends that the Board of Supervisors obtain a few more correctional officers as well as additional funds for the Correctional Facility."

Grand Jury Recommendation #2 (page 11)

"Requests were made for additional paperback books for inmate use. The benefit of keeping an inmate's mind occupied by reading a book is considerably more constructive than potential alternatives. If the public cannot be easily reached in an effort to obtain a number of books, perhaps the excess stores maintained by the county libraries could provide a source for such donations."

Honorable Judge Edward Moffat

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April 6, 2004

Board of Supervisors Response to Recommendation #1

The recommendation will not be implemented for the 2003-04 fiscal year. Each year the Board of Supervisors seriously considers the requests of the Department of Corrections and the recommendation of the Administrative Office during the annual budgetary process. Any budget decision by the Board of Supervisors takes into account the health and welfare of the correctional staff, as well as the inmates.

Board of Supervisors' Response to Recommendation #2

The response of the County Librarian to Recommendation #2 is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Attachment #5)

6. The Grand Jury is requesting responses to Recommendations pertaining to the Section of the Report, entitled: "**Complaints Alleging Illegal and Inappropriate Activities at Madera County Child Welfare Services.**" (Attachment #1, Pages 11 through 13). The following specific recommendations were directed to the County:

Grand Jury Recommendation #1A (page 13)

"A. The Board of Supervisors must review the *Report of the Children's Services Operations Bureau's investigation of Madera Child Welfare Services - Oct. 2002*, supplied by the Chief, Operations & Evaluations Branch, California Dept. Of Social Services to the Madera County Counsel."

Grand Jury Recommendation #1B (page 13)

"B. The Board of Supervisors must compare the findings of this Grand Jury, the report referenced above, and the 2002 Report by Central California Training Academy at Fresno State University. The Board must take an active approach, using this combined source of information, to resolve items identified and implement recommendations made in the three reports. Additional copies of the two State reports can be secured from the DSS Director."

Grand Jury Recommendation #2 (page 13)

"Recommendations of the State Children's Bureau Report to be implemented. These include, but are not limited to:

"A. Provide all DSS staff with their appropriate Welfare/County *Policies and Procedures Manuals* and make them required reading, including: *National Assoc. Of Social Workers Code of Ethics*. Follow up with yearly training and procedure updates."

Honorable Judge Edward Moffat

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April 6, 2004

"B. Train all CWS social workers in Juvenile Court Laws, new Court report writing, and established CWS procedures for Indian Child Welfare Act (ICWA), and Cultural awareness for the local populations. Follow up with yearly Court Law training updates and CWS procedures and manual revisions."

"C. CWS to establish open communication and collaboration with local Indian Tribes on foster care to meet ICWA Federal Laws."

"D. CWS to put into use the professionally recognized **Best Practices** authorized and financed training program, at the Central California Training Academy at California State University, Fresno."

"E. Institute separation interviews with the DSS Director to determine reasons for employees leaving DSS positions. The DSS Director should schedule periodic open forum meetings with employees to hear their concerns. Also, consider technical assistance from National CWS Agencies, as stated in the State's report."

"F. Plans for temporary Transitional Housing for foster children turning 18 and leaving their foster homes need to be developed and implemented. Make proper use of the funding for this service that is currently available under the State funded Independent Living Program."

"G. Improve CWS employee environment by scheduling open forum meetings with employees for problem resolving without retaliation. Also, properly inform employees of their right of representation, Federal Weingarten Rights and Civil Service appeal rights."

Grand Jury Recommendation #3 (page 13)

"Each DSS Social Workers' business card will have their phone number **plus** the welfare office phone number of their manager to provide their clients with a better means of communication. Currently only one number is listed on business cards."

Grand Jury Recommendation #4 (page 13)

"Established collaboration with DSS, Public Defender's Office, and Juvenile Court Administrator, for implementation of an advisory program for Foster Parents to assist them with the programs civil rights, legal issues and liability insurances issues."

Honorable Judge Edward Moffat

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April 6, 2004

Grand Jury Recommendation #5 (page 13)

"The current CWS staff's mandatory Foster Family Program training of 12 hours to be increased to 20 hours per year, and to include emphases on Civil Rights, ICWA and Cultural awareness."

Grand Jury Recommendation #6 (page 13)

"We encourage the practice of keeping the same social worker assigned to a foster child throughout the entire time the child is in the Foster Care program, when possible."

Grand Jury Recommendation #7 (page 13)

"DSS Social Workers should prepare and complete a signed statement for the foster parents stating that they have read the child's case history and are disclosing all known *Dangerous Propensities*. This statement should be reviewed and updated every six months and reflect any new information. The foster parents are to keep a copy of this statement as well as one filed in the child's case folder. This act would verify the compliance with long-standing State Regulations."

Grand Jury Recommendation #8 (page 13)

"Child Protective Services must ensure foster children take prescribed medications, and these medications must accompany the child to the foster home in the original container from the pharmacy and with the Doctor's name, phone number, medicine name, and prescription number on the bottle. Also have child adequately clothed when transported."

Grand Jury Recommendation #9 (page 13)

"A dedicated phone line with a toll free number and answering machine to be installed at the Welfare office for foster parents to report the number of beds they have available. A record of available beds for foster children should be updated at least weekly. The Grand Jury also recommends that this record be posted on a whiteboard for the use of Social workers. The information is also to be posted on the CWS computers so it may be accessed after hours."

Grand Jury Recommendation #10 (page 13)

"Efforts must be made to meet State regulations of keeping sibling groups together in foster homes. If separation is required because of the special needs of the minors, a visitation schedule be implemented as also required by State regulations."

Honorable Judge Edward Moffat

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April 6, 2004

Grand Jury Recommendation #11 (page 13)

"Efforts must be made, when placing foster children, that the language of the children is the same as the foster parents."

Grand Jury Recommendation #12 (page 13)

"Procedures for the Emergency Shelter of foster children must be revised allowing for placement of high-risk children. Resources in the community, including contracts with Home-Finding Agencies, must be sought to meet the needs of these minors. Leaving the children overnight in the welfare office or in housing, such as motels, is not acceptable."

Grand Jury Recommendation #13 (page 13)

"Madera County CWS Staff will not make allegations that a child is adoptable. All adoptions are handled through the State of California, and the Madera County Department of Social Services has no authority to make such claims."

Board of Supervisors' Responses to Recommendations #1 through #13

The responses of the Director of Social Services to Recommendations #1 through #13 are considered appropriate and are submitted as the Board of Supervisors' responses. (See Attachment #6, Item 1). Because of the complexities of the issues discussed, the Board of Supervisors is also including a response from the Department of Social Services to the Findings of the Grand Jury (Attachment #6, Item 2), and a response to the October 2002 Draft Report of the Madera County Special Review conducted by the California Department of Social Services (See Attachment #6, Item 3). In addition, as County Counsel's Office provides legal services for Child Welfare Services Program, County Counsel's comments are included in this response. (See Attachment #6, Item 4).

7. The Grand Jury is requesting responses to Recommendations pertaining to the Section of the Report, entitled: "**Complaints Alleging Illegal and Inappropriate Activities at Madera County Department of Social Services Fraud Department**" (Attachment #1, Pages 13 and 14). Requested responses from the Department of Social Services (Attachment #7) and County Counsel (Attachment #8) are included.

Honorable Judge Edward Moffat

-10-

April 6, 2004

The following specific recommendations were directed to the County:

Grand Jury Recommendation #1 (page 14)

"The Board of Supervisors must take an active approach to review the Welfare operations."

Grand Jury Recommendation #2 (page 14)

"If legally possible, transfer the Welfare IEVS Unit to under the direction of the District Attorney's office paired with SIU Unit."

Grand Jury Recommendation #3 (page 14)

"The Madera Department of Social Services and District Attorney Office create a plan to re-coup the monies still uncollected."

Grand Jury Recommendation #4 (page 14)

"Resume publishing the identity of fraud convictions in local newspapers as a deterrent."

Grand Jury Recommendation #5 (page 14)

"Use State money appropriated for training for that purpose utilizing the curriculum available through the State Department of Social Services, Fraud Bureau. Provide mandatory training to both IVES and SIU staff and issue procedure manuals to each worker as required reading with yearly updates."

Grand Jury Recommendation #6 (page 14)

"The Welfare Department must be pro-active and practice Early Fraud Prevention during the application process."

Grand Jury Recommendation #7 (page 14)

"Potential fraud cases are not to be stripped until the case has been reviewed by the IEVS Unit. All stripped documents are to be stored appropriately, that allows for their retrieval during the required five year archival period."

Grand Jury Recommendation #8 (page 14)

"The Board of Supervisors authorize an independent audit of IEVS and SIU cases to determine the amount of money owed to the County and State. We recommend that the State Auditors office be asked to assist in determining the extent of the problem. Local statistics should be published as to how much of the identified discrepancies were discovered in the current quarter and what amount comes from the backlog."

Honorable Judge Edward Moffat

-11-

April 6, 2004

Grand Jury Recommendation #9 (page 14)

"The Welfare Department administration and staff must follow the Welfare and Institutions Codes and regulation manuals."

Board of Supervisors' Response to Recommendation #1

The recommendation has been, and will continue to be implemented. The County Welfare Director has, since coming to the County of Madera in 2000, made it a practice to keep the Board members informed on all aspects of the Social Services Department. In addition, Board members have taken it upon themselves to periodically visit the various Social Service facilities.

Board of Supervisors' Response to Recommendations #2 through #9

The responses of the Director of Social Services to Recommendations #2 through #9 is considered appropriate and is submitted as the Board of Supervisors' responses. (See Attachment #7, Item 1). Because of the complexities of the issues discussed, the Board of Supervisors is also including a response from the Department of Social Services to the Findings of the Grand Jury (Attachment #7, Item 2).

8. The Grand Jury has requested responses to Recommendations pertaining to the Section of the Report, entitled "**Emergency Medical Procedures at the Juvenile Hall**" (Attachment #1, pages 14 and 15). The Chief Probation Officer has submitted their requested responses to the Recommendations which are attached (Attachment #9).
9. The Grand Jury has requested responses to Recommendations pertaining to the Section of the Report, entitled "**Child Protective Services, Court Coordinator**" (Attachment #1, pages 15 and 16). The following specific recommendations were directed to the County:

Grand Jury Recommendation #1 (page 16)

"Because of the redundancy of duties by the Deputy County Counsel and the Child Welfare Services, Court Coordinator, the contract for the Court Coordinator should not be renewed."

Grand Jury Recommendation #2 (page 16)

"The Grand Jury perceives the perpetual funding of a position that has perpetually failed to meet contract requirements as fiscally unsound. The jury recommends that the Board of Supervisors review the decision to fund the position for such an extended period of time and effect an appropriate course of action to ensure such flagrant waste of funding neither continues nor recurs in the future."

Honorable Judge Edward Moffat

-12-

April 6, 2004

Grand Jury Recommendation #3 (page 16)

"Social Workers should attend court proceedings when their cases are scheduled. The Court Coordinator should include the Social Workers' input when making case decisions where the Social Workers are held responsible."

Grand Jury Recommendation #4 (page 16)

"If the Court Coordinator's contract is renewed after December 31, 2003, the DSS Director should enforce the completion of the training and preparation of the Court Procedures manual(s) by April 1, 2004."

Board of Supervisors' Responses to Recommendations #1 through #4

The responses of the Director of Social Services (Attachment #10, Item #1) and County Counsel (Attachment #11) is considered appropriate and is submitted as the Board of Supervisors' responses.

10. The Grand Jury has requested a response to a Recommendation pertaining to the Section of the Report, entitled "**Madera Ranchos Water District - MD 10A**" (Attachment #1, page 17).

Grand Jury Recommendation (page 17)

"Prepare annually an information document to be sent to all Madera Ranchos property owners in MD-10A with current status of improvements and projections for the coming year. This could be sent out with the Annual Drinking Water Quality Report that is currently being sent at year end."

Board of Supervisors' Response to Recommendation

The recommendation will be implemented. The response of the Resource Management Agency is considered appropriate and is submitted as the Board of Supervisors' response. (Attachment #4, Item #2)

Sincerely,



Ron K. Dominici
Chairman
Madera County Board of Supervisors

Attachments



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVENUE / MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
JOHN V. SILVA
GARY GILBERT

BONNIE HOLIDAY, Clerk of the Board



File No: 04161

Tape No: 1-69

Date: April 6, 2004

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2003
GRAND JURY FINAL REPORT, ADMINISTRATION
DEPARTMENT.

Upon motion of Supervisor Bigelow, seconded by Supervisor Silva, it is
ordered to approve the response to the 2003 Grand Jury Final Report.

I hereby certify that the above order was adopted by the following vote, to wit:

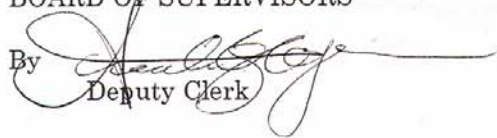
AYES: Supervisors Bigelow, Moss, Dominici, Silva and Gilbert.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

ATTEST: BONNIE HOLIDAY, CLERK
BOARD OF SUPERVISORS

- Auditor
- CAO
- County Counsel
- Grand Jury
- Superior Court
- RMA
- Road
- Social Services
- Juvenile Hall
- Child Support Services
- Engineering

By


Deputy Clerk



Administrative Management

COUNTY OF MADERA FILED

333 West Olive Avenue, Madera, CA 93637

559-675-7703 Fax 559-675-7950

JAN 13 2004

MADERA COUNTY BOARD OF SUPERVISORS

January 9, 2004



To: David Prentice
County Counsel

From: Stanley Koehler *Stanley Koehler*
Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report

The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response either directly from you, as an assistance to other County Departments in relation to the operation of their Department, or as assistance in the development of the response for the Board of Supervisors. The following are the Grand Jury Report Topics

Grand Jury Report Topic	Page #
Complaints Alleging Illegal and Inappropriate Activities at Madera County Child Welfare Services	11
Complaints Alleging Illegal and Inappropriate Activities at Madera County Department of Social Services Fraud Department	13
Child Protective Services, Court Coordinator	15

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month of March.

As a reminder, Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer





Administrative Management
COUNTY OF MADERA

333 West Olive Avenue, Madera, CA 93637
 559-675-7703 Fax 559-675-7950

FILED

JAN 13 2004

MADERA COUNTY BOARD
OF SUPERVISORS

January 9, 2004



To: Hub Walsh
 Social Services Director

From: Stanley Koehler *Stanley Koehler*
 Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report

The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
Complaints Alleging Illegal and Inappropriate Activities at Madera County Child Welfare Services	11	2 thru 14
Complaints Alleging Illegal and Inappropriate Activities at Madera County Department of Social Services Fraud Department	13	2 thru 7 and 9
Child Protective Services, Court Coordinator	15	1 thru 4

Due to the change in this year's Grand Jury Report format and the Grand Jury submitting a copy of the report to your department, we are not attaching copies of the specific sections. If you have not received a Grand Jury Report, please contact me immediately.

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month of March.

As a reminder, Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors



Attachment 10



**MADERA COUNTY
DEPARTMENT OF SOCIAL SERVICES**

HUBERT (HUB) WALSH, Director

- P.O. BOX 569
- MADERA, CA 93639
- (559) 675-7841
- FAX (559) 675-7603

TO: Stan Koehler
FROM: Hubert (Hub) Walsh, Director *[Signature]*
DATE: February 17, 2004
SUBJECT: Grand Jury Report



This is the Department of Social Services response for the 2003 Madera County Grand Jury Report regarding the section entitled “**Child Protective Services Court Coordinator**”.

The Department’s response is two fold. It includes a section providing information in terms of the findings made by the 2003 Grand Jury, as well as the Department’s requested replies in regards to the 2003 Grand Jury recommendations.

Please feel free to advise if your office would like to discuss and/or question the Department’s response to this section of the 2003 Grand Jury Report.

Thank You.

Attachment 10, No. 1

Child Protective Services Court Coordinator

2003 GRAND JURY RECOMMENDATIONS AND THE DEPARTMENT OF
SOCIAL SERVICES RESPONSES

1. RECOMMENDATION: Because of the redundancy of duties by the Deputy County Counsel and the Child Welfare Services, Court Coordinator, the contract for the Court Coordinator should not be renewed.



RESPONSE: This recommendation has been implemented. The CWS Court Coordinator contract was not renewed after expiration on December 31, 2003. The Department of Social Services, in cooperation with the County Counsel's Office, did not see the services as redundant. County Counsel represents the Department in legal issues and the Court Coordinator's primary role was training and technical assistance. While there is sufficient funding available from the State and Federal Child Welfare Allocation, current budget constraints facing the County raised concerns over the required County match to draw down the State and Federal share. Some of the scope of work previously completed by the CWS Court Coordinator has been integrated into the duties of the Child Welfare Services Program Manager; pending the recruitment and selection of the vacant Social Worker Supervisor.

2. RECOMMENDATION: The Grand Jury perceives the perpetual funding of a position that has perpetually failed to meet contract requirements as fiscally unsound. The jury recommends that the Board of Supervisors review the decision to fund the position for such an extended period of time and effect an appropriate course of action to ensure such flagrant waste of funding neither continues nor recurs in the future.

RESPONSE: This recommendation is not directed to the Department; however, the Board of Supervisors has reviewed and approved each of the Department of Social Services' recommendations for the CWS Court Coordinator position. These recommendations were done in cooperation with County Counsel. With the support of County Counsel, the Department's recommendation for the contract position was to assist the Department to address a lack of experienced expertise in the area of CWS and Juvenile Court.

3. RECOMMENDATION: Social Workers should attend court proceedings when their cases are scheduled. The Court Coordinator should include the Social Workers' input when making case decisions where the Social Workers are held responsible.



RESPONSE: This recommendation has and continues to be implemented. The Child Welfare Social Workers attend Court when appropriate and required. The Department is represented at all juvenile court dependency hearings by County Counsel and by a Court Officer (a Social Worker from the CWS Court Unit). In consideration of staff's workload issues in the provision of Child Welfare Services, it has not been the practice to require Social Workers to attend routine juvenile court hearings regarding the cases they are managing. However, for contested Juvenile Court hearings, the Social Worker/case manager is encouraged to be present in court. On those occasions where the Social Worker will be present in court, we have requested that County Counsel provide the social worker with a basic overview of the expectations the Court will have specific to their testimony. Staffings with associated CWS supervisor and line staff are routinely utilized to reach service decisions regarding CWS cases, as well as for preparation for Juvenile Court hearings. During these staffings information regarding the case is presented by the social worker/case manager, and the case is discussed to determine the appropriate plans and services and thus develop the Department's recommendations to be presented to the Juvenile Court. The Social Worker/case manager and his/her Supervisor are to be present during the staffing and are involved as well as provided direction specific to outcomes of the staffing. The Court Coordinator contract was not renewed.

4. RECOMMENDATION: If the Court Coordinator's contract is renewed after December 31, 2003, the DSS Director should enforce the completion of the training and preparation of the Court Procedures manual(s) by April 1, 2004.

RESPONSE: This recommendation will be implemented. The contract was not renewed and draft copies of the Court procedures have been provided. These drafts are undergoing additional revision and review. The Department anticipates getting these and other CWS procedures distributed to staff in the spring of 2004.

County of Madera
Office of the County Counsel

INTER-DEPARTMENT MEMORANDUM

RECEIVED

APR 15 2004

MADERA COUNTY GRAND JURY

Attachment 11

DATE: February 20, 2004
TO: Stan Koehler, Assistant Administrative Officer
FROM: William G. Smith, Deputy County Counsel *WGS*
RE: Response to Section of 2003 Grand Jury Report Regarding the Child Protective Services Court Coordinator

This memo constitutes this office's response to the section of the Madera County 2003 Grand Jury report entitled "CHILD PROTECTIVE SERVICES COURT COORDINATOR." Since the matters referenced in this section of the Grand Jury's report pertain to the Madera County Department of Social Services, response as to whether the recommendations will be implemented should come from primarily from that department. However, since the County Counsel's office has knowledge of the matters discussed in this section of the Grand Jury's report, we submit the following:

Introduction

The Grand Jury's criticisms of Madera DSS' hiring and use of the Court Coordinator are unfair and inaccurate because they fail to acknowledge that during the time period in question, the Court Coordinator provided critically needed mentoring and training of CWS staff. The Grand Jury is also incorrect in concluding that the Court Coordinator provided legal services to Madera County Child Welfare Services (hereinafter "CWS").

Background

The CWS Court unit is responsible for all of CWS' contacts and interactions with, and at, the Juvenile Court, including the preparation and filing of all petitions and reports. Other CWS units may be responsible for case management on any specific case, but the CWS Court Unit is responsible for presentation of that work to the Juvenile Court in a coherent, consistent way. As a result of its critical and central role in presenting CWS' work product to the Juvenile Court, strong, competent full time supervisory leadership of the Court Unit is mandatory. Reductions in the quality and accuracy of CWS' court work product which result from ineffective Court Unit supervision reduces the Court's, and the

Stan Koehler, Assistant Administrative Officer
Re: Response to Section of 2003 Grand Jury Report Regarding
the Child Protective Services Court Coordinator
February 20, 2004
Page 2



parties', confidence in the Department's recommendations and thereby increases CWS' workload by causing more contested hearings at which the case managing social workers would be required to come to court more often to testify. Ineffective, incompetent Court Unit supervision also potentially places children at risk.

The person hired by Madera CWS as Court Coordinator possessed substantial CWS experience. Absent the participation of the Court Coordinator during the time period in question, the Court Unit would have lacked competent, experienced leadership. During the time period in question, the Court Coordinator was tasked with training two Masters level Social Work Supervisor trainees how to supervise and administer the Court Unit. Both of these trainees had transferred from a neighboring county, and neither had prior court unit supervisory experience. The first supervisor trainee was ultimately transferred to a less critical supervisory position. The other supervisor trainee stayed for approximately six months before resigning and returning to his prior county of employment. Following that supervisor trainee's departure, Madera DSS was unable to find a competent replacement for the Court Unit Supervisor position until August 2003. Throughout this period, the Court Unit's need for competent full time leadership of course continued, and the Court Coordinator provided that leadership. During the period of her contract, the Court Coordinator also trained a number of line staff social workers assigned to the Court Unit. Additionally, the Court Coordinator became a resource utilized daily by virtually all CWS employees, supervisory and administrative staff. In light of the numerous demands placed upon the Court Coordinator, it is not surprising that she was unable to complete the policies and procedures which were contemplated in her contract.

Response to Findings

In response to the Grand Jury's finding #1, amendments and extensions of the Court Coordinator's contract were necessitated by the fact the Coordinator's workload, which included providing leadership, expertise, and direction to the Court Unit, and training

Stan Koehler, Assistant Administrative Officer
Re: Response to Section of 2003 Grand Jury Report Regarding
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February 20, 2004
Page 3



and mentoring to two Court Unit supervisor trainees and a number of court unit line staff, exceeded the hours initially contemplated by the parties.

In response to the Grand Jury's finding #2, the Court Coordinator's inability to complete policies and procedures was likely caused by the fact she provided full time leadership, expertise, and direction to the Court Unit, and training and mentoring services to two Court Unit supervisor trainees and a number of court unit line staff

In response to the Grand Jury's finding #3, the Court Coordinator did go to Court for a limited period in furtherance of the training and mentoring she provided to the two Court Unit supervisor trainees and a number of Court Officer trainees. The Court Coordinator did not at any time provide legal representation to Madera CWS in juvenile court. Line staff social workers are not expected to go to juvenile court for routine hearings in the cases they are handling – they only come to court when their testimony is needed at a contested hearing. The assertion that the Court Coordinator was making decisions without the knowledge or input of the investigating Social Worker(s) is hard to respond to without further details; however, the assertion is likely baseless because in this office's experience, almost all significant CWS case specific decisions are made in staffings attended by CWS line and supervisory staff, including the investigating Social Workers and their supervisors.

In response to the Grand Jury's finding #4 and recommendation #1, there was no redundancy in the area of provision of legal advice to Madera CWS. As previously noted, the Court Coordinator became a resource utilized by virtually all CWS employees, supervisory and administrative staff. Decisions on how to proceed with CWS cases are driven as much by juvenile dependency statutory and case law as they are by social work "best practice." Because of this, some of the advice given by the Court Coordinator in response to inquiries by CWS employees necessarily would have included references to juvenile dependency statutory and case law. This did not, however, constitute the provision of legal services to the Department of Social Services. The Court Coordinator and Court Unit staff were in daily contact with the Deputy County Counsel assigned to Madera CWS to discuss the legal aspects of cases.

Stan Koehler, Assistant Administrative Officer
Re: Response to Section of 2003 Grand Jury Report Regarding
the Child Protective Services Court Coordinator
February 20, 2004
Page 4



Response to Recommendations

Recommendation 1 stated:

Because of the redundancy of duties by the Deputy County Counsel and the Child Welfare Services, Court Coordinator, the contract for the Court Coordinator should not be renewed.

Response to Recommendation 1:

This recommendation has been implemented by the Department of Social Services. The CWS Court Coordinator contract was not renewed after expiration on December 31, 2003. As previously discussed, the services provided by the Court Coordinator were not redundant to those provided by County Counsel because the Court Coordinator did not provide legal services to CWS.

Recommendation 2 stated:

The Grand Jury perceives the perpetual funding of a position that has perpetually failed to meet contract requirements as fiscally unsound. The jury recommends that the Board of Supervisors review the decision to fund the position for such an extended period of time and effect an appropriate course of action to ensure such flagrant waste of funding neither continues nor recurs in the future.

Response to Recommendation 2:

While this recommendation is not directed to the County Counsel's Office, this office notes that in light of the Court Coordinator's provision of critically needed mentoring and training of CWS staff in general, and leadership and direction to the Court Unit in particular, the amounts spent on the Court Coordinator cannot properly be characterized as a waste of funding.

Recommendation 3 stated:

Social Workers should attend court proceedings when their cases are scheduled. The Court Coordinator should include the Social Workers' input when making case decisions where the Social Workers are held responsible.

Stan Koehler, Assistant Administrative Officer
Re: Response to Section of 2003 Grand Jury Report Regarding
the Child Protective Services Court Coordinator
February 20, 2004
Page 5



Response to Recommendation 3:

This recommendation has been and continues to be implemented by the Department of Social Services as appropriate. CWS's interests are adequately represented at routine court hearings by a Deputy County Counsel and by one social worker (the "Court Officer") from the Court Unit. Due to their work loads, it is not fiscally prudent to have Child Welfare Social Workers attend routine, uncontested day-to-day court hearings regarding the cases in their caseloads. Social Workers do appear at and attend contested hearings in the cases in their caseloads.

Recommendation 4 stated:

If the Court Coordinator's contract is renewed after December 31, 2003, the DSS Director should enforce the completion of the training and preparation of the Court Procedures manual(s) by April 1, 2004.

Response to Recommendation 4:

This recommendation has been implemented by the Department of Social Services. The CWS Court Coordinator contract was not renewed after expiration on December 31, 2003.

Recommendation 5 stated:

The 2004 Grand Jury is to follow-up to insure that these recommendations and those of the State Department of Social Services are implemented.

Response to Recommendation 5:

This recommendation is not directed to the County Counsel's Office.

WGS:ab

Attachment 6



**MADERA COUNTY
DEPARTMENT OF SOCIAL SERVICES**

HUBERT (HUB) WALSH, Director

- P.O. BOX 569
- MADERA, CA 93639
- (559) 675-7841
- FAX (559) 675-7603

TO: Stan Koehler
 FROM: Hubert (Hub) Walsh, Director
 DATE: February 24, 2003
 SUBJECT: Grand Jury Report



This is the Department of Social Services response for the 2003 Madera County Grand Jury Report regarding the section entitled "Complaints Alleging Illegal and Inappropriate Activities of Madera County Child Welfare Services".

The Department's response is three fold. It includes a section providing information in terms of the findings made by the 2003 Grand Jury, as well as the Department's requested replies in regards to the 2003 Grand Jury recommendations, as well as responses to the referenced Draft Report from California Department of Social Services in 2002.

Please feel free to advise if your office would like to discuss and/or question the Department's response to this section of the 2003 Grand Jury Report.

Thank You.

(HubStanGrJuryCvrCWSSconc)

Attachment No. 1

**COMPLAINTS ALLEGING ILLEGAL AND INAPPROPRIATE ACTIVITIES
OF MADERA COUNTY CHILD WELFARE SERVICES****2003 GRAND JURY RECOMMENDATIONS AND DEPARTMENT OF SOCIAL
SERVICES RESPONSES**

2. **RECOMMENDATION:** Recommendations of the State Children's Bureau Report to be implemented. These include but, are not limited to:

A. Provide all DSS staff with their appropriate Welfare/County Policies and Procedures Manuals and make them required reading, including; National Assoc. of Social Workers Code of Ethics. Follow up with yearly training and procedure updates.

RESPONSE: This recommendation has and will continue to be implemented. DSS is finalizing the Child Welfare Services Policies and Procedures Guidelines (PPG). The PPG will include the National Association of Social Workers Code of Ethics and additional copies will be available for distribution to Child Welfare Services staff.

B. Train all CWS social workers in Juvenile Court Law, new Court report writing, and established CWS procedures for Indian Child Welfare Act (ICWA) and Cultural awareness for the local populations. Follow up with yearly Court Law training updates and CWS procedures and manual revisions.

RESPONSE: This recommendation has and will continue to be implemented. DSS has provided CWS staff training on Juvenile Court Law, Court report writing, ICWA and Cultural Awareness. The Department will provide training updates in these areas calendared in 2004.

C. CWS to establish open communication and collaboration with local Indian Tribes on foster care to meet ICWA Federal Laws.

RESPONSE: This recommendation has and will continue to be implemented. DSS has made contact with local Indian tribes and is working to enhance and maintain lines of communication as well as develop joint protocols for ICWA children.

Recommendations: Page 1



- D. CWS to put into use the professionally recognized Best Practices authorized and financed training program, at the Central California Training Academy at California State University, Fresno.

RESPONSE: This recommendation has and will continue to be implemented. DSS/CWS staff attends Central California Regional Training Academy. Additionally, DSS has contracted with UC Davis to provide additional seminars on CWS practice issues.

- E. Institute separation interviews with the DSS Director to determine reasons for employees leaving DSS positions. The DSS Director should schedule periodic open forum meetings with employees to hear their concerns. Also, consider technical assistance from National CWS Agencies, as stated in the State's report.

RESPONSE: This recommendation has and will continue to be implemented. The Department is developing the exit interview process. The Director and/or upper management have met and continue to seek opportunities to meet with CWS as well as other staff. The Department continues to seek information and technical assistance through the Central California Regional Training Academy as well as County Welfare Directors Association (CWDA) and National Association of Counties (NACO).

- F. Plans for temporary Transitional Housing for foster children turning 18 and leaving their foster homes need to be developed and implemented. Make proper use of the funding for this service, that is currently available under the State funded Independent Living Program.

RESPONSE: The Department of Social Services has and will, with possible local partners, continue to explore the potential for Transitional Housing. As plans and funding are identified and available options for Transitional Housing on a local and/or regional become known, they will be recommended to the Board of Supervisors for consideration. This recommendation will be followed up with an update to the Board of Supervisors in the fall 2004.

- G. Improve CWS employee environment by scheduling open forum meetings with employees from problem resolving without retaliation. Also, properly inform employees of their right of representation, Federal Weingarten Rights and Civil Service appeal rights.

Recommendations: Page 2





RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has and continues to seek opportunities for dialogue on issues with all levels of staff. For example, the Director has and will continue to meet with the CWS division; he also periodically sits in and/or makes home calls with social work staff. Additionally, the Department has personnel processes in place where issues and concerns can be raised in a confidential manner and to ensure that employees are afforded their rights.

3. RECOMMENDATION: Each DSS Social Workers' business card will have their phone number plus the welfare office phone number of their manager to provide their clients with a better means of communication. Currently only one number is listed on business cards.



RESPONSE: DSS will implement this recommendation by May 2004. The business card template for CWS social work staff will be revised to include the name and telephone number of the employee's Supervisor. Additionally, the name and telephone number of the Foster Care Liaison will be added for distribution to foster parents.

4. RECOMMENDATION: Established collaboration with DSS, Public Defender's Office and Juvenile Court Administrator, for implementation of an advisory program for Foster Parents to assist them with the programs civil rights, legal issues and liability insurances issues.

RESPONSE: DSS will implement this recommendation by April 2004. DSS will bring these topic areas to the attention of the Madera County Foster Parent Association (MCFPA) for their consideration to include in their training and advisory workshops. If the MCFPA are interested the Department will coordinate with the MCFPA, the State Foster Parent Association and other agencies to provide presentations for the foster parents.

5. RECOMMENDATION: The current CWS staff's mandatory Foster Family Program training of 12 hours to be increased to 20 hours per year, and to include emphases on Civil Rights, ICWA and Cultural awareness.

RESPONSE: DSS has implemented part of this recommendation. Specifically CSW staff participate in DSS mandated annual Civil Rights and Cultural Awareness training. The Department also provided ICWA training in January and March of 2003 and will again in February 2004. DSS is not able to implement this recommendation with regard to increasing Foster Parent training as the State Community Care licensing

has administrative oversight specific to the number of hours a foster parent must complete annually.

6. RECOMMEDATION: We encourage the practice of keeping the same social worker assigned to a foster child throughout the entire time the child is in the Foster Care program, when possible.

RESPONSE: DSS is not able to implement this recommendation. The CWS staffing levels as well as associated workload hinders the ability of a Social Worker to provide emergency response services concurrent with continuing services to other families. The Department's CWS Redesign efforts may provide the conduit for modification of the existing child welfare service delivery system.

7. RECOMMENDATION: DSS Social Workers should prepare and complete a signed statement for the foster parents stating that they have read the child's case history and are disclosing all known Dangerous Propensities. This statement should be reviewed and updated every six months and reflect and new information. The foster parents are to keep a copy of this statement as well as one filed in the child's case folder. This act would verify the compliance with long-standing State Regulations.



RESPONSE: DSS has already implemented this recommendation in part. The Social Workers currently utilize the MAD 436 Child Placed By Agency form to advise foster parents of dangerous propensities at placement. The Foster Parent Liaison will collaborate with the Madera County Foster Parent Association to revise the MAD 436 form to capture updates by the Foster Parents and Social Workers of relevant information. This will be accomplished by June 2004. The Department is also proposing to periodically review the foster parent placement folders so as to assure the most current information is available.

8. RECOMMENDATION: Child Protective Services must ensure foster children take prescribed medications, and these medications must accompany the child to the foster home in the original container from the pharmacy and with the Doctor's name, phone number, medicine name, and prescription number on the bottle. Also have child adequately clothed when transported.

RESPONSE: DSS has and will continue to implement this recommendation. The Department of Social Services has contracted with the Public Health Department for two public health nurses to assist with medical assessment and follow up for children in placement. The Foster Care Public Health Nurse is responsible for assisting Social Workers and foster parents to access medical information as well as appropriate



medical and dental health treatment for children in placement. With the initial placement of children arising out of an emergency response, it may be problematic to assure we have the medication, associated directions and clothing. However, staffing procedures will be revised to insure that the FC- PHN visits the child in placement to insure medications are appropriately labeled and administered by the foster parent. This will be accomplished by April 2004. The Department will also include an inventory of the child's medications and appropriate directions in the proposed periodic foster care folder review.

9. RECOMMENDATION: A dedicated phone line with a toll free number and answering machine to be installed at the Welfare office for foster parents to report the number of beds they have available. A record of available beds for foster children should be updated at least weekly. The Grand Jury also recommends that this record be posted on a whiteboard for the use of Social workers. The information is also to be posted on the CWS computes so it may be accessed after hours.

RESPONSE: The Department of Social Services has implemented this recommendation in part. The Foster Parent Liaison will develop a record of available beds to be made available to all CWS staff. The Foster Parent Liaison will collaborate with CWS staff to identify where this information will be posted and/or otherwise be made available. The name and telephone number (with the current capability of voicemail) of the Foster Parent Liaison will be periodically distributed to all foster parents so as to assure it is readily available to foster parents to report this information.

10. RECOMMENDATION: Efforts must be made to meet State regulations of keeping sibling groups together in foster homes. If separation is required because of the special needs of the minors, a visitation schedule be implemented as also required by State regulations.

RESPONSE: The Department of Social Services has and will continue to implement this recommendation. The Department is committed to keeping siblings together whenever possible. CWS staff will be reminded to document the justification for siblings being placed separately and to develop sibling visitation schedules. This is part of documented periodic case staffing associated with the provision of CWS services.

11. RECOMMENDATION: Efforts must be made, when placing foster children that the language of the children is the same as the foster parents'.

RESPONSE: DSS has and will continue to implement this recommendation. CWS staff will be reminded to document their justification for placing a child in a home with a family of a different language as well as the plan for placement change to eliminate this issue.

12. RECOMMENDATION: Procedures for the emergency Shelter of foster children must be revised allowing for placement of high-risk children. Resources in the community, including contracts with Home-Finding Agencies, must be sought to meet the needs of these minors. Leaving the children overnight in the welfare office or in housing, such as motels, is not acceptable.

RESPONSE: DSS will implement this recommendation and provide a status update to the Board of Supervisors by fall 2004. DSS is presently engaged in a process to identify current barriers for foster parents willing to provide emergency shelter care. Additionally, we are developing targeted recruitment strategies for foster homes in the county for this purpose. Upon identification of suitable homes, DSS will seek Board of Supervisor contract and funding approval.

13. RECOMMENDATION: Madera County CWS Staff will not make allegations that a child is adoptable. All adoptions are handled through the State of California, and the Madera County Department of Social Services has no authority to make such claims.

RESPONSE: DSS will implement this recommendation by March 2004. CWS staff will be reminded to refer all questions regarding adoptions to CDSS Adoptions staff.



Attachment 6, No. 2

**COMPLAINTS ALLEGING ILLEGAL AND INAPPROPRIATE ACTIVITIES
OF MADERA COUNTY CHILD WELFARE SERVICES****2003 GRAND JURY FINDINGS AND DEPARTMENT OF SOCIAL SERVICES
INFORMATION:**

FINDING: The final version of the State's investigative report was received in October 2003 and hopefully, also by the Board of Supervisors by the time of publication of the Grand Jury's Report. It is also hoped the Board of Supervisors will have reviewed the State's report.

The State did not complete an investigation of funding discrepancies for this report, but they did recommend that an audit with the assistance of the State Fiscal Policy Bureau be completed. There are unanswered questions about the expenditures in specially funded programs (e.g., Independent Living Program and Transitional Housing) and what is the source of the money used for the CWS Court Coordinator position?

INFORMATION: The Department of Social Services knows of no funding discrepancies. Program expenditures are claimed on the County Expense Claim (CEC) submitted quarterly to the California Department of Social Services. The County audit of DSS fiscal records, including the CEC is completed annually by Quady, Brash and Leal. All program expenditures are audited within the sample performed on the County Expense Claim. There is not a separate County audit completed for the ILP and Transitional Housing programs, as neither program allocations are one million dollars or more. Information was provided to the Board of Supervisors for their review and approval of the Department's recommendation for the initial and continued funding of the Child Welfare Services Court Coordinator position. The Department of Social Services' recommendation identified the source of the funds as CWS allocation, comprised of State/Federal/County funding.

FINDING: While investigating these issues, it was revealed to the 2003 Grand Jury that emergency response time frames were not meeting those set forth by the State. Instead of the mandated two hours or ten-day limit, some cases were not identified or responded to in 50 or more days. In the Compliance Review by the State, it was determined that emergency responses in some cases were not acted upon in 80 or more days. The Grand Jury investigation found the DSS was not in compliance with laws and procedures set forth by the County and/or State.

INFORMATION: The Department of Social Services participated in a separate CDSS CWS compliance review. The review entailed seven elements. DSS was found in compliance in six of the seven elements reviewed. The one error element in which DSS was found out of compliance was "Did the Social Worker initiate an in-person investigation within the required time frame?" In order to be deemed in compliance, the

Findings: Page 1



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Findings: Page 1



Department had to achieve a 90% score, we received a 79% score. DSS was found to be out of compliance in this error element. All of the cases out of compliance were designated for 10-day responses, not those designated as immediate responses. It is also important to clarify that the reasons for late contact included: contacts were made timely in some cases yet counted as out of compliance due to documentation errors; attempted contacts were made for families who could not be located and/or who had relocated; contacts were late as a result of staff shortages, inexperienced staff and work prioritizations. As far as the contact identified as 82 days late – the SW contacted the parent and other medical and school personnel and determined that the referral was not a CPS issue. The child was not seen by the worker until the worker's return from a leave of absence and was done so for documentation purposes to close the case referral. As a result of these compliance challenges, a Corrective Action Plan with the State was developed, implemented and successfully completed by the end of the second quarter in 2003.

FINDING: During sworn testimony with foster parents, it was disclosed to the Grand Jury about an incident where two children were brought to them by Child Protective Services. These children were siblings and less than 24 months apart in age. The foster parents were licensed to have both children of their age and had the beds available. Yet, one child was removed to another home. The siblings were never told where the other one was and were never allowed to have visits with each other. Also brought forward was a violation of the ICWA an Indian child was removed from the family, the Deputy CWS Director's orders.

INFORMATION: Without specifics, the Department of Social Services response will be general as to the findings. It is not DSS' practice to separate siblings unless separation is absolutely necessary or is in the best interests of one of the children. Additionally, DSS is committed to maintaining sibling contact through visitation, telephone communication and of first choice placement in the same home. The Department has been working with local Native American groups and the State on local Indian Child Welfare Act processes and protocols.

FINDING: Sworn testimony states that a two-day-old infant born addicted to drugs and required placement. The social worker called foster parents, who were not licensed for this age child, and told them that DSS could grant them an emergency license to enable them to take the infant. They currently were not licensed for this.

INFORMATION: The Department of Social Services does not encourage nor support the violation of licensing regulations by foster parents in order to accept placements. DSS CWS staff and specifically placement staff and their supervisors will be reminded to review Foster Home licenses to determine if foster parents are in compliance with placement restrictions.

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FINDING: They took the infant in custody and two days later CWS compounded the problem by having the infant taken away by an unauthorized DSS Clerk without proper paperwork, 7-day notice, or proper signatures. They further endangered the infant by not having two social workers pick up the child as requirements state for a child of this age.

INFORMATION: Without specifics, the Department of Social Services is only able to provide a general response to the findings in this area. It is not the Department's practice to remove children with Clerical Support staff. There are circumstances in which a "seven day notice" is not required or appropriate. The Department of Social Services is not aware of the regulations cited which require two or more social work staff for placements for children of this age.

FINDING: After talking with the State, the Grand Jury discovered that Madera County has no licensing abilities for foster parents.

INFORMATION: The Department of Social Services does not license foster homes. However, in Madera County this is a State function and State Community Care Licensing out of Fresno, licenses foster homes. DSS recommended ceasing local licensing efforts in the early 90's based on the lack of adequate funding provided by CDSS to support this function. Currently there are 16 counties in California (including the smallest and largest Counties) who have the State of California license foster homes in their County.

FINDING: The State recommends that 100% of the management positions require Master's Degrees and that 50% of the Social Workers in Child Protective Services have a Master's Degree. The County has not met this requirement and secures waivers for the prerequisite. The Deputy CWS Director has neither a Bachelor nor Master of Social Work degree.

INFORMATION: Child Welfare Services regulations 31-070.1, County staff that provides emergency response and family maintenance services shall meet the following qualifications: 50% of staff providing ER or FM services shall possess an MSW or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board. 100% of the supervisors of staff providing ER and FM services shall possess an MSW or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board. The Department of Social Services currently meets the staffing requirements for Supervisors but not for Social Workers. As a result and pursuant to Child Welfare Services regulation 31-070.2, DSS is required to submit a waiver request to CDSS. DSS has received a verbal approval with written correspondence pending. The State has also advised us that Madera County is not the only county facing these challenges. DSS is in continuous recruitment for MSW Social Worker IVs. The County/Merit System job description for the Deputy Director position allows for experience and/or education as qualifying job requirements.

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FINDING: Sworn statements from two or more employees to the Grand Jury stated that employees with higher education and skills were treated with less respect than same class, non-degree employees.

INFORMATION: It is not DSS practice to treat employees with higher education and skills with less respect than same classification or non-degreed employees.

FINDING: Also, that their decisions were often overridden by the Deputy CWS Director.

INFORMATION: The Department of Social Services Administration and Management operates with the understanding that we have administrative and program oversight so as to assure appropriate and effective delivery of services. As a result, there are times when circumstances are brought forward in which the decision of staff requires adjustment and/or correction. This may happen with degreed and non-degreed staff. This direct administrative oversight responsibility requires as such, administration and management to take action when brought to their attention, not to do so would be inappropriate and negligent.

FINDING: The employees with Masters Degrees were often isolated into work areas from other workers.

INFORMATION: It is not the Department of Social Services practice to isolate Masters level staff. The majority of employees with Masters Degrees have been assigned to specialized caseloads, for example, in the Promoting Safe and Stable Families Program. This program required out stationing at school settings for part of the workweek, which could give rise to the feeling of being isolated. Additionally, the PSSF unit was seated outside of the cramped work area housing the majority of CWS staff due to space needs, again a situation that could give rise to the feeling of being isolated.

FINDING: The Grand Jury statements from sworn testimony of three or more CWS employees described actions taken when employees complained about the Department not obeying laws or following regulations. These employees would receive a large caseload increase within a 24-hour period. These employees would receive additional duty assignments that were moved from other employees.

INFORMATION: The Department of Social Services does not retaliate against staff for making complaints. Employees are assigned caseloads in consideration of the division's workload, bi-lingual skill, worker expertise, vacancies and work performance. When possible, the Department also accommodates employee requests for specific assignments.

FINDING: Some employees stated they had no avenues for discussing work ethics or expressing concerns related to their assignments.

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INFORMATION: The Department of Social Services has several personnel and administrative processes in place to allow for staff to express concerns regarding their work assignment. These include, but are not limited to such formal processes as an available Personnel Analyst, and the County Grievance process, to the less formal conferences and/or meetings with Supervisors and upper Management.

FINDING: The Department of Social Services has an above average of employee resignations.

INFORMATION: The Department reviewed Social Worker resignations for 2002 (11) and 2003 (3). Of the eleven resignations in 2002, reasons cited included promotional/salary opportunities (5) of which 4 went to Kings County; health (1); transfer to another County Department with better hours (1); relocation (2); and resignations (2). In 2003 the reasons were relocation (1); rejection during probation (1) and verbal resignation (1). Please be advised that we have had two employees return to employment who terminated in 2002.



Attachment 6, No. 3

The following are all the recommendations included in the October 2002 California Department of Social Services DRAFT Report of the Madera County Special Review referenced by the Grand Jury in their 2003 Recommendations.

I. Drug Exposed Infants

1. CDSS Draft Report Recommendation: The policy regarding drug-exposed infants should be reevaluated. Social workers should fully assess and investigate the family before making important decisions, such as placing a protective custody hold on an infant. The court Social Worker Supervisor should examine each case individually. Decisions should be based on the best interest of the child and family.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services will, as part of the CWS Redesign service delivery discussions and our participation in the Healthy Beginnings Team Work Group, re-evaluate the drug-exposed infant policy to ensure continued compliance with assessment and investigation mandates and to access available services.

2. CDSS Draft Report Recommendation: Provide all staff with a county "Policies and Procedures" Manual.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff.

3. CDSS Draft Report Recommendation: The CWS Division and their law enforcement partners establish a clear understanding about protective custody holds and detention of minors.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services has requested County Counsel to provide training for CWS staff on protective custody holds, detention of minors and the regulations and laws pertaining to both.

II. Teenage Mothers...

1. CDSS Draft Report Recommendation: The policy regarding teenage mothers and their infants should be reevaluated. Social workers should fully assess and investigate the family prior to the detention of a teenage mother and her child. Decisions should be based on the best interest of the child and family.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has and will re-evaluate the policy regarding teenage mothers and their infants to ensure continued compliance with assessment and investigation mandates. This will also be part of the CWS Redesign service delivery discussions.

2. CDSS Draft Report Recommendation: Provide staff with a county "Policies and Procedures" Manual.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff.

III. Madera County's Investigation and Assessment of Sexual Abuse Referrals

1. CDSS Draft Report Recommendation: ER staff, including ER supervisors who investigate sexual abuse cases, should be specifically trained in family dynamics of sexual abuse and proper interviewing protocols and techniques.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has and will continue to provide specific training in family dynamics of sexual abuse and proper interviewing protocols and techniques for all Child Welfare Services staff. This will be done as a compliment to training provided through the Central California Training Academy and Child Abuse Training in Technical Assistance Centers (CATTAs).

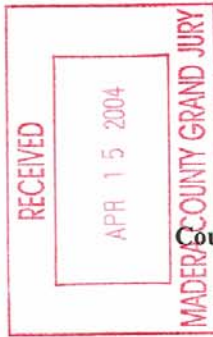
2. CDSS Draft Report Recommendation: Continue to develop the "Child's Sexual Abuse Response Team" (CSART).

RESPONSE: This recommendation has been implemented. The Department of Social Services will continue to actively participate on the CSART. CSART was operationalized in the first quarter of 2002 through execution of Memorandums of Understanding by participating agencies. A CSART presentation was provided to the Board of Supervisors in April 2002.

3. CDSS Draft Report Recommendation: Provide staff with a county "Policies and Procedures" Manual that includes procedures for the investigation of sexual abuse allegations.

Attachment: Page 2





RESPONSE: This recommendation will be implemented. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support Staff. The PPG will include procedures for conducting investigations of sexual abuse allegations.

Court Policies and Practices

1. CDSS Draft Report Recommendation: Develop and provide training for all social workers related to juvenile court law and procedures.

RESPONSE: This recommendation has and will continue to be implemented. Training of Social Workers related to CWS Juvenile Court was one of the primary functions of the CWS Court Coordinator contracted services. The Department will work with County Counsel and the Central California Regional Training Academy in future endeavors.

2. CDSS Draft Report Recommendation: Reorganize to give the ongoing social worker responsibility for court reports and appearances in court.

RESPONSE: This recommendation has been implemented. The Department of Social Services has assigned Social Workers in continuing caseloads responsibility for completion of court reports. Social Workers are encouraged to be present in Court when required and particularly in contested hearings.

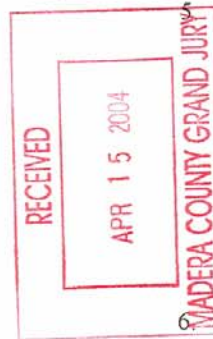
3. CDSS Draft Report Recommendation: Give priority to the completion of the Court Handbook

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff. The PPG will include a section on Court reports and processes.

4. CDSS Draft Report Recommendation: Establish an ongoing dialogue between the juvenile court, county counsel staff, defense attorneys and agency staff.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services, in cooperation with County Counsel, will continue to nurture our established dialogue and relationships with juvenile court, county counsel staff, defense attorneys and agency staff. In a first step in this effort, the Director and Deputy

Director has met with presiding Juvenile Court Judge on Juvenile Court questions and issues.



CDSS Draft Report Recommendation: Establish a procedure in which deputy county counsels receive and read all court reports prior to the day of the court hearing and are available to staff decisions/recommendations with social worker/court supervisor.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services in cooperation with County Counsel will work to assure the appropriate County Counsel reviews and involvement.

6. CDSS Draft Report Recommendation: Ensure that staffing with the ongoing social worker/supervisor and court writer/court supervisor occurs prior to writing of the report.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services will continue to ensure that the ongoing social worker/supervisor and court officer and court supervisor "staffing" of cases occurs prior to the ongoing Social Worker writing the report

7. CDSS Draft Report Recommendation: Require the court writer to provide completed reports to the social worker/supervisor prior to the hearing.

RESPONSE: This recommendation has been implemented. The Department of Social Services has assigned Social Workers in continuing caseloads responsibility for completion of court reports. As such, SW staff write, and sign their reports. Social Worker Supervisors are required to sign court reports completed by their staff. Copies of the court report are distributed to the Social Worker via their supervisor.

8. CDSS Draft Report Recommendation: Encourage ongoing caseworkers to attend court hearings for their cases.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services Social Workers are encouraged to be present in Court as required, particularly in contested hearings.

9. CDSS Draft Report Recommendation: Ensure good communication between the juvenile court, public defender staff, county counsel staff and agency staff.

Attachment: Page 4

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services, in cooperation with the County Counsel Office, will continue to nurture our established dialogue and relationships with juvenile court, defense attorneys and agency staff.

10. CDSS Draft Report Recommendation: Determine whether the Court Coordinator position continues to serve the Division's needs or whether using a Court Supervisor with experience and a Master's Degree in Social Work degree is sufficient.

RESPONSE: This recommendation has been implemented. This determination has been part of the Department's recommendation to the Board of Supervisors to contract for services. With the historical lack of internal staff and sufficient experience to carry out this responsibility, DSS recommended contracting with the CWS Court Coordinator as an effective approach, until such time as DSS was able to establish internal capacity to assume these responsibilities. Active recruitment efforts are underway for a Social Worker Supervisor II.

Court –Other Issues

1. CDSS Draft Report Recommendation: Ensure ongoing training for public defender staff so their clients receive the appropriate representation.

RESPONSE: This recommendation will be forwarded to the Superior Court and contract agency. The Department of Social Services does not oversee nor administer the Public Defenders Office.

Independent Living Program

1. CDSS Draft Report Recommendation: Assign an ILP Coordinator permanently to ensure that all children who are eligible for services are enrolled and active in the program.

RESPONSE: This recommendation has been implemented. The Department of Social Services has contracted with Merced Community College to provide ILP services to eligible Madera County youth. These efforts are coordinated with our CWS Program Manager and a designated CWS Supervisor.

2. CDSS Draft Report Recommendation: Contact youth that had been active in ILP before July 2002 to determine the need for follow-up services and support.

Attachment: Page 5



RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services and it's contracted ILP provider will continue to locate and attempt to maintain contact with eligible ILP youth for provision of ILP and Aftercare Services.

3. CDSS Draft Report Recommendation: Explore the potential to create a Transitional Housing project for Madera County youth.

RESPONSE: The Department of Social Services has and will, with possible local partners, continue to explore the potential for Transitional Housing. As plans and funding are identified and available options for Transitional Housing on a local and/or regional become known, they will be recommended to the Board of Supervisors for consideration. An update on this recommendation will be forwarded to the Board of Supervisors by fall 2004.

Emergency Response

1. CDSS Draft Report Recommendation: Provide specialized training to staff responsible for screening referrals at intake.

RESPONSE: This recommendation will be implemented by March 2004, utilizing the Central California Regional Training Academy and University of California, Davis training contracts. In the interim, DSS Administrative and Management staff will arrange refresher training to all staff with screening responsibilities.

2. CDSS Draft Report Recommendation: Make Emergency Response supervisors responsible for reviewing all cases screened and approves suggested time frames. The Review Team examined additional areas that concerned Madera County's documentation and casework, case staffing policy and use of risk assessment.

RESPONSE: This recommendation has and will continue to be implemented. All referrals are reviewed and approved for response by the Emergency Response Supervisor. In addition, one Program Manager provides secondary review of referral decisions.

Documentation and Case Work Issues

1. CDSS Draft Report Recommendation: Ensure that all essential casework is documented and filed in the case.

Attachment: Page 6



RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services will continue to work with social work and support staff to ensure that all essential casework is documented in the Child Welfare Services/Case Management System and/or filed in the case.

2. CDSS Draft Report Recommendation: Ensure that all required forms are completed and filed in the case.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services will continue to ensure that all required forms are completed in the Child Welfare Services/Case Management System and/or filed in the case.

Case Staffing

1. CDSS Draft Report Recommendation: Develop polices and procedure concerning the documentation of case staffing.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff. The PPG will include a section on case staffing and documentation.

2. CDSS Draft Report Recommendation: Document all case decisions and their rationale.

RESPONSE: This recommendation will be implemented by March 2004. The Department of Social Services will work with CWS Social Work Supervisors and staff to ensure all case decisions and their rationale are documented in the Child Welfare Services/Case Management System and/or filed in the case.

Risk Assessment

1. CDSS Draft Report Recommendation: Complete a risk assessment for all cases including the rationale for the decision.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services will continue to comply with regulations for completion of Risk Assessments.

Attachment: Page 7



2. CDSS Draft Report Recommendation: Consider using the "Structured Decision Making" Model, which provides a number of tools to guide social worker's decisions, including a risk assessment tool.

RESPONSE: This recommendation will be implemented by June 2004. The Department of Social Services will, as part of the CWS Redesign process, consider all Risk Assessment models available, including Structured Decision Making, to further assist CWS Social Workers in interventions and decision making skills.

Hostile Work Environment

1. CDSS Draft Report Recommendation: Consider conducting a series of meetings with supervisors and staff, without the presence of other management personnel, to hear concerns that may be of a confidential nature.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has and continues to seek opportunities for dialogue on issues with all levels of staff. For example, the Director has met with the CWS division; he also periodically sits in and/or makes home calls with social work staff. Additionally, the Department has personnel processes in place where issues and concerns can be raised in a confidential manner.

2. CDSS Draft Report Recommendation: Consider obtaining technical assistance from an organization, such as the National Child Welfare Resource Center for Organizational Improvement, which can provide assistance in areas such as improved management systems, training for administrators, managers and supervisors, program evaluation, etc.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has and continues to seek information, technical assistance, training for administrative, management and supervisory staff. Specifically, the Department has and will continue to utilize the University California Davis workshops and seminars for staff as well as for supervisors and management. The Department of Social Services is working with the Central California Regional Training Academy and a newly formed Regional Consortia for additional technical assistance. The Department is also seeking funding options for the development of mentor/training functions with the Central California Regional Training Academy for CWS Managers and Supervisors.

Attachment: Page 8



3. CDSS Draft Report Recommendation: Consider obtaining technical assistance from other organizations, such as The National Resource Center for Foster Care and Permanency Planning, which may assist in areas relating to best practices in CWS agencies.

RESPONSE: This recommendation has and will be implemented. The Department of Social Services has and continues to seek information, technical assistance, and training for CWS staff. Specifically, the Department has and will continue to participate in the CWDA and local efforts in CWS Redesign, as well as utilize the University California Davis and Central California Regional Training Academy for direct services assistance.

Code of Ethics

1. CDSS Draft Report Recommendation: Engage Madera County CWS employees in a discussion about the CWS Division's mission and values.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services has engaged the CWS Division in development of the CWS division mission and vision, as well as incorporation of such into the DSS Mission and Values Statement.

2. CDSS Draft Report Recommendation: Review and amend policies and practice to ensure that they support the CWS Division's mission and values.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff. The Policy and Procedures Guidelines will continue to be consistent with all regulations and laws as well as with the mission and values of the DSS.

Indian Child Welfare Act (ICWA)

1. CDSS Draft Report Recommendation: Review and revise current county policies and practices to meet the requirements of the ICWA.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff. ICWA policy and procedures will be included for continued compliance with regulations.

Attachment: Page 9



2. CDSS Draft Report Recommendation: Provide current and ongoing training specific to the requirements of the ICWA to ensure that all county staff has the knowledge of the requirements.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services provided ICWA training to all CWS staff in January and March 2003 with additional training to be provided in February 2004.

3. CDSS Draft Report Recommendation: Host regular "Round Table" discussions to foster collaboration and communication between Madera County CWS and local Tribes.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services is currently engaged in discussion with local Tribal Representatives to establish a CWS Liaison with the Tribes and to participate in roundtable discussion in the Central Valley Region.

4. CDSS Draft Report Recommendation: Provide staff with a "Policies and Procedures" manual that incorporates provisions of the ICWA.

RESPONSE: This recommendation will be implemented by April 2004. The Department of Social Services is finalizing the draft CWS Policy and Procedures Guidelines for review and distribution to CWS Social Workers and Support staff. ICWA policy and procedures will be included for continued compliance with regulations.

5. CDSS Draft Report Recommendation: Consider consulting with the Fresno County CWS Agency, which has established a successful collaborative relationship with the North Fork Rancheria.

RESPONSE: This recommendation has and will continue to be implemented. The Department of Social Services is engaged in discussion with local Tribal Representatives to establish a successful collaborative relationship.

Attachment: Page 10

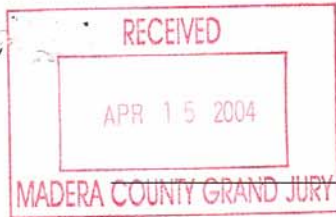


Fiscal Issues

1. CDSS Draft Report Recommendation: Madera County's Fiscal Officer and Fiscal Office should consider conducting an examination/audit of the Division's funding and claiming practices for these two programs to determine whether there are any discrepancies. The CDSS Fiscal Policy Bureau is available to consult on any questions/issues.

RESPONSE: This recommendation will be implemented by Fall 2004. The Department of Social Services, in cooperation with County Administration and County Auditor, will request an expanded review of the referenced programs from Quady, Brash and Leal to be included in the County's annual single audit.





County of Madera
Office of the County Counsel

INTER-DEPARTMENT MEMORANDUM

Attachment 6, No. 4

DATE: February 20, 2004
 TO: Stan Koehler, Assistant Administrative Officer
 FROM: William G. Smith, Deputy County Counsel *WGS*
 RE: Response to Section of Grand Jury Report Alleging Illegal and Inappropriate Activities at Madera Child Welfare Services

This memo constitutes this office's response to the section of the Madera County 2003 Grand Jury report entitled "**COMPLAINTS ALLEGING ILLEGAL AND INAPPROPRIATE ACTIVITIES AT MADERA COUNTY CHILD WELFARE SERVICES.**" Since the matters referenced in this section of the Grand Jury's report pertain to the Madera County Department of Social Services, response as to whether the recommendations will be implemented should come from that department. However, since the County Counsel's office has knowledge of the matters discussed in this section of the Grand Jury's report, we submit the following:

The Grand Jury's reference to the investigative findings by the Department of Social Services Children's Bureau (hereinafter "State DSS") is to a great extent unfair and misleading because the draft report State DSS submitted in October 2002 was never revised as State DSS had promised in January or 2003.

At the request of the County Counsel's Office in July of 2002, State DSS undertook an investigation of the allegations against Madera County Child Welfare Services (hereinafter "CWS") contained in a letter to your Board of Supervisors, the Grand Jury and others dated July 16, 2002.

After conducting their investigation, State DSS submitted for our review the October 2002 draft report. In January of 2003, Madera DSS Director Hub Walsh and I (due to the fact I have been assigned to Madera CWS for the past 5 years), met with State DSS Children's Bureau Chief Wesley A. Beers and his staff to discuss the substantial disagreements we had with the way the investigation was conducted and contents of the draft report. A few of our concerns were:

Stan Koehler, Assistant Administrative Officer
Re: Response to 2003 Grand Jury Report
Asserting Illegal and Inappropriate Activities
at Madera Child Welfare Services
February 20, 2004
Page 2



-the investigators' rude, adversarial conduct during their investigation, as well as their admission that they had never done this type of review before.

-the investigators' assertion in their draft report of "facts" which were not true or which never happened.

-the investigator's assertion that CWS was in violation of a Penal Code section which in reality is applicable to parties reporting of drug exposed newborns to CWS, not CWS' investigation of those reports.

-the investigators' inclusion in their draft report of matters not raised in the July 16, 2002 letter to the Grand Jury.

-the investigators' criticism of the Madera CWS' court unit despite their failure to interview the Deputy County Counsel who, due to his assignment to CWS, would have been the best source of information on the Court Unit and its interaction with the Juvenile Court and the other parties before that Court.

At the conclusion of the January 2003 meeting, State DSS Chief Beers committed that the draft report would be substantially rewritten and that some sections would be removed entirely. He further indicated that the revised report would be submitted to us again in draft form for our review prior to finalization. However, apparently due to loss of staff at the State DSS Children's Bureau, no revised report was ever prepared by State DSS.

In October of 2003, we were surprised to receive a two-page letter from Mr. Beers indicating that the October 2003 draft report would serve as State DSS' final response to County Counsel's request for investigation, and that finalization of that report would not be forthcoming. Mr. Beers' letter also stated:

"Our draft report did not find any documentation that directly supported the allegations made in the letter to the board..."

Since the State DSS draft report was neither finalized nor revised as State DSS Chief Beers had promised after hearing our numerous concerns, it is misleading for the

Stan Koehler, Assistant Administrative Officer
Re: Response to 2003 Grand Jury Report
Asserting Illegal and Inappropriate Activities
at Madera Child Welfare Services
February 20, 2004
Page 3



Grand Jury to state on page 12 of its report under FINDINGS that "The final version of the State's investigative report was receive (sic) in October 2003..." For the same reasons, it is unfair for the Grand Jury to cite to and rely upon the draft report in support of their criticisms of Madera CWS.

This office also notes that the Grand Jury's reliance on State DSS' October 2002 draft report in support of its criticisms of Madera DSS is also misleading because that report addressed circumstances that existed in mid 2002. Continuation of the Court Coordinator's contract until recently, and personnel changes since mid 2002, have significantly increased the effectiveness and professionalism of, and work environment at, Madera CWS over what it was in mid 2002.

This office disagrees strongly with the Grand Jury's INVESTIGATION item #5 which asserts that "CWS [Child Welfare Services] Court reports were altered by the Court Coordinator or upper management..." and that "[t]he altered information incorrectly impacted the CWS cases." Without further details it is hard to respond directly to this assertion. However, we can report generally that any changes in or revisions to Court reports made by the Court Coordinator or "upper management" were made in consultation with the Deputy County Counsel assigned to Madera CWS in order to exclude irrelevant information and to ensure that the Department's reports and recommendations complied with applicable statutory and case law. This office is unaware of any instance where "altered information" incorrectly impacted a CWS case.

WGS:ab

Attachment 7



HUBERT (HUB) WALSH, Director

**MADERA COUNTY
DEPARTMENT OF SOCIAL SERVICES**

- P.O. BOX 569
- MADERA, CA 93639
- (559) 675-7841
- FAX (559) 675-7603

TO: Stan Koehler
FROM: Hubert (Hub) Walsh, Director
DATE: February 17, 2004
SUBJECT: Grand Jury Report



This is the Department of Social Services response for the 2003 Madera County Grand Jury Report regarding the section entitled "**Complaints alleging illegal and inappropriate activities at the Social Services Fraud Department**".

The Department's response is two fold. It includes a section providing information in terms of the findings made by the 2003 Grand Jury, as well as the Department's requested replies in regards to the 2003 Grand Jury recommendations.

Please feel free to advise if your office would like to discuss and/or question the Department's response to this section of the 2003 Grand Jury Report.

Thank You.

Attachment 7, No. 1

Complaints alleging illegal and inappropriate activities at Madera County
Department of Social Services Fraud Department2003 Grand Jury RECOMMENDATIONS and the
Department of Social Services Response

2. RECOMMENDATION: If legally possible, transfer the Welfare Income Eligibility Verification System (IEVS) Unit under the direction of the District Attorney's Office paired with Special Investigative Unit.



RESPONSE: The Department of Social Services is currently unable to propose implementation of this recommendation. The California State Regulations for Social Services Division 20-005.2 state that IEVS is the County Welfare Department's responsibility. The regulations thus do not appear to allow for other county departments to maintain IEVS eligibility functions. The California State Fraud Bureau, Jo Lee, Associate Analyst, confirmed that all California Counties have the IEVS function within the purview of the Eligibility Services section. Additionally, Ernie LiCalsi, the District Attorney, has advised he believes that such a transfer, even if possible would be difficult at this time and is prepared to work with DSS to avoid such a transfer.

3. RECOMMENDATION: The Madera Department of Social Services and District Attorney Office create a plan to re-coup the monies still uncollected.

RESPONSE: This recommendation has been partially implemented, as the Department of Social Services has protocols in place to collect overpayments via grant and allotment adjustment on open cases as well as tax intercept procedures on all cases. The recommendation will be implemented as the Department of Social Services, in cooperation with the County Auditor, is developing a proposal for the Board of Supervisor's consideration for enhanced recoupments and collections for closed cases via the County Revenue Collections Department. This proposal is anticipated to be to the Board of Supervisors for consideration in April 2004.

4. RECOMMENDATION: Resume publishing the identity of fraud convictions in local newspapers as a deterrent.

RESPONSE: This recommendation is being referred to the District Attorney's Office that oversees the Special Investigative Unit (SIU) and fraud convictions.

5. RECOMMENDATION: Use state money appropriated for training for that purpose utilizing the curriculum available through the State Department of Social

Services, Fraud Bureau. Provide mandatory training to both IEVS and SIU staff and issue procedure manuals to each worker as required reading with yearly updates.



RESPONSE: The Department of Social Services has and will continue to implement this recommendation. DSS IEVS staff has received the following training over the past two years. In 01/02, the entire Earnings Clearance Unit attended a State sponsored forum on Overpayment and Collections. In addition, in 2002, there were 12 sessions of fraud-related training conducted in-house: 4 given by the University of California, Davis and 8 by DSS staff. In 02/03 there were 13 in-house training sessions: 9 sessions conducted by DSS staff on case filing and document retention, 3 sessions on fraud detection provided by U.C. Davis, and 1 session on SIU-Fraud Investigations. For the current fiscal year, we have planned a 5 part series of in-house fraud training for all eligibility staff. In addition, IEVS staff will receive training on the "Treatment of Income for CalWORKs and Food Stamps", "Identifying and Calculating Food Stamp Over issuances", as well as "Resource Determinations for Food Stamps", and "Medi-Cal Percent Program" training to be provided by U.C. Davis. The Department of Social Services has also been working closely with the District Attorney's office to locate and provide training on "How to prevent initial issuance of aid to a fraudulent applicant", and "Detecting altered and forged documents". Additionally, policy and procedure manuals are reviewed and updated on a periodic basis, no less than annually. The Department of Social Services will continue to work with the District Attorney/SIU on available training for both DSS IEVS and SIU staff.

6. RECOMMENDATION: The Welfare Department must be proactive and practice Early Fraud Prevention during the application process.

RESPONSE: Madera County Department of Social Services has and will continue to implement this recommendation. For example: early fraud identification and prevention is a planned training topic in 2004. Additionally, DSS staff has and continues to make Early Fraud referrals to SIU. In 2003 a total of 4,862 referrals were completed.

7. RECOMMENDATION: Potential fraud cases are not to be stripped until the IEVS Unit has reviewed the case. All stripped documents are to be stored appropriately, that allows for their retrieval during the required five-year archival period.

RESPONSE: This recommendation has been and will continue to be implemented. Madera County Department of Social Services revised its protocols and practices in this area so as to assure this recommendation is followed. In the past, storage issues have made retrieval of information from closed and archived records difficult. The process was revised in

2002 and updated again in 2003. The case-filing guide has been updated as well. DSS's file storage procedures and protocols are established so as to comply with regulatory requirements for maintenance of records.

8. RECOMMENDATION: The Board of Supervisors authorize an independent audit of IEVS and SIU cases to determine the amount of money owed to the County and State. We recommend that the State Auditors Office be asked to assist in determining the extent of the problem. Local statistics should be published as to how much of the identified discrepancies were discovered in the current quarter and what amount comes from the backlog.

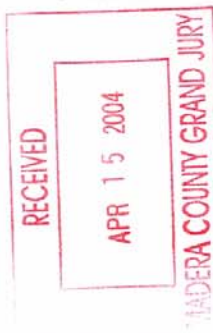
RESPONSE: This recommendation is directed at the Board of Supervisors. However, Madera County Department of Social Services is currently working with the County Auditor's Office on a proposal for enhancement of collection efforts, which will include a review of current practices as well as prior accounts. Statistical reports (CA812) are currently compiled by DSS that distinguish the amount collected in terms of current discrepancies versus historical data. This information is reported to the State on a quarterly basis. The California State Fraud Bureau reviews these reports routinely.

9. RECOMMENDATION: The Welfare Department administration and staff must follow the Welfare and Institutions Codes and regulation manuals.

RESPONSE: The Department of Social Services Administration has and will continue to implement this recommendation. Specifically, DSS Administration continues to work with staff so as to assure compliance with Welfare and Institution Codes and Division 20, 40, and 60 regulation manuals. The California Department of Social Services State Fraud Bureau conducted a review of Madera County IEVS activities in 2002. The State's report found that "Madera County is to be commended for the efficient manner in which it has centralized and updated its IEVS processes. The County meets all requirements in processing New Hire Registry (NHR), Jail Reporting System (JRS), Fleeing Felons (FF), and California Youth Authority (CYA) abstracts, safeguarding confidential IRS data, and submitting the quarterly IEVS Management Report (DPA 482)."



Attachment 7, No. 2

Complaints alleging illegal and inappropriate activities at Madera County
Department of Social Services Fraud Department2003 MADERA COUNTY GRAND JURY 2003 FINDINGS and Information
from the Department of Social Services

FINDING: Madera County Welfare Department was approved for enhanced funding for Fraud Detection but positions have been left unfilled.

INFORMATION: The County funding for fraud detection is through the established allocation and claiming process, including Federal, State, and in some programs County funds. On July 2, 2001 the "New" Income Eligibility Verification System (IEVS) Unit was fully staffed. The IEVS Unit currently has 1 Eligibility Supervisor, 2 EW (Eligibility Worker) III's, 2 EW II's, and 1 Office Assistant.

FINDING: The Program Manager and the Eligibility Supervisor of the IEVS Unit revealed to the Grand Jury that the Unit was not submitting referrals to Special Investigation Unit for less than \$300, and that the Program Manager informed the Grand Jury it was not cost effective, while the Supervisor stated it was in the regulations that \$300 or less was not required. Reviews of the Welfare and Institutions Codes and manual regulations do not indicate that this limit exists. Only a \$35 limit was found for Food Stamp Fraud.

INFORMATION: The Department of Social Services has, pursuant to regulations, established a protocol on the limits of referrals to SIU. State regulations do allow limits to be established on the referrals for SIU. The regulations do not establish a definitive ceiling, such as \$300; however, counties are directed to consider cost effectiveness. Cost effectiveness is an issue in determining the cases to be referred. Last year DA/SIU reported completing over 5,000 investigations, of which 664 found evidence of fraud, 166 were referred for prosecution and 113 (2%) were convicted. It is important that only those cases that appear fraudulent be referred. In a review of the other county departments, many have set the limit at \$300 to \$400, with some going as high as \$1,000. The establishment of this limit was discussed with and reviewed by the State Fraud Bureau. The limit will be reviewed with the District Attorney/SIU Office to determine if there is a new threshold to be jointly established.

FINDING: The Welfare Department has created three categories of error: Fraud, Administrative Error, and Client Caused Error. The first two designations exist in regulation, but client caused error does not. However, this category accounts for many of the un-investigated errors cases.

INFORMATION: The Department of Social Services does utilize the three categories as prescribed in State Regulations. More specifically, the CALIFORNIA-DSS-MANUAL-Eligibility Assistance Standards (EAS) Regulations



44-350 describe errors as "Administrative Error", "CWD error," and "Applicant or recipient error."

The state also uses the nomenclature of "client caused errors" in the DPA 482 report that counties are required to complete and submit to them each quarter. The differentiation between client caused errors and fraud is primarily due to State regulations requiring that in fraud cases intent must be proven, and there is a responsibility on the part of the county when it has knowledge that the client has problems in reporting or that the client is attempting to report correctly.

FINDING: IEVS staff stops their inquiries if the employer does not send in earning verification instead of following the "regulations that require the case be classified as discontinued, which stops the welfare check release, until further investigation is completed."

INFORMATION: The Department of Social Services complies with the State regulations that specifically forbid counties from terminating cases due to employer failure to provide verification. The client must be given the opportunity to provide independent verification. Division 20 Regulations Section 20-006.541- states "the CWD may not terminate, deny or reduce benefits based on this (IEVS) information until the information has been independently verified." The Department has been advised that as long as the client is complying within their capability, we cannot discontinue the case. Third party independent verification is needed. The County's process was discussed with the State Fraud Bureau.

FINDING: A memo from an IEVS Eligibility Supervisor, dated 8-13-2002 discusses the backlog in IEVS and instructed the staff to skip sending out client notification letters even though this violates the regulations. The memo concludes with, "I know we discussed this at an earlier time and I said we had to follow regs. So I changed my mind!!" Another memo dated 9-17-2002, stated that "if the employer is Wal-Mart, the necessary verifications is unobtainable, therefore 'no discrepancy'"

INFORMATION: Department of Social Services staff in the IEVS Unit, had identified, based on past experiences, which employers maintain historical personnel/payroll records and which ones don't. The memos referenced were instructing the staff that if they knew the employer didn't retain the records back to the date they are needed, there is no need to send the letter. It would cost time and money for a known unproductive outcome. This practice is no longer in place since the backlog is processed and the Unit remains up to date; thus follow up with employers are in current not historical payroll records.

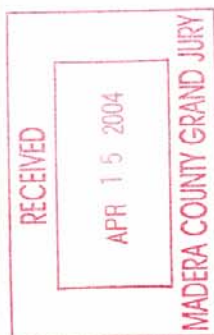
FINDING: The State of California pays a percentage to County Welfare Departments for collections on processed fraud cases.

INFORMATION: Fraud incentives are determined and issued to the counties by the State based on a percentage of county overpayment collections. A portion of the funds may be utilized at the discretion of the county. The TANF portion of the

APR 14 2004

funds may be used to promote program integrity (identification of overpayments, fraud, and collection of overpayments). Beginning in 02/03, incentive funds are funded by allocation reimbursement for appropriate expense claims submitted by the county. The fraud recovery incentive allocation for 02/03 is \$22,960.00. DSS recovered over \$260,000 in overpayments in 02/03, and we are on target to recover over \$300,000 in the current fiscal year.

FINDING: Data reflects only a small number of cases are actually identified by the IEVS Unit. One Eligibility Worker assigned to SIU works on fraud determination part-time. In June 2003, that worker submitted eleven cases which were determined to be fraud cases. Meanwhile, the four full-time Welfare Dept. employees assigned to the IEVS Unit only submitted five cases for the same period. For July 2003, the Eligibility Worker at the SIU Office found five cases vs. the four IEVS workers two cases. Also noted was that Chowchilla and Oakhurst offices, individually, submit more Medical Fraud cases to the State than the Madera office.



INFORMATION: The Department of Social Services reports referrals on a month-to-month basis. The figures given for June and July are correct, however the numbers of referrals do vary month to month and over the past year ranged up to 30 for the highest month. The reporting process has also recently been modified because it was determined that while DSS was counting cases, SIU was counting aid types. Thus DA/SIU counted a TANF/Medi-Cal/Food Stamp family as three referrals – one for each aid type, while DSS counted it as only one referral. DSS has changed reporting to coincide with DA/SIU's counts. SIU reported to the State on its DPA 266 form that DSS made 4862 early fraud referrals and 116 IEVS fraud referrals in the past year. In addition SIU reported completion of over 5000 investigations in which over 600 (approximately 12 %) revealed evidence of fraud, and 166 were referred for prosecution, and over 100 (or about 2%) resulted in a conviction. Meanwhile, DSS reported on the DPA 482 IEVS form that over 2000 CalWORKS/Food Stamp abstracts were processed, with 250 (11 %) discrepancies, and 96 (over 4 %) resulting in referrals to SIU. DSS is currently researching statistics and protocols established in other counties to see how our results compare.

FINDING: The California DSS Manual regulations states the County Welfare Departments have forty-five days to complete the Quarterly IEVS Report, not several years as was noted in some instances.

INFORMATION: The IEVS backlog was completed in 2002. Since that time, the IEVS Unit is, and stays, current. The State regulations do allow over forty-five days for processing in certain instances. Division 20-006.421-424 rules prescribe that action may be delayed beyond the 45-day period for no more than 20% of the matches meeting certain criteria (i.e., when it is difficult to obtain verification).

FINDING: The cash/food stamp cases referred to the District Attorney for prosecution are often not referred to the State Medical Fraud Unit.

INFORMATION: The Department of Social Services IEVS staff work closely with the State Medi-Cal Fraud Bureau. Not all cases are referred for fraud because regulations require that DSS first confirm that the client is not otherwise eligible to receive Medi-Cal, as well as ascertaining whether or not the Medi-Cal Card was actually used during the ineligible period before making a referral.





HAROLD E. NABORS
Chief Probation Officer

MADERA COUNTY PROBATION DEPARTMENT

209 W. Yosemite Ave.
Madera, California 93637



Tele (559) 675-7739
Fax (559) 673-0521

Attachment 9

MEMORANDUM

To: Board of Supervisors
From: Rick Dupree, Interim CPO *RhT*
Date: January 23, 2004
Re: Responses to Grand Jury 2003 Final Report



Recommendation

1. The facility's administration and licensed medical care providers should meet to determine the facility's medical equipment needs and aggressively seek to obtain any equipment deemed necessary for the level of medical care the facility is required to provide.

Response: The recommendation has been implemented.

The facility Superintendent and Medical Administrator have had communication and as a result the following has been accomplished. The Superintendent contacted Pistoressi Ambulance Service and they have agreed to donate one backboard to the Juvenile Detention Facility. This backboard will be stored in the main infirmary and will only be used by qualified medical or EMT staff. The Medical Administrator has ordered temporary splints to be stored in the main infirmary and again, will only be used by qualified medical or EMT staff.

Recommendation

2. Schedule an EMT or certified advanced first aid person to be available for after-hours emergencies.

Response: The recommendation will not be implemented because it is not warranted.

All Juvenile Detention Facility staff are trained and certified in CPR and as first responders in first aid. In the event of an after-hours emergency, staff is trained to immediately contact the facility Medical Administrator and Doctor, who are on-call 24 hours a day for consultation and direction as necessary. Shift Supervisors have the authority to request an ambulance and transportation of a minor to a local hospital with or without the Medical Administrator's authorization should the situation require immediate treatment.

Recommendation

3. The Juvenile Hall staff should be trained to immediately contact the facility's administrator and EMT/first aid person in the event of an after hours emergency.

Response: The recommendation has been implemented.

All Juvenile Detention Facility staff are trained and certified in CPR and as first responders in first aid. Staff is also trained to immediately contact the Medical Administrator and/or an ambulance, for the immediate care and treatment of an injured or sick minor as the situation dictates. Shift Supervisors have the authority to request an ambulance and transportation of a minor to a local hospital with or without the Medical Administrator's authorization should the situation require immediate treatment.



Cc: Superior Court
Stell Manfredi, CAO



Administrative Management
COUNTY OF MADERA

FILED

JAN 13 2004

333 West Olive Avenue, Madera, CA 93637

MADERA COUNTY BOARD OF SUPERVISORS

559-675-7703 Fax 559-675-7950

January 9, 2004



To: Rick Dupree
Assistant Chief Probation Officer

From: Stanley Koehler *Stanley Koehler*
Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report

The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
Emergency Medical Procedures at the Juvenile Hall	14	1 thru 3

Due to the change in this year's Grand Jury Report format and the Grand Jury submitting a copy of the report to your department, we are not attaching copies of the specific sections. If you have not received a Grand Jury Report, please contact me immediately.

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month of March.

As a reminder, Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

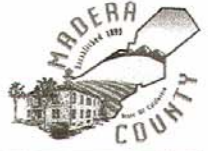
cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors





MADERA COUNTY PROBATION

Juvenile Detention Facilities



Rick Dupree
Chief Probation Officer
ALAN D PATCHELL, Superintendent
Juvenile Detention Facility
DOUG WHITE, Superintendent
Correctional Camp

28219 Avenue 14
Madera CA 93638
(559) 675-7899

28281 Avenue 14
Madera CA 93638
(559) 675-7854

TO: Rick Dupree
FROM: Al Patchell
DATE: January 7, 2004
RE: Juvenile Detention Facilities Response to The Grand Jury
Recommendations



1. The facility's administration and licensed medical care providers should meet to determine the facility's medical equipment needs and aggressively seek to obtain any equipment deemed necessary for the level of medical care the facility is required to provide.

Response:

The facility Superintendent and Medical Administrator have had communication and as a result the following has been accomplished. The Superintendent contacted Pistoresi Ambulance Service and they have agreed to donate one backboard to the Juvenile Detention Facility. This backboard will be stored in the main infirmary and will only be used by qualified medical or EMT staff. The Medical Administrator has ordered temporary splints to be stored in the main infirmary and again, will only be used by qualified medical or EMT staff.

2. Schedule an EMT or certified advanced first aid person to be available for the after hours emergencies.

Response:

All Juvenile Detention Facility staff are trained and certified in CPR and as first responders in first aid. As a result of research done by the facility Superintendent, it was determined that there are no basic EMT courses immediately available in the Madera/Fresno Counties area. The Superintendent did place his name on the mailing list for American Ambulance for notification should these classes be available in the future. It should be noted that these courses are quite costly, and with state training

funds being discontinued, the likelihood of participating in this training is anticipated to be very limited.

Should a minor experience a medical emergency when medical staff is not available, the minor is immobilized, monitored, an ambulance is called, and the minor is transported to a local hospital for treatment. The facility Medical Administrator and Doctor are also on-call 24 hours a day for consultation and direction as necessary.

3. The Juvenile Hall staff should be trained to immediately contact the facility's administrator and EMT/first aid person in the event of an after hours emergency.

Response:

All Juvenile Detention Facility staff are trained and certified in CPR and as first responders in first aid. Staff is also trained to immediately contact the Medical Administrator and/or an ambulance, for the immediate care and treatment of an injured or sick minor as the situation dictates. Shift Supervisors have the authority to request an ambulance and transportation of a minor to a local hospital with or without the Medical Administrators authorization should the situation require immediate treatment.

Cc: Honorable Edward Moffat
Harry Nabors
Stell Manfredi



Administrative Management
COUNTY OF MADERA

FILED

JAN 13 2004

333 West Olive Avenue, Madera, CA 93637

559-675-7703 Fax 559-675-7950

MADERA COUNTY BOARD OF SUPERVISORS

January 9, 2004



To: Linda Sitterding
County Librarian

From: Stanley Koehler *Stanley Koehler*
Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report

The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
Madera County Correctional Facility (Jail)	11	#2

Due to the change in this year's Grand Jury Report format and the Grand Jury submitting a copy of the report to your department, we are not attaching copies of the specific sections. If you have not received a Grand Jury Report, please contact me immediately.

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month of March.

As a reminder, Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors





Attachment 5

MADERA COUNTY LIBRARY

LINDA SITTERDING
County Librarian

121 North 'G' Street
Madera, California 93637
Phone: (559) 675-7871
Fax: (559) 675-7998

Date: February 11, 2004

To: Board of Supervisors

From: Linda Sitterding, County Librarian

Subj: Response to the Grand Jury Report of 2003

Site: [Grand Jury Report 2003: page 11; Madera County Correctional facility #2]

Recommendation

#2 Requests were made for additional paperback books for inmate use. The benefit of keeping an inmate's mind occupied by reading a book is considerably more constructive than potential alternatives. If the public cannot be easily reached in an effort to obtain a number of books, perhaps the excess stores maintained by the county libraries could provide a source for such donations.

The Recommendation has been implemented. The County Librarian met with Chief O'Brien to discuss the Grand Jury recommendation and determined that the County Librarian will select books for the County Jail based on a set of standards to be determined by expressed needs and curriculum support. The education officer will work closely with the County Librarian. Ordering will be through the Library with billing directed to the jail. The inmate welfare fund was identified as a potential source for funding. Selection has begun.





**COUNTY OF MADERA
OFFICE OF THE TREASURER/TAX COLLECTOR
TRACY KENNEDY DESMOND**

209 W. Yosemite, Madera, CA 93637
Telephone: (559) 675-7713 Fax: (559) 673-0262
e-mail: treasurer@madera-county.com

February 2, 2004

Hon. Edward P. Moffat, Grand Jury Presiding Judge
Madera County Superior Court
209 W. Yosemite Ave.
Madera, CA 93637



Dear Hon. Moffat:

The following is our response to the Grand Jury's 2003 report.

In March of 2000 an agreement was established between the Madera County Office of Education and the Treasurer/Tax Collector's office to determine how a shortage over time occurred with First Interstate Bank. For more than two years my staff committed themselves to research in an effort to identify how this shortage occurred.

We discovered many incidents where the schools issued checks twice to the same payee as well as other bookkeeping flaws. The District began taking in its possession all related bank records, journal entries, registers, and canceled checks and the checkbook registers since July 2003.

Based on our discoveries my office concluded its efforts to reconcile the schools commercial account in June 2002 based on the excessive investment of time and utilization of resources and that our efforts regarding this project may have never ended.

Sincerely

Tracy Kennedy-Desmond
Treasurer/Tax Collector

c.c. Stell Manfredi, County Administrative Officer
Stanley Koehler, Assistant Administrative Officer





Administrative Management
COUNTY OF MADERA

333 West Olive Avenue, Madera, CA 93637

559-675-7703 Fax 559-675-7950

FILED

JAN 13 2004

MADERA COUNTY BOARD
 OF SUPERVISORS

January 9, 2004

To: Stell Manfredi
 County Administrative Officer

From: Stanley Koehler *Stanley Koehler*
 Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report



The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
Review of Janitorial Services for Eastern Madera County Offices	9	1 thru 3

Due to the change in this year's Grand Jury Report format and the Grand Jury submitting a copy of the report to your department, we are not attaching copies of the specific sections. If you have not received a Grand Jury Report, please contact me immediately.

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month

of March.

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- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

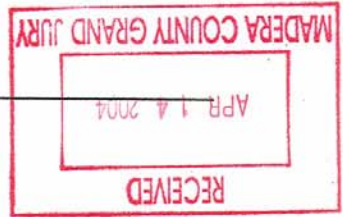
Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors



Attachment 3

MADERA COUNTY PURCHASING DEPARTMENT, ATTN: BOB WINSLOW
 FAX: 675-7693
 JANITORIAL MONITORING FORM FOR MOUNTAIN AREA



Date: _____ County Dept. _____
 Reported by: _____

Use this form to document the cleaning activities of the janitorial service.
 Please use this form daily to indicate deficiencies or conversely to show where the
 service has been satisfactory or better. Fax to 675-7693.

Restrooms:	Frequency	Completed Yes/No
Sanitize toilets, seats and urinals.....	Daily	
Refill all dispensers with paper or soap as needed..	Daily	
Sweep and wet mop restroom floors.....	Daily	
Scrub sinks clean.....	Daily	
Clean restroom mirrors.....	Daily	
Bleach or disinfect restroom tiles.....	2/ month	
Spot wash restroom walls, partitions and doors.....	Daily	
Offices:		
Empty all waste baskets.....	Daily	
Clean all sinks in departments.....	Daily	
Vacuum carpets , in walkway areas and under desks....	Daily	
Dust counters and file cabinets.....	1/ week	
Leave only night designated lights on.....	Daily	
Check windows and doors to be locked when done.....	Daily	
Buildings:		
Clean lobbies and entry ways(inside and outside).....	Daily	
Wash entry way door glass (inside and outside).....	Daily	
Mop, wax, and polish all hard surface floors.....	2/ month	
Wash drinking fountains.....	Daily	
Shampoo carpets.....	4/ year	
Wash all outside windows.....	4/ year	
Remove spider webs from ceilings.....	1/ month	
Strip, wax, and refinish all tile floors.....	1/ year	
Clean restrooms and hose down holding cell floor.....	2/ week	

Comments:

Attachment 2



**County of Madera
Department of Animal Control**

14269 Road 28
Madera CA 93638

559-675-7891 FAX 559-675-7617

REMEMBER TO SPAY AND NEUTER



February 11, 2004

TO: Stan Kohler, Assistant Administrative Officer
FROM: Kirsten Gross, Director *(Signature)*
SUBJECT: Grand Jury Report Response

The first recommendation from the Grand Jury indicates that the 2004 Grand Jury review the matter of shelter improvements to determine if progress is being made in a timely manner.

Response; The recommendation has not yet been implemented, but will be implemented when the new Grand Jury can calendar time to review the progress of the shelter expansion. The Shelter Expansion Committee continues to work on planning, coordinating, and implementing the shelter expansion project. Considering the projected timeline, the expansion should be completed before the end of this calendar year.

The second recommendation from the Grand Jury pertains to the Maintenance Funds from the Roberta Wills Trust and that they not be used for anything other than maintenance of the shelter and the expansion.

Response; This recommendation has been implemented. The Roberta Wills Fund is a separate fund from the county general fund. The auditor keeps complete accounting for all transactions concerning the trust. With the Board of Supervisors and the Friends of Madera Animal Shelter overseeing the use of the funds, the Roberta Wills Trust will only be used for that which it was intended.

5



Administrative Management
COUNTY OF MADERA

333 West Olive Avenue, Madera, CA 93637

559-675-7703 Fax 559-675-7950

FILED

JAN 13 2004

MADERA COUNTY BOARD
 OF SUPERVISORS

January 9, 2004

To: Kirsten Gross
 Animal Control Director

From: Stanley Koehler *Stanley Koehler*
 Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report



The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
Animal Shelter and the Roberta J. Wills Trust	8	2

Due to the change in this year's Grand Jury Report format and the Grand Jury submitting a copy of the report to your department, we are not attaching copies of the specific sections. If you have not received a Grand Jury Report, please contact me immediately.

We request your responses to be submitted to this Office by Friday, February 13th.

It is the responsibility of this Office to review and potentially request changes to your submitted response(s); therefore, please submit your response in draft form. After review, we will request your document in final form. We anticipate that our Office will review and compile your responses for consideration by the Board of Supervisors during the month of March.

As a reminder, Penal Code Section 933.05 requires the following:

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- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor."

Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors



Chowchilla Water District

POST OFFICE BOX 905 - 327 S. CHOWCHILLA BLVD.
CHOWCHILLA, CALIFORNIA 93610

TELEPHONE (559) 665-3747
FACSIMILE (559) 665-3740
E-MAIL cwd@thegrid.net

FILED

APR 01 2004

MADERA COUNTY BOARD
OF SUPERVISORS

March 29, 2004

Madera County Board of Supervisors
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2003 Final Report of the Grand Jury



Dear Madera County Board of Supervisors:

Following is the Chowchilla Water District's response to the 2003 Final Report of the Grand Jury, as it pertains to the Madera-Chowchilla Water & Power Authority (MCWAP).

The MCWPA owns and operates four hydroelectric power plants located on the Madera Canal. These hydroelectric power plants have annually generated an average of 8,542,971 KWH (kilowatt hours) of electrical power since construction about 17 years ago. During the hot summer months when electrical power is critically needed, MCWPA's hydroelectric power plants generate enough power to supply the electrical needs of about 2,000 homes. While providing this valuable service to the citizens of Madera County, MCWPA's hydroelectric power plants emit zero pollutants into the air and water of the county.

The Grand Jury reported that MCWPA receives an average of 5.37 cents/KWH under its PG&E contract. The 5.37 cents/KWH is for the electrical energy provided to PG&E. MCWPA also receives an average of 2.9 cents/KWH "capacity payment" under the PG&E contract. The Grand Jury has asserted that the lack of a guaranteed year round supply of water virtually assures that there will be insufficient income to repay the loans and bonds on the hydroelectric power plants. The ability of the plants to cover the costs to operate, maintain and repay debt is dependent on two main factors, water supply and energy/capacity payments from PG&E. The original decision to build the hydroelectric power plants was based on the historical variable supply of water supplied to the districts each year. It was never anticipated that the hydroelectric power plants would run year round. MCWPA will continue to analyze the benefit/cost to operate the plants as it enters into future contracts with PG&E or other energy companies.

In August of 2002, the largest of MCWPA's four hydroelectric power plants had a mechanical failure, which resulted in major damage to the turbine and turbine shaft. The cost to repair the turbine and turbine shaft was about \$908,000, which was paid for by MCWPA's insurance carrier. Substantial mechanical rehabilitation was performed on the other three power plants in 2003. With the assistance of a consultant, the MCWPA updated its preventive maintenance schedules, operational procedures and provided additional training to its employees in 2003.

It is the sole responsibility of the MCWPA Board of Directors to review the costs and benefits of owning and operating its hydroelectric power plants. The Board has reviewed and will continue to review and consider all options available to it in regards to the ownership and operation of its hydroelectric power plants.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Caphart". The signature is written in a cursive style with a large, stylized initial "R".

Robert Caphart
President, CWD Board of Directors

Madera-Chowchilla Water & Power Authority

POST OFFICE BOX 905 - 327 S. CHOWCHILLA BLVD.
CHOWCHILLA, CALIFORNIA 93610

TELEPHONE (559) 665-3747
FACSIMILE (559) 665-3740
E-MAIL cwd@thegrid.net

FILED

APR 11 2004



March 29, 2004

Madera County Board of Supervisors
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2003 Final Report of the Grand Jury

Dear Madera County Board of Supervisors:

Following is the Madera-Chowchilla Water & Power Authority's (MCWPA) response to the 2003 Final Report of the Grand Jury, as it pertains to MCWPA.

The MCWPA owns and operates four hydroelectric power plants located on the Madera Canal. These hydroelectric power plants have annually generated an average of 8,542,971 KWH (kilowatt hours) of electrical power since construction about 17 years ago. During the hot summer months when electrical power is critically needed, MCWPA's hydroelectric power plants generate enough power to supply the electrical needs of about 2,000 homes. While providing this valuable service to the citizens of Madera County, MCWPA's hydroelectric power plants emit zero pollutants into the air and water of the county.

The Grand Jury reported that MCWPA receives an average of 5.37 cents/KWH under its PG&E contract. The 5.37 cents/KWH is for the electrical energy provided to PG&E. MCWPA also receives an average of 2.9 cents/KWH "capacity payment" under the PG&E contract. The Grand Jury has asserted that the lack of a guaranteed year round supply of water virtually assures that there will be insufficient income to repay the loans and bonds on the hydroelectric power plants. The ability of the plants to cover the costs to operate, maintain and repay debt is dependent on two main factors, water supply and energy/capacity payments from PG&E. The original decision to build the hydroelectric power plants was based on the historical variable supply of water supplied to the districts each year. It was never anticipated that the hydroelectric power plants would run year round. MCWPA will continue to analyze the benefit/cost to operate the plants as it enters into future contracts with PG&E or other energy companies.

A small, handwritten mark or signature in the bottom right corner of the page.

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It is the sole responsibility of the MCWPA Board of Directors to review the costs and benefits of owning and operating its hydroelectric power plants. The Board has reviewed and will continue to review and consider all options available to it in regards to the ownership and operation of its hydroelectric power plants.

Sincerely,



Carl Janzen
President, MCWPA





RESOURCE MANAGEMENT AGENCY

Kathy A. Kivley, Interim Director

Attachment 4

2037 West Cleveland Avenue #G
Madera, CA 93637
(559) 661-6333
FAX (559) 675-6573
kakivley@madera-county.com



DATE: February 10, 2004
TO: Stanley Koehler, Assistant Administrative Officer
FROM: Kathy A. Kivley, Interim Director *Kathy A. Kivley*
SUBJECT: Responses to Grand Jury 2003 Final Report

In reference to your memorandum dated January 9, 2004, requesting responses for the items as follows:

County Road Department Encroachment Bonds – The ability to track and manage driveway approach deposits has been implemented as of July 2003. See attached response

Madera Ranchos Water District – MD 10A – Current status of improvements and projections for the coming year of MD 10A to be mailed to residents prior to April 1, 2004. See attached response

Attachment 4, No. 1



RESOURCE MANAGEMENT AGENCY Road Department

• 2037 W. Cleveland Ave., MS#D
• Madera, CA 93637-8720
• (559) 661-6333
• FAX (559) 675-7631
• TDD (559) 675-8970

Robert E. Townsend, Road Commissioner



February 4, 2004

TO: Kathy Kivley, Deputy RMA Director
FROM: Robert E. Townsend, Road Commissioner *RET*
SUBJECT: Response to Grand Jury 2003 Final Report regarding driveway approach deposits.

The Grand Jury's recommendation to improve the Road Dept. ability to track and manage driveway approach deposits has been implemented. As of July 2003 the Road Dept. has been using a custom designed computer program to monitor deposit information.

The Grand Jury's recommendation for the Road Dept. to properly affect 25 year old procedures has not yet been implemented but will be implemented in the future. The Road Dept. in cooperation with County Counsel is preparing a complete revision of Madera County Code Chapter 14.08.072. This revision will update deposit amounts and clearly define County procedure for noncompliance. This revision will be presented for approval to the Board of Supervisors by May 2004.

The Grand Jury's recommendation to implement the "Posse" permit tracking program has not yet been implemented but will be implemented in the future. The Road Dept. is in communication with Computronix to have the "Posse" program installed on Road Dept. computers during March of 2004 for testing purposes with full implementation scheduled for July 2004.

C: Larry Colucci, Deputy Road Commissioner
Gary Bispham, Assistant Engineer
Dave Prentice, County Counsel
Jim Gerecke, Deputy County Counsel

S:\ENG\GARY\Grand Jury\Grand Jury 2003 response revision 1.doc



Administrative Management
COUNTY OF MADERA

333 West Olive Avenue, Madera, CA 93637
 559-675-7703 Fax 559-675-7950

FILED
 JAN 13 2004
 MADERA COUNTY BOARD
 OF SUPERVISORS

January 9, 2004



To: Kathy Kively
 Deputy RMA Director

From: Stanley Koehler *Stanley Koehler*
 Assistant Administrative Officer

Subject: Responses to Grand Jury 2003 Final Report

The Grand Jury 2003 Final Report has now been filed with the County. There are sections within the Report that will require a response in relation to the operation of your Department.

The following are the Report Topics and specific recommendations that you being requested to submit. If any of the recommendations(s) are not within your operational authority, please state so, and why.

Grand Jury Report Topic	Page #	Rec #
County Road Department Encroachment Bonds	10	#1
Madera Ranchos Water District - MD 10A	17	#1

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Please make every effort to format your response(s) using the above requirements.

Thank you for your cooperation and attention to this memorandum, If you have any questions, please call me.

cc: Stell Manfredi, County Administrative Officer
Chief Clerk of the Board of Supervisors



Attachment 4, No. 2



Engineering and General Services

2037 W. Cleveland Avenue
Madera, CA 93637

(559) 661-6333
(559) 675-7639 FAX
(559) 675-8970 TDD

Bass Lake Office
40601 Road 274
Bass Lake, CA 93604

(559) 642-3203
(559) 658-6959 FAX

John Mitchell, County Engineer

February 4, 2004

TO: JOHN MITCHELL

FROM: JOE BECK *[Signature]*

RE: GRAND JURY RECOMMENDATION



The Grand Jury has recommended an annual information document be sent to all Madera Ranchos property owners in MD -10A with current status of improvements and projections for the coming year. This could be sent out with the Annual Drinking Water Quality Report that is being sent at year end.

District staff will comply with the Grand Jury request. The referenced informational document will be attached to the Annual Drinking Water Quality Report and mailed prior to April 1, 2004 as required by the Department of Health Services.

Cc: Linda Alexander
MD 10A File



RESOURCE MANAGEMENT AGENCY Road Department

Robert E. Townsend, Road Commissioner

- 2037 W. Cleveland Ave., MS#D
- Madera, CA 93637-8720
- (559) 661-6333
- FAX (559) 675-7631
- TDD (559) 675-8970

August 11, 2004

TO: Foreman Grand Jury

FROM: Robert E. Townsend, Road Commissioner *RET*

SUBJECT: Status of Road Department compliance to 2003 Grand Jury Report regarding driveway approach deposits.

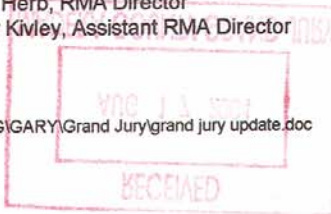
In response to the 2003 Grand Jury Report suggesting that Madera County revise the existing 25-year-old driveway approach deposit ordinance. The Board of Supervisors on March 23, 2004 approved the complete revision of Sec 14.08.072. The conditions and penalties related to placing a deposit for a driveway approach are now clearly stated in Madera County Code.

The amount required for a driveway approach deposit has been removed from the driveway ordinance and is now set by resolution. This allows for easier updating of the amount of the deposit and with the built in inflation factor the amount will be adjusted each year no longer creating a situation where the deposit amount does not reflect the actual costs involved in the construction of a driveway approach. The Board of Supervisors, on August 3, 2004, approved the resolution setting the deposit amount and this new deposit amount will go into affect September 3, 2004.

The Road Department would like to thank the grand jury for it's diligence and insight in bringing this matter to our attention and for the manner in which the grand jury approached this department regarding the driveway approach deposit situation. If the Road Department can be of any further assistance regarding this matter, please contact us at (559) 661-6333.

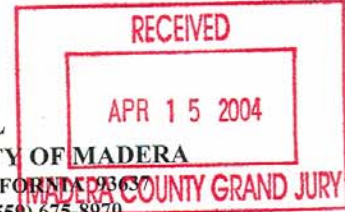
Cc: Board of Supervisors
Stell Manfredi, CAO
Dave Herb, RMA Director
Kathy Kivley, Assistant RMA Director

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ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
 209 W YOSEMITE AVENUE/MADERA, CALIFORNIA 95369
 (559) 675-7707 / FAX (559) 673-0262 / TDD (559) 675-8970



March 9, 2004

From: Robert F. DeWall, CPA, Auditor-Controller *Robert F. DeWall*

To: Hon. Edward P. Moffat, Presiding Judge
 Madera County Superior Court of California

Re: Response of the Madera County Auditor-Controller to the 2003 Madera County Grand Jury Report.

The subject report lists the Madera County Auditor as one of the entities to respond to the item entitled "Uncollected Madera County Court Fees". I begin my response with a brief history of the relationship between the County and the Courts.

1. Prior to January 1, 1998, the Courts were a department of the County General Fund. The Board of Supervisors had authority to approve the annual Court appropriations and the County Auditor-Controller had authority to apply accounting internal controls and to audit Court fiscal operations. Assembly Bill 233, effective January 1, 1998 made the Courts independent from the County. The Board no longer has authority to approve Court appropriations and the County Auditor no longer has authority neither to apply accounting internal controls nor to audit fiscal operations.
2. In a letter dated February 29, 2000, Robert Wilson, then Manager of the Revenues Services Division of my department, proposed to the Board of Supervisors, the development of a Centralized Collection Center for court fines, etc. This proposal included the transfer of collection activities on various types of accounts from the County Probation Department and the Superior Courts to the Revenue Services Office. The Board of Supervisors at their February 7, 2000 public meeting considered this proposal and directed the Administrative Office to compile a comparable analysis of Mr. Wilson's proposal to proposals from outside vendors.

3. In a letter to the Board dated December 28, 2000, Mr. Stan Koehler, Assistant County Administrative Officer, reported the results of his analysis to the Board. In his report Mr. Koehler stated, "the Court said they are not willing to have Revenue Services or any outside vendor process their delinquent accounts for collection." At their January 16, 2001 public meeting, the Board directed the Administrative Office to review this report and to submit a specific recommendation on what action the Board should take.
4. In a memo dated February 7, 2001, Mr. Dave Kennedy, Deputy County Counsel, opined that the clerk of the court may properly enter into agreements to collect court fines.
5. In a letter dated February 20, 2001, Mr. Koehler submitted a second report to the Board recommending that the Revenue Services office take over collections on Probation Department accounts. He also stated that the "Presiding Judge wishes to retain G. C. Service" to collect on accounts being administered by the Superior Court at that time.
6. At their February 27, 2001 public meeting the Board approved the transfer of the collection of accounts from the Probation Department to the Revenue Services Department and for staff to submit a report on review of the program in two years.
7. On January 22, 2004, I met with you, Court Executive Officer Harry Nabors, County Counsel David Prentice and County Administrative Officer Stell Manfredi. At that meeting I stated that the Revenue Services Office was still interested in taking over collection of the accounts currently being administered by the Superior Courts. You stated that you would compare my proposal to the current Court arrangements with outside collection agencies and consider making a change in procedures.

Based on the forgoing, it is my opinion that decisions relative to collection activities to be performed on the type of accounts currently being administered by the Superior Court lies wholly with the Presiding Judge of the Superior Court and that neither the County Board of Supervisors nor the County Auditor-Controller have any authority to direct or decide how these activities will be performed. As I stated on January 22, 2004, the Revenue Services Division of the County Auditor-Controller's Office is willing to assist the Courts in this area. I also believe that the recommendations of the 2003 Grand Jury relating to this topic must be considered in light of the independent status of the Superior Courts from Madera County.

Cc:
Stan Koehler, Assistant CAO

MADERA SUPERIOR COURT
STATE OF CALIFORNIA

RECEIVED
MAR 09 2004
BY: *Synde*

209 WEST YOSEMITE AVE
MADERA, CA 93637
(559) 661-3001
(559) 675-0701

EDWARD P. MOFFAT
PRESIDING JUDGE

March 8, 2004

Madera Grand Jury
c/o Jury Commissioners Office
209 W. Yosemite Ave.
Madera, Ca 93637

RECEIVED
APR 15 2004
MADERA COUNTY GRAND JURY

Re: Madera Superior Courts Response
to the 2003 Grand Jury Report

To the Madera Grand Jury of 2003:

In the Madera County Grand Jury Report of 2003, the Grand Jury found fault with the amount of fines and fees that were collected and the manner in which they were collected. This is a response to their recommendations, the Court has taken a number of steps to improve the collection process.

First, the implementation of the new Court Management System, "Sustain", has helped the Court track fines due. As a result the collection of fines has increased. The Court has been able to initiate "dinging" letters which have resulted in a good response.

Second, the Court has again reviewed the GC Services contract. The Court has not cancelled the agreement but has entered into negotiations to reduce their fee.

Third, the AOC audit has been received. The Court is implementing their recommended changes. The amount of Madera Court fines owed while significant was not out of line with a majority of the other counties in the state.

Grand Jury

- Page 2-

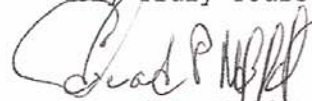
March 8, 2004

Fourth, as result of the significant amount of fines owed to the courts through out the state, the AOC with the inputs of SB940 has begun a plan for an overall statewide collection system. That plan encompasses using the DMV and the Franchise Tax Board to help in the collections. Then, when all else fails, contract with a private collection agency. The state plan while more extensive is similar to the plan we are using in the Madera Courts. Since the statewide plan is on the horizon, the Court is not making any drastic changes as these changes could be scrapped as a result of a state take over.

Fifth, the Court has met with the representatives of Madera County including the County Executive Officer and the Auditor. The Court is in the process of considering turning most of the collections over to the County Revenue Officer. It is felt however that citizens should have the right to pay the court rather than have to deal with a third agency when they are ready willing and able to pay their fines. Therefore, any transfer of collections would not include all accounts.

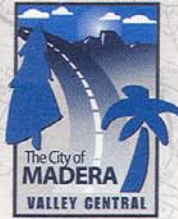
As the Grand Jury knows, the Court during the last fiscal year made a number of changes to improve the collection process. Those efforts have been successful. The Court with the help of our "Sustain" system, the AOC Audit Report, and the statewide collection plan, expects even better results in the coming fiscal year.

Very Truly Yours,



Edward P. McFfat
Presiding Judge
Madera Superior Court

/clr



salvarez@cityofmadera.com
559-661-5405
559-674-0446 Fax

**CITY OF MADERA
OFFICE OF THE CITY CLERK**

DECLARATION OF COUNCIL ACTION

Council Meeting of: May 19, 2004

Item Number: E-5

In the Matter of: Response to Grand Jury Report

Upon motion of Council Member M.J. Nabors, seconded by Council Member Gary L. Svanda, it is ordered that the attached **RESPONSE TO GRAND JURY REPORT** be received and is hereby accepted as presented.

I hereby certify that the above order was received and accepted at a regularly scheduled meeting of the Madera City Council on May 19, 2004 by the following vote, to wit:

- AYES: Council Member Wells, Skeels, Svanda, Nabors.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Council Member Armentrout.

ATTEST:

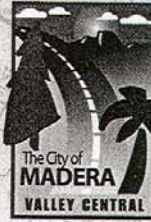
Sonia Alvarez
Sonia Alvarez
City Clerk



DATE:

May 20, 2004

C: Madera Co. Grand Jury ✓



REPORT TO CITY COUNCIL

COUNCIL MEETING OF 5/19/04

APPROVED BY:

AGENDA ITEM NUMBER E-5

DEPARTMENT DIRECTOR


CITY ADMINISTRATOR

SUBJECT: RESPONSE TO GRAND JURY REPORT

RECOMMENDATION:

This staff report recommends that the council approve the following two responses:

1. With regard to the first recommendation, the City Council agrees that it is important to explore ways to retain qualified police officers and that salaries are a significant issue in retention efforts. The record should reflect however, the significant pay raises police officers have received over and above those received by other city employees. In point of fact, other departments providing needed community services have historically had their budgets reduced in order to fund pay increases provided to officers.
2. With regard to the second recommendation, the City Council agrees that it should examine all funding sources including utility taxes as a means of funding general fund services of the city. It should be noted, however, that any new tax requires a vote of the electorate and that a specific as opposed to a general tax will require a 2/3 voter approval prior to implementation.

DISCUSSION:

The 2003 Grand Jury interviewed the Chief of Police and included a report on the Madera Police Department in their report to the Honorable Edward P. Moffat. The report includes two recommendations that as a matter of law, we must respond to.

Those recommendations are as follows:

1. The Madera City Council should explore ways to retain qualified Police Officers by correcting the disparity of Madera Police Officers' salaries versus those for similar positions in the surrounding larger cities.
2. The Madera City Council should continue to look for other funding sources such as a utility tax.

County of Madera
Office of the County Counsel

FILE

INTER-DEPARTMENT MEMORANDUM

Attachment 8

DATE: February 20, 2004

TO: Stan Koehler, Assistant Administrative Officer

FROM: William G. Smith, Deputy County Counsel *WGS*

RE: Response to Section of 2003 Grand Jury Report Alleging Illegal and Inappropriate Activities at Madera County Department of Social Services Fraud Unit

This memo constitutes this office's response to the section of the Madera County 2003 Grand Jury report entitled "**COMPLAINTS ALLEGING ILLEGAL AND INAPPROPRIATE ACTIVITIES AT MADERA COUNTY DEPARTMENT OF SOCIAL SERVICES FRAUD DEPARTMENT.**"

The County Counsel's office did not have any involvement or participation in the matters referenced in this portion of the Grand Jury's report.

WGS:ab



Letter of Transmittal

The 2004 Madera County Grand Jury
Final Report
Was Furnished
Per Penal Code 933(a)

To
Madera County Superior Court
Presiding Judge
Honorable Edward P. Moffat

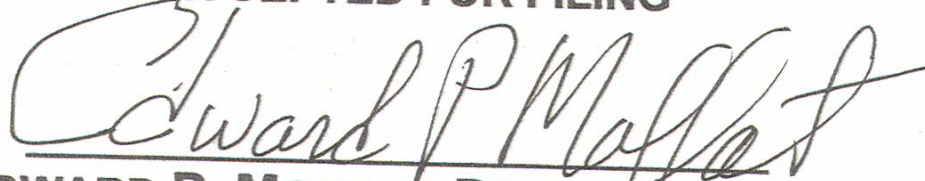
On the Sixteenth Day
Of
December, 2004

Having Read the Final Reports Contained Herein
And With the Review of the Responses
To Current and Prior Year
Final Reports

The Presiding Judge
Of The
2004 Madera County Grand Jury
Approved the Publication
Of The
2004 Madera County Grand Jury
Final Report

Final Report Approved:

ACCEPTED FOR FILING



**EDWARD P. MOFFAT, PRESIDING JUDGE
SUPERIOR COURT OF CALIFORNIA**

Secretary's Letter

2004 Madera County Grand Jury
PO Box 534 Madera, CA 93639-0534
Phone 559-662-0946 Fax

December 17, 2004

Citizens of Madera County,

As a member of the 2004 Madera County Grand Jury, I have had the pleasure of serving as the Secretary for The Grand Jury throughout the 2004 Calendar Year.

The 2004 Madera County Grand Jury has worked hard this year, in order to bring reports to the public as soon as possible. We did this so that the public would be able to learn of issues currently ongoing in our community. We did this through releases of information and Final Reports to the newspapers and television stations in our area.

The 2004 Madera County Grand Jury also took the bold step to reduce the cost of the Grand Jury process on the government, by creating a website for the release of Final Reports, information for the public, including governmental phone numbers, and links to the government websites within Madera County. The new website, which is always available to our Citizens, is:

<http://www.maderagrandjury.org>

The Grand Jury received sixteen complaints from Madera Citizens. After careful review, the 2004 Madera County Grand Jury determined that with the constraints on time and resources, that eleven of the complaints warranted further investigation and inquiry. Although the 2004 Madera County Grand Jury would have liked to investigate into the other complaints received, the time simply did not allow for this to occur. The 2004 Madera County Grand Jury has forwarded the complaints that warrant further investigation, and were not acted upon in this Grand Jury term, to the 2005 Madera County Grand Jury for review and possible investigations.

As my final act as Secretary for The 2004 Madera County Grand Jury, I hereby state that all the Final Reports created by The 2004 Madera County Grand Jury are contained in this Year-end Final Report, and represent all the investigations and work performed on behalf of the Citizens Of Madera County.

The 2004 Madera County Grand Jury Printed 250 Bound Copies of the Final Report, and distributed 800 CD Versions, in addition to the Final Report available in digital form at the Madera Grand Jury website. The CD version and website version are both viewable in formats designed for all viewing levels, including large type.

Respectfully Submitted,



Mikhail Haynes, Secretary
2004 Madera County Grand Jury

This Certificate Was
Awarded
to
The 2003 Madera County Grand Jury



California Grand Jurors' Association

2004 Excellence in Reporting Award

Presented at the 23rd CGJA Annual Conference
October 15th, 2004 - Fairfield, California

Certificate of Merit for Excellence in Reporting

2003 Madera County Grand Jury

For their report on uncollected court fees.



Excellence in Reporting

The Excellence in Reporting Award program was founded to recognize grand juries and the media who have created positive changes in their communities by increasing awareness of the California grand jury system.

Beverly Hill

Beverly Benedict Hill, Chair
Excellence in Reporting Program

Elwood Moger

Elwood Moger, President
California Grand Jurors' Association

Certificate of Merit**California Grand Jurors' Association**

Linda L. Baker, Director, 1960 Kent Drive, Brentwood, California 94513
Website: www.cgja.org ~ Email: lostkeys@comcast.net ~ Fax: (925-439-2467)

EXCELLENCE- IN-REPORTING AWARD**MADERA COUNTY GRAND JURY**

A Certificate of Merit for Excellence in Reporting is awarded to the 2003 Madera County Grand Jury for its persistence in continuing the investigation initiated by the 2002 Grand Jury into years of uncollected Court Fees, Trial Court Fines, and Bail Forfeitures that may total as much as \$20 million. While total collections had not increased over a period of about 10 years, the number of fines levied, and their total dollar amount, had increased substantially. When called to testify before the Grand Jury, the Court Executive Officer took the position that the Grand Jury had no jurisdiction over Superior Court operations because Court staff were no longer County, but State of California, employees and therefore had no obligation to account for collections to the County. When counsel attempted to quash the Grand Jury's subpoenae, the Grand Jury consulted with the California Grand Juror's Association and subsequently urged the County Board of Supervisors to exercise its authority to oversee documentation of collection of the Court fees/fines belonging to the County by conducting an independent audit. Prior to the audit, however, the Presiding Judge terminated the Court Executive Officer and opened the Court's records to the Grand Jury and State auditors from the Administrative Office of the Courts.

After the Trial Court Funding Act took effect, courts were not provided a means to track and collect unpaid fees/fines, and the Madera County Superior Court elected not to participate in the County's collection procedures, instead opting to use a private collection agency. As a result of investigation by the Grand Jurors, and with a new Executive Officer, the unpaid fines were computerized, "payment due" notices were reinstated, and collection procedures were centralized, thus ensuring increased County revenue that will benefit its citizens. The 2003 Grand Jury Final Report actually prompted remedial action and further highlighted a statewide problem that the Judicial Council has undertaken to review for all courts.

MADERA TRIBUNE and GLENNA JARVIS

A Certificate of Appreciation for Excellence in Reporting is awarded to the Madera Tribune and its staff writer Glenna Jarvis, whose coverage of the Grand Jury's report on uncollected Court fees informed the community and its leaders of a potential revenue stream that was lying fallow. You are commended for your accurate and timely news articles on the activities of the all-volunteer Madera County Grand Jury, which have helped to assure open County government.

MADERA COUNTY GRAND JURY

PO Box 534 Madera Ca 93639
(559) 662-0946

CITIZEN COMPLAINT FORM

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE:

Name: _____
Address: _____
Telephone: _____

NATURE OF COMPLAINT

Describe the events in the order they occurred as concisely as possible; attach any correspondence or documents in your possession.

_____ Attach extra pages if necessary.

COMPLAINT CONTACTS

What other persons or agencies have you contacted about this problem?

Name or Agency	Address	Date of Contact
_____	_____	_____
_____	_____	_____

GRAND JURY CONTACTS

Who do you believe the Grand Jury should contact about this matter?

Name or Agency	Address	Date of Contact
_____	_____	_____
_____	_____	_____

ACTION REQUIRED

Describe the action you wish the Grand Jury to take.

COMPLAINANT:

Name _____
Address: _____
Telephone: _____

The information presented in this form is true, correct and complete to the best of my knowledge.

SIGNATURE OF COMPLAINANT

DATE

GRAND JURY QUESTIONNAIRE

Office of the Jury Commissioner
County of Madera

County Government Center
Telephone: (559) 675-7730
Toll Free: (800) 533-5221

PLEASE PRINT

Name _____
Address _____
City/ZIP _____

OFFICIAL USE ONLY
DISTRICT: _____

QUALIFICATIONS

Juror ID #

GENERAL INFORMATION

Employer _____

Occupation _____

If Retired, Past occupation

Home Phone _____

Work or Cell Phone _____

Male _____ Female _____

Spouse's Name _____

Spouse's Occupation _____

Education (circle highest grade completed)
1 2 3 4 5 6 7 8 9 10 11 12

College: 1 2 3 4 5 6 7 8

1. I am currently serving as a juror in the State or Federal Court? Yes No

2. I am now a litigant in a court case in this county? Yes No

3. I am under a conservatorship? Yes No

4. I am or an immediate family member is an appointed or elected public official (any agency). Yes No

5. I have been convicted of a felony? Yes No

6. How long have you been a resident of Madera County? _____

7. I hereby declare that I will be available for Grand Jury service for approximately 300 hours during the Calendar Year 2006.

Yes _____ No _____

8. I am willing to serve on the Madera County Grand Jury in 2006?

Yes _____ No _____

Date of Birth: _____ / _____ / _____
Month Day Year

EMAIL ADDRESS: _____

I hereby declare under perjury of the laws of the State of California that the foregoing is true and correct.

Signature

Date

This questionnaire is to assist the Judges of the Superior Court in completing a list of nominees which fairly represents a cross-section of our community. Some of the questions that may seem personal are necessary in order to assure the judges that the group they nominate, from which the final names will be drawn, represents various age groups, economic, social and ethnic backgrounds. Your answers to those questions are for Court use only. Place this form in an envelope and return to the address above.

The 2004 Madera County Grand Jury

Thanks the Following Entities

For the Publishing

Of

The 2004 Madera County Grand Jury Final Report

The Madera Unified School District Printshop

Sierra-Tel Internet Services

The Sierra Star

The Madera Tribune