

**2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT**

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With signatures below this document becomes

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**THE FINAL REPORT OF  
THE  
2005-2006 MADERA COUNTY GRAND JURY**

**JANUARY 01, 2005 to JUNE 30, 2006**

**APPROVED BY THE GRAND JURY:**

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**DOUG KLEIST, FOREMAN**

**ACCEPTED FOR FILING:**

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**EDWARD P. MOFFAT, PRESIDING JUDGE  
SUPERIOR COURT OF CALIFORNIA  
2005 -2006 MADERA COUNTY GRAND JURY FINAL REPORT**

**THE 2005-2006 MADERA COUNTY GRAND JURY  
WISHES TO THANK  
THESE OFFICALS  
FOR THERE CONTINUED ASSISTANCE**

**GRAND JURY PRESIDING JUDGE**

THE HONORABLE EDWARD P. MOFFAT

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**2005 Madera County Grand Jury**  
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## **The Madera County Grand Jury & 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.

**T**oday's Grand Jury's in America were 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, of 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 the Grand Jury office at 559-662-0946 or fax at (559) 662-0848. 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.

2005 Madera County Grand Jury



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**THE 2005- 2006 MADERA COUNTY GRAND JURY  
FINAL REPORT OF THE  
CENTRAL CALIFORNIA WOMEN'S FACILITY**

Pursuant to section 919B, members of the Grand Jury toured the Central California Women's Prison (CCWF) February 28, 2005. The Grand Jury's duty is, as described in the California Penal Code, "to inquire into the condition and management of the public prisons within the County".

The prison is the largest women's prison in the United States and is designed to house 1940 prisoners. The prison population presently consists of 3,800 inmates, 14 of which are on death row. Three fences surround the grounds; the middle fence is electrified and would cause instant death if touched. The inner and outer barriers are topped with razor wire. There has never been an escape. The prison has been featured on the television programs "60 Minutes", "American Justice", and documentaries for British and French television.

The grounds consist of 640 acres well maintained by the prisoners. Part of this land is farming area. There are almond trees and on 245 acres they raise oats, alfalfa and winter forage. These crops are sold and the money earned from them is part of the prison's income.

The Joint Venture Enterprise (JVE) is a partnership with a company for the community that has hired inmates as part of their workforce. They produce circuit boards, wiring harnesses and mechanical apparatus. They are paid a prevailing wage and the wage is divided into the following categories:

1. Mandatory savings
2. Family
3. Canteen purchases
4. Room and Board
5. Restitution to the victims families

The aim of the prison is to secure inmates in a safe environment and provide educational opportunities. If an inmate does not know how to read, instruction will be provided. The trade schools include:

- Cabinetry
- Plumbing
- Electrical
- Vehicle Maintenance and Repair
- Refrigeration
- HVAC (Heating and Air Conditioning)

- Cosmetology
- Dental Technician

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Upon touring the cabinet shop, the Grand Jury was introduced to the various aspects of the cabinetry course. These include fine millwork on signs and various projects for County buildings such as tables, cabinets and bookcases. Each year the scraps from these projects are fashioned into a workable object and used as charitable donations. This year the scraps are being used to make wooden toys for needy children. Instruction is given on all the equipment except for the crosscut table saw and that is used only by the instructor.

Bikes are donated to the prison to be repaired or painted. They are then given to the local law enforcement agencies to be distributed at Christmas to needy children.

The goal of this institution is to reform and educate inmates to be productive citizens.

Dress codes for inmates are as follows:

- Orange jumpsuits are for new inmates
- Blue and white for the general population
- Lime Green for the prisoners who work outside the secured perimeter.
- Civilian clothing is permitted for inmates at specific times.
- Death Row inmates can wear civilian clothing at any time they are inside the housing unit.

The Prison Industry Authority (PIA) provides a large number of products and services. There are 13 categories of goods and services that include 71 sub-categories. A special lengthy report could be written on this subject alone. Some areas of interest are:

- Seamstress Shop – sews and provides the clothing and uniforms for the prisoners
- Silk Screening – Makes the California State Flags. On the date of this tour the inmates were completing an order of 300 flags for a state senator all of which had to be perfect before released. (When viewing a California State Flag, look to see if the bear has claws – this is a trademark of the PIA Industry.)
- The dental program is a two-year program where education and training to make dentures of all types is learned. This school receives prescriptions from the other prisons in the state and makes new dentures for those inmates or repair the ones sent to their program. All dentures made for the State Med-Cal Program are manufactured here.

The PIA provides work assignments for 7,000 inmates at an annual savings of 15 million dollars to tax payers. Up to 20% of the prisoner's earned wages are transferred to the Crime Victims Restitution Fund. Inmates receive \$.30 to \$.95 per

hour before deductions. PIA products and services are available to government entities including federal, state and local government agencies.

The prison kitchen provides 3,800 meals three times a day, two of which are hot and one cold box lunch that is supplied by an outside source. A healthy diet is served including all the required food groups which consists of 2,600 calories per day. Food to be served in the dining area is quality control tasted by 9 officers before the meal is

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distributed to the prisoners. Diabetic and kosher meals are available and obtained from New York. None of the staff eat in the cafeteria.

Beginning in July 1, 2005, no smoking will be allowed in any prison in California by staff or inmates as designated by the California Legislature.

**Conclusion:**

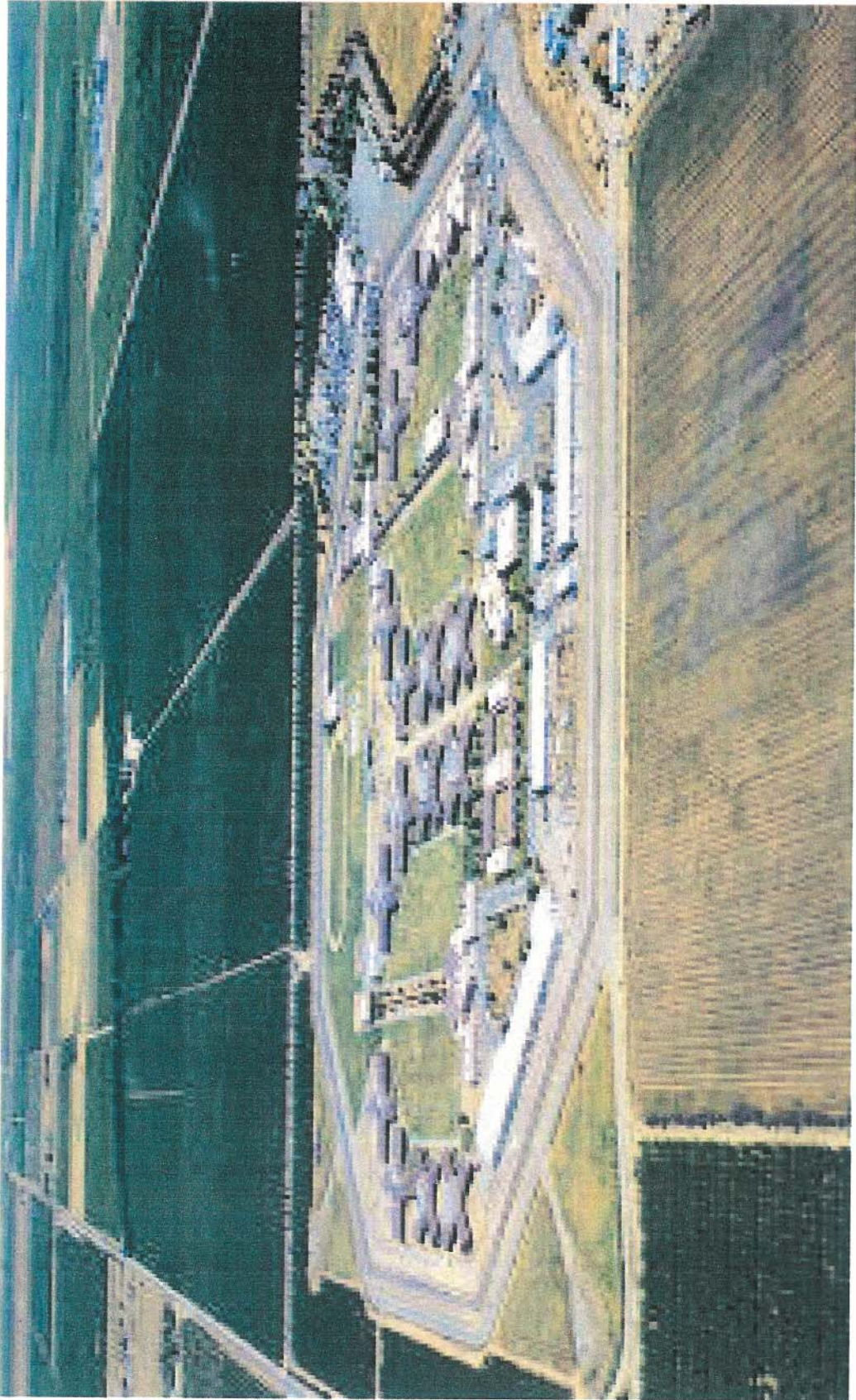
- Inmates are well provided for.
- The staff was very professional and knowledgeable
- Prison grounds and buildings are well maintained
- The floor in the kitchen where the freezer was previously located has been repaired as recommended by the 2004 Madera County Grand Jury.

**Recommendations:**

Inmates who work in the cabinet shop be required to wear protective eyewear.

**Responses not required**

- Central California Women's Facility – Warden's Office
- California Department of Corrections
- The Madera County Board of Supervisors









2005-2006 Madera County Grand Jury  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
CENTRAL CALIFORNIA WOMEN'S FACILITY FIRE DEPARTMENT**

**INTRODUCTION:**

On August 8, 2005, members of the Grand Jury attended a tour and demonstration at the Fire Department located on the grounds of the Central California Women's Facility in Chowchilla, California.

The Fire Department serves:

- Central California Women's Facility
- Valley State Prison for Women
- Many areas of Madera County

**FINDINGS:**

The Fire Department is staffed by:

- One Chief
- Five Captains
- Nine Inmate Firefighters
- One Dispatcher/Chef

All firefighters are trained in basic structural and wildland fire operations, CPR, first aid, automatic external defibrillator and hazardous materials first responder. Some of the services they provide are:

- Fire Suppression
- Rescue
- Medical Aid
- Fire Prevention
- Fire Extinguisher Servicing
- Hazardous Materials Emergency Decontamination
- Fire Prevention Inspection
- Safety and Environmental Management

Equipment:

- 1989 Type 1 Engine with pump and roll capability, 750 gallon water tank, 1,400 feet of 3" fire hose, jaws of life and automatic defibrillator.

- 1994 Type 1 engine with pump and roll capability, 500 gallon water tank, 1,400' of 3" fire hose, jaws of life and an on board generator and mounted floodlights.
- 2004 4WD Command Unit
- 2004 4WD Patrol Unit 300 Gallon Water, 200" 1" Hose

In 2004 the CCWF Fire Department responded to 1200 medical, fire related and rescue calls. There is a mutual aid agreement between the CCWF Fire Department and the Madera County Fire Department assisting each other in cases of emergency.

The CCWF Fire Department provides:

- Automatic dispatch response for fire, rescue and medical aid to 150 square miles of Madera County
- 1,252 inmate hours of community service.

### **INMATE FIREFIGHTERS**

- Before being assigned to the fire department, an inmate goes through the following steps:
  1. Express an Interest in the Fire Department
  2. Nominated by their Counselor
  3. Reviewed by the Unit Classification Committee
  4. Reviewed by the Institutional Classification Committee
  5. Approved by the Warden
  6. Interviewed and Approved by the Fire Department

Once assigned to the fire department, the inmate must meet critical performance standards before becoming a firefighter.

- Inmate firefighters live at the fire department
- Duty Hours are Monday through Friday, 0600 – 1500
- Provide emergency response on a 24/7 basis, on call basis on weekends
- Understand and follow firefighter safety requirements
- Mandatory physical fitness training
- Operate all power tools
- Operate breathing air compressor
- Operate apparatus pumps

- Perform vehicle checks
- Operate the “Jaws of Life”
- Earn CPR/AED Certification
- Learn to Re-Service Fire Extinguishers

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Final Report/CCWF Fire Department

From 1995 through 2004, inmate fire crews have made 2,300 emergency responses and performed over 7,000 hours of community service.

### **CONCLUSIONS:**

The attitude of the inmate firefighters was superior. They were eager to assist and were very enthusiastic about their responsibilities and very proud of what they do.

The firefighters are respected and admired by their peers outside the prison system by citizens who have benefited by their expertise in emergency situations.

Upon questioning by the Grand Jury Members, the inmates were well versed and knowledgeable in all areas of firefighting. They also said they had benefited in this program in areas other than firefighting such as self-confidence, mental outlook and hopes for their futures.

### **RECOMMENDATIONS:**

Continue to provide recreational equipment i.e. volleyball, basketball for inmate firefighter’s off-duty time.

Continue to provide specific information for job opportunities, prior to release, that inmate firefighters can pursue upon return to the private sector.

Continue to work with the County Board of Supervisors and Madera County Fire Department to explore ways to share in training and equipment opportunities.

### **ENTITIES TO RESPOND:**

- CCWF Fire Chief
- CCWF Warden
- Board of Supervisors







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**2005 -2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE MADERA MUNICIPAL AIRPORT  
AND CROP DUSTING OPERATION**

**INTRODUCTION:**

Members of the Grand Jury visited the Municipal Airport on January 10, 2006 to inquire into the operation of the airport as well as future expansion plans. The airport is located at 4020 Airport Drive on 900 total acres west of Highway 99.

We also visited the crop dusting base located at the airport. The facility is operated by S & S Helicopters. We were briefed by the owner and operator who explained that all operations of the facility are tightly controlled by the State Department of Pesticides Regulations and the Madera County Agricultural Commissioner.

**FINDINGS:**

- The airport is a non-tower operating airport with approximately 50,000 take-offs and landings each year which includes crop dusting activity.
- The primary runway is 5,500 feet in length and has a 28,000 lb per wheel weight limit.
- Each aircraft approaching the airport reports it's position (i.e. turning base, final turning, drop clearance) to all interested aircraft.
- There are 83 T-shaped hangars rented to private aircraft owners with small private planes at the southeast end of the airport. Each hangar rents for \$100.00 to \$165.00 per month.
- One important source of revenue is income from leased agriculture land.
- No general funds are used for airport expenses. All the revenue comes from fuel tax money, rental on hangars, lease of airport property and rental income.
- The Madera Municipal Golf Course pays ground lease payments to the airport.

- The City, due to commitments to the Federal Government, cannot sell the land. Improvements made on the land by the tenant can be sold to a new tenant with prior approval of the City.
- Ground leases are for 30 - 40 years. After a lease expires, the property reverts back to the city that rents it out again.
- FBO Corporation is the only one authorized to sell fuel. At the time of this inspection aircraft fuel sold for \$3.30/gal - \$3.90/gal. Jet fuel sells for \$3.50/per gallon.
- In order to install new approach lights to runway 30, the primary takeoff and landing runway, the airport had to close a ½ mile of Road 16 and build a new road consisting of a ½ mile of Road 24 and a half mile of Road 24-1/2.
- The airport leases 390 acres of land for agriculture purposes, mostly grape vines, almonds and some will be planted with pomagranate trees. These trees will be at the eastern end of the RPZ (Runway Protection Zone) for Runway 30.
- The airport has a Storm Water Pollution Prevention Plan (SWPPP) as required for environmental protection. The airport is required to collect storm water and ground water at strategic locations and have these collections analyzed.
- Ten year study (1983-1993) of locations of airport accidents in the United States. See attachments 1 and 2.

**CROP DUSTING OPERATION:**

- The operation maintains the following equipment:
  - 3 crop duster aircraft
  - 2 helicopters
  - 1 Cessna people aircraft
- The primary aircraft has a 1000 Horsepower engine that uses 35 – 40 gallons of fuel per hour and holds 660 gallons of pesticide which can spray a 50' wide path at a time.
- 50% of the spraying is done by helicopter and the ideal time to spray is when the wind is blowing from 2 – 10 MPH. No wind at all is a bad time to spray.
- It costs \$12.00 an acre for customers to have their property sprayed. This is in addition to the customer paying for the chemicals to be applied.



- Aircraft are filled with pesticide at the airport but helicopters land on a ramp on top of a truck and are filled in the field where they are spraying.

#### Page 3/Final Report/Muni Airport

- Pilots are licensed by the FAA. However, new helicopter pilots are hard to find because it costs \$60,000 to obtain a license to fly them.
- The concrete pad associated with the spill recovery is not a wash pad. The system is designed for accidental spills. Intentionally dumping a full load on the pad is not permitted. The chemicals can be pumped out of the aircraft back into the mix tank. If the aircraft is safe to fly, the load could be sprayed on the customer's field.
- The County Agricultural Commissioner who reports results to the State and Federal Government inspects the facility at least once a year.

#### **CONCLUSIONS:**

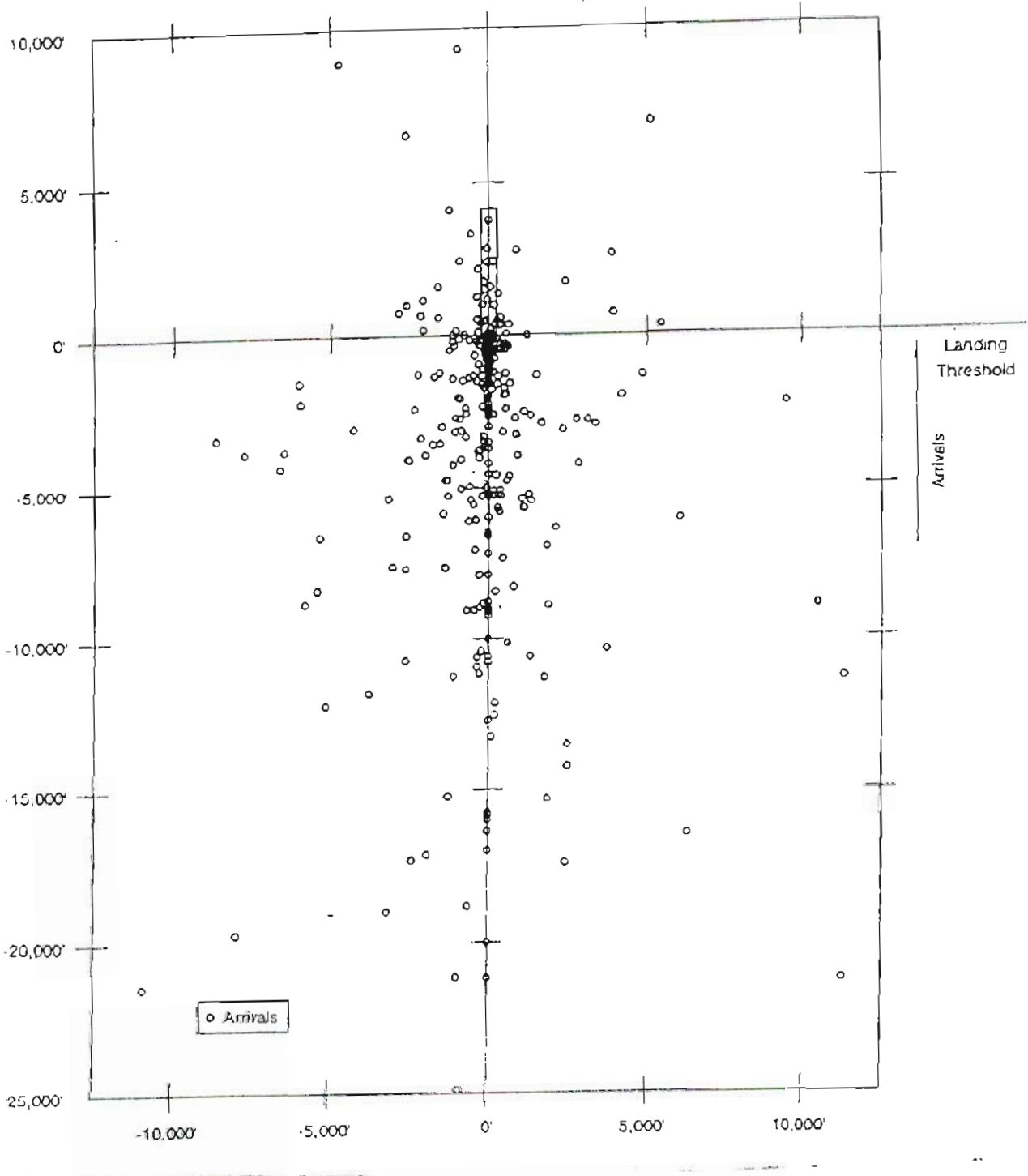
- The airport is a separate enterprise that generates its own revenue for operations and maintenance. In addition it receives grants from the FAA for major projects such as strobe lights.
- The airport is a well operated and managed facility.

#### **RECOMMENDATIONS:**

Educate the general public of restrictions or conditions that affect their property in the vicinity of the airport. A new buyer should be cognizant of the fact of any restrictions. One example is the Aviation Easement which allows aircraft to fly over their homes. This is in the home-buyers contract.

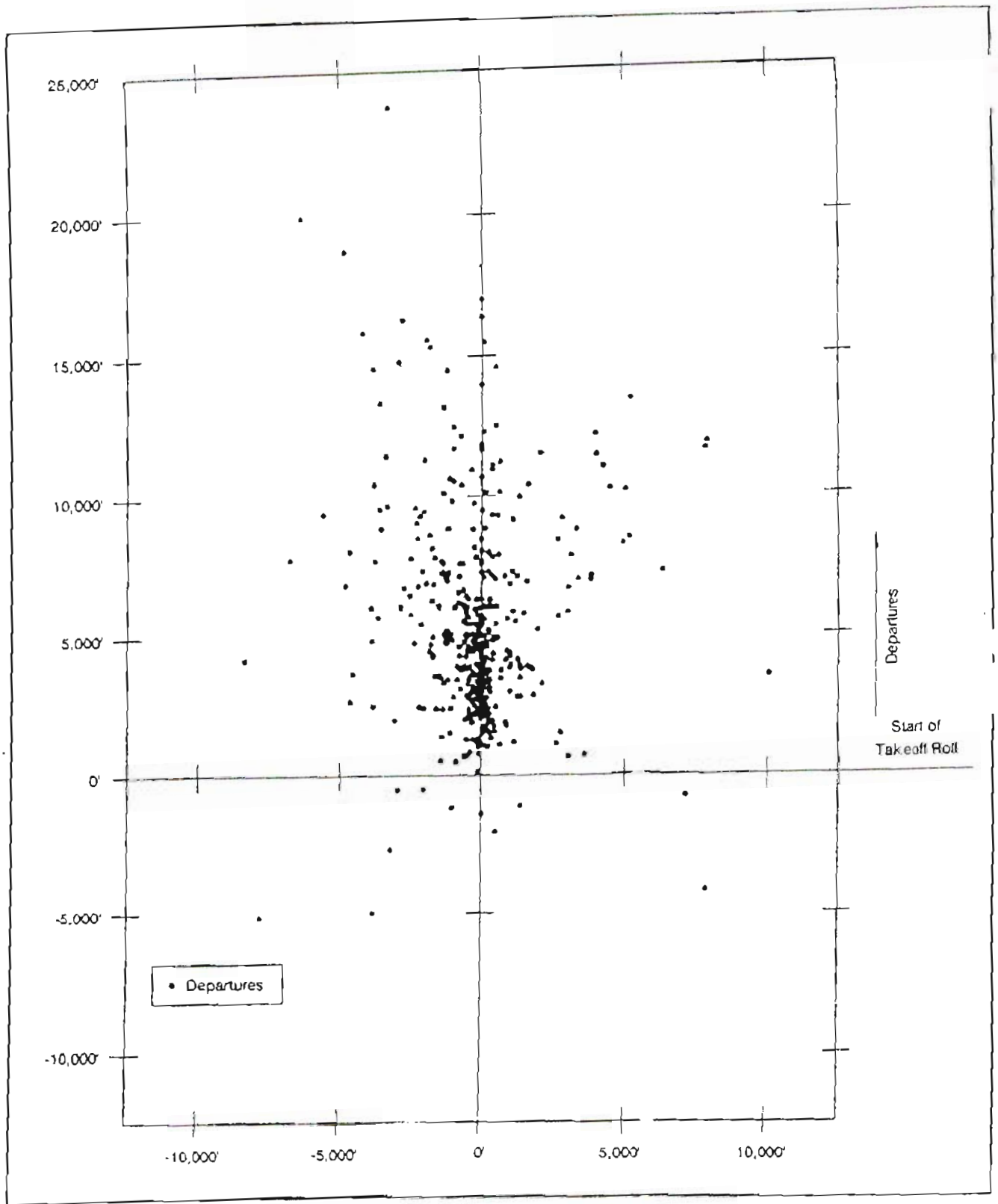
#### **RESPONSES**

- Airport Manager
- Madera C.A.O.
- Board of Supervisors



# ARRIVAL ACCIDENTS

## ATTACHMENT 1



DEPARTURE ACCIDENTS

ATTACHMENT 2



**2005-2006 Madera County Grand Jury**  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE CITY OF MADERA HOUSING AUTHORITY**

**INTRODUCTION:**

The housing authority is a federally funded program with an annual budget of approximately 8 to 10 million dollars. It has 32 employees and the mission of the authority is to provide safe, decent, affordable, and fair housing while promoting opportunities that encourage and support residents towards achieving self-sufficiency. The authority provides assistance to qualified low-income individuals and families, regardless of race, age, ethnic origin, family status or disabilities. The authority operates approximately 260 public housing units in nine developments and owns a total of 486 units, which have a property tax exemption.

**FINDINGS:**

The housing authority offers rental assistance for families with eligibility requirements. A family of 4 is restricted to a maximum income level of \$25,400.00 per year and a single person is restricted to a maximum income of \$17,800.00 per year. The housing authority offers rental assistance in the following categories:

- Public Housing: Low-rent apartments and houses, including handicapped units, owned and managed by the housing authority.
- Housing Choices Voucher Program: Rental assistance vouchers are provided for eligible families who choose housing in the private rental market. The vouchers provide financial assistance to make private rentals affordable for low-income families. Proper documentation regarding income, family size, citizenship or eligible immigration status is required. Families are required to attend scheduled appointments for re-evaluation and allow annual inspections. There are approximately 725 choice vouchers made available for housing.
- Yosemite Manor Senior Housing: Low-rent housing, including handicapped units, limited to individuals 62 years of age or older or 55 years old and disabled.
- Farm Labor Housing: Low-rent housing for eligible families employed in agricultural work requires \$5,753 agricultural income to be eligible.
- Pomona Ranch Housing Center: Seasonal housing for migrant farm labor working families. Child-care is available.

The housing authority offers programs to assist resident families to achieve self-sufficiency.

- Youth Program: Offers one (1) after school youth program that include drug prevention and intervention activities, sports, arts and crafts, field trips, homework assistance and computer skills.
- Family Self-Sufficiency Program: Assists families to gain financial independence and provides family incentives upon program completion.
- Down Payment Assistance Program: Assists eligible first-time homebuyers with the purchase of a home. Homebuyers must be pre-qualified through a mortgage company to apply.
- Housing Rehabilitation Program: Assists eligible owner-occupied homeowners with deferred loans for housing remodeling. This allows a low-income homeowner to make repairs such as a new roof or heating and air conditioning improvements. The loan would be considered a second mortgage and payments would be deferred for as long as 30 years. The loan becomes due and payable if one of the following occurs:
  - o Death of homeowner before the 30-year time frame. If the deceased homeowner has a beneficiary who decides to live in the home and is qualified as low-income, the loan can be assumed.
  - o The home is sold
- Home Ownership Classes: Provides educational classes for individuals pursuing home ownership. Classes include instruction, budgeting, credit repair, mortgage process, and home maintenance.

### **CONCLUSION:**

The housing authority provides an important and necessary program to the low-income residents of the city. A dedicated staff and management administer the agency.

### **RECOMMENDATIONS:**

Initiate a major effort to obtain more 2 & 3 bedroom units since there is a long waiting list.

Suggest the Board of Supervisors investigate the feasibility of expanding the housing authority to cover the entire County of Madera.

### **RESPONSE:**

- Executive Director- City of Madera Housing Authority
- City of Madera-City Administrator
- Board of Supervisors



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## **THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON THE CITY OF MADERA PARKS AND COMMUNITY SERVICE DEPARTMENT**

### **INTRODUCTION:**

Members of the Grand Jury visited the Parks and Community Service Department of the City of Madera on November 28, 2005 to review its operation. It's mission is to enhance the quality of life for all citizens by providing quality programs, parks, facilities and services that are responsive to the needs of the community.

### **FINDINGS:**

The Department has a staff of over 100 personnel, 29 of which are full time employees and has an annual budget of approximately \$2.3 million dollars. The Department has several divisions with a variety of offerings that provide meaningful recreational, social and educational experiences.

- **Parks Division**

This Division maintains the city's public parks, landscape medians and landscaped areas of public facilities. There are also many areas within the public parks that are maintained and repaired such as group pavilions, amphitheater, picnic shelters, playgrounds, gymnasiums and the municipal swimming pool.

- **Recreation Division**

This Division provides a multitude of classes, activities and special events as part of its operation. The Division provides and coordinates softball, basketball and T-Ball for youths and adults. Special interest classes are also provided for all age groups. Examples are:

1. Cooking
2. Arts and Crafts
3. Talent Show
4. Movie Nights
5. Karaoke Nights

- **Older Adult Services Division**

This Division provides services for countywide senior citizens 60 and older. The emphasis and purpose is to create opportunities for social contacts, recreation, nutritious meals, special outings and health services. The Senior Nutrition Program is funded by the Fresno-Madera Area Agency on Aging, client donations, Madera County, City of Chowchilla, City of Madera and citizen's donations. The Senior Nutrition Program offers participants a balanced hot meal Monday through Friday. Seniors 60 or over that are unable to leave their homes may be eligible for home delivery of meals. This program is called "Meals on Wheels" and provides the same meal served on the Senior Nutrition Program as the one delivered to their home. The Frank Bergon Senior Center and the Pan-American Community Center offers current information regarding services available to seniors. The Centers are prepared to assist in the areas of tax assistance, housing information, agency referrals and public information. An Adult Day Care and Respite Center for caregivers to care for a loved one for the day, is also part of the Division. There are arts and crafts, exercise, and many other activities for older adults.

- **Special Needs Adult Program**

This program offers recreation activities for developmentally disabled adults. The adults participate in various activities such as movies, bowling, pizza parties and dance classes. The program is held at the Frank A. Bergon Senior Center in Madera.

- **Golf Course Division**

The Madera Municipal Golf Course is a meticulously manicured 18-hole championship course designed for golfers of all ages and skill levels. It had its grand opening on June 7, 1991. It is located west of Highway 99 at the intersection of Avenue 17 and Road 23. The design reflects imagination and an understanding of what golfers look for in their favorite golf course. It has a reputation for having the best greens in the central valley. The course is open every day of the year except Christmas day.

The golf course staff maintains the course and grounds and takes great pride for quality conditions at competitive prices.

The course plays a challenging 5,400 yards from the white tees and 6,900 yards from the championship blue tees. It has a country club atmosphere and a friendly professional staff to make your day a pleasurable one.

**CONCLUSIONS:**

The Parks and Community Services Department has a wide range of responsibilities and services that are provided to all residents of the City of Madera. It publishes The Leisure-Up brochure twice a year that lists all of the activities, classes and special events for each season. The brochure is available at various locations within the city such as the Library, Housing Authority, Chamber of Commerce, City Hall and Madera Unified School District in addition to the Parks and Community Services Department.

**RECOMMENDATIONS:**

None

**RESPONSES:**

Madera County Administrative Officer  
Madera County Board of Supervisors  
Director of Parks and Community Services





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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT  
ON THE MADERA CITY POLICE DEPARTMENT**

**INTRODUCTION:**

Members of the Madera County Grand Jury toured the City of Madera Police Department at 203 W. Fourth Street, Madera, California on June 8, 2005.

**FINDINGS:**

The total number of sworn officers is 58, including the Chief of Police. Assuming a service population of 51,000 residents this yields a sworn staffing ratio of 1:14 officers per 1,000 population. To achieve 1.5 Officers per 1,000 would require the addition of 19 officers. Population growth will continue to impact the ability to achieve the desired ratio.

There are 40 sworn officers assigned to patrol duty, which includes 4 Sergeants, 1 for each 12 hour shift. Three (3) officers are assigned as canine (K9) officers and 2 are traffic officers.

Other officer assignments are as follows:

- Detectives- 5 officers and 1 Sergeant
- MADNET (Madera Narcotic Enforcement Team) – 1 officer
- Gang Task Force – 1 officer
- Housing Authority – 1 officer
- Madera Unified School District -2 officers
- Crime Prevention – 1 officer
- Personnel & Administration - 1 Sergeant
- Training -1 Sergeant

The average annual cost for salary and benefits for a sworn officer is \$95,000 to \$100,000, which includes retirement. Most of the salary and benefits are paid out of the general fund budget, with the exception of the School officers and the Housing Authority Officer, which are paid by contract with respective agencies.

The Gang Task Force was spearheaded by the Madera Police Department. The Madera County Sheriff's Department was somewhat slow to recognize the contribution of local gangs to the counties crime picture and the connection of gang crime patterns between the City and County. After much work with the county and state agencies, the Gang Task force was achieved. The California Department of Justice provides supervision of the unit. All agencies involved are contributing funds and personnel. The city has provided 1 officer. Some of the funding comes from State and Federal Grants. In fiscal year 2004 the 5 murders in the city were gang related.

**CONCLUSION:**

The Grand Jury found that the police department is being operated to the best of its abilities considering the resources at its disposal, including a shortage of personnel and funds. The County has supplied \$230,000 to implement the gang task force.

## **CONCLUSION**

- The Madera Gang Task Force aggressively attack the increasing gang problem.
- Seek State and Federal Grant monies to help compensate the task force with additional equipment and personnel.

## **ENTITIES TO RESPOND**

- Madera City Police Chief
- City of Madera Chief Administrative Officer
- Madera County Board of Supervisors



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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE CITY OF MADERA TRANSIT ADMINISTRATION**

**INTRODUCTION**

On December 12, 2005 members of the Grand Jury met with the city of Madera's Assistant City Administrator and an Administrative Analyst. They are the primary staff responsible for administration of the city's transit services. They provided the following history and current operations of the city's transit service.

**FINDINGS:**

The city's transit service is referred to as the Madera Area Express (MAX) and was established in 1978 as the Dial-a-Ride (DAR) service. DAR is curb-to-curb service with minimum of 2 hours for service requests. It is available to any member of the public but is intended for passengers that would have difficulty using the fixed route system that began in 1998. The fixed route (MAX) has four (4) primary buses on two (2) basic routes in the city limits. DAR has five (5) buses that service the city and portion of the county.

Operating costs for fiscal year 2006 are approximately \$483,000 for DAR and \$575,000 for the fixed route system. Madera County helps fund the DAR based on the area served and the number of passengers. Both the DAR and the fixed route system generate a portion of their funds through fares charged to passengers. The primary source of funding for both systems is Federal Grant money administered through the Federal Transit Administration (FTA) 5307 program for small-urbanized areas. Normal FTA funding is allocated at 50% of operations and 80% capital purchases. Capital purchases may include buses that cost from \$ 60,000 to \$ 90,000 and bus shelters that cost \$ 16,000 each.

The second funding source comes from gas tax money provided by the state and known as Local Transportation Funds (LTF). LTF is a funding source for transportation activities in the city and county. It is administered by the Madera Transportation Commission (MCTC) according to requirements by the State Transportation Act (STA). The County Transportation Commission is the Regional Transportation Planning Agency (RTPA) and the designated Metropolitan Planning Organization (MPO) for Madera County.

The Commission's role is as follows;

- To foster inter- government coordination
- To undertake regional planning
- To study transportation issues
- To provide technical services
- .To provide a forum for citizen input in the planning process

MCTC is mandated by law to conduct an “unmet transit need” hearing each Spring. The objective of the annual hearing is to determine whether there are identifiable public transportation projects that are desired by the public, and that are technically and financially feasible within the constraints of existing economic, government and community resources.

**CONCLUSION:**

- The transit program is in need of bilingual drivers and dispatchers

**RECOMMENDATIONS:**

- The Madera County Transportation Commission should continue to explore the needs of the City of Madera, the City of Chowchilla and the entire County of Madera.

**RESPONSES:**

- City of Madera Chief Administrative Officer
- City of Madera Assistant Administrative Officer
- City of Madera Administrative Analyst
- Madera County Board of Supervisors



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



## **THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON THE MADERA COUNTY COMMUNITY ACTION AGENCY**

### **INTRODUCTION:**

The Federal Government passed legislation entitled “The Economic Opportunities Act of 1964.” This legislation was meant to combat poverty in geographically designated areas. Under this legislation, the Madera County Board of Supervisors created the Madera County Community Action Agency (MCCAA).

MCCAA’s mission is to advocate, develop and operate programs and services that allow individuals and families to acquire skills and knowledge, gain access to new opportunities and achieve their full potential.

MCCAA carries out its mission by:

- Community wide assessments of needs and strengths
- Comprehensive antipoverty plans and strategies
- Provisions of a broad range of direct services
- Mobilization of financial and other resources
- Partnership with other community-based groups to eliminate poverty

MCCAA involves the low-income population it serves in the planning, administering and evaluation of its programs. This program is a short term solution and as their quality of life improves, they are eliminated from the program.

### **FINDINGS:**

The executive director of the Madera County Community Action Agency reports to a board of directors who, in turn, report to the Board of Supervisors..

The Board of Directors are comprised of 5 public officials, 5 private sector representatives and 5 members from each of five targeted areas.

- Representatives of the Board of Supervisors, Department of Social Services, Madera Unified School District, Madera City Council and Chowchilla City Council.
- Representatives from the Madera Chamber of Commerce, Policy Council-Regional Head Start, Policy Committee-Fresno Head Start and Madera Head Start. One seat is currently vacant.
- Representatives from the targeted areas are from the Central Madera/Alpha, Eastern Madera County, Eastside/Parksdale, Fairmead/Chowchilla and Monroe/Washington.

There are 13 migrant head start centers in the county. In addition, they have responsibility for the following head start centers:

- Madera/Mariposa Regional Head Start
- Fresno Migrant Head Start
- Fresno Infant/Toddler General Child Care
- Fresno Readiness First Five
- Fresno Family Connections

MCAA also provides:

- Resource and Referral services and child care to MUSD students and respite services to parents.
- Extensive services to victims of violent abuses, including rape and sexual assault and victims of sexual abuse of children.
- Shelter to domestic violence victims and battered spouses and children.
- Publications and printing for domestic violence programs.
- Emergency services to seniors.
- Housing, food and shelter, surplus food to low income individuals.
- Assistance for low-income clients for energy bills.
- Coordination to prevent teenage pregnancy.
- Work experience skills

They have a staff of about 350 at peak work times and about 200 at other times. The current budget is slightly more than \$15 million. The funds come from federal, state and county agencies and a small amount are donations. The women's prison in the county have a yearly fundraiser to benefit MCCA. Most of the federal state and county funds are grants and the funding sources insist that those funds and expenses be audited regularly.

MCCA will be moving to a new facility. The floor plan of the new facility is very impressive and the Child Protective Services portion of the building is state-of-the-art. Victims will enter the building through a secure access entry and will not be seen and/or confronted by anyone except a CPS staff person and the interview intake-room can be monitored by staff in an adjoining observation room.

MCCA provide an important service to Madera County in that they coordinate with other agencies to prevent duplication of many services. They utilize Head Start clients as board members in their different Head Star Policy/Council Committee meetings. In partnership with the MCCA Board of Directors, they review and develop policies and procedures to operate in accordance with the Head Start Performance Standards that include:

- Funding Head Start applications and amendments.

- How the governing body and policy group's implement shared decision-making.
- Procedures for program planning.
- Program philosophy, goals and objectives.
- Policy Council/Policy Committee composition and selection.
- Criteria for defining recruitment, selection and enrollment of Head Start families for priorities.
- Annual program self-assessment.
- Personnel policies and updates.
- Decisions to hire or terminate the Head Start director.
- Decisions to hire or terminate Head Start staff.

Some meetings held in Spanish and a translator is always present.

### **CONCLUSIONS:**

Madera County Community Action Agency is an important asset in reducing and eliminating poverty. Head Start Centers assist in introducing many positive values to children and instilling a concept of interactions and sharing with others. In addition, they start learning some basic interpersonal skills and functions that will prepare them for a more formal educational experience in elementary school.

Their Victim Services program has been shown to be effective in reducing domestic violence, rape and sexual assault cases. A large portion of the community is unaware of the important part that MCCA plays in the County and do not know that it exists or what services are provided. It would be beneficial to the community if the Agency was better known by the residents and not wait until a catastrophe happens to a person or family.

### **RECOMMENDATIONS:**

Publicize the "grand opening" of the new facility to the community.

### **RESPONSES:**

Board of Supervisors  
Executive Director, MCCA



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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
COMPLAINTS OF CRUELTY TO ANIMALS AT THE  
MADERA COUNTY ANIMAL SHELTER**

**INTRODUCTION:**

The Grand Jury received several complaints of cruelty to the animals housed in the animal shelter ranging from treatment to euthanasia. Members of the Grand Jury visited the facility several times, interviewed the complainants and appropriate county officials.

**FINDINGS:**

It is the duty of all employees of Madera County Animal Control to make sure each animal impounded receives humane sheltering, adequate food, water and medical attention. Animal Control must operate in accordance with California Senate Bill 1785. This animal care policy, known also as the Hayden Bill, has established policies regarding euthanasia.

After an animal has entered the shelter for the required holding period, it is then determined to be available for either adoption or euthanasia. The stray holding period for dogs and cats is five working days. The stray holding period for feral (wild or undomesticated) dogs and cats is three working days. Livestock are held for 14 working days. Other pets such as birds, rodents, rabbits, etc. are also held for five working days. Animals with known owners are held for 10 days and those under protective custody (to be used as evidence) can remain in the care of the shelter for an extended period of time.

A summary of the complaints alleging cruelty to animals is as follows:

- Sick and injured dogs not taken to a vet or put down. These included dogs shot and mortally wounded, dogs that had been run over, and dogs with bleeding due to prolapsed uterus.
- Feral cats kept all night without food or water because they were to be put down the next day.
- A cat with a litter of kittens kept in a drop cage without food or water.
- Dogs kept tied in the main office because no one was available to take the animal back to a kennel.



- Animals left in the drop cages all day with no food or water. They don't always learn to use the provided spigot to drink or are too small to reach the spigot.
- Other complaints included a need for safety equipment for animal control officers i.e. winches for loading deer and safety lights on vehicles.

The rendering plant usually comes each Monday to pick up the dead animals. They sometimes come twice a week if there is a need to do so. Approximately 30 or more animals are euthanized each day. The Director at the time of these complaints was the only one to authorize putting an animal down. This policy has been amended to allow the senior certified animal control officer on duty to authorize and/or perform euthanasia.

The Animal Shelter expenditures have increased in excess of \$60,000 per year since 2001/2002, while animal license revenue has declined since 1993/1994. The number of licenses issued in 1992/1993 was nearly 60,000 while in 2003/2004, the number was a little less than 30,000; a dramatic drop in the public's responsibility. Total impounds have gradually increased and in the last five years have exceeded 8,000 animals per year.

The County Administrator has met with the employees and volunteers of the Animal Shelter and with the Director. He or his designee has been making weekly visits since that time.

Members of the Grand Jury upon visiting the Animal Shelter did not observe the complaints that have been reported. However, observations were not made on a daily basis. While crowded conditions were observed, the pending shelter expansion should alleviate, at least temporarily, the overcrowding.

### **CONCLUSIONS:**

It appears that adequate guidance was available to the staff of the Animal Shelter regarding the humane processing, handling and disposition of the animals entering the facility. While none of the complaints were personally observed by Grand Jury members, other than overcrowding, the number of similar complaints received indicates a problem existed.

Hopefully, the County Administrators intervention has resolved the problem. Animals must be treated humanely from initial entry to the Animal Shelter until either adopted or euthanised.

It should be noted that personnel managing, employed by or volunteering their time within this facility are a very special group. Handling stray, injured and unwanted animals of all sizes on a daily basis requires special caring people.

**RECOMMENDATIONS:**

- Educate the general public on the practice of altering and licensing pets.
- Insure that all Animal Shelter staff are adequately trained. County officials should periodically visit the facility on a no-notice basis to insure that Madera County Animal Control policies are being satisfactorily applied.
- Expedite the completion of the Animal Shelter expansion.
- The 2006-2007 Grand Jury is charged to continue to review the policies and procedures at the Animal Shelter.
- Ensure that renewal notices be sent to pet owners annually.

**RESPONSES:**

Madera County Animal Shelter  
Madera County Administrator  
Board of Supervisors  
Friends of the Madera Animal Shelter

# County of Madera Department of Animal Control

14269 Road 28  
Madera CA 93638

MCAS (559) 675-7891 FAX (559) 675-7617

*REMEMBER TO SPAY AND NEUTER*

**April 18, 2006**

**TO : 2005 Madera County Grand Jury**

**FROM: Kirsten Gross  
Director of Animal Control**

**SUBJECT: Response to Grand Jury 2005 Final Report**

The Grand Jury Final Report on complaints of cruelty to animals at the Madera County Animal Shelter was received by our office. Several recommendations were made pursuant to that report;

**Recommendation #1 – Educate the general public on the practice of altering and Licensing. This recommendation has been implemented.**

- Departmental instruction to the staff has always promoted the need to educate each individual that they come in contact with regarding the humane treatment of animals, licensing, altering their pets and more. These efforts have produced an improved awareness in our community regarding animal issues.
- In conjunction with Friends of Madera Animal Shelter volunteers, we have provided speakers, humane education books, and educational materials to Thousands of students, several civic organizations, and other groups in our community. Education is our primary focus. These efforts have proven to be successful and well accepted in our community as the requests for these services surpass our ability to provide them.
- We continuously promote the spaying and neutering of pets and are providing Assistance to customers with low income. The spay/neuter program that is administered by F.M.A.S. covers most of the fees for spay/neuter services.

**Recommendation #2 - Insure that all Animal Shelter Staff are adequately trained. This recommendation has already been implemented**

- For new Animal Control Officers the training includes 2-4 weeks with a senior officer and/or with the Animal Control Officer Supervisor. Policies and procedures are reviewed with each employee. They are also required to complete PC 83\2 which includes the baton and firearms training and to arrest and write citations. They also must complete euthanasia certification. As budget permits, several professional courses are also offered throughout the year to help employees polish their skills and expand their knowledge. Biweekly staff meetings and quarterly safety meetings are also attended by all staff members.
- Clerical staff and kennel staff participate in select seminars, biweekly staff meetings, and other educational opportunities. All staff members are coached by senior staff, officers, and management to promote service excellence and the humane treatment of animals.
- Administrative officials have periodically visited the facility to insure that Madera County Animal Control Policies are being applied.

**Recommendation #3 - Expedite the completion of the Animal Shelter expansion. This recommendation has already been implemented.**

- Madera County Animal Control management, have met with engineering contractors, and others involved with the expansion. Questions and requests have received prompt responses from this department.
- F.M.A.S., county administration, members of the Board of Supervisors, shelter staff and members of our community have all pushed on the departments, companies, or individuals who can expedite the expansion project. Community support and anticipation for this project runs high.
- Staff has also been actively working towards providing for all supplies, personnel, and fixed assets necessary to operate the new expansion through budget requests, community campaigns, and requests for donations.
- The project is to be started on or about May 1, 2006 and completed 123 days later which will be on or about September 25, 2006.

**Recommendation #4 -Ensure that renewal notices are sent to pet owners annually. This recommendation has already been implemented.**

- Since 2000, the licensing revenue has continually improved with the exception of the year when the computers and software used to manage the information and provide renewal notices crashed which was in 2001. Licensing revenue was also down \$4,623 this last year due to staffing shortages.
- Software that was used in the past also substandard as it dropped information, did not provide for accurate renewal information, and had no tech support. The Friends of Madera Animal Shelter have purchased new software for the shelter at a cost of \$1,900. The departments licensing information has been converted to the new software and monthly revenue notices have been provided to customers continuously since its implementation.
- Volunteers have been utilized to organize aged licensing receipts in order to add the information that was lost with the computer crashed back into the new system.
- In the budget request for fiscal years 2006-2007, management has Requested the hiring of door to door canvassers to improve licensing compliance.



**2005-2006 Madera County Grand Jury**  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE MADERA COUNTY ANIMAL SHELTER  
AND THE ROBERTA J. WILLS TRUST**

**INTRODUCTION:**

The 2004 Madera County Grand Jury charged the 2005 Grand Jury to follow up on the expansion project of the Animal Shelter until such time that the expansion is completed. 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 the 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 past 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. Effectively, there was \$134,362 in each account.

**FINDINGS:**

The detailed findings by the 2004 Grand Jury have not dramatically changed. The crowded conditions, staff shortages, lack of a surgery room are just a few of the problems faced in the operation of the Animal Shelter. There appears to be no budget consideration for increases in animal population when new housing developments are approved and completed. In only the last few years has the Grand Jury been looking into this twenty-two year problem.

As of this writing, February 2006, the funds from Ms. Wills Trust are still held in a separate fund from the County of Madera's General Fund and amounts to \$367,855. Additionally, the City of Madera allocated \$45,000 to the project to be used before February 11, 2005 or it would revert back to the City's General Fund. However, this has been extended indefinitely. The Madera County Board of Supervisors has approved an additional \$190,952 to expedite the construction of this project. General plans have been provided to the contractor, Valley Steele Construction. However, detailed plans are required before actual construction begins. This is the only real factor for delaying actual construction. A ceremonial ground breaking was held on October 19, 2005, but to date no further action has taken place. According to the Director of the Animal Shelter, it looks like an early 2006 start date.

**CONCLUSION:**

The expansion of the Animal Shelter is to commence soon. (See Attachment 1.) Any further delays may cause the cost of construction to increase i.e. labor and material.

**RECOMMENDATIONS:**

1. That the Madera County Planning and Engineering Department insure the final expansion plans are adequate for today's animal populations and meet all state and Local requirements.
2. That the 2006-2007 Madera County Grand Jury continue follow-up of the Animal Shelter expansion until such time that the expansion is completed. If not completed during their time; then we charge each subsequent Grand Jury with the continuation of this matter.

**RESPONSES:**

Madera County Board of Supervisors  
Madera County Animal Shelter Director  
Madera County Auditor  
Madera County Planning and Engineering Department  
Madera County Human Resources Department  
Friends of the Madera Animal Shelter



*2005-2006 Madera County Grand Jury*

P.O.Box 534  
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**THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON THE  
BOARD OF SUPERVISORS MISUSE OF REIMBURSEABLE  
ALLOWANCES**

**INTRODUCTION:**

During the 2004 term of the Madera County Grand Jury, complaints were received regarding misuse of reimbursable allowances by the members of the Board of Supervisors. Due to the late reception of the complaint, it was held until the 2005 Grand Jury was impaneled.

**FINDINGS:**

A review of the claims submitted by members of the Board of Supervisors was made and the most common error was reimbursement for meals consumed within the County of Madera, in violation of Madera County Code 2.60.430. While not excessive there appeared to a lack of knowledge of published guidance.

During the ensuing investigation and discussion with county officials the County Administrators Office reviewed the current county programs and proposed the following effective November 01, 2005; "Elected officials (defined as the Board of Supervisors, District Attorney, Sheriff-Coroner, Auditor-Controller, and Assessor) will be entitled to a maximum of seventy-five dollars (\$75.00) a month in reimbursement for the cost of their own meals associated with the conduct of county business, and not specifically covered under any other section of the county travel plan. Receipts are required when a request for reimbursement is submitted to the county Auditor. The amount of reimbursement will be based on the current meal rates in the County Travel Plan."

**CONCLUSION:**

The described amendment should resolve the problem

**RECOMMENDATIONS:**

The County Auditor-Controller should periodically review said expenditures for adherence to appropriate Madera County Codes.

**RESPONSES:**

Madera County Board of Supervisor  
Madera County Auditor-Controller  
Madera County Administrative Officer



## MADERA CEMETERY DISTRICT

P. O. BOX 477- Madera, CA 93639

(559) 674-8826 Fax (559) 674-3237

### ARBOR VITAE, CALVARY, OAKHILL, NORTH FORK

#### SUMMARY OF ADULT CHARGES

##### Single Adult- Garden Crypt

Plot	\$ 425.00	110
Endowment Care	\$ 160.00	130
Garden Crypt 29 1/2 X 86	\$ 300.00	030
Handling Charge	\$ 130.00	050
Opening & Closing	\$ 455.00	170
Marker Fund Deposit	\$ 235.00	282
Sales Tax	\$ 21.75	
<b>TOTAL:</b>	<b>\$ 1,726.75</b>	

##### Single Adult -Vantage Vault

Plot	\$ 425.00	110
Endowment Care	\$ 160.00	130
Vantage Vault	\$ 490.00	046
Opening & Closing	\$ 455.00	170
Marker Fund Deposit	\$ 235.00	282
Sales Tax	\$ 35.53	
<b>TOTAL:</b>	<b>\$ 1,800.53</b>	

##### Single Adult- Vault

Plot	\$ 425.00	110
Endowment Care	\$ 160.00	130
Painted Vault 29 X 84 1/2	\$ 370.00	031
Handling Charge	\$ 145.00	051
Opening & Closing	\$ 455.00	170
Marker Fund Deposit	\$ 235.00	282
Sales Tax	\$ 26.83	
<b>TOTAL:</b>	<b>\$ 1,816.83</b>	

##### Single Adult-Oversized

Plot	\$ 425.00	110
Endowment Care	\$ 160.00	130
Garden Crypt 34 X 92	\$ 435.00	033
Handling Charge	\$ 150.00	054
Opening & Closing	\$ 455.00	170
Marker Fund Deposit	\$ 235.00	282
Sales Tax	\$ 31.54	
<b>TOTAL:</b>	<b>\$ 1,891.54</b>	

##### Companion- 1st Interment

Plot	\$ 425.00	110
Endowment Care	\$ 160.00	130
Companion Vault 29 1/2 X 86	\$ 505.00	032
Handling Charge	\$ 200.00	052
Opening & Closing	\$ 620.00	171
Marker Fund Deposit	\$ 245.00	283
Sales Tax	\$ 36.61	
<b>TOTAL:</b>	<b>\$ 2,191.61</b>	

##### Companion - 2nd Interment

Plot	\$ 0.00	
Endowment Care	\$ 0.00	
Companion Vault	\$ 0.00	
Handling Charge	\$ 0.00	
Opening & Closing	\$ 335.00	172
Marker Fund Deposit	\$ 145.00	284
Sales Tax	\$ 0.00	
<b>TOTAL:</b>	<b>\$ 480.00</b>	

NOTE: NON RESIDENT FEE TO BE ADDED TO ABOVE WHEN APPLICABLE IN THE AMOUNT OF \$350.00 ( 020)  
 PRICES EFFECTIVE 10/01/05



*2005-2006 Madera County Grand Jury*  
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**THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT  
ON THE  
MADERA CEMETERY DISTRICT**

**INTRODUCTION:**

Members of the Grand Jury visited the offices of the Madera Cemetery District on March 2nd, 2006. The purpose of the visit was to obtain information on the operation of: the cemeteries within Madera County: The mission statement for the cemetery district is as follows; "To manage the Madera Cemetery District by providing a wide range of burial options, to handle services in a caring, compassionate manner with the intent to maintain, improve and historically preserve the grounds for the benefit of Madera County residents and their families."

**FINDINGS**

The cemetery districts guidelines are contained in the Health and Safety Code of the State of California. It contains code sections pertaining to the many different items involved in the operation of cemeteries, both private and public.

As a public cemetery, the Madera County voters in 1945 formed the Madera Cemetery District. Under the direction of a five-member board of trustees the "endowment care" cemetery district is able to provide beautiful settings as a final resting place for Madera County residents and families. The cemetery district is governed by the Board of Trustees that have been appointed by the County Board of Supervisors for a term of four years. The board sets district policy in accordance with sections of the California Health and Safety Code pertaining to public cemetery districts.

The Madera Cemetery District is an endowment care cemetery, which at the time an interment right (plot) is sold, an endowment care fee is charged. The amount of the payment shall not be less than the minimum amount set by the code.

Five cemeteries are maintained under the supervision of the Madera Cemetery District: Arbor Vitae in Madera, Calvary in Madera, Oakhill Cemetery in Oakhurst, North Fork Cemetery in North Fork, and Raymond Cemetery in Raymond.

The Madera Cemetery District provides the following:

- Ground burials-single and double depth
- Indoor and garden mausoleums- single and companion
- Glass, bronze, and marble front niches
- Garden cremation areas
- Saturday morning services
- An outdoor chapel for services in a garden setting
- Pre-need arrangements plans with a 1 to 3 year financing and a \$50.00 minimum down payment
- Pre-need prices are locked in at the time of purchase

A plot map is maintained for each of the cemeteries. These maps are checked weekly for accuracy and when a new interment is made. The State of California audits the cemetery district annually and the report is sent to the state controller.

Care and maintenance for the cemeteries is funded by property taxes, the endowment fund, and other associated charges (see attachment 1). The cemetery districts financial records are public record and can be reviewed.

**CONCLUSION:**

NONE

**RECOMMENDATIONS:**

NONE

**RESPONSES:**

Madera Cemetery District  
Madera Cemetery Board of Trustees  
Madera County Board of Supervisors  
Madera County Administrative Offices



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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE MADERA COUNTY CENTRAL GARAGE**

**INTRODUCTION:**

Members of the Madera County Grand Jury visited the County's Central Garage on May 9, 2005.

**FINDINGS:**

The committee began the visit at the County Administrative Center with an interview with the Assistant Administrative Officer for Madera County. His duties include the overall supervision of the Central Garage. The committee then visited with the garage supervisor who took us on a tour of the facility.

The total fleet is approximately 350 vehicles of various sizes and descriptions. Vehicles assigned to the Road Department do not fall under the purview of the Central Garage but are dispatched and maintained at the Road Department vehicle maintenance garage on Almond Avenue.

The purchase of new/replacement vehicles comes from the County Budget, General Fund or from funds received through a grant. Some departments have a mix of both grant and General Fund vehicles. When grant obtained vehicles are fueled and/or maintained by the Central Garage, the departments to which they are assigned are charged the actual cost for the services received. Departments that operate vehicles obtained through the General Fund budgetary process and dispatched by the Central Garage are charged a flat rate-per-mile. This cost is included in each department's budget.

Vehicle accidents/damage are investigated by the appropriate law enforcement agency and reviewed by the Risk Management Analyst. Further investigation may be done if warranted.

Vehicles are replaced on a mileage basis and damaged vehicles are replaced if the cost of repairs is excessive. New vehicles are purchased using a state contract. The State receives a bid from a vendor for a certain type vehicle. Counties can then purchase the same type vehicle at the same price the dealer charges the State. Tires are also purchased under a similar state contract. Local purchase of vehicles is seldom used and then only on a bid type procurement.

The Assistant Administrative Officer has introduced a cost avoidance program which permits departments to use rental cars for out of town/overnight travel.

The cost of using the rental cars is less than the rate the Central Garage charges per mile. Also, the added benefit of the rental car company delivering the car to the employees residence precludes leaving a personal vehicle in a unsecured parking lot or someone providing for the employee transportation to the Central Garage for a fleet vehicle. This outstanding management action should result in significant savings for the County.

The Central Garage tracks the vehicles' mileage by department, vehicle number, mileage, amount of fuel used, date and signature of employee. Entries must be made each time a vehicle is refueled. These logs are used to schedule maintenance. All Central Garage vehicles, with the exception of the Sheriff's Bass Lake substation, are refueled at the Central Garage. The Bass Lake Sheriff's vehicles are refueled at the Bass Lake Substation.

The County has purchased six natural gas powered vehicles in an effort to reduce pollution and preserve petroleum resources. The cost of natural gas is approximately 40 cents per gallon below the current price for gasoline. The County purchases the natural gas vehicles at a cost of only 2% of the total purchase price with the balance coming from the Air Pollution District. The problem with the natural gas vehicles is they have a very short range of travel and refueling stations are not convenient for long trips.

New vehicles that will be Sheriff's patrol cars are prepared for service by the Central Garage. Included are the top mounted light bar, safety cage and communications equipment. Decals are placed on the vehicles through an agreement with the Tulare County Sheriff's Department.

The back gate entrance to the Central Garage parking area has an entry key pad which allows, with the proper code, to open the security gate after regular hours to pick up/return pool vehicles eliminating numerous sets of keys being issued.

The Central Garage has used inmate labor in the past to wash and clean vehicles, however this practice is no longer available. Garage staff and operators are responsible for washing the County vehicles themselves. Bass Lake Sheriff's Deputies wash their own vehicles.

### **CONCLUSIONS:**

The Central Garage, under the current leadership, should be rated as outstanding, conservative and frugal in budget management and operations. Madera County taxpayers should be proud of this operation in providing the best support to all County departments.

**RECOMMENDATIONS:**

County vehicles should always be maintained in a clean, presentable condition, not only to demonstrate pride in the County but to display to others that the vehicles are being cared for properly. The necessity for clean vehicles is very important, therefore it is recommended:

- The Central Garage be provided with an automatic vehicle washing system.
- The Bass Lake Sheriff's Sub-Station be provided with a gas powered, upscale pressure washer.

**RESPONSE REQUIRED:**

County Assistant Administrative Officer  
Madera County Sheriff  
Board of Supervisors



**2005-2006 Madera County Grand Jury**

P. O. Box 534

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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON THE  
DENIAL OF VARIANCE TO ALLOW EXCESSIVE  
LENGTH-TO-WIDTH LOT RATIO**

**INTRODUCTION:**

Members of the grand jury were requested to look into the denial of a variance to allow the creation of parcels in the length-to-width ratio, which would exceed the maximum allowed by ordinance. The property is located at the North/East corner of Hwy 41 and Hummingbird Lane in Coarsegold (see attachment 1).

**FINDINGS:**

The environmental assessment by the provisions of the California Environmental Quality Act (CEQA), section 15061 (b )(3), and, the Madera County Environmental Evaluation Guidelines, the county has determined that this project will not have a significant effect on the environment and is exempt from CEQA.

The property involved in this proposal is not subject to a Williamson Act (Agricultural Preserve) contract. The applicants have proposed the division of the subject property. Each of the proposed parcels exceeds that maximum length-to- wide ration permitted by zoning ordinance (County Code 18.34.04 oc). A request for a variance from the ordinance provisions has been submitted to allow the continued processing of the parcel map.

Under the provisions of the county code chapter 18.106, five findings must be made in order to approve the variance request. The applicant's surveyor has provided information in support of the request. The required five findings are as follows:

- There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land, buildings, and for uses in the same zoning district.
- The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioners.

- The granting of the application will not materially affect the health or safety of persons residing or working in the neighborhood.
- The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon the other property in the vicinity and zone.
- Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

### **CONCLUSION:**

It appears the division of the property will not improve its use commercially due to additional setbacks required from newly created property lines. The future plans indicate that Hwy 41 will need to be widened in the subject area. Because the property is on a curve, a deceleration area prior to any driveway would be required to lessen a dangerous traffic situation. The many issues included in the length-to-wide ratio, minimum average lot width, additional set back requirements and the future of Hwy 41 in the area makes approval of this request unacceptable as submitted.

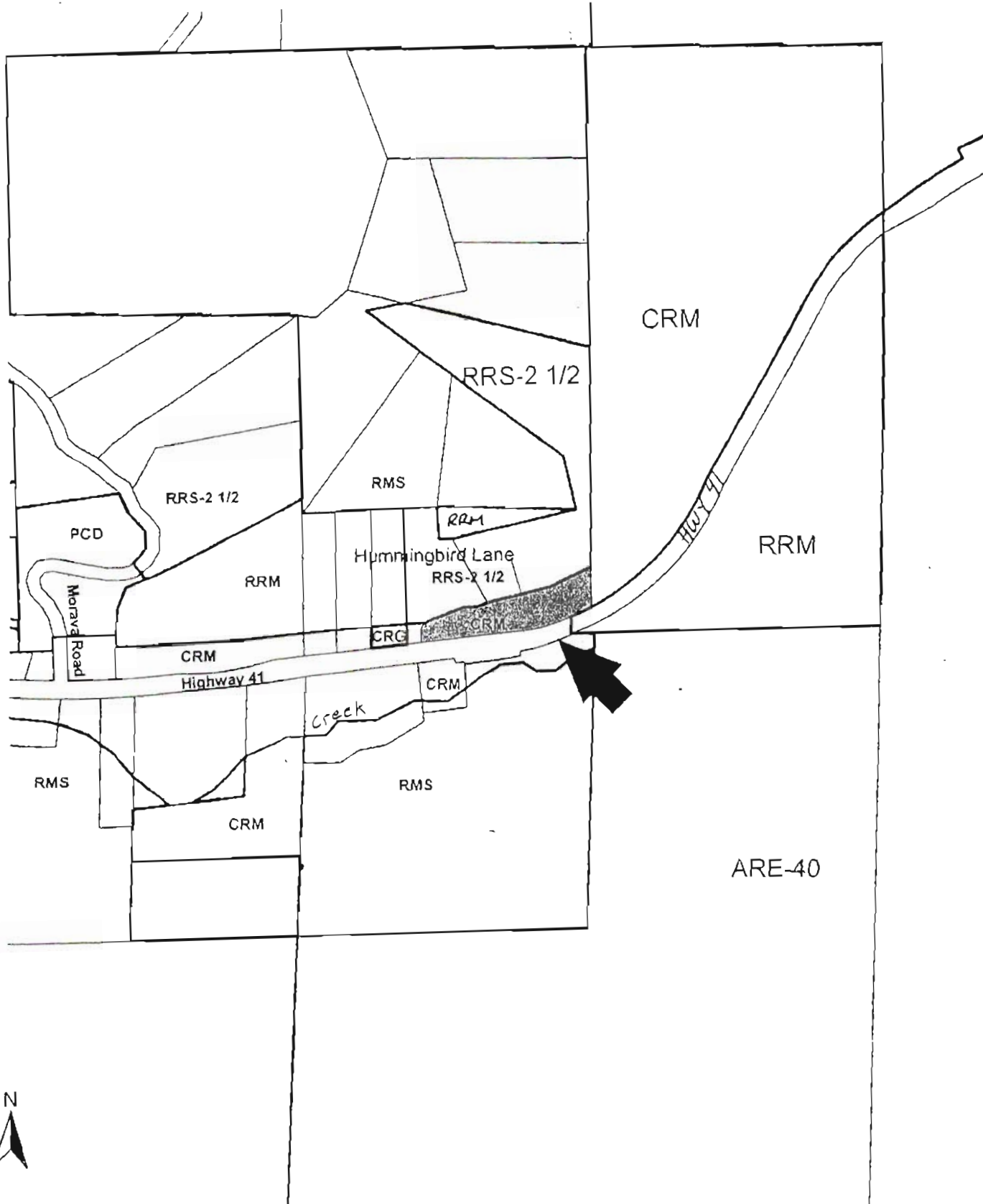
### **RECOMMENDATIONS:**

Recommend the complainants and planning department review the various options that may be available to determine if a compromise solution can be reached.

### **RESPONSES:**

The Complainant  
Madera County planning Department Director  
Madera County Building Department Director  
Madera County Chief Administrative Officer  
Madera County Board of Supervisors





Zoning Map



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON THE  
MADERA COUNTY DEPARTMENT OF CORRECTIONS  
ADULT JAIL**

**INTRODUCTION:**

Members of the Grand Jury toured the Madera County Department of Corrections (County Jail) on March 17, 2005.

**FINDINGS:**

Every suspect arrested in the City of Madera or in Madera County is brought to the Madera County Department of Corrections for processing. Any suspect the Highway Patrol in the County arrests is also brought to the Madera County Jail. There are three eight-hour shifts, one officer is allocated per 48 plus inmates. There are 13 officers per shift. Inmates are checked every 30 minutes or 15 minutes for inmates with serious crimes or on suicide watch. Inmates are confined until sentenced which can take one day to 2-3 years. If the offense is minor, the judge may keep the inmate there to complete his/her sentence. Sentenced inmates are sent to Wasco State Prison until the State decides what prison they are to be sent to for completion of their sentence. During the classification and booking procedure, inmates are brought in through a secured gated area and their belongings taken for safe-keeping. New inmates determined to be sick are sent to a local hospital. If intoxicated, they are placed in a sobering cell and given a medical code. After classification they are sent to their assigned cell.

Inmates are provided two cold meals (breakfast and lunch) and one hot meal (dinner) per day in their housing modules.

Female inmates accused of serious crimes wear dark green and males wear red. Medium security inmates wear blue and trustees wear tan.

**CONCLUSION:**

There are four housing modules occupied by the general population and the remaining two are occupied with inmates in the final months of their sentences and the inmate work crews.

**RECOMMENDATIONS:**

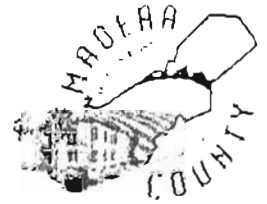
- The live scan fingerprint model needs to be updated. It would then have a palm scan and DNA identification.
- Hire and train staff to fill all authorized and funded positions.
- A policy should be put in place where information can be passed on from one shift to another.
- Reinstate the outside work program.

**RESPONSES REQUIRED:**

- Madera County Correctional Superintendent
- Madera County Board of Supervisors
- Madera County Probation Department



# Madera County




## Department of Corrections

Doug Papagni  
Director of Corrections  
dpapagni@madera-county.com

14191 Road 28, Madera, CA 93638  
(559) 675-7951, (559) 675-7991 FAX

### MEMORANDUM

DATE: May 4, 2006  
TO: Mr. Hal Lane  
Madera County Grand Jury  
FROM: D. Papagni   
Director of Corrections  
RE Response to Grand Jury 2005 Final Report

#### Recommendation #1

The live scan fingerprint model needs to be updated. It would then have a palm scan and DNA identification.

**The recommendation has not yet been implemented, but will be implemented within the next 12 months.**

*In 2005 the BOS authorized the establishment of a CAL ID RAN Board and the collection of funds for law enforcement technology. The RAN Board has been established and I have been appointed Vice Chairman. The first priority of this board is to obtain the upgraded live scan equipment for the Department of Corrections and Probation. This equipment will allow us to begin DNA collection per Proposition 69. We will be making a purchase of the equipment soon.*

#### Recommendation #2

Hire and train staff to fill all authorized and funded positions

**The recommendation has been implemented and continues.**

*The Department of Corrections along with Madera County Human Resources has worked diligently to recruit and hire Correctional Officers to fill all vacancies. We have also instituted a*

*program to backfill long-term vacancies created by permanent staff being off work due to long-term illnesses or injuries. Attracting qualified candidates has been a problem but we continue to move forward aggressively to recruit, hire and train qualified Correctional Officers.*

**Recommendation #3**

A policy should be put in place where information can be passed on from one shift to another.

**The recommendation has been implemented. We are currently negotiating with the Correctional Officers Union. Implementation is anticipated in April 2006.**

**Recommendation #4**

Reinstate the outside work program

**The Board of Supervisors approved and funded an inmate labor program in 2005. Staff has been assigned to the program equipment has been purchased and ordered. The program began in January 2006.**



INMATE WORK CREW  
CLEANING ROADSIDE OF  
AVENUE 12 NEAR MADERA  
RANCHOS



MADERA COMMUNITY  
SERVICES CREW CLEANING  
FORMER MARIJUANA  
GROWING AREA



BEFORE PICTURE OF TRASH  
ACCUMULATED ON COUNTY  
ROAD EAST OF ROAD 26 IN  
MADERA COUNTY





AFTER PICTURE OF SAME  
AREA AFTER TRASH HAS  
BEEN CLEANED UP AND  
TAKEN AWAY



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON THE INTERACTIONS  
AND COOPERATION BETWEEN THE MADERA COUNTY  
DEPARTMENT OF SOCIAL SERVICES,  
CHILD WELFARE SERVICES AND THE CHUKCHANSI INDIAN  
TRIBE.**

**INTRODUCTION:**

California has the highest population of Indian children in the nation. Madera County and surrounding counties are home to the largest group of Indians in the State with 63 tribes and approximately 35 village sites between Stockton and Bakersfield. (See attachment #1.)

The interaction and cooperation between the County Social Services Department and Indian tribes in Madera County is crucial in providing culturally sensitive services to Indian families.

**FINDINGS:**

Since 2003, members of the Grand Jury have met and worked with the Department of Social Services and the Chukchansi Tribe Indian Child Welfare Act (ICWA) Coordinator to help culminate the following improvements:

- The Department of Social Services (DPSS), Child Welfare Division Department, now has a designated ICWA representative who deals with issues regarding the Indian Child Welfare Act of 1978 (ICWA) and communicates directly with the Chukchansi ICWA Coordinator plus the North Fork ICWA Coordinator.
- The Madera County Child Welfare Services is an active member of the Central Valley Indian task force. In June 2005, together with the Chukchansi Tribe, North Fork Rancheria, Santa Rosa Rancheria, Fresno County DPSS and other task force members, hosted the State ICWA Conference in Visalia, California.
- On November 9, 2005, members of the Grand Jury met with the ICWA Representative from DPSS and the ICWA Coordinator for the Chukchansi Tribe at which time each agency submitted letters of approval regarding the Grand Jury Final Report.

- The ICWA representative from DPSS Child Welfare Services and the ICWA Coordinator have agreed that the latest issues concerning Indian children have been dealt with efficiently to assure the appropriate outcome for the best interest of the Indian children.
- As a result of a recommendation by the Grand Jury concerning military recruiters and Indian children the ICWA Coordinator of the Chukchansi Tribe stated that Indian children completing the boot camp program has shown very favorable improvements. These include self-discipline, respecting others, following directions from others and greater self-confidence. Military recruiters have been offering Indian children information about opportunities available in the armed services upon their Boot Camp completion.
- In the effort to find more Indian adults to become foster parents and provide more homes for Indian children, the ICWA Coordinator is working hard to achieve this by finding tribal members who are employed at the Chukchansi Casino who already have the required clearance needed to become a foster parent. Foster homes in the future will benefit Indian children who need assistance.
- On December 1, 2005, members of the Grand Jury, along with the representative from the North Fork Mono Rancheria, met with the Madera County ICWA Representative, the ICWA Coordinator for the Picayune Rancheria of the Chukchansi Indians to discuss ongoing activities and ideas to achieve progress in providing Indian children and Indian families with the support and means to overcome any issues they may encounter.
- A Form JV130 is currently being used by Child Welfare Services (CWS) for parents to complete when a child is detained to determine if the child is of Indian heritage.
- The Madera County Probation Department is working effectively with both the Chukchansi and North Fork Rancheria tribes.
- A new Indian Community Center, located in North Fork will be opening in January and will be sharing services with the Chukchansi Tribe.

## **CONCLUSION:**

In the effort to ensure that Indian children and Indian families are provided with the culturally sensitive services they might need, the Grand Jury would like to commend the efforts and progress made over the past year by the ICWA Representative of DPSS and the ICWA Coordinator of the Chukchansi Tribe.

The Tribe would like to see more foster homes as well as schools on Indian Reservations. At a symposium in Visalia which consisted of members from all over the State in Law Enforcement, Judicial Members, Indian Tribal Leaders and prosecutors, they were immensely impressed with the fact of how well the Indian tribes and the Madera County Grand Jury were working together for the benefit of all parties concerned. All the tribal representatives informed us that are unheard of anywhere else in the State.

## **RECOMMENDATIONS:**

- The Tribe needs a social director
- Parenting classes for Indian issues would be beneficial to all parties
- Get Indian children involved in sports
- CWS could use conference calls for staffing saving travel expense.

## **RESPONSES:**

- Chukchansi ICWA Coordinator
- Child Welfare Services/ ICWA Coordinator
- Board of Supervisors



▲ STOCKTON  
 9 HUNEZUMNE  
 7 APELUMNE

10 CHELUMNE  
 Stanislaus River  
 22 TUOLUMNE  
 21 SUENUMNE  
 20 WALAKUMNE  
 YALESUMNE  
 Modesto Tuolumne River

PATTERSON  
 Crow's Landing  
 Merced River  
 23 AOSUMNE

MERCEDE  
 ORESTIMBA  
 GUSTINE  
 HAH-KAH-WAHL  
 18 HONOUNME  
 ONA LANOS  
 19  
 Gargas Creek  
 Ingomar  
 Halau  
 HAH-NO-MAH

SHEHAMNEU  
 Chuchilla River  
 25 CHAUCHELA

Fresno River  
 MADERA  
 HEUCHE  
 26  
 27 TOLTECHE  
 28 TOLTECHE  
 32 TOLTECHE  
 KUYU ILLIK  
 DUMNA  
 33  
 IUHPIN  
 31  
 GASHOU  
 34  
 CHOINUMNE  
 41  
 CHOINUMNE  
 MICHAHU  
 42  
 PITKACHE  
 30  
 MENDOTA

Firebaugh  
 Firebaugh  
 17 KAHWATCHWAH  
 17 KAHWATCHWAH

FRESNO  
 WECHIKIT  
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 WECHIKIT  
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 ITECHA  
 MUSH-TIH-NAU  
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# MADERA COUNTY DEPARTMENT OF SOCIAL SERVICES

HUBERT (HUB) WALSH, Director

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

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To: Members of the 2005 Madera County Grand Jury  
From: Madera County Department of Social Services, Elizabeth Inman, ICWA Representative

I am writing to you in response to the recent findings you made regarding the Indian Child Welfare Act and Madera County Department of Social Services/Child Welfare Services' compliance with that act.

It is now and always has been the goal of the Madera County Department of Social Services/Child Welfare Services to provide Indian Children and their families with services, which meet the Indian Child Welfare Act requirements and provides for the safety and protection of all children. Through a collaborative effort, and with your support, the Madera County Department of Social Services/Child Welfare Services has developed a relationship with the tribes in our area in an effort to provide culturally sensitive services to Indian families.

In addition, the Madera County Department of Social Services/Child Welfare Services is an active member of the Central Valley Indian Task Force. In June 2005, together with the Chukchansi Tribe, North Fork Rancheria, Santa Rosa Rancheria, Fresno County Department of Social Services and other members of the task force, we hosted the State ICWA Conference in Visalia, California. Together we can make a difference for Indian children and their families.

Sincerely,

Elizabeth Inman, ICWA Representative  
Madera County Department of Social Services/Child Welfare Services



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT OF THE  
MADERA COUNTY JUVENILE BOOT CAMP**

**INTRODUCTION**

Members of the Madera County Grand Jury toured the Madera County Juvenile Boot Camp on March 11, 2005 pursuant to Penal Code Section 925 charging all grand juries to investigate “county offices, departmental functions, operations, accounts and records, investigations and reports”.

**FINDINGS**

The Madera County Boot Camp is a structured facility in which youth offenders (cadets) are placed in a militaristic type-training environment where they are taught discipline and respect for others.

The original idea behind the boot camp was a maximum two-year program in which most cadets would be released before six months. The program is based upon military concepts in which they wake up at 0400 hours, participate in a structured physical fitness program and by 0500 hours they clean up and go to the dining facility for breakfast. After breakfast they are then marched to one of three classrooms for educational instruction. They have only 12 computers for student use at this time. They also have various work details and additional physical training.

The facility has the capacity to house up to 64 cadets ranging in age from 14 – 18 years. Housing areas have barrack-style sleeping rooms, classrooms, dayrooms, an infirmary and a large outside drill area. The housing units are segregated by gender. This facility is immaculate, thanks to “attention to detail” that is part of the structure given to the cadets

The staff consists of 22 detention officers, four deputy probation officers, one administrative assistant, one commandan/superintendent, and several extra help . detention staff, The officers receive an initial 200 hour training course followed by a minimum of 24 hours additional training each year. The facility did have an on-staff counselor available that would help to follow the after-care and progress of each of the cadets released from the program. However, due to budget reasons the position was cut and now the cadets are returned to their old environment without any special attention from a counselor.

The cadets are not permitted to speak without permission. Their posture is erect with eyes forward and they move from place to place in formation. When they participate in drills they are lead by a senior cadet. The cadets wear uniforms with colored t-shirts that designate their level of progress within the program or their security status.

Medical care is provided under private contract and nurses are available from the nearby Juvenile Hall.

### **CONCLUSION**

The Grand Jury finds the Juvenile Boot Camp is an impressive facility with a highly professional and dedicated support staff.

### **RECOMMENDATIONS**

- For the safety of the cadets and staff, funds should be allocated for additional staff in order to keep the facility running effectively. This should include a qualified counselor.
- Military recruiters should be encouraged to recruit eligible boot camp graduates.

### **RESPONSES REQUIRED**

- Madera County Juvenile Boot Camp Commandant
- Madera County Probation Department
- Madera County Board of Supervisors





**2005-2006 Madera County Grand Jury**  
PO Box 534  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE MADERA COUNTY  
JUVENILE DETENTION CENTER**

**INTRODUCTION**

The members of the Madera County Grand Jury toured the Madera County Juvenile Detention Center, pursuant to Penal Code 925 which charges the Grand Jury with investigation of “County offices, departmental functions, operations, accounts and records, investigations and reports”.

**FINDINGS**

The detention facility is approximately three years old and is located at 28219 Avenue 14. The facility has a maximum capacity of 70 juveniles within four separate housing modules and two administrative segregation units. At the time of our visit the population was 36 males and 8 females. The facility was designed to enable an expansion of up to two additional modules which would take the maximum capacity to 130.

The juveniles housed at the facility may be anywhere in the legal process from arraignment, preliminary hearing, disposition or additional supervision ordered through the Juvenile Courts. At the time of our visit a female victim was being held at the Detention Center for protective custody as a result of threats of violence against her by persons involved in her case. Juveniles who are under the influence of either narcotics or alcoholic beverages are not immediately admitted into the facility but rather taken to an area hospital until sober and escorted by an officer.

Each housing unit is a self-contained facility with rooms that include a dormitory, medical evaluation area, counseling, laundry, shower and classroom. This reduces movement within the facility to prevent escape. There is one television in the recreation area controlled by officers in the module. There is an exercise yard that is totally enclosed, where the juveniles can spend time outside. Money is being allocated from their budget to have non-slip paint placed on the floor in the shower.

Each juvenile is issued three sets of clothing: one is worn, one is in their room and one is in the laundry. They are responsible for keeping their clothes clean.

Medical care is provided under contract through a private agency. Two full-time nurses are on duty 12 hours a day, seven days a week, and a doctor visits once a week. However, if needed, medical staff is available 24 hours a day through Madera County Department of Corrections (DOC) or as an on-call service.

There are 32 detention officers that include full-time and part-time personnel, one administrative assistant, one office assistant, one superintendent, and several extra help detention staff.

The Madera County Office of Education provides teachers for academic and physical education. Other than schoolbooks, the juveniles were in need of additional reading material for their educational benefit. One staff member took it upon herself to seek donations from the community in order to secure additional reading material such as novels, biographies, history books, science fiction and other fiction and non-fiction books. They were able to start a mini-library through the donations received; however, more are needed.

The administration places a heavy emphasis on staff training as they are mandated by the State to meet a minimum amount of hours for each officer. Most of the training is done in-house due to budget constraints. The officers are required to have 24 hours of training and the sergeants are required to have 40 hours of training per year. The current finger print system is inadequate and time consuming.

#### **CONCLUSION:**

The Grand Jury found the juvenile facility to be spotless, well run and maintained. It was evident the staff is dedicated to ensuring the safety and security of the juveniles. If it were not for the "part-time" staff, the facility would be hard pressed to operate effectively. There is a significant turnover among the staff due to low pay.

#### **RECOMMENDATIONS:**

1. The Superintendent should be granted the funding for adequate staffing.
2. Update the live-scan fingerprint system.
3. Establish a petty cash fund for low cost emergencies with receipts.

#### **RESPONSES REQUIRED:**

- Madera County Juvenile Detention Facility Superintendent
- Madera County Probation Department
- Madera County Board of Supervisors



**2005-2006 Madera County Grand Jury**  
P.O. Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT OF THE  
MADERA COUNTY LIBRARIES**

**INTRODUCTION:**

On March 23, 2005 the County Committee of the Grand Jury visited the Madera County libraries in Madera and Chowchilla.

**FINDINGS:**

Like many other agencies the libraries are short of funding. The facilities are too small and there are issues with maintenance. An exception is the new Chowchilla Branch.

The libraries are understaffed and more books are needed. Volunteers can only be used to a certain extent because there is a significant amount of confidential information in the computer system. As a result of budget cuts, operating hours and days have been decreased approximately 20 hours.

In 2004 approximately \$10,000.00 worth of books were lost and either never returned or destroyed. Fines are imposed for overdue books and when the fine amount exceeds the value of the book, the borrower is listed on their computer network as an unauthorized user. Ultimately the overdue fines are sent to collections and the monies recovered go to the County General Fund.

We found safety issues to be in compliance, such as: five legs on secretarial chairs and exit signs lighted. Those signs that were one foot off the floor were also lighted and visible.

**CHOWCHILLA LIBRARY:**

While conversing with the Chowchilla librarian, the Grand Jury learned that \$8,000.00 to purchase the security gates and the \$3,000.00 for the demagnetizer was earned by the "Friends of the Library" by selling prepared lunches or dinners to the community. Funds from this fund-raising committee purchased a new computer system and books.

The summer reading program is quite impressive. The story-teller dresses in costume for "story time". This year 230 youngsters attended this event. The summer reading program offers prizes - \$5.00 in gifts for five books read and the gifts can be accumulated. The books read by a child are monitored and listed by the mother. The Grand Jury learned of an eight year old who read 300 books. Her mother checks out 20 books at a time for her to read.

This year 3,000 books were checked out which is double last year's count.

Children cut out pictures of service men, bring them to the library and explain to the group what these men do.

Foreign Exchange students use the computers to send and receive e-mail from their native countries. The library will teach inquiring students or citizens how to use the computers. This library is short staffed by one part-time person.

### **MADERA LIBRARY:**

The safety features were in compliance.

The librarian requested a voice mail system to handle incoming calls requesting basic information such as operating hours and location. This request had been denied previously in favor of a "personal touch". Unfortunately this only added to the problem created by understaffing.

The Madera Branch is also in need of a security patrol due to a high volume of undesirables frequenting the area, sometimes inside the library.

Building maintenance such as repairs, painting and windows need to be addressed. The contract maintenance firm does not do an adequate job. The former maintenance firm was discontinued due to unacceptable work and the current maintenance firm hired the employees from the former company resulting in the same conditions.

The overall management by the Madera County Library Staff was knowledgeable and efficient, but they need more funding.

### **RECOMMENDATIONS:**

1. Assess the feasibility of random security patrols at the Madera Branch.
2. Revisit the need for a voice mail system in the Madera Branch.
3. Provide one more full-time employee in Madera and one part-time employee in Chowchilla.
4. We recommend that funds collected from fines be returned to the respective libraries and not the General Fund.

### **RESPONSES REQUIRED:**

Madera County Head Librarian  
Chowchilla Librarian  
Madera Board of Supervisors  
Madera County Sheriff's Department  
Zak's Security



TO: MADERA COUNTY GRAND JURY  
FROM: KAREN ESTEVES, BRANCH MANAGER  
CHOWCHILLA LIBRARY  
SUBJECT: CORRECTION ON REPORT  
DATE: APRIL 10, 2006

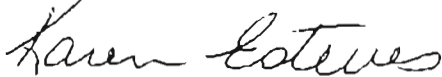
Thank you kindly for your recommendation for the Chowchilla Library be provided with one part-time employee.

We did in fact have 230 children enrolled in our summer reading program. For each book the child reads and puts on their log sheet we give the child a "play dollar". The child can use their "play money" to purchase toys, games, books and different items offered at our "library store".

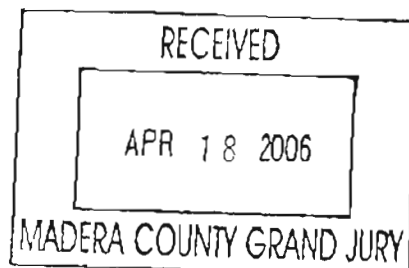
The Chowchilla Library checked our 11,722 books for the months of June and July 2005 during the summer reading program. In 2004 we had 175 children enrolled in the summer reading program and checked our 7,703 books.

I think children cutting out pictures of service men to share with the other children was done at the Madera Library.

Thank you so much for your visit. You are welcome at our library any time.



Karen Esteves  
Chowchilla Library  
Branch Manager



**2005-2006 Madera County Grand Jury**

P.O. Box 534

Madera, California 93639-0534

**THE 2005-2006 MADERA COUNTY GRANDJURY  
FINAL REPORT ON THE  
MINI STORAGE FACILITIES AND SEGMENTAL  
RETAINING WALLS IN COARSEGOLD**

**INTRODUCTION:**

In response to complaints regarding the segmental retaining walls at the “2-T’s” mini storage facility located at the intersection of Road 415 and Hwy 41 in Coarsegold, members of the grand jury were tasked to verify the retained heights and to observe the localized cracking and “bulging” of the lowest retaining wall blocks.

**FINDINGS:**

The hillside is retained by a total of three (3) segmental walls that terrace up the hillside. The lowest retaining wall is approximately 19 to 20 feet in height; middle wall is set back approximately 3 feet behind the top of the lowest wall and retains about 11 to 12 feet. The upper retaining wall is approximately 6 feet behind the top of the middle wall and retains approximately 10 feet. The hillside then slopes up from the top of the upper most wall at an assumed 2:1 (horizontal/vertical) slope. The slope then levels to the storage facility. The 1<sup>st</sup> storage building is located approximately 2 feet from the top of the slope.

Many block units are cracked along the front face of the wall. The majority of the cracks occur at the lower retaining wall, although, cracks were not limited to this area. The most severe cracking has occurred at the location where a bulge in the wall is quite visible. The bulge appeared to occur at the tallest section of the retaining wall just prior to its slope up the hillside. The bulge begins at the 2<sup>nd</sup> course of blocks from the bottom and extends up the wall several courses for a length along the wall of approximately 8 to 10 feet. It appears to protrude 6 to 8 inches maximum beyond the face of the bottom course. The Madera County Planning Department told Grand Jury members that the retaining wall was not constructed in accordance with the approved plans. Subsequently the wall was constructed 4 feet 6 inches onto the adjoining property.

At the time of this report the Madera County Planning Department will not issue a certificate of occupancy until the corrections are made.

The causes of the block fracturing and wall bulging include:

- Improper engineering
- Improper construction
- Defective materials (i.e. green blocks)

- Build up of hydrostatic pressure behind the wall (moisture)
- The first course of block at the base of the bulging wall was “keyed” into the base footing through the use of wedge anchors or “redheads”. Thus, the bottom course could not move horizontally with the rest of the wall causing the bulge to occur at the courses above.
- Some slack was left in the “geogrid” behind the wall. This slack would allow the horizontal movement of the wall.
- The storage building at the top of the hillside is applying additional pressure on the lowest retaining wall. It is unknown if this was taken into consideration in the design of the segmental walls.
- In a complete wall failure, the likelihood is that the whole hillside will come down causing disruption of traffic within the area of Hwy 41 and Road 415.
- According to the manufacture, this type of block requires a minimum of 21 days drying time. These blocks were used in constructing the wall 7 days after they were made.
- Construction was not started on a firm foundation of bed rock.

### **CONCLUSION**

Segmental walls are designed and constructed with reinforcing grids (“Geogrids”) that extend into the hillside behind the wall. This was not done per the approved plan.

- Rock-dowels have been designed for overturning resistance to sliding of the wall, but this has not been done. Providing another row of rock dowels along the toe of the footing would resist the sliding forces of the wall.
- Determining the cause of the cracking and bulging may be appropriate action, but will not change the fact that some form of retrofit or shoring is necessary to insure the future stability of the hillside.
- The builder erred when his surveyor used the wrong property marker and subsequently constructed the wall on 4 feet 6 inches of the adjoining property.
- The Madera County Building Division wrote correction notices for work that was not in compliance with the approved plans. The builder has not come into compliance at the time of this report.

### **RECOMMENDATION**

The property line dispute should be resolved in order for corrective measures to be taken to remedy the situation.

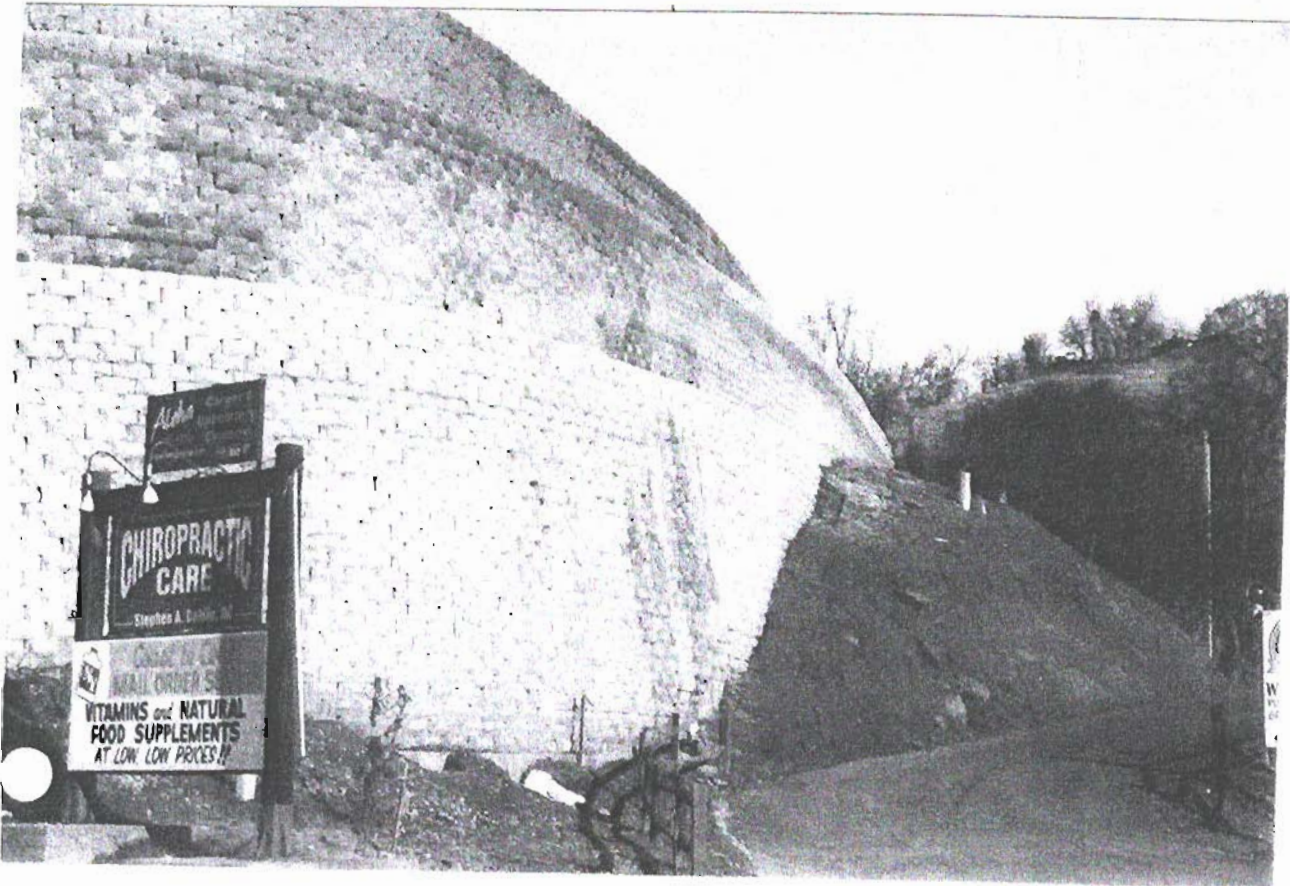
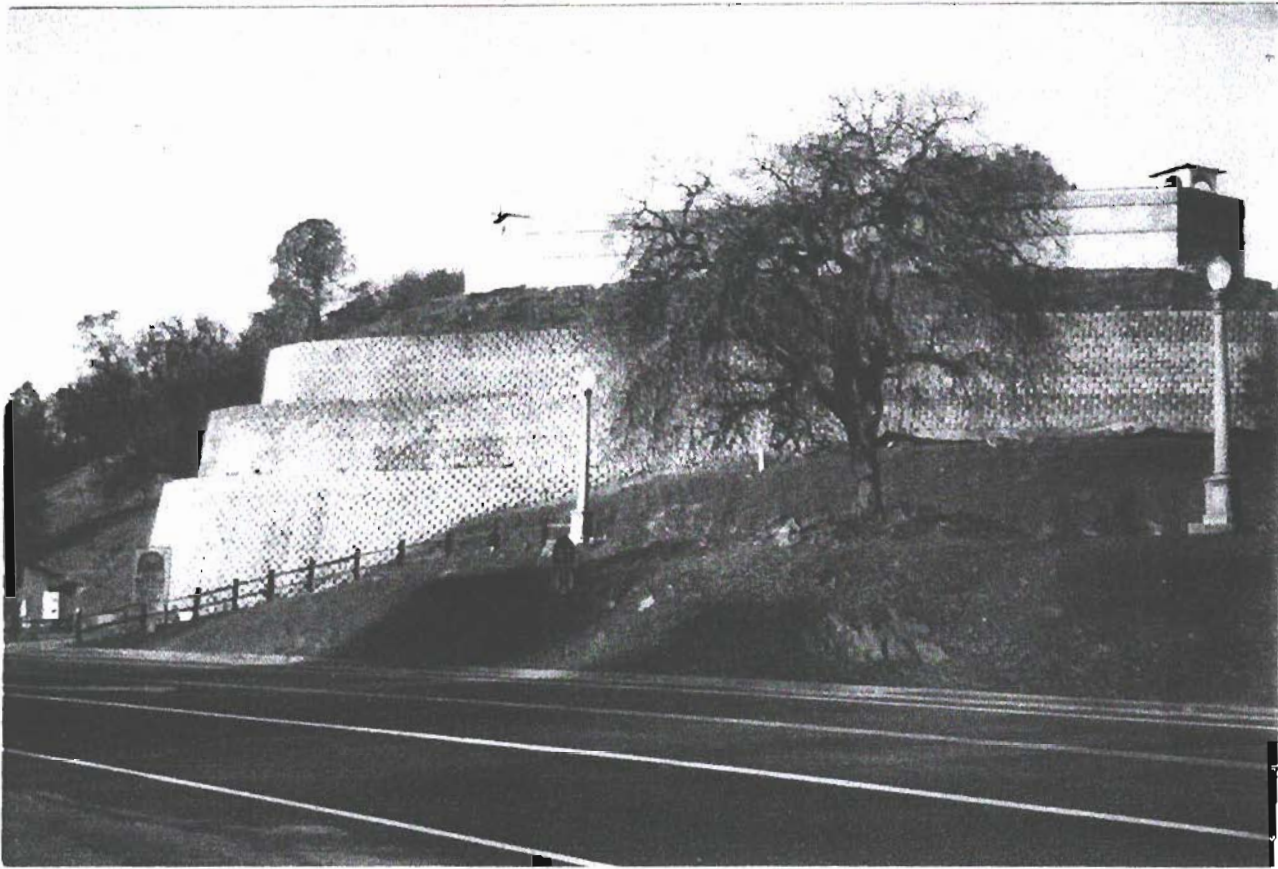
Consider the recommendations submitted by the Madera County Planning & Building Departments to satisfactory resolve the present condition of the wall.

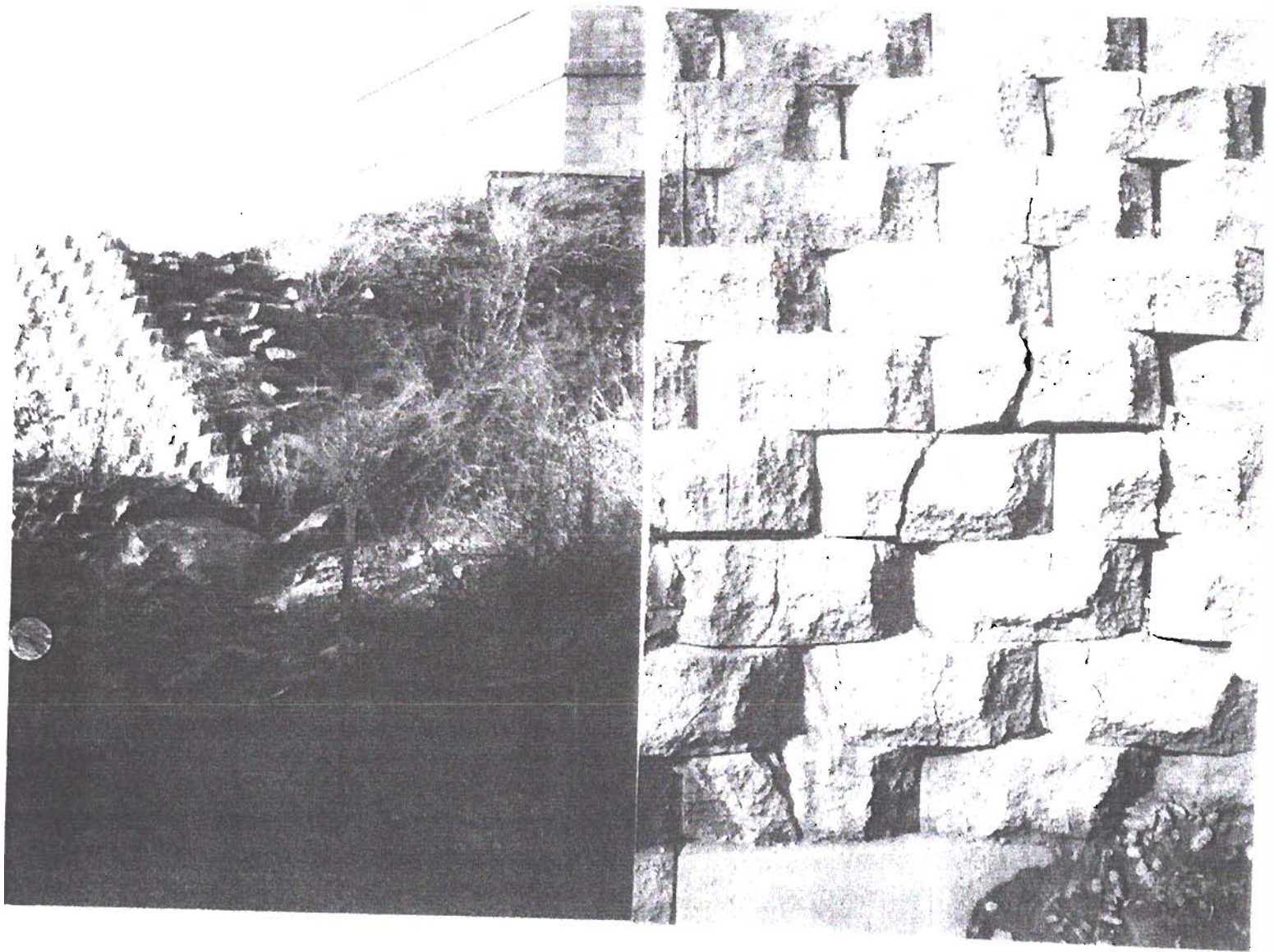
### **RESPONSES:**

Madera County Supervisor – District 5  
 Madera County Planning Director  
 Madera County Chief Administrative Officer  
 Madera County Board of Supervisors











**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



## **2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON MADERA COUNTY PLANNING DEPARTMENT**

### **INTRODUCTION:**

The Planning Department is one of five departments within the Resource Management Agency. The Department is involved in the review, processing and monitoring of development in Madera County. They are responsible for planning, zoning/development procedures, re-zoning, use permits, variances, specific plans, parcel maps, subdivision permits and appeals. They also make recommendations to the Board of Supervisors.

The Planning Department serves as staff to the Planning Commission that consists of five members representing each of the Districts within the County. The Commission reviews and acts on development projects and makes recommendations to the Board of Supervisors.

### **FINDINGS:**

The Department performs the following services:

- Advises on matters involving planning, zoning, land use, subdivisions, transportation, road standards and prepares maps and study material.
- Serves the County Airport Land Use Commission, Local Agency Formation Committee (LAFCO) and Development Review Committee.
- Provides information to the general public on current trends and requirements for development of property in the County.
- Serves as contact with the U.S. Census Bureau for population projection and demographics.
- Makes recommendations for approval of subdivisions and parcel maps
- Assigns addresses and street names to all residences and businesses in the unincorporated areas of the county.
- Issues outdoor event permits
- Responsible for code enforcement throughout the county.
- Reviews and signs-off on all building permit applications.

- Administration of the State Planning Act.
- Reviews and signs-off on all business licenses and checks on compliance.
- Implements County housing programs.

Some of the major projects the Planning Department is working on are:

- Ahwahnee Architectural Standards
- Temporary road-side stands
- Bee keeping ordinances
- Grading ordinances
- Area Plans
  - Coarsegold
  - Raymond
  - Chowchilla
  - North Fork
  - San Joaquin River crossing

Projects that are in development are:

- Rio Mesa
- 99 Corridor
- Madera Sand and Gravel Quarry
- Raymond Mobile Home Park
- Dairy Standards
- Monitoring of dairy regulations
- New Development Impact Fees
- Capital Improvement Program
- Code enforcement of Abandoned Vehicle Program

### **CONCLUSION:**

The Department functions as the planning agency for the unincorporated areas of Madera County processing zoning permits and subdivision applications. Prepares policies and programs that promote land use policy established by the Board of Supervisors and reviews construction permits for development and maintains an enforcement program and issues citations for violation of land use.

### **RECOMMENDATIONS:**

Make every effort to expedite processing of all types of permits.

### **RESPONSE:**

County of Madera Planning Department  
County Administrative Officer  
Board of Supervisors





## **2005-2006 Madera County Grand Jur**

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



# **THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON THE MADERA COUNTY PROBATION DEPARTMENT**

## **INTRODUCTION:**

The Madera County Probation Department is responsible for providing the Court with pre-sentence investigation reports for all felony cases whether the defendant is or is not eligible for probation. The Court for pre-sentence investigations refers these cases to the Probation Department. Misdemeanor cases for formal probation are also referred for pre-sentence investigation. In all felony cases the Penal Code mandates sentencing set forth in the Judicial Council rules. These rules assist the trial judges in determining facts relating to the defendant and the offense.

## **BACKGROUND:**

The Probation Department has support divisions, they are:

### **Adult Services Division:**

- The division is responsible for supervision and support services for all adults sentenced to formal probation by the Superior Court.
- Their primary goals are:
  - Protection of the community
  - Enforce terms and conditions of probation
  - Assist offenders to change their criminal activity and behavior in order to become a productive part of society.

### **Juvenile Detention Facility:**

Responsible for operation and administration of the Juvenile Hall, a place of detention for juvenile offenders taken into custody within provisions of Juvenile Court Law. These offenders are detained for their protection and the protection of the community, pending final disposition of their cases.

Programs include:

- Temporary detention
- Holding for other agencies
- Various lengths of detention and care
- Treatment programs
- Full-time school for continuation of education

### **JUVENILE BOOT CAMP**

This 60-bed facility began operation in 1997. The camp's objective is to instill, by military protocol structure, discipline and accountability while in a correctional environment. The camp program provides intervention, education and family involvement in the rehabilitation process.

There are four probation officers allocated to the Boot Camp, one of which is unfunded until FY 2006-2007.

### **JUVENILE SERVICE DIVISION**

The Juvenile Division oversees all juvenile matters referred to the Probation Department by other law enforcement agencies in Madera County. The Division is comprised of 14 sworn officers. The Division has officers at Juvenile Hall, Oakhurst and numerous school campuses. Intake officers handle all referrals from law enforcement agencies for offenders under 18 years of age, those who are beyond parental control, curfew violators, truants and runaways. During 2004 – 2005 intake officers handled 1,953 referrals. These officers also represent the Probation Department in Juvenile Court proceedings.

### **FINDINGS:**

The Probation Department is diligently working with offenders, especially juveniles, in preventing criminal activity. In collaboration with the courts, schools, mental health, social services, law enforcement and community organizations have developed a variety of prevention and intervention programs to strengthen family units, suppress gang activity, substance abuse and create programs to get offenders on the road to becoming productive members of the community.

- To effectively perform their duties, probation officers must have the support of all citizens and be able to maintain inter-agency relations at all levels.
- Currently there are 3,000 adults and 1,000 juvenile offenders on probation in Madera County.
- A Probation Officer stationed permanently at Madera High School creates a positive presence to students. He consults with students and assists the Madera Police Department with any matters that need assistance.
- A juvenile, immediately after arrest, goes directly to Juvenile Hall where an intake officer is notified and assigned to the individual.
- A juvenile does not automatically go off probation at age 18. They



may be kept on probation longer if they need to complete their education, pay any fines due, find employment or to satisfactorily complete their probation.

Page 3/Final Report Probation Department

**CONCLUSION:**

- To meet the increased complexity of probation work, especially in the facilities, depends on the ability to attract, train, develop and retain a qualified work force.
- Recent budget cuts have had a major impact in the overall operations and goals of the department.

**RECOMMENDATIONS:**

- Develop new or enhance existing programs to provide efficient and better services to all offenders and to the community.
- Allocate funds to fill some of the many vacancies that exist in the department.
- Increase salary structure in an attempt to become competitive with the various nearby counties.

**RESPONSES:**

- Chief Probation Officer
- Juvenile Hall Superintendent
- Boot Camp Commander
- Board of Supervisors



**2005-2006 Madera County Grand Jury**  
P.O. Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE MADERA COUNTY PUBLIC DEFENDERS OFFICE**

**INTRODUCTION:**

Since 1988 a private law firm has served as the public defender and alternate public defender for Madera County. The firm contracts with the county to provide legal representation to people charged with criminal offenses that are unable to afford to hire private counsel. The U.S. and California Constitutions guarantee counsel in a criminal case. They represent these people from the time the court appoints them until the conclusion of the case. They do not do appellate work.

**FINDINGS:**

1. The main office has 7- ½ attorneys, 1- ½ investigators and 3 clerical employees.
2. The Madera Alternate Defense (MAD) has 4 attorneys, 1 investigator and 1- 1/2 clerical employees.
3. The firm contracts with four independent attorneys when one of the other offices cannot handle a case due to a conflict of interest.
4. The attorneys handle a variety of cases. The majority are criminal cases and most are misdemeanors.
5. The office also handles:
  - Juvenile delinquency cases
  - Juvenile dependency cases
  - Family support cases
  - Conservatorship cases
6. In 2004 the main office handled 5,986 cases while the M.A.D. handled 737 cases. The private contractor handled 276 cases (See attachment 1).
7. The firm performs the services for a flat fee paid by the county.
8. Once the case is assigned, the attorney contacts the client whether in or out of custody. They then determine whether or not an investigation is necessary. If so, it is done by the investigators on staff.
9. Each attorney interacts with the Madera County District Attorney's office to determine the disposition of each case.
10. The vast majority of cases are resolved by mutual agreement, i.e. plea-bargaining. When such a disposition is not available, the firm will proceed to trial on behalf of their client.
11. The attorneys represent the client from arraignment through sentencing.

12. Attorneys must assure that the client's rights have not been violated and all provisions of the U.S. and California Constitutions have been followed.
13. The firm maintains a panel of attorneys who are qualified to handle death penalty cases.

**CONCLUSIONS:**

1. The attorneys comply with legal education requirements of the California State Bar Association.
2. The firm provides seminars four times a year for their attorneys.
3. The firm is responsible for all costs of doing business, i.e.- rents, salaries, benefits, and insurance.
4. The county pays only the annual fee in monthly installments.

**RECOMMENDATIONS:**

None

**RESPONSES:**

County of Madera Public Defenders Office  
County of Madera District Attorneys Office  
County Board of Supervisors

**ATTACHMENT #1****John A. Barker  
& Associates****Madera Alternate  
Defense**

Case Type	Total	Case Type	Total
Felonies	1967	Felonies	375
Misdemeanors	2763	Misdemeanors	155
Juvenile Dependency	219	Juvenile Dependency	120
Juvenile Delinquency	651	Juvenile Delinquency	79
Family Support	251	Family Support	5
Probate	124	Probate	0
Miscellaneous	11	Miscellaneous	11
Total	5986	Total	737

**JOHN A. BARKER & ASSOCIATES**

A PROFESSIONAL LAW CORPORATION

**CORPORATE ADMINISTRATIVE OFFICE**

*Richard A. Ciummo, President & Chief Executive Officer*  
*Donnie Maxwell, Vice President/Operations*  
*John A. Barker, Consultant*

123 East Fourth Street  
 Madera, California 93638

e-mail: [admin@johnbarkerandassociates.com](mailto:admin@johnbarkerandassociates.com)

(559) 673-7227  
 FAX (559) 673-6135

Amador

Calaveras

Fresno

Madera

Modoc

Napa

Sonoma

Trinity

February 27, 2006

Mr. Hal Lane  
 Chairman, County Committee  
 Madera County Grand Jury  
 P. O. Box 534  
 Madera, California 93639

Dear Mr. Lane:

On behalf of Mr. Ciummo, Mr. Fitzgerald, and myself, I would like to thank you and the other members of Madera County's Grand Jury, Mr. Cherry and Mr. Hedding, for your visit to the firm today. First of all, we are always willing to assist and cooperation with the Grand Jury whenever called upon. We appreciate your interest in the firm and what we do for indigent persons in Madera County who have been charged with a crime. In my nearly fifteen years of employment with John A. Barker & Associates, this is the first time I recall a grand jury interviewing this firm regarding our services to Madera County. I find it refreshing to know that someone is paying attention to what we do considering we represent between 6,000-8,000 residents of Madera County annually.

Again, thank you for spending the time with us today. If we can ever be of assistance in the future, please do not hesitate to contact us.

Respectfully,



Donnie Maxwell

DM/co

cc: Richard A. Ciummo  
 Michael P. Fitzgerald

*2005-2006 Madera County Grand Jury*

P.O. Box 534

Madera, California 93639-0534

(559) 662-0946

**THE 2005-2006 MADERA COUNTY GRAND JURY  
REPORT ON THE  
MADERA COMMUNITY HOSPITAL**

**INTRODUCTION:**

Members of the Madera County Grand Jury toured the Madera Community Hospital facilities on January 11, 2006 and on February 09, 2006. The Grand Jury interviewed the hospital's Chief Executive Officer on three separate occasions and interviewed the hospital's Chief Financial Officer and Head of Nurses. The Grand Jury reviewed accreditation/evaluation reports of the Madera Community Hospital by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), by the Madera County Department of Health and Human Services and meeting minutes, hospital policy, financial reports, staffing/salary information and the Emergency Preparedness Management Plans.

The Chief Executive Officer was new in the position, coming from another hospital; he assumed this position in September 2005. He was most cooperative with the Grand Jury during its review and investigation of the Madera Community Hospital. The JCAHO utilized 3 medical doctors and 1 registered nurse in their evaluation survey of the Madera Community Hospital on July 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> 2002. The Department of Health and Human Services surveyed and evaluated the hospital during the same period, July 15-19<sup>th</sup>, 2002

**FINDINGS:**

JACHO reported the results of the evaluation of the hospital in their official accreditation decision report. The hospital was awarded "Accreditation with requirements for improvement", which was contingent upon compliance with type-1 recommendations in the JACHO report. These type-1 recommendations referred to the hospital's deficiencies in the areas of:

- Medication use
- Directing departments
- Implementation
- Assessing competence
- Patient-specific data and information

Some of these deficiencies concerned:

- Leaving a syringe of ephedrine unattended on an anesthesia cart
- Medication cart drawers not locked
- Access to pharmacy by nurse supervisor not restricted to specific medications
- No consistent accounting for dispensed sample medications
- Food and medication refrigerator temperatures outside acceptable ranges
- Outside contracts had lapsed for 6-months for preventive maintenance on equipment such EKG monitors, fetal heart monitors, ICU monitors, PCA pumps
- Lack of documentation for competency assessment for three hospital technicians
- Some patient records did not include all significant medical diagnosis and conditions
- Many medical records contained entries that were not legible

There were other supplemental recommendations made. Two of these JACHO supplemental recommendations stated, “during a tour of the pharmacy, it was noted that combustible materials such as boxes, plastic binders etc. are stored on shelving which was approximately 4 to 8 inches from the lights which are on continuously from 7:00A.M. to 9:00 P.M”., and that, “access to the emergency department by handicapped individuals is impeded by lack of assisted door openers in the emergency department”.

The hospital was required to provide JCAHO with a written progress report within six months to address correction of the type 1 recommendations. The hospital did report to JCAHO on how they would correct the deficiencies and in a letter dated March 31<sup>st</sup>, 2005 stated; “Based upon the written progress report which you submitted, the type 1 recommendations previously placed upon your accreditation status...has been removed”. The hospital thereby maintained its three year JCAHO accreditation from July 19<sup>th</sup> 2002 through July 2005. The Department of Health and Human Services also surveyed the hospital on July 13-17<sup>th</sup>, 2002. Their 64-page evaluation report noted similar types of deficiencies. The hospital responded with a plan of correction.

Prior to the end of the 3-year JACHO accreditation period, the hospital discontinued JCAHO as their evaluating agency and contracted with the American Osteopathic Association (AOA) for evaluation and accreditation. The AOA surveyed the hospital on May 24-26, 2005. Comments of the AOA deficiency report included:

- Library committee not functioning
- Tumor Evaluation Committee/Board not functioning
- Supplies routinely noted to be inappropriately stored
- Treatment attempted prior to arrival is not documented on “walk-in” patients
- Nursing does not develop any problem list or POC
- No logs kept in ER
- Radiology keeps lists of X-rays, but no follow-up information for patient care/interventions

- Post anesthesia follow-up reports were not written within 48-hours after surgery in greater than 20% of cases reviewed

On September 2, 2005 the hospital provided AOA with the Response and Report of Corrective Action, which was accepted by the AOA. On September 14, 2005 AOA granted the hospital a three-year accreditation.

The Department of Health and Human Services surveyed the hospital on July 13, 2005 and provided the hospital with deficiencies noted during the survey. On August 9, 2005 the hospital returned a Plan of Correction of the deficiencies to the Department of Health.

During the Grand Jury tour of Madera Community Hospital on January 11, 2006, a room labeled medication/supply room with a coded push button entry lock was found unlocked. In the emergency room, drawers of several medical supply carts were found to be unlocked. During the Grand Jury tour on February 9, 2006 the same medication/supply room was again found to be unlocked and medical supply carts in the emergency room were also found unlocked. This had been noted in the 2002 JCAHO report and remains uncorrected in 2006. During both tours of the hospital the Grand Jury, noted storage along the walls on both sides of the hallways throughout the hospital. This included large pieces of medical equipment, beds, wheelchairs, cleaning carts, and medical cabinets. This appears to be a hazard.

When touring the hospital pharmacy on February 9, 2006 the Grand Jury noted boxed and combustible material stored on top of shelving close to the ceiling lighting. This fire hazard had been noted in the 2002 JCAHO evaluation report and still remains uncorrected. When touring the hospital emergency department, the entry doors were found propped open. The Grand Jury was told that these doors do not have automated openers. In the open position these doors allow easy access to handicapped person as requested in the JCAHO report. These doors function as fire doors and should not be propped open as an alternative to having automated doors. During the Grand Jury tour of the hospital, a separate portable building was used as a childcare center was observed. The three rooms in this facility had children's learning and play areas. An attendant was in charge and explained the children were cared for while their parents were receiving medical care at the hospital. There is no charge to parents for this service.

The Grand Jury observed the two-year old emergency department, which was modern and well equipped. Volunteers were observed at information areas providing assistance to people coming into the hospital. During the tour the grand Jury observed a hospital room where two female inmates from the women's prison were receiving treatment. Several prison guards were securing the area.

During a review of hospital reports and minutes and through interviews with the Chief Executive Officer, the Chief Financial Officer, Head of Nurses and other staff, the Grand Jury found the following:



- The 19 members of the Hospital Board of Trustees are from the City of Madera and do not represent Madera County.
- Over a five-year period the cost of uncompensated Medicare and charity cases was \$22,566,000 (see attachment “A”).
- There is a shortage of nurses and at times traveling nurses must be hired at a much higher cost than the hospital nurses.
- The State Seismic Retrofit Bill (SB 1953) requires that the hospital much comply by the year 2030.
- The current method employed by the Chief Financial Officer in investing hospital funds is to allow local brokerage firms and local banks to invest in certificates of deposit at interest rates as recommended by the above.

The Madera Hospital participates in the Paradigm Program with Fresno City College, St. Agnes Medical Center, Kaiser Permanente, Valley Children’s Hospital, and University Medical Center. Madera Community Hospital sponsors local high school graduates who work for the hospital in some capacity and are recommended by the director. The hospital pays for tuition, books and supplies for nursing students in this two-year program and in turn the students commit to working 2-years as nurses for the hospital after graduating. If the student does not work for the hospital after graduation, they are required to repay the hospital up to \$15,000 for the training. Madera Community Hospital currently has 30 student nurses in the program.

### **CONCLUSIONS:**

The Madera Community Hospital is commended for:

- Sponsoring a student-nursing program.
- Acquiring a \$600,000 federal grant during the last 3-years for the nurses training program.
- Automating hospital patients’ medical records so that hospital staff has this information available as needed.
- The new emergency department facility to serve the emergency medical needs of the community.
- Acquiring and maintaining a Magnetic Resonance Imaging Apparatus (MRI), thus eliminating the need to have patients travel elsewhere to receive this service.
- Going to a partially self-insured workers compensation program, which saved approximately \$1.5 million over a 3-year period.
- Maintaining a good hospital volunteer program that assists in the smooth functioning of the hospital and together with the Madera Community Hospital Foundation raises \$100,000 for specific hospital equipment.
- Providing free childcare services for parents while parents receive medical services at the hospital.

## **RECOMMENDATIONS:**

- The Board of Trustees seek out and recommended for appointment to the Hospital Board, candidates who represent all areas of Madera County.
- The hospital carry out an intensive study on the feasibility of seismic retrofit and/or the building of new hospital facilities including projections of anticipated population growth and facility needs with a timeline for planning and phasing in facility improvements.
- Nurses' medicine supply carts be kept locked and that medical supply rooms with coded keyed locking entry systems be kept locked.
- The Chief Financial Officer take a more active role in seeking out and securing higher interest rates on investments of hospital funds. Also, do a comprehensive analysis of bank interest rates to insure the highest safe interest income for the hospital and report the findings of the accounts on a monthly basis.
- Remove all combustible materials piled up above the storage shelving in the hospital pharmacy.
- Make an effort to find adequate and proper storage of hospital equipment.
- The emergency room entry doors to be automated to provide easy access and to allow those fire doors to be kept closed.
- Raise the salary of current nurses, provide bonuses to attract new nurses and continue to provide improved benefits,
- Continue to support the student-nursing program and advertise the availability of the program.
- The hospital contact their former nurses with questionnaire to determine whether the reasons they left related to:
  - Personnel problems
  - Administrative problems
  - Lack of opportunities for advancement
  - No system for addressing grievances
  - Improper or dangerous hospital procedures
  - Poor working conditions
  - Salary and benefits
  - Other conditions the hospital should address
  
- Contact the California Department of Transportation and seek additional signage along the highway to help direct traffic to the hospital entrance.
- Improve hallway and nurses' station lighting on the second floor.
- Department of Health and Human Services follow-up periodically to ensure that the hospital has actually made the corrections of deficiencies that the hospital stated it had corrected.

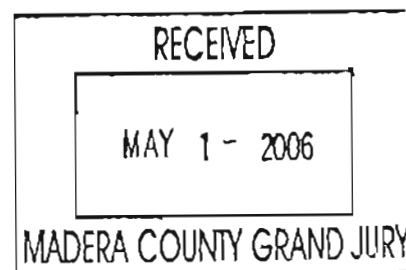
## **RESPONSES:**

Madera Community Hospital Board of Trustees  
Madera County Board of Supervisors

California State Department of Health and Human Services Health Care Financing  
Administration  
California Department of Forestry (Madera City Fire Department)  
Chief Executive Officer of Madera Community Hospital

Madera Community Hospital  
 Grand Jury Data Request  
 November 23, 2005

<u>Recap of Uncompensated Care:</u>	2001	2002	2003	2004	2005	5-Year Total
Charity Care	\$175,000	300,000	394,000	432,000	450,000 est	\$1,751,000
Uncompensated Costs of the Medi-Cal and CMSP Programs	4,315,000	4,100,000	4,000,000	3,700,000	4,700,000 est	20,815,000
Totals	<u>\$4,490,000</u>	<u>4,400,000</u>	<u>4,394,000</u>	<u>4,132,000</u>	<u>5,150,000</u>	<u>\$22,566,000</u>



April 28, 2006

Mr. Douglas Kleist, Foreman  
Madera County Grand Jury  
P.O. Box 534  
Madera, CA 93639

Re: Response to the 2005-2006 Madera County Grand Jury Report on Madera  
Community Hospital

Dear Mr. Kleist:

We received the preliminary report of the Grand Jury on Tuesday, April 25, 2005, and this is our response:

**Findings**

The Hospital has been surveyed on many occasions by surveyors from the Medicare approved organizations, JCAHO and AOA, as well as the local DHS and Madera City Fire Department, who have been trained to interpret the many applicable regulations and standards. The hospital has implemented corrections after each survey. There is an implication in this report that the Hospital did not implement the necessary corrections that need to be made, as noted in the 2002 JCAHO survey. Specifically, the AOA survey team did review the Emergency Department medication carts and the supply carts in the 2005 survey and found no deficiencies. The second area noted was the storage of combustible material stored on top of shelving close to the ceiling lighting in the Pharmacy. The hospital was given a supplemental recommendation by JCAHO in 2002. Since that time, the Hospital was surveyed by both the AOA and Madera Fire Department in 2005. No deficiencies were noted by either organization.

The doors in the Emergency Department are appropriately opened with magnetic locks which are released when the fire alarm system is activated. We agree that other doors should not be opened by any other method.

The Hospital is a privately owned not-for-profit entity with a primary service area in Western Madera County. The Board membership does represent this area.

Nurse recruitment and retention is a key initiative for the Hospital. We have experienced more success during the fiscal year in this area, as indicated by the decrease in the number of contracted nurses (travelers) from 23 to 9.

### Conclusions

Thank you for your commendations about these specific areas

### Recommendations

The Board recently approved a 25 year conceptual plan addressing the need for expansion and the seismic regulations by 2030.

The Hospital does have an investment policy which takes into consideration risk, as well as investing in locally-based financial institutions.


All hospital employees who voluntarily terminate employment are given the opportunity to share their reasons by questionnaire.

Improved signage along Highway 99 should be done when the new Interchange on Almond Avenue is completed. We agree it needs to be done.

The Department of Health and Human Services does follow up periodically to ensure the Hospital has made the corrections of deficiencies as delineated in the Plan of Correction.

In summary, we appreciate the opportunity to respond to this report and hope you will take these comments into consideration in the Final Report. Please call me if you have any questions or concerns.

Sincerely,



John W. Frye, Jr.  
Chief Executive Officer

JWF/kah



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY'S  
FINAL REPORT ON  
CITIZEN COMPLAINT FORM FILED BY HOMEOWNERS  
OF THE HOME RANCH ESTATES IN MADERA**

**INTRODUCTION**

The Madera County Grand Jury received a Citizen Complaint signed by 48 homeowners of Home Ranch Estates stating that from 2002 to the present time, they were told a full recreation park including ball fields, volleyball courts, basketball courts and picnic area would be constructed.

The homeowners state that the builder advertised the park as such when they purchased their house. They also stated that they paid a development fee towards this park. The complaint states they either want the park built as advertised or the money they paid in fees to build the park returned to them.

**FINDINGS**

After interviewing representatives of the City of Madera, the Federal Aviation Administration, Berry Construction and Madera Municipal Airport, the Grand Jury came to the following conclusions:

1. The FAA will not allow the park to be built as advertised because the area designated for the park is within the RPZ (Runway Protection Zone, see attachment 1).
2. The FAA has approved an alternate plan that could be constructed in the same designated area. It would include a 12-foot wide cement walkway running south on Glade Avenue, east on Cleveland Avenue then south on Granada Avenue. It would include trees along the entire length with several concrete seating areas along the way.
3. The City of Madera purchased the property in question from Berry Construction in 1996. It was purchased with funds obtained from an FAA grant.
  - 3a. Upon acceptance of the grant, which included the purchase of land and other airport improvements, the City had to adhere to the regulations set forth by the FAA.
4. There was no agreement between the City of Madera and Berry Construction to build the park as advertised.

5. The City of Madera may possibly agree to build the alternate park if a source of revenue can be found to pay for the maintenance.
6. Impact fees collected from the homeowners for parks and recreation can only be used for construction, not maintenance.
7. Fees collected from homeowners go into the Parks and Recreation Capital Impact Fee Fund to be used only for Parks and Recreation capital projects throughout the city.
8. Impact fees collected from homeowners of Home Ranch Estates ranged from a minimum of \$692.25 to a maximum of \$2,170.00 representing an approximate total of \$188,000.00. The amounts varied due to the fact that the City Council approved increases of the fees.

### **CONCLUSION**

1. The City of Madera will not be able to construct the park as advertised by Berry Construction.
2. The fees collected for Parks and Recreation go into the Department's Capital Impact Fund and can only be used for City Parks and Recreation capital projects and when collected are not designated for a specific project.

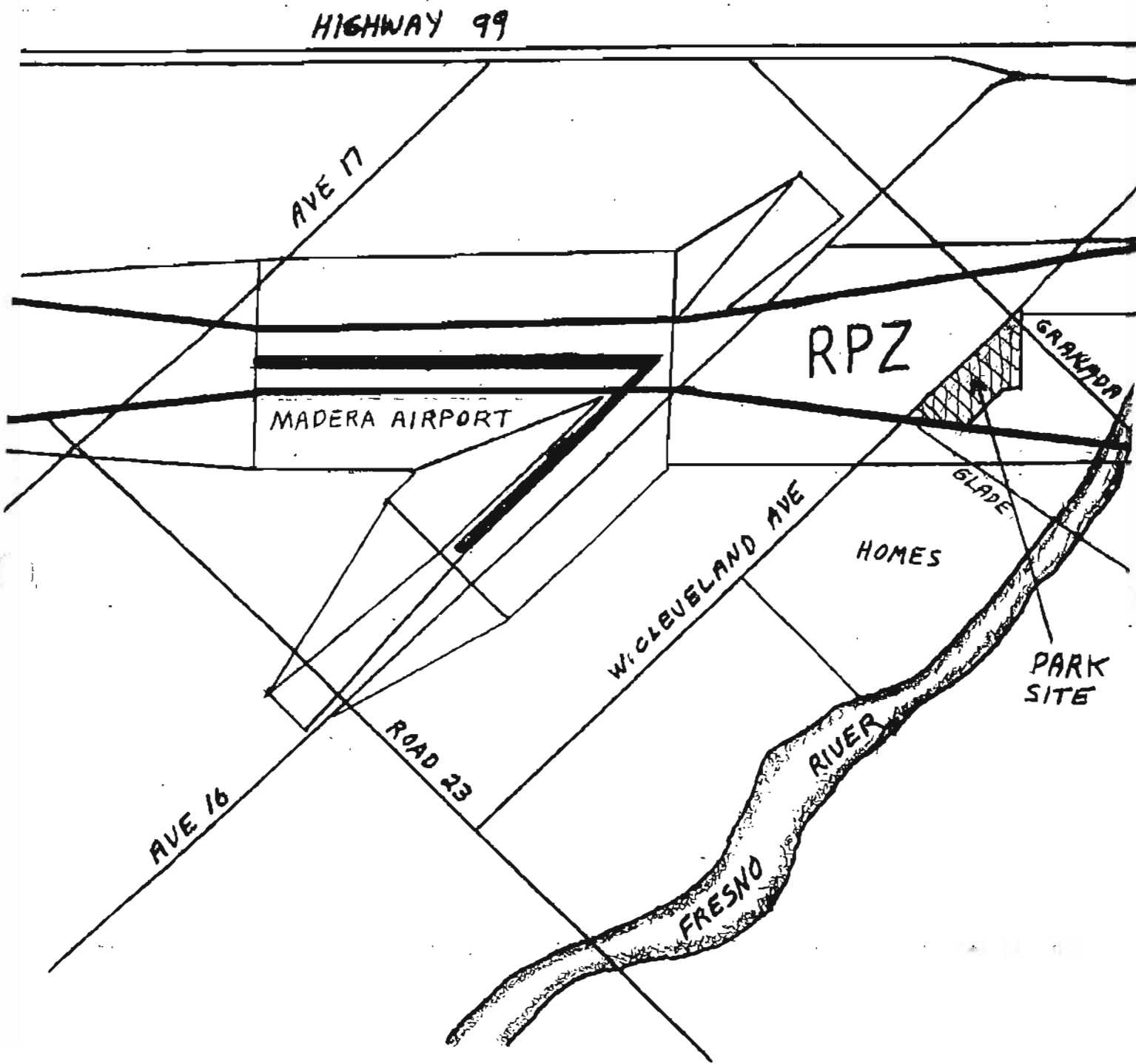
### **RECOMMENDATIONS**

1. That the City of Madera build the alternate park with funds from the Parks and Recreation General Fund.
2. A source of revenue should be found to pay the maintenance fees of the alternate park.
3. Berry Construction allocate approximately 10 acres in proximity to the Home Ranch Estates to build the park as advertised to potential homebuyers.
  - 3a. That Berry Construction provide maintenance for said park.
  - 3b. That Berry Construction remove the signs that advertise the park to potential homebuyers. The signs should reflect the accurate park facility as approved by the FAA.
4. Homeowners to file a complaint with the appropriate agency in order to have the matter resolved and take appropriate action to settle the dispute to their satisfaction.



**ENTITIES TO RESPOND**

1. City of Madera, Chief Administrative Officer
  2. City Parks Department
  3. Federal Aviation Administration
  4. Berry Construction Company
  5. Madera Municipal Airport Manager
- 1 Acth – Map of Runway Protection Zone (RPZ).



ATTACHMENT 1



**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE OFFICE OF EMERGENCY SERVICES/CIVIL DEFENSE**

**INTRODUCTION:**

Members Of the Madera County Grand Jury visited with the coordinator of the Office of Emergency Services (OES) on July 18, 2005. The coordinator noted that the last visit/inspection by the Grand Jury was in 1998.

**FINDINGS:**

Originally, SEMS (Standard Emergency Management System) provided the guidelines for emergency services, however, since 9/11 a Presidential Directive established NEMS (National Emergency Management System). This program has been enacted but specific guidelines are yet to be published. NEMS designates all county employees as emergency workers. FEMA (Federal Emergency Management Agency) provides the emergency disaster training. Instructors from Alabama are available to come to each county to provide training. Managers and or directors may go to Alabama for more detailed training.

Emergency services can be initiated for any type of disaster. Five elements are present in any disaster exercise or real event: management operations, logistics, finance and planning. Each county has a representative for disaster planning and various elements may be provided for by other counties. For example: Merced County has HAZMAT capability and can be called upon by Madera County if required. There have been three exercises so far this year 2005. The next scheduled exercise involves the Health Department. It will be an inoculation test, an attempt to simulate providing 70,000 inoculations. Other planned exercises include dam failure and medical and or chemical spills. RIMS, a computer program used for communications, provides information to the State i.e. the event, number of people killed or injured and other pertinent data.

The OES Coordinator is a one-man operation with office space provided in the Sheriff's Department building. The Emergency Operations Center (EOC), when required, is held in the Sheriff's training room. However, the number of staff required for any exercise or event creates a crowded and noisy environment. The OES Coordinator is planning for a separate building. Funding may be a problem as many of his operating funds come from the State.

**CONCLUSION:**

The OES Coordinator is getting the job done. The Federal Government needs to expedite clear NEMS guidelines.

**RECOMMENDATIONS:**

The OES Coordinator should continue to plan for the new EOC and seek new grants.

**RESPONSES:**

OES Coordinator  
Madera County Sheriff  
Board of Supervisors



# SHERIFF'S DEPARTMENT

## Madera County

John P. Anderson  
Sheriff-Coroner

14143 Road 28  
Madera, CA 93638  
Phone (559) 675-7770  
Fax (559) 675-8413  
E-Mail [janderson@madera-county.com](mailto:janderson@madera-county.com)

April 23, 2006

Mr. Douglas Kleist, Forman  
Madera County Grand Jury  
PO Box 534  
Madera, CA 93637

Dear Mr. Kleist,

I want to thank the Grand Jury for including some operations of this Department in it's review of County responsibilities during 2005. The portions of the report that relate to our functions are responded to below:

### OES COORDINATOR

Recommendation:

The OES coordinator should continue to plan for the new EOC and seek new grants

Response:

After the September 11, 2000 attack, a reorganization at the Federal level placed the Office of Emergency Services under the newly formed Department of Homeland Security. As observed during the Katrina disaster, this unfortunately did not result in the expected improvements in emergency or disaster response. It did however make some Federal funds available for emergency planning. The Madera County Emergency Coordinator has obtained funds for training and for upgrading our equipment. There are still funds available for the establishment of an Emergency Operations Center, and we have been attempting to relocate off site for the past four years.



Initially, we hoped to obtain the building just east of the current Government Center at 135 W Yosemite Avenue after the Resources Management Agency moved to the Wal-Mart Center on Cleveland Avenue. Following months of inspection and review we were advised that the building would not be suitable for our needs.

We then requested that the former Road Department building at 201 W. Almond, be used. Once again, after many months of inspection and delay, we were told that the Road Department would not be entirely vacating the building.

Our next option was the former Sheriff's office, at 216 W. 6<sup>th</sup> Street that is currently being used by the Information Technology Department. Once this Department moves to the new Government Center this building would be ideal as it has in place all of the telephone and computer hookups that would be needed in a EOC. This location has been ruled out as it is deemed to be too near the railroad tracks and Highway 99.

We have been advised that at some time in the future, the Mosquito and Vector Abatement District would be moving from it's present location at 900 N Gateway Drive, and that their buildings would be vacant. This location seems, however, to have the drawbacks of also being close to Highway 99 and the railroad tracks, plus the Fresno River runs just south of it.

As recommended by the Jury, we will continue to seek a suitable location for an Emergency Operations Center.

#### MADERA COUNTY LIBRARIES

##### Recommendation:

Assess the feasibility of random security patrols at the Madera Branch.

##### Response:

Currently, the Bailiffs assigned to the Madera Superior Court at the Government Center respond to calls for assistance to the Madera Branch Library. These consist mainly of disturbances created by homeless persons and occur infrequently. Due to a shortage of Bailiff it is currently difficult to cover courtroom responsibilities, and providing random patrol of the library would be impossible. It is our belief that the library would be better served through expansion of the private security contract that serves the Government Center.

#### MADERA COUNTY CENTRAL GARAGE

##### Recommendation:

The Bass Lake Sheriff's Sub-Station be provided with a gas powered pressure washer.


##### Response:

We concur with this recommendation, however, we currently do not have a pressure washer of any type at either the main office in Madera or at the sub-station. Worse, we do not have the availability of people to wash the cars at Bass Lake. In Madera, we have jail inmates that provide that service, at Bass Lake the deputies have to clean the vehicles. Plus there is not a

suitable wash area at Bass Lake. A wash rack will be planned for the new Mountain Division facility in Oakhurst, and perhaps the County Garage can provide personnel to clean and wash the vehicles.

In conclusion, we once again wish to thank the Grand Jury for it service and insightful recommendations designed to improve county government performance.

Sincerely,

  
John P. Anderson  
Sheriff

Cc. Madera County Board of Supervisors  
Madera County Administrative Officer



**2005-2006 Madera County Grand Jury**  
P.O. Box 534  
Madera, California 93639-0534  
(559) 662-0946



**2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
VALLEY STATE PRISON FOR WOMEN**

**Introduction**

On March 7, 2005, the Madera County Grand Jury toured Valley State Prison for Women, an institution of the California Department of Corrections, pursuant to the duty to “Inquire into the conditions and management of public prisons within the County as prescribed in Section 919b of the California Penal Code.”

**Findings**

Valley State Prison for Women (VSPW) is a State Prison located on 640 acres at Road 22 and Avenue 24 in Chowchilla, California. All the women housed there have been convicted of felonies. There are 3,750 inmates with a staff of 900 that includes 500 correctional officers. They operate on a budget of \$77 million dollars per year. There are four housing units, A, B, C, and D including a secured housing unit (SHU) for problem inmates. Beginning July 1, 2005, there will be a “No Smoking” policy anywhere on the grounds. All pregnant inmates in the California Prison System are housed at VSPW. An escape or attempted escape is a felony and is prosecuted as such. An electrified fence surrounds the grounds and any contact with the fence will cause death.

Upon arrival at the reception center, inmates are required to attend an orientation to learn prison procedures. All new inmates are housed in Building A until they are processed and assigned to a permanent housing unit.

VSPW houses women who have been convicted of a felony whose sentences range from a minimum of one year to a maximum of life without parole. There are over 400 women serving life sentences. There are no death row inmates at VSPW as they are housed at the Central California Women Facility that is adjacent to VSPW. According to prison authorities female inmates are less violent and more productive in prison than are males. The prison was designed to house 1,980 inmates but at the present time, there are 3,650 inmates incarcerated. Seventy percent of offenses by inmates are drug related. It costs \$35,400 per year for each inmate’s care. Extra bunks have been added to rooms to double the number of inmates per room from 4 to 8. Inmates are provided with three meals a day, breakfast at 6:15 am and dinner at 5 pm. These two are hot meals and a cold box lunch is given to each inmate at breakfast to take with her. The Grand Jury sampled the lunch and found it to be nutritious. Upon transfer to a permanent housing unit, inmates are given a classification within 14 days. Depending on credits, which are given for good behavior and participation in work programs, or the term of imprisonment, inmates may be eligible for a reduction of sentence. Abuse programs are available for the inmates if they meet the criteria, which include no assaultive behavior or gang activity within the past five years. VSPW offers a “Bridging Program” where inmates can learn independently at their own speed. Participation in this program gives the inmate a possible “day-for-day” credit to apply in a reduction of



their sentence. Inmates receive ID badges, which must be worn at all times. They also receive “ducats” (special passes) for interviews, testing, medical appointments, etc. and must be shown to the staff. An infirmary on the grounds provides medical, mental health, vision and dental care to inmates. One physician is assigned to each housing unit. Along with a fully staffed Emergency Room, the medical staff includes:

- 5 physicians
- 20 registered nurses
- 26 LVN's (Licensed Vocational Nurse)
- 4 mental health specialists.

### **Educational Opportunities**

Many academic opportunities are offered through the Prison Education Department. They are:

- High School GED
- English as a second language
- Literacy program
- Incarcerated Youth Offender Program

According to the Public Information Officer, the average reading level of inmates is 5<sup>th</sup> grade and those below that level receives individual attention. Inmates that attend school receive one day off their sentence for each day of school attended. Over 1,300 of the 3,750 inmates attend school and 250 inmates are enrolled in college level courses through university correspondence. It is through correspondence only as no internet access is permitted. The Education Department also provides training in life skills which includes:

- Personal growth
- Finding a job after incarceration
- Parenting
- Anger management
- Ethics in the workplace
- Substance abuse
- Self-esteem

Seventy percent of substance abuse participants attend aftercare programs upon their release from prison. One of the largest and most popular programs at the prison is the vocational program. Programs offered are:

- Auto mechanic
- Cosmetology
- Eyeglass manufacturing
- Graphic arts
- Cabinet making\*
- Upholstery

\*It was noticed by the Grand Jury Members that no protective eyewear was being worn by inmates when operating machinery.

Inmates wear the following colored uniforms:

- Blue/White – general population
- Orange – new arrivals
- Lime green – outside grounds workers

### **Inmate Appeal Process:**

The inmate must use a Form 602 to describe the problem and action requested. Documentation necessary to clarify the appeal must be attached. The inmate shall attempt to resolve the grievance with the involved staff. An inmate may not submit an appeal on behalf of another inmate; however, the inmate may assist another inmate in preparation of an appeal. An inmate who assists in submitting an appeal will also be held responsible for the results of that appeal. There are four levels of appeal:

- Informal level
- First formal level
- Second formal level
- Third formal level

Response time limits are:

- Informal level = 10 working days
- First formal level = 30 working days
- Second formal level = 60 working days
- Third formal level = At the decision of the Warden

An inmate must submit an appeal within 15 working days of the decision.

### **Release From Institution:**

A release officer transports the parolee to the nearest local bus station and the officer must maintain constant supervision of the parolee until her departure. The officer shall purchase the ticket to the parole region destination. The bus ticket remains in the officer's possession until the parolee's departure. The parolee is watched as she boards the bus and the officer remains at the bus station until the bus departs. A parolee can be released to an approved family member who has been previously approved by the parole board.

### **Conclusion:**

1. The prison facility has a pleasant appearance and is well maintained. The buildings are modern and the grounds are immaculate.
2. The Grand Jury greatly appreciated the cooperation of the complete staff during their visit, especially the representative of the Warden's office. They particularly appreciated that they were allowed to interview inmates on a 1-1 basis without supervision.

### **Recommendations:**

Protective eyewear should be provided for all inmates working in the cabinet shop. Inmates should be briefed on the importance of using protective eyewear when operating machinery and this should be strictly enforced. Warning signs should also be posted.

**Responses:**

VSPW (Cabinet shop instructor)  
VSPW Warden  
Board of Supervisors

**Attachments**

Weekly Menu  
Map of Facility

# VALLEY STATE PRISON FOR WOMEN



Chowchilla, CA

DIVISION OF ADULT INSTITUTIONS  
VALLEY STATE PRISON FOR WOMEN

21533 Avenue 24  
P.O. Box 99  
Chowchilla, CA 93610-0099  
(559) 665-6100



Douglas Kleist  
Foreman  
Madera County Grand Jury  
P. O. Box 534  
Madera, CA 93637

Dear Mr. Kleist:

Thank you for forwarding the 2005 Grand Jury Report on Valley State Prison for Women. It is a pleasure to receive such a favorable report. The jury's concerns and recommendations regarding the Vocational Mill and Cabinet Program were noted and have been addressed by the Education Department. The entire Vocational Education Faculty have received additional documented In-Service Training regarding the importance of ensuring their students have access to and are wearing appropriate safety gear when operating shop machinery.

Again, thank you and your fellow jury members for the favorable report and should there be any further concerns regarding this matter please feel free to contact me at (559) 665-6100, extension 5500.

Sincerely,

A handwritten signature in cursive script that reads "Gloria A. Henry".

GLORIA A. HENRY  
Warden  
Valley State Prison for Women



**2005-226 Madera County Grand Jury**  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT FOR  
YOSEMITE UNION HIGH SCHOOL DISTRICT  
PAYROLL COMPLAINT**

**INTRODUCTION:**

The 2005 Madera County Grand Jury investigated a complaint by a Yosemite Union High School District employee against the school district and the payroll clerk. The complainant claimed that payroll errors in salary payments had been made by the school district's payroll clerk resulting in a \$2,000.00 overpayment in complainant's salary as well as overpayments in the salaries of other school district employees whose names were listed. The complainant further complained of not being notified of this overpayment until giving a two-week notice to leave the position.

In the course of the investigation, the Grand Jury visited the Yosemite Union High School District. The Grand Jury individually interviewed each of 16 school district employees at the Bass Lake Government Center. The employees interviewed included teachers, the payroll clerk and other non-certificated personnel. The Grand Jury requested and reviewed the complete personnel files of 15 school district employees who had been overpaid. The Grand Jury reviewed school district payroll sheets, board policies, Board of Trustee meeting minutes, memoranda and the 2001-2004 (teacher contract) Agreement Between Yosemite Union High School District and Yosemite Teachers Association.

**FINDINGS:**

During the ten month period of September through June of the 2002-2003 school year, 15 Yosemite Union High School District employees received salary overpayments due to errors made in calculating payrolls as follows:

2 employees received salary overpayments of \$2,373.10 each  
6 employees received salary overpayments of \$2,109.92 each  
1 employee received a salary overpayment of \$2,058.93  
1 employee received a salary overpayment of \$1,063.61  
1 employee received a salary overpayment of \$ 857.04  
1 employee received a salary overpayment of \$ 800.00  
1 employee received a salary overpayment of \$ 665.91  
2 employees received salary overpayments of \$ 638.00 each

These salary overpayments totaled \$24,127.21.

The school district took back the overpayments to employees during the 2003 – 2004 school year by withholding the overpayments from employee salary checks in installments from September 2003 through June 2004.

During the Grand Jury's interviews of school district employees, the employees repeatedly commented on payroll errors and incompetence of the payroll clerk. During the interview of the payroll clerk, the Grand Jury was told that the clerk's work experience at the school district included 4 years as attendance clerk and 1 year in the payroll department before becoming payroll clerk. The payroll clerk indicated being aware that employees have questioned the payroll clerk's competence and the payroll clerk did admit to making payroll mistakes. Other interviewed employees complained that they were not informed of the overpayments, they did not understand the payroll deductions and they were not notified when the payroll deductions had been completed. The Grand Jury did find a memorandum in only three of the personnel files from the Superintendent of Schools and the Yosemite Teachers Association dated May 22, 2003 stating that an error was made in calculating salaries resulting in an overpayment with the overpayment amount specified.

**CONCLUSION:**

Errors of overpayments were made in the school district payrolls. The payroll clerk does not have the competency to prepare accurate payrolls. Notice of salary overpayment was not provided to all employees who were overpaid. Overpaid employees were not notified when withholding for overpayment was completed. The findings indicate that improved supervision and audit procedures are definitely warranted.

Although page 27 and 28 of the 2001 – 2004 Agreement Between the Yosemite Union High School District and Yosemite Teachers Association addresses and defines "Salary Overpayments" and indicates the right of the school district to withhold overpayments, the District did not make an effort to promptly and clearly communicate to all affected employees which would have served to ameliorate the situation.

**RECOMMENDATIONS:**

1. The Yosemite Union High School District Board of Trustees should ensure improvement of payroll and accounting procedures to eliminate payroll errors by implementing the following procedures:
  - a. Requiring the payroll clerk to take additional training to enable the clerk to function at a proficient level or by delegating payroll duties to an individual capable of carrying them out with accuracy.
  - b. Requiring the Director of Business Services to provide closer supervision over the payroll clerk and checking the accuracy of payrolls.
2. The Superintendent, Director of Business Services and the payroll clerk should maintain prompt and improved communications with school district employees to ensure a better understanding of their paychecks and any reasons for overpayments or withholding of salaries.
3. The school district should maintain documentation in each employee's personnel file of any payroll changes, i.e. overpayments, amount of withholding and completion of repayments.

**RESPONSES REQUIRED:**

Yosemite Union High School District Board of Trustees  
Yosemite Union High School District Superintendent  
Madera County Superintendent of Schools





## **2005-2006 Madera County Grand Jury**

PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



### **THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON**

### **THE MADERA COUNTY VETERANS SERVICE OFFICE, PUBLIC GUARDIAN, PUBLIC CONSERVATOR, AND PUBLIC ADMINISTRATOR**

#### **INTRODUCTION:**

Members of the Grand Jury visited the offices of Veterans Services, Public Guardian, Public Conservator, and Public Administrator on September 12 and 26<sup>th</sup>, 2005. The purpose of the visits was familiarizing members on the functional operation of the offices and evaluates the overall department management.

#### **FINDINGS:**

The Madera County Veterans Service Office is operated in accordance with the provisions of the California Military and Veterans Code and the United State Government, Title 38, Code of Federal Regulation. The principal duties of the Veterans Service Office are to advise and assist Veterans, their widows and dependants in establishing claims for pension, compensation, education, dependant's college fee waiver program, life insurance, hospitalization, V.A. outpatient care, V.A. and Cal-Vet home loans, burial benefits and many other entitlements available through Federal, State, and local Veterans programs. The Veteran's Office participates in the Medi-Cal cost avoidance program by coordinating veterans benefit claims work with that of the County Department of Social Services. The Veterans Service Office maintains daily and monthly activity logs, prepares and submits quarterly activity reports to the California Department of Veterans Affairs and attends training conferences to obtain subvention funds from the state.

The Public Guardian/Conservator Office is the county entity charged with the responsibility of acting for others who are incapable of managing their own affairs. Guardianships and Conservatorship are established by a legal process and approved by the court. Their force and effect, after court approval, removes most of the rights of the individual (conservatee) and places them with another person (conservator) who has legal authority to act on all matters concerning the conservatee's behalf. The court appointed person is known as the "guardian" in the case of a minor or "conservator" for adults. Minors considered gravely mentally disabled are also placed on a conservatorship. The California law that applies to this process is the Probate Code and the Welfare and Institutions Code. There are two types of conservatorship in California. The least restrictive is the Probate Conservatorship, which is used to provide assistance to those people

who have become incapacitated and require assistance in order to attend to their daily needs and function at a socially acceptable level. The people on Probate Conservatorship must be unable to provide for their own needs for food, clothing and shelter and/or not able to resist fraud or undue influence. Probate Conservatorship does not have a time limit but will continue until terminated by court action. The second type of conservatorship is called a LPS Conservatorship. The LPS stands for the Lanterman, Petris and Short Act which is the California legislative bill, passed into law that defined the criteria necessary for a person to be categorized as being gravely mentally disabled and/or a danger to themselves or others. The Public Guardian is the only person who is allowed to petition the court to have someone placed on the LPS conservatorship. LPS conservatorship must be renewed annually. Both types of conservatorship can be established for control of the person or their estate or for both person and estate depending on the degree and type of disability of the conservatee. The documents transmitted to the Public Guardian/Conservator to establish a conservatorship are called referrals. Referrals of people who may need to be conserved may originate from a variety of sources; Department of Social Services, Mental Health, Central Valley Regional Center, the Veteran's Administration and others. The people who are placed on guardianships or conservatorship are the most helpless segment of the population in Madera County.

The Public Administrator functions under the California Probate Code. The Madera County Public Administrator is appointed by the court to administer decedent estates when there is no other person willing or able to act, or the heirs have created a conflict that requires a neutral party to resolve.

The Veterans Service Office currently serves over 8,000 veterans in Madera County. The office budget to support this function is approximately \$78,000 per year. The county receives approximately \$16,000 in subvention funds from the California Department of Veterans to help offset the net county cost of the office. The amount of subvention funds is based on the state budget and is distributed to the counties chiefly on (1) the county establishing a Veterans Service Office, (2) appointment of a qualified person to act as the Veterans Service Officer, (3) the number of successful claims processed, (4) Medi-Cal cost avoidance forms processed, and (5) number of college fee waiver claims processes.

During the past fiscal year the Veterans Service Office obtained new increased benefits from the United States Department of Veterans Affairs (USDVA) for the veteran's community. The California Department of Veterans Affairs estimates that the spending impact for these cash benefits is approximately \$1,000,000 on an annual basis and \$1,500,000 for one-time benefits received.

In addition to the federal cash benefits received as a result of the claim advocacy services provided by the Veterans' Service Office, the office's participation in the state mandated welfare referral program has resulted in significant savings to Madera County. This program requires the Veteran Service Office to verify and provide benefit entitlement verification on all public assistance referrals received from the County Department of Social Services. The approximate amounts of savings derived from obtaining federal monies for veterans in lieu of state and county funds is estimated to be \$22,000 annual monthly benefits and \$875,000 in one time benefits received by individuals who had applied for public assistance grants. Also, a savings of over

\$20,000 resulted from the verification of prior (USDVA) monetary benefits being received by public assistance and Medi-Care applicants, which on an annual basis represents approximately \$240,000.

The Veterans' Service Office assisted veterans and their families in processing and approving their applications for the College Tuition Fee Waiver Program. This program resulted in savings of approximately \$38,000 in tuition and fees for veterans and their families attending California state college and universities.

The Madera County veteran's claims representative has not passed the certification examination to be accredited by the U.S. Department of Veterans Affairs. Accreditation is a federal requirement that must be met to allow an individual to legally file veteran's claims.

Madera County has not established a Veterans Service Office Fund. The Military and Veterans Code, paragraph 972.2, "Veterans Service Office Fund" states "commencing January 1995, the Veterans Service Office Fund shall be available upon appropriation by the legislature to the Department of Veterans Affairs for allocation and distribution to counties for the operation of county Veterans Service Offices". It is the intent of the legislature in enacting this section that revenues from the special interest license plates fees be used to expand the support of County Veterans Service Offices. A Veteran's Service Office fund have never been established in Madera County. Funds received from this program are deposited directly into the county general fund and are not made available to the Veterans Service Office for their intended purpose.

The Public Guardian/Conservator does not visit clients on a regular basis. However, the visits are necessary to insure that the clients are not being neglected and to verify they are receiving quality care for a normal life style. The office is severely understaffed and underpaid. The recent loss of one of the staff members' leaves but one experienced person to accomplish the myriad of tasks required. Madera County is only authorized 3 staff personnel for the office.

The Public Guardian/Conservator client's funds are being appropriately used for their care and personal needs. All client funds are audited and to no discrepancies have been discovered. Clients' funds are budgeted to insure that expenditures are appropriate and in the best interest and welfare of the client. The Public Guardian/Conservator work in close coordination with County Counsel in preparing petitions for conservatorship hearings, contested hearings, terminations, and accountings, attends and testifies at court hearings and trials.

Marshals the assets of conservatees, including real and personal property for safekeeping. Insures all property is appraised by the probate referee or authorized appraiser, and files completed inventory and appraised forms with the court.

The Public Guardian/Conservator acts as a representative payee/fiduciary for social security and Department of Veteran's Affairs to receive and disburse funds for individuals who do not require a conservatorship, but are in need of an assistance to manage their own funds.

Fees for services charged by the Public Guardian/Conservator/Administrator are based on formulas in the probate code, amount of effort required for administration, and the balance of the

clients account after all outstanding bills are paid. This amount is estimated to be approximately \$30,000 per year that is deposited into the general fund.

## **CONCLUSION**

The Veterans Service Office is one of the few revenue producing offices in Madera County. The Veterans' population deserves and has earned the right to the continued high quality representation and advocacy services that are being provided by the Madera County Veterans Service Office.

The Public Guardian/Conservator/Administrator function performs an admirable service considering the complex nature and legal ramifications necessary to provide food, clothing and shelter for clients. The estate management has been excellent. Consolidation of the Veterans and Public Guardian Office has proven to be an extremely effective management action as the mutual support and coordination of the offices with outside staff entities of the County, State, and Federal agencies has proven most valuable and supporting to the department.

## **RECOMMENDATIONS**

- Additional staff will be required to perform client visits by the Public Guardian/Conservator
- Pay scales should also be increased to retain skilled workers
- Seek to insure that accreditation is met for veterans claims representatives
- That a Veterans Service Office Trust Fund be established to accept the deposits from the Veterans license plate funds. Motorists pay an extra amount for Veterans license plates and expect the funds generated from the sale of these license plates to be used for the intended purpose of providing extra support exclusively for Veterans, not to support the general fund of Madera County.

## **RESPONSES**

- Madera County Board of Supervisors
- Madera County C.A.O.
- Madera County Department of Human Resources
- Madera County Auditor/Controller
- Madera County Veteran Service Officer, PA/PG/PC

**2005-2006 Madera County Grand Jury**

PO Box 534  
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**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
MADERA COUNTY ROAD CONDITONS ON ROAD 620**

**INTRODUCT10N**

This report is a continuation of the 2004 Grand Jury's assessment of County Road 620's maintenance and safety hazards, which exist today.

**FINDINGS:**

The 2005-2006 Grand Jury has continued the investigation into the conditions of County Road 620 as charged by the 2004 Grand Jury.

Members of the Grand Jury visited the Madera County Road Department on April 25, 2005 and were briefed by the County Road Commissioner on the status of County Road 620. The Road Commissioner informed the Grand Jury members that County Road 620 met the existing standards for County Roads and the Road Department would not spend any funds for improvements other than grading the existing roadway.

The Grand Jury requested copies of the "Road Standards" for Madera County ei: width of roadway, width of road shoulders and composition of pavement. We were provided with very detailed engineering specifications, copied from some reference book, which did not answer the request for Madera County Road Standard in simple laymen's terms.

The Grand Jury toured County Road 620 and found conditions on the unpaved sections had not improved since the year 2004 complaint was investigated. Additionally, upon further examination, numerous sections of the roadway have a width clearance which is so restricted that two vehicles approaching each other cannot pass, and many curves with a radius so small that even a standard fire apparatus would find it extremely difficult or impossible to negotiate. The cement slab "bridge" on Carter Creek is only 14 feet wide, frequently below the water level of the creek and will not support vehicles

other than passenger cars and light trucks. Large Semi trucks etc. cannot negotiate this "Stand County Road". County Road 620 traverses the approximate centerline of the burn path made by the "Harlow Fire" which was one of the largest disasters that has ever happened in Madera County. When the fire swept across the county the population was very sparse, but now with the population boom and the proliferation of homes in this area, significant loss of life and property would most likely occur because the Road 620 could not handle the traffic to evacuate and the responding emergency vehicles simultaneously. Emergency vehicles responding to even a single dwelling fire or an emergency situation would have a difficult if not impossible task to reach the location and provide assistance.

The unpaved section of Road 620 narrows from 17 feet to 11 feet in twelve different areas. These restricted areas do not allow two vehicles to pass at the same time safely. If two vehicles were to be in an accident, this road has a maximum width of 11 feet for 138 yards, with a vertical hillside area of rocks on one side and a down slope of 30 to 80 feet on the other side with no guardrails. This condition does not allow for passage of more than one vehicle in either direction. This narrow section restricts the safe passage of fire trucks, propane trucks, concrete trucks and standard delivery trucks.

The Grand Jury met and drove the complete section of Road 620 to highway 41 with the Department Director of Office of Emergency Service for Madera County. The Grand Jury noted that if Highway 41 were closed to through traffic at Road 222, all traffic would not have Road 620 as an escape corridor to Highway 49 as an alternate route. The CHP advised us that the traffic would have to be returned to Yosemite National Park and evacuated to and through Mariposa. This does not seem to be a viable option for the people of Madera County or visitors to Yosemite and other mountain recreation areas.

In addition, as reported in the 2004 Grand Jury Final Report, another continuing problem exists where excessive water runs off the road from the intersections of Road 628 and 620. These runoffs have caused erosion, which resulted (and continue to result) in deep gullies in this area. If minor corrective actions had been taken prior to 2006, this would have reduced substantial destruction of the paved and unpaved areas where the U.S. Post Office mailboxes are positioned on Road 628. At the present time, there are no preventative measures for the safe diversion of the water runoff.

If Madera County continues to build its tax base by issuing building permits, collect fees related fire, safety, schools and road use and allow subdivisions to be carved out of mountain properties, which garner more fees, then Madera County should insure that the lives and property of citizens moving into these areas can be protected.

The balance of the 2004 Grand Jury Final Report stands as written. The road conditions for Road 620 have not improved.

**CONCLUSION:**

That the unsurfaced portion of County Road 620 be improved and brought up to County Standards. It is inconsistent that the County Building codes allow the construction of dwellings requiring strict standards of compliance for fire and safety, yet the County Road Department has not provided an access for responding emergency vehicles and personnel to reach the site.

**RECOMMENDATIONS:**

The Road Department should be required to initiate a project to widen, straighten (enough for the operation of emergency vehicles) and pave County Road 620. By acknowledging that funding for correcting the restricted areas of Road 620 in a single time frame is not realistic, a plan could be structured to widen the narrowest parts first. Thus, by staggering the widening to four sections per year, all could be accomplished in three years. The alternative would be not to acknowledge this as a problem needing immediate attention, but to wait until a critical crisis arises and experience the predicted consequences.

Further investigation of Road 620 is recommended for the 2006-2007 Grand Jury with regard to improvement of road conditions.

**RESPONSE:**

- Madera County Road Department
- Madera County Resource Management
- Madera County Board of supervisors



2005-2006 Madera County Grand Jury  
PO Box 534  
Madera, California 93639-0534  
(559) 662-0946



**THE 2005-2006 MADERA COUNTY GRAND JURY  
FINAL REPORT OF  
MADERA COUNTY COUNSEL**

**INTRODUCTION:**

The Madera County Counsel office is a legal service office. It's purpose is to maintain the legal integrity of the County and to protect and promote client actions and policies, give accurate useful and reusable legal advice in order to protect the County from loss, risk and help decision makers choose among lawful alternatives.

**FINDINGS:**

- The County Counsel serves as chief legal counsel for the Board of Supervisors, all County offices and departments.
- The office is responsible for providing legal advice on all matters regarding the operation of County government.
- The County Counsel's office represents the County in litigation and preparation of agreements, contracts, resolutions and ordinances for the Board of Supervisors.
- The office handles election matters, juvenile dependencies including termination of parental rights, condemnation proceedings, public administration matters, public guardianship and conservator matters and tax cases, keeping current with legislative changes.
- The attorneys also assist County departments and County Administrative offices with special projects. The County Counsel's office is also the legal advisor for the Grand Jury on civil matters.
- In addition to the Board of Supervisors, the County Counsel represents the following:

Administrative Office	Elections
Ag Commissioner	Human Resources
Animal Control	IT (Information Technology/Help Desk)
Assessor	LAFCO (Local Agency Formation Commission)
Auditor-Controller	Library
Board Clerk	Mental Health



Board of Equalization	PA/PG/VSO (Public Administrator/Public Guardian/Veteran Service Officer)
Cemetery Districts	Probation
Central Garage	Public Health
Community Action Agency	Purchasing
Corrections	Revenue Services
County Administrative Officer	Risk Management
County Clerk-Recorder	RMA/Resource Management Agency includes: (Assessment Districts & Financing, County Service Areas, Engineering, Environmental Health, Fire Maintenance Districts, Planning, Roads, Solid & Hazardous Waste)
Child Protective Services	Sheriff-Coroner
District Attorney (Family Support Services)	Tax Collector-Treasurer
Department of Social Services	
Economic Development Commission	

**CONCLUSION:**

The Office of the County Counsel is committed to providing clients legal services, consisting of timely, accurate, honest and effective legal assistance in order to resolve issues, identify and mitigate risk, provide legal support and protect clients from lawsuits all for the purpose of assisting clients to achieve their overall objectives of providing quality public services to Madera County residents.

**RECOMMENDATIONS:**

None.

**ENTITIES TO RESPOND:**

None.



2005-2006 Madera County G  
PO Box 534  
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## THE 2005-2006 MADERA COUNTY GRAND JURY FINAL REPORT ON CHILD WELFARE SERVICES

### INTRODUCTION:

The Grand Jury is responding to four complaints, as well as concerns of foster parents in regard to Child Welfare Services (CWS). These complaints were separately investigated during the course of the Grand Jury's tenure. Grand Jury members had a tour of the Department of Social Services and Child Welfare Services in July 2005. The Grand Jury members returned to interview the Director and Deputy Director in regard to the investigation the Grand Jury was conducting.

### FINDINGS:

Members of the Grand Jury that took a tour of the Department of Social Services (DPSS) and CWS were told that CWS was going to have a recruitment drive in October 2005. They failed to do so. We interviewed the Director on this matter who informed us they were working on marketing methods for recruitment. They assured us that it would take place in 2006.

The funds for operation of CWS are issued from the Federal Government to the State and then allocated to 58 counties. The basic monthly rate that Foster Family Agencies receive is listed below along with the breakdown of what they receive.

CWS RATES PER MONTH	PER CHILD	FOSTER PARENTS	PER CHILD
		RATES	
0-4 years of age	\$1,589.00	0-4 years of age	\$425.00
5-8 years of age	1,648.00	5-8 years of age	468.00
9-11 years of age	1,697.00	9-11 years of age	494.00
12-14 years of age	1,787.00	12-14 years of age	546.00
15-19 years of age	1,865.00	15-19 years of age	597.00

The difference between these two amounts is allotted to different categories within CWS.

To become a foster parent in California there are numerous requirements and standards. Some of these requirements are: safety in the home, a stringent background investigation, personal income, living conditions, etc. After meeting all the requirements they can then be licensed for foster care. CWS does assist the applicants with paperwork and advice.

Sometimes there are no available foster families in Madera County that are able to receive foster children. In those instances CWS is forced to place them with an agency home. These agencies are much like employment agencies as they have their own list of foster parents from which to draw. The pay rate is higher for a foster parent who receives a child from an agency. They are never sure if they will be assigned foster children. There are agencies in each county; therefore, depending on where there are openings, Madera County foster child placement can range from Merced to Bakersfield. The agency rates for placement of each child can range from \$2,966 to \$6,371.00 per month. These rates versus the county rates place a burden on the taxpayers. Because of these rates and availability of Madera County foster parents, the county increase of monies spent for placement has risen 58% from 1998 to March 2004. The increase dollar amount is \$1,446,017.00. This more than validates the need for foster families in Madera County.

There are approximately 45 foster families in Madera County. This Grand Jury randomly chose three foster families to interview personally and contacted by phone. The Grand Jury found the homes of those interviewed to be very suitable and child friendly, as were the foster parents. They were grateful to be able to voice their concerns regarding CWS, their interaction with caseworkers and the CWS system as a whole. Some foster parents concerns are as follows:

- Changing caseworkers with no notification
- Removal of children with less than the seven day agreement
- Non-payment of special needs money
- No timely return of emergency phone calls from caseworkers
- No clothing and/or belongings transferred with children at time of placement
- Infants/toddlers placed with no diapers or formula
- Delayed issuance of a \$50.00 Wal-Mart card
- Fear of reprisal
- Bias toward certain families
- Concern about accuracy and fairness of home visit reports
- CWS non-compliance with the Agency Placement Agreement
- Involvement of foster parents in future planning for the child
- Lack of providing foster parents with the background and needs of the child necessary for effective care at the time of placement.
- Educating the foster parent of the a child's of abnormal behavior at time of placement,
- Lack of identifying special needs when necessary

All of the above are critical in the care of the foster child. Explanation of the above listed items is as follows:

- **Changing caseworkers with no notification**  
The families reported that the foster child feels unwanted and this adds to the problem. Too many changes of caseworkers makes the children feel that no one really cares and they are being pushed off on one another.
- **Non-Payment of Special Needs Money**  
Many of the foster children have been physically and/or sexually abused, are drug babies or have severe injuries that require medical attention. These children qualify for special needs money, which depending on the category, can range from \$110.00 to \$740.00 per month in addition to the set rate. Many of the families are of limited means and need this money for their visits to the doctor and for travel expenses.
- **No timely return of emergency phone calls from caseworkers and lack of providing foster parents with the background and needs of the child:**  
This was one of the major concerns of the foster parents. Many times a child arrives in the middle of the night without an explanation of what has taken place. In cases like this or any other situation that may arise, a call placed to a caseworker needs a timely return to further aid the foster parent as to the child's former environment and circumstances.
- **No clothing and/or belongings transferred at time of placement particularly infants/toddler placed with no formula or diapers:**  
It was reported to the Grand Jury that clothing, formula, diapers and possessions of the child were not transferred at the time of placement. This Grand Jury has seen cupboards at CWS full of clothing in various sizes. Through interviews with CWS they maintain they have no knowledge of clothing not being provided as soon as possible or at time of placement. One foster parent reported that when one of the foster children was being placed in another home, she did an inventory of his clothes and gave them to the caseworker. She called the new foster parent the next day to see if everything was all right and found out that no clothing had arrived with the child. In the case of toddlers and infants, if they arrive at night when there is no ability to buy formula or diapers, it becomes a major problem.
- **Delayed issuing of a \$50.00 Wal-Mart Card:**  
Each time a child is placed, the foster family is to receive a \$50.00 Wal-Mart card. This becomes especially important when there are no supplies delivered with the child. The card should be issued the day after placement.
- **Fear of reprisal and bias:**  
This was of major concern to the foster families. At first they were very reluctant about discussing this but when the Grand Jury reassured them that their names would not be made public, they were able to relate some of their experiences. Many examples were given to the Grand Jury.

One foster parent related that she was “blackballed” for a year and a half because she had complained to a caseworker’s superior. Since then she has not made “waves” because she is afraid of losing her foster child. The issue of bias was also a major concern. Examples were given of very minor infractions i.e. resting due to illness but having the foster child in full view. This was considered neglect and a child was removed from the home, plus the said foster parent did not receive any foster children after that. Evidently, this problem is not confined to Madera County. While doing research, the Grand Jury discovered that foster families in other states have the same problem and have legislated a “Foster Family Bill of Rights.” “No fear of reprisal” is one of the elements they have adopted.

- **Lack of involvement in future planning for the child:**

The foster parents realize that some of the children that are placed with them will be moved at some future time. This may be to reunite them with a sibling in another foster home, guardianship granted to another member of the child’s immediate family or reunification with the parents. They are concerned that since they know the child better than the caseworker, they would like to be able to participate, even if it is only information regarding the child’s personality. They would also like to know where they are going and what conditions in which they would be living. Conversely, CWS maintains that all ties should be cut and there should be no interference with the child’s new placement. The Grand Jury agrees that both sides of this issue have very valid points and a compromise should be something to strive for.

- **Concern about accuracy and fairness of home visit reports:**

When the caseworker makes their required monthly visit to the foster home they record their account of the visit in a “narrative” and it is placed in the foster child’s file. The foster parents never see this narrative and have concerns as to the accuracy of information being placed in the file. This narrative is written up when the caseworker returns to the office or may even be written up at a later date. It is possible that there may be some misinformation recorded if the caseworker has made more than one visit that day or has attended to their other duties.

The Grand Jury interviewed 19 CWS employees, picked at random, and as stated before, several individual interviews with the Director and Deputy Directors. The Grand Jury learned that the CWS administration is as follows:

- Director
- (2) Deputy Directors
- 4 Program Managers
- 7 supervisors
- 19 – 26 staff (including clerical)

There are different categories within this structure:

- Eligibility Worker I, II, III
- Social Worker I, II, IV
- Employment Training Worker I, II, III
- Administrative Analyst I, II

All these positions have different duties such as:

- Caseworker
- Court representative
- Screener
- Emergency response
- Family maintenance
- Family reunification
- Clerical duties, etc.

It is the opinion of this Grand Jury that a social worker's duties can be very stressful and demanding. It takes a special person to deal with foster children. The Grand Jury found while the staff at CWS may be doing their best, improvements need to be implemented.

Upon interviewing both caseworkers and supervisors, they were read the Preamble to "The Code of Ethics" booklet. Yet when asked where it came from, only 3 people could identify it. There is an Agency Agreement (Form SOC156) that the foster parent and the CWS representative sign upon the arrival of a foster child. This is a contract of 14 items that CWS agrees to and 18 the foster parent agrees to. The Grand Jury asked the interviewees to name the items CWS agrees to in the Agency Agreement. The maximum anyone could name was an average of 5. The "Code of Ethics" and the "Agency Agreement" are guides of protocol, values and conditions for the staff. They encompass directives for foster families and CWS for the quality care of children.

The Child Sexual Assault Response Team (CSART) is an important function of CWS. This team is comprised of two CWS interviewers with the experience and knowledge to properly conduct and evaluate a sensitive situation. They work with law enforcement, the District Attorney's Office, the Victim Services Center and most importantly, the victim. They have specialized training in this type of interview, which is beneficial to the victim's well-being and future placement.

The Grand Jury also conducted interviews with two mediators from Family Court Services. They testified that CWS is turning cases over to Family Court Services with incomplete investigations and closing cases as "unfounded". Family Court Services maintains that if the investigations are not thorough, very often they are viewed as unfounded and therefore closed. The State and County pays CWS for every open and closed case even if no action takes place. As a consequence, many of the people that should have been helped by CWS, bring their cases to Family Court Services. Persons seeking guardianship of a minor are charged a \$200 filing fee and a \$600 fee for a Family Court Services investigation plus attorney fees and court costs. This places a hardship on the person filing for custody and by seeking the alternate route through Family Court Services they are not eligible for any of the programs that are available to foster families,

not even the Voluntary Maintenance Plan. Family Court Services reports that their case load has risen dramatically in the last year because of this practice.

The Grand Jury also interviewed several citizens who had called in complaints of child abuse, more than once, to the “hotline” at CWS. They were called back, but no one ever came to interview them or find out if the complaints were valid and no action was taken. The “hotline” person at CWS receives, evaluates and forwards child abuse calls to the proper person. This leaves the possibility that some calls may not be acted upon.

### **CONCLUSIONS:**

The Grand Jury investigated CWS, but there were some areas that were unable to investigate. The privacy laws concerning minors are very strict so random files could not be made available for spot-checking.

There is a dire need for CWS to recruit foster families in Madera County. The difference the taxpayers have to pay to clothe and house foster children in Madera County, versus agency placement, places an undue burden on County and State revenue.

The Grand Jury requested information on special needs money for three children whose foster parents had not received the special needs money. The Grand Jury provided the names of the three children, their foster parents and the dates of foster care.

The seven-day removal notification is vital to the families so they may emotionally prepare the children and themselves for the separation so it does not become a traumatic event.

There seems to be not enough teamwork between parents and caseworkers, which ill-serves the needs of the child. The practice of changing caseworkers, without orientation and review of the case they are assuming, is disrupting and damaging to the foster children as well as the foster parent. From Grand Jury’s interviews with the foster parents, as stated before, they are reluctant to question any practices or even disagree with CWS

### **RECOMMENDATIONS:**

1. A recruitment program should be constant and ongoing.
2. The paperwork flow for special needs money should be revised to expedite payments.
3. Supervisors review their caseworkers in all facets of their job duties. Upper management spot-check with foster families regarding their concerns.
4. CSART interviewers remain in their current positions and available for every CSART interview.

5. Foster families join the local foster family organization and draft a Foster Family Bill of Rights.
6. A study by the caseworker of a child's history when assuming an open case.
7. A cross-file index should be instituted and kept current with the foster parent's name and each child they have had in their home, whether it be from an agency or another county.
8. To insure only the foster parent receives the gift card the day after placement. A control should be decided on by CWS upper management and put in place.
9. A duplicate copy of every CSART taped interview be made and filed in a ` separate, secured location..
10. The Grand Jury Recommends the 2006-2007 Grand Jury investigate and follow up on the above recommendations.

**RESPONSES:**

1. Director, Madera County Department of Social Services
2. Madera County Chief Administrative Officer
3. Madera County Counsel
4. Madera County Board of Supervisors
5. Madera County Family Court





**2005-2006 Madera County Grand Jury**  
PO Box 534  
Madera California 93639-0534  
(559) 662-0946

**THE 2005~1006 MADERA COUNTY GRAND JURY  
FINAL REPORT ON  
THE ILLEGAL USE OF YOSEMITE UNION HIGH SCHOOL  
DISTRICT PERSONNEL AND DISTRICT EQUIPMENT BY THE  
SUPERINTENDENT WITH THE SUPPORT OF THE BOARD OF  
TRUSTEES**

**INTRODUCTION:**

This is a continuing investigation begun by the 2004 Grand Jury of the illegal use of school district personnel and the illegal use and sale of school district equipment by the Superintendent. In addition, the Grand Jury investigated the illegal actions of the Yosemite High School Board of Trustees regarding their role in the above.

**FINDINGS:**

Throughout our investigation the grand Jury found that the Superintendent used his position to illegally use school equipment and school personnel for his own personal gain.

The Grand Jury met with many school district school employees whose sworn testimony was supported with the findings that we are presenting here. Coincidentally, during the course of our investigation the Yosemite High School Board of Trustees issued new policies in order to support the Superintendent's illegal use of school personnel and the illegal use and sale of school district equipment. In doing so, it was evident that this school board was determined to protect the illegal activities of the Superintendent.

**EXHIBIT 1 – RESOLUTION # 558 REGARDING USE OF DISTRICT  
PERSONAL  
PROPERTY**

In order to cover this illegal activity, the Board of Trustees allowed the Superintendent to make a payment to the district after the district has passed the new policy. What preempted this was the board members were aware that the Grand Jury was investigating this matter. According to our findings, the Board of Trustees allowed the Superintendent an equipment rental amount determined by the Superintendent's own estimation of what the rental amount should be, not on what a rental business would charge. In addition, the Grand Jury found that the total days of usage quoted by the Superintendent were less than the actual days of usage. Therefore, his payment to the district was far less than the actual amount due.

**EXHIBIT 2 – BUSINESS AND NON-INSTRUCTIONAL OPERATIONS:**

On November 23, 2004 the Grand Jury obtained a sworn affidavit from a neighbor of the Superintendent stating that he had observed the Yosemite High School tractor at the Superintendent's residence on several occasions.

It is evident that the superintendent and the members of the Board of Trustees used their positions to circumvent the policies of the district for their own benefit.

In checking with the local equipment rental company, the Grand Jury found that the responsibility and cost for transporting equipment to the site is born by the individual renting the equipment. School district employees stated to the Grand Jury that they had picked up and delivered the school equipment to the Superintendent's residence and also transported the equipment back to the school site. It also should be noted that school employees who were being paid with school district funds and not by the Superintendent from his personal funds accomplished all of the transporting of equipment during the normal school day.

While testifying under oath, employees of the Yosemite High School District declared that they were given orders by the District Supervisor to deliver and return several pieces of equipment to the Superintendent's residence on three or more occasions: this equipment is identified as a full size tractor with a loader and scraper, and a self propelled full-size trencher. The school employees were also responsible for the return of this equipment to the school site. The amount the Superintendent paid the district for equipment usage did not cover the salaries of the school employees' time, nor the truck, gasoline, or trailer needed to transport the equipment to the Superintendent's home site and to return the equipment to the school.

**MALFEASANCE OF BOARD OF TRUSTEES CIRCUMVENTED  
ESTABLISHED POLICIES CONCERNING THE SALE OF SURPLUS  
PROPERTY**

Through its investigation, the Grand Jury found that the school district did not follow its own policies regarding the sale of surplus property. The bidding process was not used, no notice of sale was posted and public had no opportunity to bid; it was open only to the members of the Trustees or insiders.

**EXHIBIT 3 – RESOLUTION #556 RESOLUTION RATIFYING DISPOSAL OF  
SURPLUS PERSONAL PROPERTY**

The district policy was not followed by the former President of the School Board. A member of the community filed a complaint with the Grand Jury stating that the Board President had acquired two pieces of school equipment illegally. Upon investigation, the Grand Jury discovered that the school district allowed the Board President to purchase a livestock tilt chute for \$875 and a livestock platform scale for \$25, totaling \$900. It should be noted that this payment to the school district was made retroactively after the Grand Jury had begun its investigation.

The school district did not provide the Grand Jury with any bidding form relating to this particular purchase nor evidence of community notification of this particular sale. It appeared that the Board of Trustees negotiated with the Board President directly and did not follow the established district policy.

**EXHIBIT 4 – PURCHASE OF EQUIPMENT**

On November 11, 2004, photographs were taken by a concerned citizen. These photographs showed the above-described equipment on the Board President's property prior to the adoption of the new board resolutions.

**EXHIBIT 5 –PHOTOGRAPHS**

During this same period of time the Superintendent acquired a small shed, owned by the school district, and school employees were ordered to load and transport it to his residence, using the school's equipment. The Superintendent did not pay the district for the use of the equipment to transport the shed, nor did he pay for employee's wages during the period of time it took them to load, transport, and unload the shed on the Superintendent's property. This activity was accomplished during school time. Only after the Board of Trustees passed the retroactive resolution, did the Superintendent make

any attempt to reimburse the school district for the use of equipment. This payment amount

was determined by the Superintendent and was far below the market value for these services. No mention was made of any attempt to reimburse the district regarding school district employee's salaries. As noted previously, the normal policy for purchasing school property must be followed under the terms of district policy, clearly, this was not done. If proper procedure had been followed, the bidders with the highest bid would have had the opportunity to purchase this equipment.

On one occasion, the Superintendent and three employees loaded a trailer full of topsoil from the school's Agriculture Department and delivered it to the Superintendent's residence. The value of the topsoil was estimated at \$100. There was no documentation that the Superintendent had paid for the topsoil or the use of the equipment, labor, and delivery costs.

In addition, school district liability was compromised regarding the usage of equipment and employees during school hours.

The Grand Jury has found from this investigation that many episodes of illegal activities occurred during this time period by the Superintendent and malfeasance committed by the Board of Trustees.

### **CONCLUSIONS:**

The findings of the Grand Jury in regard to the illegal activities of the Superintendent and the malfeasance of the Board's actions were supported by sworn testimony of many school district employees and concerned citizens and that the evidence reported above is factual and supports this Grand Jury report. The Superintendent and Board of Trustees misappropriated district funds and use of personnel for their own personal gain at the expense of the taxpayer's of the Yosemite School District.

It is unconscionable that a person with such low ethical standard could rise to the position of Superintendent of a School District. The findings of this and previous Grand Juries, that have been verified and included in Grand Jury reports, contain examples that disregarded existing law, directives or policies an ethical person would not have engaged in these types of activities. The example of high ethical standards should be taught both in word and action throughout the school district so that all students will know that being ethical is "the rule to live by". It would behoove both the School District Administration and the Board of Trustees to develop a written list or guidance paper on what ethical

standards will be accepted by the School District and the consequences if these standards are not followed regardless of the individual's position in the District.

### **RECOMMENDATIONS:**

The Board of Trustees should refrain from making retroactive policies or resolutions to accommodate illegal or acts contrary to district policy committed by District personnel. Such actions could be open the School District to liability and possible expensive litigation.

Any school board resolution that permits such use of personnel or equipment should be avoided.

Under no condition should district employees and equipment be used for non-school purposes.

The Superintendent and Board President should reimburse the district an additional appropriate amount for their use of school property, equipment, materials and school employee labor.

The Board and Superintendent should be diligent to avoid misappropriation of school district goods and services.

The retroactive resolution #556 regarding the sale of school equipment should be modified to allow the public an opportunity to bid on and purchase all surplus school property thus giving the school district the highest possible return on the sale of equipment. (The current resolution allows the Trustees to sell school property to whomever they choose without allowing the public an opportunity to bid on the property.)

That retroactive resolution #558 be modified to state that under no conditions should district employees and equipment be used for non-school purposes.

Any school district employee or others who knowingly commit unlawful actions against the school district should be removed from employment with the school district.

### **RESPONSES:**

Madera County Board of Supervisors  
Yosemite Union High School Board of Trustees  
Yosemite Union High School District Superintendent  
Madera County District Attorney  
Madera County Superintendent of Schools



BEFORE THE GOVERNING BOARD OF THE  
YOSEMITE JOINT UNION HIGH SCHOOL DISTRICT  
MADERA COUNTY, CALIFORNIA

RESOLUTION # 558

In the Matter of the Use of )  
District Property for Non-District ) RESOLUTION REGARDING USE  
Purposes ) OF DISTRICT PERSONAL  
) PROPERTY  
)

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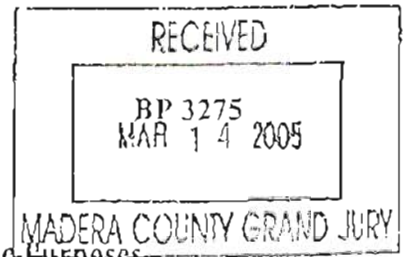
WHEREAS, we believe this and past Boards of Trustees have generally been aware of and tacitly approved of the community's use of District personal property for non-district purposes, including use by District employees,

WHEREAS, it has been the practice of the District for many years to allow such use without charge, provided that the use did not harm the District or the personal property;

WHEREAS, it was formerly believed that such practice reflected a cooperative, community-friendly attitude that worked to the benefit of the taxpaying community, including District employees, without creating any additional cost to the District;

WHEREAS, the Superintendent has recommended, and the Board agrees, that use of District property for personal uses should no longer be permitted, except in strictly limited circumstances;

WHEREAS, the Superintendent has informed that Board that he used a District tractor for personal use on three occasions in the past, including twice having it delivered to his property, and the Superintendent has requested that, contrary to past practice applied to others, he be required to pay a fair rental value for the use of the tractor;



**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**Use of District Equipment and Other Personal Property for Private ~~Purposes~~**

**PURPOSE:** To limit use of District personal property to District purposes.

The Board believes that the efficient administration of the District generally prohibits the use of District personal property for non-district purposes. Except as set forth in this policy, no persons or organizations may use District personal property, including vehicles, tools and equipment, for non-District purposes.

Persons or organizations may use District personal property for non-District purposes only if all of the following conditions are met.

1. The Board specifically approves the use.
2. The use is for the benefit of the community and is not for profit.
3. The District is reimbursed for any actual expense to the District for use of the property.
4. The use is subject to written agreement, as developed by the Superintendent or designee, including a release of District liability for the use and, if appropriate in the discretion of the Superintendent or designee, a requirement that the user procure insurance against potential liability arising from the use.

Nothing in this policy shall prohibit assignment of District-owned computers, vehicles, cellular phones, or other items to District employees for business use.

Nothing in this policy is intended to change District policy regarding use of District facilities.

Nothing in this policy is intended to prohibit payment of non-salary compensation to District employees in return for services rendered, nor is this policy intended to alter any contractual agreements with its employees regarding non-salary compensation.

First Reading      9/16/04

Adoption            9/16/04



AR 3270 (a)

**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS****Sale of Surplus Property****PURPOSE:**

To establish a procedure for the disposition of surplus personal property.

**Surplus Personal Property**

The Superintendent or designee may dispose of surplus personal property belonging to the District in accordance with the following procedure:

1. **Identification of Surplus Personal Property:** The Superintendent or designee, from time to time as he or she deems appropriate, will review the District's personal property; identify personal property that is not required for school purposes, should be disposed of for the purpose of replacement, or is unsatisfactory, obsolete or not suitable for school use; and determine the value to be assigned to each identified personal property.
2. **Claim for Identified Personal Property:** Prior to the disposition of any personal property identified by the Superintendent or designee as surplus personal property, the Superintendent or designee will first make the item, provided it continues to serve school purposes in a safe and cost efficient manner, available to school sites and departments within the District. The following process will govern request for claims on personal property that have been identified as surplus:
  - a. The Superintendent or designee will provide written notice (which may be made by e-mail) to the head of each department and principals of each school site in the District, setting forth a brief description of the personal property that has been identified as surplus, the location and time when the identified personal property may be inspected, the person to whom a request to claim the identified personal property is to be sent, and the date by which a request to claim the identified property must be received by the Superintendent or designee.
  - b. The Superintendent or designee will make the identified personal property available for inspection by interested departments and school sites in the District at the location and time indicated in the aforementioned written notice.
  - c. Each request to claim identified personal property shall be stamped (or noted when received by e-mail) with the date and time of receipt.
  - d. The Superintendent or designee will consider each request to claim identified personal property and will give said personal property to the first school site or department that makes a timely request and that demonstrates an appropriate use of

BEFORE THE GOVERNING BOARD OF THE  
YOSEMITE JOINT UNION HIGH SCHOOL DISTRICT  
MADERA COUNTY, CALIFORNIA

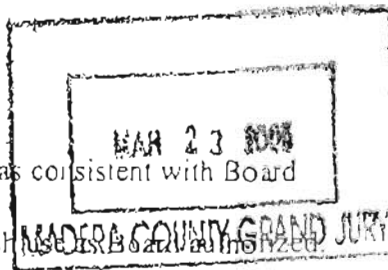
RESOLUTION # 556

In the Matter of the Disposal of        )  
Surplus Personal Property                )     RESOLUTION RATIFYING  
  )     DISPOSAL OF SURPLUS  
  )     PERSONAL PROPERTY  
\_\_\_\_\_  
  )

BE IT RESOLVED THAT:

1.     The District previously disposed of the personal property items described in the attached list. The Board has now reviewed the list and finds the property a surplus, not required for school or District purposes or is unsatisfactory, obsolete or not suitable for school or District use;
2.     The Board adopts the values for the described property as shown on the attached list, and finds that such values are and were too low to justify public bid on the items;
3.     The Board ratifies the sale of the items, at the values shown, to those persons who previously purchased the items;
4.     While the Board has adopted a value of \$0 for the described shed, at the Superintendent's request, the Board authorizes acceptance of the Superintendent's offer of payment of \$150 for said shed, including delivery in lieu of disposal.

THEREFORE, BE IT RESOLVED THAT:



1. The Superintendent's use of the District tractor was consistent with Board expectations under then-existing practice. The Board ratifies such use as Board authorized.
2. Fair rental value of the District tractor shall be \$150 per 1/2 day of use including delivery. The Superintendent shall pay the District \$450 for the three past such uses referred to above.
3. From this date forward, pursuant to Board Policy to be separately adopted, use of District property for personal purposes shall be strictly limited.

THE FOREGOING RESOLUTION was adopted at a regular meeting of the Governing Board of the Yosemite Joint Union High School District held this 16th day of September 2004.

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

*Priscilla Pike*  
 \_\_\_\_\_  
 Priscilla Pike  
 President, Governing Board  
 YOSEMITE JOINT UNION HIGH  
 SCHOOL DISTRICT  
 Madera County, California

DISPOSAL

1.	Livestock Platform Scale	\$ 25.00
2.	Livestock Tilt Chute	875.00
3.	Shed	0

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