The 2008 – 2009

Madera County Grand Jury

Final Report

July 1, 2008 through June 30, 2009

2008-2009

MADERA COUNTY GRAND JURY

FINAL REPORT BOOK

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2008-2009 MADERA COUNTY GRAND JURY FINAL REPORT

With signatures below, this document becomes

The Final Report of

The 2008-2009 Madera County Grand Jury

July 1, 2008 through June 30, 2009

Approved by the Grand Jury:

James Haze, Foreman
2008-2009 Madera County Grand Jury

Accepted for Filing:

Edward P. Moffat, Presiding Judge
Superior Court of California

2008 – 2009 Madera County Grand Jury Members

July 1, 2008 – June 30, 2009

James Haze, Foreman
Chowchilla

Gary Foust, Pro Tem
Madera

Brenda Perreira, Secretary
Coarsegold

Robert Martin, Sergeant at Arms
Madera

Carolyn G. Buckles, Chairperson
North Fork

Owen Brooks, Chairperson
North Fork

Ernestine (Tina) Napier, Chairperson
Madera

Robert Novak, Chairperson
Coarsegold

John Pelowski, Chairperson
Coarsegold

Suzanne Price, Chairperson
Chowchilla

Charlotte Wayne, Chairperson
Madera

Berry K. Crow
Madera

Carolyn Kelly
Ahwahnee

Harold (Hal) Lane
Madera

Terry Lishman
Coarsegold

Debbie Smith
Madera

Marisol Torres
Madera

Michael Tyndal
Madera

Lupe Vega
Madera

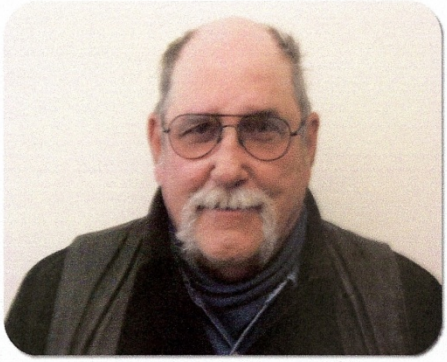
2008-2009

Madera County Grand Jury

Honorable Edward Moffat
Madera Superior Court
Presiding Judge Grand Jury

2008-2009 Madera County Grand Jury Members

Executive Committee

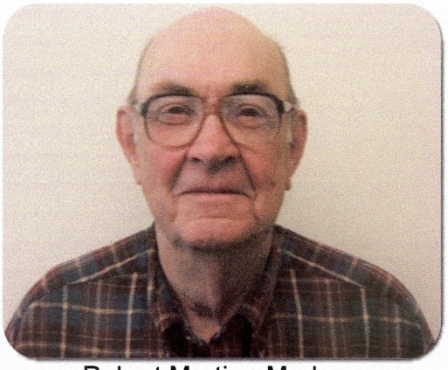


James Haze - Chowchilla
Grand Jury Foreman

Gary Foust - Madera
Pro Tem
Ad Hoc Committee Chairman

Brenda Perreira - Coarsegold
Secretary

Owen Brooks - North Fork
Treasurer
County Committee Chairman



Robert Martin - Madera
Sergeant at Arms
Schools Committee Chairman

John Pelowski - Coarsegold
Reports Committee Chairman

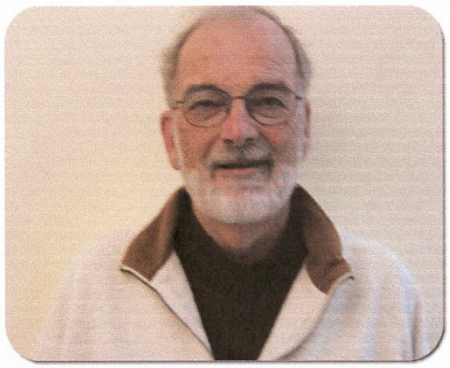
2008/2009 Madera County Grand Jury Members

Committee Chairpersons

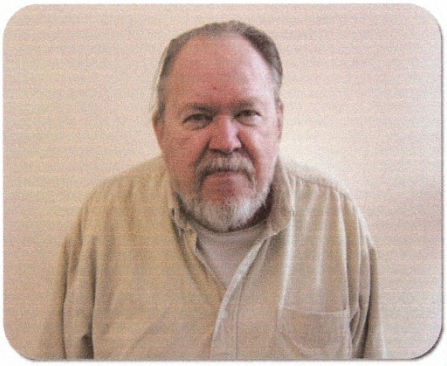
Charlotte Wayne - Madera
Advisor - Executive Committee
Special Issues Committee Chairperson

Suzanne Price - Chowchilla
City Committee Chairperson

Tina Napier - Madera
Public Safety Committe Chairperson



David Hopelain - North Fork
County Committee Chairperson
(Resigned in 3rd Quarter)



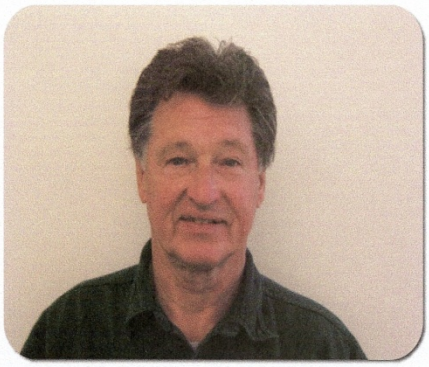
Robert Novak - Coarsegold
Water Committee Chairperson

2008-2009 Madera County Grand Jury Members

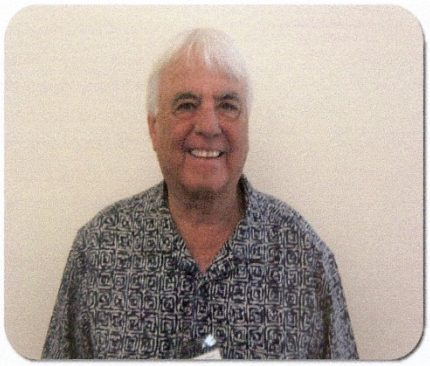
Carolynn Buckles - North Fork

Patrick Hughes - Madera
(Resigned in 3rd Quarter)

Caroyln Kelly - Ahwahnee



Terry Lishman - Coarsegold



Barry Crow - Madera

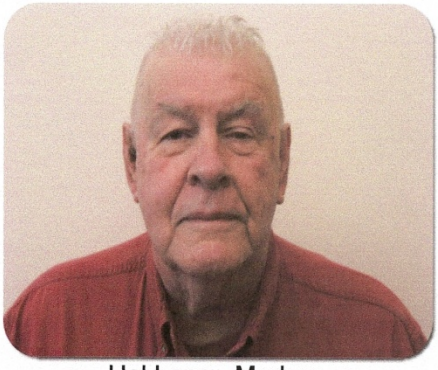
Michael Tyndal - Madera

2008-2009 Madera County Grand Jury Members

Lupe Vega - Madera

Marisol Torres - Madera

Debbie Smith - Madera Ranchos



Hal Lane - Madera

Charlie Ketter
(No Picture)
(Resigned 1st Quarter)

2008-2009 MADERA COUNTY GRAND JURY FINAL REPORT

The 2008-2009 Madera County Grand Jury

Wishes to thank

These officials for their continued assistance

The Honorable Edward P. Moffat
Grand Jury Presiding Judge

Lynda Pierini
Court Supervisor, Jury Division

David Prentice
Madera County Counsel

Michael Keitz
District Attorney

Stan Kohler
Assistant Administrative Officer

Superior Court of the State of California
County of Madera

Edward P. Moffat
Judge

209 W. Yosemite Avenue
Madera CA 93637
Phone 559-661-3001
Fax 559-675-4947

May 26, 2009

To the citizens and residents of Madera County:

It was one year ago that nineteen citizens who randomly chosen as Grand Jurors commenced there term of office. Those individuals included a handful of holdover jurors and new Grand Jurors who were about to assume their duties and responsibilities to examine and investigate the activities of government agencies. The 2008-2009 Grand Jurors accepted those responsibilities and conducted numerous investigations and inquires into the operation of State and local government.

As you can see from this Final Report they performed their duties and obligations diligently and effectively. This Grand Jury was dedicated to perform the proper functions of the Grand Jury and doing it right. The Grand Jury put in numerous hours and gave of their time and knowledge to inform the citizens of Madera County what is occurring and offering thoughtful recommendations for improvement. This Grand Jury had the unique opportunity to be involved in bringing an "Accusation" against a public official. It is believed that this is only the second time this has occurred in the State of California.

I feel very fortunate to have had the opportunity to work with a group of dedicated citizens who gave selflessly of themselves. Under the outstanding leadership of Foreperson James Haze this Grand Jury was able to provide exemplary service to the citizens of Madera County. They were able to accomplish their goals without compromising their solemn duty to do their utmost in preparing reports and recommendations which were conscientious, complete and correct.

As citizens of this wonderful County of Madera you should feel very proud of this Grand Jury. I want to personally thank each and every member of the 2008-2009 Grand Jury. This includes those members who were unable to complete their term and alternate jurors who took their place. It is no easy task to be a Grand Juror. You work very hard and often hear more criticism than praise. But you should feel proud of the fact that you worked hard and never compromised your integrity.

Edward P. Moffat
Supervising Judge
2008-2009 Madera Grand Jury

Madera County Grand Jury

Foreman's Letter

June 30, 2009

Honorable Judge Edward P. Moffat
Supervising Judge of the Superior Court
State of California, County of Madera

Dear Judge Moffat:

The 2008-2009 Grand Jury is proud to present to you their final book.

This Grand Jury was asked to do something that had only been done once previously in the State of California. The Grand Jury conducted an accusation regarding an elected official. This process involved the Grand Jury and the District Attorney's office. After the accusation was presented to the Superior Court, the elected official left office without a trial.

This Grand Jury investigated various types of complaints, some from citizens, others directed from the California Penal Code. During these investigations the Grand Jury found many competent and dedicated county employees.

As watchdog for Madera County, the Grand Jury found good things about our county.
The reports produced by this Grand Jury were investigated with integrity and diligence. Personal opinions were left at the door when interviews were conducted and reports were being written.

This Grand Jury included a cross section of people in race, gender, and age. This group of people was always ready to give of their time to do the job for which they had volunteered.

We thank you for the time you dedicated to serve the needs of the Grand Jury. Whether it was by email or Grand Jury members walking into your court with a problem, you always welcomed us and gave us the advice we needed to do our jobs.

Citizens of Madera County should be informed just how hard most of the people employed by the two cities of Madera County work for their respected jurisdictions. I would also like to inform the citizens of Madera County just how hard YOU work at your job of being advisor to the Madera County Grand Jury.

Thank you for the opportunity to serve on the Madera County Grand Jury. The experience has definitely been educational, enlightening, and rewarding.

Respectfully submitted,

James D. Haze
Foreperson
2008-2009 Madera County Grand Jury

Madera County Grand Jury

P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

Secretary's Letter

May 5, 2009

Citizens of Madera County:

It has been my pleasure to serve as Secretary for the Madera County Grand Jury for fiscal year 2008-2009.

I am proud to have served on this Grand Jury and to have had the opportunity to work with a diverse group of people selected from throughout the county. During the year, the Grand Jury members worked hard conducting investigations based on both citizen's complaints and those mandated by law. The entire Grand Jury worked together to ensure the continued effectiveness of being a "watchdog" over County government. Although the Grand Jury is divided into committees for investigative purposes, the whole panel worked as one body to approve both the direction the Grand Jury would take and the final reports for release to the public.

As my final act as Secretary for the 2008-2009 Madera County Grand Jury, I hereby state that all completed and approved final reports created by the 2008-2009 Madera County Grand Jury are incorporated in this year-end final report, and represent all of the completed and approved investigations and work performed on behalf of the citizens of Madera County.

Respectfully submitted,

Brenda L. Perreira

Brenda L. Perreira,
Secretary
2008/2009 Madera County Grand Jury

The History of Grand Juries

Juries were first created under the law of Etherel II, who reigned during the Anglo-Saxon period of A.D. 978-1016. By AD 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.

The Grand Jury system in America began in 1635, becoming 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, larger counties have more than one. Santa Clara County, for example, has one Grand Jury that deals with civil issues, and another Grand Jury for criminal issues. On rare occasions, the Grand Jury may also handle Coroner Inquests.

Madera County has one Grand Jury handling both civil and criminal cases. In criminal cases, the Madera County Grand Jury is presented with evidence of a crime, and works together to determine if enough evidence exists to issue an indictment.

Most Grand Jury members are drawn from the regular petit jury pool. Letters are sent to a random group from the jury pool, and those responding with interest are invited to participate in an interview process. From this group, nineteen jurors and several alternates are selected, and are impaneled in July to serve for one year. The nineteen individuals impaneled as jurors make a commitment to do this important work that includes conducting investigations, writing reports on those investigations, attending meetings, and making recommendations.

Some Grand Jury investigations are triggered by public concerns. These complaints maybe brought to the Grand Jury through letters, phone calls, or email. These issues and concerns are then brought before the Grand Jury panel in order to determine if an investigation should be completed. All Grand Jury business is conducted in secret, and all information and discussions are considered highly confidential. This secrecy is required to:

...protect the innocent accused, who is exonerated by and through the investigation
...ensure the utmost freedom to the Grand Jury in its' deliberations
...prevent subordination of perjury or tampering with witnesses
...encourage untrammeled disclosures by persons with information relevant to an investigation
...prevent the escape of those whose indictment may be contemplated

Citizen Complaint Process
Madera County Grand Jury

The Grand Jury receives complaints from Madera County citizens concerning a variety of issues. These complaints are reviewed by the Grand Jury Panel to determine appropriate action.

The Grand Jury may decline to act on a complaint particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or it is out of the jury's purview. Committee investigations and reports regarding complaints are submitted to the entire jury with recommendations for action which must be endorsed by a quorum of 12 jury members. Some complaints may remain open for action by the following years' Grand Jury as appropriate.

Submission of Complaints

Complaints should be in writing and legible. After all normal attempts to resolve the problems have been taken, a complaint form should then be prepared and submitted. Complaint forms may be obtained from the Grand Jury office, on online at www.Madera-County.com.

Content of Complaint

The complaint form is designed to help an individual supply pertinent data regarding the reason for the complaint. It is easy to complete, and asks for information that is vital in helping the Grand Jury resolve the problem. All names and information shall remain confidential.

1. Identify yourself with your full name, correct mailing address and phone number where you can be contacted.
2. Identify the nature of your complaint.
3. Identify all of the people involved and how we may contact them.
4. If appropriate, include the location of the incident that lead to your complaint.
5. Furnish documentation in support of your allegation.
6. Specifically describe in reporting the reasons for your claim.
7. Specifically describe the action you would like the Grand Jury to take.

MADERA COUNTY GRAND JURY
PO BOX 534 Madera CA 93639
(559) 662-0946

Citizen Complaint Form

PERSON/AGENCY ABOUT WHICH COMPLAINT IS MADE:

Name	Address	Telephone

NATURE OF COMPLAINT:
Describe the events in the order they occurred ; attach any documents, correspondence or 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	Phone Number

ACTION REQUIRED: Describe the action you wish the Grand Jury to take.

COMPLAINANT:

Name	Address	Phone Number

The information presented in this form is true, correct and complete to the best of my knowledge.

Print Form

5/26/09

SIGNATURE OF COMPLAINANT **DATE**

Contact Information

Madera County Grand Jury

P.O. Box 534
Madera, CA 93637
559-662-0946

Internet Address: www.MaderaGrandJury.org

Email:
info@ maderagrandjury.org
complaints@ maderagrandjury.org
foreman@ maderagrandjury.org