

2011-2012  
Madera County Grand Jury



Final Report  
July 1, 2011 through June 30, 2012

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**2011-2012 Madera County Grand Jury Final Report**

*With signatures below, this document becomes*

The Final Report of the  
2011-2012 Madera County Grand Jury  
July 1, 2011 through June 30, 2012

Approved by the Grand Jury:



**Ralph Capone, Foreperson  
2011-2012 Madera County Grand Jury**

Accepted for Filing:



**Hon. Ernest J. LiCalsi, Presiding Judge of the  
Grand Jury, Madera Superior Court**



# MADERA SUPERIOR COURT

209 West Yosemite Ave  
Madera, CA 93610

Phone: 559-675-7944  
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby  
Assistant Presiding Judge: D. Lynn Jones

May 15, 2012

RE: 2011-2012 Grand Jury

To: Residents of Madera County

Each year in July, the Madera Superior Court empanels a Grand Jury to examine and investigate the activities of government agencies. The Madera County Grand Jury is part of the judicial branch of government but operates as a separate and independent body. The Madera County Grand Jury is selected at random from the trial court's list of qualified trial jurors.

The 2011-2012 Grand Jurors served from July 2011 through June 2012. During their tenure in office, the Grand Jury conducted numerous investigations and inquiries into the operation of state and local government. The 2011-2012 Grand Jury worked diligently, effectively and efficiently in addressing concerns presented to them.

The 2011-2012 year was my first full year as Supervising Judge of the Madera County Grand Jury, succeeding Judge Mitchell C. Rigby, who became our Presiding Judge. I am extremely pleased to work with such a dedicated group of Madera County citizens who have been so generous and diligent with their time. Under the outstanding leadership of Foreperson Ralph Capone and Foreperson Pro Tem R. Leanne Thomson, this Grand Jury accomplished its goal of providing service to Madera County and upholding each member's solemn duty to do their utmost in being conscientious, complete and accurate. I look forward to working with the 2012-2013 Grand Jury. As citizens of Madera County, you should be proud of this Grand Jury's accomplishments, as evidenced by the numerous reports contained in this final report.

I want to personally thank each member of the 2011-2012 Madera County Grand Jury for their selfless dedication to duties as Grand Jurors. Congratulations on a job well done.

A handwritten signature in black ink, appearing to read "Ernest J. LiCalsi".

Ernest J. LiCalsi  
Supervising Judge  
2011-2012 Madera County Grand Jury



## Madera County Grand Jury

P. O. Box 534, Madera, CA 93639  
Tel. 559-662-0946  
FAX 559-662-0848  
info@maderagrandjury.org

May 29, 2012

Ernest J. LiCalsi  
Presiding Judge of the Grand Jury  
Madera Superior Court

Dear Judge LiCalsi:

On behalf of the 2011-2012 Madera County Grand Jury it is my pleasure and privilege to present you with our Final Report as prescribed by California Penal Code, Section 933. This report is a compilation of all the Final Reports issued and their responses throughout the Grand Jury term of July 1, 2011 through June 30, 2012.

This Grand Jury has a number of Jurists who were outstanding in their dedication, commitment, and professionalism in serving the citizens of Madera County by providing them with a voice in insuring effective, efficient, and responsive governmental service.

All Final Reports completed by the 2011-2012 Grand Jury were done with integrity and diligence, leaving personal opinions out of interviews and reports. These reports have highlighted areas in Madera County where improvements and changes are deemed necessary for the benefit of the people and the county.

In addition to improvements and changes, the reports show that Madera County is being served by many dedicated and industrious public employees in a time of great stress for both the county and the country.

The ongoing effort of preceding and successive Grand Juries will continue to insure that the residents of the county have an independent voice for oversight of all the elected and appointed county officials who serve.

It is an honor and privilege to have served with these many fine citizens of Madera County who comprised the 2011-2012 Grand Jury.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ralph J. Capone".

Ralph J. Capone, Foreperson  
2011-2012 Madera County Grand Jury

## 2011-2012 Madera County Grand Jury



Front row: Daniel Hatcher, Carol Lee, Darlene Bennett, Alicia Ybarra (Jury Division Supervisor)  
Second row: Patricia Scrivner, Pierre Favre, Jeannie Turpenen, Marion Kerswell, Stephanie Smith,  
Melvin Kelly, Phillip Atkisson, Gary Johnson, Charles Nelsen, Charles Hamm  
Back row: Kenneth Ballard, Lynda Pierini (Jury Division Supervisor, Ret.), Ralph Capone,  
Hon. Ernest J. LiCalsi, R. Leanne Thomson, Dennis Fairbanks, Gerald Ongman  
Not pictured: James Manos





**The Honorable Ernest J. LiCalsi**  
**Judge of the Madera Superior Court**  
**Presiding Judge of the Grand Jury**



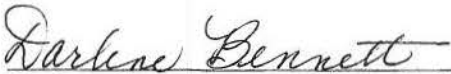
**2011 – 2012 MADERA COUNTY GRAND JURY MEMBERS  
MEMBER COMMITTEE ASSIGNMENTS**


  
Ralph Capone, Foreman/Committees: Ad Hoc #1/Ad Hoc #2/Executive Committee, Chair


  
Leanne Thomson, Pro Tem/Correspondence Secretary/Committees: Ad Hoc #1, Chair/Ad Hoc #2/City/County/Executive/Reports & Response


  
Phillip Atkisson, Committees: Ad Hoc #1/County/Public Safety & Welfare/Reports & Response

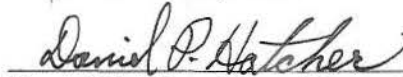
  
Kenneth Ballard, Committees: Ad Hoc #2/County/Schools

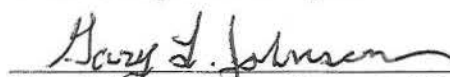
  
Darlene Bennett, Committees: Schools, Chair/Special Issues & Library/Water & Development

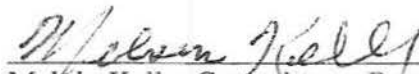
  
Dennis Fairbanks, Committees: County/Public Safety & Welfare, Chair/Special Issues & Library

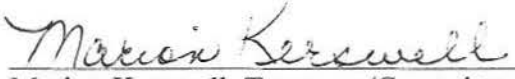
  
Pierre Favre, Committees: Reports & Response/Water & Development


  
Charles Hamm, Committees: County/Public Safety & Welfare/Reports & Response

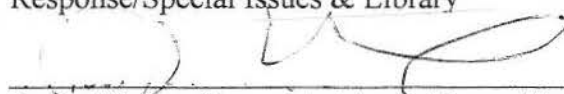
  
Daniel Hatcher, Committees: Ad Hoc #1/County, Chair/Public Safety & Welfare/Reports & Response/Special Issues & Library

  
Gary Johnson, Committees: Ad Hoc #2/City/County/Water & Development, Chair

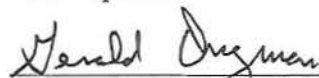
  
Melvin Kelly, Committees: Reports & Response/Special Issues & Library


  
Marion Kerswell, Treasurer/Committees: Ad Hoc #1/City/Executive/Public Safety & Welfare/Reports & Response/Special Issues & Library

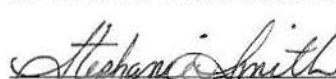
  
Carol Lee, Recording Secretary/Committees: Ad Hoc #1/Ad Hoc #2/City/Executive/Reports & Response/Special Issues & Library, Chair


  
James Manos, Sergeant at Arms/Committees: Ad Hoc #1/City/Executive/Reports & Response/Water & Development

  
Charles Nelsen, Committees: Schools/Water & Development

  
Gerald Ongman, Committees: County/Public Safety & Welfare/Water & Development

  
Patricia Scrivner, Committees: Ad Hoc #1/City, Chair/Schools/Special Issues & Library

  
Stephanie Smith, Committees: County/Public Safety & Welfare

  
Jeannie Turpenen, Committees: Ad Hoc #1/Ad Hoc #2, Chair/City/Executive/Reports & Response, Chair/Schools/Special Issues & Library

*The 2011-2012 Madera County Grand Jury  
wishes to thank the following:*

*The Honorable Ernest J. LiCalsi  
Presiding Judge of the Grand Jury*

*Ms. Alicia Ybarra  
Jury Division Supervisor*

*Ms. Lynda Pierini  
Jury Division Supervisor, Retired*

*Mr. Michael Keitz  
Madera County District Attorney*

*Mr. Charles Doud  
Madera Tribune Editor/Publisher*

*Madera County Administrative Staff  
Information Technology Staff*

*The dedicated employees of the cities, agencies, and county who  
unselfishly serve the residents of Madera County in so many ways*

## **The History of Grand Juries**

Juries were first created under the law of Ethelred 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.

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 of indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service time of War, or public danger..." The Grand Jury system has been in existence in California since 1849 when the State Constitution was adopted.

Most of us have heard the term "Grand Jury", but most of us have little knowledge of what a Grand Jury actually does. Every county in California has at least one Grand Jury, and some larger counties have more than one. Santa Clara County, for example, has one Grand Jury that deals with civil issues and another Grand Jury that deals with criminal issues. On rare occasions, the Grand Jury may also handle Coroner inquests.

Madera County has one Grand Jury that handles both civil issues and criminal cases. In criminal cases, the 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 selected 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. The nineteen individuals impaneled as jurors in July to serve for one year each make a commitment to do the important work of the Grand Jury which includes attending meetings, conducting investigations, writing reports on those investigations, and making recommendations.

Some Grand Jury investigations are triggered by public concern. Written complaints submitted to the Grand Jury are brought before the Grand Jury panel for review to determine if an investigation is warranted.

All Grand Jury business is conducted in secret, and all information and discussions are considered highly confidential. This secrecy is required in order to:

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

## **Contact Information**

**Madera County Grand Jury  
P.O. Box 534  
Madera, CA 93639**

**Telephone: 559 662-0946**

**Fax: 559 662-0848**

**[www.MaderaGrandJury.org](http://www.MaderaGrandJury.org)**

**[info@maderagrاندjury.org](mailto:info@maderagrاندjury.org)**

**[complaints@maderagrاندjury.org](mailto:complaints@maderagrاندjury.org)**

**[foreman@maderagrاندjury.org](mailto:foreman@maderagrاندjury.org)**



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**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Central Garage**

**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Central Garage**

**Introduction:**

The Madera County Central Garage is responsible for servicing and repairing all Madera County vehicles, except those used by the Road and Fire Departments. The County's vehicle fleet includes sedans, ½-ton through 1-ton pickups, vans, as well as emergency vehicles assigned to the Sheriff's Department. General oversight of Central Garage is provided by the County Administrative Officer (CAO), with the Automotive Shop Supervisor in charge of the day-to-day operations. Staffing includes the Shop Supervisor, 3 Automotive Technicians, a Senior Automotive Technician, and a Parts Assistant II.

The Central Garage was selected for Grand Jury review due to its relocation last year to a new 10,000 square foot modern facility located at 14355 Road 28, Madera. Its old location was sold to the State for the new County courthouse. The new facility has metal fabrication, smog, and tire shops and 6 bays equipped with 4 automotive lifts. The facility is designed for expansion. A fenced area surrounding the facility provides parking spaces for 84 vehicles with an additional 4 handicapped spaces.

In its review, the Grand Jury examined the department's budget, staffing levels, organization, operation, and security. Interviews were conducted with the CAO, shop supervisor, an automotive technician, the parts assistant, and representatives of two County departments which utilize Central Garage services. The Grand Jury also toured the Central Garage facility.

**Findings:**

1. The Grand Jury found that Central Garage was well organized and very clean.
2. The Grand Jury found that the lighting for the bays was located on the 20 to 22 foot high ceiling of the garage.
3. The Grand Jury found that the facility's security measures include perimeter fencing topped with razor wire, internal motion detector alarms, an external gate alarm, and after-hour card key access.
4. The Grand Jury found that the fuel dispensing system at Central Garage is currently being automated to capture vehicle and driver identification data, vehicle mileage, and quantity of gasoline obtained.
5. The Grand Jury found that only frequently used parts are stocked at Central Garage, minimizing inventory costs.

6. The Grand Jury found that when non-stocked parts are needed, the parts assistant purchases from local parts suppliers based on price and availability.
7. The Grand Jury found that the automotive technicians are required to furnish their own tools.
8. The Grand Jury found that the automotive technicians are reimbursed 50% of tool purchases annually, up to \$500.
9. The Grand Jury found that the staff works as a cooperative team, sharing specialty tools and brainstorming ideas for solving difficult repair problems.
10. The Grand Jury found that Central Garage staff alternate mandatory furlough days, thus keeping the garage open for business Monday through Friday from 8:00 a.m. to 5:00 p.m.
11. The Grand Jury found that Central Garage schedules every vehicle for preventative maintenance every 4 months or 4,000 miles.
12. The Grand Jury found that with the use of synthetic oil, oil changes are performed with every other preventative maintenance service.
13. The Grand Jury found that the Central Garage operation is self-supported by charging County departments for services provided:
  - a. Departments which use pool vehicles or have assigned vehicles are charged standard rates based upon mileage utilization and type of vehicle.
  - b. Annual standard rates are set to include the costs of vehicle maintenance and repair, fuel, and future vehicle replacement.
  - c. Departments which own their vehicles are charged the actual costs of fuel used and maintenance and repair services provided.
14. The Grand Jury found that Central Garage outsources some repair jobs, such as automatic transmission and body work.
15. The Grand Jury found that Central Garage currently services and maintains about 340 vehicles in the County's fleet.
16. The Grand Jury found that on October 25, 2011, the Board of Supervisors (BoS) adopted the "Vehicle Replacement and Disposal Policy and Guidelines" which defines replacement/disposal criteria for the various types of vehicles in the County's fleet.
17. The Grand Jury found that on October 25, 2011, the BoS approved reduction of the County's fleet through salvage of 41 vehicles identified as high mileage, older inefficient models.
18. The Grand Jury found that the mountain area vehicles have to be brought 50 miles to the Central Garage in Madera for servicing or repairs.



19. The Grand Jury found that it requires approximately 5 man-hours when a mountain area vehicle is brought to and serviced at Central Garage.
20. The Grand Jury found that on August 8, 2011, the County issued a Request for Proposal (RFP) to determine the viability and options for servicing and inspecting County fleet vehicles in the mountain area. As of the August 25, 2011 submission deadline, only one response to the RFP had been received.
21. The Grand Jury found that the shop supervisor is exploring the possibility of establishing a satellite garage in the mountain area to perform the vehicle maintenance and repair services.
22. The Grand Jury found that the County departments which utilize Central Garage services are very satisfied with the services received and the condition of vehicles provided.

**Conclusions:**

1. The Grand Jury concluded that the Shop Supervisor and staff have established a teamwork environment which promotes an efficiently run operation.
2. The Grand Jury concluded that the Shop Supervisor is constantly and vigorously seeking to improve operations and services of Central Garage.
3. The Grand Jury concluded that with the number of vehicles assigned to the mountain area, a great number of man-hours and money is wasted driving to Central Garage in Madera, waiting for the vehicle to be serviced, and returning to Eastern Madera County. This places the vehicle and operator out of service for an extended period of time as well as adding to the vehicle's operating cost. It may be economical to perform vehicle servicing and repairs in the Oakhurst area, either by Central Garage staff or outsourcing to local business.
4. The Grand Jury concluded that the standard of services to vehicles in the mountain area would be well maintained if performed by staff supervised by the Central Garage Supervisor.
5. The Grand Jury concluded that additional portable lighting would be beneficial to the employees working in the garage bays.

**Recommendations:**

1. The Grand Jury recommends that the County pursue the establishment of a satellite Central Garage facility in the mountain area.
2. The Grand Jury recommends that the County provide additional portable lighting for use in the garage bays.

3. The Grand Jury recommends that the Automotive Shop Supervisor be recognized and commended for his outstanding management of the County Central Garage.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. 4th Street  
Madera, CA 93637

**Informational:** response optional

Madera County Central Garage  
Automotive Shop Supervisor  
14355 Road 28  
Madera, CA 93638

County Administrative Officer  
200 W. 4th Street  
Madera, CA 93637

**2011-2012  
Madera County Grand Jury**



**Responses to Item**



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW  
DAVID ROGERS  
RONN DOMINICI  
MAX RODRIGUEZ  
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

---

March 20, 2012

The Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

**Subject: Response to the 2011-12 Grand Jury Report entitled "Madera County Central Garage."**

Honorable Judge Rigby:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2011-12 Madera County Grand Jury Report on "Madera County Central Garage." (See Attachment #1.)

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

**Finding 1:**

The Grand Jury found that Central Garage was well organized and clean.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 2:**

The Grand Jury found that the lighting for the bays was located on the 20 to 22 foot high ceiling of the garage.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 3:**

The Grand Jury found that the facility's security measures include perimeter fencing topped with razor wire, internal motion detector alarms, an external gate alarm, and after-hour card key access.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 4:**

The Grand Jury found that the fuel dispensing system at Central Garage is currently being automated to capture vehicle and driver identification data, vehicle mileage, and quantity of gasoline obtained.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 5:**

The Grand Jury found that only frequently used parts are stocked at Central Garage, minimizing inventory costs.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 6:**

The Grand Jury found that when non-stocked parts are needed, the parts assistant purchases from local parts suppliers based on price and availability.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 7:**

The Grand Jury found that the automotive technicians are required to furnish their own tools.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 8:**

The Grand Jury found that the automotive technicians are reimbursed 50% of tool purchases annually, up to \$500.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 9:**

The Grand Jury found that the staff works as a cooperative team, sharing specialty tools and brainstorming ideas for solving difficult repair problems.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 10:**

**Response to Grand Jury Report "Madera County Central Garage"**

The Grand Jury found that Central Garage staff alternate mandatory furlough days, thus keeping the garage open for business Monday through Friday from 8:00 a.m. to 5:00 p.m.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 11:**

The Grand Jury found that Central Garage schedules every vehicle for preventative maintenance every four (4) months or 4,000 miles.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 12:**

The Grand Jury found that with the use of synthetic oil, oil changes are performed with every preventative maintenance service.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 13:**

The Grand Jury found that the Central Garage operation is self-supported by charging County departments for services provided:

- a. Departments which use pool vehicles or have assigned vehicles are charged standard rates based upon mileage utilization and type of vehicle.
- b. Annual standard rates are set to include the costs of vehicle maintenance and repair, fuel, and future vehicle replacement.
- c. Departments which own their vehicle fleet are charged the actual costs of fuel used and repair and maintenance services provided.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 14:**

The Grand Jury found that Central Garage outsources some repair jobs, such as automatic transmissions and body work.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 15:**

The Grand Jury found that Central Garage currently services and maintains about 340 vehicles in the County fleet.

**Response:**

**Response to Grand Jury Report "Madera County Central Garage"**

Partially disagree with the finding per California Penal Code 933.05 (a) (2). According to the Central Garage Shop Supervisor, the current number of vehicles serviced and maintained by the Central Garage is 315.

**Finding 16:**

The Grand Jury found that on October 25, 2011, the Board of Supervisors adopted the Vehicle Replacement and Disposal Policy and Guidelines which defines replacement / disposal criteria for the various types of vehicles in the County's fleet.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 17:**

The Grand Jury found that on October 25, 2011, the Board of Supervisors approved reduction of the County's vehicle fleet through salvage of 41 vehicles identified as high mileage, older inefficient models.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 18:**

The Grand Jury found that the mountain area vehicles have to be brought 50 miles to the Central Garage in Madera for servicing or repairs.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 19:**

The Grand Jury found that it requires approximately five (5) man-hours when a mountain-area vehicle is brought to and serviced at Central Garage.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 20:**

The Grand Jury found that on August 8, 2011, the County issued a Request for Proposal (RFP) to determine the viability and options for servicing and inspecting County fleet vehicles in the mountain area. As of the August 25, 2011 submission deadline, only one response to the RFP had been received.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 21:**

**Response to Grand Jury Report "Madera County Central Garage"**

The Grand Jury found that the shop supervisor is exploring the possibility of establishing a satellite garage in the mountain area to perform the vehicle maintenance and repair services.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 22:**

The Grand Jury found that the County departments which utilize Central Garage services are very satisfied with the services received and the condition of vehicles provided.

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Recommendation 1:**

The Grand Jury recommends that the County pursue the establishment of a satellite Central Garage facility in the mountain area.

**Response:**

The recommendation has been implemented. On December 20, 2011, the Board of Supervisors approved an agreement with MDS Enterprises for the provision of basic vehicle maintenance in Oakhurst for County fleet vehicles operating in Eastern Madera County.

**Recommendation 2:**

The Grand Jury recommends that the County provide additional portable lighting for use in garage bays.

**Response:**

The recommendation will not be implemented because it is not warranted. Central Garage staff already uses portable drop lights to supplement lighting in the Central Garage. To the extent that lighting in the service bays can be improved, The Central Garage Shop Supervisor and County Maintenance are working together to enhance the lighting in the service bays by adding permanent, energy-efficient fluorescent lighting on the sides of the bays.

Sincerely,

Ronn Dominici, Chairman  
Madera County Board of Supervisors

Attachment



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**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Sheriff Oakhurst Substation**

**2011 – 2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Sheriff Oakhurst Substation**

**Introduction:**

The Madera County Grand Jury made a scheduled visit to the Madera County Sheriff Substation in Oakhurst on August 11, 2011. This visit was performed pursuant to section 925 of the California Penal Code. The substation was selected for Grand Jury review due to its recent completion and occupancy by the Sheriff Department in June 2010. The facility was evaluated for functionality, serviceability, security, and cleanliness.

The substation is located at 48267 Liberty Drive in Oakhurst. The main facility is 9,400 square feet. It houses 25 sworn members of the Sheriff Department along with 7 civilian personnel. There are 15 patrol vehicles and 10 miscellaneous vehicles assigned to the facility. The substation houses Detective and Patrol Bureaus, Crime Lab, Evidence Storage, Community Service personnel, Records, Search and Rescue, Citizens on Patrol, and Bass Lake Boat Patrol.

Grand Jury members were met by the Mountain Area Commander, who gave a brief overview of the Department's utilization of the facility followed by a tour. The Commander was instrumental in planning and design of the substation.

**Findings:**

1. The Grand Jury found that the purpose of the substation is to provide a greater presence of the Madera County Sheriff Department to better serve the citizens of Eastern Madera County.
2. The Grand Jury found that the facility was well planned and suitably designed.
3. The Grand Jury found that a private cleaning service is currently contracted to clean the facility twice a week.
4. The Grand Jury found that the facility was clean and neat. However, staff expressed dissatisfaction with the facility's condition between cleanings.
5. The Grand Jury found that security cameras were located in and around the building. These cameras did not cover the North side or completely cover the East side of the building where prisoners are received.
6. The Grand Jury found that monitoring equipment for the security cameras was located in the wiring closet.
7. The Grand Jury found that the security camera equipment was not consistently monitored during normally staffed hours and not at all after hours and on weekends.

8. The Grand Jury found that the touch pad to open the automatic gate to enter the compound is located out of reach of the driver of a vehicle.

**Conclusions:**

1. The Grand Jury concluded that the Madera County Sheriff Substation in Oakhurst provides valuable services to citizens in Eastern Madera County. The layout of the facility was well planned, meets current needs, and will accommodate future growth. The layout provides an ergonomic design for efficient staff interaction and work flow.
2. The Grand Jury concluded that additional cleaning would help maintain a cleaner overall appearance and extend serviceability of the facility.
3. The Grand Jury concluded that security cameras are necessary to enhance safety and security. Security cameras need to cover the entire perimeter of the facility. Better coverage of the North and East sides of the building is needed, giving emphasis to the back entrance.
4. The Grand Jury concluded that security cameras should be monitored by the front desk as well as by the watch commander's office. The security cameras also need to be monitored by Sheriff Dispatch in Madera. This is a security issue as well as an officer safety issue.
5. The Grand Jury concluded that when a vehicle drives up to the closed gate, the driver must exit the vehicle and walk to the touch pad to activate the opening of the gate. This is inconvenient as well as a personal safety concern.

**Recommendations:**

1. The Grand Jury recommends that the Mountain Area Commander be commended for his contributions to the design and layout of the substation.
2. The Grand Jury recommends that the Sheriff Department evaluate the need for and cost of additional cleaning services for the facility.
3. The Grand Jury recommends that security cameras be positioned to cover the North side of the facility and the East side with emphasis on the back entrance.
4. The Grand Jury recommends that all security cameras be monitored by front desk personnel and the watch commander's office.
5. The Grand Jury recommends that Sheriff Dispatch in Madera be given the capability and responsibility to monitor the security cameras at the substation.

6. The Grand Jury recommends that either the gate touch pad be relocated or a remote activation device be placed in the vehicles.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. 4<sup>th</sup> Street  
Madera, CA 93637

Madera County Sheriff Department  
Sheriff/Coroner  
14142 Road 28  
Madera, CA 93638

**2011-2012  
Madera County Grand Jury**



**Responses to Item**



# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW  
DAVID ROGERS  
RONN DOMINICI  
MAX RODRIGUEZ  
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

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March 20, 2012

The Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

**Subject: Response to the 2011-12 Grand Jury Report entitled "Madera County Sheriff Oakhurst Substation"**

Honorable Judge Rigby:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2011-12 Madera County Grand Jury Report on "Madera County Sheriff Oakhurst Substation." (See Attachment #1.)

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

**Finding 1:**

"The Grand Jury found that the purpose of the substation is to provide a greater presence of the Madera County Sheriff Department to better serve the citizens of Eastern Madera County"

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 2:**

"The Grand Jury found that the facility was well planned and suitably designed."

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 3:**

"The Grand Jury found that a private cleaning service is currently contracted to clean the facility twice a week."

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 4:**

“The Grand Jury found that the facility was clean and neat. However, staff expressed dissatisfaction with the facility’s condition between cleanings.

**Response:**

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The finding that Sheriff staff are dissatisfied addresses budgetary or personnel matters of a county department headed by an elected officer pursuant to California Penal Code 933.05 (c) over which the Board of Supervisors has no decision making authority. Therefore, the Board of Supervisors cannot respond.

**Finding 5:**

“The Grand Jury found that security cameras were located in and around the building. These cameras did not cover the North side or completely cover the East side of the building where prisoners are received.”

**Response:**

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The finding regarding adequacy of security cameras addresses budgetary or personnel matters of a county department headed by an elected officer pursuant to California Penal Code 933.05 (c) over which the Board of Supervisors has no decision making authority. Therefore, the Board of Supervisors cannot respond.

**Finding 6:**

“The Grand Jury found that monitoring equipment for the security cameras was located in the wiring closet.”

**Response:**

Agree with the finding per California Penal Code 933.05 (a) (1).

**Finding 7:**

“The Grand Jury found that the security camera equipment was not consistently monitored during normally staffed hours and on weekends.”

**Response:**

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The finding regarding the consistency of security camera monitoring addresses budgetary or personnel matters of a county department headed by an elected officer pursuant to California Penal Code 933.05 (c) over which the Board of Supervisors has no decision making authority. Therefore, the Board of Supervisors cannot respond.



**Finding 8:**

“The Grand Jury found that the touch pad to open the automatic gate to enter the compound is located out of the reach of the driver of a vehicle.

**Response:**

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The finding regarding the location of the touch pad addresses budgetary or personnel matters of a county department headed by an elected officer pursuant to California Penal Code 933.05 (c) over which the Board of Supervisors has no decision-making authority. Therefore, the Board of Supervisors cannot respond.

**Recommendation 1:**

The Grand Jury Recommends that the Mountain Area Commander be commended for his contributions to the design and layout of the substation.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

**Recommendation 2:**

The Grand Jury recommends that the Sheriff Department evaluate the need for and cost of additional cleaning services for the facility.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

**Recommendation 3:**

The Grand Jury recommends that security cameras be positioned to cover the North side of the facility and East side with emphasis on the back entrance door of the jail.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

**Recommendation 4:**

The Grand Jury recommends that all security cameras be monitored by front desk personnel and the watch commander's office.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

**Recommendation 5:**

The Grand Jury recommends that Sheriff Dispatch in Madera be given the capability and responsibility to monitor the security cameras at the substation.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

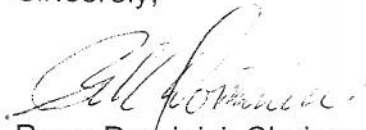
**Recommendation 6:**

The Grand Jury recommends that either the gate touch pad be relocated or a remote activation be placed in the vehicles.

**Response:**

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal code 933.05 (c) when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority.

Sincerely,



Ronn Dominici, Chairman  
Madera County Board of Supervisors

Attachment



# Office of the Sheriff

**Madera County**



*John P. Anderson  
Sheriff-Coroner*

14143 Road 28  
Madera, CA 93638  
Phone: (559) 675-7770  
Fax: (559) 675-8413  
E-Mail: [sheriff@madera-county.com](mailto:sheriff@madera-county.com)  
File #1.a.9916

March 27, 2012

The Honorable Ernest Licalsi  
Presiding Judge of the Grand Jury  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

RE: Response to 2011-2012 Grand Jury Report concerning "Madera County Sheriff  
Oakhurst Substation"

Honorable Judge Licalsi

We very much appreciated the examination that was made of the Oakhurst Substation, and the favorable comments made in the final report. The members who conducted the visit were cordial and the questions asked and observations made, were pertinent and in depth. The report included, Findings, Conclusions and Recommendations. Per PC 933.05(a) and (b), we will respond to the Findings and Recommendations portions of the report.

**Following are our responses to the FINDINGS made:**

FINDING 1

The Grand jury found that the purpose of the substation is to provide a greater presence of the Madera County Sheriff's Department to better serve the citizens of Eastern Madera County.

RESPONSE

We agree with the finding.

*SERVING SINCE 1893*

FINDING 2

The Grand jury found that the facility was well planned and suitably designed.

RESPONSE

We agree with the finding.

FINDING 3

The grand jury found that a private cleaning service is currently contracted to clean the facility twice a week.

RESPONSE

We agree with the finding.

FINDING 4

The Grand Jury found that the facility was clean and neat. However, staff expressed dissatisfaction with the facility between cleanings.

RESPONSE

We agree with the finding that the facility is normally clean and neat, but were unable to specifically identify the expressed dissatisfaction. The building is normally cleaned in the evening, and because it is in use 24 hours a day, it is certainly possible that it may become dirty between cleanings.

FINDING 5

The Grand Jury found that security cameras were located in and around the building. These cameras did not cover the North side or completely cover the East side of the building where prisoners were received.

We agree with the finding.

FINDING 6

The Grand Jury found that monitoring equipment for the security cameras was located in the wiring closet.

RESPONSE

We agree with the finding.

#### FINDING 7

The Grand Jury found that the security camera equipment was not consistently monitored during normally staffed hours and not at all after hours and on weekends.

#### RESPONSE

We agree with the finding.

#### FINDING 8

The Grand Jury found that the touch pad to open the automatic gate to enter the compound is located out of reach of the driver of a vehicle.

#### RESPONSE

We agree with the finding. Actually, a driver of a vehicle can access the touch pad, but the vehicle must be driven on the wrong side of the normal traffic pattern in order to access the pad.

#### **Following are our responses to the RECOMMENDATIONS made:**

#### RECOMMENDATION 1

The Grand Jury recommends that the Mountain Area Commander be commended for his contributions to the design and layout of the substation.

#### RESPONSE

Patrol Division Commander, Lt. Darin McMechan, was formally recognized by the Board of Supervisors at the Opening and Dedication of the Building last year. He is routinely commended for his efforts to improve the facility and its use.

#### RECOMMENDATION 2

The Grand jury recommends that the Sheriff's Department evaluate the need for and cost of additional cleaning services for the facility.

#### RESPONSE

Currently Service Master cleans the office on Monday, Wednesday and Friday, and cleans the public area on Tuesdays and Thursdays. We contacted the contractor and requested a more thorough cleaning be made when they did clean. We also urged staff to attempt to be more tidy. At this time, due to fiscal conditions, contracting for additional service is precluded.

### RECOMMENDATION 3

The Grand Jury recommends that security cameras be positioned to cover the North side of the facility and the East side with emphasis on the back entrance door of the jail.

### RESPONSE

We have obtained cameras to provide security coverage on the North and East sides of the building. Simplex Grinnell has provided the necessary cable. County Maintenance has been forwarded a request to make the installation. We estimate completion of this task NLT May 1, 2012.

### RECOMMENDATIONS 4 & 5

The Grand Jury recommends that all security cameras be monitored by the front desk personnel and the watch commander's office, and at the Communications center in the Madera Headquarters.

### RESPONSE

Simplex Grinnell provided a cost estimate for installation of software to allow video monitoring which will require the video system to be connected to the County network. The estimate provided was \$3,210, which also included the installation of the two cameras in recommendation 3. The cost should be less, as County maintenance personnel will make that installation.

To make the connection to the Communications Center in Madera, a Power Over Ethernet (POE) switch must be obtained. The funds for its purchase have been approved by the Board of Supervisors and it is on order. It is estimated that it will take a minimum of 60 days until delivery. Equipment to permit monitoring of the cameras at the various locations will take another estimate and will be dependant upon availability of funds. If not completed during this budget cycle, completion costs will be sought in the 2012-13 budget.

### RECOMMENDATION 6

The Grand Jury recommends that either the gate touchpad be relocated or a remote activation device be placed in the vehicles.

### RESPONSE

The Department has received a price quote from "Click 2 Enter" for an electronic gate opener for \$754.50. The system opens a gate by using a law enforcement radio transmitting on an exclusive channel. The purchase is to be made from existing funds, and the device will be installed by County maintenance, once received.

Once again, we appreciate the efforts of the Grand Jury in making our operation more efficient and safe.

Sincerely,

  
John P. Anderson  
Sheriff

Cc. Madera County Grand Jury  
Madera County Board of Supervisors  
Madera County Administrative Officer



**2011 – 2012  
Madera County Grand Jury  
Final Report  
Citizen Complaint Regarding the City of Chowchilla**



**2011 – 2012**  
**Madera County Grand Jury**  
**Final Report**  
**Citizen Complaint Regarding the City of Chowchilla**

**Introduction:**

On August 3, 2011, the Grand Jury received a Citizen Complaint setting forth a broad array of concerns involving the Chowchilla City Council and Administration. The complaint alleged that:

- the City spent \$1 million to purchase land for which it has no clear title or deed;
- Redevelopment Agency (RDA) funds were frozen for two years; the public was not able to apply for the funds;
- the City is bankrupt and not paying its bills;
- the former City Manager mismanaged City funds;
- extensive development was allowed east of Hwy. 99 without addressing overpass traffic and pedestrian safety issues;
- \$250,000 which was designated for the overpass is missing;
- water was provided to the east side development instead of drilling a new well needed on the west side;
- the public is denied use of the donated swimming pool at the high school; and
- a Council Member does not recuse himself from proceedings on a matter which would benefit his employer.

In its investigation of the complaint allegations, the Grand Jury interviewed City officials, attended Council meetings, and reviewed budget/financial records and public documents.

**Findings:**

1. The Grand Jury found no information regarding land purchased by the City without obtaining clear title and deed.
2. The Grand Jury found that RDA funding was used for water system improvements.
3. The Grand Jury found that redevelopment agencies have been abolished by the Governor effective February 1, 2012.
4. The Grand Jury found that the City Council had, at one time, considered declaring bankruptcy as an option for dealing with the City's financial issues.
5. The Grand Jury found that the City Council adopted a balanced budget for fiscal year 2011-2012.
6. The Grand Jury found that the City Council receives for its approval a monthly report of all bills to be paid.

7. The Grand Jury found that there is on-going litigation by the City against the former City Manager.
8. The Grand Jury found that the build-out east of Hwy. 99 includes a school, church, golf course, shopping center, businesses, and large housing developments.
9. The Grand Jury found that increased traffic flow, narrow walking paths, and inadequate railing present safety issues for vehicles and pedestrians on the Robertson Blvd. overpass.
10. The Grand Jury found that there has been no expansion of and only minor improvements to the Robertson Blvd. overpass at Hwy. 99 to address the traffic and safety issues.
11. The Grand Jury found that impact fees, dedicated for overpass development, are required for building on the east side of Hwy. 99.
12. The Grand Jury found that a portion of the impact fees collected have been spent on required planning for the overpass.
13. The Grand Jury found that the City's General Plan includes a 5-lane overpass on Robertson Blvd. which will cost about \$30 million, including the purchase of additional land.
14. The Grand Jury found that the west side water quality remains the same as it has historically been and that the east side water pressure is the lowest.
15. The Grand Jury found that the swimming pool, built with a private donation from a Chowchilla family, is owned by the high school and opened to the public when life guard services can be provided.
16. The Grand Jury found that a particular Council Member does not recuse himself from discussing or voting on City Council agenda items which could impact the value of property owned by a source of substantial income to his business.

**Conclusions:**

1. The Grand Jury concluded that RDA funds were not available for public application, having been spent on water system improvements. However, with the abolishment of RDAs, the issue is moot.
2. The Grand Jury concluded that the City is not bankrupt.
3. The Grand Jury concluded that the City allowed broad development on the east side of Hwy. 99 without resolving the traffic and safety issues of the connecting Robertson Blvd. overpass.

4. The Grand Jury concluded that the Council Member's failure to recuse himself from discussing or voting on City Council agenda items which could impact the value of property owned by a source of substantial income to his business has the appearance of conflict of interest.

**Recommendations:**

1. The Grand Jury recommends that the City identify and implement practical measures to alleviate the traffic and safety issues of the Robertson Blvd. overpass as much as possible until the funding to build a new overpass can be obtained.
2. The Grand Jury recommends that the District Attorney investigate the Council Member for possible violations of conflict of interest laws and take subsequent actions as appropriate.

**Respondents:** written response required pursuant to PC 933(c)

Chowchilla City Council  
240 N. First St.  
Chowchilla, CA 93610

Madera County District Attorney  
209 W. Yosemite Ave.  
Madera, CA 93637

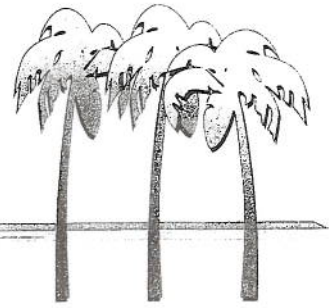
**Informational:** response optional

California Department of Transportation  
District 6 Director  
PO Box 12616  
Fresno, CA 93778

**2011-2012  
Madera County Grand Jury**



**Responses to Item**



130 S. Second Street  
Civic Center Plaza  
Chowchilla, CA 93610  
(559) 665-8615 - (559) 665-7418 fax  
www.ci.chowchilla.ca.us

April 10, 2012

Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, CA 93637

Madera County Grand Jury  
P.O. Box 534  
Madera CA 93639



**Re: City of Chowchilla Response to the 2011-2012 Grand Jury Report**

Pursuant to California Penal Code 933 the following is the City of Chowchilla response to the 2011-2012 Grand Jury Report:

**Findings:**

1. The Grand Jury found no information regarding land purchased by the City without obtaining clear title and deed.  
*The City of Chowchilla agrees with this finding.*
2. The Grand Jury found that RDA funding was used for water system improvements.  
*RDA funds were loaned to the Water Utility for system wide infrastructure improvements.*
3. The Grand Jury found that redevelopment agencies have been abolished by the Governor effective February 1, 2012.  
*The City of Chowchilla agrees with this finding.*
4. The Grand Jury found that the City Council had, at one time, considered declaring bankruptcy as an option for dealing with the City's financial issues.  
*The City of Chowchilla discussed the Bankruptcy option to deal with it financial issues.*

5. The Grand Jury found that the City Council adopted a balanced budget for fiscal year 2011-2012.

*The City of Chowchilla agrees with this finding.*

6. The Grand Jury found that the City Council receives for its approval a monthly report of all bills to be paid.

*The City of Chowchilla agrees with this finding.*

7. The Grand Jury found that there is on-going litigation by the City against the former City Manager.

*There is on going litigation between the former City Administrator and the City of Chowchilla.*

8. The Grand Jury found that the build-out east of Hwy. 99 includes a school, church, golf course, shopping center, businesses and large housing developments.

*The City of Chowchilla agrees with this finding.*

9. The Grand Jury found that increased traffic flow, narrow walking paths, and inadequate railing present safety issues for vehicles and pedestrians on the Robertson Blvd. overpass.

*The City of Chowchilla agrees that the State Route 233 (Robertson Blvd.) overpass needs to be expanded to address the current volume of traffic and pedestrians. The State and the City of Chowchilla are working together to find the appropriate design solution and funding source to resolve these issues.*

10. The Grand Jury found that there has been no expansion of and only minor improvements to the Robertson Blvd. overpass at Hwy. 99 to address the traffic and safety issues.

*The City of Chowchilla agrees with this finding, see response to Finding number 9.*

11. The Grand Jury found that impact fees, dedicated for overpass development, are required for building on the east side of Hwy. 99.

*The City of Chowchilla agrees with this finding.*

12. The Grand Jury found that a portion of the impact fees collected have been spent on required planning for the overpass.

*The City of Chowchilla agrees with this finding.*

13. The Grand Jury found that the City's General Plan includes a 5-lane overpass on Robertson Blvd. which will cost about \$30 million, including the purchase of additional land.

*The City of Chowchilla agrees with this finding. The updated cost for this project could be over \$50 million.*

14. The Grand Jury found that the west side water quality remains the same as it has historically been and that the east side water pressure is the lowest.

*The City of Chowchilla agrees with this finding. Staff is developing plans to add a pressure stabilization tank to address water pressure issues for the entire water system.*

15. The Grand Jury found that the swimming pool, built with a private donation from a Chowchilla family, is owned by the high school and opened to the public when life guard services can be provided.

*The City of Chowchilla agrees with this finding.*

16. The Grand Jury found that a particular Council Member does not recues himself from discussing or voting on City Council agenda items which could impact the value of property owned by a source of substantial income to his business.

*The City of Chowchilla believes that all City Council members have voted appropriately on agenda items.*

#### **Conclusions:**

1. The Grand Jury concluded that RDA funds were not available for public application, having been spent on water system improvements. However, with the abolishment of RDA's, the issue is moot.

*The former RDA's business loan program was suspended to provide staff with the time that was needed to amend the application forms and underwriting criteria to make the program consistent with the city's other business loan programs. The loan to the Water Enterprise program was made from monies that were restricted for capital improvements and therefore could not have been made available for loans to private businesses.*

2. The Grand Jury concluded that the City is not bankrupt.

*The City of Chowchilla agrees with this conclusion.*

3. The Grand Jury concluded that the City allowed broad development on the east side of Hwy. 99 without resolving the traffic and safety issues of the connecting Robertson Blvd. overpass.

*The City of Chowchilla is working with the State of California to design and construct a facility that is affordable, can be financed through existing funding sources and provides significant improvements for vehicle and pedestrian traffic in that area. The City of Chowchilla acknowledges that there has been a delay in the design and construction of a new overpass due to the loss of funding sources during the recent recession, at both the state and local level.*

4. The Grand Jury concluded that the Member's failure to recues himself form discussing or voting on City Council agenda items which could impact the value of property owned by a source of substantial income to his business has the appearance of conflict of interest.

*The City of Chowchilla believes that all Council Members voted appropriately on agenda items.*

**Recommendations:**

1. The Grand Jury recommends that the City identify and implement practical measures to alleviate the traffic and safety issues of the Robertson Blvd. overpass as much as possible until the funding to build a new overpass can be obtained.

*The City of Chowchilla is working with the State of California to design and construct a facility that is affordable, can be financed through existing funding sources and provides significant improvements for vehicle and pedestrian traffic in that area. The City of Chowchilla acknowledges that there has been a delay in the design and construction of a new overpass due to the loss of funding sources during the recent recession, at both the state and local level.*

2. The Grand Jury recommends that the District Attorney investigate the Council Member for possible violations of conflict of interest laws and take subsequent actions as appropriate.

*The City of Chowchilla believes that all City Council members voted appropriately on City Council agenda items.*

Thank you, the City of Chowchilla appreciates the Grand Jury's time and effort in reviewing the matters contained in your report.



Janan Hebert,  
Mayor  
City of Chowchilla



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**2011 – 2012  
Madera County Grand Jury  
Final Report  
Citizen Complaint Regarding  
Nuisances on Oakhurst Library Grounds**

**2011 – 2012  
Madera County Grand Jury  
Final Report  
Citizen Complaint Regarding  
Nuisances on Oakhurst Library Grounds**

**Introduction:**

The Grand Jury received a Citizen Complaint on November 15, 2011, concerning nuisances by persons on the Oakhurst Library grounds. Disturbances alleged in the complaint include:

- loitering;
- use of loud, verbal obscenities;
- abhorrent and obnoxious behavior;
- urinating in the parking lot;
- apparent use and sharing of illegal drugs;
- apparent drinking of alcoholic beverages from paper bags; and
- intimidating and threatening behavior to Library patrons and staff.

The Grand Jury investigated the issues by conducting interviews with Oakhurst Library staff and law enforcement officials. Direct observation was conducted at numerous times by Grand Jury members.

**Findings:**

1. The Grand Jury found that the allegations outlined in the complaint were valid.
2. The Grand Jury found that there have been numerous incidents reported to the Sheriff's Office including dog bites, attempted assault, fires set to storage area, fighting, theft of property, accumulation of trash, public drunkenness, destruction of public property, panhandling, and drug dealing.
3. The Grand Jury found that the Library grounds are patrolled by law enforcement infrequently.
4. The Grand Jury found that law enforcement generally responds in a timely manner when called.
5. The Grand Jury found that four or more persons were loitering on and around the Library grounds on each of several visits.
6. The Grand Jury found that Friends of the Oakhurst Library provided security services at the Library for approximately one month, making patrons and staff feel more secure.

7. The Grand Jury found that on February 14, 2012, the Board of Supervisors, at the request of the County Sheriff, adopted Ordinance No. 653 which prohibits loitering on County Library property and possessing or consuming alcohol on such property.
8. The Grand Jury found that the ordinance specifies signs to be posted as follows: “Trespassing and Loitering Prohibited” and “Alcoholic Beverages Prohibited”.

**Conclusions:**

1. The Grand Jury concluded that the activities on the Library grounds are a major nuisance to library patrons and staff.
2. The Grand Jury concluded that Library patrons and staff felt more protected when security services were active.
3. The Grand Jury concluded that the County Sheriff responded proactively to address citizens' complaints by proposing the new ordinance.
4. The Grand Jury concluded that the new County Ordinance No. 653 will provide a helpful tool for law enforcement in dealing with the on-going problems on the Library grounds.

**Recommendations:**

1. The Grand Jury recommends that the Library patrons and staff immediately contact the Sheriff's Office when violations of the ordinance are observed.
2. The Grand Jury recommends that the Madera County Sheriff be recognized and commended for taking action to address this issue.

**Respondents:** written response required pursuant to PC933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

Madera County Sheriff-Coroner  
14143 Road 28  
Madera, CA 93638

**Informational:** response optional

Madera County Librarian  
121 North G St.  
Madera, CA 93637

**2011-2012  
Madera County Grand Jury**



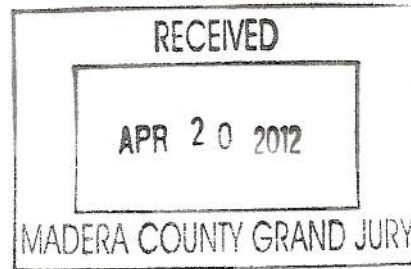
**Responses to Item**



John P. Anderson  
Sheriff-Coroner

# Office of the Sheriff

## Madera County



14143 Road 28  
Madera, CA 93638  
Phone: (559) 675-7770  
Fax: (559) 675-8413  
E-Mail: sheriff@madera-county.com  
File #1.a.9916

April 16, 2012

The Honorable Ernest Licalsi  
Presiding Judge of the Grand Jury  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

RE: Response to 2011-2012 Grand Jury Report concerning "Citizen Complaint regarding Nuisances of Oakhurst Library Grounds".

Honorable Judge Licalsi,

We very much appreciated the favorable comments made by the Grand Jury regarding the above issue in the final report. Once again the members who conducted the investigation were cordial and the questions asked and observations made, were pertinent and in depth. Per PC 933.05(a) and (b), we will respond to the Findings and Recommendations portions of the report.

### **Following are our responses to the FINDINGS made:**

#### FINDING 1

The Grand jury found that the allegations outlined in the complaint were valid.

#### RESPONSE

We agree with the finding.

## FINDING 2

The grand jury found that there have been numerous incidents reported to the Sheriff's Office including dog bites, attempted assault, fires set to storage area, fighting, theft of property, accumulation of trash, public drunkenness, destruction of public property, panhandling and drug dealing

## RESPONSE

We agree with the finding.

## FINDING 3

The Grand Jury found that the Library grounds are patrolled by law enforcement infrequently.

## RESPONSE

We agree with the finding. The Sheriff's Office does have a special order which requires Deputies assigned to the Oakhurst beat, to patrol the Oakhurst Park twice each shift. Since the Library is adjacent to the Park, it also receives these patrol checks.

## FINDING 4

The Grand Jury found that law enforcement generally responds in a timely manner when called.

## RESPONSE

We agree with the finding. Because of the numerous incidents noted in finding 2, response to calls from the Library are considered a priority call.

## FINDING 5

The Grand Jury found that four or more persons were loitering on and around the Library grounds on each of several visits.

## RESPONSE

We agree with the finding.

FINDING 6

The Grand Jury found that Friends of the Oakhurst Library provided security services at the Library for approximately one month, making patrons and staff feel more secure.

RESPONSE

We agree with the finding.

FINDING 7

The Grand Jury found that on February 14, 2012, the Board of Supervisors, at the request of the County Sheriff, adopted Ordinance No. 643 which prohibits loitering on County Library property and possessing or consuming alcohol on such property.

RESPONSE

We agree with the finding.

FINDING 8

The Grand Jury found that the ordinance specifies signs to be posted as follows: "Trespassing and Loitering Prohibited" and "Alcoholic Beverages Prohibited".

RESPONSE

We agree with the finding.

**Following are our responses to the RECOMMENDATIONS made:**

RECOMMENDATION 1

The Grand Jury recommended that the Library patrons and staff immediately contact the Sheriff's Office when violations of the ordinance are observed.

RESPONSE

We concur, that immediate reports should be made if violations of the ordinance are observed.



RECOMMENDATION 2

The Grand Jury recommended that the Madera County Sheriff be recognized and commended for taking action to address this issue.

RESPONSE

The Madera County Sheriff concurs and thanks the Grand Jury for this recommendation.

Once again, we appreciate the efforts of the Grand Jury in making County operations more efficient and safe, and for the service it provides the people of Madera County.

Sincerely,



John P. Anderson  
Sheriff

Cc. Madera County Grand Jury ✓  
Madera County Board of Supervisors  
Madera County Administrative Officer



**2011-2012  
Madera County Grand Jury  
Final Report  
Citizen Complaint Regarding the Office of  
Madera County Auditor-Controller**

**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Citizen Complaint Regarding the Office of**  
**Madera County Auditor-Controller**

**Introduction:**

In August 2011 the Grand Jury received a Citizen Complaint regarding the Office of the Madera County Auditor-Controller. The complaint addressed the following issues:

- Accumulated oversight of \$11,176,110 General Fund Revenue
- Trust funds not reviewed and/or audited
- Lack of written procedures and guidelines for the office

The Grand Jury interviewed 14 individuals in its investigation of the complaint.

**Findings:**

1. The Grand Jury found that on June 7, 2011, the Board of Supervisors (BoS) recognized that \$11,176,110 had not been transferred from various trust funds to the County General Fund.
2. The Grand Jury found that the Auditor-Controller maintains approximately 700 accounts and trust funds.
  - a. Many of the accounts and trust funds have not been reviewed or audited annually.
  - b. The report prepared for the County by MGT of America showed that 165 of the accounts and trust funds pertain to the school districts.
  - c. The Auditor-Controller duplicates the record keeping performed by the Madera County Office of Education (MCOE) for these funds.
3. The Grand Jury found that in 2010 the Auditor-Controller developed policies and procedures covering accounting, capital assets, fraud, and travel.
4. The Grand Jury found that since 2009 there have been three appointed, acting, or elected Auditor-Controllers.
5. The Grand Jury found that the BoS recently considered and rejected a proposal to combine the elected offices of Auditor-Controller and Treasurer-Tax Collector into an appointed Director of Finance.
6. The Grand Jury found that the BoS appointed a new Auditor-Controller who assumed her duties in January 2012.
7. The Grand Jury found that the Auditor-Controller's Office has experienced vacancies in

key positions over the past several years.

8. The Grand Jury found that in the past the County has been ineligible for grant awards due to lack of timely completion of financial reports.
9. The Grand Jury found that the County uses the Integrated Financial Accounting System (IFAS).
  - a. IFAS is built on an obsolete platform which does not provide a solid foundation upon which to build or attach other functional components.
  - b. IFAS requires routine operational assistance from the analyst staff of the County Information Technology Department (IT).
  - c. Some of the system's capabilities, e.g., the budget component, are not being utilized.
10. The Grand Jury found that use of the IFAS payroll component is made considerably more complex because of the County's practice of issuing employee paychecks prior to the end of the pay period.

**Conclusions:**

1. The Grand Jury concluded that the lack of adequate fund accounting procedures and end of year review of fund balances resulted in the accumulated oversight of over \$11 million.
2. The Grand Jury concluded that for a period of several years the Auditor-Controller's Office has been inadequately staffed, resulting in late financial reporting, costly errors, and embarrassing mistakes.
3. The Grand Jury concluded that the Auditor-Controller's Office has made progress with the development of some policies and procedures for specific functions of the office and County.
4. The Grand Jury concluded that the Auditor-Controller's Office performs unnecessary tasks by duplicating record keeping done by MCOE.
5. The Grand Jury concluded that IFAS is outdated and may not meet the County's needs in the long term.
6. The Grand Jury concluded that the current payroll process creates additional work for the Auditor-Controller, IT, and each of the County Departments who must make all of the necessary leave balance and pay adjustments after the fact.

**Recommendations:**

1. The Grand Jury recommends that the Auditor-Controller continue to develop policies and procedures for the office and County functions.

2. The Grand Jury recommends that duplicate record keeping of MCOE accounts and funds be eliminated and the Auditor-Controller perform only those procedures required by law.
3. The Grand Jury recommends that the County form a task force comprised of key stakeholders to evaluate the ongoing adequacy of IFAS and determine the appropriate course of action.
4. The Grand Jury recommends that the County's payroll process be changed to allow sufficient time for pay adjustments to be made prior to issuance of paychecks.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Auditor-Controller  
200 W. Fourth St.  
Madera, CA 93637

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Information Technology Department  
Director  
200 W. Fourth St.  
Madera, CA 93637

Madera County Office of Education  
Superintendent of Schools  
14123 Avenue 14  
Madera, CA 93638

Madera County Administrative Officer  
200 W. Fourth St.  
Madera, CA 93637



**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Road Department**

**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Road Department**

**Introduction:**

The Madera County Road Department is under the umbrella of the County Resource Management Agency (RMA) and is directed by the Road Commissioner. The Department is responsible for the maintenance and construction of over 1,800 miles of roads and approximately 170 bridges within the county. Its current budget is over \$17.8 million, financed primarily by State and Federal allocations with the balance coming from special districts and local special tax measures.

The Grand Jury selected the Road Department for review because it had not been evaluated for over three years. In addition to interviewing Department management and staff, the Grand Jury visited the facilities located in Madera. The Grand Jury also observed a bid opening process for a \$6 million project.

**Findings:**

1. The Grand Jury found that the Road Department is authorized 86 positions, of which approximately 11 are vacant.
2. The Grand Jury found that there are two major divisions within the Department: the Engineering & Traffic Division and the Maintenance & Operations Division (M&O). In addition, there is a small administrative and accounting support unit.
3. The Grand Jury found that the Department's support unit assists with the administrative work and accounting of the other RMA departments.
4. The Grand Jury found that road repair priorities are established by safety issues, traffic volume, and road condition.
5. The Grand Jury found that the contract awarding process follows Federal, State, and local contracting requirements. There has been only one formal protest in the last 5 years.
6. The Grand Jury found that the Department's Engineering Division provides complete contracting processes including request for proposal, bid review, award, and project oversight.
7. The Grand Jury found that the Engineering Division, by performing more projects in-house, has reduced costs. In-house project completion has increased from an average of 5 in past years to 10 projects completed in 2011.
8. The Grand Jury found that the Department uses current communications technology and automation.

- a. Online processes are provided for reporting road repair issues.
  - b. Twitter and Facebook are used to communicate with the public.
9. The Grand Jury found that within the M&O Division there are 5 road crews, a weed abatement crew, and a graffiti removal crew.
    - a. Three of the road crews work from outlying yards in Raymond, Chowchilla, and North Fork.
    - b. Two road crews plus the weed abatement and graffiti removal crews report daily to the Almond Avenue Yard in Madera.
    - c. A crew is comprised of 5 to 7 workers.
  10. The Grand Jury found that in-house work consists of smaller repairs, shoulder grading, blacktop overlay, culvert installation, drainage issues, minor bridge repairs, road signage, weed abatement, and graffiti and litter removal.
  11. The Grand Jury found that the M&O Division is aware of the need for additional training of workers in current road repair materials and methodologies.
  12. The Grand Jury found that there have been no recent feasibility studies regarding lease versus purchase of heavy equipment.
  13. The Grand Jury found that the Road Shop maintains 270 vehicles and other pieces of equipment, including:
    - a. 71 vehicles (sedans, vans, SUVs, and various pickup trucks), 6 of which are being surplus for disposal;
    - b. 16 pickup trucks and 3 small sedans which operate on compressed natural gas (CNG), limiting their range due to lack of available fueling facilities; and
    - c. some pickup trucks which have special equipment installed for specific duties such as weed spraying, sign installation and removal, vehicle recovery, and arrow displays for safety of road crews.
  14. The Grand Jury found that Department mechanics are not properly trained to repair the modern equipment.
  15. The Grand Jury found that both County Central Garage and the Road Shop perform repair and maintenance of sedans, vans, and light pickup trucks.
  16. The Grand Jury found that there are no Road Department policies or procedures for vehicle pre-operation checks, e.g., oil level, tire inflation, and visual safety inspection.
  17. The Grand Jury found that the Almond Avenue Yard has experienced vandalism and theft.

### **Conclusions:**

1. The Grand Jury concluded that the Road Department is well managed and making progress toward becoming a modern, efficient department.



2. The Grand Jury concluded that road repair priorities are properly and fairly established.
3. The Grand Jury concluded that the Department's contracting processes are open and fair.
4. The Grand Jury concluded that the Department is making good use of technology to reduce costs and enhance efficiency.
5. The Grand Jury concluded that Department mechanics need updated training to repair the newer equipment.
6. The Grand Jury concluded that the Almond Avenue Yard lacks adequate security.

**Recommendations:**

1. The Grand Jury recommends that the M&O Division develop and implement a training program for road crews in the latest methods and materials for road maintenance.
2. The Grand Jury recommends that the County conduct a study to determine the feasibility of having Department sedans, vans, and light pickup trucks serviced and maintained by Central Garage.
3. The Grand Jury recommends that the Department conduct a study on the costs and benefits of lease versus purchase for future heavy equipment procurement.
4. The Grand Jury recommends that the Department adopt the pre-operation inspection policy and procedures for vehicle operators as published by Central Garage.
5. The Grand Jury recommends that additional security, e.g., video surveillance, be implemented at the Almond Avenue Yard.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Road Commissioner  
2037 W. Cleveland Ave.  
Madera, CA 93637

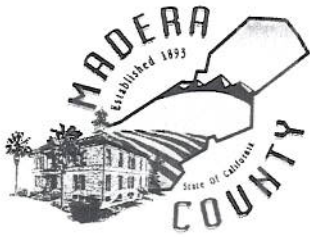
Madera County Resource Management Agency Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Central Garage Supervisor  
14355 Road 28  
Madera, CA 93638

**2011-2012  
Madera County Grand Jury**



**Responses to Item**



# RESOURCE MANAGEMENT AGENCY Road Department

2037 W. Cleveland Avenue  
Mail Stop D  
Madera, CA 93637-8720  
(559) 675-7811  
FAX (559) 675-7631  
Jhoevertsz2@madera-county.c

Johannes J. Hoevertsz, Road Commissioner

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DATE: May 18, 2012  
TO: Madera County Grand Jury, Madera County Board of Supervisors  
FROM: Johannes J. Hoevertsz, Road Commissioner  
SUBJECT: Response to Grand Jury Investigation

## **Grand Jury Findings with the Departments Responses.**

1. The Grand Jury found that the Road Department is authorized 86 positions, of which approximately 11 are vacant.

The Department agrees with the finding.

2. The Grand Jury found that there are two major divisions within the Department: the Engineering & Traffic Division and the Maintenance & Operations Division (M&O). In addition, there is a small administrative and accounting support unit.

The Department agrees with the finding.

3. The Grand Jury found that the Department's Support unit assists with the administrative work and accounting of the other RMA departments.

The Department agrees with the finding.

4. The Grand Jury found that road repair priorities are established by safety issues, traffic volume, and road condition.

The Department agrees with the finding.

5. The Grand Jury found that the contract awarding process follows Federal, State, and local contracting requirements. There has been only one formal protest in the last 5 years.

The Department agrees with the finding.

6. The Grand Jury found that the Department's Engineering Division provides complete contracting processes including request for proposal, bid review, award, and project oversight.

The Department agrees with the finding.

7. The Grand Jury found that the Engineering Division, by performing more projects in-house, has reduced costs. In-house project completion has increased from an average of 5 in past years to 10 projects completed in 2011.

The Department agrees with the finding.

8. The Grand Jury found that the Department uses current communications technology and automation.

- a. Online processes are provided for reporting road repair issues.
- b. Twitter and Facebook are used to communicate with the public.

The Department agrees with the finding.

9. The Grand Jury found that within the M&O Division there are 5 road crews, a weed abatement crew, and a graffiti removal crew.

- a. Three of the road crews work from outlying yards in Raymond, Chowchilla, and North Fork.
- b. Two road crews plus the weed abatement and graffiti removal crews report daily to the Almond Avenue Yard in Madera.
- c. A crew is comprised of 5 to 7 workers.

The Department partially agrees with the finding. The M&O Division is divided into a total of eight separate crews consisting of five (5) general road maintenance crews, and three (3) specialized crews. The Department does not have a graffiti abatement crew; however the Traffic Division responds to graffiti abatement issues for road signs and bridges.

The Department is required to maintain approximately 1,900 miles of roads, between maintenance districts, service areas, and county maintained mileage roads. As a result, the five general road maintenance crews are divided geographically throughout the County. The Department's three specialty crews consist of a Construction/Bridge Crew, a Work Crew and the Equipment Shop.

Utilizing specialty equipment, training and procedures, the Construction/Bridge Crew focuses on complex road projects and bridge maintenance work county-wide.

The Work Crew is tasked with weed abatement, which includes mowing and the spraying of herbicides on County roads and bridges. This crew also handles trash removal and the clearing of debris from bridges and culverts, and tree trimming or tree removal.

The Equipment Shop Crew is comprised of mechanics and is where all of the Department's vehicles and equipment is serviced. The Department has provided service to the Weights and Measures Division of the Agriculture Department, the Animal Control Department, the Health Department's motor home, the Department of Corrections tire trailer, and both Grounds Maintenance and Special Districts from the Engineering Department.

10. The Grand Jury found that in-house work consists of smaller repairs, shoulder grading, blacktop overlay, culvert installation, drainage issues, minor bridge repairs, road signage, weed abatement and graffiti and litter removal.

The Department agrees with the finding.

11. The Grand Jury found that the M&O Division is aware of the need for additional training of workers in current road repair materials and methodologies.

The Department partially agrees with the finding. The Department recognizes the need for additional training of workers in methods of road repair however staff is trained in the existing road repair materials and methodologies including the proper use and management of SS-1H, SC3000 and SC800, PG 64-10 and 70-10 asphalts, which are the current standards in the State for repairing of hot mix and cold mix asphalt roadways.

12. The Grand Jury found that there have been no recent feasibility studies regarding lease versus purchase of heavy equipment.

While the Department agrees with the finding, the Department performs cost-benefit analysis when renting equipment for seasonal or specialized work. Maintenance costs, health and welfare, liability, geographical location among others are considered in the Department's decision of purchasing vs. renting or leasing. With the current fiscal restraints and the changing of off-road vehicle emissions regulations, the Department has deferred the acquisition of heavy equipment until the equipment manufacturers are producing equipment compliant with current and future proposed emissions standards.

13. The Grand Jury found that the Road Shop maintains 270 vehicles and other pieces of equipment, including:

- a. 71 vehicles (sedans, vans, SUVs, and various pickup trucks), 6 of which are being surplusd for disposal;

The Department partially agrees with the finding. The Department expects to retire a total of 15 vehicles in the near future as it is done typically when required due to high mileage, maintenance costs or out of compliance equipment .

- b. 16 pickup trucks and 3 small sedans which operate on compressed natural gas (CNG), limiting their range due to lack of available fueling facilities; and

The Department agrees with the finding.

- c. some pickup trucks which have special equipment installed for specific duties such as weed spraying, sign installation and removal, vehicle recovery, and arrow displays for safety of road crews.

The Department partially agrees with the finding. A good portion of the Department's light duty pickups have special equipment installed for specialized duties such as weed spraying, traffic signs installation and removal, vehicle recovery, and traffic control for safety of road crews. The majority of the pickups are also equipped for snow plows for snow and ice control.

14. The Grand Jury found that Department mechanics are not properly trained to repair the modern equipment.

The Department disagrees with the finding. The equipment shop has been a part of the Bureau of Automotive Repair Smog program since May of 1992. The program is audited annually and the shop has received satisfactory ratings from every audit since 1992.

The Road Department Equipment Shop has all of the state required smog test equipment, and the staff has been trained in the proper use of the equipment. Emission analyzer with dynamometer, ignition analyzer/oscilloscope, ammeter, DVOM (digital volt/ohm meter), fuel injection pressure gauges, vacuum/pressure gauge, bar code scanner, fuel cap tester, hand vacuum pump/gauge, tachometer/dwell meter, compression tester, timing light/advance tester, propane enrichment kit, digital storage oscilloscope, OTC (Owatonma Tool Company Genisys), OBDI (On Board Diagnostic series 1) and OBDII (On Board Diagnostic series 2) computer fault code scanner loader with most current software available are all currently utilized in our shop, and the staff use the equipment extensively. All emission and shop repair manuals, along with the internet based online repair manuals through Mitchell1 OnDemand5 service are contained in our shop. The Mitchell1 OnDemand5 provides all the latest and most current repair information available for vehicles.

The Road Department Equipment Shop can efficiently complete the most complicated repairs that require the use of diagnostic scan tools and troubleshooting. Individual training for staff includes certificate of completions in Ag and Heavy truck mechanics, AS (Associate of Sciences) degree's in mechanized agriculture, John Deere Gold Level Certified Technicians, as well as Air Conditioning Certifications.

The Road Department Equipment Shop's individual members also have ASE (Automotive Service Excellence) certificates in A1 Engine repair in automotive/light truck, A5 brakes in automotive/light truck, A6 Electrical/Electronic Systems in automotive/light truck, A8 Engine Performance in automotive/light truck, L1 Advance Engine Performance Specialist in automotive/light truck, T1 Gas Engines in Medium & Heavy Trucks, T2 Diesel Engines in Medium & Heavy Trucks, T4 Brakes in Medium & Heavy Trucks, and T5 Suspension & Steering in Medium & Heavy Trucks. All the mechanics in the equipment shop are certified brake inspectors as required by the Department of Transportation.

The department is aware and making accommodations for future training on new technologies in equipment and vehicles that will enter the industry in the future. The Road Department Shop is currently trained and equipped to handle all automotive, medium and heavy truck repair, and off-road equipment repairs.

15. The Grand Jury found that both County Central Garage and the Road Shop perform repair and maintenance of sedans, vans, and light pickup trucks.

The Department agrees with the finding.

16. The Grand Jury found that there are no Road Department policies or procedures for vehicle pre-operation checks, e.g., oil level, tire inflation, and visual safety inspection.

The Department partially agrees with the finding. The Department is a member of the BIT program: (Biennial Inspection of Terminals). Under this program the department is audited biennially by the CA Department of Transportation and the California Highway Patrol. The Road Department has received satisfactory ratings since March, 11 1993. The Bit program requires that regulated vehicles be inspected within 90 day intervals. Inspections require that all brakes be checked and adjusted, all steering and suspension, frame, tires and wheels, lights and any other safety component that relates to each vehicle being inspected and repaired before vehicle can be returned to service.

The BIT program requires that a daily pre-trip vehicle inspection written report be completed by every operator prior to the operation of a vehicle as mandated on a published inspection report by the Department of Transportation. If any defects are noted the vehicle has to be repaired before it can be put in service and operated.

The items inspected daily on department vehicles prior to operation include the air compressor, air lines, battery, belts and hoses, body, brake accessories, brakes, parking brakes, clutch, coupling devices, defroster/heater, drive line, fuel tanks, engine, exhaust, fifth wheel, fluid levels, frame and assembly and front axle, starter, clearance/marker lights, steering, mirrors, suspension system, muffler, tire chains, oil pressure, tire condition and pressure, radiator, transmission, rear end, trip recorder, reflectors, wheels and rims, windows and windshield wipers.

Also required by the BIT program is the daily inspection of the vehicles safety equipment which includes the fire extinguisher, horn, flags or flares, fuses, reflective triangles, head/stop spare bulbs and fuses, tail/dash spare seal beams and, turn indicators, are checked prior to operation of the vehicle.

The BIT program exceeds all Federal and State regulations for a pre-trip inspection of a vehicle. While the Department recognizes that there is not a 'Department specific' policy we believe that the adoption of the BIT program fulfills the necessary requirements and creating a 'Department specific' would be redundant.

*(Please see Exhibit "A")*

17. The Grand Jury found that the Almond Avenue Yard has experienced vandalism and theft.

The Department agrees with the finding. The Department is currently working on grant funding to construct a concrete/masonry wall around the perimeter of the site, as well as for surveillance cameras.

**Conclusions:**

1. The Grand Jury concluded that the Road Department is well managed and making progress toward becoming a modern, efficient department.
2. The Grand Jury concluded that road repair priorities are properly and fairly established.
3. The Grand Jury concluded that the Department's contracting processes are open and fair.
4. The Grand Jury concluded that the Department is making good use of technology to reduce costs and enhance efficiency.
5. The Grand Jury concluded that Department mechanics need updated training to repair the newer equipment.
6. The Grand Jury concluded that the Almond Avenue Yard lacks adequate security.

## **Recommendations:**

1. The Grand Jury recommends that the M&O Division develop and implement a training program for road crews in the latest methods and materials for road maintenance.

The recommendation has been implemented. The Department currently has field training in place for new employees or new technologies as they are introduced. The Department will develop a specific written training guide for the materials and the equipment utilized in the Road Department within the next 24 months.

2. The Grand Jury recommends that the County conduct a study to determine the feasibility of having Department sedans, vans, and light pickup trucks serviced and maintained by Central Garage.

The recommendation requires further analysis. The Department defers this recommendation to the County's Administration Department. Work performed by a department outside of the Road Department would potentially result in higher costs to the Road Department due to administration fees. Further time would be spent commuting to the Central Garage, as over half of the Road Department's fleet is dispatched from the parking lot next to the Road Department's Equipment Shop. The Central Garage staff will need specialized training on the maintenance and repair of the specialty equipment installed on the majority of the departments vehicles for specific duties.

3. The Grand Jury recommends that the Department conduct a study on the costs and benefits of lease versus purchase for future heavy equipment procurement.

The recommendation requires further analysis. The Department will pursue a study at a time when the cost incurred from feasibility studies regarding lease versus purchase of heavy equipment is warranted and available. The internal cost-benefit analysis suffices to stretch the Department's funding with the needed flexibility of equipment acquisition.

4. The Grand Jury recommends that the Department adopt the pre-operation inspection policy and procedures for vehicle operators as published by Central Garage.

The recommendation has been implemented. The current BIT program the Road Department follows exceeds all local, state and federal standards by having a daily pre-trip vehicle inspection, with a written report be completed by every operator prior to the operation of a vehicle.

5. The Grand Jury recommends that additional security, e.g., video surveillance, be implemented at the Almond Avenue Yard.

The recommendation has been implemented The Department is currently working on grant funding to address the security and safety issues.

The Road Department has prepared this written response required pursuant to PC 933(c)

C: Madera County Resource Management Agency Director  
Madera County Central Garage Supervisor

s:\maintenance & operations\gj response\_rev04.docx



CALIFORNIA HIGHWAY PATROL

hereby awards this

**Certificate of Achievement**

to

**COUNTY OF MADERA ROAD DEPT**

201 ALMOND AVE  
MADERA, CA 93637

**8 Consecutive Satisfactory Ratings and 1 Administrative Review**

Since MARCH 11, 1993

There is established in the California Vehicle Code a biennial motor carrier safety compliance inspection program to be conducted by the California Highway Patrol.

That program, known as the Biennial Inspection of Terminals (BIT) Program, requires all motor carriers operating trucks from terminals located in California to undergo an inspection of each operational terminal to rate their compliance with applicable laws and regulations relating to motor carrier safety.

This is to certify that this terminal has achieved consecutive satisfactory safety compliance ratings as indicated above. The California Highway Patrol congratulates this terminal on this meritorious achievement and recognizes the commitment to highway safety demonstrated by the personnel responsible for the operation of this terminal.

2-16-12

CHP 341 (11-93) OPI 062



COMMISSIONER  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL



**2011 – 2012  
Madera County Grand Jury  
Final Report  
Madera County Department of Corrections  
Madera County Jail**

**2011 – 2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Department of Corrections**  
**Madera County Jail**

**Introduction:**

As part of its responsibility pursuant to section 919(b) of the California Penal Code to evaluate the conditions and management of public jails and prisons within the county, the Madera County Grand Jury made scheduled visits to the County Jail on September 27 and October 10, 2011.

The facility, located at 14191 Road 28 in Madera, was completed for occupancy in December 1988 and is one of two county jails in the State not run by the elected County Sheriff. The Jail is managed by the Director of the Madera County Department of Corrections (MCDC) who is appointed by the Board of Supervisors. The Director oversees a staff of 63 sworn officers, 10 clerical personnel, 6 civilian kitchen workers, and a contracted medical staff.

The current jail facility is certified to house up to 419 inmates including a maximum of 70 females.

**Findings:**

1. The Grand Jury found that the Jail operation consists of those activities required to safely accommodate inmate booking, incarceration, and release or transfer to prison.
2. The Grand Jury found that both sentenced and non-sentenced inmates are housed in the Jail.
3. The Grand Jury found that the population of the Jail on September 27 was 382, of which 47 were females.
  - a. Prior to October 2011, non-sentenced inmates comprised approximately 80% of the inmate population.
  - b. The number of illegal aliens in the inmate mix averages between 10% and 15%.
4. The Grand Jury found that \$30 million in grant funding was awarded to Madera County for construction of a new jail housing unit adjacent to the current Jail. The funding was made available as a result of AB 900 passed in 2007.
  - a. The new unit is scheduled for completion in the Spring of 2013.
  - b. Staffing for the new unit is included in the current position allocation; however, 20 of these positions are unfunded in the current 2010-11 budget.
5. The Grand Jury found that the new unit will provide housing for an additional 144 inmates.
  - a. MCDC currently plans to use the new unit to house low risk inmates with a small area for segregated inmates.

- b. AB 109, implemented in October 2011, stipulates that offenders who have been sentenced for non-violent, non-sex related crimes will serve their time in the county where sentenced.
  - c. MCDC projects that 30 to 35 inmates per year will be added to the Jail population as a result of AB 109. After a four year period, the intake and release cycle will level off, yielding an estimated additional permanent population of 135. Of that number, approximately 15% will be female.
6. The Grand Jury found that qualified inmates may be released from custody to the supervision of the Probation Department with the use of electronic ankle bracelets.
- a. There are currently 30 to 40 inmates in this program.
  - b. The program cost of \$14 per day is borne by the inmate.
  - c. With the implementation of AB 109, MCDC anticipates a significant increase in the use of electronic monitoring.
7. The Grand Jury found that all inmates are classified for the purpose of officer and inmate safety. Inmate classification enables the officers to know which inmates are more likely to cause trouble, to become violent, or are suicidal, mentally unstable and/or medically dependent. Special handling of these inmates is accommodated based on classification.
- a. The classification process is based first upon charges so that individuals with less serious crimes such as child support delinquency or other civil citations are classified as “segregated” and kept away from the general population.
  - b. Uniforms are color coded for immediate recognition of inmate classification.
  - c. Unlike male inmates, females are not separated by their classification regardless of charges, gang affiliation, or sexual orientation.
8. The Grand Jury found that physical security of the Jail is enhanced by facility layout.
- a. The housing modules are self-contained, consisting of exam, interview, handicap and multi-purpose rooms, visiting booths, cells, and exercise yards.
  - b. The use of self-contained modules eliminates the need to move inmates out of their assigned module.
9. The Grand Jury found that Jail security is maintained by rigid procedures, including but not limited to Direct Supervision.
- a. Direct Supervision puts the officer with the inmates during Program Time when appropriately classified inmates are together in the day room and/or exercise yard.
  - b. Direct Supervision enables the officer to develop communication with and more closely observe inmates, and to determine if there is unusual activity.
10. The Grand Jury found that there are 46 cameras strategically placed for monitoring inmate activity, excluding private areas such as the bathroom and shower. The camera system allows for multiple monitoring locations throughout the Jail.
11. The Grand Jury found that the Jail does not have nor provide stab vests.

12. The Grand Jury found that the officers receive a \$25 monthly uniform allowance with which they can purchase the vests.
13. The Grand Jury found that armed officers responsible for transporting inmates are required to wear ballistic vests.
14. The Grand Jury found that inmates have available a formal grievance process. If a grievance is unresolved at the Jail, it may culminate in a Court hearing using the writ process.
15. The Grand Jury found that the Jail offers GED training to inmates.
16. The Grand Jury found that the kitchen is managed by civilians, and the inmates do the cooking.
17. The Grand Jury found that inmates who volunteer to wash and wax the floors, paint, and keep the areas clean are rewarded with extra food, yard time, and visitation.
18. The Grand Jury found that the booking unit uses Jail Management System (JMS) to book inmates into the Jail.
  - a. The inmate is searched, photographed, fingerprinted, and classified. A warrant check is conducted, and a DNA sample is collected.
  - b. All information collected in the booking process is immediately transmitted to the FBI-NCIC database.
  - c. After the initial booking process, the inmate is placed in a holding cell with access to a telephone to arrange bail if possible.
  - d. Inmates who are a danger to themselves are held in a padded cell.
  - e. Inmates under the influence are held in cells with padded floors to reduce the risk of injury.
19. The Grand Jury found that the Jail uses an automated State database to check for warrants.
20. The Grand Jury found that the Jail contracts with a vendor for medical services.
  - a. The services include 24/7 onsite staffing with nurse practitioners, RNs, and CNAs.
  - b. A physician is scheduled for visits on a weekly basis and is on call in case of emergency.
  - c. Pregnant inmates are checked by the medical staff within the first 24 to 72 hours of incarceration and are then transported to an outside OB/GYN. The medical staff monitors their progress until the eighth month, when they are transported weekly to an outside OB/GYN.
  - d. Medical personnel go to the housing units twice daily to treat inmates and dispense medications.
  - e. Inmates are seen immediately for emergencies and, if taken to a hospital, are guarded by a private security company under contract.

- f. Psychiatric services are available via video conferencing once a week.
  - g. Crisis workers are on call, and anger management services are available.
  - h. Emergency dental services are available.
21. The Grand Jury found that JMS is an automated records storage and retrieval system as well as a case management and tracking system. JMS is maintained by three clerical employees who brought the system current, enabling the archival of the paper files.
  22. The Grand Jury found that the budget and staffing for the Jail have been reduced for the past several years. The current budget is \$10.3 million of which approximately \$6.1 million is appropriated for salaries and benefits. The allocated staffing level includes 6 vacancies plus 20 unfunded positions.
  23. The Grand Jury found that in addition to the vacancies, Jail staff are required to take two furlough days per month. The Jail management stated that operating with reduced staffing puts the officers and inmates at risk.

**Conclusions:**

1. The Grand Jury concluded that the Jail may experience overcrowding prior to the opening of the new facility in the Spring of 2013. Based upon current demographics coupled with the effect of AB 109, 50-60 inmates will be added to the population within the next 18 months.
2. The Grand Jury concluded that the use of electronic monitoring will reduce costs and help alleviate jail overcrowding.
3. The Grand Jury concluded that the lack of separation by classification of the female inmates causes safety and security issues.
4. The Grand Jury concluded that the mandatory furlough schedule reduces officer staffing to unsafe levels.
5. The Grand Jury concluded that the procedures required for Jail security, officer safety, and male inmate safety are adequate and professionally followed.
6. The Grand Jury concluded that the inmate programs, privileges, and grievance procedures are adequate and professionally followed.
7. The Grand Jury concluded that the booking procedures are adequate and professionally followed.
8. The Grand Jury concluded that the medical services are adequate and professionally followed.
9. The Grand Jury concluded that JMS is current, well maintained, and used effectively.

**Recommendations:**

1. The Grand Jury recommends that the Jail and the Probation Department aggressively pursue increased use of electronic monitoring to reduce costs and possible jail overcrowding.
2. The Grand Jury recommends that the County fill all or most vacancies prior to the completion of the new facility to assure all new officers are fully trained and prepared to manage the additional Jail modules and population.
3. The Grand Jury recommends that the County discontinue the mandatory furlough schedule for Jail staff as soon as possible and before hiring new staff.
4. The Grand Jury recommends that the female inmate population be separated by their classifications in both housing and programming to enhance safety.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Department of Corrections  
Director  
14191 Road 28  
Madera, CA 93638

Madera County Probation Department  
Chief County Probation Officer  
209 W. Yosemite Ave.  
Madera, CA 93637



**2011-2012  
Madera County Grand Jury  
Final Report  
Valley State Prison for Women &  
Central California Women's Facility**



**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Valley State Prison for Women &**  
**Central California Women's Facility**

**Introduction:**

The Grand Jury inquired into the condition and management of the public prisons within Madera County in accordance with California Penal Code Section 919(b). The Grand Jury toured the Valley State Prison for Women (VSPW) on November 4, 2011 and the Central California Women's Facility (CCWF) on February 8, 2012.

VSPW opened in May 1995. It is located at 21633 Avenue 24, Chowchilla and operates on an annual budget of approximately \$80 million. VSPW is designed for a capacity of 2,500 inmates, with an authorized staffing allocation of 1,080.

CCWF opened in October 1990. It is located at 23370 Road 22 in Chowchilla and operates on an annual budget of approximately \$100 Million. CCWF is designed for a capacity of 2,004 inmates and has an authorized staffing allocation of 1,119.

**Findings:**

1. The Grand Jury found that on November 4, 2011, VSPW had an inmate population of 3,358.
2. The Grand Jury found that on February 8, 2012, CCWF had an inmate population of 3,118.
3. The Grand Jury found that since implementation of AB 109 in October 2011, inmate population decreased at CCWF by at least 800. AB 109 requires that non-violent, non-sexual offenders and parole violators be incarcerated in county jails rather than state prisons.
4. The Grand Jury found that VSPW conversion to a men's facility is targeted to be completed by July 2013.
5. The Grand Jury found that once the conversion of VSPW is completed, CCWF will be the only reception center for women prisoners in California. After sentencing, all women prisoners will be sent to CCWF for evaluation and classification. Some will then be transferred to other facilities.
6. The Grand Jury found that CCWF is the only facility to house condemned women in California.
  - a. CCWF does not have the facilities to perform an execution.
  - b. Executions are performed at San Quentin State Prison.

7. The Grand Jury found that food preparation and service at both facilities adhere to strict state guidelines and operate in a clean and efficient manner.
8. The Grand Jury found that meals are prepared to address religious, dietary, and medical needs.
9. The Grand Jury found that medical treatment for inmates is provided by California Correctional Health Care Services Division, independent from the prison management, as a result of federal court actions.
10. The Grand Jury found that both facilities provide academic education, vocational training, counseling, and specialized programs for the purpose of successful reintegration into society.
11. The Grand Jury found that inmates can submit complaints as follows:
  - a. by an appeal process called “602” California Prison Grievance Process;
  - b. by accessing a toll-free number to register complaints;
  - c. by submitting a complaint in a locked box that can be opened only by an ombudsman; or
  - d. through the Women’s Advisory Council which is an inmate operated program.
12. The Grand Jury found that both facilities are clean, well-managed, and well maintained.

**Conclusions:**

1. The Grand Jury concluded that, with the implementation of AB 109, prison population will decrease while increasing county jail population.
2. The Grand Jury concluded that AB 109 will raise the overall security classification levels of prison inmates.

**Recommendations:**

None

**Informational:** response optional

Valley State Prison for Women  
Warden  
PO Box 99  
Chowchilla, CA 93610-0099

Central California Women’s Facility  
Warden  
23370 Rd. 22  
Chowchilla, CA 93610

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

California Department of Corrections and Rehabilitation  
1515 S Street, Room 400-S  
Sacramento, CA 95811



**2011 - 2012  
Madera County Grand Jury  
Final Report  
Minarets Charter School**

**2011 - 2012**  
**Madera County Grand Jury**  
**Final Report**  
**Minarets Charter School**

**Introduction:**

Minarets High School opened for classes in September, 2008, and Minarets Charter School (MCS) began operation in August, 2011. MCS is a dependent charter school which is governed by the Chawanakee Unified School District Board of Trustees and the State Board of Education, as is the high school.

As neither of these schools has been examined since opening, the Grand Jury selected MCS for review. In conducting the review, the Grand Jury met with the district superintendent, administrators of both schools, MCS students, and a parent, and toured the campus with MCS students as guides.

The two schools co-exist in a \$70 million facility located on 340 acres, of which 240 are preserved. The campus is located on Road 200 east of Highway 41. Enrollment is approximately 280 students for the high school and 140 for the charter school. Students of both schools are co-mingled in the classes.

**Findings:**

1. The Grand Jury found the campus to be well-maintained, clean, and free of all graffiti.
2. The Grand Jury found that approximately 4 acres are designated for a farm and barn for FFA students.
3. The Grand Jury found that the farm currently houses pigs, chickens, and rabbits, and the greenhouse has been completed.
4. The Grand Jury found that construction is expected to start soon on a \$4 million agriculture facility.
5. The Grand Jury found that the student eating area is open-air, without walls or roof.
6. The Grand Jury found that the two schools share a combined staff of twenty-one certificated and eight classified staff members.
7. The Grand Jury found that all MCS teachers are appropriately credentialed by the State of California.
8. The Grand Jury found that a counselor meets with each MCS student four times a year.
9. The Grand Jury found that MCS teachers are readily available to parents and students by

cell phone and email. They also are available before and after school to provide students with extra help.

10. The Grand Jury found that MCS strives to prepare students for the workforce and that the rules emulate the standards found in most employers' policy handbook.
11. The Grand Jury found that MCS focuses on career options in media, arts, science, agriculture, military science, and fire science.
12. The Grand Jury found that student assignments are project-based using modern technology.
13. The Grand Jury found that MCS students are able to take online college classes.
14. The Grand Jury found that all MCS students are provided with an Apple laptop computer, to be used for school work.
15. The Grand Jury found that hours of use of the laptops are limited to 7 a.m. to 11 p.m. weekdays and five hours per day on weekends.
16. The Grand Jury found that school hours are 9 a.m. to 4 p.m. with a 45-minute lunch break.
17. The Grand Jury found that students take eight classes on an odd/even schedule with four 85-minute classes each day.
18. The Grand Jury found that students from throughout the valley attend MCS.
19. The Grand Jury found that transportation is not provided for students outside the district attendance boundaries.
20. The Grand Jury found that the MCS student attendance rate is 96%, much higher than that of traditional high schools.
21. The Grand Jury found that parent involvement is required at MCS.
22. The Grand Jury found that MCS receives annually from the State approximately \$1,000 less per student than traditional schools receive.
23. The Grand Jury found that MCS receives monetary and other forms of support from businesses, organizations, and residents within the district.
24. The Grand Jury found that MCS is scheduled for review by Western Association of Schools and Colleges (WASC) to begin the accreditation process.
25. The Grand Jury found that graduation from a WASC-accredited school is required or

preferred for matriculation to higher level institutions.

26. The Grand Jury found that MCS students are courteous, enthusiastic, and show pride in their school.

**Conclusions:**

1. The Grand Jury concluded that MCS has appropriate rules and regulations for student use of the laptops provided.
2. The Grand Jury concluded that students may be exposed to adverse weather conditions when using the unprotected eating area.
3. The Grand Jury concluded that MCS administration has developed a good working relationship with the community.
4. The Grand Jury concluded that MCS achievement of WASC accreditation will benefit graduating Seniors who are college-bound.
5. The Grand Jury concluded that administration and staff have created a learning environment which meets the needs of MCS students.
6. The Grand Jury concluded that the operational integration of MCS with Minarets High School is a good fit.

**Recommendations:**

1. The Grand Jury recommends that students be provided with an eating area that is protected from the elements.
2. The Grand Jury recommends that MCS pursue WASC accreditation for the current school year.
3. The Grand Jury recommends that the student guides be commended for sharing their excitement, pride, and sense of ownership in their school.

**Respondent:** written response required pursuant to PC 933(c)

Governing Board  
Chawanakee Unified School District  
PO Box 400  
North Fork, CA 93643

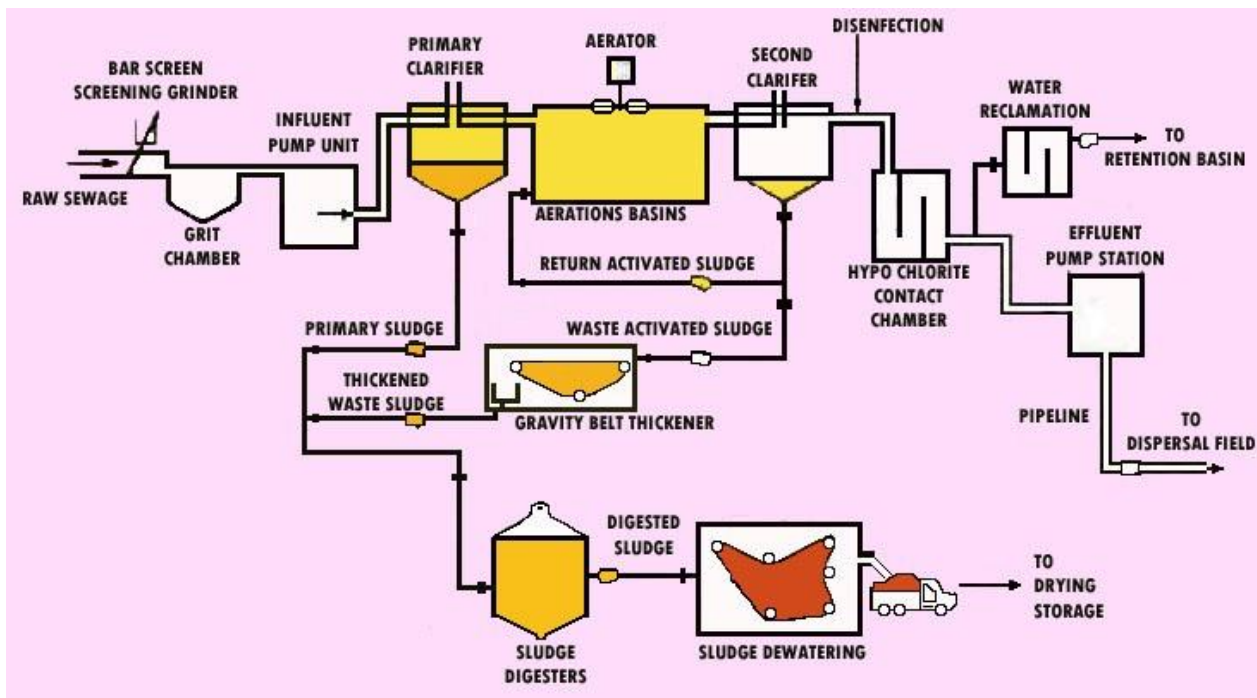
**Informational:** response optional

Director  
Minarets Charter School  
45077 Rd. 200  
O'Neals, CA 93645

Superintendent  
Chawanakee Unified School District  
PO Box 400  
North Fork, CA 93643



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**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Bass Lake Sewage Treatment Plant**

**2011-2012  
Madera County Grand Jury  
Final Report  
Bass Lake Sewage Treatment Plant**

**Introduction:**

On December 15, 2011, the Grand Jury toured the Bass Lake Sewage Treatment Plant located at 40601 Road 274, Bass Lake. The plant provides sewer service to about 978 residential and commercial connections. Its current configuration has the capacity to accommodate up to 300 additional connections. The plant was built in 1974 and consists of:

- a collection system with 16 raw sewage pumping stations;
- a treatment process that removes sludge (solids);
- a sodium hypochlorite tank for water treatment;
- a station for pumping treated water into a ponding basin;
- a boost pumping station to move treated water to a dispersal site; and
- a spray field to disperse the treated water.

Part of the collection system is buried in the lakebed and submersed when the lake level is up. The treatment plant and high use raw sewage pumping stations have generator backup. Approximately 100 alarm settings are monitored continuously, and auto dialers call in alarm conditions as they occur.

The treatment plant is maintained by a crew of 5 utility workers employed by the Special Districts Division of the County Engineering Department, under the umbrella of the Resource Management Agency. This work crew additionally maintains 5 sewer treatment plants and 6 potable water systems of small maintenance districts for which the County has assumed responsibility.

**Findings:**

1. The Grand Jury found that the facility was clean and well maintained.
2. The Grand Jury found that the required reclaimed water quality tests are conducted by a state certified laboratory in Fresno.
3. The Grand Jury found that the heavy equipment assigned to the facility is old but functional.
4. The Grand Jury found that the heavy and miscellaneous equipment is serviced by the plant employees.
5. The Grand Jury found that the assigned light vehicles are delivered to and serviced by the Madera County Central Garage.

6. The Grand Jury found that plant operators are required to have current state certifications.
  - a. Operator certifications are posted in the plant office.
  - b. The plant supervisor monitors the certification of the operators.
7. The Grand Jury found that sodium hypochlorite is delivered to the plant by a vendor who is responsible for the storage tank and the required spill containment system.
8. The Grand Jury found that the plant is not utilizing the County's formal Safety and First Aid Program.
9. The Grand Jury found that the sludge removed through the treatment process is stored on the ground and covered with a large tarp.
  - a. The sludge is subjected to moisture seeping under the tarp.
  - b. Storage of the sludge on the ground subjects the ground water to possible contamination.

**Conclusions:**

1. The Grand Jury concluded that there may be advantages to having the light vehicles maintained in the Oakhurst area.
2. The Grand Jury concluded that failure to utilize the County's Safety and First Aid Program increases County liability exposure.
3. The Grand Jury concluded that the current method of sludge storage is potentially hazardous.

**Recommendations:**

1. The Grand Jury recommends that the County consider establishing a maintenance program to service light vehicles in the Oakhurst area.
2. The Grand Jury recommends that the County implement and monitor its existing Safety and First Aid Program.
3. The Grand Jury recommends that a structure with a roof, cement floor and stub walls be constructed for sludge storage to prevent ground water contamination.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Resource Management Agency  
Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Resource Management Agency  
County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Resource Management Agency  
Special Districts Division Manager  
2037 W. Cleveland Ave.  
Madera, CA 93637



**2011-2012  
Madera County Grand Jury  
Final Report  
Oakhurst Waste Water Treatment Plant**

**2011-2012  
Madera County Grand Jury  
Final Report  
Oakhurst Waste Water Treatment Plant**

**Introduction:**

On December 15, 2011, the Grand Jury toured the Oakhurst Waste Water Treatment Plant located at 48382 Black Oak River Road in Oakhurst. The plant operates the largest sewer collection treatment and disposal facility in Madera County. It serves central Oakhurst, including the Yosemite High School campus, and is currently operating at maximum capacity. The plant operates collection lines, the sewage treatment system, effluent storage, 2 lift pumps, 2 large retention basins, and 2 spray dispersal fields.

The plant is maintained by a crew of 5 utility workers employed by the Special Districts Division of the County Engineering Department, under the umbrella of the Resource Management Agency. This work crew maintains 1 additional sewer treatment plant and 8 potable water systems of small maintenance districts for which the County has assumed responsibility.

**Findings:**

1. The Grand Jury found that the facilities were clean and well maintained.
2. The Grand Jury found that the plant cannot fully meet the demand for sewage disposal service at peak usage times.
3. The Grand Jury found that the required reclaimed water quality tests are conducted by a state certified laboratory in Fresno.
4. The Grand Jury found that the plant's complete treatment process is recorded, monitored, and logged on a daily basis.
5. The Grand Jury found that the County received a grant from the Environmental Protection Agency for purchase of new heavy equipment, of which a backhoe and utility vehicle have been purchased.
  - a. The staff requires training on the operation and maintenance of the new equipment.
  - b. The equipment manufacturer(s) can provide the needed training.
6. The Grand Jury found that the assigned light vehicles are delivered to and serviced by the Madera County Central Garage.
7. The Grand Jury found that plant operators are required to have current state certifications.
  - a. Operator certifications are posted in the plant office.
  - b. The plant supervisor monitors the certification of the operators.

- c. Not all of the posted certificates were current on December 15, 2011.
- 8. The Grand Jury found that sodium hypochlorite is delivered to the plant by a vendor who is responsible for the storage tank and the required spill containment system.
- 9. The Grand Jury found that the plant is not utilizing the County's formal Safety and First Aid Program.
- 10. The Grand Jury found that the sludge removed through the treatment process is stored on the ground and covered with a large tarp.
  - a. The sludge is subjected to moisture seeping under the tarp.
  - b. Storage of the sludge on the ground subjects the ground water to possible contamination.

**Conclusions:**

- 1. The Grand Jury concluded that there may be advantages to having the light vehicles maintained in the Oakhurst area.
- 2. The Grand Jury concluded that the current certification compliance monitoring process is inadequate. Failure of employees to maintain updated training and current certification could result in public health risks and increased County liability exposure.
- 3. The Grand Jury concluded that failure to utilize the County's Safety and First Aid Program increases County liability exposure.
- 4. The Grand Jury concluded that the current method of sludge storage is potentially hazardous.

**Recommendations:**

- 1. The Grand Jury recommends that the County contract with the equipment manufacturer(s) to provide training for operation and maintenance of the new equipment.
- 2. The Grand Jury recommends that the County consider establishing a maintenance program to service light vehicles in the Oakhurst area.
- 3. The Grand Jury recommends that the process to ensure certification compliance be strengthened with additional monitoring by the County Risk Manager.
- 4. The Grand Jury recommends that the County implement and monitor its existing Safety and First Aid Program.
- 5. The Grand Jury recommends that a structure with a roof, cement floor, and stub walls be constructed for sludge storage to prevent ground water contamination.



**Respondent:** written response required pursuant to PC 933(c)

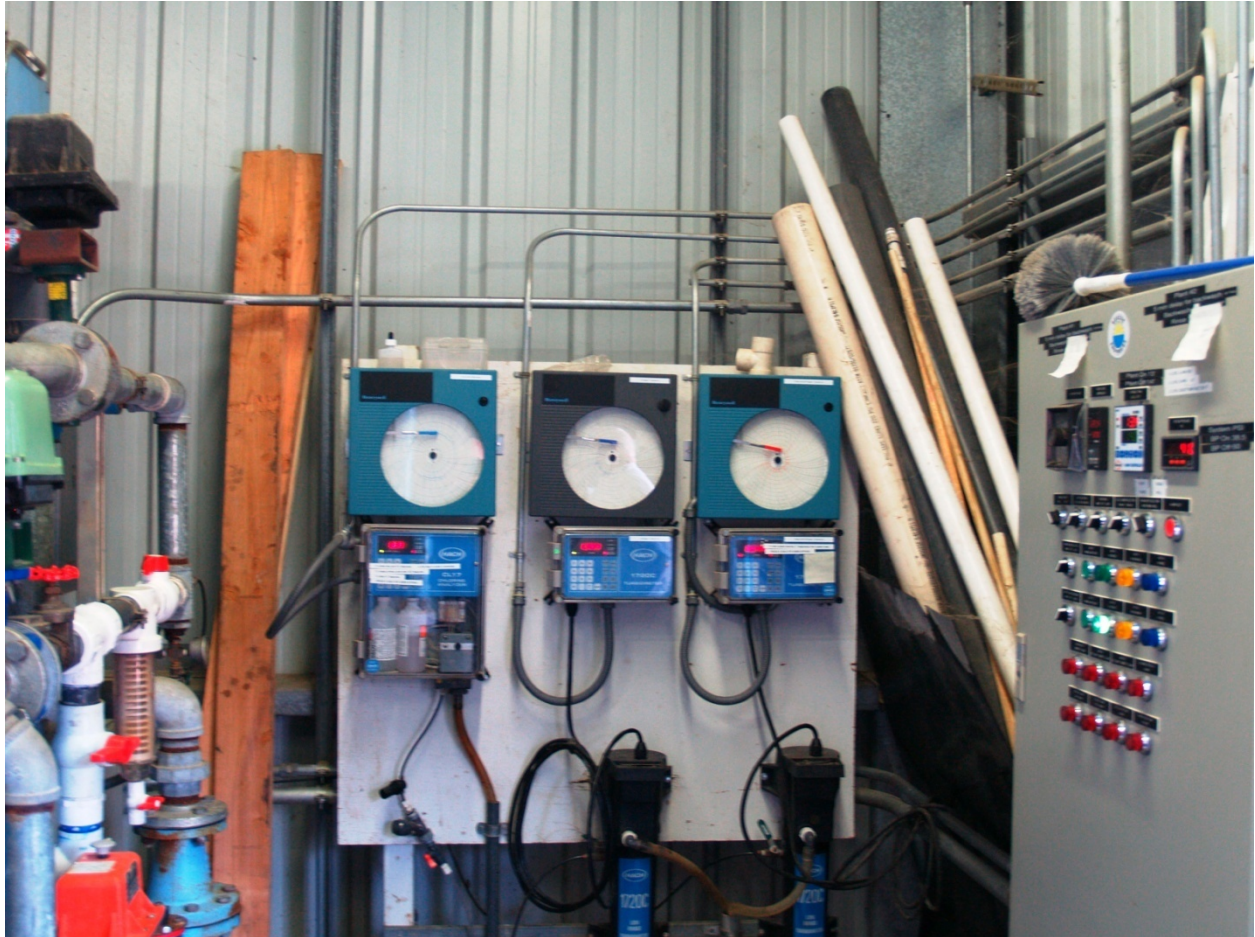
Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Resource Management Agency  
Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Resource Management Agency  
County Engineer  
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Madera County Resource Management Agency  
Special Districts Division Manager  
2037 W. Cleveland Ave.  
Madera, CA 93637



**2011-2012  
Madera County Grand Jury  
Final Report  
Sumner Hill Water Treatment Plant**

**2011-2012  
Madera County Grand Jury  
Final Report  
Sumner Hill Water Treatment Plant**

**Introduction:**

County Service Area 16 provides water service to the Sumner Hill Subdivision, located on Road 204. The plant is comprised of two parallel water treatment facilities which utilize water from the San Joaquin River. The system consists of:

- 2 submersible pumps in the San Joaquin River;
- 2 booster pumps for pressurized distribution;
- 1 sodium hypochlorite tank for water treatment; and
- 2 storage tanks with a combined capacity of 160,000 gallons.

The Grand Jury toured the plant and interviewed plant personnel in its review of the operation.

**Findings:**

1. The Grand Jury found that the plant operators have current, required state certifications.
2. The Grand Jury found that the plant is routinely monitored for contaminants in the drinking water according to U.S. Environmental Protection Agency and state laws.
3. The Grand Jury found that required water quality tests are conducted by a state certified laboratory in Fresno.
4. The Grand Jury found that the annual Consumer Confidence Report delivered to area residents showed the quality of the water to be within state parameters for potable water.
5. The Grand Jury found that the plant requires many adjustments to accommodate the rapid changes in river water quality.
6. The Grand Jury found that the plant is capable of a combined production of 180 gallons of potable water per minute.
7. The Grand Jury found that the plant currently provides water service to 34 of a potential 49 homes.
8. The Grand Jury found that the current water volume capacity is insufficient during the summer months.
9. The Grand Jury found that there was an excessive amount of rust on the exterior of the piping and holding tanks.

10. The Grand Jury found that sodium hypochlorite is delivered to the plant by a vendor who is responsible for the storage tank and the required spill containment system.

**Conclusions:**

1. The Grand Jury concluded that the current plant capacity will be unable to support additional connections.
2. The Grand Jury concluded that there is insufficient maintenance on the exterior of the piping and holding tanks.

**Recommendations:**

1. The Grand Jury recommends that a moratorium be imposed on future building in the service area until its water capacity issues are addressed.
2. The Grand Jury recommends that the required maintenance on the exterior of the piping and holding tanks be performed.

**Respondent:** written response required pursuant to PC 933(c)

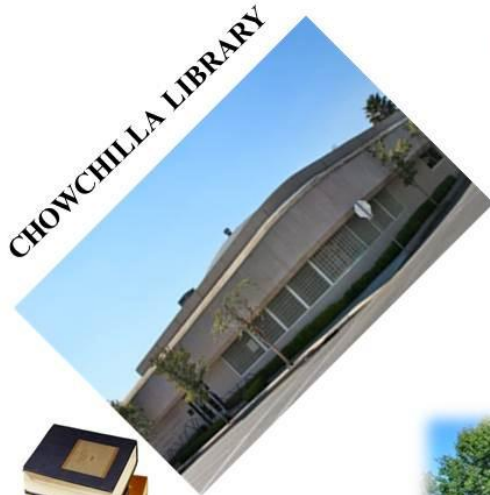
Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Resource Management Agency  
Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Resource Management Agency  
County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

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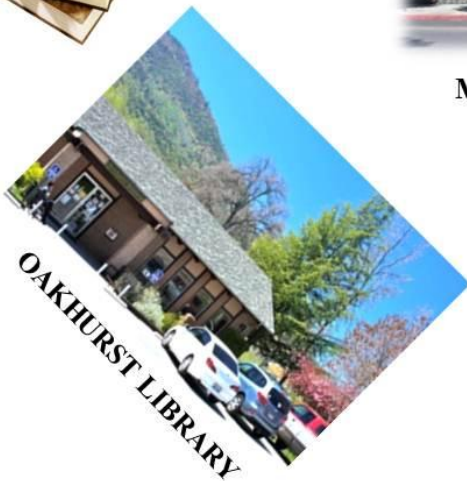
**CHOWCHILLA LIBRARY**



**NORTH FORK LIBRARY**



**MADERA LIBRARY**



**OAKHURST LIBRARY**



**RANCHOS LIBRARY**

**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Library System**

**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Library System**

**Introduction:**

In its review of the Madera County Library System, the Grand Jury toured each of the libraries located in Madera, Oakhurst, Chowchilla, North Fork, and Madera Ranchos. Interviews were conducted with the County Librarian, 4 branch managers, and 2 members of the Friends of the Library.

The County Libraries subscribe to the San Joaquin Valley Library System (SJVLS). SJVLS provides computer equipment at all sites, an inter-library loan system for most books and materials, web site services, and online access to informational data bases.

Each of the County libraries receives services and financial support from local Friends of the Library groups. These groups provide volunteer services in the libraries, and sponsor the summer reading program in addition to purchasing new books, magazine subscriptions, and audio and video equipment. The Oakhurst Friends group raised thousands of dollars to remodel the old fire station and expand the library. In Chowchilla the Friends group also raised thousands of dollars to purchase and remodel an old building, creating a new library for the community.

**Findings:**

1. The Grand Jury found that all library facilities are County-owned except the Madera Ranchos branch.
2. The Grand Jury found that in addition to books and other reference materials, library patrons have access to:
  - a. free usage of computers;
  - b. free internet access;
  - c. printing and copying;
  - d. CDs and DVDs; and
  - e. space for tutoring.
3. The Grand Jury found that three of the libraries have specially dedicated and designed stand-alone computers with numerous learning programs for young children.
4. The Grand Jury found that the children's summer reading program:
  - a. is popular and well attended by 2 to 12 year old children;
  - b. is educational;
  - c. promotes reading;
  - d. recognizes reading achievement; and
  - e. offers fun activities based upon the chosen theme.

5. The Grand Jury found that the libraries have increased utilization of volunteers.
6. The Grand Jury found that SJVLS provides:
  - a. home access to the data bases;
  - b. the ability to borrow books and materials from any library that belongs to SJVLS;
  - c. online access to the index of library books and materials; and
  - d. the convenience of borrowing and returning books and materials to any library in the SJVLS.
7. The Grand Jury found that membership in SJVLS has an annual cost of \$70,000.
8. The Grand Jury found that the State has reduced and may eliminate all public library funding.
9. The Grand Jury found that budget reductions impacted the libraries by:
  - a. reducing staff;
  - b. reducing public access hours; and
  - c. eliminating funds for purchase of new books and periodical subscriptions.
10. The Grand Jury found that the libraries are not currently able to provide the following services requested by the public:
  - a. faxing;
  - b. e books; and
  - c. wireless internet access.
11. The Grand Jury found that some of the libraries are not equipped with smoke detectors and a sprinkler system.
12. The Grand Jury found that some of the libraries lack security, outdoor lighting, and alarms.
13. The Grand Jury found that the current library administration:
  - a. has restored some of the previously reduced hours of public access, with BoS approval;
  - b. has implemented weekly meetings to increase staff communications; and
  - c. is looking for ways to improve the appearance and functionality of the library facilities.

**Conclusions:**

1. The Grand Jury concluded that without membership in SJVLS the library would be little more than a book repository with very few services to offer.
2. The Grand Jury concluded that the inadequate safety and security systems of the library facilities place the library, patrons, and County at risk.



3. The Grand Jury concluded that the library is successful in providing excellent learning opportunities for children.
4. The Grand Jury concluded that the Friends groups provide significant and vital support to the libraries.
5. The Grand Jury concluded that the libraries are evolving into a more service-oriented organization.
6. The Grand Jury concluded that the budget reductions have impacted the library's ability to provide some technical and requested services to the public.
7. The Grand Jury concluded that the current library administration has brought positive and effective leadership to the library system.

**Recommendations:**

1. The Grand Jury recommends that the County continue to fund the libraries' membership in SJVLS.
2. The Grand Jury recommends that the County evaluate the safety and security issues at all library facilities.
3. The Grand Jury recommends that the libraries provide access to faxing and wireless internet services to the public.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Librarian  
121 N. G St.  
Madera, CA 93637

Madera County Risk Manager  
200 W. Fourth St.  
Madera, CA 93637



**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Injury & Illness Prevention Program**

**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Injury & Illness Prevention Program**

**Introduction:**

Madera County utilizes a safety program for employees known as the Injury and Illness Prevention Program (IIPP). The Grand Jury reviewed the IIPP to determine its adequacy and effectiveness. The Grand Jury believed it appropriate to inquire into this program based on information obtained during interviews and site visits of multiple County departments. The County's Risk Manager has overall responsibility and authority for the implementation and maintenance of the IIPP within all County departments.

**Findings:**

1. The Grand Jury found that Risk Management is in the process of revitalizing the IIPP, which complies with Cal/OSHA standards and requirements.
2. The Grand Jury found that the County has documented 100 to 115 worker's compensation claims per year.
3. The Grand Jury found that, as stated in the OSHA guidelines, there is a direct correlation between an effective IIPP and the reduction of worker's compensation claims and County liability exposure.
4. The Grand Jury found that the County does not have a full-time designated safety coordinator.
5. The Grand Jury found that Department heads are responsible for the implementation of the IIPP within their department, including the development/management of the program tailored to their individual department.
6. The Grand Jury found that there is disparity among departments with regard to the IIPP implementation, and some departments are not in full compliance.
7. The Grand Jury found that the IIPP is currently available in hard copy only.
8. The Grand Jury found that safety and health inspections, with follow-up procedures to ensure necessary corrective actions, are not consistently being accomplished.
9. The Grand Jury found that safety training is not consistently conducted and not properly documented.
10. The Grand Jury found that the County does not provide basic First Aid/CPR training to employees.

11. The Grand Jury found that the County does not have Automatic Emergency Defibrillators (AEDs) available in appropriate locations.
12. The Grand Jury found that the application of AEDs is associated with the doubling of out-of-hospital cardiac arrest survival rates per studies reported in the Journal of the American College of Cardiology.

**Conclusions:**

1. The Grand Jury concluded that although some departments have individually tailored programs, they do not fully comply with the IIPP.
2. The Grand Jury concluded that accessibility to the IIPP document and forms is limited by having only hard copy.
3. The Grand Jury concluded that the results of AED usage studies reinforce the importance of expanding the availability of AEDs.
4. The Grand Jury concluded that more safety-related training for employees is needed.
5. The Grand Jury concluded that an effective IIPP could reduce worker's compensation claims and County exposure to liabilities.

**Recommendations:**

1. The Grand Jury recommends that the Board of Supervisors acquire AEDs to be placed in appropriate locations.
2. The Grand Jury recommends that all County departments fully implement and comply with the IIPP.
3. The Grand Jury recommends that the current IIPP be maintained on the County website with the ability for each department to manage its unique safety requirements.
4. The Grand Jury recommends that basic First Aid/CPR training be made available to all employees.
5. The Grand Jury recommends that a designated County Safety Coordinator position be implemented.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County Administrative Officer  
200 W. Fourth St.  
Madera, CA 93637

Madera County Administrative Office  
Risk Manager  
200 W. Fourth St.  
Madera, CA 93637



**2011 - 2012  
Madera County Grand Jury  
Final Report  
Madera County Solid Waste Management  
and Recycling Revisited**

**2011 - 2012**  
**Madera County Grand Jury**  
**Final Report**  
**Madera County Solid Waste Management and Recycling Revisited**

**Introduction:**

The Madera County Board of Supervisors (BoS) declined to submit written response to the Recommendations contained in the 2010 – 2011 Madera County Grand Jury Final Report on Madera County Solid Waste Management and Recycling, even after second and third requests to do so. Consequently, the Grand Jury conducted a follow-up investigation into the operation of the Fairmead Landfill as recommended by the previous Grand Jury. Members of the BoS, County Counsel, County Administrative Office (CAO) staff, and Resource Management Agency (RMA) staff were interviewed, and the Grand Jury toured the Landfill facilities.

**Findings:**

1. In regard to the 2010-2011 Recommendation "*that the County should avoid the appearance of impropriety in the granting and management of contracts in the area of solid waste management as millions of dollars are involved*", the Grand Jury found that on March 27, 2012, the BoS contracted with consulting firm Gershman, Brickner & Bratton, Inc. (Contract No. MCC 9543-C-2012) to perform a business needs assessment, develop a scope of work to be sent out to bid, and solicit/select a new contractor(s) to assume responsibility for the various operations.
2. In regard to the 2010-2011 Recommendation "*that the RMA, subject to appropriate BoS guidance, give thirty days (30) notice to contractor A for contract non-compliance*", the Grand Jury found that on March 31, 2011 the BoS gave the thirty (30) day notice to contractor for contract non-compliance.
3. In regard to the 2010-2011 Recommendation "*that the County renegotiate the contracts for the operation of the landfill and the MRF [Materials Recovery Facility] to better represent the interests of the residents of Madera County*", the Grand Jury found that the BoS is considering options for future operation of the Landfill and MRF.
4. In regard to the 2010-2011 Recommendation "*that, in the future, contracts for solid waste management should be awarded on the basis of competitive bid*", the Grand Jury found that the BoS has contracted with a consulting firm to develop a scope of work to be sent out for bid.
5. In regard to the 2010-2011 Recommendation "*that the landfill revert to a County operation resulting in increased control, cost savings, and opportunities for substantial revenue from recycling*", the Grand Jury found that:
  - a. the County does not have the in-house expertise to operate the Landfill; and
  - b. options for future operation of the Landfill will be studied by the contracted consulting firm.

6. In regard to the 2010-2011 Recommendation "*that ... the request for proposal should include hauling, managing the landfill and MRF, and managing the North Fork Transfer Station*", the Grand Jury found that the BoS has given notice of termination for the contracts for these four operations.
7. In regard to the 2010-2011 Recommendation "*that the BoS take the necessary steps to amend the agreements with contractors A and B in regard to the process used to determine appropriate increases in service fees for collection of solid waste in the unincorporated areas of the county ... based upon legitimate changes in operating costs*", the Grand Jury found that this issue has not been addressed.
8. In regard to the 2010-2011 Recommendation "*that the MRF should be operated as a dirty MRF as required by the contract and state permit*", the Grand Jury found that the County has taken the position that it does not matter whether the MRF is operated as clean or dirty.
9. In regard to the 2010-2011 Recommendation "*that the County fund a method for separating recyclable materials in the unincorporated areas of the county to increase recycling*", the Grand Jury found that no action has been taken; however, County staff is exploring options for partial implementation of recycling efforts in the unincorporated areas.
10. In regard to the 2010-2011 Order that "*the District Attorney ... recover funds and reasonable interest for the over-charges collected by the contractor for that portion of the tipping fee designated for operation of the MRF*", the Grand Jury found that:
  - a. the District Attorney's request for the funding needed to comply with this Order was denied by the BoS; and
  - b. the BoS has filed a lawsuit (Case No. MCV059402) against the contractor to recover these funds along with 10% interest.
11. In regard to the 2010-2011 Order that "*the District Attorney ... recover monies generated from the sale of recyclable materials as called for in the contract*", the Grand Jury found that:
  - a. the District Attorney's request for the funding needed to comply with this Order was denied by the BoS; and
  - b. the BoS has filed a lawsuit (Case No. MCV059402) against the contractor to recover these funds along with 10% interest.
12. In regard to the 2010-2011 Recommendation that "*special attention be paid to insure that the contractor is not co-mingling expenses from the various businesses that it operates out of the landfill*", the Grand Jury found that the BoS addressed this issue in pending litigation No. MCV059402.
13. In regard to the 2010-2011 Recommendation "*that the County complete a comprehensive, independent audit of the landfill and MRF operations every three years*", the Grand Jury found that the BoS has caused an independent audit to be performed.



14. In regard to the 2010-2011 Recommendation "*that the [current] audit ... should be reviewed in detail by the BoS and a copy provided promptly to the Grand Jury. Deficiencies noted should result in a thirty (30) day notice of contract non-compliance and steps needed for the contractor to come into compliance*", the Grand Jury found that:
  - a. the BoS has reviewed the audit report;
  - b. the Grand Jury was not provided with a copy of the audit report; and
  - c. the BoS issued a thirty (30) day notice of contract non-compliance.
15. In regard to the 2010-2011 Recommendation "*that the BoS require that enforcement of the contract receive active and direct attention by the CAO, the RMA Director, County Counsel, and the Division of Solid Waste Management [with] frequent, scheduled reports as to such activities from County agencies*", the Grand Jury found that weekly monitoring and reporting on the Landfill operations are being performed by RMA staff.
16. In regard to the 2010-2011 Recommendation "*that the Department of Environmental Health develop stricter inspection and documentation procedures to insure that the proper handling and storage of household hazardous wastes is in compliance with health and safety regulations*", the Grand Jury found that the handling and storage of household hazardous waste appears to be in compliance with regulations.
17. In regard to the 2010-2011 Recommendation "*that the BoS pursue corrective action to insure that the contractor ceases and desists from operating unrelated businesses on County property, until such time as a negotiated agreement for the contractor to pay fair market value to do so is in effect*", the Grand Jury found that the BoS has entered into a contract (Agreement No. 9434-C-2011) with the Landfill operator for lease of property on which to store his equipment for other businesses.

### **Conclusions:**

1. The Grand Jury concluded that the BoS has taken an active role in addressing many of the Landfill operation issues identified by the 2010-2011 Grand Jury.
2. The Grand Jury concluded that RMA staff is actively and directly monitoring the Landfill operations.

### **Recommendations:**

1. The Grand Jury recommends that contracts for collection of solid waste provide that service fee increases require specific approval of the BoS and that such increases be based upon changes in operating costs.
2. The Grand Jury recommends that the County increase recycling county-wide by identifying and implementing methods for separating recyclable materials in the unincorporated areas where feasible.

3. The Grand Jury recommends that the County require that the MRF be operated as a dirty MRF to further increase recycling of materials.
4. The Grand Jury recommends that subsequent Grand Juries continue to monitor issues regarding solid waste management and recycling in the county.

**Respondent:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

County Administrative Officer  
200 W. Fourth St.  
Madera, CA 93637

County Resource Management Agency Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

County Environmental Health Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

District Attorney  
209 W. Yosemite Ave.  
Madera, CA 93637

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**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Warrant Process**

**2011-2012  
Madera County Grand Jury  
Final Report  
Madera County Warrant Process**

**Introduction:**

The Grand Jury reviewed the current Madera County warrant process to determine the adequacy and timeliness of the system. The Grand Jury believed it appropriate to inquire into this process based on information obtained during the review of the Madera County Department of Corrections (MCDC).

This review included interviews with staff of the Sheriff's Office, MCDC, and the Courts who are responsible for the warrant system. Issues of concern for this review were officer safety and potential liability to the County.

**Findings:**

1. The Grand Jury found that in the past three years the County settled a claim for approximately \$67,000 for false arrest related to a warrant issue.
2. The Grand Jury found that the Courts issue all warrants within their jurisdiction including bench warrants and warrants of arrest.
3. The Grand Jury found that the Court Clerk prepares warrants daily.
4. The Grand Jury found that the warrants are picked up by Sheriff's personnel and delivered to the Sheriff's Office daily.
5. The Grand Jury found that up to 200 new warrants are issued weekly, and an equivalent number are recalled.
6. The Grand Jury found that warrants with a bail amount of \$5,000 or greater are entered by Sheriff's Records personnel into the state-wide warrant system via the California Law Enforcement Telecommunication System (CLETS).
7. The Grand Jury found that the California Department of Justice requires that CLETS terminals be located in CLETS-approved secured locations, and personnel authorized to access CLETS must pass a background check.
8. The Grand Jury found that the Sheriff's Office and MCDC have personnel with the appropriate CLETS security clearance.
9. The Grand Jury found that all warrants are processed into the Sheriff's local automated system by Sheriff's Records personnel.

10. The Grand Jury found that the Court Clerk faxes a list of warrant recalls daily for immediate entry into the system.
11. The Grand Jury found that Sheriff's Records personnel process the recalled warrants by:
  - a. pulling the hard copy from the files;
  - b. updating the local and statewide automated systems; and
  - c. returning the original warrants to the Court for disposition.
12. The Grand Jury found that Sheriff's Records day shift personnel process warrant recalls daily.
13. The Grand Jury found that warrant recalls arriving toward the end of the day shift are sometimes held over for processing on the next scheduled work day.
14. The Grand Jury found that if the arrested prisoner has an outstanding local warrant, the arresting officer is required to stop at the Sheriff's Office to obtain the hard copy of that warrant prior to booking.
15. The Grand Jury found that the arresting officer must leave the handcuffed prisoner unattended in the vehicle while retrieving the hard copy of the warrant.
16. The Grand Jury found that after retrieval of the hard copy warrant, the arresting officer proceeds to the Jail and completes the transfer of the prisoner.

**Conclusions:**

1. The Grand Jury concluded that delayed processing of recalled warrants creates potential for County liability.
2. The Grand Jury concluded that the requirement to leave a prisoner unattended in the patrol car for the purpose of retrieving the hard copy warrant is a security and officer safety issue.
3. The Grand Jury concluded that security and safety issues would be substantially reduced if the paper warrant files were located at the Jail.
4. The Grand Jury concluded that to insure the integrity of the warrant process, updating of the automated systems and maintenance of the paper files must remain closely coordinated and managed within a single department.

**Recommendations:**

1. The Grand Jury recommends that the Sheriff and MCDC jointly develop a plan to transfer the warrant system to the Jail. The plan should include:
  - a. Jail privileges to update warrants in the local automated system;
  - b. relocation of the paper warrant files from the Sheriff's Office to the Jail;

- c. transfer of the required number of personnel from the Sheriff's Office to MCDC to maintain the warrant system; and
  - d. additional second shift processing of warrants and recalls.
2. The Grand Jury recommends that the transfer of the warrant system from the Sheriff's Office to MCDC be accomplished as soon as possible to improve officer safety and to reduce the County's exposure to liability.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

Madera County Sheriff  
14143 Road 28  
Madera, CA 93638

**Informational:** response optional

Madera County Department of Corrections  
14191 Road 28  
Madera, CA 93638

Madera Superior Court  
209 W. Yosemite Ave.  
Madera, CA 93637



**2011–2012  
Madera County Grand Jury  
Final Report  
County Engineering Department  
Special Districts Division**



**2011–2012  
Madera County Grand Jury  
Final Report  
County Engineering Department  
Special Districts Division**

**Introduction:**

There are more than 100 maintenance districts and service areas (districts) in Madera County. These districts were formed to provide one or more specialized services to the residents of specific areas. Services provided may include water, sewer, road maintenance, lighting, and/or drainage. The Board of Supervisors (BoS) acts as the Board of Directors for the districts.

The Special Districts Division Manager provides general oversight for the sewer and water districts and reports directly to the County Engineer. The Division's 20 employees operate and maintain approximately 31 water systems and 15 sewer systems throughout the county.

The BoS reviews and approves the assessments and service charges for each district as required by Madera County Code Section 13.89.010(b). The following factors are used in determining these rates:

- reserve for planned and unplanned repair expenses;
- capital improvement project(s);
- number of connections;
- age and condition of the system;
- the demands placed upon the system; and
- revenue derived solely from customers in the district.

The Grand Jury interviewed staff of the County Engineering Department in its review of the Special Districts Division operations.

**Findings:**

1. The Grand Jury found that the Division is not utilizing the County's formal safety and first aid program known as the Injury and Illness Prevention Program (IIPP).
2. The Grand Jury found that contractors are used for large maintenance and new installation projects.
3. The Grand Jury found that the Engineering Department is responsible for facilitating the preparation and monitoring of the contracts.
4. The Grand Jury found that the Division Manager has limited input into the budget process.

5. The Grand Jury found that the County is a member of the Underground Service Alert (USA) Program for marking and locating underground facilities.
  - a. The Division does not have complete emergency response plans to deal with a catastrophe or line break.
  - b. The Engineering Department does not have or maintain a mapping system, but relies on “as built” or engineering drawings.
  - c. The Division does not generate or maintain required marking and locating documentation.
6. The Grand Jury found that the Division currently has two unfilled funded positions, an operations manager and an electrician.

**Conclusions:**

1. The Grand Jury concluded that failure to utilize the County's IIPP increases County liability exposure.
2. The Grand Jury concluded that the Division would benefit by greater participation of the Division Manager in the budget process.
3. The Grand Jury concluded that the Division is not following the requirements of the USA Program and is in violation of state and federal regulations.

**Recommendations:**

1. The Grand Jury recommends that the County implement and monitor its existing IIPP.
2. The Grand Jury recommends that the County comply with the requirements of the USA Program by:
  - a. developing an accurate and up-to-date mapping system;
  - b. establishing emergency response plans; and
  - c. generating and maintaining marking and locating documentation.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Resource Management Agency  
Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Resource Management Agency  
County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

County Engineering Department  
Special Districts Division Manager  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Administrative Office  
Risk Manager  
200 W. Fourth St.  
Madera, CA 93637



**2011–2012  
Madera County Grand Jury  
Final Report  
Special Districts Accounting**

**2011–2012  
Madera County Grand Jury  
Final Report  
Special Districts Accounting**

**Introduction:**

Within the County Auditor-Controller Department (Auditor), the accounting functions for more than 100 special districts and service areas (districts) in the county are performed. Separate accounts are maintained and revenues are estimated for each district. The department operates with a staff of 12.

Acting as the Board of Directors for each district, the Board of Supervisors (BoS) reviews and approves the assessments and service charges for the districts as required by Madera County Code Section 13.89.010(b). The following factors are used in determining the utility rates:

- reserve for planned and unplanned repair expenses;
- capital improvement project(s);
- number of connections;
- age and condition of the system;
- the demands placed on the system; and
- revenue collected from the customers in the district.

In its review of the accounting functions for the special districts, the Grand Jury interviewed staff of the Auditor and County Engineering Special Districts Division.

**Findings:**

1. The Grand Jury found that the Auditor does not provide the districts with timely accounting of revenue which is required in the calculation of the utility rates.
2. The Grand Jury found that there are multiple billing cycles for the districts.
  - a. One district is billed annually.
  - b. Three districts are billed monthly.
  - c. The balance of the districts is billed quarterly.
3. The Grand Jury found that there are approximately one half million dollars in unpaid utility bills.
4. The Grand Jury found that approximately 6% of the accounts are delinquent.
  - a. Delinquent accounts are included on the annual property tax bill.
  - b. There is no financial penalty or service cut-off policy for non-payment.
5. The Grand Jury found that the current utility billing and accounting software is inadequate and does not meet the needs of the Auditor or the districts.

**Conclusions:**

1. The Grand Jury concluded that staffing, procedures, and outdated software are the causes of the Auditor's inability to respond to the needs of the districts.
2. The Grand Jury concluded that timely reporting of revenues directly impacts the calculation of customer's utility rates.

**Recommendations:**

1. The Grand Jury recommends that the County replace the outdated utility billing and accounting software.
2. The Grand Jury recommends that the County develop billing policies which:
  - a. standardize the billing cycles;
  - b. impose late payment penalties; and
  - c. provide for service cut-off for non-payment.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

Madera County Auditor-Controller  
200 W. Fourth St.  
Madera, CA 93637

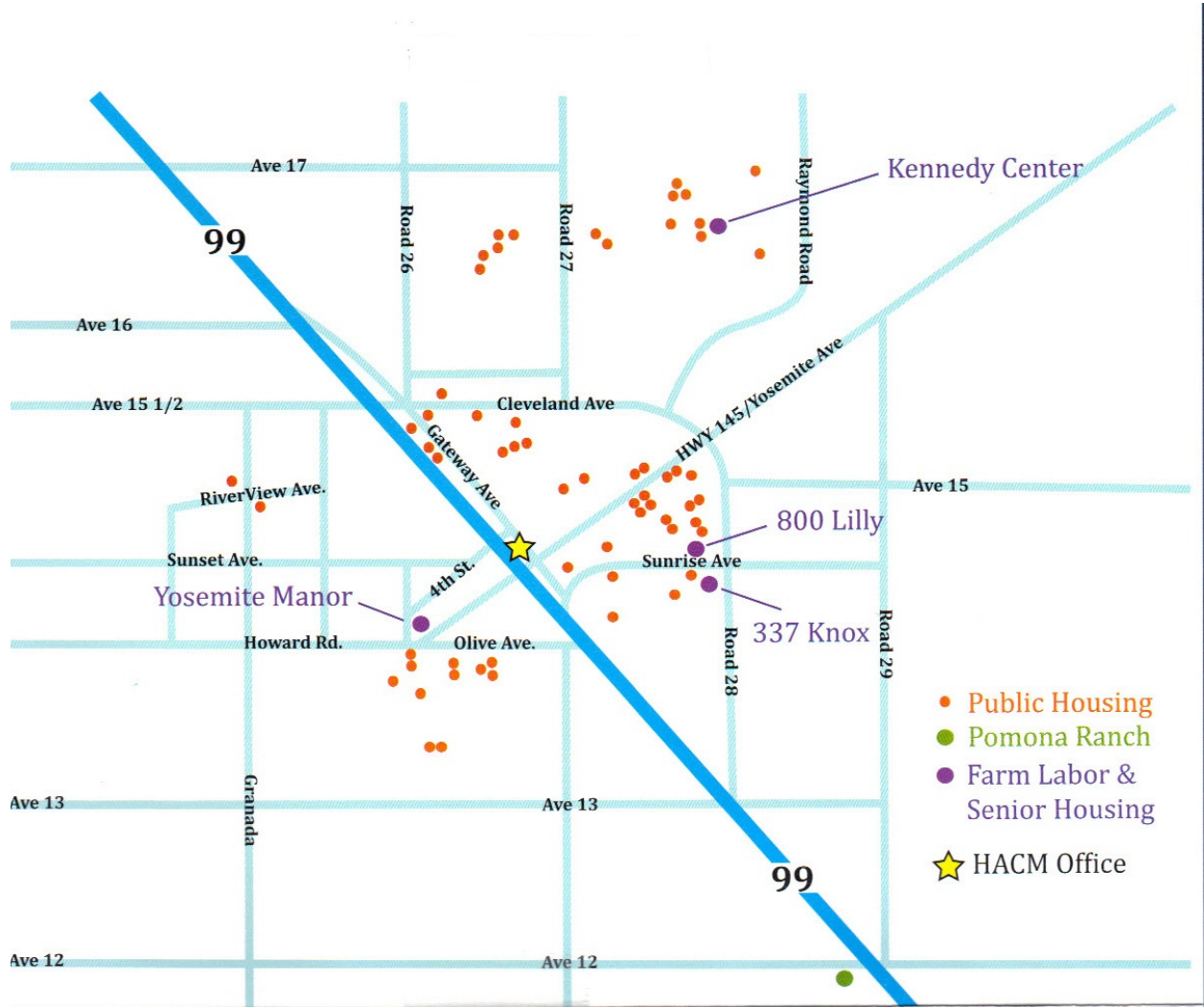
**Informational:** response optional

Resource Management Agency  
Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Resource Management Agency  
County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

County Engineering Department  
Special Districts Division Manager  
2037 W. Cleveland Ave.  
Madera, CA 93637

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**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Housing Authority, City of Madera**



**2011-2012**  
**Madera County Grand Jury**  
**Final Report**  
**Housing Authority, City of Madera**

**Introduction:**

The Housing Authority of the City of Madera (Housing Authority) was created by the Madera City Council in 1968. The five Council Members serve on the Housing Authority Board of Commissioners along with two volunteer resident participants.

The Housing Authority owns, operates, or manages 1,280 housing units in the following programs:

- The Housing Choice Voucher (HCV) program, also known as Section 8, provides rent subsidy to eligible low-income families for rental housing in the private market. The Housing Authority administers 741 vouchers, funded by the Department of Housing and Urban Development (HUD).
- The HCV Veteran's Affairs Supportive Housing (VASH) program, also funded by HUD, provides 50 vouchers for rental assistance to qualifying homeless veterans.
- The Public Housing program provides low-rent rental housing for eligible low-income families. The Housing Authority owns 244 units ranging from apartments to single-family homes scattered throughout Madera.
- The Farm Labor Housing program, funded by the U.S. Department of Agriculture (USDA), provides permanent rental housing for domestic farm laborers. The Housing Authority has three separate housing developments with a total of 100 rental units.
- The Pomona Ranch Migrant Family Housing Center provides 50 units of seasonal (6 months) housing to migrant farm workers.
- Yosemite Manor provides 76 units for senior housing.
- Madera Opportunities for Resident Enrichment and Services (MORES), a non-profit charitable organization, provides 14 units of affordable multi-family housing.
- The Madera Mental Health Services Act provides housing for 5 eligible residents who are receiving mental health services.

In its review of the Housing Authority operations, the Grand Jury reviewed the agency's publications and budget and interviewed staff members, a program participant, and a Commissioner.

## Findings:

1. The Grand Jury found that the goal of the Housing Authority is to move residents to market rate housing as soon as reasonably possible through resident educational programs regarding home ownership and career opportunities.
2. The Grand Jury found that the Housing Authority pays out approximately \$374,000 monthly for rent subsidies in the HCV program.
3. The Grand Jury found that the Housing Authority maintains waiting lists of program applicants.
  - a. There are approximately 1,900 applicants on the waiting list for Public Housing.
  - b. The waiting list for the HCV program has about 800 applicants.
4. The Grand Jury found that the HCV program provides preferences for homeless families that:
  - a. are referred from support service agencies; and
  - b. qualify under the Domestic Violence, Displaced, Family Unification, Behavioral Health, or Veterans programs.
5. The Grand Jury found that less than 30% of low-income and affordable housing needs in Madera are met by the Housing Authority.
6. The Grand Jury found that, due to current economic conditions, the need for low-income and affordable housing has increased while funding has decreased.
7. The Grand Jury found that the loss of the Redevelopment Agency created a significant reduction in funding for the Housing Authority.
8. The Grand Jury found that Housing Authority program participants must meet eligibility requirements on an annual basis:
  - a. income limits;
  - b. U.S. citizen or eligible immigration status;
  - c. passing criminal background check;
  - d. landlord references;
  - e. credit check; and
  - f. no money owed to the program nation-wide.
9. The Grand Jury found that eligible families who receive their voucher from the HCV program can search for their own rental housing in the private market.
  - a. The rental unit must pass HUD Housing Quality Standards.
  - b. The rent amount must be comparable to unassisted rental units in the immediate area.
10. The Grand Jury found that rent assistance is based on a formula using the family's income, rent amount, and utility expenses.

- a. Generally, families do not pay more than 30% of their adjusted income.
  - b. The remainder of the rent is paid directly to the landlord in rent subsidy.
11. The Grand Jury found that participants who violate Housing Authority rules may be banned from the program for specific periods of time.
  12. The Grand Jury found that the Housing Authority has 31 full-time and 1 part-time staff positions. Interns are utilized through Ready, Set, Go, a training program for young adults.
  13. The Grand Jury found that the Housing Authority employs a full time City Police Officer who:
    - a. patrols all units to provide a secure and safe living environment for program participants;
    - b. performs criminal background checks (1,000 per year) for program applicants;
    - c. investigates criminal activity and fraud; and
    - d. educates tenants about crime and fraud prevention.
  14. The Grand Jury found that the Housing Authority units are well maintained. The maintenance staff:
    - a. provides repair and maintenance services requested by tenants;
    - b. paints, repairs, and sanitizes vacated units for occupancy by the next tenant within 15 days; and
    - c. performs no maintenance or repair services on HCV units.
  15. The Grand Jury found that 16 public housing units have been sold.
    - a. Five units were sold to tenants.
    - b. Capital was reinvested in acquisition and preservation of new affordable housing.
  16. The Grand Jury found that MORES is a partner in a new 65 unit multi-family development in north Madera.

**Conclusions:**

1. The Grand Jury concluded that the Housing Authority fills a vital role in providing services to eligible residents in need of low-income or affordable housing.
2. The Grand Jury concluded that there is a critical need for additional low-income and affordable housing in Madera.

**Recommendation:**

1. The Grand Jury recommends that the Housing Authority staff be recognized and commended for their dedication and the outstanding services they provide to participants in the agency's programs.

**Respondent:** written response required pursuant to PC 933(c)

Madera City Council/  
Housing Authority Board of Commissioners  
205 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Housing Authority, City of Madera  
Executive Director  
205 N. G St.  
Madera, CA 93637

Madera City Police Department  
330 S. C St.  
Madera, CA 93638

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**2011-2012  
Madera County Grand Jury  
Final Report  
Fairmead Landfill Properties Usage**

**2011-2012  
Madera County Grand Jury  
Final Report  
Fairmead Landfill Properties Usage**

**Introduction:**

During its follow-up investigation of the Fairmead Landfill operations, the Grand Jury learned that Madera County has acquired several properties adjacent to the landfill. These properties, located along Road 19 1/2, are intended to be used for future expansion of the landfill.

In its inquiries into the current usage of these properties, the Grand Jury interviewed members of the Board of Supervisors (BoS), real estate professionals, and staff of the Resource Management Agency (RMA), the County Administrative Office (CAO), and the Fossil Discovery Center. In addition, public documents were reviewed and recorded videos of BoS meetings were viewed.

**Findings:**

1. The Grand Jury found that the County no longer needs to expand the landfill within 5 years as previously expected.
  - a. The County has been granted a permit which allows the height of the landfill to increase to 70 feet.
  - b. The new allowable height for the landfill extends the need for future expansion to 10 or more years.
2. The Grand Jury found that the County has acquired all except 2 of the parcels located along Road 19 1/2.
  - a. One un-acquired parcel, located between 2 County-owned parcels, is 4.95 acres with a small, occupied residence.
  - b. The other un-acquired parcel, located at the north corner of Road 19 1/2, is 13.58 acres and also has an occupied residence.
3. The Grand Jury found that most of the acquired properties are undeveloped land or contain abandoned structures in varying stages of deterioration.
4. The Grand Jury found that the County has rented out 2 pieces of the acquired property.
  - a. Three acres have been rented for commercial storage of materials and equipment.
  - b. One parcel has been rented for residential occupancy.
5. The Grand Jury found that, on July 26, 2011, the BoS entered into Lease Agreement No. 9434-C-2011 with the landfill operator to permit the storage of materials and equipment for an unrelated business. The lease agreement:
  - a. is for 5 years;
  - b. allows for the use of 3 acres of undeveloped land;
  - c. requires monthly rental payments of \$1,500; and
  - d. may be terminated with 90 days written notice.

6. The Grand Jury found that Lease Agreement No. 9434-C-2011 is intended to provide revenue to the County General Fund in the amount of \$18,000 annually.
7. The Grand Jury found that, on December 15, 2009, the BoS entered into Agreement No. 9049-C-2009 to lease a residential parcel (APN 027-192-025) which the County had purchased in September, 2009. The lease agreement:
  - a. is month-to-month, not to exceed 5 years;
  - b. requires monthly rental payments of \$900;
  - c. specifies maintenance and upkeep responsibilities of the County and renter; and
  - d. may be terminated with 30 days written notice.
8. The Grand Jury found that the leased residential property consists of:
  - a. a parcel of land measuring 4.95 acres with dry pasture in the back; and
  - b. a single-family residence of 4,400 square feet, 6 bedrooms, and 3 bathrooms.
9. The Grand Jury found that the following are included as Recitals in the lease agreement for the residential property:
  - a. The County wished to rent the property only to employees of RMA with experience in grounds keeping or building maintenance for County properties.
  - b. Through RMA the County advertised the opportunity to rent the property to RMA employees.
  - c. The selected renter was the only person to offer to live on the property.
10. The Grand Jury found that other RMA employees were unaware of the rental opportunity for this residential property.
11. The Grand Jury found that the residential property renter, at the time of selection, was an RMA employee with experience in grounds keeping for County properties.
12. The Grand Jury found that the residential property renter is no longer employed by the County.
13. The Grand Jury found that the selected residential property renter expressed a possible interest in purchasing and moving the residence in the future.
  - a. At the December 1, 2009 meeting, the BoS action taken to proceed with rental of the residential property included direction that the lease agreement contain a provision giving the renter first option to purchase the residence for removal from the property.
  - b. No such option was included in the lease agreement.
14. The Grand Jury found that members of the BoS offered the following as justifications for selection of a particular person as renter of the residential property:
  - a. He would be a watchman for landfill and other County properties.
  - b. He has done a good job, and we should take care of our own.
  - c. He has offered a good rent.
  - d. He will take care of it, and he has the capability of fixing it up, making it better.



- e. He will clean up all around.
  - f. He will assist with paleontology and provide security for the museum.
  - g. Security for the museum would cost more than the difference between the offered rent and a higher amount which might be obtained.
15. The Grand Jury found that none of the above justifications are included in the residential property lease agreement as requirements for the renter. The responsibilities specified in the agreement are those customarily required of any residential property renter.
16. The Grand Jury found that the contractor for operation of the landfill is responsible for all landfill property, including the acquired undeveloped parcels.
17. The Grand Jury found that the most important factors considered in determining the fair market value (FMV) rental amount for residential property are number of bedrooms, total square footage, condition, type of flooring, with or without air conditioning, and location.
18. The Grand Jury found that the rental amount offered and agreed upon for the residential property is far below the FMV for the property, even adjusted for landfill nuisances.
- a. The average published rental amount for 4 bedroom, 2 bathroom, less than 2,000 square feet houses without acreage in this area is \$1,500 per month.
  - b. The average published rental amount for 5 bedroom, 2 bathroom, up to 2,200 square feet houses without acreage in this area is \$1,665 per month.
  - c. The average published rental amount for 6 bedroom, 2 bathroom, up to 2,900 square feet houses without acreage in this area is \$2,035 per month.
  - d. The FMV rental amount for the 6 bedroom, 3 bathroom, 4,400 square feet house on 4.95 acres, adjusted for landfill nuisances, is estimated between \$2,000 and \$2,500 per month.
19. The Grand Jury found that the BoS excluded the lease of the residential property from normally required bidding procedures by following the procedures outlined in Madera County Code Section 2.92.020, as follows:
- a. posting a notice, dated December 4, 2009, in the office of the county clerk;
  - b. publishing the notice one time in a newspaper of general circulation within the county;
  - c. establishing a rental amount less than \$2,000 per month; and
  - d. limiting the term of the rental agreement to 5 years.
20. The Grand Jury found that Section 28 of the lease agreement for the residential property provides for month-to-month tenancy after expiration of the 5 year term.
21. The Grand Jury found that Section 20 of the lease agreement acknowledges that the residential property and all improvements on the property were in good order, repair and condition as of the date of occupancy.
22. The Grand Jury found that the renter of the residential property requested and utilized County equipment to perform weed abatement on the property.

23. The Grand Jury found that the Fossil Discovery Center has had no County employees as workers or volunteers since opening.
24. The Grand Jury found that the Fossil Discovery Center has no paid or volunteer security service.
25. The Grand Jury found that the District 1 Supervisor did not fully participate in the decision to lease the residential property to the selected renter.
  - a. At the December 1, 2009 BoS meeting, the District 1 Supervisor supported renting the property for 3 to 6 months while the County actively pursued the sale and removal of the residence.
  - b. The District 1 Supervisor was absent from the December 15, 2009 BoS meeting at which the lease agreement was acted upon.
26. The Grand Jury found that the required annual weed abatement on the undeveloped and abandoned properties had not been performed as of several days past the May 1, 2012 deadline.
27. The Grand Jury found that, under direction from a County official, County employees delivered a tractor and equipment which belong to the County to be used by the residential property renter for maintenance of the leased property.

**Conclusions:**

1. The Grand Jury concluded that the County owns property which is currently idle and which could be offered to rent for appropriate uses.
2. The Grand Jury concluded that the deteriorating structures on the acquired properties present potential safety hazards and liability exposure for the County.
3. The Grand Jury concluded that the County has not monitored the maintenance of its acquired properties to minimize risk and liability exposure.
4. The Grand Jury concluded that four members of the BoS had pre-selected the same individual to rent the residential property prior to the decision being made that the property should be rented.
5. The Grand Jury concluded that other potential renters were excluded from the residential property rental opportunity by the County's failure to adequately advertise the opportunity, as well as the tailoring of selection criteria to fit a particular individual.
6. The Grand Jury concluded that members of the BoS had no factual basis nor reasonable expectation that any of the justifications given for selection of a particular individual as renter for the residential property would become reality.

7. The Grand Jury concluded that the County made no attempt to establish the FMV rental amount for the residential property or to maximize the revenue to be derived from it.
8. The Grand Jury concluded that the BoS knew, or should have known, that the FMV for rental of the 5 acres with a large residence was much greater than \$900 per month, given that 18 months later it rented out 3 undeveloped acres located nearby for \$1,500 per month.
9. The Grand Jury concluded that, under the terms of the rental agreement, the renter could be permitted to rent the residential property at the rate of \$900 per month for more than 10 years, until it is needed for expansion of the landfill.
10. The Grand Jury concluded that the County has lost \$32,000 to \$47,000 in potential rental revenue from the residential property since December, 2009. If the current lease agreement continues unchanged for the full 5 years, the County will lose an additional \$33,000 to \$49,000. If the residential property continues to be rented at the current rate until it is needed for expansion of the landfill, the total loss of potential revenue to the County could exceed \$200,000. This is a significant gift of public funds.
11. The Grand Jury concluded that permitting non-employees to use County equipment exposes the County to potential liability.
12. The Grand Jury concluded that the BoS has exercised poor stewardship in its utilization and management of the acquired properties adjacent to the landfill.

**Recommendations:**

1. The Grand Jury recommends that the County clear its acquired properties of all deteriorating structures and safety hazards to reduce exposure to potential liability.
2. The Grand Jury recommends that the County offer its idle properties to rent for suitable purposes and possibly generate additional revenue for the County.
3. The Grand Jury recommends that the County not allow the use of County equipment for personal purposes.
4. The Grand Jury recommends that the BoS immediately solicit bids through the County's normal bidding procedures for rental of the residential property, seeking a rental amount which reflects the FMV adjusted appropriately for minimal landfill nuisances.
5. The Grand Jury recommends that the next Grand Jury continue to monitor the utilization and management of the acquired properties adjacent to the landfill, particularly the rented residential property.

**Respondents:** written response required pursuant to PC 933(c)

Madera County Board of Supervisors  
200 W. Fourth St.  
Madera, CA 93637

**Informational:** response optional

Madera County District Attorney  
209 W. Yosemite Ave.  
Madera, CA 93637

Madera County Administrative Officer  
200 W. Fourth St.  
Madera, CA 93637

Resource Management Agency Director  
2037 W. Cleveland Ave.  
Madera, CA 93637

Madera County Engineer  
2037 W. Cleveland Ave.  
Madera, CA 93637

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**Madera County Grand Jury  
Evaluation of Responses to Final Reports**

## **Madera County Grand Jury Evaluation of Responses to Final Reports**

### **Introduction:**

Submission of responses to final reports is an important component of the grand jury process. Governing bodies of public agencies, elected county officers, and agency heads are required to comment on the grand jury final report's findings and recommendations which pertain to matters under their control. Penal Code (PC) Section 933(c) requires that governing bodies submit their responses within 90 days after the grand jury issues a final report, and elected officers and agency heads must respond within 60 days. Responding officials or agencies must specifically comment upon each finding and each recommendation of the grand jury report rather than preparing a generalized response.

Each published finding must be acknowledged as correct or incorrect. Explanations for disagreements must be provided. PC Section 933.05(a) requires that for each grand jury finding, the responding person or entity must indicate one of the following:

- The respondent agrees with the finding.
- The respondent disagrees wholly or partially with the finding, specifying the portion of the finding that is disputed and including an explanation of the reasons for the dispute.

As to each grand jury recommendation, PC Section 933.05(b) requires that the responding person or entity must report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation, scope, parameters of the analysis, and time frame for the matter to be prepared for discussion. The time frame must not exceed 6 months from the date of publication of the grand jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation included.

All responses received by the grand jury are published. Those which are received in time are included with their associated report in the end-of-year final report book. All others are published in the final report book for the subsequent year.

All of the responses received for the twenty-one 2010-2011 final reports and those received to date for the 2011-2012 final reports were reviewed by the current Grand Jury to assess their compliance with the requirements of PC Section 933.05. Those agencies and officials whose responses did not comply were mailed notices of the insufficiency and requested to resubmit their responses. Only the Madera County Board of Supervisors (BoS) declined to comply with the Grand Jury's requests.

### **Evaluation of responses to the 2010-2011 Grand Jury Final Reports:**

1. 69% of the responses to the findings and 74% of the responses to the recommendations met the legal requirements of PC Section 933.05.
2. 82 % of the responses agreed with the findings.
3. 16% of the responses disagreed, and 2% partially disagreed with the findings.
4. 35% of the responses confirmed that the recommendations have been implemented, and 24% indicated they will be implemented.
5. 40% of the responses indicated that the recommendations were not warranted or not reasonable and would not be implemented. 1% needed additional time to study the recommendation.
6. The Madera County Board of Supervisors declined to respond to 58% of the findings and 37% of the recommendations which pertained to matters under its control.

### **Implementation of 2010-2011 Grand Jury recommendations:**

1. The Grand Jury recommended that the BoS consider establishing a local lab for the Mosquito and Vector Control District. The BoS agreed to study the matter.
2. The Grand Jury recommended the prompt completion, publication, and implementation of a policy and procedures handbook for the Madera-Mariposa-Merced Hazmat Response Team. The draft handbook is expected to be implemented.
3. The Grand Jury recommended that the Agricultural Commissioner revise and update *The Answer Book 2003* regularly. The revision was completed in March, 2011.
4. The Grand Jury recommended that street maintenance and repair within the City of Madera be made a high priority when funding becomes available. The City agreed to implement this recommendation.
5. The Grand Jury recommended that the noise levels in the central kitchen area at Valley State Prison for Women (VSPW) be evaluated for possible safety hazards. VSPW conducted a sound test and determined that the decibel levels exceeded the criterion decibel level which requires hearing protection per OSHA. VSPW purchased and provided hearing protection for all staff and inmates assigned to the Central Kitchen Scullery area.
6. The Grand Jury recommended that the District Attorney (DA) rebuild office morale and improve communication with his staff. To this end, the DA has:
  - a. increased the frequency of staff meetings;



- b. reminded and encouraged staff to avail themselves of the "open door" policy to address concerns;
  - c. conducted individual meetings with staff members to understand concerns and receive suggestions for office improvement;
  - d. updated the office mission and values statements covering professionalism, effective and consistent prosecution, and efficient operation, with emphasis on fostering a work environment conducive to good morale, respect, courtesy, promotion of strong partnerships with law enforcement agencies, accountability, and highest standard of integrity and conduct; and
  - e. established regular and public recognition of achievements in staff meetings and through other office communications.
7. The Grand Jury recommended that the DA review and strengthen the control and release authority for confidential documents, especially those dealing with minors. The DA initiated a confidentiality and disclosure policy.
  8. The Grand Jury made numerous recommendations in regard to solid waste management and recycling. The current status of implementation of those recommendations is presented in the 2011-2012 Grand Jury Final Report: "Madera County Solid Waste Management and Recycling Revisited", contained in this publication.

**Evaluation of responses to the 2011-2012 Grand Jury Final Reports, received to date:**

1. 100% of the responses to the findings and 90% of the responses to the recommendations met the legal requirements of PC Section 933.05.
2. 96% of the responses agreed with the findings.
3. 2% of the responses disagreed, and 2% partially disagreed with the findings.
4. 40% of the responses confirmed that the recommendations have been implemented, and 40% indicated they will be implemented.
5. 10% of the responses indicated that the recommendation was not warranted and would not be implemented, and 10% did not address the specific recommendation.

**Implementation of 2011-2012 Grand Jury recommendations, to date:**

1. The Grand Jury recommended that the County establish a satellite Central Garage facility in the mountain area. In December, 2011 the BoS approved an agreement for provision of basic vehicle maintenance in Oakhurst for County fleet vehicles operating in Eastern Madera County.
2. The Grand Jury recommended that additional portable lighting be provided in the Central Garage bays. Permanent, energy-efficient fluorescent lighting has been added on the sides of the bays.

3. The Grand Jury recommended that security cameras be positioned to cover the North and East sides of the Sheriff Substation in Oakhurst. The Sheriff has obtained the cameras and arranged for their installation.
4. The Grand Jury recommended that all security cameras at the Sheriff Substation in Oakhurst be monitored at the front desk, in the watch commander's office, and at the communications center in Madera. The Sheriff is obtaining cost estimates and exploring funding options.
5. The Grand Jury recommended that either the gate touch pad at the Sheriff Substation in Oakhurst be relocated or a remote activation device be placed in the vehicles. The Sheriff has identified an appropriate electronic gate opener for purchase from existing funds.

**Summary:**

A fundamental purpose of the Grand Jury is to bring about change for the betterment of our community. To that end, government activities are scrutinized for effectiveness, efficiency, and fiscal soundness. This report highlights the effectiveness of Grand Jury efforts and the agencies' receptiveness to recommendations regarding their operations. It summarizes the work and demonstrates the value of the Grand Jury.

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**2011-2012  
Madera County Grand Jury**



**Responses to Items in  
2010-2011 Report**

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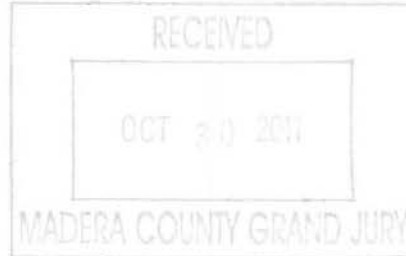
**LOZANO SMITH**  
ATTORNEYS AT LAW  
*Partnering For Excellence In Education And Government*

Dale E. Bacigalupi  
*Attorney at Law*

E-mail: dbacigalupi@lozanosmith.com

October 26, 2011

Ralph Capone, Foreman  
Madera County Grand Jury  
P.O. Box 534  
Madera, California 93637



Re: Madera County Mosquito & Vector Control District

Dear Foreman Capone:

I represent the Madera County Mosquito & Vector Control District and the Board of Trustees has asked that I contact you via this letter. I am attaching herewith your recent letter to the District dated October 4, 2011, as well as the previous letter which the District had written pursuant to the requirements of law, dated August 29, 2011, responding to the Grand Jury Report and recommendations.

The District believes it has properly responded to the Grand Jury Report, and no further response is planned. Please note that the first two recommendations the Grand Jury made were directed to the County Board of Supervisors and to the Redevelopment Agency, and not to the District.

However, if it is not obvious from the District's prior letter to you, let me make it clear now that the District agrees with all of the findings of the Grand Jury and, as explained in the prior letter, the District would be pleased to implement each of the recommendations if it had funds sufficient to do so.

The District plans no further responses at this point.

Kindly contact me should you have any questions.

Sincerely,

LOZANO SMITH

Dale E. Bacigalupi, Legal Counsel  
for Madera County Mosquito & Vector Control District

DEB/sr

Encls.

cc: Leonard Irby, District Manager  
Madera County Mosquito & Vector Control District

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*A Professional Corporation*



## MADERA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

3105 AIRPORT DRIVE  
MADERA, CALIFORNIA 93637  
TELEPHONE (559) 662-8880  
FAX NUMBER (559) 662-8883  
E-MAIL LEOI\_MMVCD@sbcglobal.net

### BOARD OF TRUSTEES

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DENNIS MEISNER

### DISTRICT PERSONNEL

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MILLIE DOUGLAS, SECRETARY/ BOOKEEPER  
MICKEY GUTKNECHT, FIELD FOREMAN  
KENNETH KLEMME, BIOLOGIST  
MIGUEL GONZALEZ, DATA ANALYST  
WILLIAM ROWLES, MECHANIC

**August 29, 2011**

**Presiding Judge  
Madera County Superior court  
209 West Yosemite Avenue  
Madera, Ca. 93637**

### **Response to recommendations from Madera County Grand Jury Report 2010-2011**

#### **(1) Establishing a local lab to reduce the cost of testing and expediting the results.**

*Madera County Mosquito & Vector Control District purchased a new facility at 3105 Airport Drive last December. This Facility Includes a 23,000 sf operations building that is currently in the process of obtaining approval from our Board of Trustees for remodeling. This remodeling includes a Mosquito Analysis lab, but the equipment needed to perform Onsite testing may take a while to obtain, due to reductions in tax revenue from property Foreclosures.*

#### **(2) RDA issue citations for noncompliant, contaminated pools and assess appropriate penalties.**

*Madera County Mosquito & Vector Control District has been proactive as many Mosquito Abatement Districts in California by obtaining a Warrant to Inspect and Abate from the Superior Court of California for the County of Madera. This Warrant enables the District technician's access to properties to treat sources that are breeding mosquitoes in a timely manner, to prevent the spread of infectious diseases by mosquitoes like the WNV. However, the District keeps in contact with Madera Counties Code Enforcement Department and appreciate their help in eliminating mosquito Sources.*

#### **(3) Addition staff be hired to locate and monitor standing water.**

*The District like most Government agencies in California that rely solely on a percentage of property tax revenue will have to postpone hiring of more employees until the economy picks up and foreclosures are a thing of the past.*

**(4) District continue with the successful surveillance, testing, eradication, and publicity programs being used**

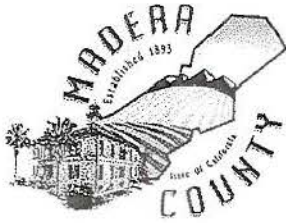
**Madera County Mosquito & Vector Control District would like to thank the Grand Jury for giving the District such high Marks in these areas, and we will continue to provide as good or better service in the future depending on Budgeting Limitations imposed on us by shrinking tax revenue.**

**Best Regards**

**Leonard Irby  
District Manager**

**MEMBER OF THE MOSQUITO AND VECTOR CONTROL ASSOCIATION OF CALIFORNIA  
MEMBER OF THE AMERICAN MOSQUITO CONTROL ASSOCIATION**





**BOARD OF SUPERVISORS  
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER  
200 4<sup>TH</sup> STREET, MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

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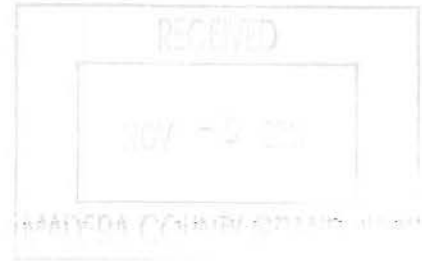
JURY DIVISION  
SUPERVISOR

MEMBERS OF THE BOARD

FRANK BIGELOW  
DAVID ROGERS  
RONN DOMINICI  
MAX RODRIGUEZ  
TOM WHEELER

Tanna Boyd, Clerk of the Board

October 11, 2011



Honorable Mitchell C. Rigby  
Presiding Judge  
Madera Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

Re: Response of the Madera County Board of Supervisors to the 2010-2011 Grand Jury Report on the "Madera County Mosquito and Vector Control District"

Honorable Mitchell C. Rigby:

In accordance with Penal Code section 933.05, the Madera County Board of Supervisors submits this response to the Madera County Grand Jury pertaining to matters over which it has control and additionally over matters where the Madera County Grand Jury has asserted that the Board has control.

**FINDING:**

The Grand Jury found that blood samples, drawn from ten chickens placed randomly throughout the County in order to monitor mosquito activity, are sent to the UC Davis Lab for testing at an annual cost of \$9,160. The Grand Jury further found that an analysis done by the biologist suggests that if the District had its own lab, testing could be done at a \$3000 annual savings and with a quicker turn-around time.

**RESPONSE:**

The Board of Supervisors is unable to agree or disagree with this finding. The Board is not aware of any information upon which an analysis could be conducted with respect to the potential cost savings associated with the District operating its own lab. Without the opportunity to conduct its own analysis in order to verify that all cost factors have been taken into consideration, the Board cannot verify that the biologist's analysis is not based primarily on speculation.

RECOMMENDATION:

The Grand Jury recommends that the County Board of Supervisors consider the possibility of establishing a local lab to reduce the costs of testing and expedite the results.

RESPONSE:

The recommendation requires further analysis. To the extent that the recommendation is simply that the Board considers the possibility of establishing a local lab, the Board is agreeable. However, to ensure that such consideration is meaningful, all data as it relates to current costs, as well as proposed savings, must be compiled in order to perform an appropriate cost-benefit analysis.

Sincerely,



---

FRANK BIGELOW, Chairman  
Madera County Board of Supervisors



October 5, 2011

The Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, California 93637

**Subject: Responses to the Findings and Recommendations in the 2010-11 Grand Jury Final Report titled "Madera City Fire Station #6."**

Dear Honorable Judge Rigby:

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

The Madera County Grand Jury has requested a response to the findings and recommendations in the 2010-11 Madera County Grand Jury Report titled "**Madera City Fire Station #6**".

Per Penal Code Section 933.05, Responses to findings:

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

The following are the Grand Jury's Findings and Recommendations in their Final Report, and the Fire Department and City Council's responses to them.

Findings:

*The Grand Jury found CAL FIRE employees who staff this station are professional, highly motivated, and a very cohesive group who do what is necessary to get their work done. This was evidenced when two firefighters excused themselves to respond to a "call" during the Grand Jury interview. The station is manned 24-hours a day, seven days a week. There has been no change from the complement of personnel found by the 2007-2008 Grand Jury.*

The respondent agrees with the finding.

*The Grand Jury found, when discussing the duties and responsibilities of staff with the Battalion Chief, that all personnel are overloaded. As an example, the Battalion Chief is responsible for the routine oversight, staffing, and paperwork for Stations #6 and #7. In addition, she is responsible for the majority of the payroll paperwork for six City and County Fire Stations. Station staff provides aid to those calling for emergency medical assistance, assists law enforcement when dealing with vehicle accidents, responds to structures fires, and assists with wild-land fires.*

The respondent agrees with the finding.

*The Grand Jury found that this station is responsible for providing emergency services to a growing population of several thousand. The geographical area of coverage has increased due to population shifts. The Battalion Chief noted that there are a significant number of empty buildings/homes within Station #6 area of responsibility – empty buildings/homes are more of a fire hazard and a greater challenge should a fire occur.*

The respondent agrees with the finding.

*The Grand Jury found that the common areas of Station #6 have been renovated, including a completely remodeled kitchen. The sleeping quarters provide limited privacy. A single bathroom serves all staff, both male and female.*

The respondent agrees with the finding.

*The Grand Jury found that all mandated training is conducted in-house, which lessens the need for the backfilling of positions. Backfilling costs for off-site training can be over \$2,000 for each person per training session.*

The respondent agrees with the finding.

*The Grand Jury found the Station's inventory contained several turn-out kits, each costing over \$2,000. Because it can take an extended period of time to receive a turn-out kit for new personnel, it is necessary to maintain an inventory of additional kits in several sizes.*

The respondent agrees with the finding.

*The Grand Jury found that breathing equipment used for City and County is not compatible.*

The respondent agrees with the finding.

*The Grand Jury found the vehicles assigned to Station #6 are a 1991 reserve engine #206, a patrol (small pumper) which affords easy access behind homes, and a 2002 engine with 56,000 miles. The reserve engine needs replacement as it does not meet current diesel emission standards.*

The respondent agrees with the finding.

Recommendations:

*1. The Grand Jury recommends that training and upgrading the levels of expertise of those staffing Station #6 should continue.*

Mandatory training of all emergency responders is one of the fire department's highest priorities. Currently, additional training classes are approved based on the availability of the classes and the allocated training budget. Each employee is limited to two additional classes per year.

*2. The Grand Jury recommends the City of Madera add a second bathroom and remodel the sleeping quarters at Station #6.*

Both of these projects are complex and would be very expensive improvements. The facility has cement floors and brick walls and is approximately 43 years old. This type of construction limits the ability to remodel and causes the project to be very expensive to complete. The Madera City Fire Department suggests these projects be completed in phases when funding becomes available. The remodeling of the bathroom is the highest priority since there is currently only one shower for both sexes. Lockers and partitions are being used between the beds to allow for some privacy in the sleeping quarters.

*3. The Grand Jury recommends Madera City Fire Department establish an inventory pool of equipment, i.e. turnout kits.*


The Madera City Fire Department maintains an adequate supply of equipment available, including turnouts. The equipment that is readily available, i.e. items that can be received within a week from sales representatives, isn't kept in large supply. The high cost of turnouts and their ten year wear out cycle are two of the main factors for keeping a limited, but adequate, supply on hand. Madera City Fire Department has the ability to exchange its inventory of turnouts with Madera County Fire Department, Merced County Fire Department and CAL FIRE as needed to accommodate employees.

*4. The Grand Jury recommends the City of Madera standardize breathing apparatus, making it compatible with Madera County equipment.*

Currently Madera City Fire Department uses the same breathing apparatus system as CAL FIRE and Merced County Fire Department. Madera County Fire Department uses a separate system.

There is nothing wrong with the current system and changing it to comply with the current Madera County Fire Department isn't a cost effective move at this time. Due to the large cost of this change, this purchase needs to be put on hold until both Madera City and Madera County Fire Departments are in agreement and are ready to purchase new breathing apparatus. Also, the joint Madera-Merced Hazardous Materials Team is in the process of purchasing new breathing apparatus which are not compatible with the current system being used by Madera County Fire Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert L. Poythress".

Robert L. Poythress, Mayor  
City of Madera



# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

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RONN DOMINICI  
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TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

---

June 7, 2011

The Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

**Subject: Response to the 2010-11 Grand Jury Report entitled "Madera County Assessor's Office."**

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Madera County Assessor's Office." (See Attachment #1.)

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

**Grand Jury Recommendation**

"The Grand Jury recommends that the Assessor utilize a portion of the budget allocation for extra help to hire a temporary experienced residential appraiser to assist with Prop 8 reviews and reassessments."

**Grand Jury Recommendation**

"The Grand Jury recommends that the Assessor and appraisers be recognized and commended for their initiative and proficiency in developing in-house computer programs which are sought after by other counties."

**Grand Jury Recommendation**

"The Grand Jury recommends that, to the extent funding is available, the Assessor employ willing retirees to train current clerical staff."

**Grand Jury Recommendation**

“The Grand Jury recommends that the Assessor make Megabyte training an immediate priority for the Assessment Office Manager.”

**Grand Jury Recommendation**

“The Grand Jury recommends that the County retain Megabyte as its property tax program so long as it is cost effective and meets the County’s needs.”

**Grand Jury Recommendation**

“The Grand Jury recommends that the Assessor and the Board Clerk work together to obtain a cost effective and efficient automated system for tracking assessment appeals.”

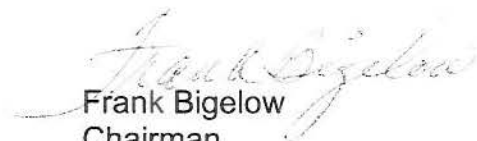
**Grand Jury Recommendation**

“The Grand Jury recommends that the County consider the staggering of furlough days for employees, as is done in the County Recorder’s Office and Information Technology Department, so that offices are consistently open and accessible to the public.”

**Board of Supervisors’ response to Grand Jury Recommendations**

The response of the Assessor to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #2)

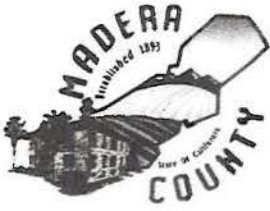
Sincerely,



Frank Bigelow  
Chairman  
Madera County Board of Supervisors

Attachments





COUNTY OF MADERA  
ASSESSOR'S OFFICE

200 W. 4<sup>TH</sup> STREET, MADERA, CALIFORNIA 93637-3548  
(559) 675-7710 FAX (559) 675-7654  
E-mail [assessor@madera-county.com](mailto:assessor@madera-county.com)  
[www.Madera-County.com/Assessor](http://www.Madera-County.com/Assessor)

Thomas P. Kidwell, Madera County Assessor

Assessor's Response to the  
2010-2011 Madera County Grand Jury Final Report  
Madera County Assessor's Office

May 5, 2011

Mindful that whatever money is spent in the current fiscal year will not be available to roll over into the County's budget for next fiscal year, and also mindful that many circumstances have changed since the Grand Jury members conducted their interviews of my staff and I concerning the office and its procedures, my response to the recommendations made by the 2010-2011 Madera County Grand Jury Final Report is as follows:

**The Grand Jury recommends that the Assessor utilize a portion of the budget allocation for extra help to hire a temporary experienced residential appraiser to assist with Prop 8 reviews and reassessments.** The majority of the Proposition 8 (Decline in Value) reviews have already been completed without the need for extra help, so this recommendation will not be implemented this year.

**The Grand Jury recommends that the Assessor and appraisers be recognized and commended for their initiative and proficiency in developing in-house computer programs which are sought after by other counties.**

I am grateful that the Grand Jury recognizes the achievements of my staff, and I take every opportunity to remind my staff of the respect they've earned from their peers in other Counties for what they've accomplished and shared.

**The Grand Jury recommends that, to the extent funding is available, the Assessor employ willing retirees to train current clerical staff.**

I had implemented this recommendation, in advance of it being made, by asking the newly-retired Assessment Office Manager to return on a part-time, temporary basis to assist in training select staff, and she graciously consented to do so out of loyalty to the office and its need.

**The Grand Jury recommends that the Assessor make Megabyte training an immediate priority for the Assessment Office Manager.**

Training is a continuous requirement that we fulfill through a variety of methods for all staff. In addition to asking the previous Office Manager to return to assist in training, as noted above, both on-site and online training classes will be made available without additional charge by Megabyte under a proposed new contract amendment, and extensive manuals and reference books are maintained within the office for training purposes. Therefore, we have implemented this recommendation and will continue to do so as opportunities arise.

**The Grand Jury recommends that the County retain Megabyte as its property tax program so long as it is cost effective and meets the County's needs.**

I concur with this recommendation and have included this in my budget proposal to the Board of Supervisors for next fiscal year, as noted above.

**The Grand Jury recommends that the Assessor and the Board Clerk work together to obtain a cost effective and efficient automated system for tracking assessment appeals.**

I concur with this recommendation. The Board Clerk's and my staff have been examining alternative systems that would achieve this goal, including a modification of our existing tracking system with the assistance of the Information Technology Department which shows great promise. Once we have determined which system would best meet our needs, we will recommend that system to the Board of Supervisors for their approval, as necessary.

**The Grand Jury recommends that the County consider the staggering of furlough days for employees, as is done in the County Recorder's Office and Information Technology Department, so that offices are consistently open and accessible to the public.**

The implementation of countywide employee furloughs was a measure implemented by the Board of Supervisors due to fiscal emergency. As my office is functionally related to the Auditor and Tax Collector Offices, we mutually try to maintain the same operating hours as well as conform to the hours of the majority of other departments within the County as the Board of Supervisors has directed. I believe that the Board of Supervisors will give this matter further consideration in the upcoming budget discussions.

Respectfully submitted,



Thomas P. Kidwell  
Madera County Assessor



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
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MEMBERS OF THE BOARD

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TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

---

July 12, 2011

The Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 W. Yosemite Avenue  
Madera, CA 93637

**Subject: Response to the 2010-11 Grand Jury Report entitled "Raymond Volunteer Fire Station #15."**

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Raymond Volunteer Fire Station #15." See Attachment #1.

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

**Grand Jury Recommendation**

The Grand Jury recommends that the Board of Supervisors close Station #15 and transfer or sell all equipment and property.

**Board of Supervisors' response to Grand Jury Recommendation**

The response of the Fire Chief to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #2)

Sincerely,

  
Frank Bigelow  
Chairman  
Madera County Board of Supervisors

Attachments

# MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH  
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
CAL FIRE

14225 ROAD 28  
MADERA, CALIFORNIA 93638-5715

OFFICE: (559) 675-7799  
FAX: (559) 673-2085

---

May 24, 2011

TO: Darin McCandless  
Risk Management Analyst

FROM: Nancy B Koerperich, Fire Chief  
By: David Irion, Division Chief

SUBJECT: Response to Grand Jury Report entitled "Raymond Volunteer Fire Station #15"

The Grand Jury Report on Raymond Volunteer Fire Station #15 dated April 5, 2011 has one recommendation:

1. The Grand Jury recommends that the Board of Supervisors close Station #15 and transfer or sell all equipment and property.

The Fire Department is required to submit a written response per PC 933(c). Penal Code Section 933.05 requires the following:

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

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

*Recommendation 1: The Grand Jury recommends that the Board of Supervisors close Station #15 and transfer or sell all equipment and property.*

Madera County Fire Station # 15 Raymond is located at 32604 Road 600 in Raymond, CA. It was a CAL FIRE station and was sold to the County several years ago. CAL FIRE's newer Raymond Fire Station is located at 34951 Road 606, approximately one mile away. The community of Raymond is located several miles into the State Responsibility Area (SRA), where CAL FIRE has wildland fire protection responsibility. However, even in the SRA the County has structure fire protection responsibility so County apparatus are necessary.

While the current Madera County Fire Station # 15 Raymond is run down and in need of repair, it is still an integral part of Madera County's fire protection response system. The removal of this station and the apparatus from the County's fire protection response system will increase response times to the community of Raymond. The next closest County fire station is approximately 15 miles away.

The recommendation will not be implemented because it is not reasonable. The station will be repaired as funds become available.



July 6, 2011

Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, Ca 93637

Lawrence A. Haugen  
Madera County Grand Jury  
PO Box 534  
Madera, Ca 93639



RE: Response to Grand Jury Report on City of Madera Community Development Department

Gentlemen,

The City of Madera City Council has reviewed the 2010-2011 Madera County Grand Jury report entitled "Community Development Department." A response to this report from the City Council has been required by the Grand Jury. After reviewing the report, the Council found that it had no objection to the findings outlined in the Grand Jury Report. With regard to the Grand Jury's recommendations, the City's response is as follows:

Recommendation: Street maintenance and repair should be made a high priority when funding becomes available. If casino-related revenue is received, the fund designated for roads should be utilized expeditiously.

City Response: The City agrees to implement this recommendation. The City will prioritize street maintenance and repair as funding becomes available, and will participate in expeditious programming of casino-related revenue to the extent such funding may fall within the City's purview.

Recommendation: City administrative staff and the management staff of the Community Development Department should be recognized for their commitment to Madera residents.

City Response: This recommendation has been implemented. City staff has been recognized by the City Council for their commitment to Madera residents through comments made to staff during the budgeting development and approval process.

Thank you for the opportunity to provide a response to the 2010-2011 Grand Jury Report.

Sincerely,

Robert L. Poythress, Mayor



October 5, 2011

Mr. Lawrence A. Haugen, Foreman  
Madera County Grand Jury  
P.O. Box 534  
Madera, Ca 93639

Dear Mr. Haugen:

The Purpose of this letter is to respond to your recommendations relative to the Madera Redevelopment Agency.

1. a. Agree with finding.  
b. In August 2011, the unemployment rate for the City of Madera was 20.2%. This has created a certain amount of stress on the City/County agencies that provide programs for the economically disadvantaged.
2. a. Agree with finding.  
b. Since 1993, the Redevelopment Agency has acquired 205 parcels. Most required the removal of hazardous materials (asbestos) and the demolition of substandard structures. Many of the parcels have been redeveloped with affordable housing, community facilities or retail/commercial projects.
3. a. Agree with finding.  
b. In 1993, the Redevelopment Agency created a revolving loan fund to encourage the development of affordable housing in the Project Area. The loan program was originally funded with \$590,000.00, in tax increment and to date \$11,556,221.45 in loans and interest has been repaid.
4. a. Agree with finding.  
b. Originally funded with redevelopment tax increment, the Down Payment Assistance program is administered by the City and funded primarily with HOME funds.
5. a. Agree with finding.  
b. The Neighborhood Stabilization Program was implemented by the City's Grants Department. The Foreclosure Ordinance is implemented by the Neighborhood Revitalization Program. To date, \$80,008.00 in registration fees and \$148,467.67 in fines have been collected. There are currently 302 registered foreclosures.
6. a. Agree with finding.  
b. The 2010/2011 Neighborhood Revitalization activity report was as follows:
  - (1) Abandoned Vehicles – 887
  - (2) Public Nuisance – 729
  - (3) Zoning – 505
  - (4) Foreclosed Properties – 412
  - (5) Substandard Housing – 102
  - (6) Recreational Vehicles – 68
  - (7) Uniformed Building Code – 17
  - (8) Demolitions – 6

The property owners voluntarily complied in an overwhelming majority of the cases.

7. a. Agree with finding.  
b. Through the acquisition/demolition of substandard buildings and under-utilized parcels, the Agency is currently monitoring 219 single family owner-occupied units. All of the units are occupied by persons or families in the targeted income range.
8. a. Agree with finding.  
b. The Agency has two (2) programs aimed at preserving older housing stock. The Targeted Single Family Rehabilitation Program is focused on the older Victorian style homes in "Central Madera." Five (5) homes have been completed. The Exterior Home Improvement Grant program is a citywide program. To date, 71 projects have been completed.
9. a. Agree with finding.  
b. The Redevelopment Agency has spent \$15.5 million to address infrastructure deficiencies around Project Area schools. Typically, this includes the construction of curb, gutter, sidewalks, handicapped ramps and the installation of streetlights. Projects have been completed at:
  - (1) Martin Luther King Middle School
  - (2) Sierra Vista Elementary School
  - (3) Millview Elementary School
  - (4) Washington Elementary School
  - (5) James Monroe Elementary School
10. a. Agree with finding.  
b. Since its creation in 1991, the Redevelopment Agency has funded a wide variety of City projects. The most visible are the John Wells Community Center, new police facility and Skate Park. Less visible are the street widening, neighborhood improvement and handicapped ramp installation programs.
11. a. Agree with finding.  
b. In June 2011, Governor Brown signed ABx1 26 and 27. ABx1 26 effectively dissolves redevelopment in the State of California. ABx1 27 establishes the "Voluntary Alternative Redevelopment Program (VARP), which allows redevelopment to continue to exist as long as substantial financial resources are transferred to the State. The City Council has voted to comply with the conditions of the voluntary program although the League of California Cities and California Redevelopment Association have filed a lawsuit challenging the constitutionality of the legislation. The suit is pending before the California Supreme Court.
12. a. Agree with finding.  
b. At the time of the Grand Jury Report, the Agency had taken action to transfer title on 5 East Yosemite/120 North 'E' Street and 428 East Yosemite from the Agency to the City. This action has since been rescinded and the Agency has retained title to all three (3) properties.

Recommendations:

**1. The Grand Jury recommends that the City Council continue to support the retention of redevelopment agencies.**

The City Council has been extremely active in lobbying to reject the governor's proposal to eliminate redevelopment. Meetings have been held with Senators Cannella and Berryhill, and with Assembly Members Halderman and Olson. Their district staff members have been given individual tours of the Project Area. Additionally, contact has been made with Agency vendors (civil engineers, architects and contractors). In addition to opposing the governor's proposal, we have sent letters of support for SB450 (Lowenthal) and SB286 (Wright). Both bills propose significant reforms related to redevelopment housing expenditures, reporting, blight findings and restrictions on administrative expenses. The bills would not significantly impact the programs, projects or administrative recordkeeping of the Madera Redevelopment Agency.



**2. The Grand Jury recommends that the City Council seek alternative funding to eliminate blight and address infrastructure deficiencies in Madera.**

Through the City's Grants Department, Madera has been extremely aggressive and relatively successful in applying for state and federal grants. Annually, we have received Community Development Block Grant, HOME, COPS, and several grants dealing with waste tires. The grants have provided the opportunity to fund a number of programs and projects; however, they do not replace a stable funding source (i.e. redevelopment) in addressing blight and infrastructure deficiencies. In November 2010, 5.7 million voters (60.7%) supported Proposition 22 to stop the state from taking local government funds, including redevelopment, to balance the state budget. Obviously, the will of the voters is meaningless unless it comes to raising taxes.

In conclusion, on behalf of the City Council, I would like to thank the 2010/2011 Grand Jury for taking the time to study and evaluate the Redevelopment Agency and the impact it has on the City of Madera and its residents.

Sincerely,



Robert L. Poythress, Mayor  
City of Madera



428 East Yosemite Avenue

Madera, California, 93638

Phone: (559) 661-5110

Fax: (559) 674-7018



June 8, 2011

Mr. Lawrence A. Haugen, Foreman  
Madera County Grand Jury  
P.O. Box 534  
Madera, CA 93639

Dear Mr. Haugen:

The purpose of this letter is to respond to your recommendations relative to the Madera Redevelopment Agency.

**1. The Grand Jury recommends that the City Council continue to support the retention of redevelopment agencies.**

The Agency Board/City Council has been extremely active in lobbying to reject the governor's proposal to eliminate redevelopment. Meetings have been held with Senators Cannella and Berryhill, and with Assemblymembers Halderman and Olson. Their district staff members have been given individual tours of the Project Area. A sampling of letters and petitions of support are attached. Additionally, contact has been made with Agency vendors (civil engineers, architects and contractors). In addition to opposing the governor's proposal, we have sent letters of support for SB450 (Lowenthal) and SB286 (Wright). Both bills propose significant reforms related to redevelopment housing expenditures, reporting, blight findings and restrictions on administrative expenses. The bills would not significantly impact the programs, projects or administrative recordkeeping of the Madera Redevelopment Agency.

**2. The Grand Jury recommends that the City Council seek alternative funding to eliminate blight and address infrastructure deficiencies in Madera.**

Through the City's Grants Department, Madera has been extremely aggressive and relatively successful in applying for state and federal grants. Annually, we have received Community Development Block Grant, HOME, COPS, and several grants dealing with waste tires. The grants have provided the opportunity to fund a number of programs and projects; however, they do not replace a stable funding source (i.e. redevelopment) in addressing blight and infrastructure deficiencies. In November 2010, 5.7 million voters (60.7%) supported Proposition 22 to stop the state from taking local government funds, including redevelopment, to balance the state budget. Obviously, the will of the voters is meaningless unless it comes to raising taxes.

In conclusion, on behalf of the Agency Board/City Council, I would like to thank the 2010/2011 Grand Jury for taking the time to study and evaluate redevelopment and the impact we have on the City of Madera and its residents.

Sincerely,

James E. Taubert, Executive Director  
Madera Redevelopment Agency

JET:sb

**Memorandum**

RECEIVED

Date: **JUN 14 2011**

JUN 21 2011

To: Debra Herndon  
Associate Director  
Female Offender Programs and Services

JURY DIVISION  
SUPERVISOR**Subject: MADERA COUNTY GRAND JURY FINAL REPORT**

On March, 10, 2011, the Madera County Grand Jury visited Valley State Prison for Women (VSPW), to inquire into the condition and management of the public prisons within their respective county. Upon review of the final report generated by the Grand Jury it was concluded that there were several issues that could cause an undesired effect on the health and safety of the inmates incarcerated at VSPW. The Grand Jury also listed recommendations to these issues that would remedy these conditions.

1. The Grand Jury concluded that prolonged exposure to the high noise level in the Central Kitchen Area may contribute to health issues.
  - The Grand Jury recommends that the noise levels in the Central Kitchen area be evaluated for possible safety hazards.

On June 1, 2011, VSPW, Business Services Division conducted a sound test within the Central Kitchen area. The test was completed to determine if the decibel levels are hazardous for staff and inmates. Upon conclusion of the test it was determined that the decibel levels in the Central Kitchen Scullery area exceed the criterion decibel level which will require hearing protection as outlined by the Division of Occupational Safety and Health. VSPW has purchased and provided hearing protection for all staff and inmates assigned to the Central Kitchen Scullery area.

2. The Grand Jury concluded that dispensing generic medications whenever possible could result in significant annual savings.
  - The Grand Jury recommends that generic medications be dispensed whenever possible.

All medications that are prescribed by our physicians are filled with generic medications when these forms are available. There are some instances when a patient may be prescribed a brand name medication when there is no generic available. This is seen predominantly in Mental Health patients, and as well in some hyperlipidemia, asthma, and oncology patients. Our assessment of brand name use corresponds directly with state-wide formulary approved items in greater than 90% compliance with these items. Clinically indicated medication assessments have been provided by our medical doctors to justify when these items, which do not have a generic available, are needed for patient health and safety. Overall, our pharmacy dispenses upwards of 90% generic medication daily to our patients, and we are using 95% formulary approved medications.

3. The Grand Jury concluded that special treatment of inmates in Housing Units D1 and D3 may not follow requirements for fair and impartial treatment.

- The Grand Jury recommends that VSPW Administration evaluate whether the facility is in compliance with the requirements for fair and impartial treatment of inmates.

Within the findings of the Grand Jury Final Report it is alleged that inmates housed in Facility D, Housing Unit D3 are allowed to choose their own roommates, eat and shop in canteen before other inmates. This information is inaccurate. The inmates assigned to Housing Unit D3 report to the Facility Dining Hall in an order established by the Facility D Custody Staff in which the current order for Housing Unit D3 is second with a total of four housing units. The inmates assigned to Housing Unit D3 shop canteen in order accordance with the Facility D Canteen schedule. This schedule has been in use since January 2010 to the present day. The schedule is as follows:

- 1<sup>st</sup> Housing Unit D1
- 2<sup>nd</sup> Housing Unit D2
- 3<sup>rd</sup> Housing Unit D3
- 4<sup>th</sup> Housing Unit D4

Housing Units D3 and D4 rotate each calendar month thus changing the rotation for the 3<sup>rd</sup> and 4<sup>th</sup> position six times per year.

Inmates assigned to the Facility D, Housing Unit D1 (Honor Dorm), are afforded special privileges that are not provided to general population at VSPW. However, this housing unit is accessible for all inmates who meet the criteria established in VSPW, Operational Procedure #10223, Inmate Lighthouse, which are enumerated below;

1. Minimum of two consecutive years in CDCR.
2. Must be Work Group/Privilege Group A1/A.
3. Minimum of two years left to serve on remainder of sentence.
4. Minimum of two years with no serious Rules Violation Reports.
5. Minimum of five years with no Serious Rules Violation Reports, if the inmate has been found guilty of an "A" or "B" offense or has had a SHU Term imposed.
6. Any inmate who has been housed in the Lighthouse and been removed from the Lighthouse due to disciplinary issues, failure to maintain Lighthouse resident standards or at their own request may re-apply. Re-housing in the Lighthouse will be on a case by case basis only.

The criteria established within this procedure were designed as an incentive for inmates to exhibit behavioral and social standards that are above reproach. Inmates are required to maintain an exemplary work ethic, remain disciplinary free, submit to random drug testing, abstain from restricted sexual behavior and abstain from all alcohol or tobacco, or any controlled or restricted substance.

If you have any questions, please contact me at (559) 665-6100, extension 5503.



W. MILLER  
Warden (A)  
Valley State Prison for Women

cc: Associate Warden, Housing and Central Services  
Associate Warden, ADA

**GRAND JURY FINAL REPORT 2010-2011**  
**CORRECTIVE ACTION PLAN**  
**VALLEY STATE PRISON FOR WOMEN**  
**May 24, 2011**

ITEM	RECOMMENDATION/DESCRIPTION	STAFF RESPONSIBLE	CORRECTIVE ACTION	COMPLETION DATE
1	It is alleged that D-3 Inmates are allowed to choose their own roommates, eat and shop in Canteen before other inmates.	Housing Division	This information is not accurate. The inmates assigned to Housing Unit D-3 do not eat or shop in Canteen first. They also are not allowed to pick their own roommates. - No action required	N/A
2	It is alleged that inmates in D-1 receive special privileges not afforded to other inmates.	Housing Division	Inmates assigned to the Honor Dorm (Housing Unit D-1) are afforded special privileges. However, this housing unit is open to all inmates who meet the criteria, and is an incentive for better behavior. - No action required	N/A
3	It is alleged that the noise level in the Central Kitchen is too loud.	Business Services	Business Services had a sound test conducted on June 1, 2011, to see if the decibel levels are hazardous for staff and inmates. It has been determined that the decibel levels in the scullery area will require hearing protection as outlined by CAL-OSHA. Hearing protection will be ordered and provided for all staff and inmates assigned to that area of the Central Kitchen	July 15, 2011
4	It is alleged that the Use of generic medication could result in significant annual savings.	Health Care Services	A review of medications dispensed reveals that overall the pharmacy dispenses upward of 90% generic medications daily to the patients and 95% Formulary Approved medications.	N/A



W. MILLER  
Warden (A)

Date

6/14/11



# MADERA UNIFIED SCHOOL DISTRICT

1902 Howard Road  
Madera, CA 93637  
(559) 675-4500  
Fax: (559) 675-1186  
www.madera.k12.ca.us

**Gustavo Balderas**  
Superintendent

**Jake Bragonier**  
Public Information Officer  
bragonier\_j@madera.k12.ca.us

**Board of Trustees:**  
Robert E. Garibay, President  
Ricardo Arredondo, Clerk  
Lynn Cogdill, Trustee  
Jose Rodriguez, Trustee  
Michael Salvador, Trustee  
Ray G. Seibert, Trustee  
Maria Velarde-Garcia, Trustee



September 27, 2007

✓ Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, CA 93637

Madera County Grand Jury  
P.O. Box 534  
Madera, CA 93639

RE: 2010-2011 Madera County Grand Jury report  
Madera High School

The Trustees of Madera Unified School District have reviewed the Grand Jury's report submitted in May 2011 and are in agreement with the findings contained therein.

Best regards,

Robert E. Garibay  
President of the Board of Trustees



Where the futures of children  
are driven by their  
aspirations, not bound by  
their circumstances.



# MADERA UNIFIED SCHOOL DISTRICT

RECEIVED

NOV 07 2011

JURY DIVISION  
SUPERVISOR

October 11, 2011

Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, CA 93637

Madera County Grand Jury  
P.O. Box 534  
Madera, CA 93639

RE: 2010-2011 Madera County Grand Jury Report  
Madera High School



1902 Howard Road  
Madera, CA 93637  
(559) 675-4500  
Fax: (559) 675-1186  
www.madera.k12.ca.us

**Gustavo Balderas**  
Superintendent

**Jake Bragonier**  
Public Information Officer  
bragonier\_j@madera.k12.ca.us

**Board of Trustees:**  
Robert E. Garibay, President  
Ricardo Arredondo, Clerk  
Lynn Cogdill, Trustee  
Jose Rodriguez, Trustee  
Michael Salvador, Trustee  
Ray G. Seibert, Trustee  
Maria Velarde-Garcia, Trustee

Following is Madera Unified School District Trustees amended response to the 2010-2011 Madera County Grand Jury report: Madera High School. A copy of the Grand Jury report with numbered Findings and Recommendations is enclosed for reference.

## RESPONSE TO FINDINGS

- F1: The respondent agrees with the finding
- F2: The respondent agrees with the finding
- F3: The respondent agrees with the finding
- F4: The respondent agrees with the finding
- F5: The respondent agrees with the finding
- F6: The respondent agrees with the finding
- F7: The respondent agrees with the finding
- F8: The respondent agrees with the finding
- F9: The respondent agrees with the finding
- F10: The respondent agrees with the finding



Where the futures of children  
are driven by their  
aspirations, not bound by  
their circumstances.

F11: The respondent agrees with the finding

F12: The respondent agrees with the finding

F13: The respondent agrees with the finding

F14: The respondent agrees with the finding

F15: The respondent agrees with the finding

F16: The respondent agrees with the finding

F17: The respondent agrees with the finding

F18: The respondent agrees with the finding

F19: The respondent agrees with the finding

F20: The respondent agrees with the finding

F21: The respondent agrees with the finding

F22: The respondent agrees with the finding

F23: The respondent agrees with the finding

F24: The respondent agrees with the finding

F25: The respondent agrees with the finding

F26: The respondent agrees with the finding

F27: The respondent agrees with the finding

F28: The respondent agrees with the finding

F29: The respondent agrees with the finding

F30: The respondent agrees with the finding

F31: The respondent agrees with the finding



F32: The respondent agrees with the finding

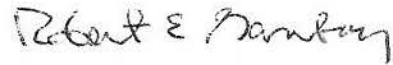
**RESPONSE TO RECOMMENDATIONS**

R1: The respondent agrees with the recommendation and Madera High School continues to work towards improving its API score.

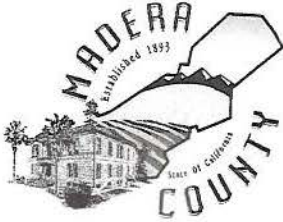
R2: The respondent agrees with the recommendation and Madera High School continually strives to improve its graduation rate.

On behalf of the Madera Unified School District Trustees, thank you for your hard work and dedication.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Garibay". The signature is written in a cursive style with a large initial 'R'.

Robert E. Garibay  
President of the Board of Trustees



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW  
DAVID ROGERS  
RONN DOMINICI  
MAX RODRIGUEZ  
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

July 20, 2011



Honorable Mitchell C. Rigby  
Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, CA 93637

Re: Response of the Madera County Board of Supervisors to the 2010-2011  
Grand Jury Report on the "Citizen's Complaint Regarding District Attorney"

Honorable Mitchell C. Rigby:

In accordance with Penal Code section 933.05, the Madera County Board of Supervisors submits this response to the Madera County Grand Jury pertaining to matters over which it has control and additionally over matters where the Madera County Grand Jury has asserted that the Board has control.

### FINDING:

The Grand Jury found that in some cases employee evaluations were not completed in a timely manner. The press of workload was given as a reason for some missed evaluations. There appears to be no system by which such evaluations are initiated and monitored to insure completion. The DA and the HR share responsibility for this deficiency.

### RESPONSE:

The Board of Supervisors agrees with this finding in part and disagrees in part. The Board of Supervisors agrees that in some cases, employee evaluations were not completed in a timely manner. The Board is unaware of the reason given for missed evaluations. The Board disagrees with the finding that there appears to be no system by which such evaluations are initiated. There is an adequate system for initiating evaluations. The Human Resources department sends written reminders to each department 60 days prior to the month in which evaluations are due. The reminder includes the date on which status change reports and performance evaluations are due, the type of increases (e.g. anniversary increases or longevity increases, and evaluations which are required). The reminder specifically names the employees who will receive an evaluation.

The Board of Supervisors agrees that there is no one system to ensure that monitoring is complete. Monitoring to ensure that the employees are given an evaluation is the responsibility of the departments. Evaluations pertain to employee performance which is overseen by each department. The Human Resources department provides adequate notice to the departments. The internal monitoring system within the District Attorney's office will be separately addressed by the District Attorney, who as noted by the Grand Jury is an independently elected, constitutional officer not subject to the direction or supervision of the Madera County Board of Supervisors.

**FINDING:**

The Grand Jury found that the complainant alleged that the County retained an outside attorney to conduct a lengthy and expensive investigation of the DA. While a review was conducted, it was done on the basis of a retainer relationship already in place managed by the HR Director. The investigator submitted his expense claim of slightly over \$3,000 in May 2009, only four months after the DA assumed his duties. With an hourly charge of \$175.00, the actual investigation lasted, at most, 20 hours. This report is a matter of mystery nearly two years after its completion. Many persons have acknowledged the existence, completion, and delivery of the report to the County Counsel who, in an informal conversation, acknowledged the report but denied having read it in its entirety. Furthermore, he indicated that members of the BoS have neither read nor been briefed on the report contents. The Grand Jury, believing that it has a right to that report, made an informal request for the report. The County Counsel denied the request by citing client-attorney privilege. When it was suggested that a subpoena might be issued for the document, the County Counsel indicated that such an action would be contested. In the interest of time and the avoidance of litigation costs for the County, the Grand Jury decided not to pursue the matter further at this time.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

**FINDING:**

The Grand Jury found that there is a lack of civility and courtesy, apparent in the conduct and comments of County officials and members of the BoS regarding the DA. A lack of civil discourse, to include comments in public and private by individual County officers and elected officials, is not supportive of the efforts of the DA and certainly contributes to lower morale within the office of the DA.

**RESPONSE:**

The Board of Supervisors is unable to agree or disagree with this finding due to its lack of supporting facts.

CONCLUSION:

The Grand Jury concludes that the investigative report prepared for the County might address issues of concern to employees within the DA's Office and the general public. The suggestion that the report on an investigation ordered by agents of the County has not been read in its entirety nor made available to the members of the BoS is not creditable.

RESPONSE:

The Board of Supervisors agrees that the investigative report prepared for the County might address issues of concern to employees within the DA's Office and the general public. The Board points out that the portion of the conclusion (that the report had not been read in its entirety) is not supported by the finding which indicates only that Douglas Nelson, stated he had not read the report in its entirety. There is no indication whether David Prentice, the previous county counsel read the report, or that Dennis Cota, Mr. Keitz and the Board's trial counsel has done so. The Board of Supervisors is not aware whether they have done so. However, whether or not Mr. Keitz and the Board's trial counsel read the report, the report remains privileged.

The Board of Supervisors affirms that the report had not been made disclosed or discussed. Any future discussion in closed session will be subject to attorney-client privilege.

CONCLUSION:

The Grand Jury concludes that the public interest would better be served by a prompt release of the investigative report.

RESPONSE:

The report is privileged.

RECOMMENDATION:

The Grand Jury recommends that the BoS give due deference to a co-equal elected County official, encourage courtesy and collegiality, and consider granting increased budgetary discretion to the DA.

RESPONSE:

The portion of the recommendation relating to deference has been implemented. The Madera County Board of Supervisors gives due deference to the District Attorney and acknowledges that the District Attorney holds a constitutional office and is an elected official who, in the exercise of his function as public prosecutor, acts in the name of the People of the State of California and is not subject to direction or control of the

Supervisors. The Board further acknowledges that the District Attorney is the appointing authority for the employees of his department subject to the rules of civil service.

The portion of the recommendation relating to courtesy and collegiality has been implemented. The Board of Supervisors as a body strives to maintain courtesy and collegiality in its dealings with staff, the public and each other.

The Madera County Board of Supervisors will not grant increased budgetary discretion to the District Attorney because it is not warranted. The District Attorney has budgetary discretion over the budget that is adopted by the Board of Supervisors. If unanticipated events occur during a fiscal year, the District Attorney may present a request for additional appropriation authority to the Board of Supervisors for consideration and approval. The Board of Supervisors, as stated above, will work with the District Attorney on his budgetary needs.

#### RECOMMENDATION:

The Grand Jury recommends that the BoS address human resources functions including file retention and control, initiation and tracking of timely personnel evaluations, duration of paid administrative leave; and the promulgation of procedures regarding employee complaints.

#### RESPONSE:

- a. File retention and control. This portion of the recommendation will not be implemented because it is not warranted. The Human Resources department already retains employee files from the time the employee is first employed until 10 years following the employee's separation from county service. Employee grievances are already retained from the time the grievance is made until 10 years following the resolution of the grievance.
- b. Initiation and tracking of timely personnel evaluations. The portion of the recommendation regarding initiation of personnel evaluations will not be implemented because it is not warranted. Initiation of timely personnel evaluations is currently implemented as indicated in the response to the finding in this matter. As the Grand Jury found, the DA is an independently elected, constitutional officer not subject to the direction or supervision of the Madera County Board of Supervisors (BoS). The provisions and procedures that the BoS has established for the human resources activities of the County apply to the employees within the DA's Office.
- c. Duration of paid administrative leave. This recommendation will not be implemented because it is not warranted. The DA is an independently elected, constitutional officer not subject to the direction or supervision of the Madera County Board of Supervisors. The Board of Supervisors cannot compel the District Attorney to commence administrative discipline against

an employee within a particular timeframe because this is a decision which is in the discretion of the District Attorney as the appointing authority, to which the Board will give proper deference.

- d. Promulgation of procedures regarding employee complaints. The recommendation has been implemented and is part of the Madera County Code. The Board of Supervisors has promulgated procedures regarding employee complaints. Those procedures are set forth in Madera County Code section 2.57.150 Civil service Rule 12 – Grievances, as well as any procedures provided for in the Memoranda of Understanding for the County's bargaining units.


RECOMMENDATION:

The Grand Jury recommends that the BoS order the public release of the investigative report now in the possession of the County Counsel, even if redacted in part for privacy or privilege purposes.

RESPONSE:

The Madera County Board of Supervisors will not implement the recommendation because it is not warranted. There is litigation pending before the United States District Court in which the County and the District Attorney are defendants. The attorneys representing the County and the District Attorney in the litigation have asserted that the investigative report is protected from disclosure by the attorney-client and attorney work product privileges. There is also a stipulation between counsel for all the parties in the action that the report will not be disclosed.

Sincerely

  
\_\_\_\_\_  
FRANK BIGELOW, Chairman  
Madera County Board of Supervisors

FB/DWN/mmg

**MICHAEL R. KEITZ**  
District Attorney



**SUPERIOR COURT BUILDING**  
209 W. Yosemite Avenue  
Madera, California 93637

Telephone: 559. 675. 7726  
Facsimile: 559. 673. 0430



OFFICE OF THE  
**DISTRICT ATTORNEY**

July 27<sup>th</sup>, 2011

**The Honorable Mitchell C. Rigby**  
Presiding Judge  
Madera County Superior Court  
209 West Yosemite Avenue  
Madera, California 93637

Re: Response of the District Attorney to the 2010-2011 Grand Jury  
investigation of a Citizen Complaint regarding the District Attorney

Dear Judge Rigby:

I am pleased the Grand Jury has exonerated my office of the allegations of fraudulent behavior, and I thank them for their effort to discern the truth and offer their recommendations. Continuous improvement is one of the values I have set forth for my operation, and their recommendations will undoubtedly result in a better office for the people of Madera County.

The following response is submitted pursuant to Penal Code section 933.05.

**FINDINGS**

**Finding:**

The ability of the District Attorney's office to track cases is very limited due to computer system issues.

**Response:**

The District Attorney agrees with this finding.

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///  
///

**Finding:**

The Grand Jury found that in some cases employee evaluations have not been completed in a timely manner.

**Response:**

The District Attorney agrees with this finding.

**RECOMMENDATIONS****Recommendation:**

The Grand Jury recommends that the District Attorney review his leadership style and seek assistance in rebuilding staff morale and improving communication within the office.

**Response:**

As to the Grand Jury's recommendation that the District Attorney seek to improve staff morale and communication within the office, the following areas have been addressed.

## Communication

To improve communication within the office, the frequency of staff meetings has been increased. Attorney meetings are now conducted weekly in order to discuss cases, office procedures and facilitate open discussion of other issues. Managers in the office have been directed to conduct additional meetings as necessary to improve communication. Staff has been reminded and encouraged to avail themselves of the District Attorney's and other managers' "open door" policy, which exists to address concerns they may have or to offer feedback. Individual meetings with staff members have been conducted to understand any concerns and to receive suggestions for office improvement.

In order for staff (and the public) to be fully informed of the mission of the District Attorney's Office, the office mission and values statements has been updated, corresponding with a more detailed set of previously issued internal guidelines. These guidelines cover professionalism, effective and consistent prosecution and efficient operation. In particular they emphasize: fostering a work environment conducive to good morale, respect, courtesy, promotion of strong partnerships with law enforcement agencies, accountability and highest standard of integrity and conduct.

Regular and public recognition of achievements has been established in staff meetings and through other office communications. This is accompanied by occasional awards for exemplary results.

///



## Adequate Staffing

A significant improvement in morale could be achieved through increases in staffing necessary to properly perform the prosecutorial function. Currently, the office is staffed with about 30% less than the number recommended by the Administrative Office of the Courts for District Attorney's offices. This is exacerbated through normal absences such as medical leaves, training and vacations, making it very difficult just to cover daily court activity.

District Attorney staff bear a heavy burden for public safety. However, inadequate staffing leads to high caseloads with enormous stress and burnout resulting in less than optimum outcomes. Additionally, the experience necessary to handle an unprecedented number of homicide and gang cases is critically short, due to competition from other counties offering higher salaries to experienced deputies.

Provisions for increased staffing, including management, have been requested in the upcoming 2011-2012 budget.

Inadequate technology for proper case management and file tracking hampers the efficiency of the clerical staff. Further, the lack of staff to input constant updates of case information makes statistical analysis of case and office functions inaccurate.

## Performance Evaluations

Staff evaluations are diligently undertaken within the available time and management resources, taking into consideration the time necessary to handle pressing caseloads, which impact public safety.

## Leadership style

The District Attorney is open to and will solicit feedback from staff and others, in order to sustain continuous improvement for the betterment of the office and to serve the people of Madera County.

## **Recommendation:**

The Grand Jury recommends that control and release authority for confidential documents, especially those dealing with minors, be reviewed and strengthened.

## **Response:**

For a number of years, no formal policy has existed concerning confidentiality. In order to protect the confidentiality of its cases and investigations (including juvenile matters) the District Attorney is developing and will implement a policy on confidentiality and disclosures to the media and others, for all District Attorney staff by October 1<sup>st</sup>, 2011.

## Recommendation:

### Increased Budgetary Discretion

The Grand Jury has recommended that the Board of Supervisors give increased budgetary discretion to the District Attorney. In fact, the foundation for this already exists under California Law. A review of the law in this area is instructive.

California law provides plenary budget authority to the District Attorney. The California Constitution recognizes that "Public Safety is the first responsibility of local government" and "local officials have an obligation to give priority to the provision of adequate public safety services." The Government Code then more specifically states that as it relates to the "management and disbursement of public funds . . . the Board of Supervisors shall not obstruct the investigative and prosecutorial function of the District Attorney." Gov. Code § 25303.

Indeed, for nearly 100 years it has been the law that, "Although the board of supervisors exercises control over the county budget, the board may not, by failing to appropriate funds, prevent the district attorney from incurring necessary expenses for crime detection as county charges." *Cunning v. County of Humboldt* (1928) 204 Cal. 31. Moreover, it has been held that there is no need for the District Attorney to consult with the board or a court to obtain consent prior to making an expenditure. *Niceley v. Madera County* (1931) 111 Cal. App. 731, 735-36. Neither may the board govern the actions of the sheriff or District Attorney concerning the manner in which their respective budget allotments are expended or the manner in which personnel are assigned. 77 *Ops. Cal. Atty. Gen.* 82. Therefore, the Grand Jury's suggestion for increased budgetary discretion falls well within the legal framework consistently reiterated in California law.

Respectfully submitted,

**COPY**

MICHAEL R. KEITZ  
District Attorney

MICHAEL R. KEITZ  
District Attorney



SUPERIOR COURT BUILDING  
209 W. Yosemite Avenue  
Madera, California 93637

Telephone: 559. 675.7726  
Facsimile: 559. 673.0430

OFFICE OF THE

## DISTRICT ATTORNEY

December 16<sup>th</sup>, 2011

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

Re: Supplemental Response of the District Attorney to the 2010-2011 Grand Jury Investigation of a Citizen Complaint regarding the District Attorney

The following supplemental response is submitted to the Grand Jury.

### FINDINGS

#### Finding:

The District Attorney is limited in budget flexibility because he must seek Board of Supervisor's ("BOS") approval for reallocation of funds within the total budget allocated to his office.

#### Resonse:

The District Attorney agrees that in effect, almost all budgetary matters are controlled by BOS action. For example, last April, due to attorney shortages, I requested approval to contract with an outside attorney to prosecute a homicide case, because I was informed I was without the authority to contract on behalf of the county. Even though there were sufficient funds within my approved budget to cover this expense, the BOS voted to deny my request.

Another example is in the filling of open staff positions. Although my budget includes funding for a certain designated level of staffing, I must request permission to fill an open and budgeted position. Sometimes permission has been denied, delayed or conditioned with restrictions (i.e. filling a position with a lower graded employee.)

#### Finding:

The District Attorney was initially appointed to the position by the BOS on January 5<sup>th</sup>, 2009 and was subsequently elected to a full 4 year term in June 2010. His

management and leadership style is markedly different than his predecessor. Some staff turbulence would be expected when a new supervisor is appointed, especially as other candidates within the officer were not selected. At the same time employees must adjust to changes in leadership and revisions of priorities and have no right to select or choose their supervisors in opposition to the wishes of the voters.

**Response:**

The District Attorney agrees with this finding. Every elected official approaches his/her office with new perspectives and priorities. Likewise, people have different management styles. Adaptation of staff to change, particularly after a long duration under a former official, is predictably an extended process, and understandably difficult at times for some.

**Finding:**

The Grand Jury recommends that control and release authority for confidential documents, especially those dealing with minors, be reviewed and strengthened.

**Response:**

The District Attorney has initiated a confidentiality and disclosure policy. The County Human Resources Department has begun the implementation process by negotiating its provisions with the various employee unions. As yet, it is not in final form.

Thank you for the opportunity to provide you with this supplemental information.

Respectfully yours,



MICHAEL R. KEITZ  
District Attorney



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

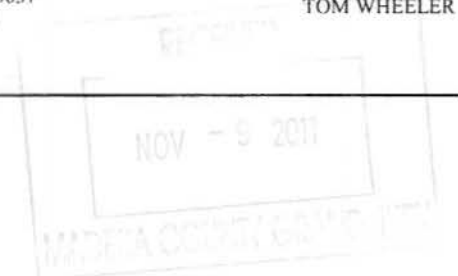
MEMBERS OF THE BOARD

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DAVID ROGERS  
RONN DOMINICI  
MAX RODRIGUEZ  
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

October 25, 2011

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



Subject: Response to Requests for Supplemental Responses to Prior Grand Jury Reports

The Madera County Board of Supervisors is in receipt of your requests for supplemental responses to the following Grand Jury Final Reports:

1. Your request dated August 30, 2011, regarding **Madera City Fire Department, Station # 6.**
2. Your request dated August 30, 2011, regarding **Madera County Hazardous Material Response Team.**
3. Your request dated September 6, 2011, regarding **Solid Waste Management and Recycling.**
4. Your request dated September 6, 2011, regarding **Madera County Fire Station #8 (Chukchansi).**
5. Your request dated September 14, 2011, regarding **Madera County Department of Corrections.**
6. Your request dated September 20, 2011, regarding **Handicapped Access to Government Facilities.**
7. Your request dated September 20, 2011, regarding **Madera County Assessor's Office.**
8. Your request dated September 20, 2011, regarding **Community Development Department.**
9. Your request dated September 20, 2011, regarding **Raymond Volunteer Fire Station #5.**
10. Your request dated September 20, 2011, regarding **Fire Safety and Protection in Madera County – Fire Marshall.**
11. Your request dated September 20, 2011, regarding **Fire Safety and Protection in Madera County – Fire Division Chief.**

Please note that with respect to the final report entitled Madera City Fire Department, Station # 6, the Madera County Board of Supervisors was not a required respondent and did not submit an optional response to the initial report. In addition, with respect to the final report entitled Community Development Department, the Board of Supervisors was not listed as a respondent in either a required or optional capacity.

The remaining requests for supplemental responses seek "specific" responses to each finding contained in each of the Grand Jury Final Reports. Review of the initial reports shows that the findings in each of the reports listed above are not "specifically" set forth, but rather, they are communicated in a narrative fashion.

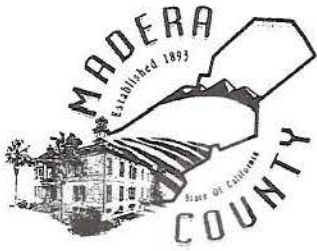
Furthermore, the findings are a mix of facts, opinions and commentary on facts. It is appropriate for the Board to respond to findings of fact, however; responses to opinion and commentary are not appropriate. Nevertheless, the Board of Supervisors feels that the initial responses submitted to the reports in question addressed all findings and recommendations in a satisfactory fashion.

Sincerely,



Frank Bigelow, Chairman  
Madera County Board of Supervisors

Cc: The Honorable Mitchell C. Rigby

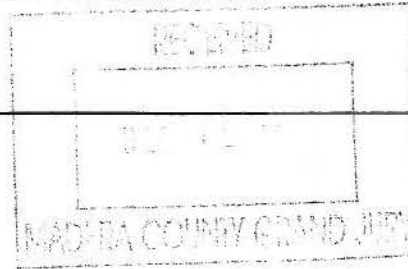


# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 662-6010 / FAX (559) 673-3302 / TDD (559) 675-8970

FRANK BIGELOW  
SUPERVISOR, DISTRICT 1

December 14, 2011



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

I want to thank you for the opportunity to address your committee about how the County handles receipt and processing of Grand Jury requests/reports. Here is a summary of the process which I believe will address the question I was asked regarding the workflow through our offices:


- Grand Jury report is received and reviewed in the Administrative Office and response due dates and affected departments are noted.
- A letter is prepared and forwarded, along with a copy of the grand jury report, to the affected department head and his or her response to the report is requested within a reasonable time.
- Once the department head response is received, it is reviewed by Administrative staff. If the response is found to be appropriate, a draft response from the Board is prepared which typically concurs with the Department Head response.
- The proposed Board response, along with a copy of the Department Head response and the original grand jury report, is provided to each of the Supervisors for review and comment. This occurs several weeks prior to the Board meeting date at which the Board response is to be considered.
- If there are no recommended changes to the Board response, the response is placed on the Consent Calendar for the next available Board meeting.
- The Board has 90 days from receipt of a grand jury report to issue a response.

If you would like further information regarding the workflow, or would like to discuss the responses in general please let me know. I did a follow up with the responding departments and each felt that they had responded to the Grand Jury reports.

At this point in time I haven't had a chance to go review the buildings at Station 15 in Raymond as I said I would. However, I will do it.

If you have more direct questions about the lack of response to the reports, please Mr. Eric Fleming, our CAO or his staff, Mr. Darin McCandless at 675-7703.

Sincerely,

  
Frank Bigelow, Chairman  
District 1

cc: The Honorable Mitchell C. Rigby  
Doug Nelson, County Counsel  
Eric Fleming, CAO

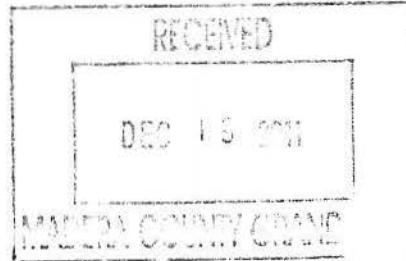


# COUNTY OF MADERA ADMINISTRATIVE MANAGEMENT

200 WEST FOURTH STREET, SUITE 4200  
MADERA, CALIFORNIA 93637-3548  
(559) 675-7703 / FAX (559) 675-7950 / TDD TELEPHONE (559) 675-8970

December 14, 2011

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



**Subject: Processing of Grand Jury Reports within the County of Madera  
Administrative Office**

At the Request of Frank Bigelow, Chairman, Madera County Board of Supervisors, I offer for your consideration this brief overview of the process followed within the Madera County Administrative Office with regard to Grand Jury Final Reports.

Generally, upon receipt of a final report from the Grand Jury, the County Administrative office coordinates the review and response process in order to meet the statutorily mandated deadlines for Grand Jury responses for both Department Heads and Elected Officials. The process can be summarized as follows:

- When a Final Report is received in the Administrative Office, the report is reviewed and response due dates and affected departments are noted.
- Following initial review of the report, Administrative staff prepares and forwards a letter, along with a copy of the report, to the affected Department Head. His or her response to the report is requested within a reasonable time.
- Upon receipt of the Department Head response in the Administrative Office, it is reviewed by Administrative Staff. If the response is found to be appropriate, a Board of Supervisors response is prepared which typically concurs with and adopts the Department Head response.
- The proposed Board response, along with a copy of the Department Head response and the original Grand Jury Report is provided to each of the Supervisors for review and comment. This occurs several weeks prior to the Board meeting date at which the Board response is to be considered.
- If there are no recommended changes to the Board response, the response is placed on the consent calendar for the next available Board meeting.



- Following Board approval of the Board response, the response is signed by the Chairman and the Board response is sent by the Clerk of the Board to the Presiding Judge.

Should you have any questions, or desire further information, please feel free to contact me at the Madera County Administrative at (559) 675-7703.

Sincerely,



Darin McCandless  
Risk Management Analyst  
County of Madera

Cc: The Honorable Mitchell C. Rigby  
Frank Bigelow, Chairman Madera County Board of Supervisors  
Doug Nelson, County Counsel  
Eric Fleming, County Administrative Officer