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**Madera County and City of Madera Government  
Public Servants or Self Serving**

**Madera County Grand Jury  
Report 1920-06  
December 21, 2020**

1 **OVERVIEW:**

2 The Madera County Board of Supervisors (BOS) serves as the legislative and executive  
3 governing body of Madera County government. The Board of Supervisors is made up of five  
4 elected officials from five supervisorial and geographical districts in the County. Within the  
5 limits prescribed by State law, the Board enacts ordinances and rules, determines County policy,  
6 supervises the activities of County departments, adopts an annual budget, and negotiates and  
7 approves salaries.

8 The Madera City Council, a board of seven, is the elected legislative body of the City of  
9 Madera. Members of the City Council are elected by district, and the Mayor is elected at  
10 large. There are six (6) Council districts. Members of the City Council, including the Mayor,  
11 serve four-year terms. According to the National Association of Counties’ Code of Ethics, the  
12 code requires that the duty and responsibilities to the communities remain unbiased, are fair and  
13 open to the public, and receive community input.

14 The self-serving practices of the City of Madera and County of Madera governments have  
15 repeatedly ignored the rights, voices, and the needs of the constituency. As elected officials, their  
16 duty is to serve the residents of Madera County and the City of Madera honestly, openly, and  
17 purposefully.

18  
19 In this 2019-2020 Grand Jury report, the Madera County Grand Jury (MCGJ) addresses the  
20 following complaints.

- 21 • **Part I: Madera County Administrative Officer (CAO) Management Practices**
- 22 • The rights of employees have been squelched and dismissed.
  - 23 ○ **The complaints were that Workplace Harassment issues were not addressed.**
- 24 • **Part II: Coarsegold Rezoning**
- 25 • The repeated requests of residences have been shoved to the side.
  - 26 ○ **The complaints were failure by the BOS to listen to impacted constituents.**
- 27 • **Part III: Madera Municipal Airport Closure of Runway 8-26**
- 28 • The needs of a long-valued and heralded agricultural industry are experiencing frequent  
29 incursions of urban expansion without prior notice.
  - 30 ○ **The complaints were that adequate Public Notice not provided in accordance**  
31 **with the Brown Act.**

32

33 **PART I**

34 **Madera County Administrative Officer (Cao) Management Practices**

35 The complaints were that Workplace Harassment issues were not addressed.

36 **SUMMARY**

37 During the last 10 years several workplace harassment complaints from Madera County  
38 employees have been reported to local news agencies and the Madera County Grand Jury  
39 (MCGJ). The 2012-2013 Madera County Grand Jury reported on these issues and they were not  
40 resolved by the Madera County Board of Supervisors or Human Resources Department. This

1 2019-2020 Madera County Grand Jury report further documents the ongoing and newly reported  
2 issues that occurred in the Chief Administrators Office (CAO) of Madera County.  
3

4 **GLOSSARY**

5 BOS – Madera County Board of Supervisors

6 CAO – County Administrative Officer

7 MCGJ – Madera County Grand Jury

8 MCC – Madera City Council

9 Nonfeasance - The willful failure to execute or perform an act or duty required by one’s position,  
10 office, or **law**, whereby that neglect results in harm or damage to a person or property  
11

12 **BACKGROUND**

13 During the 2019-2020 year, the MCGJ received complaints which had previously been addressed  
14 in the *MCGJ Report of 2012-2013* regarding misconduct by the County Administrative Officer  
15 (CAO). The response to the 2012-2013 report by BOS dismissed the findings of the MCGJ and  
16 denied the existence of any problems. Therefore, the MCGJ was prompted to revisit the 2012-  
17 2013 issues expecting that progress in resolving workplace harassment issues would have been  
18 made. After reviewing the new complaints, the MCGJ was appalled that these serious issues  
19 regarding the office of the CAO persisted.

20

21 **METHODOLOGY**

22 Interviewed:

- 23 • Complainants
- 24 • County Staff
- 25 • Elected Officials

26 Documents:

- 27 • Resignation and Agreement Release, Madera County Contract #11539-19 dated  
28 12/13/2019
- 29 • Resolution No. 2016-284 “Policy and Guidelines on Discrimination and Harassment”  
30 adopted by the Madera County Board of Supervisors October 18, 2016
- 31 • Resolution No. 2019-128 “Policy and Guidelines on Discrimination and Harassment”  
32 adopted by Madera County Board of Supervisors August 20, 2019
- 33 • The National Association of Counties’ (NACo) [www.NACo.org](http://www.NACo.org)  
34 Board of Supervisors Meetings:
- 35 • Board of Supervisors meeting 10/1/2019. Reorganization of Human Resources  
36 Department.
- 37 • <http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True>
- 38 • Board of Supervisors meeting on 12/10/2019 – Public Comment
- 39 • Board of Supervisors meeting on 01/14/2020 – Public Comment

- 1 • Madera County Board of Supervisors Meeting 2/4/2020. Selection of new Director of
- 2 Human Resources.
- 3 • <http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True>
- 4 • Reviewed locally published newspaper articles regarding ongoing CAO issues <sup>1</sup>
- 5

6 **DISCUSSION**

7 The 2012/2013 Madera County Grand Jury wrote a report that cited the same workplace  
8 harassment issues within the CAO office that are contained within the 2019 complaints. The  
9 2012/2013 report cited.

- 10 1. *The CAO creates a hostile work environment by:*
  - 11 a. *bullying, intimidating and threatening subordinates.*
  - 12 b. *demonstrating retaliation, resentment, and secrecy.*
  - 13 c. *sending threatening and intimating emails and letters to department heads;*
  - 14 d. *using inappropriate and profane language in an angry email to department heads;*
  - 15 e. *engaging in angry, verbal tirades in the presence of others.*
- 16 2. *The CAO plays favorites with certain employees.*
- 17 3. *The CAO uses divisive tactics by pitting department heads against one another.*
- 18

19 The 2019-20 MCGJ upon investigation and interviewing current complainants cited the  
20 workplace harassment issues have been allowed to continue for the last 10 years without any  
21 intervention by the BOS or Madera County Human Resources.

22 As a result of a second public complaint, MCGJ initiated investigations into continued abusive  
23 behavior within the County workplace. The MCGJ researched the topic using internet search  
24 resources and reviewed Madera County Policies and Guidelines on Discrimination and  
25 Harassment related to workplace behavior. The MCGJ interviewed past and current county  
26 employees who were targets of, or witnesses to, abusive behavior. The MCGJ found that abuse  
27 continued to occur in County government and that the County has not enforced the adopted  
28 policies in place to protect employees. Employees have escaped from abusive behavior by  
29 severing their County employment or just simply “flying under the radar”.

30 These harassed employees did not file complaints of abusive behavior because they perceived  
31 they could not get a fair and impartial investigation into their complaints. This was largely  
32 because the Human Resources Department reported directly to The Office of the CAO.

33 Affected County employees relayed that if any employees filed complaints, such action would  
34 most likely put their jobs in jeopardy. A particularly disturbing report in the May 27, 2014 Big  
35 Valley News Room an employee who was harassed by the CAO filed for workman’s  
36 compensation. The employee accepted a \$10,000 settlement. The employee, accepting the  
37 payout could never again work for or apply for a position with Madera County Government.<sup>2</sup> In  
38 March of 2014 another separate hostile work environment claim was filed with the California

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<sup>1</sup> Refer to Bibliography

<sup>2</sup> 5/27/2014 Big Valley News/New Hostile Work Environment Claim Against Madera County

1 Fair Labor and Housing Office in Fresno. At this point the Madera County Counsel's office  
2 requested an outside investigation be conducted by Bickmore Risk Services. The MCGJ  
3 requested, via a public records request, a copy of this report. MCGJ was advised that no such  
4 report existed.

5 On December 10, 2019, the MCGJ attended the BOS meeting and witnessed an Elected Official  
6 addressing the BOS on the recurring workplace actions of CAO. The speaker addressed the BOS  
7 adopted policy violations and was speaking not only as an individual but for other county  
8 employees, who feared speaking out against the CAO's harassment. The speaker stated that the  
9 BOS "turned a blind eye".

10 At the October 1, 2019 meeting, BOS authorized the reorganization of the Department of County  
11 Administration and created the Department of Human Resources. A new Director of Human  
12 Resources with the new reorganization, was selected and hired at the February 4, 2020 BOS  
13 Meeting. The new Director of Human Resources reports directly to the BOS.

14 The MCGJ reviewed the BOS updated Resolution No. 2019-128 "Policy and Guidelines on  
15 Discrimination and Harassment" adopted August 20, 2019 and found no change in the guidelines  
16 for handling complaints by county employees. The complaint process is as follows: "*The*  
17 *employee complaining about a co-worker or a supervisor/manager shall submit a complaint in*  
18 *writing to his or her department head, with a copy to the Deputy CAO-Human Resources*  
19 *Operations (Deputy CAO), who will notify and provide a copy of the complaint to County*  
20 *Counsel*". If any employee is complaining about a Department Head, the complaint goes to the  
21 Clerk of the Board of Supervisors who then distributes copies to the Deputy CAO-Human  
22 Services.

23  
24 The MCGJ expressed the continued lack of action by the BOS, allowing the former CAO to  
25 continue the same inappropriate behavior. The BOS was aware of these workplace harassment  
26 issues since 2012 and did nothing to correct such abusive behavior.

27 The CAO's bullying and intimidation of County employees and department heads continued  
28 until the CAO's resignation December 13, 2019. The CAO's selective enforcement of policies,  
29 the use of Annual Evaluations as a punitive tool and the continued violation of written Policy and  
30 Procedure protocols were construed by County employees as acceptable behavior sanctioned by  
31 the BOS. The MCGJ assigns responsibility entirely on the BOS in failing to recognize, address  
32 and correct the actions of; bullying, intimidating and threatening activities in a timely manner. The  
33 BOS's response to the issues cited in the 2012-2013 report, stated the findings in the MCGJ  
34 report "are not supported by the record" and that all recommendations by the MCGJ "will not be  
35 implemented". Therefore, the BOS did not correct the issues revealed in the 2012-2013 report.

36 The delay in replacing the former CAO cost the county far too much in taxpayer money, in  
37 addition setting the county up for future litigation by employees who were previously reluctant to  
38 take any legal actions against the county.

39  
40 The annual salary of \$306,000 for this CAO was not justified.

1 On September 22, 2015, The ABC News headline read *Madera County's top administrator is*  
2 *getting a pay raise*. The report stated *Staff (County) proposed a raise from \$183 thousand a year*  
3 *to \$214 thousand*. Though this decision was defended by the county taxpayers disagreed.  
4 In one article a *Chowchilla resident said, "a raise of the proposed amount at this time is*  
5 *excessive, completely unfair, and it sends the wrong message to the constituents."*  
6 A Madera resident said, "*Let's take care of the employees because you guys keep slapping the*  
7 *employees in the face, saying they're not worthy"*.  
8 On September 29, 2015, the Chowchilla News printed an article titled *Madera County official*  
9 *receives controversial pay bump*. The article stated *Madera County CAO was recently granted a*  
10 *more than \$31,000 salary increase, causing some to question why he's being given a raise*  
11 *before rank-and-file employees*

12  
13 In addition, the severance pay of \$113,168.34 is called into question. Despite the resignation of  
14 the CAO a severance package was paid out. Madera County Contract No. 11539-19, Resignation  
15 Agreement and Release signed by the CAO and Chairman for the BOS on December 13, 2019  
16 states the following:

17 *Recital:*

18 *Section B. An employment issue has arisen between the CAO and the County, and CAO now*  
19 *desires to voluntarily resign from his employment with the County, and the County desires to*  
20 *accept CAO's immediate resignation, upon the terms and conditions set forth in this Agreement.*

21 *Agreement:*

22 *Section 2. Resignation. By execution of the Agreement, CAO voluntarily resigns his employment*  
23 *with the County effective at the close of business on December 13, 2019, which resignation is*  
24 *hereby accepted by County. CAO's resignation is irrevocable. CAO agrees he shall have no*  
25 *right to future employment with the County.*

26 *Section 3. Severance Payment: Benefits: Leave Payment. In consideration of CAO's immediate*  
27 *resignation and the releases set forth in the Agreement, County agrees to pay CAO the sum of*  
28 *\$113,168.34, less all required taxes and deductions and voluntary deductions....*

## 31 **FINDINGS**

32  
33 **F1.** The MCGJ finds that the Board of Supervisors committed nonfeasance by not taking  
34 appropriate action on a timely basis on the ongoing workplace harassment complaints and issues.

35 **F2.** The MCGJ finds that the CAO's \$306,000 salary is excessive commensurate to the size of  
36 the County population and budget.

37 **F3.** The MCGJ finds that the CAO's severance of \$113,168.34 was paid by county taxpayers.

38 **F4.** The MCGJ finds that the Board of Supervisors negligent in failing to address the ten years of  
39 harassment thus allowing the unhealthy work environment to persist.

## 41 **RECOMMENDATIONS**

42 **R1.** The MCGJ recommends that the Board of Supervisors immediately address, review, and  
43 curtail all abuses of power in the county workplace by working with the County Human Resources  
44 Director to ensure that adopted Policies and Procedure protocols are enforced.

1 **R2.** The MCGJ recommends that the County Director of Human Resources immediately conduct  
2 compensation research and salary review for the CAO position as it relates to counties and budgets  
3 similar in size to Madera County.

4 **R3.** The MCGJ recommends that the Board of Supervisors immediately document and provide a  
5 rationale for the severance package and payout made to the CAO.

6 **R4.** The MCGJ recommends that immediately changes are made to Resolution No. 2019-128  
7 “Policy and Guidelines on Discrimination and Harassment,” adopted by Madera County Board  
8 of Supervisors August 20, 2019, to enable employees to report issues to the Human Resources  
9 Department without fear of retribution or retaliation.

10  
11

12 **PART II**

13 **Coarsegold Rezoning**

14 The complaints were failure by the BOS to listen to impacted constituents.

15  
16

16 **SUMMARY**

17 The Madera County Grand Jury (MCGJ) responded to complaints regarding the ongoing request  
18 to rezone a Coarsegold neighborhood from residential rural to light industrial. Residents of the  
19 area in question presented to the Board of Supervisors’ objections to this rezone, provided a  
20 signed petition by all neighbors and continue to oppose this rezoning. This issue has come before  
21 the Board of Supervisors and County Planning Department numerous times beginning in 2002  
22 and continuing through 2018.

23  
24

24 **GLOSSARY**

25 BOS – Madera County Board of Supervisors

26 CEQA - California Environmental Quality Act was enacted in 1970 and requires that all known  
27 environmental effects of a project be analyzed, including environmental noise impacts

28 EIR – Environmental Impact Report

29 MCGJ – Madera County Grand Jury

30  
31

31 **BACKGROUND**

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34 Over the past 17 years, a property owner in the Meadow Springs Ranch neighborhood has  
35 repeatedly requested the rezoning of a 30-acre parcel from Residential Mountain Single Family  
36 (RMS) to Industrial, Urban or Rural, Light LI. The request also included an amendment to the  
37 General Plan and Coarsegold Area Plan designations from Rural Residential (RR) to Light  
38 Industrial (LI). The property is located on the West Side of Highway 41, between Veater Ranch  
39 Road and Stone Creek Drive. The parcel was split into two lots in 2014 (APN #054-090-095 and  
40 APN #095-090-096) and is surrounded entirely by residential homes. A petition signed on June  
41 12, 2018 by 121 residents, has continually opposed the rezoning citing noise, traffic flow issues,  
42 and environmental impacts. Additionally, reviews completed and recommendations by the  
43 County Planning Department, Cal Trans, and the Regional Water Control Board also  
recommended denial of this rezoning and filed a negative environmental impact report. This

1 report addresses the ongoing requests and opposition presented to the Board of Supervisors by  
2 the various agencies and concerned property owners.  
3

#### 4 **METHODOLOGY**

5 Interviewed:

- 6 • Complainants

7 Meetings

- 8 • Board of Supervisors Meeting August 21, 2018 – Public Hearing for Re-zoning
- 9 • Madera County Planning Commission June 5, 2018 – Regular Meeting
- 10 • Board of Supervisors Meeting June 22, 2009 - Board of Supervisors Special Meeting
- 11 • Board of Supervisors Meeting August 21, 2008 – Board of Supervisors Meeting

12 Documents

- 13 • Referenced Madera County General Plan GP #2016-004
- 14 • Environmental Impact Report – Sierra Meadows Estates Subdivision, May 2005
- 15 • Reviewed Coarsegold Area Plan Adopted October 10, 2006
- 16 • Reviewed Coarsegold Municipal Services Review Adopted March 28, 2017
- 17 • PRJ# 2016-006, CZ# 2016-011, GP# 2016-004, APN# 054-090-096, CEQA MND
- 18 #2016-24, June 5, 2018
- 19 • Petition to Oppose Rezoning June 12, 2018
- 20 • Reviewed Proposal of Opposition to PRJ #2016-004 Presentation presented to Board of
- 21 Supervisors August 21, 2018
- 22 • Referenced Resolution 4329 Denied Rezone August 21, 2018 Public Hearing

#### 25 **DISCUSSION**

26  
27 The BOS demonstrated favoritism to certain property owners, while ignoring the voices of a  
28 large group of concerned residents and regulatory agencies. The property owner requesting the  
29 rezoning in 2002, 2005, 2009, 2014, 2017, and 2018 was denied each time. The BOS ignored the  
30 Planning Commission, Cal Trans and Regional Quality Control Water Boards denial of the  
31 rezoning request citing safety and environmental impacts. At a June 22, 2009 Special Meeting, a  
32 Planning Commission member was observed having a conversation with the requesting property  
33 owner. The Planning Commission member proceeded to the podium to speak during public  
34 comments to advocate for the requesting property owners rezoning request. A member of the  
35 BOS was observed to have signaled from the dais to the requesting property owner to have a  
36 private conversation in the lobby. After the lobby conversation the BOS member then returned  
37 to the dais requesting an immediate vote to return the project back to the Planning Commission  
38 **without** allowing the 35 opposing residents to speak. A former BOS witnessed the conversation  
39 between the property owner and the current BOS member. County Counsel intervened and  
40 addressed the BOS and public citing testimony that members of the Planning Commission had  
41 discussed the project outside the Public Hearing process. The hearing was deemed “tainted and  
42 compromised” and the rezoning request was denied. This blatant disregard by the BOS to follow  
43 the Public Hearing process further typifies the biased decisions being made in the county.



1 A public hearing is intended to obtain public testimony or comment prior to any decisions being  
2 made. Not all members of the public wishing to speak were heard.

3  
4 The property owner requesting this rezoning proposal has been cited multiple times for code  
5 violations and has been notified of the rezoning denial. The following denotes the Planning  
6 Commission recommendation to deny the rezoning six times and the three code violations from  
7 2002 through 2018. Only one code violation was rectified.

8  
9 **Resolution 4329 Denied Rezone Board of Supervisors Meeting August 21, 2018**

10 *The Planning Commission recommends to the Board of Supervisors that the general plan amendment and*  
11 *rezone be denied. However, should the Board of Supervisors vote to approve the general plan amendment*  
12 *and rezoning, it is recommended that the Board also approves all conditions of approvals, the mitigated*  
13 *negative declaration and the mitigation monitoring program as included.*

14  
15 **Previous Relevant Board Actions on this Specific item:**

16 **GP #2002-05 (proposed to amend the designation from RR - Rural Residential - to HC - Heavy**  
17 **Commercial); and CZ #2002-07 (proposed to rezone from RMS - Rural Mountain Single Family - to**  
18 **PCD - Planned Commercial Development) was denied at the Planning Commission. (APN #054-090-**  
19 **021).**

20 **A Code Enforcement violation (ZA #2003-0262) for grading and stockpiling material on site without**  
21 **benefit of permit was issued in 2003. (APN #054-090-021).**

22 **PRJ #2005-009 consisting of a rezone from RMS (Residential, Mountain, Single Family) District to**  
23 **PCD (Planned Commercial Development), a General Plan Amendment from RR (Rural Residential) to**  
24 **HC (Heavy Commercial) Designation and an Area Plan Amendment from SF-2 ½ (Single Family - 2 ½**  
25 **Acre) District to CG (Commercial General) District was denied at the Planning Commission, the Board**  
26 **of Supervisors referred it back to Staff, and was eventually withdrawn due to no further action by the**  
27 **applicant. (APN #054-090-021)**

28 **PRJ #2008-014 consisting of a rezone from RMS (Residential, Mountain, Single Family) to PIP**  
29 **(Planned Industrial Park), a General Plan Amendment from RR (Rural Residential) Designation to LI**  
30 **(Light Industrial) Designation, and an Area Plan Amendment was heard by the Planning Commission on**  
31 **April 7, 2009 and denied by a 5-0 vote. The Board of Supervisors heard the item on June 22,**  
32 **2009, and denied the project by 5-0 vote. (APN #054-090-021).**

33 **A Notice of Violation was issued by the Regional Water Quality Control Board for grading without**  
34 **adequate erosion control best management practices in place on May 5, 2010. (APN #054-090-021).**

35 **A Code Enforcement violation (ZA #2013-0127) was issued for illegal construction. (APN #054-090-**  
36 **021). This violation has been corrected.**

37 **Project PRJ #2016-006 Description and Analysis:**

38 *The applicant is requesting to amend the Zoning, General Plan and Coarsegold*  
39 *Area Plan designation to a light industrial designation for the storage and maintenance of heavy*  
40 *equipment (i.e. pick-up trucks, dump trucks, equipment transport trucks, water trucks, loaders,*  
41 *dozers, backhoes, excavators, scrapers, rollers, compactors, pavers, and paving equipment), and*  
42 *for the storage of building materials, such as culvert pipe, pipe products, aggregate, conduit*  
43 *beams, catch basins, manholes, and small equipment such as welders and air compressors. The*  
44 *request is to change the zoning from RMS (Residential, Mountain, Single Family) to IL*  
45 *(Industrial, Urban or Rural, Light); to change the general plan designation from RR (Rural*  
46 *Residential) to LI (Light Industrial); and to change the Coarsegold Area Plan designation from*  
47 *RR (Rural Residential) to LI (Light Industrial Business Park).*

48 *The hours of operation of the site would be 5 days a week, 6:00 AM to 7:00 PM, twelve months a*  
49 *year. However, the applicant has indicated that he is under contract with CalFire and the Forest*

1 *Service (USFS). This would mean that there is a potential of equipment such as the bulldozers,*  
2 *water trucks and related vehicles will go in and out of the site at all hours of the day.*

3  
4 A full report provided to the BOS on June 5, 2018 by the Community and Economic  
5 Development Planning Commission and Environmental Impact Report (EIR) Assessment of the  
6 rezoning request. The report included an Environmental Impacts Study with input from County  
7 and State Agencies; Cal Trans, Madera County Planning Commission, Regional Water Quality  
8 Board and other Agencies. These agencies studied the impacts of noise (under the 1970 CEQA  
9 Act), traffic flow, water quality impacts, and noise issues.

10  
11 The partial analysis results from the regulatory agencies reported the following impacts of this  
12 proposed rezoning:

13 **Madera County Community and Economic Development Planning Division:**  
14 **Planning Commission Staff PRJ #006-006 Report:**

15 *Access to the site is via Highway 41 directly across from Veater Ranch Road. At this time, there*  
16 *are no acceleration or deceleration lanes to accommodate the equipment getting up to or*  
17 *slowing down from highway speed. The topographic nature of Highway 41 in that area makes it*  
18 *difficult to judge when the next vehicle is coming, therefore for heavy equipment to get on to*  
19 *Highway 41 and attempt to get up to speed may pose safety issues. Highway 41 is considered an*  
20 *arterial roadway that currently meets or exceeds capacity. It was originally designed as a two*  
21 *lane highway with a capacity of approximately 2,100 vehicles per hour. There are areas of*  
22 *Highway 41 where the vehicle trips exceeds 2,200 vehicles per hour. With the hours of operation*  
23 *being from 6:00AM to 7:00 PM, there would be negative impacts to commute traffic with heavy*  
24 *equipment entering and leaving the site, causing congestion.*

25  
26 *The subject parcel is surrounded predominately by residentially zoned parcels. Most of the*  
27 *residences in the area have a direct line of site to the parcel and can see when heavy equipment*  
28 *is parked on site. These residents have indicated that they can also hear the equipment when in*  
29 *operation. Across Highway 41 from the site at Veater Ranch Road is a school bus stop. There is*  
30 *the chance that heavy equipment could be leaving the site at or around the same time school*  
31 *children are waiting for pick-up, which could be a potential safety issue.*

32  
33 **Cal Trans**

34 *The Coarsegold Area Plan has policies that seek to achieve a safe circulation system that*  
35 *accommodates the areas needs and is capable of handling its' current and future needs. Based*  
36 *on comments received from Caltrans, which referenced their comments on the 2008 project, this*  
37 *project would contribute negatively to the circulation patterns in the area. Caltrans commented*  
38 *on the project, and indicated that their current comments were similar to the previous projects*  
39 *on the parcel. Highway 41 in the area of the project is planned for a 4-lane highway with a 146*  
40 *feet (73 feet measured from centerline) minimum right-of-way. The existing right-of-way within*  
41 *the project area varies between 85 to 160 feet. Therefore, additional right-of-way to the west will*  
42 *be needed for future planned highway. Encroachment permits must be obtained for all*  
43 *encroachment activities. Caltrans would further require left and right turn lanes to access the*  
44 *parcel so as to not impact traffic.*

45  
46 **Water Quality Control Boards and other Agency comments**

1 *Coarsegold Creek is directly down slope from the project location. A drainage swale is indicated*  
2 *leading from the project site to the creek. Heavy equipment engines have a tendency, even if*  
3 *maintained properly, to drip oils, grease, lubricants, and anti-freeze on to the ground. During*  
4 *any precipitation event, these oils and greases and lubricants can flow straight to the creek. The*  
5 *applicant has also indicated the operation might include equipment maintenance.*  
6 *This could lead to release of oils, grease, fuels and other materials detrimental to Coarsegold*  
7 *Creek.*

8 *The Regional Water Quality Control Board contacted Staff as a part of their response to the*  
9 *project. They had expressed some concern over the project. One of the main points they voiced*  
10 *was that the applicant had apparently been issued a Notice of Violation in 2010 regarding*  
11 *grading activities that had inadequate erosion and sediment control best management practices*  
12 *being implemented.*

13 *The project was circulated to County Departments and outside regulatory agencies for*  
14 *comments and conditions. This included the San Joaquin Valley Air Pollution Control District,*  
15 *Regional Water Quality Control, Department of Fish and Wildlife, Agricultural Commissioner,*  
16 *the Chowchilla Yokuts Tribe, Picayune Rancheria of Chuckchansi, Table Mountain Rancheria,*  
17 *the Coarsegold Area Plan Advisory Committee and Sheriff's Department.*

18 *The Picayune Rancheria of Chuckchansi responded with concerns on the project. Their concerns*  
19 *included cultural resources, noise issues, the new access point and the new well. They indicate*  
20 *that if the project were approved that an archaeological evaluation be conducted.*

21  
22 MCGJ observed video of the June 22, 2009 BOS meeting when impacted property owners made  
23 a clear case against the rezoning of this property and offered reasonable viable options for the  
24 property owner to explore. Attempts by the property owners and regulatory agencies to mitigate  
25 the request only led to rebuff and dismissal of solutions offered to the BOS. Ultimately, the  
26 matter was sent back to the County Planning Department for "further review." One BOS member  
27 called the public comments and proposal as "**mob rule.**" The BOS voted against the rezoning  
28 five times and finally denied the request again at the August 21, 2018 following the Planning  
29 Department's repeated recommendations. The waste of taxpayer money and County and State  
30 resources to continually reconsider a rezoning proposal that has been denied a minimum of six  
31 times is excessive.

## 32 33 34 **FINDINGS**

35  
36 **F1.** The MCGJ finds that the Board of Supervisors' behavior towards the public and the  
37 constituents is contrary to the National Association of Counties' Code of Ethics.

38 **F2.** The MCGJ finds that elected officials of the Board of Supervisors acted outside the Public  
39 Hearing process and may have violated the Brown Act.

40 **F3.** The MCGJ finds that the Board of Supervisors acted negligently by showing favoritism to  
41 the property owner requesting the rezoning and ignoring the recommendations of the regulatory  
42 agencies and aggrieved tax paying property owners.

## 43 44 **RECOMMENDATIONS**

1 **R1.** The MCGJ recommends that the Board of Supervisors immediately adhere to and comply  
2 with the National Association of Counties’ Code of Ethics that states that well-functioning  
3 counties form the basis for the people’s trust in government.

4 **R2.** The MCGJ recommends immediately that all Board of Supervisor members read and follow  
5 the Brown Act as required by law.

6 **R3.** The MCGJ recommends that immediately the Board of Supervisors make a final decision on  
7 this rezoning request and **close the request.**

8  
9  
10 **PART III**

11 **Madera Municipal Airport**

12 Part III. The needs of a long-valued and heralded agricultural industry are experiencing frequent  
13 incursions of urban expansion without prior notice.

14 **The complaints were that adequate Public Notice was not provided in accordance with the**  
15 **Brown Act.**

16  
17 **SUMMARY**

18 The self-serving practices of the City of Madera and the County of Madera have repeatedly  
19 ignored the rights, voices, and the needs of the constituency. Along with issues addressing  
20 work-place harassment (Part 1) and repeated requests for rezoning (Part 2) contained in this  
21 overall report (Madera County and the City of Madera Government: Public Servant or Self-  
22 Serving), this investigation into the closure of Runway 8-26 (Part 3) further highlights the City of  
23 Madera and the County of Madera’s self-promoting agendas rather than the interests of the  
24 residents of Madera County in an honest, open, and purposeful fashion.

25  
26 Within the City of Madera and the County of Madera there has been much public interest and an  
27 outcry concerning the closure of Runway 8-26 at the Madera Municipal Airport. The topic of the  
28 closure of Runway 8-26 has been discussed in the Madera Tribune and during Madera City  
29 Council meetings. In addition to the public responses to the closure of Runway 8-26, the Madera  
30 County Grand Jury (MCGJ) received several citizen complaints regarding the closure of Runway  
31 8-26.

32 In order to operate, every airport is required to submit to the Airport Land Use Commission  
33 (ALUC – “The Commission”) their Master Plan (“Master Plan”). The Airport Land Use  
34 Compatibility Plan (ALUCP – “The Plan”) was originally drafted for the Madera Municipal  
35 Airport in 1993. It is required by the Federal Aviation Administration (FAA) and State  
36 Aeronautical Act (SAA). The Plan utilizes composite compatibility zones. Four compatibility  
37 factors are considered: noise, safety, airspace protection, and overflight. The Commission was  
38 intended to promote compatibility between airport operators and surrounding land use. From this  
39 Master Plan of the airport, The Commission then completes The Plan. The Plan is approved by  
40 the FAA, not the County, City, or Airport Advisory Committee.

41  
42 **GLOSSARY**

1 AAC: Airport Advisory Commission (appointed by the City of Madera)  
2 ALP: Airport Layout Plan  
3 ALUC: Airport Land Use Commission aka “The Commission (appointed by the County of  
4 Madera, includes two county representatives, two city representatives [Chowchilla and Madera]  
5 and one aeronautic expert/citizen appointee)  
6 ALUCP: Airport Land Use Compatibility Plan aka “The Plan” (pertains to property surrounding  
7 the perimeter of the airport)  
8 AMP: Airport Master Plan aka “Master Plan” (pertains to airport property)  
9 FAA: Federal Aviation Administration (must approve actions taken by The Commission)  
10 NOTAM: Notice To Airmen (reflects current conditions at the airport)  
11 SAA: State Aeronautical Act  
12 TAG: Technical Advisory Group, (working subcommittee of The Commission, comprised of  
13 city and county staff members, without an aeronautics expert)  
14

## 15 **BACKGROUND**

16 The Madera Municipal Airport is a general aviation airport owned and operated by the City of  
17 Madera, situated on 524 acres on the northwest edge of the City of Madera, and is supervised by  
18 the Madera Public Works Department. It is self-supporting and does not receive any subsidies  
19 from the City of Madera. Revenues from the airport finance the cost of operations and  
20 maintenance with the surplus going into the Enterprise Airport Fund.  
21

22 The Airport has two asphalt paved runways. The primary runway, Runway 12-30, is 5544 feet  
23 long and the secondary, agriculture runway, Runway 8-26, is 3702 feet long and is restricted to  
24 aerial agriculture application, crop dusters, only. There is no tower, and pilots follow FAA  
25 procedures.  
26

27 The City of Madera Airport Advisory Commission is a City Council appointed body established  
28 to serve in an advisory capacity to the City Council and staff on matters concerning the airport.  
29 The Commission is tasked with reviewing the annual budget to prioritize capital projects as well  
30 as reviewing and recommending airport policies, operational procedures, and action regarding  
31 land use surrounding the airport. The Advisory Commission meets three times a year or more if  
32 needed.  
33

34 The Airport Land Use Compatibility Plan (The Plan), required by the FAA and State  
35 Aeronautical Act (SAA), was originally drafted for the Madera Municipal Airport in 1993. It was  
36 intended to promote compatibility between airport operators and surrounding land uses. The Plan  
37 does not have authority over existing land uses or operations of the airport, nor does it propose  
38 future airport or land use development or physical environmental changes.  
39

40 In 2015, the City of Madera requested an update of the original 1993 Master Plan and a  
41 committee was formed including City Planners. The outcome of the updated Master Plan  
42 included closure of the Runway 8-26, and the construction of a large housing development. This  
43 Master Plan was presented to the public at a City Council meeting in August 2019 as a “done  
44 deal.” As a result, much negative commentary from pilots and users of Runway 8-26 was voiced.

1  
2 Since then, the MCGJ received complaints over the closure of Runway 8-26 and the loss to local  
3 agriculture of the crop dusting services necessary to maintain and grow the agricultural industry.

4  
5 In the past, Runway 8-26 served as an agricultural runway for the purpose of crop dusting, and  
6 aerial application of fertilizers, and pesticides. Runway 8-26 has been considered a vital,  
7 centrally located agricultural runway for the purpose of crop dusting. Crop dusting is a general  
8 term for aerial application of products.

9 With the closure of the Runway 8-26 at the Madera Airport, crop dusters no longer have a  
10 “designated crop duster only”- runway with which to conduct business. Crop dusters will be  
11 required to use the main runway, which is used by all other private and public flights.

12  
13 Changes to the airport and its operations are the purview of the City of Madera’s Airport Layout  
14 Plan, not The Plan, as stated in the September 1, 2015 ALUCP Staff Report. According to the  
15 Staff Report, the City of Madera was “in process” of updating the Airport Layout Plan (ALP),  
16 therefore, it fell to the City of Madera to provide Public Notice concerning those changes.

17 However, it was the position of the City of Madera planners that notice provided by the County  
18 of Madera was adequate. The MCGJ was not able to find any separate notices addressing the  
19 closure of Runway 8-26 made or posted by the County. Rather, the MCGJ was told the closure  
20 of Runway 8-26 was a “done deal.”

21 The discussion surrounding the closure of Runway 8-26 dates back to 1993. The Plan is only for  
22 the areas surrounding the airport. The Plan does not address what the airport does on airport  
23 property if the airport does not violate past Airport Land Use Compatibility Plans. The  
24 Commission solely serves in an advisory capacity and cannot dictate the closure of a runway.  
25 According to the California Environmental Quality Act (CEQA):

26 *The Madera Municipal Airport Land Use Compatibility Plan (ALUCP) will replace the*  
27 *existing plan adopted in by the Madera County Land Use Commission (ALUC) in 1993.*  
28 *The proposed ALUCP is included as Attachment to the Initial Study. Preparation of the*  
29 *ALUCP is intended to promote compatibility between airport operations and surrounding*  
30 *land uses considering noise, safety, airspace protection, and overflight effects. Neither*  
31 *the ALUCP nor the ALUC have authority over existing land uses, operation of the*  
32 *airport, or state, federal, or tribal lands. Nor does the ALUCP propose future airport or land use*  
33 *development, or physical changes to the environment. Based on the analysis performance,*  
34 *adoption, and implementation of the ALUCP will not create a significant effect on the*  
35 *environment.*

36 <https://opr.ca.gov/2015071075>

## 37 38 39 **METHODOLOGY**

40 Interviews:

- 41 • City administrators and staff
- 42 • Airport Advisory Commission members
- 43 • Farm Bureau personnel
- 44 • Airport Land Use Commission members
- 45 • Airport personnel

- Impacted individuals, farmers, pilots, agricultural industry people

Document Investigations:

- Public meeting agendas and minutes
- Newspaper articles
- Public notices
- Federal, State, County, City land use documents
- Brown Act
- Government Codes
- Airport regulations, design, and management

### DISCUSSION

During the MCGJ’s investigation, and according to the Madera City Council, the unavailable Master Plan was cited as the original source for the decision to close Runway 8-26. However, repeated requests for a copy of the Master Plan went unheeded.

According to multiple sources, a broad public awareness of the 2015 Airport Land Use Compatibility Plan Update surfaced during the first week of June 2019 at an informal meeting with stakeholders and the City of Madera personnel. The updated plans included the closure of the Runway 8-26. Federal grant funding financed the maintenance of Runway 8-26. Without Federal grant funding, the City of Madera would not fund the maintenance of Runway 8-26. Consideration for continued funding required submission of a grant renewal application. Without a grant renewal application submission, funding terminated, maintenance was suspended, and the runway closed. FAA grants are available if requested. The MCGJ found no evidence that the City or County of Madera submitted any such request to continue receiving funding to maintain Runway 8-26. Repeated offers, by private entities, over many years, to negotiate an agreement to lease the property from the City of Madera were ignored.

A presentation was made during a Madera City Council meeting on August 21, 2019 where many citizens learned of the planned closure of Runway 8-26 and raised concerns. The presentation referred to the Airport Land Use Compatibility Plan Update from September 29, 2015. Citizens became aware of the problems the closure of the runway would present to crop dusters and the lack of information provided to the public. Heightened concerns from the public included the lack of adequate, detailed, and informative notice to those affected by the runway closure, the change in plans for the relocation of the construction site for the fire house, and airport safety. Concerned citizens have concluded that the veiled reasons for the closure of Runway 8-26 appears to be the desire of the City of Madera and County of Madera to develop the surrounding area, specifically “Village D.” Village D is identified as “Village Reserve” in The Plan, (Page 108, Section 5-3). Village Reserve is within the City of Madera’s sphere of influence and is located immediately west of the Madera Municipal Golf Course, and immediately north and south of the Airport boundary. Negative commentary from pilots and

1 users of Runway 8-26 was voiced during this meeting. The plan was presented to the public as a  
2 “done deal.” The airport Runway 8-26 is identified on the Compatibility Policy Map as shown  
3 as C1.

4 Concerned citizens became aware of the 2015 Madera Countywide Airport Land Use  
5 Compatibility Plan (ALUCP) during June 2019. At this time, in June 2019, very few who  
6 regularly use Runway 8-26 had seen or were aware of The Plan, or how The Plan would affect  
7 those who use the airport. Pilots, farmers, and crop dusters became aware that the restricted  
8 agricultural Runway 8-26, would be closed with the upcoming plans for “Village D” property  
9 development.

10 For pilots, the FAA maintains a website where information is posted regarding changes in airport  
11 conditions. The airports are also required to maintain a record with all NOTAMS and maintain  
12 the records for 5 years. According to the FAA, a NOTAM is a notice to pilots,

13 *“containing information (not known sufficiently in advance to publicize by other means)*  
14 *concerning the establishment, conditions, or change in any component (facility, service,*  
15 *or procedure of, or hazard in the National Airspace System) the timely knowledge of*  
16 *which is essential to personnel concerned with flight operations.”*

17 NOTAMs do not include any proposed changes to airport facilities and availability. There is no  
18 evidence that a NOTAM was posted regarding the closure of Runway 8-26. NOTAM’s do NOT  
19 serve as Public Notice. No record of the impending closure of Runway 8-26 was posted in a  
20 NOTAM until July 28, 2020, when the following NOTAM was posted:

21 **NOTAM 07/003: Madera Municipal Airport (KMAE)**

22 !MAE 07/003 MAE RWY 08/26 CLSD 2007282056-PERM CREATED: 28 Jul  
23 2020 20:56:00 SOURCE: KRIUYFYX)  
24 <https://ourairports.com/airports/KMAE/notams.html>

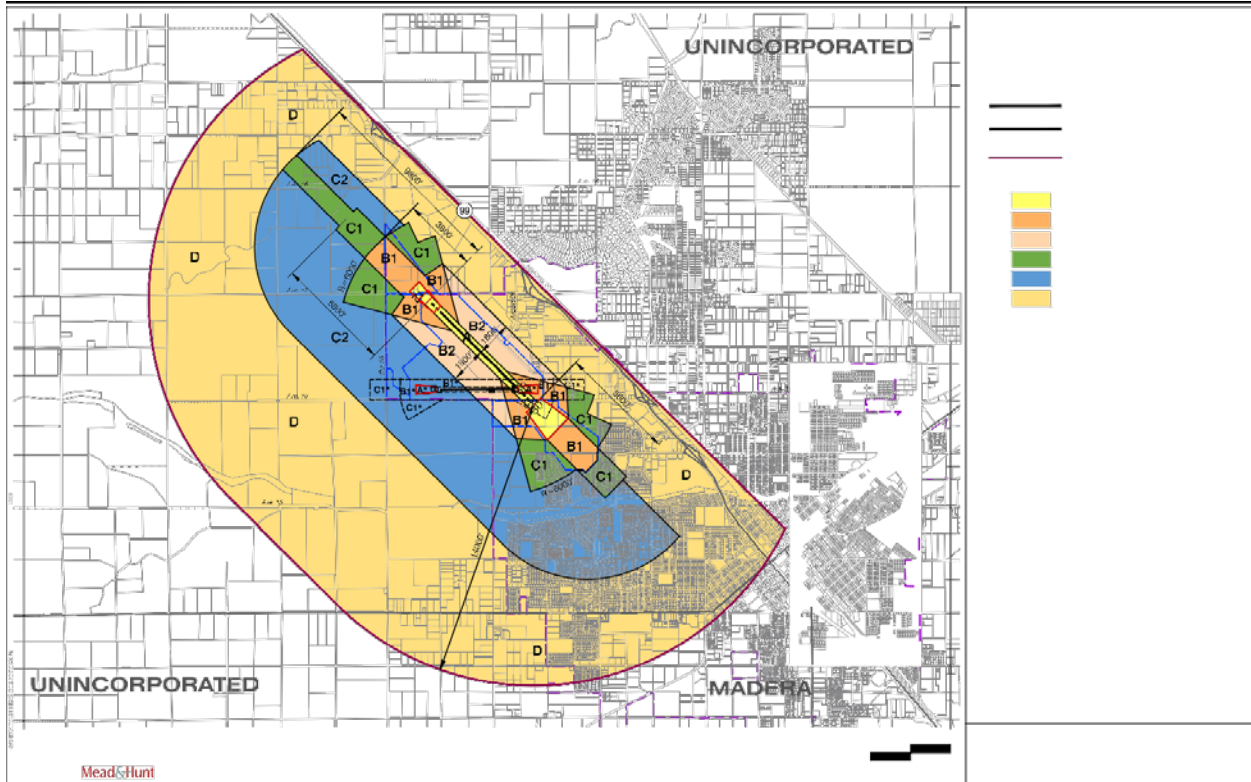
25 The development of Village D creates serious problems for the City of Madera Municipal  
26 Airport which includes the loss of the Runway 8-26, and the land development to the west and  
27 south of the airport that includes the proposed development of over 10, 000 homes, two  
28 elementary schools, and commercial buildings directly under the airport flight pattern. Citizens  
29 raised concerns regarding the long-term problems the City of Madera will face over safety, noise,  
30 airspace protection, and loss of agricultural generated income. Citizens questioned the lack of  
31 infrastructure needed to accommodate the 10,000 new homes. In addition, it appears that the  
32 effect on the agricultural community was not taken into consideration. These issues were  
33 included in the draft of the September 29, 2015 ALUCP Update, but concerned citizens were not  
34 made aware of these factors.

35  
36

37 **Compatibility Policy Map Madera Municipal Airport (C1)**

38





1  
 2 The Plan map shows the land surrounding the Madera Airport features the Village D designation  
 3 for future development. This is the area which is planned for 10,000 homes, two elementary  
 4 schools, and commercial zoning. This is the area which lies directly under the over-flight  
 5 patterns which raise safety, noise, and other annoyance concerns.

6  
 7 **Change in location of the new Fire Station**  
 8

9 A fire station was to be built on City of Madera- owned property across the street from the  
 10 Madera County Sheriff-Coroner’s Office. However, the City of Madera bought an additional and  
 11 different parcel of land for \$620,000 of taxpayer funds and has since constructed the Fire House  
 12 #58 at the end of Runway 8-26.

13 Relocation of the fire station was made with the termination of the grant funding for maintenance  
 14 and repair for Runway 8-26. The decision to relocate the site of the fire station came after no  
 15 application was made for federal grant money. The issue is the fact that the City of Madera paid  
 16 \$620,000 for a piece of land at the end of Runway 8-26 when there was already a planned and  
 17 identified location for the fire station. The decision to change the site of the fire station appears  
 18 to be more aligned with the plan for the development of Village D. The MCGJ was unable to  
 19 find the rationale used by the City of Madera to make the decision to incur additional expense  
 20 acquiring land for a new location for the fire station.

21 Oddly, the new location for the fire station was identified to be placed at the end of the Runway  
 22 8-26. According to some of the pilots, the location of the fire station was an additional reason the  
 23 City of Madera gave to close Runway 8-26. The potential loss of the runway protection zone was

1 cited. A runway protection zone provides a safe over-fly space for aircraft landings and take-offs.  
2 However, according to the pilots who use Runway 8-26, the loss of the runway protection zone is  
3 an invalid claim because the runway is of sufficient length.

4 Runway 8-26 includes a runway protection zone beyond each end of the runway to the east and  
5 west. These runway protection zones are shorter in length as compared to the main Runway 12-  
6 30. By closing Runway 8-26, the runway protection zones disappear. However, according to  
7 local pilots, there are ways to keep the runway in use and maintain approach zones clear with  
8 proper planning. Because Runway 8-26 is used for agricultural purposes, the types of planes,  
9 which use Runway 8-26, fly at a lower elevation, at slower speeds, and do not need an extended  
10 runway protection zone for safe take offs and landings.

11 **City and County’s Agenda/Brown Act**

12 Vocal citizens asserted their belief that the staff of the City of Madera and the County of Madera  
13 worked on their own agendas in a way which bypassed any oversight by the Madera City  
14 Council, Madera County Board of Supervisors, the Airport Advisory Commission (AAC), and  
15 the public including airport tenants and users.

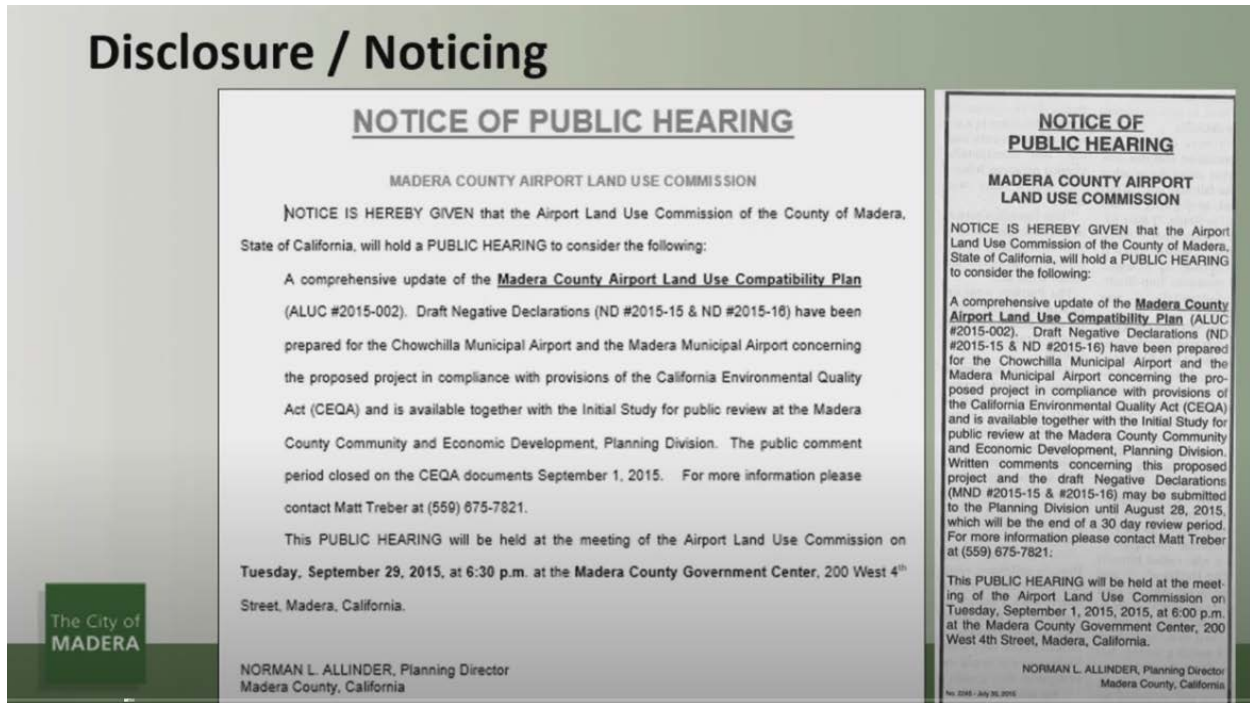
16 During the course of investigation, MCGJ met with the City of Madera’s planning department to  
17 gain a deeper understanding of the process employed with the decision to close Runway 8-26.  
18 The MCGJ was told by the Madera City Planning Department that adequate and compliant  
19 notice was given to the public in advance of making the decision to close the runway. While the  
20 MCGJ used a variety of comprehensive methodologies, including interviews, online searches at  
21 the City of Madera and County of Madera, other websites, and document requests, the only  
22 notices discovered were those used in a presentation on August 21, 2019 at a Madera County  
23 City Council meeting.

24  
25 The Airport Plan adopted in the Plan Update, September 1, 2015, proposed future abandonment  
26 of Runway 8-26. According to the Plan Update Staff Report, the City of Madera was in the  
27 process of doing an update to the ALP. The MCGJ was told that it was Madera County’s  
28 responsibility to provide notice of the Public Hearing for The Plan. The City of Madera failed to  
29 acknowledge their responsibility for providing Public Notice regarding updating the ALP. The  
30 MCGJ found no evidence of an adequate Public Notice which follows the requirements of the  
31 Brown Act.

32

33 **Exhibit A**

# Disclosure / Noticing



1

2 The Exhibit A is from the video recording of the August 21, 2019 City Council meeting at 25  
3 minutes:16 seconds.

4 [https://www.youtube.com/watch?v=NP\\_z\\_dUq2p8](https://www.youtube.com/watch?v=NP_z_dUq2p8)

5 There are two images on the slide. On the left side is the image of the Notice of a Public Hearing  
6 scheduled for Tuesday, September 29, 2015.

7 Exhibit A appears to have been posted, most likely at the Madera County Government Center,  
8 and not at the Airport. The notice relates to a Public Hearing scheduled for Tuesday, September  
9 29, 2015, while the other notice on the right appears to have been published in a newspaper. This  
10 notice, dated July 30, 2015, was published. Both notices refer to the public hearings being held at  
11 the Madera County Government Center and were identified on the meeting agenda of The  
12 Commission, and the notices were issued by a representative of the Madera County Planning  
13 Department.

14 In the footnotes of the September 29, 2015 The Plan Update, pages 2-11, refers to Public  
15 Utilities Code Sec. 21675.2(d) and Government Code secs. 65090, 65091, and 65353 with regard  
16 to how notice is to be provided to the public, *Generally, notice must be sent to each affected*  
17 *property owner unless mailing of more 1,000 such notices would be required.*

18 Witnesses interviewed indicated that the number of affected property owners is far below 1000.  
19 Presumably, the same Public Utilities Code applied to the City of Madera's Public Notice  
20 requirements concerning the ALP.

21  
22 Notice for the Plan Update Public Hearing does not adhere to the provision of the Brown Act  
23 regarding notice requirements. Government Code Sec. 54954.2 contains agenda requirements.

1 Courts have interpreted the agenda description requirement as an “elastic standard.” Analysis of  
2 the Brown Act recommends the following to ensure compliance:

- 3 • The description must give fair notice to the essential nature of the business to be  
4 considered.
- 5 • The public must be provided with more than just clues from which they must then  
6 guess or surmise the essential nature of the business to be considered.
- 7 • The agenda must not be confusing, misleading, or unfairly opaque.

8  
9 Regarding the City of Madera’s changes to the ALP, the MCGJ was not provided with, nor could  
10 find, either related Public Notice or an agenda. It is the City of Madera’s position that the ALP  
11 notification was covered by the Committees’ actions. If this is the case, it stands to reason that  
12 there are no public notices to view. This would then mean the public received no actual or  
13 implied notice of the intent to close Runway 8-26. The Commission’s agenda for September 29,  
14 2015 Public Hearing was insufficient as the only matter listed there under the category of “Public  
15 Hearing” was “County of Madera-Land Use Commission Compatibility Plan (ALUC #2015-  
16 002).” The notices do not specify any proposed actions, including but not limited to, the closure  
17 of Runway 8-26. It appears that the County of Madera staff relied on the City of Madera to  
18 provide specific Public Notice in accordance with the Brown Act stipulations stated above, and  
19 the City of Madera relied on the County of Madera and The Commission’s staff to provide  
20 specific notice. As a result, no such notice was provided by any of the parties responsible for  
21 providing Public Notice that is clear, fair, and unambiguous.

22 The City of Madera claimed that adequate Public Notice was given and relied on the County of  
23 Madera Planning Department to fulfill that requirement of the Brown Act. There was no direct  
24 reference to the closure of Runway 8-26. Instead, both notices issued by the Planning  
25 Department provide a generic description of the Public Hearing as, “concerning the proposed  
26 project in compliance with provisions of the California Environmental Quality Act (CEQA).”  
27 The notice to the right, relating to the September 1, 2015 hearing indicates that written comments  
28 must be submitted by August 28, 2015 to the Madera County Planning Department, not The  
29 Commission. The notice to the left on Exhibit A states that the “public comment period closed  
30 on the CEQA documents September 1, 2015.” Neither notice informs the public that these  
31 meetings are about the closure of Runway 8-26, nor does the notice of the closure of Runway 8-  
32 26 appear clear, fair, unambiguous.

33 Despite multiple requests of involved parties, the MCGJ was unable to secure any documentation  
34 to support a claim by the Madera County Planning Department that the public was specifically  
35 notified of the intent to close Runway 8-26 at the end of the 2019 crop dusting season nor were  
36 any NOTAMs were posted at the airport.

37 While representatives of the Madera County Planning Department, City of Madera Planning  
38 Department, and The Commission may well believe that the notices met the “letter of the law,” it  
39 is clear to the MCGJ that they did not meet the intent of the law, which was to provide clear and  
40 unambiguous notice to the interested public who would be affected by the closure of Runway 8-

1 26. In addition, the 30-day window within which public comment was allowed only exacerbated  
2 the public’s inability to understand and respond to the notifications provided.

3 When The Plan was presented by the Madera County Planning Commission, no one with  
4 aviation experience was part of the Technical Advisory Group (TAG). Members of the TAG  
5 included representatives from the County of Madera’s Planning Department, a representative of  
6 the Public Works division of the City of Chowchilla, and representatives of the City of Madera  
7 Public Works Department. According to the September 1, 2015 Staff Report (page 3), TAG  
8 members were, “charged with keeping their respective local jurisdictions informed of ALUCP  
9 (The Plan) Update process.” No aviation experts were part of the TAG and no members of the  
10 City of Madera’s Airport Advisory Committee had aviation experience or a connection to the  
11 aviation community. This lack of aviation expertise created a clouded vision for those who use  
12 the airport and the public at large.

13 The MCGJ could find no notice to or involvement of the City of Madera Airport Advisory  
14 Commission in the preparation of The Plan until August 26, 2015; one month prior to its  
15 adoption by The Commission. According to the minutes of the August 26, 2015 meeting of The  
16 Commission,

17 *The Airport Land Use Commission has allowed additional time for the review of the*  
18 *ALUCP. This additional review time was requested by the City Madera and a few of the Airport*  
19 *Land Use Commissioners as it was believed that the County had failed to provide adequate time*  
20 *for stakeholder review. The City will continue to review the ALUCP and provide comments the*  
21 *consultant in a timely manner. The county is expected to adopt the ALUCP in late September.*

22  
23 The Board of Supervisors held a workshop on August 11, 2015, followed by the AAC meeting  
24 August 26, 2015, with the final adoption of The Plan coming on September 29, 2015. The fact  
25 that the AAC was given The Plan just one month prior to the adoption begs the question of how  
26 much effort was made by the City of Madera and The Commission to secure input or comments  
27 from the Madera AAC as well as the public at large.

28  
29 **FINDINGS:**

30  
31 **F1.** The MCGJ finds that the City of Madera and the County of Madera did not provide  
32 requested documentation.

33 **F2.** The MCGJ finds that the City of Madera and the County of Madera did not provide  
34 adequate Public Notice for the closure of Runway 8-26.

35 **F3.** The MCGJ finds that the City of Madera spent taxpayer’s money to purchase additional  
36 acreage for a fire station.

37 **F4.** The MCGJ finds that to facilitate the closure of Runway 8-26 a renewal application for  
38 funding was not submitted.

39 **F5.** The MCGJ finds that private interests in leasing the airport facilities were repeatedly  
40 ignored.

41  
42 **RECOMMENDATIONS**

- 1  
2 **R1.** The MCGJ recommends that immediately the City of Madera and the County of Madera  
3 adhere to requests for public documents when requested by the Madera County Grand Jury.  
4 **R2.** The MCGJ recommends that immediately the City of Madera and the County of Madera  
5 adhere to the provisions of the Brown Act to provide clear, fair and unambiguous Public Notice.  
6 **R3.** The MCGJ recommends that immediately the City of Madera and the County of Madera  
7 refrain from carelessly spending taxpayer money.  
8 **R4.** The MCGJ recommends that immediately the City of Madera and the County of Madera  
9 maintain records and avail the city and county of renewable funding opportunities.  
10 **R5.** The MCGJ recommends that immediately the City of Madera and the County of Madera  
11 entertain the financial investment interests of private entities.  
12

13 **REQUIRED RESPONSES**

14 Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

15 From the following elected county officials within 60 days:

16 Madera County Board of Supervisors  
17 200 West 4th Street  
18 Madera, CA 93637

19  
20 Mayor of Madera  
21 205 W 4th St, Madera, CA 93637

22  
23 Madera City Council  
24 205 W 4th St, Madera, CA 93637

25  
26 From the following governing bodies within 90 days:

27  
28 **INVITED RESPONSES**

29 Mr. Jay Varney  
30 Chief Administrative Officer  
31 Madera County Administrator Office  
32 200 West 4th Street Madera, CA 93637

33  
34 Ms. Elba Gomez  
35 Director of Human Resources  
36 Madera County Human Resources Department  
37 200 West 4th Street Madera, CA 93637

38  
39 Mr. Philip Toler  
40 Director of Public Works  
41 Madera County Planning Department  
42 200 West 4th Street Madera, CA 93637

43

1 Mr. Matthew Treber  
2 Director of Community and Economic Development Department,  
3 200 West 4th Street Madera, CA 93637  
4  
5 Madera County Farm Bureau  
6 1102 S Pine St, Madera, CA 93637  
7  
8 Madera Municipal Airport  
9 4020 Aviation Dr, Madera, CA 93637

12 Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section  
13 929 requires that reports of the Grand Jury not contain the name of any person or facts leading  
14 to the identity of any person who provides information to the Grand Jury.

15

16 **BIBLIOGRAPHY**

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19 The Madera Tribune – County’s CAO plans to resign (12/12/19)  
20 Big Valley News – CAO to resign as Madera County’s CAO in 2020 (12/08/19)  
21 Chowchilla News – Madera County official receives controversial pay bump (09/29/15)  
22 ABC 30 News – Madera County’s top administrator is getting a pay raise (09/22/15)  
23 Big Valley News – New Hostile Work Environment Claim Against Madera County (05/27/14)  
24 [https://bigvalleynews.com/index.php/news/local-news/826-new-hostile-work-environment-  
25 claim-against-madera-county](https://bigvalleynews.com/index.php/news/local-news/826-new-hostile-work-environment-claim-against-madera-county)  
26 TMC News/Madera Co. – Administrator (CAO) denies allegations of unprofessionalism  
27 (05/24/13)  
28