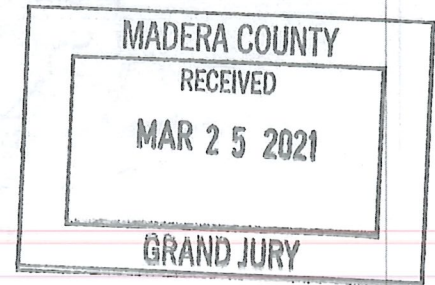


March 17, 2021



The Honorable Michael Jurkovich, Supervising Judge
Supervising Judges of the Grand Jury
Madera County Superior Court
300 South G Street
Madera, California 93637

**Re: City of Madera Response to Madera County Grand Jury
Madera County and City of Madera Government: Public Servants or Self Serving
Report 1920-06; December 21, 2020**

Dear Honorable Judge Jurkovich:

This letter is submitted on behalf of the Mayor and City Council of the City of Madera and the Madera Municipal Airport collectively referred to as "City" in this Response.

On December 21, 2020, the City of Madera ("City") received a letter from the Madera County Grand Jury which attached a copy of the Grand Jury's Report titled "Madera County and City of Madera Government: Public Servants or Self Serving" (hereafter "Report"). The letter states that the Report would be released to the public "three days after the date of this letter." As such, we view the release date as December 24, 2020.

Penal Code Section 933 (c) requires that the governing board of the public agency (here, the City Council) is required to respond not later than 90 days after the public release date. As required, the Mayor and the City Council of the City of Madera and Madera Municipal Airport respectfully submits the following responses to the Findings and Recommendations in the Report in the form required by the Penal Code.

As a preliminary matter, the responding parties respectfully note that Part I of the Report relates to the County of Madera and Part II of the Report relates to Coarsegold. Those two Parts and the associated findings and recommendations, pertain to matters that are not under the control of the City of Madera which is a public agency that is distinct and separate from the County of Madera and Coarsegold both with separate governing boards, etc. As such, the City of Madera is not the entity who would be able to provide a response to those items, nor would it have authority to implement the associated recommendations as further noted below.

We note that the City has taken the Grand Jury's Report seriously and has endeavored to address the Report comprehensively as evidenced by this Response and by the attachments comprising

1,101 pages. Great care has been taken to ensure the City responds concisely yet with appropriate details as demonstrated by references to numerous documents which the City has researched, reviewed, and attached to this Response.

Based on the above, the following constitutes the City's Response to the Grand Jury's Findings and Recommendations relating to PART III of the Report.

FINDINGS

F1: The MCGJ finds that the City of Madera and the County of Madera did not provide requested documentation.

Response 1: As it pertains to the City of Madera, the City disagrees partially with this Finding 1. Given the MCGJ's admonition of secrecy, current staff does not have adequate information to ascertain what was requested of the City, nor what was produced to the MCGJ for review. The finding, as written, provides insufficient information to either agree or disagree. However, we are noting that the City "disagrees partially" because of the mandated method for response. To demonstrate the City's good faith, the City is committed to providing staff training to judiciously and expeditiously provide documentation to the MCGJ in the future and to corroborate with MCGJ to enable the City to provide information requested.

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

Response 2: As it pertains to the City of Madera, the City disagrees with this finding. The following is a list of actions and meetings that were subject to public notice requirements during all relevant times.

The closure of Runway 8-26, also known as Runway 7-25, has been planned for since 1993. The following provides a summary actions taken followed by a synopsis of each:

- A. 1993 Madera Municipal Airport Master Plan (see Exhibit A, page 48)
- B. 2015 Madera Countywide Airport Land Use Compatibility Plan (ALUCP) (see Exhibit B, Map MAD-3B)
- C. Madera Municipal Airport Layout Plan Update Narrative (2016) (see Exhibit C, pages ES-1 and ES-49)

D. Madera Municipal Airport Layout Plan (2017) (see Exhibit D, page 2, Note 2)

E. Additional Public Outreach

A. 1993 Madera Municipal Airport Master Plan

The 1993 Madera Municipal Airport Master Plan (1993 Master Plan) listed the runway as restricted and anticipated that the runway's role would change, and that change would most likely be to abandon it as a runway (see page 48 of Exhibit A). During the adoption of the 1993 Master Plan, public notification was provided for the following:

- June 12, 1990 an Initial Study/Negative Declaration was prepared in accordance to the California Environmental Quality Act Guidelines
- November 6, 1992: Airport Advisory Commission Meeting (see Exhibit E)
- December 17, 1992: Airport Advisory Commission Meeting (see Exhibit F)
- November 24, 1992: Planning Commission Meeting (see Exhibit G)
- December 8, 1992: Planning Commission Meeting (see Exhibit H)
- March 1, 1993: Madera City Council Meeting (see Exhibit I)

B. 2015 Madera Countywide Airport Land Use Compatibility Plan (ALUCP)

While the 2015 ALUCP was not prepared under the auspices of the City, the 2015 ALUCP presented the plan to officially abandon Runway 8-26 once its agricultural aerial applicator lease expired in 2019 (see Exhibit B, Map MAD-3B). More specifically it states

"Compatibility zones are in effect until such time that Runway 8-26 is closed. The City anticipates to close runway 8-26, which is restricted to agricultural uses, once the FBO [Fixed Base Operator] lease expires in 2019."

While the ALUCP indicates that the runway would close in 2019, in the spirit of cooperation, the City waited until the end of 2020 to close the runway after numerous discussions with the local aviation community. Worth noting is that during the adoption of the 2015 ALUCP, the following occurred:

- August 4, 2015: Airport Land Use Commission workshop (see Exhibit J).
- August 26, 2015: Airport Advisory Commission workshop (see Exhibit K).

- September 1, 2015: Airport Land Use Commission workshop (see Exhibit L).
- September 9, 2015: Caltrans Division of Aeronautics approval (see Attachment A of Exhibit B).
- September 29, 2015: Airport Land Use Commission meeting (see Exhibit M) (references to subset are found in Exhibit M)
 - It is noted that no public comments regarding the potential closure of the runway were discussed (page 8 Exhibit E).
 - California Environmental Quality Act (CEQA): The subject plan was subject to the CEQA Guidelines. As such, an environmental assessment was prepared. Said document was circulated through the State Clearinghouse for a 30-day public review period (see Comment 5).
 - No written comments from the public were received in response to the Public Comment period (see Exhibit E).
- Worth noting is that during the adoption of the 2015 ALUCP adoption process, ALUC staff was responsible for providing public notice pursuant to the Government Code. Staff issued two notices of public hearings in the local newspaper for the September 1, 2015 (see Exhibit N) and September 29, 2015 (see Exhibit O)

C. Madera Municipal Airport Layout Plan Update Narrative (2016) (2016 MMALP)

The 2016 MMALP notes “[R]unway 8-26 is to be abandoned when the agricultural spraying operator lease expires in 5 to 6 years...” (see Exhibit C, pages ES-1 and ES-4).

The 2016 MMALP was discussed at the February 11, 2015 Airport Advisory Committee Meeting (See Exhibit P).

D. Madera Municipal Airport Layout Plan (2017) (see Exhibit D)

An Airport Layout Plan (ALP) is a scaled, graphical presentation of the existing and future airport facilities, their location on the airport campus, and pertinent clearance and dimensional information. The ALP is a major product of the Master Plan Update which contains information used by the FAA to program future funding assistance and to monitor the airport’s compliance with design standards and grant assurances.

ALP noted that runway 8-26 would be abandoned at the end of its agricultural aerial applicator lease ended in 2019 (see Exhibit D, page 2, Note 2).

FAA regulations dictate that an ALP remains current for a five-year period, or longer, unless major changes at the airport are made or planned.

The item was discussed by the Airport Advisory Commission during the following meetings:

- May 27, 2015 (see Exhibit Q)
- August 26, 2015 (see Exhibit R)
- May 1, 2017 (see Exhibit S)

E. Additional Public Outreach

In addition to the efforts above, additional public meetings and workshops were commissioned to solicit feedback and to provide community updates. These efforts may be summarized as follows:

- August 21, 2019: City Council workshop regarding the closure of Runway 8-26 (see Exhibit T).
- September 9, 2019: Meeting between staff and local aviation group to discuss the impending runway closure.
- December 3, 2019: Airport Advisory Commission meeting (see Exhibit U).
- May 18, 2020: The Federal Aviation Agency (FAA) granted the City access to deactivate Runway 8-26 via a Letter of Deactivation (see Exhibit V).
- December 10, 2020: Airport Advisory Commission meeting (see Exhibit W).
 - A quorum was not established; however, the purpose was to simply provide an update similar to previous meetings.
- December 16, 2020: Madera City Council Meeting (see Exhibit X).

F3: The MCGJ finds that the City of Madera spent taxpayer's money to purchase additional acreage for a fire station.

Response 3: The City agrees with the finding in that taxpayer money was used to purchase additional acreage for a fire station. The respondent disagrees with the underlying inference that this expenditure was somehow inappropriate.

The observation that City of Madera expended taxpayer money is accurate. However, placement of a City facility at the airport would not necessarily come at

a reduced or no cost agreement as placement of the fire station at the airport would have resulted in the following:

- A. Any location utilized by a fire station on Airport land would likewise represent a potential loss in area in which future hangars might be constructed. At present, the area in which the fire station was depicted in the 1993 Master Plan is unassigned in the 2015 ALUCP. At present there is a demand that is not expected to abate over time for hangar space. These facilities are required to pay fair market value for lease of land on which tenant owned hangars are constructed. A fire station may be detrimental to expanded hangar space and associated revenue to the degree that a fire station utilizes the land.
- B. Any location utilized by a fire station on Airport land would likely occur through a purchase or lease agreement at fair market value to use the land. Depending on the land requirement, there might be no savings associated with a fire station on Airport land. The cost of the land for the actual fire station is not as noted in the Grand Jury Final Report. The total land purchase was intended for other uses beyond just the fire station itself. The additional land might eventually provide for future training facilities for fire and police personnel as demands upon the City and perhaps the County expand. Those facilities, based on discussions with CalFire, might include a classroom, ventilation props, etc. all within proximity to an operational fire station. When accounting for the land used by the fire station itself, a rough estimate of land value used is \$300,000, not \$620,000.

Regarding the ultimate fire station location, 16 total locations were evaluated for preferred site. Two locations of 16 studied were in the general vicinity of the location identified in the 1993 Master Plan but were not included in a short list of locations. In conversations with CalFire, it was indicated the sites at or near the Airport would have extended response times in general compared to the selected site on Condor Drive.

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

Response 4: The City disagrees with this finding.

Per Federal Aviation Administration (FAA) policy, the Airport District Office (ADO) can only fund a single runway at an airport unless the ADO has made a specific determination that one or more crosswind or secondary runways are justified (FAA, 2020).

The 1993 Master Plan indicated that the Airport's main runway, which is Runway 12-30, provided adequate wind coverage 98.9% of the time. Therefore, the FAA did not deem Runway 8-26 eligible for funding since FAA would only consider it as a crosswind runway if the wind coverage on the primary runway was less than 95% (FAA, 2020). In conclusion, there was not an opportunity to submit a renewal application to the FAA since Runway 8-26 was not eligible for funding. Without FAA grant funding, that runway is simply not sustainable without infusions of cash; General Fund, or higher leases (over many years) beyond market value when they come back up for renewal.

Reference:

Federal Aviation Administration. (2020, August 25). AIP Handbook. Retrieved from https://www.faa.gov/airports/aip/aip_handbook/?Chapter=Appendix

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

Response 5: The City disagrees with this finding.

Given that the finding does not identify specifics, the City does not have adequate information to ascertain what leases this is regarding. The finding, as written, provides insufficient information to either agree or disagree. However, we are noting that the City "disagrees" because of the mandated method for response. Regardless, interests in hangar leases have increased and have been responded to, which has been reflected with the ongoing construction at the Airport. For example:

- A. On July 15, 2020, Madera City Council approved the construction of a non-commercial 37,000 square foot aeronautical hangar for WSD, LLC, a California limited liability company, which is located on the north end of the Airport.
- B. There are also two other areas which have been reserved for ground leases by Madera Jet Center and Talley Oil, inc., which are awaiting construction.
- C. There are two available ground lease parcels which have received interest but have not yet been reserved.
- D. As for the Airport's 97 t-hangars, all are currently occupied and there is a waitlist of 18 interested tenants.

RECOMMENDATIONS

Rec. 1: The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to requests for public documents when requested by the Madera County Grand Jury.

Response 1: As it pertains to the City of Madera, this recommendation has been implemented and will be on-going. The City of Madera prides itself in aiming to be transparent in governance and management of the City. This includes adhering to requests for public documents when requested by the Madera County Grand Jury and all other Public Records requests, per the Public Records Act

Rec. 2: The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to the provisions of the Brown Act to provide clear, fair and unambiguous Public Notice.

Response 2: As it pertains to the City of Madera, this recommendation has been implemented and will be on-going. All public meetings are conducted openly in compliance with the Brown Act and its records maintained publicly pursuant to the Public Records Act.

The following are examples of compliance with provisions of the Brown Act by the City:

- The City publishes notices of public hearings as required by law.
- City Council agendas and reports are made available to the public both online and at City Hall.
- In a continued effort to encourage a higher level of community engagement and to further promote open and transparent decision-making by Council, in June of 2017, the City added live internet video streaming and video archiving to provide further options and opportunities for community members to follow Council meetings. Meetings are streamed live at madera.gov/live during City Council meetings, recorded, and archived on the City's website and YouTube Channel for on-demand viewing at the viewer's convenience.
- Beginning in January 2019, the City made a concentrated effort to provide clear, concise agendas and pertinent items to add further transparency to the legislative process.
- The City Attorney has provided AB 1234 training which includes ethics, the Brown Act, the Public Records Act, conflicts of interest, and due process. Training will again be provided in the next couple of months.

Rec. 3: The MCGJ recommends that immediately the City of Madera and the County of Madera refrain from carelessly spending taxpayer money.

Response 3: As it pertains to the City of Madera, this recommendation has been implemented and will be on-going. We feel compelled to address the use of the term "refrain" which implies the City has carelessly spent taxpayer money. The City works diligently to ensure the best stewardship of taxpayer dollars.

The following are examples of the City's dedication to refraining from carelessly spending taxpayer money:

- Regular Meetings of Council have a standing informational report, in which a register of audited demands is made public and brought forth for review.
- All staff reports brought before Council have a Financial Impact section, in which financial implications are reported on and disclosed.
- City Annual Budgets are all reviewed, adopted by Council, and published. The City website has Annual Budgets posted for public review, starting with FY 2016/2017.
- The City also has posted on its website copies of the Audited Financial Statements starting with 2016.

Rec. 4: The MCGJ recommends that immediately the City of Madera and the County of Madera maintain records and avail the city and county of renewable funding opportunities.

Response 4: As it pertains to the City of Madera, this recommendation has been implemented and will be on-going. The City has a long-standing policy relating to the retention of records in conformance with state law.

The City works working diligently to ensure that funding opportunities are presented to staff and Council.

The City strives to seek and pursue renewable funding opportunities in the best interest of residents. When renewable funding opportunities arise, information is brought before Council for guidance. Information presented to Council includes a staff report outlining the summary, discussion points, financial impact, and alternative options. All public meetings are conducted openly in compliance with the Brown Act and its records maintained publicly pursuant to the Public Records Act, thus all information shared with Council is accessible by the public.

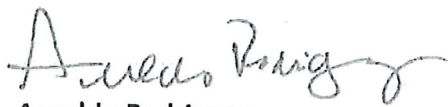
Rec. 5: The MCGJ recommends that immediately the City of Madera and the County of Madera entertain the financial investment interests of private entities.

Response 5: As it pertains to the City of Madera, this recommendation has been implemented and will be on-going. Relevant to the subject MCGJ Report, the Airport is seeing unprecedented private investment and interest. Currently, the City is in discussions with several private parties and recently contracted with a private aviation consulting firm to assist with Airport growth and management and has recently welcomed a moderately sized flight school. In addition, in response to concerns raised by the local aviation community, the City purchased a small sweeper to clean the runway more efficiently.

It should also be noted that the City Council, members of City boards, commissions, committees, and staff base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations, or on the financial investment interest of private individuals. Basing decisions on financial investment interests of private individuals is counter to good governance and has the potential to pose ethical dilemmas. Rather, decision making should be based on the common good for the community.

We thank the Grand Jury for its service to the community. Please let us know if you or the Grand Jury need additional information.

Sincerely,



Arnoldo Rodriguez
City Manager
City of Madera

c: Foreperson, Madera County Grand Jury, PO Box 534, Madera, CA 93637

Attachments:

- Exhibit A: 1993 Madera Municipal Airport Master Plan
- Exhibit B: 2015 Airport Land Use Compatibility Plan (ALUCP)
- Exhibit C: 2016 Airport Layout Plan Update Narrative
- Exhibit D: 2017 Airport Layout Plan
- Exhibit E: Airport Advisory Commission (AAC) Meeting of November 6, 1992
- Exhibit F: Airport Advisory Commission (AAC) Meeting of December 17, 1992
- Exhibit G: Planning Commission Meeting of November 24, 1992

- Exhibit H: Planning Commission Meeting of December 8, 1992**
- Exhibit I: Madera City Council Meeting Minutes of March 1, 1993**
- Exhibit J: Airport Land Use Commission (ALUC) Meeting of August 4, 2015**
- Exhibit K: Airport Advisory Commission (AAC) Meeting of August 26, 2015**
- Exhibit L: Airport Land Use Commission (ALUC) Meeting of September 1, 2015**
- Exhibit M: Airport Land Use Commission (ALUC) Meeting of September 29, 2015**
- Exhibit N: Public Hearing Notice for September 1, 2015**
- Exhibit O: Public Hearing Notice for September 29, 2015**
- Exhibit P: August 26, 2015, Airport Advisory Commission (AAC) Meeting Minutes**
- Exhibit Q: May 27, 2015, Airport Advisory Commission (AAC) Meeting Minutes**
- Exhibit R: August 26, 2015, Airport Advisory Commission (AAC) Meeting Minutes**
- Exhibit S: May 1, 2017, Airport Advisory Commission (AAC) Meeting**
- Exhibit T: August 21, 2019, Madera City Council Meeting**
- Exhibit U: December 3, 2019, Airport Advisory Commission (AAC) Meeting**
- Exhibit V: Federal Aviation Administration Letter of Deactivation**
- Exhibit W: December 10, 2020, Airport Advisory Commission (AAC) Meeting**
- Exhibit X: December 16, 2020, City Council Agenda**