



**Madera County Civil Grand Jury  
Continuity Report 2023-2024  
Madera County Final Report  
2324-07  
June 19, 2024**

## Summary

The Madera County Grand Jury (MCGJ) functions as a civil grand jury, investigating county government departments and agencies and joint power authorities, special districts, and city governments. Over the course of a one-year term of service, the MCGJ completes multiple investigations addressing topics across Madera County, and the Cities of Madera and Chowchilla. Reports are written and published with findings and recommendations and include due dates for responses from the agencies investigated. The California Penal Code, sections 933 and 933.05<sup>1</sup> define precisely the duties, manner, and timeframe for responses. Because the term of each civil grand jury is limited, tracking the continuity of these responses becomes the responsibility of subsequent juries. The purpose of a continuity report is to ensure follow-up and follow-through on responses to recommendations of prior civil grand juries and hold the government accountable.

The 2023-2024 MCGJ found that, while the majority of responses to findings and recommendations are made in the required format and in a timely manner, a significant number are submitted late, use an improper format, fail to address the Findings and Recommendations, or occasionally, are not submitted at all.

Following up on the continuity of responses provided by elected officials, agency heads, and governing bodies is inherently difficult due to the nature of the Civil Grand Jury system. The development of a process to enhance oversight on future Madera civil grand juries is long overdue.

## Background

Each California Civil Grand Jury is impaneled for a one-year term. The one-year term begins July 1 and ends June 30 of the following year. Each California Civil Grand Jury is an independent collection of citizens who volunteer time and skills, and are charged with the responsibility of investigating government agencies for the purpose of improving government effectiveness and efficiency.

Grand Jury investigations have minimal value unless recommendations are taken seriously by responding agencies and are addressed in an appropriate manner that is transparent to the public. Past reports have proclaimed the importance of tracking report responses, yet late, incomplete, and missing responses continue to drop out of public view. Due to this oversight, the 2023-2024 MCGJ is implementing an ongoing oversight tracking mechanism to categorize and publicly report on all outstanding commitments. The MCGJ is implementing an accountability

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<sup>1</sup>Links to California Penal Codes 933 and 933.05  
<https://codes.findlaw.com/ca/penal-code/pen-sect-933/>  
<https://codes.findlaw.com/ca/penal-code/pen-sect-933-5/>

system which holds both the Grand Jury, the City and County government agencies, including the appropriate City Manager, County Board of Supervisors (BOS), the Chief Administrative Officer (CAO), and City Council and the City Manager jointly responsible to the contribution of these efforts. The implementation of this tracking and reporting system will encourage greater agency compliance. While the MCGJ makes specific recommendations to the county BOS, CAO, the City Council, and the City Manager for the betterment of the community, the MCGJ encourages all local Madera County government agencies to implement efforts to increase timely and substantial responses.

The 2023-2024 Grand Jury sought to determine the level of response of each agency recently investigated by the Grand Jury and what mechanisms may be available to increase responses.

## Glossary

- **A:** Agree
- **BOS:** Board of Supervisors
- **CAO:** Chief Administrator Officer
- **D:** Disagree
- **FTA:** Failure to address
- **MCGJ:** Madera County Grand Jury
- **RFA:** Requires further analysis
- **RRTS:** Recommendation and Response Tracking System
- **WBI:** Will be implemented

## Methodology

- The 2023-2024 MCGJ reviewed responses to past reports and digital news articles regarding responses to prior MCGJ reports.
- Read continuity reports published by other California grand juries and studied relevant sections of the California Penal Code.<sup>2</sup>
- The Grand Jury also reviewed agendas and supporting documentation from the Madera County Board of Supervisors, the City of Madera, and Chowchilla Council meetings.
- Reviewed responses to prior MCGJ reports over the past eight years.
- The MCGJ studied report tracking systems (RRTS) from other counties.
- Created a system for reviewing, analyzing, and tracking responses to previous MCGJ reports.

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<sup>2</sup> <https://codes.findlaw.com/ca/penal-code/pen-sect-933/>

## Discussion

The Recommendation and Response Tracking System (RRTS) allows grand jurors to digitally maintain an oversight tracking mechanism in one template for the grand jury to examine reports and record responses with any additional notated commentary made by grand jurors.

A	B	C	D	E	F	G
2016 - 2017	Recommendation	Response and Notation	Response and Notation	Response and Notation	Response and Notation	Parties the did not respond and Notations
2017 2018	<p>R1. BHS management develop a plan to continue the services of the Healthy Beginnings Program by fall of 2018. R2. BHS management meet weekly with clinicians to update and inform them of changes, particularly regarding the Healthy Beginnings Program, effective immediately. R3. BHS and DSS staff work together to resolve the issues resulting from AB 1299 and the Presumptive Transfer Program on an ongoing basis, effective immediately. R4. DSS administration develop a plan to facilitate social worker licensure while working for DSS, by fall of 2018. R5. DSS social workers attend all of their TDM's unless there is an emergency, effective immediately. R6. DSS administration develop a plan to better retain social workers, by fall of 2018. R7. DSS properly close all "stale referrals" and develop strategies to prevent this problem from occurring again, by fall of 2018. R8. DSS administration make a greater commitment to hiring Social Workers and Program Managers with social work education and experience, effective immediately. R9. DSS administration annually review the social worker to supervisor ratio in order to reduce management top-heavyness.</p>	<p>DSS R1. Has not yet been implemented. R2. Has been implemented. R3. Has not yet been implemented. R4. Will not be implemented. R5. Has been implemented. R6. Has not yet been implemented. R7. Has not yet been implemented. R8. Has not yet been implemented. R9. Has not yet been implemented.</p>	<p>Director of Behavioral Health Services R1. Agreed. R2. Has been implemented. R3. Partially implemented. R4. thru R9. Failed to respond.</p>			<p>Required Response: Not received from the Madera County Director of Social Services. Request for a response from R3 thru R9. ** R,R3, R6, R7, R8, and R9 are open responses.</p>
MC Behavioral Health/Dept Soc. Serv. At-Risk Children						

This system tracks the continuity function of reports and responses given at the appointed time frame. The 2023-2024 MCGJ initiated a comprehensive study of recommendations and responses to Final Grand Jury Reports dating back to 2016-2017. Reference the following link for the digital RRTS;

[RRTS Recommendation and Response Tracking System 2016-2017 thru 2022-2023](#)

Beginning with Final Reports filed in 2016-2017 and ending with the 2022-2023 Final Report, the 2023-2024 MCGJ reviewed the required responses and categorized the statutory response types. According to California Penal Code § 933.05, responding agencies shall report one of the following actions:

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.
- will not be implemented**(4) The recommendation because it is not warranted or is not reasonable, with an explanation therefore.

An *Open* response is one that falls into either the “Will be Implemented” (WBI) category, where a respondent has indicated action will be taken, or the “Requires Further Analysis” (RFA) category, as defined by the California Penal Code. A final resolution has not been reached or communicated in either of these types of responses.

The 2023-2024 MCGJ also created a hard copy framework that will be used by succeeding juries to keep past *Open* responses visible to the MCGJ. Recognizing *Open* responses will allow the MCGJ and responding agencies to be visible and accountable to the public view. The 2023-2024 MCGJ envisions each subsequent grand jury will continue to update the model to reflect not only the report tracking for the prior year, but also to monitor and address older open responses.

Below is an example of the RRTS used for one of the 2022-2023 Final Reports:

**2223-02 City of Madera Fails to Enforce the Golf Course Contract Requirements**

- ★ The MCGJ examined the Responses to Recommendations provided for the 22-23 MCGJ Report on the Golf Course in September 2023.
- ★ Even though the MCGJ had not yet received their own copy of the Responses to the Report, the MCGJ used the Report to the City Council, August 16, 2023, Subject: Response to Madera County Grand Jury Final Report 2223-02: *City of Madera Fails to Enforce the Golf Course Requirements* (aka Golf Course Report) to investigate the continuity.

Key: A- Agrees; D- Disagrees; FTA- Failed to address

Recommendation	A	D	FTA	Rebuttal/Comments/Questions
R1. Budget Clarity	X			The issue was approved at the 6/21/23 City Council meeting. CLOSED. IMPLEMENTED
R2. Contract Revision		X		City stated, “City and SGM have discussed updating the contract. <i>OPEN. NOT IMPLEMENTED; No explanation.</i>
R3. Detailed records	X	X		Partial Agreement: The records exist but will only be made public on request as per the Public Records Act. <i>OPEN. NOT IMPLEMENTED; partial explanation;</i>
R4. Oversight	X	X		Partial: Response makes reference to the 9th Amendment and a Golf Course Advisory Committee. CLOSED
R5. Maintenance vs. Capital Improvement	X	X		Partial: The issue was partially addressed in response to R4. However, Section 16 of the Contract is unclear. <i>OPEN: No explanation given.</i>

R6. Word “Municipal”	X			The response stated agreement that changes would take place. At the time of this writing, the changes have not been made. <i>OPEN; NO ACTION TAKEN. No timeline given; Need to revisit</i>
R7. Word “Catering”	X			The word “Catering” was removed. <i>CLOSED</i>
R8. COVID	X			<i>CLOSED</i>
R9. Contract			X	The contract has a five-year extension; still negotiating the agreement; the current status and timeline are not provided. <i>OPEN</i>
R10. USGA Report	X			For the first time, a USGA Report was completed; however, no indication of future USGA Reports planned. <i>CLOSED. Need to revisit.</i>

The role of California civil grand juries is unique. Its role in the judicial branch is to examine and investigate local government functions and make recommendations to improve systems, procedures, and methods of operations, promoting honest, efficient government in the best interest of the community. While a grand jury has legislative powers to conduct investigations, including the power to subpoena witnesses, it lacks authority to enforce the implementation of report recommendations. The grand jury can only ensure that the reports and affected agencies’ responses are published for public scrutiny.

The lasting value of a grand jury investigation is diminished when the affected agencies do not appropriately address findings and recommendations<sup>3</sup>. Often, a respondent will reply that it intends to implement a recommendation later or that it requires further study, leaving the report *Open*. Regardless of these difficulties, there are statutory requirements by the responsible agencies investigated to provide substantial responses in compliance with Government Code requirements.

Tracking and follow-up of *Open* responses is made challenging as reports are typically published at or near the end of the MCGJ’s one-year term of service. Diligent follow-up by local agencies and succeeding grand juries is needed in order to ensure that all *Open* responses have met the statutory requirements and are appropriately closed with published responses. Without the oversight of continuity, the recommendations fall off the radar of the public and governing agencies.

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<sup>3</sup> See for example, MCGJ Final Report: *Madera County Animal Services: It’s a Dog’s Life, 2324-03.*

## **Recommendations and Response Tracking System (RRTS)**

Tracking responses to previous grand jury reports is an internal function of the sitting MCGJ. The 2023-2024 Grand Jury developed a Recommendation and Response Tracking System (RRTS) for the purpose of investigating the met or unmet statutory requirements of all respondents identified in each Final Report. This RRTS will be passed on to future MCGJs. The implementation of RRTS to track and report on all responses, diligently maintained, will give further credence toward preserving the positive impact of MCGJ reports.

Responses to reports of prior grand juries are followed up by the succeeding panel. However, problems arise when responses are incomplete or extend beyond the term of the succeeding grand jury. Failure to respond in the appropriate time frame results in a referral to the presiding judge for the grand jury. Due to the passage of time between response and completion of responses to reports, the action to which the city and/or county agency has committed, drops from view of all responsible agencies, including the grand jury. The RRTS ensures that all agencies are accountable for the recommendations and responses to published reports. Accountability is key to the betterment of the County and community.

## **The Madera BOS and the Cities of Madera Continuity Responsibilities**

The MCGJ annually completes its term of service in a flurry of published reports on completed civil investigations. These reports generate scores of findings and recommendations, in turn often necessitating hundreds of required responses. The current MCGJ continuity investigation revealed that a significant number of required agency responses remain evasive or incomplete. More consistent follow-up by the MCGJ of the investigated agencies with *Open* responses is needed. It is anticipated that the implementation of the RRTS will encourage greater agency compliance. Reporting publicly on the completion of previously committed actions goes a long way toward enhancing the positive impact of the MCGJ in its role as a bridge between the community and government.

In addition to implementing the RRTS, the MCGJ is initiating a response review policy with the County BOS, City Councils of Madera and Chowchilla. This policy will provide a joint effort to ensure the continuity of current and past reports. The MCGJ believes an annual review with appropriate parties will lead to positive reflection and provide contextual insights into grand jury recommendations.

## **Findings**

In accordance with California Penal Code Sections §933 and §933.05, the 2023-2024 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section.

The responses are to be submitted to the Presiding Judge of the Superior Court. Based on its investigation entitled Madera County Civil Grand Jury Continuity Report 2023-2024

The Madera County Grand Jury has arrived at four principal Findings, as follows:

**F1.** The elected officials, department heads, and governing bodies of the Madera County BOS and the Cities of Madera and Chowchilla are inconsistent with compliance with the statutory requirements for responses to the MCGJ Findings and Recommendations within 60/90 days.

**F2.** The elected officials, department heads, and governing bodies of the Madera County BOS and the Cities of Madera and Chowchilla frequently fail to comply with the statutory requirements for designating timeframes for intended implementation and providing details for further analysis.

**F3.** The lack of compliance by elected officials, department heads, and governing bodies of the County of Madera, Cities of Madera, and Chowchilla and the lack of follow-up by previous grand juries have caused many unresolved issues.

**F4.** The failure of previous Madera County Grand Juries to follow up on *Open* responses to report recommendations has allowed the government agencies to ignore the Grand Jury.

## **Recommendations**

California Penal Code Sections §933 and §933.05 require responses from each agency affected by the recommendations presented. The responses are to be submitted to the Presiding Judge of the Superior Court and the Madera County Grand Jury.

Based on its investigation entitled Madera County Civil Grand Jury Continuity Report 2023-2024, MCGJ makes the following recommendation:



**R1.** Elected officials, department heads, and governing bodies of the Madera County BOS and the Cities of Madera and Chowchilla reexamine their policy and procedures for responding to MCGJ Reports and comply with Penal Code requirements of responding to Findings and Recommendations within 60/90 days.

**R2.** Elected officials, department heads, and governing bodies in Madera County and the Cities of Madera and Chowchilla adhere to the statutory requirements for designating timeframes for intended implementation, providing details for further analysis of Recommendations within six months of the date of issuance of MCGJ Final Reports.

**R3.** Elected officials, department heads, and governing bodies of the County of Madera and Cities of Madera and Chowchilla meet with each sitting MCGJ by December 1st of each year to provide a status report of *Open* responses to previous grand jury reports. The status report should include a brief summary covering financial challenges and opportunities facing the City or County that could impact the timing of response implementation.

**R4.** The Madera County Grand Jury will continue to analyze using the RRTS matrix, categorize and determine *received* responses, and investigate all *Open* responses within 30 days of the response due date.

### **Required Responses:**

Pursuant to Penal Code Sections 933 and 933.5, the Madera County Grand Jury requests responses as follows from the elected County elected officials within 90 days .

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

Madera City Council  
205 W. 4th Street  
Madera CA 93673

Chowchilla City Council  
130 S. Second Street  
Chowchilla CA 93610

## **Invited Responses:**

Pursuant to Penal Code sections 993 and 933.05, the Madera County Grand Jury requests responses as follows from the county officials within 60 days:

Madera County Grand Jury  
2026 N. Granada Dr.  
Madera CA 93637

Madera County CAO  
200 W. 4th Street #2  
Madera CA 93637

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Not This report was prepared using current information available on the websites listed.e:

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

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## **Instructions for Required Responses:**

*The California Penal Code §933 requires the governing body of any public agency which the Grand Jury has reviewed and about which it has issued a final report to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors and/or City Council.*

*Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:*

*(a) 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) 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 time frame for implementation;*
- (3) The recommendation requires further analysis, with an explanation of the scope and parameters of an analysis or study and a 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 reasonable, with an explanation as to why.*

*(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.*

