



The old Madera County Court House

Madera County Grand Jury Final Report 2023 - 2024

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2023 -2024


Madera County Grand Jury

Final Report

With signature below this document becomes

The Final Report of the
2023-2024 Madera County Grand Jury
July 1, 2023 - June 30, 2024

Approved by the Grand Jury:



Lou Martinez (Jun 12, 2024 21:08 PDT)
Lou Martinez, Foreperson
2023-2024 Madera County Grand Jury

Accepted for Filing:



Honorable Michael Jurkovich
Supervising Judge of the Grand Jury, Madera Superior Court

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SUPERIOR COURT

COUNTY OF MADERA
STATE OF CALIFORNIA

ERNEST J. LICALSI
PRESIDING JUDGE

DALE J. BLEA
ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP
COURT EXECUTIVE OFFICER

200 SOUTH "G" STREET
MADERA, CA 93637
(559) 416-5599
FAX (559) 675-6565

June 12, 2024

Re: 2023-2024 Grand Jury

To the Citizens of Madera County:

As the supervising judge of your Madera County Civil Grand Jury, it is my privilege to report to you at the conclusion of the 2023-2024 grand jury term. Your grand jury is a part of the judicial branch of government. However, neither I nor the court provide direction to the grand jury on what matters or agencies should be investigated. As such, your grand jury is truly independent.

The grand jury is comprised of citizens of Madera County. Each grand jury term is for one year (the beginning of July to the end of June, each year).

The grand jury exists to serve as an independent examining and investigative body charged with monitoring the operation of state and local government. These investigations assist your government in operating more effectively and efficiently. We all benefit from their work. Grand jurors do not perform this service for public acclaim. Quite to the contrary, their work often places them at odds with elected officials, public employees, as well as other members of the community.

Prior to their selection, all prospective grand jury members are interviewed. I can assure you each is motivated by one reason - community service. The grand jury members are a diverse group, with diverse backgrounds. It is this diversity which makes for such an effective body. This diversity is also why no grand jury is quite the same. This is also a benefit to the citizens of Madera County.

Each juror who served on the grand jury during the 2023-2024 term did so without complaint and with the diligence required to perform their job as representatives of the residents of Madera County. The grand jury has produced detailed reports. These reports also contain recommendations. We all benefit from the work of the grand jury.

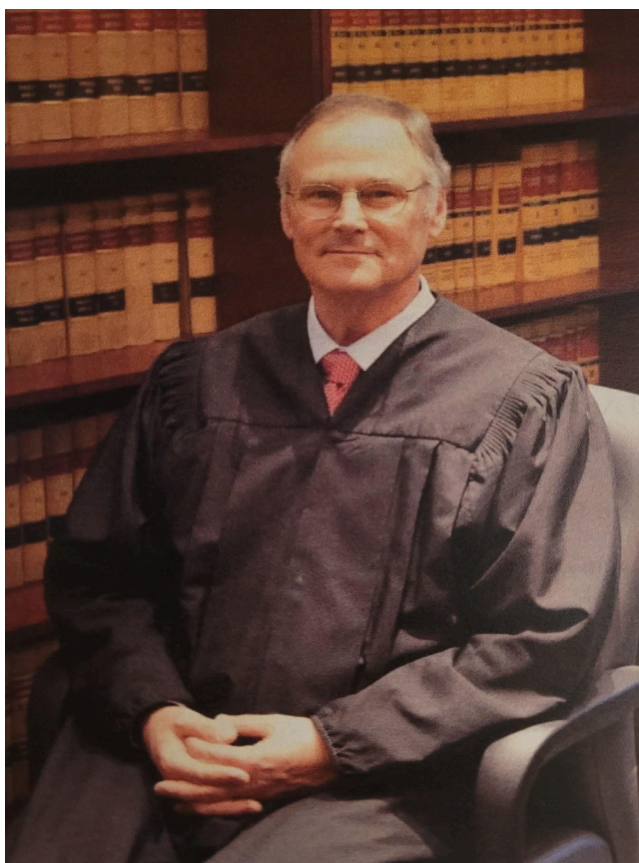
In conclusion, I wanted to personally thank each member of the 2023-2024 grand jury for selflessly devoting to your community so much of your personal time during this grand jury term. I also

wanted to specifically thank this year's foreperson, Mr. Lou Martinez, for his guidance to the grand jury this term.

Respectfully yours,



Michael J. Jurkovich
Supervising Judge
2023-2024 Madera County Civil Grand Jury



The Honorable Michael Jurkovich
Supervising Judge of the Madera County Grand Jury
Judge of the Madera County Superior Court



PO Box 534, Madera, CA 93639
559-662-0946

June 30, 2024

Honorable Machael Jurkovich
Supervising Judge of the Grand Jury
Madera Superior Court

Judge Jurkovich,

On behalf of the 2023-2024 Madera County Grand Jury, I respectfully present our Final Report. This report is a complete list of all reports completed during the term July 1, 2023, through June 30, 2024.

The Grand Jury members have completed their required tasks in a collegial and professional manner, and we believe the investigative issues presented here will have a relevant and pertinent interest to the residents of Madera County. We encourage their review of the Grand Jury recommendations and invite their participation in future Grand Jury Panels.

The Grand Jury would like to thank Jury Division Supervisor Erin Kinney and her staff. The Grand Jury would also like to thank the County Administrative Office staff for their services throughout the year. We are also appreciative of your Honor for your support and guidance.

We encourage our fellow citizens to consider membership with the Grand Jury and support its operations. The Grand Jury system is the "Conscience of the Community" that serves as an independent voice that helps assure that local government effectively and efficiently serves the Citizens of Madera County.

I would especially like to express my gratitude and admiration to my fellow Grand Jury Members for their consistent hard work and dedication throughout this past year. We have a variety of backgrounds and beliefs and yet worked as team members to combine our strengths and successfully complete our task. It has been a privilege and an honor to serve with each of you this past year.

Respectfully,


Lou Martinez, Foreperson
2023-2024 Madera County Grand Jury

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**The 2023-2024 Madera County Grand Jury wished to acknowledge and thank
the following:**

The Honorable Michael Jurkovich Supervising
Judge of the Grand Jury

Ms. Erin Kinney
Superior Court Jury Division Supervisor

Ms. Regina Garza
Madera County Counsel

Mr. Wiley Driskill
Madera County Deputy County Counsel

Jessica Leon and
Madera County Administration Staff

Madera County IT Staff



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Top row, left to rightt : Lou Martinez, Steven Rice, Bill McPike, Nina Zarucchi-Mize, Bill Schoettler, Jack Shannon, Zyg Zee, and Ken Bowman. **Middle row;** Larry Van Zant, Rebecca Lastreto, Katie Kogstad, Cynthia Lawrence, and Leslie Elias. **Front row;** Mary Norris, Robin Stefanik Skinner, Debbie Jackson, Sara Glantz, and Rod Hatzman

2023-2024 Grand Jury Members

Lou R. Martinez - **Foreperson** Steven Rice - **Foreperson Pro Tempore**
 Rod Hatzman - **Sergeant-at-Arms** Zygmund (Zyg) Zee - **Treasurer**
 Sara Glantz - **Recording Secretary** Mary C. Norris - **Corresponding Secretary/Designee**
 Kenneth Bowman, Leslie Elias, Deborah (Debbie) Jackson,
 Kathryn (Katie) Krogstad, Rebecca Lastreto, Cynthia Lawrence,
 William (Bill) McPike, Roland (Bill) Schoettler, Jack Shannon,
 Robin Stefanik Skinner, Larry Van Zant, and Nina Zarucchi-Mize.

Duties, Purpose, and Powers of the Grand Jury

In California today, the grand jury is required by provisions of the Penal Code to

- (1) Make an annual examination of the operations, accounts, and records of the officers, departments, or functions of the county, including any special district for which officers of the county are serving as ex-officio officers of the district; and
- (2) Inquire into the condition and management of prisons within the county.

The grand jury may investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of the several offices.

Other powers permitted to the grand jury include

- (1) Free access, at reasonable times, to public prisons;
- (2) The right to examine all public records within the county;
- (3) The right to examine books and records of
 - (a) Any incorporated city or joint powers agency located in the county;
 - (b) Certain redevelopment agencies and housing authorities;
 - (c) Special purpose assessing or taxing districts wholly or partly within the county; and
 - (d) Nonprofit corporations established by or operated on behalf of a public entity;
- (4) The authority to investigate and report on operations and methods of performing duties of any such city or joint powers agency and to make recommendations as deemed proper;
- (5) The ability, with permission to the Superior Court, to hire such experts as auditors and accountants; and
- (6) The right to inquire into the sale, transfer, and ownership of lands, which might or should escheat to the state.
- (7) The grand jury is also likely to receive a number of citizen complaints, many of which involve operations of county, city, or special districts. Whether the complaint is civil or criminal, rules of secrecy apply, and the grand jury may not divulge the subject of methods of inquiry.

Marianne Jameson. Ph.D.

Grand Jury Contact Information

Madera County Grand Jury
PO Box 534
Madera, California 93639

Telephone:
(559)363-8785

Text:
(559)363-8785

Fax:
(559)662-0848

Website:
<https://www.maderacounty.com/grand-jury/grand-jury>

Email:
info.maderagrandjury@gmail.com

Complaint Form:
<https://www.maderacounty.com/grand-jury/citizen-complaint-form>

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**Madera County Penal Institutions
Madera County Grand Jury
Final Report 2324-01
June 19, 2024**

Penal Institutions of Madera County Final Report 2324-01

Penal Institutions in Madera County:

Penal Code 919(b) mandates that the Madera County Grand Jury (MCGJ) conduct an annual inspection of the conditions and management of detention facilities within the county. Sections 919(a), 925, and 925(a) authorize the MCGJ to investigate county and city jails as detention facilities within the county. Those penal/detention institutions within Madera County include the Madera County Juvenile Detention Facility (JDF), located at 1655 East Olive Avenue, the Madera County Department of Corrections (The Jail), located at 195 Tozer Road, and two California Department of Corrections and Rehabilitation facilities, the Central California Women's Facility (CCWF), and Valley State Prison (VSP), located at 23370 Road 22 and 21633 Road 24 respectively, both located in Chowchilla.

Methodology:

- Reviewed the Jail Inspection Handbook for Grand Jurors.
- Reviewed the Detention Facility Inspection forms.
- Reviewed previous Grand Jury Detention Facility reports and responses.
- Researched resources and published articles.
- Reviewed the Bureau of State and Community Corrections reports.
- Reviewed Current Fire, Health, and Safety Inspection reports.
- Reviewed daily Menus and available Programs.
- Interviewed in-custody persons and detention center staff.

Abbreviations:

- BSCC:** Bureau of State Community Corrections
- CCWF:** Central California Women's Facility
- CDCR:** California Department of Corrections and Rehabilitation
- CYA:** California Youth Authority
- JDF:** Juvenile Detention Facility
- MCGJ:** Madera County Grand Jury
- OSHA:** Occupational Safety and Health Administration
- The Jail:** Madera County Department of Corrections

Madera County Juvenile Detention Facility

Background:

The Madera County Grand Jury (MCGJ) conducted the state-mandated inspection of Madera County Probation Department Juvenile Detention Facility (JDF) on October 11, 2023. Personnel provided the MCGJ information, reports, and a guided tour of the facility. Youth and staff were readily accessible to the Grand Jury. The MCGJ had one-on-one conversations with youth who were polite and respectful. Throughout the inspection, the staff exhibited pride and compassion in their work with the youth.

The facility was under renovation at the time of inspection, but security was not compromised. Local Madera County fire, health, and safety inspections have been conducted at the facility and are current. In August 2023, the JDF was recognized as one of only three facilities in California not cited by the Bureau of State and Community Corrections (BSCC) for compliance issues.

Discussion:

The JDF has a capacity of 70 individuals. At the time of the MCGJ inspection, there were 21 youths, 17 males and four females. The facility holds youth pending court appearances for alleged charges and/or sentencing. Common reasons for detention are probation violations, criminal involvement in gangs, fighting, and/or drugs. Youth accused of or convicted of committing felonies are kept in custody. Misdemeanor offenders are usually released to homes or other programs to await court proceedings.

The average length of detention is 30 days. Incarcerated youth up to the age of 18 are known as "detainees." Some under 18 are also enrolled in the "Cadet Program" and are referred to as "Cadets." With the closure of the California Department of Juvenile Justice, formerly California Youth Authority (CYA), youth convicted of serious offenses are now housed in JDF until age 25, and are designated as Secure Tract.

Exterior/Interior of the Building:

Signage for the facility is located at the parking lot entry. Ample parking for employees and visitors is in front of the building with handicapped parking spaces well-marked. The exterior of the building features well-manicured plants contained in a weed-free area. Entrance to the facility is granted by monitoring personnel. Facility renovations include a new air conditioning unit, an upgraded camera system, and a family picnic area.

Youth who enter the facility are initially processed at the intake area. Youth enter via the sally-port, a secured and controlled area, to begin the booking process. In booking, youth are fingerprinted, photographed, directed to shower, and are issued clothing. New institutional clothing was purchased, as JDF transitions away from traditional orange to dark green and

charcoal gray. The booking, search, and shower areas were clean. A solitary cell (one-on-one) was observed and is not frequently used.

Murals throughout the facility were designed and painted by the youth. These murals include the Great Seal of the State of California located in the lobby. Another mural is *Making Positive Changes in the Lives of Young Men and Women*. This message on the mural is reaffirmed by the personnel working throughout the facility. Through established routines, the teachers and staff provide positive recognition to the youth, reinforcing mutual respect.

The youth have painted the gray cinder block walls of assigned cells with light-colored, pastel paint. In a cell viewed by MCGJ, a triangular desk was fastened in a corner area with a stool secured to the floor. An upright metal locker holds clothing and other personal items. A pair of boots were placed on top of the metal storage unit and positioned perpendicular to the front of the locker. A towel was crisply folded, and reading materials were stacked horizontally on top of the locker surface. The bed was made in military style with folds and tucks and was free from wrinkles. Toileting facilities were located inside the cell and not readily visible through the door window.

The facility has visitation and communication areas available to the youth with staff approval. The JDF staff shared that visitation by any individual who may have a positive impact on the youth is welcomed. Outdoor family picnic and activity areas are currently under construction by the youth.

Medical/Counseling Services:

Madera County contracts with Wellpath for medical services with personnel who are available 24 hours a day, seven days per week. A registered nurse or licensed vocational nurse is on-site throughout the day. A medical doctor is also available as needed. A full-time mental health clinician, assigned by Madera County Behavioral Health, is available onsite during the weekdays. All services provided in the facility meet or exceed the standards required by California Code of Regulations, Title 15.

Youth are introduced to the on-site clinician within 48 hours of booking and have access to the clinician 40 hours a week as well as on-call mental health support. Individual and group counseling sessions are available. The continuation of mental health services as well as alcohol and drug diversion services are often a condition of probation. During incarceration and after release, these services are also extended to the families of the youth. In addition to the expertise provided by the mental health counselors, Correctional Officers and staff are provided with training including suicide prevention, verbal de-escalation strategies, and trauma-informed practices to support the well-being of the youth.

Meals:

The daily meals are prepared by Aramark at The Jail, located next door, and delivered to the JDF. The menus were reviewed and found to be nutritionally balanced and meet the requirements of the State of California.

Rosa's Pantry, similar to a commissary, is an incentive program created to reward the youth for positive, prosocial behavior. Youths can earn *Pro Bucks* to use at Rosa's Pantry to purchase additional snacks, upgrades for headphones, slippers, and towels. This program has been replicated at two other juvenile facilities within the state.

Daily Routines:

Youth are required to attend school Monday-Friday. Classes begin at 7:45 am, following breakfast, cleanup, and hygiene time. Lunch is served at 11:30 am, and classes resume at 1:00 pm. Afternoon classes end at 2:30 pm followed by snack time. Dinner is served at 5:00 pm. Evening hours can be spent participating in individual or group mental health counseling, Alcohol and Other Drug diversion programs, or other recreational activities such as sports, games, reading, or watching TV. Tablets are available to every youth and are loaded with educational programs that earn points for movies and music. Shower time begins at 7:15 pm and is followed by a snack and phone calls with lights out at 10:00 pm.

Program-Educational:

The JDF's three full-time teachers have been long-time employees. The teaching staff meet students' individual academic needs including Individualized Education Plans (IEP) for additional support. Opportunities to attend online college courses, including dual enrollment are also available. Weekly student progress team meetings include up to 20 members from the staff and the community to support the youth with a systematic and collaborative approach.

A grant from the state made Wi-Fi available in the facility. The youth now utilize laptops and tablets for education and activities. The "intranet-controlled" system denies outside source access. Additional available programs include Workforce job preparation training, Anger Regression training, Youth for Christ religious services, virtual welding, a Master Gardeners' program, and other life skill training and counseling. The Leaders and Readers program has been highly successful in encouraging youth to read and complete book reports. A collaboration with Madera County Animal Services allows youth the opportunity to socialize with adoptable dogs.

Special grants have provided the facility the opportunity to purchase art supplies and guitars for each youth. Art and music instruction is offered weekly by local volunteers and teachers. Student artwork has been displayed in the family visiting room and Madera County Government Center. Youth involved in the music program were given the opportunity to perform at the Cadet Graduation. Youth have participated in the Martin Luther King speech competition with two youth from the facility receiving a cash prize from the local NAACP chapter. Students have also entered writing pieces in the Fresno State Young Writers Project, and several students were recognized for their work published in the project booklet.

Off-Site Activities:

All off-site activities are supervised by staff members who accompany the youth to the event site. Youth have participated in community service projects such as laying wreaths for the

nationwide Wreaths Across America program which honors fallen veterans. Youth have also cleaned a rural cemetery. In conjunction with in-class reading of books by American author John Steinbeck, students were able to visit the John Steinbeck Museum near Salinas and tour Cannery Row in Monterey. Youth have also visited Yosemite National Park and attended a live theatrical production.

Recognition of Achievement:

A graduation ceremony is held on-site for youth who complete the requirements for a high school diploma. The ceremony includes the presentation of colors by the Youth Honor Guard, the awarding of diplomas, speeches by each graduate, and a video highlighting the academic and social interaction of youth. Parents, friends, local dignitaries, and staff attend the ceremony. For those youth completing the requirements of the Academy Cadet Program, lasting six to 18 months, a separate recognition ceremony is also held.

Release from the facility:

Prior to release, an individualized plan is developed for the continued support of the youth. JDF staff ensure that youth along with parents/guardians have knowledge of the resources available and are connected to school, mentor/counseling, and community services.

Findings:

FI. The MCGJ finds that the JDF provides education, counseling, and training programs to enable youth to transition into life with families and communities.

Recommendations:

RI. The MCGJ recommends that the JDF continue to provide excellent services and programs.

Required Responses:

Pursuant to Penal Code Section 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected officials within 90 days:

Board of Supervisors
200 West Fourth Street
Madera, CA 93637

Invited Responses:

Pursuant to Penal Code Section 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 60 days:

Madera County Chief Probation Officer
300 South G Street Suite 100
Madera CA 93637

Board of State and Community Corrections (BSCC)
2590 Venture Oaks Way, Suite 200
Sacramento, CA. 95833

Madera County Juvenile Justice Commission
300 South G Street Suite 100
Madera CA 93637

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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Madera County Jail

The Madera County Grand Jury (MCGJ) inspected the Madera County Jail (Jail), located at 195 Tozer St., Madera, on October 27, 2023. The facility's capacity is 564. The population at this inspection was 446, of which 28 were female. Approximately 80 percent of the current inmates are pending sentencing or awaiting trial. The remaining 20 percent are serving local time sentences.

At the time of inspection, there were 15 correction officers and one supervisor per shift, AM and PM. Nineteen sworn administrative officers may serve in the same capacity as correctional officers and are available to oversee inmates.

Exterior/Interior of Building:

The Jail consists of an Administration and training building, the main inmate housing building, a separate kitchen facility, and a central plant. The exterior of the main housing facility is made of concrete blocks and is fully equipped with lights and a surveillance system. There is a 12-foot-high perimeter chain-link fence topped with razor wire. Outside of the facility, there is a large parking lot to accommodate visitors. The exterior of the building appears neat and well-maintained. Inmate yards are enclosed with two-story block walls, ensuring the inmates are not visible to the public at any time. The lobby's interior has new phone systems with video capability for visitors to speak with inmates. Separate private rooms are available for attorney meetings with inmates. This area, along with the administrative offices and training and break rooms, was added to the older part of the facility.

The interior windows of the hallway leading to the central housing unit need to be cleaned and cobwebs removed. Several doors throughout the facility were dented and marred by carts and need to be painted. Bugs were in the overhead lights in the inmate housing units. Litter was on the floor in a hallway near a staff member's office, and staff ignored it instead of retrieving it.

Intake and Orientation of Inmates:

The MCGJ observed the Intake area and interviewed staff. When an inmate is booked into the jail, inmates undergo a series of procedures, such as being photographed and fingerprinted, conducting contraband searches, and doing body and metal detector scans. Inmates are provided an Orientation Handbook in printed form and reviewed verbally. Numerous policies, procedures, and programs are described, such as visitation, correspondence, medical/dental and mental health services, programs and activities, housing assignments, and grievance forms. The correctional officers know current gang information and are skilled in gaining the inmates' trust to gather needed information for housing assignments.

Medical Health/Behavioral Health:

Wellpath medical employees initially screen inmates. The screening encompasses the patient's medical and mental health care needs.

Two registered nurses, one Licensed Vocational Nurse, and one Certified Nurse Assistant, are available seven days per week on AM and PM shifts. One Family Nurse Practitioner is available. A dentist is available every Monday. Two mental health clinicians are available Monday through Friday. Inmates can submit a “sick call” request to speak with a medical or mental health staff person. The response depends upon the nature of the complaint and can be responded to at any time, 24 hours a day.

The medical department oversees a separate housing unit with four cells and one negative pressure isolation cell designated for persons requiring notable observation. Two safety cells are intended for temporary housing inmates exhibiting destructive behavior. These cells are subject to direct visual observation and camera monitoring at least every 15 minutes. At the time of the inspection, one incarcerated person was in a Safety Cell.

A recent program resulting from state legislation allows the medical staff to assist inmates in enrolling in Medi-Cal services at discharge. Enrollment enables the inmate to receive medical care upon release.

Kitchen:

The kitchen serves over 1,000 meals per day for inmates and staff. The facility was clean, with modern equipment and refrigerator units in banks. There are up to eight morning shift kitchen inmate workers, and there can be up to 12 afternoon workers. The chef has a long history of experience working in restaurants. The inmates must qualify to work in the kitchen by having no disciplinary actions, having a bail amount under \$65,000, and being sentenced to local county jail rather than prison time. Inmates assigned to the kitchen are trained in culinary safety, kitchen rules, food preparation, proper food storage, hygiene, and cross-contamination. This training can assist inmates in obtaining jobs in food services when they are released. The staff chef can provide a certification for those who qualify.

During our inspection, the kitchen was preparing lunch meals. It appeared to be well organized, and the lunch menu included a variety of choices. Special food orders can be purchased by inmates who have funds in their accounts.

Educational Programs - Vocational:

One full-time teacher is available to the inmates. Sign-up sheets are in each module to announce each new class. Inmates are selected on a first-come, first-served basis. High school education or equivalent and college-level courses are offered through the Edvo tablet programs. The Direct Instruction model typically has nine students for classwork. Two four-week Vocational training programs are provided for individuals through GRID and IN2WORK.

IN2WORK vocational training students are introduced to kitchen basics designed to build upon the skills taught while working in the kitchen. Upon successful completion of the program, inmates can earn ServSafe certification. Workforce programs that emphasize resume building, new job search techniques, job retention, soft skills development, and building leadership and communication skills are also available. In the past two years, the programs had 126 participants who received certifications.

The GRID program is a solar installation training program and provides certificates when completed. The inmates must meet specific qualifications. Once inmates have graduated from the four-week program, this program has an additional five-week training in Fresno. The program focuses on solar technology, electrical principles, safety protocols, and design, with practical hands-on installation training. Former inmates who earned certification in the program have contacted correctional officers to share their success in gainful employment and their new lives as a result of the training received.

Interactions Between Officers and Inmates:

The MCGJ noticed equal respect between officers and inmates. Correctional officers have gained proficiency in inmate security, booking, and release procedures and have acquired insights into inmates' behaviors and traits. The staff receive training in building an inclusive work environment that values diversity, respect, and engagement is integral. The officers' responsibilities require an ability to discern signs of danger to people, property, and the surrounding areas, with the capacity to respond swiftly and calmly in emergencies. The officers stated it was a new inmate clientele. The administration described the Jail as a multifaceted operation network similar to running a "small city" with services such as medical, dental, pharmacy, kitchen, education, vocational training, money on accounts, clothing, housing, etc.

Inmate Housing:

The MCGJ observed locked cells, an exercise area, women's, men's, and medical safety cells. In the women's cell area, the inspection in 2021-2022 by MCGJ noted the worn linoleum flooring and the problem with the linoleum areas with concrete showing through still persists. MCGJ observed and interviewed inmates in a dorm-like room that could house approximately ten inmates and was next to an activity area with tables and chairs. The inmates were friendly and talked freely with the officers and MCGJ members. Inmates who claim gang affiliations are separated accordingly. The MCGJ also observed the medical wing, which included a locked pharmacy area and dental treatment rooms with X-ray machines. Interviewed working, such as mopping floors, etc. These points can be used to watch movies on tablets or to purchase snacks, for example. inmates described incentives that allow points to be earned by reading books on tablets and working, such as mopping floors, etc. These points can be used to watch movies on tablets or to purchase snacks, for example.

Findings:

F1. The MCGJ finds that the daily maintenance routine needs improvement to clean away the cobwebs.

F2. The MCGJ finds that the worn-out linoleum flooring, cited in 2021-2022, still needs to be addressed and repaired.

F3. The MCGJ finds that the Jail provides relevant training and certification programs for participating inmates.

F4. The MCGJ finds that the interaction between correction officers and inmates was respectful.

Recommendations:

R1. The MCGJ recommends improving the daily maintenance routine to clean away the cobwebs.

R2. The MCGJ recommends that the worn-out linoleum flooring cited in this report be addressed by September 30, 2024.

R3. The MCGJ recommends the current vocational programs continue and consider expanding.

R4. The MCGJ recommends that the correction officers continue to interact respectfully with inmates.

Required Responses:

Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected officials within 90 days:

Board of Supervisors
200 West Fourth Street
Madera, CA 93637

Madera County Sheriff Headquarters
2725 Falcon Dr.
Madera, CA 93637

Invited Responses:

Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 90 days:

Madera County Sheriff (Jail)
195 Tozer St.
Madera, CA 93637

Board of State and Community Corrections (BSCC)
2590 Venture Oaks Way, Suite 200
Sacramento, CA. 95833

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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Valley State Prison

On November 17, 2023, the Madera County Grand Jury (MCGJ) completed an inspection of Valley State Prison (VSP), a men's facility located at 21633 Avenue 24, Chowchilla, California. The MCGJ was invited to attend a staff meeting to hear the daily briefing.

The VSP men's facility functions as a Level Two facility, which the California Department of Corrections and Rehabilitation (CDCR) defines as a facility with open dormitories with a secure perimeter that may include armed coverage. Although VSP does have inmates who are sentenced to life. More serious offenders are typically transferred to a higher-level facility.

The VSP facility's design capacity was 1,980. On December 6, 2022, Governor Newsom allowed the capacity to be increased by 137.5 percent, making 2,722 the adjusted capacity. At the time of the MCGJ visit, there were 3,244 inmates, which exceeded the new capacity limits.

The MCGJ was specifically interested in the success rate attributed to Proposition 57. Under Proposition 57, CDCR incentivizes inmates to take responsibility for their rehabilitation with credit-earning opportunities for sustained good behavior and participation in programs and activities. Proposition 57 also moved up parole consideration of non-violent offenders who have served the minimum number of years required of the sentence for their primary offense. Those inmates have demonstrated that their release would not pose an undue risk to the community. These changes, specifically the incentives for rehabilitation achievements, good behavior, and education, are intended to improve inmate behavior and to create a safer environment for inmates

Exterior and Gardens:

Valley State Prison has a building that houses a library and a chapel. The chapel hosts daily religious and spiritual services for multiple denominations. The perimeter grounds near the chapel are beautifully landscaped with grass, boulders, various flowers, shrubs, and benches and is known as the Prayer Garden. This landscaping was made possible by a directed donation to VSP, and is maintained by the inmates. The MCGJ observed bees swarming the flowers. This could result in an allergic reaction. A compact raised vegetable garden planted and maintained by the inmates was also observed.

There are two baseball fields, separated by fencing and pathways. Exercise equipment is situated on one side of each of the fields. The use of the fields are scheduled by cell block letters for a morning shift and an afternoon shift in order to manage the inmate population to have exercise time outdoors.

Inmate Housing:

The facility has several different housing units, many of which provide specialized services and accommodations for inmates. A restrictive housing unit replaced Administrative Segregation (AdSeg). One building is able to be used for medical quarantine and isolation when needed. Some units are dedicated for Veterans, and another for the Enhanced Outpatient Program, providing additional self-help and therapeutic programs. VSP is creating a re-entry unit designed for inmates preparing for release. This is available for inmates who are eligible for parole within two years and are accepted into the unit following an interview with VSP staff. These inmates have access to additional amenities and incentives, but also have more responsibilities within the unit. Inmates are responsible for cooking and cleaning within the unit giving the unit a more community-based atmosphere. The goal is to provide inmates with the skills necessary to be successful members of society upon their release.

The MCGJ inspected the unit that houses the dog training program. The dogs are rescued from shelters or donated, paired with an inmate, and trained as service, support, and therapy dogs. VSP staff members are also able to bring their dogs to receive the training. The dogs remain in the housing unit 24/7 and are cared for and trained by the inmates. The inmates do a remarkable job training these animals. The positive relationships and trust between the inmates and their dogs were evident. This program provides “a second chance” for both inmates and the dogs who get adopted after they finish their training.

Medical/Mental Health

Valley State Prison includes a hospital staffed by an on-site doctor, registered nurses, licensed vocational nurses, lab technicians, and pharmacist. The unit appeared clean and tidy. At the time of the tour, there were 20 social workers, 22 psychologists, 20 recreational therapists, seven psychiatrists, and several practicum interns. It was reported that VSP has approximately 1,000 inmates with disabilities, which is one-third of the overall population. Inmates with disabilities or impairments were observed wearing vests, indicating the need for additional support.

Kitchen

The main kitchen was clean, but it was not in use during the visit, as the tour took place after the meals had been prepared for the day. There are separate areas within the kitchen dedicated to special dietary needs, including individual storage areas, preparation tables, and cooking ovens. Inmates with food allergies receive guidance on foods to avoid. Inmates are provided with a hot breakfast, a cold-bagged lunch, and a hot dinner. VSP is doing a pilot program with California Healthy Harvest where heart-healthy items are featured monthly on the menu. VSP kitchen staff reported that feeding the inmate population costs approximately \$4.31 per person per day. There is a unit that includes *dead man's trays*. If an inmate dies, their tray is saved and inspected to be sure the cause of death was not food related.

Education and Vocational Program

Twenty-one full-time teachers are employed by VSP to provide academic classes ranging from pre-literacy all the way through GED. There are also higher learning opportunities offered through various online college programs. Inmates receive academic assessments before meeting with an advisor and are placed on appropriate waiting lists.

Many vocational programs and certifications are available to the inmates. Current programs are available for masonry, cosmetology, computer and related technologies (CTR), welding, and small engine repair. The Prison Industry Authority (PIA) provides training in the Optical program to make prescription eyeglasses for Medi-Cal recipients and inmates throughout California. Inmates accepted into the programs, which range from 6-18 months, are able to obtain certifications and are eligible to apply for a state license upon completion.

In addition to the education and vocational programs, various other programs are available to inmates which benefit the local community. The Valley State Prison Bike Refurbishing Program refurbishes and donates over 300 bikes annually, including adaptive bikes for physical disabilities. The Braille Transcription Program trains transcribers, and transcripts are donated to local schools and agencies. Other programs, such as *Defy*, *CEO of my Life Program*, which provide business development training, and teach skills that can be used upon release. Several restorative justice and trauma-informed therapeutic groups are also available to those who choose to participate. Upon returning to the community, the inmates have been given marketable skills for employment, which is the intent of Proposition 57.

The Youth Offender Program Mission is an educational mentor program aimed towards young offenders between the ages of 18-25. The mentors provide positive guidance and access to institutional resources at a critical time in their lives when they are the most receptive to change. By providing positive mentoring, educational, vocational, and self-help resources, youth offenders have a greater chance of success upon release, which reduces the recidivism rate. There were 530 participants in the program, 229 mentors, 175 youth enrolled in the program. Since the inception of the program, 352 youth have graduated. When interviewed, a youth offender stated the mentor support was based upon mutual respect and encouragement. The mentors interviewed discussed trying to change the culture for the younger inmates and wished they had someone to assist them when they were younger. The mentors assist youth offenders with classroom work and emotional support.

Visitation Areas

There are two types of visitation areas; one area is for daytime visits and an additional area for overnight Family visitation.

The walls inside the daytime visitation room have murals featuring colorful sea animals that were painted by the inmates. There are also children's play areas. A separate outdoor picnic area that contains barbecues can be used for inmates who wish to purchase food for their visitors.

The facility has four two-bedroom units for overnight *Family* visitation, which can be reserved for up to three nights. Each unit has a fenced outdoor area that features green rubber

mulch that looks like grass. Inmates can request overnight visits every 90 days and must be approved by the staff. A visitation room for up to six-hour visits is available on Fridays, Saturdays, and Sundays.

Findings:

F1. The MCGJ finds that VSP has overpopulated the facility and is far exceeding the designed capacity limits.

F2. The MCGJ finds that VSP provides a multi-faceted environment with the goal of rehabilitation and the reduction of recidivism.

Recommendations:

R1. The MCGJ recommends that VSP meet the State-authorized capacity by October 1, 2024.

R2. The MCGJ recommends that VSP continue to develop the multi-faceted environment for the purpose of rehabilitation and the reduction of recidivism.

Required Responses: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses from the following governing body within 90 days:

Valley State Prison Warden
21633 Avenue 24
Chowchilla, California 93610

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95841

Invited Responses: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 60 days:

Board of State and Community Corrections (BSCC)
2590 Venture Oaks Way, Suite 200
Sacramento, CA. 95833

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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Central California Women's Facility

The Madera County Grand Jury (MCGJ) conducted the mandated Detention Facility Inspection at the Central California Women's Facility (CCWF) located at 23370 Road 22 in Chowchilla, California. The first visit was on November 3, 2023, and the inspection continued on December 8, 2023. The MCGJ met with the CCWF staff who provided a tour of the grounds, buildings, programs, and amenities for the inmates.

General Information:

The CCWF opened in 1990 on 640 acres of land in Chowchilla, California. The CCWF is a level one through four prison which is a minimum to maximum security women's facility. The design capacity of the facility is 2,004 inmates. The expanded capacity after the 2022 state mandate is 2,951 inmates, and the population on December 8, 2023 was 2,201. The typical sentence for inmates varies from three to five years; however, there are inmates sentenced to life without the possibility of parole. The population includes 13 inmates who are on the condemned inmate list, formerly known as death row.

The California Department of Corrections and Rehabilitation (CDCR) is implementing the California Model in prisons. The California Model is a paradigm shift that was inspired by Norway's prison system to change the culture within the prisons. This approach promotes respectful communication and positive activities between staff and inmates. Staff in leadership positions have attended training programs offered by the CDCR in Norway. The training focuses on learning how their approach in corrections and rehabilitation is lowering recidivism and expanding inmate and employee wellness, which are key components of the California Model. The MCGJ witnessed the positive communication between the staff and the inmates throughout the inspection.

Staffing:

The staffing ratio of officers to inmates at the time of the inspection was 2:200. The medical staff to inmate ratio was 1:39 for inpatient services and approximately 1:300 for outpatient services. These ratios meet the standardized State requirements.

Interior of buildings:

The MCGJ noted that the lobby and visitor check-in entrance area was in need of cleaning. In the lobby bathroom for visitors, the sink was stained and falling away from the wall.

Swamp coolers are utilized throughout the facility, with the exception of the medical wing and administration buildings. These swamp coolers lack the ability to cool the buildings during Central California's summer heat. In July of 2023, The Sacramento Bee reported on the sweltering conditions in the housing units. Inmates interviewed stated their room temperature rose to 94 degrees for three days in a row and could reach 102 degrees in certain areas of the prison.

The MCGJ observed missing and damaged ceiling tiles in the interior of several buildings. In addition, at least two of the classrooms had water leaks in the ceilings as a result of lack of maintenance of the swamp coolers. The observed discoloration in the ceiling tiles leads to concerns for mold growth and therefore possible health hazards.

Orientation of Inmates:

Upon arrival to the facility, the intake area is known as Receiving and Release (R&R), inmates are issued clothing, hygiene items, and an orientation packet which includes a Prison Rape/Elimination Act (PREA) brochure. The inmates are housed in quarantine for ten days. Nursing staff perform an intake interview and medically evaluate the patient to discern appropriate housing based on needs. In addition to medical evaluations, the inmates undergo cognitive screening for disabilities. Inmates are also screened by a psychologist within five days of arrival for a mental health evaluation. The results of all the screenings assist in determining the appropriate placement within the facility.

Medical Health:

Medical staff is available and on duty full-time, including medical doctors, OB/GYNs, nurse practitioners, doctors of osteopathic medicine (DO), nurses, and physician assistants. Registered nurses complete daily triage within 24 hours of all symptomatic health care requests. The facility has a separate building dedicated as a skilled nursing unit for medical and mental health care. Some of the inmates are not able to move around without assistance and some require daily medical care. These inmates have single cells.

The MCGJ observed the laboratory where blood and urine tests are processed. The staff described how they process samples and send them out to Quest Laboratories for analysis. The area was well organized and processes over 100 samples per day.

Mental Health/Behavioral Health:

Psychologists, psychiatrists, clinical social workers, and recreational therapists are also available to provide mental and behavioral health services. At intake, inmates undergo a mental health screening process. Based on the results of the screening, the inmate can be referred to Psychiatry for evaluation and appropriate medications and treatment. This information determines the level of support and the frequency of contact with clinicians.

Secured Housing Unit (SHU):

The unit for secured housing of inmates is also called Administrative Segregation or “Ad Seg.” This building serves multiple functions, including serving as the new inmate intake area, temporarily overseeing inmates exhibiting violent behavior, and housing condemned inmates. A portion of the unit that houses the 13 condemned inmates is separated by an internal chain-link fence.

The Ad Seg unit has at least eight Correctional Officers at all times, who wear body cameras. The medical staff for this unit includes psychologists, psych techs, and nursing staff on a regular basis, and other medical staff may be called upon as needed.

Kitchen:

Food preparation occurs in the Central Kitchen and is then distributed to the two dining areas. Inmates eligible and interested in working in the kitchen are placed on a waitlist until an opening occurs. The inmates are trained in food handling, food safety, sanitation, cleaning, and food preparation.

Visitation Areas:

There are four two-bedroom units for overnight family visitation. Each inmate can reserve these units once every three months, as long as they are not under any disciplinary restrictions. The units were clean and ADA-compliant. They have a small kitchen where families can prepare food together. Other indoor and outdoor visitation areas are available for visitors on the approved list.

Vocational Programs Toured:

Dental: The Prison Industry Authority (PIA) dental unit provides training programs for inmates to learn to make dental prosthetics. The manufactured dentures and partials are provided to inmates throughout the California prison system. The inmates must pass various tests to work in this unit. The unit was busy, and the inmates observed were focused on doing good work.

Optical: The PIA also provides training in the Optical program to make prescription eyeglasses for inmates and Medi-Cal recipients throughout California. The inmates are trained and can become certified to operate the equipment. The certification is from the American Board of Opticianry. This enables them to obtain employment after release.

Cosmetology: Inmates can receive textbook and hands-on training in hair-cutting, color, highlights, hair extensions, eyebrow threading, and more. The inmates can carry over the 1,200 hours required to apply for the State Board test.

PUPS program: The Puppies Uplifting Inmate’s Spirits (PUPS) program allows inmates who qualify to receive training in how to train puppies in obedience and specific behaviors. In order to qualify, the inmate must not have a record of harming animals or any discipline issues. The dogs sleep in crates in the same cell as the handler, and caring for the pups becomes a full-time, around-the-clock task. All participating inmates wear identifying blue smocks with training treats in their outer pockets. The handlers monitor the behavior of the dogs and personality traits are recorded. The dogs are trained to provide mobility and stabilizing assistance, as well as diabetic alerts and seizure alerts. Dogs are trained to respond to commands and changes in the handler’s emotions and physical condition. When the dogs complete training, typically after 18 months, they are released to the San Diego Little Angels facility for further training and assignment.

The program has a zero recidivism rate for participating inmates who have been released back into the community. One of the former inmates, who had participated in the program and was hired by Little Angels, returned to CCWF’s PUP unit to share the accomplishments and images of the grown-up pups with the participants. With knowledge and familiarity with the family of trained pups, the ‘oooohs’ and ‘aahhhhs’ of proud pup parents filled the room as young pups rested at the feet of participants without making a sound.

Firehouse: The CDCR, in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE) and the Los Angeles County Fire Department (LAC FIRE), jointly operates 35 conservation camps, commonly known as fire camps, located in 25 counties across California. Participants in CCWF Fire Program support state, local, and federal government agencies as they respond to all types of emergencies, such as fires, floods, and other natural or man-made disasters within a 200-square-mile radius. When not assigned to an emergency, crews complete community service projects in areas close to their camp, maintain parks, and assist with sandbagging during flooding. Inmates have also participated in *Every 15 Minutes*, a DUI education program for High School students.

In order to qualify for the firefighting program, inmates must be classified as a Level 1 or 2, with less than seven years remaining on their sentence, no write-ups in two years, and no arson charges. Inmates are interviewed for the job, and if selected, will live and train in the fire house. With the passing of AB2147 in September 2020, this law allows former non-violent incarcerated people who participated in a CDCR conservation camp to have their records expunged. As a result, barriers are removed so they can seek jobs as firefighters in the community upon release.

Vocational Programs (Not observed):

There are a number of other vocational programs available to inmates that can result in certification earned upon completion. Those programs include but are not limited to:

- Auto Body and Fender
- Building Maintenance
- Core Construction
- Computer Related Technology

Educational Programs:

There are 23 teachers on staff, as well as a principal and assistant principal. The classroom teachers have three sessions per day with 18 students per session. There is a waitlist of up to six months to begin classes for those who apply. The teachers provide a place where students can grow and move forward on a path to rehabilitation. Digital tablets are provided for students so they can access educational materials, including courses to obtain GEDs, and college courses to earn up to a four-year degree. Inmates who complete their GED can get a six-month reduction in their sentence.

Mail Room:

All mail is scanned by X-ray machines and opened before distribution. The inmates are given a list of what they are allowed to send or receive by mail. Drug sniffing dogs are also used to detect illegal substances in the mail. Families can send money to inmates to be placed in their respective accounts with a check or money order. Money is then sent directly to the accounting department. The mail process is well organized.

Findings:

F1. The MCGJ finds that the maintenance and cleaning issues need to be addressed.

F2. The MCGJ finds that the swamp coolers have caused water damage throughout the facility.

F3. The MCGJ finds that several buildings have missing and water-damaged ceiling tiles.

F4. The MCGJ finds the PUPS program is beneficial for inmates, dogs, and the recipients of the trained dogs.

F5: The MCGJ finds that the CCWF firefighting program benefits the inmates and communities it serves.

Recommendations

R1. The MCGJ recommends that CCWF establish and document a regular maintenance and cleaning program throughout the facility within 90 days of the MCGJ report posting.

R2. The MCGJ recommends that CCWF initiate a regular maintenance schedule for the swamp coolers within 90 days of the MCGJ report posting.

R3. The MCGJ recommends that CCWF test for health hazards, including mold, as a result of the water-damaged ceiling tiles within 90 days of the MCGJ report posting.

R4. The MCGJ recommends that CCWF continue to support the PUPS program.

R5. The MCGJ recommends that CCWF continue to support the CCWF firefighting program.

Required Responses: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 90 days:

Central California Women's Facility Warden

23370 Road 22

Chowchilla, CA 93610

Invited Responses: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 60 days:

Governor Gavin Newsom

1021 O Street, Suite 9000

Sacramento, CA 95841

Board of State Community and Corrections (BSCC)

2590 Venture Oaks Way, Suite 200

Sacramento, CA 95833

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Madera County's Behavioral Health Services
Madera County Grand Jury
Final Report 2324-02
June 19, 2024

Summary

Every generation has its challenges, and how individuals deal with those challenges varies from person to person. In the past, the topic of mental health was widely misunderstood and even considered taboo. In recent years, mental health is more openly talked about in schools, workplaces, social circles, and the media. This seems even more prevalent since the Covid-19 pandemic that the world endured. Many people are realizing that mental health struggles are common, and help is available.

The 2023-2024 Madera County Grand Jury (MCGJ) investigated the Madera County Department of Behavioral Health Services (MBHS) to determine how MBHS is supporting the community in their mental health and well-being. The MCGJ found that MBHS has many beneficial programs to address mental health, substance use disorders, and crisis situations, as well as very dedicated staff that make a difference in the lives of many. The MCGJ also found that MBHS has long-term issues in both employee and client retention that has negatively impacted current and future services. While a variety of funding continues to come in for the expansion of services for the changing and growing needs of the community, without properly addressing the current issues, the success and support of MBHS clients is limited.

Background

Americans are seeing a decrease in the restrictions implemented due to the Covid-19 pandemic. However, the impact on mental health has remained. Youth and adults alike experienced sudden and extreme isolation, instability, and loss, and there has been a significant increase in depression, anxiety, suicide rates, and substance use. According to the National Alliance on Mental Illness (NAMI), one in five adults and one in six youth (ages 6-17) experience a mental health disorder each year. Now more than ever, services and support for mental health and substance abuse disorders are essential to the community. This led the Madera County Grand Jury (MCGJ) to investigate how the Madera County Department of Behavioral Health Services (MBHS) addresses these drastic needs.

Behavioral Health is a relatively new term that is often used interchangeably with mental health; however, there are fundamental differences between the two that impact the diagnosis and treatment of the concerns. While mental health has to do with thoughts and feelings, behavioral health has more to do with a person's actions. Diagnoses such as depression, anxiety, bipolar, and schizophrenia all fall under the mental health umbrella, and substance abuse, gambling addictions, and eating disorders fall under the behavioral health definition. Many individuals struggle with both mental and behavioral health issues. According to reports published in the Journal of American Medical Association, roughly 50 percent of individuals with severe mental health disorders are also affected by substance abuse. These disorders, called co-occurring disorders, are treatable conditions best addressed simultaneously.

The MBHS offers mental health and alcohol and drug services for all ages across Madera County, with offices in Madera, Chowchilla, and Oakhurst. Services are primarily for individuals with Medi-Cal, low-income, or the uninsured. Their mission statement is to *promote the prevention of and recovery from mental illness and substance abuse for the individual, families, and communities we serve by providing accessible, caring, and culturally competent services*. These services include assessments, counseling/therapy, psychiatric evaluation and treatment, case management, prevention and educational courses, and crisis services. In 2023, the MBHS had an operating budget of \$41,223,600. These funds come from multiple sources, including health care programs, state funds, assembly bills, and various block grants.

Methodology

The MCGJ interviewed various MBHS employees including direct service providers, program managers, and others in leadership positions. The MCGJ also reviewed a diverse range of publications and informational websites, both local and national-wide, including but not limited to:

- Madera Community Health Assessment conducted by Live Well Madera
<https://www.maderacounty.com/home/showpublisheddocument/35069/638251861044570000>
- MHSA Program and Expenditure Plan (Fiscal Years 2023-2026) and annual updates
<https://www.maderacounty.com/home/showpublisheddocument/30501/638315077432830000>
- External Quality Review (EQR) report published in 2023 by Behavioral Health Concepts
<https://www.caleqro.com/data/MH/Reports%20and%20Summaries/Fiscal%20Year%202023-2024%20Reports/MHP%20Reports/Madera%20MHP%20Final%20Report%20FY%202023-24%20LIH%2001242024.pdf>
- Medi-Cal Specialty Mental Health Services Triennial Review of the Madera County Mental Health Plan by the California Department of Health Care Services (DHCS)
<https://www.dhcs.ca.gov/Documents/Madera-System-Review-Findings-Report-FY-2021-22.pdf>
- Madera County Behavioral Health Advisory Board meeting minutes
<https://www.maderacounty.com/government/behavioral-health-services/about-bhs/behavioral-health-advisory-board>
- Substance Abuse and Mental Health Services Administration (SAMHSA) website <https://www.samhsa.gov/>
- National Alliance on Mental Illnesses (NAMI) website <https://www.nami.org/>
- California Department of Health Care Services (DHCS) website
<https://www.dhcs.ca.gov/>
- “*The Importance of Physical Environment*” by Tina Champagne
<https://www.mass.gov/doc/section-two-the-importance-of-physical-environment/download>

- “Compassion satisfaction, burnout, and secondary traumatic stress in UK therapists who work with adult trauma clients” by Ekyndayo A Sodeke-Gregson, Sue Holttum, and Jo Billings <https://pubmed.ncbi.nlm.nih.gov/24386550/>

Additionally, MCGJ toured the MBHS office located at 209 E. 7th St. in Madera. During this site visit, MCGJ had the opportunity to meet many employees, including clinicians, drug and alcohol counselors, case managers, and outreach and data specialists.

Discussion

Mental health services

The MBHS offers mental health assessments, individualized therapy, and psychiatric services which include medication evaluations and monitoring. Any individual in Madera County can self-refer by phone or walk in during regular business hours to access services. MBHS has two offices in Madera, one located at 209 E. 7th St. which offers services for adults, and one at 117 N. R St. called Madera Children’s Youth and Family Recovery which provides services for children. There are also offices located in Chowchilla at 215 S. 4th St. and in Oakhurst at 49774 Road 426. There is one centralized access phone number that can be called to start services at all locations. During regular business hours, the phone number is answered by an MBHS employee who can provide initial screening and set an appointment. After hours the call is redirected to a trained contracted provider in Alameda County that will forward the information to be handled by MBHS the next business day. According to mental health regulations, an assessment must take place within 10 business days of the first contact for non-emergency behavioral health concerns and 15 days for psychiatry. The MBHS is able to meet this timeline 97 percent of the time and has an average of six days for the first available non-urgent appointment. After the assessment, if the individual meets medical necessity for treatment and is interested in services, they will be connected with a clinician to support them in reaching their treatment goals. Services are available in-center, in the home, or out in the community. Transportation is available if needed.

Services for children, from infants to age 21, are provided at a separate office to ensure the confidentiality and safety of minors. Madera Children’s Youth and Family Recovery provides outpatient services to children in the community, as well as services for children in the child welfare and juvenile justice systems. Psychiatry services are also available to children; however, they are only offered via telehealth, unlike psychiatric services for adults, which are available in person.

The MBHS employees explained that mental health services are based on client determination, meaning each individual helps determine the goals and frequency of services. Despite this being an admirable goal, the reality is the frequency of services is limited due to the lack of clinicians. Availability also becomes even more limited when factoring in travel

time to and from therapeutic home or community visits. Employees interviewed by MCGJ reported that MBHS is severely understaffed with a vacancy rate of approximately 20 percent and long-term difficulty in recruiting and maintaining these positions. In June of 2023, it was reported to the Madera County Behavioral Health Advisory Board that MBHS had 195 funded positions and only 135 positions filled. This means that MBHS experienced a vacancy rate of over 30 percent at that time. With this personnel shortage, it is difficult to accommodate weekly services for all clients with the current staffing. According to interviewees, MBHS has had several vacant positions, including management and support staff, for over two years. This means that clients may not be able to be seen as often as they desire or feel they need, and the potential wait time after the initial assessment to start treatment could be prolonged. This could be one reason why MBHS was found to have the highest single service-only rate in the state, which was highlighted in the External Quality Review (EQR) report completed in September 2023 by Behavioral Health Concepts, Inc. The EQR found that 25.32 percent of MBHS clients are attending one appointment and not returning. This is more than double the statewide rate which is 11.21 percent. It was also reported that the median length of stay was considerably less than the statewide average. This indicates that MBHS is lacking in the ability to engage and retain its clients for whatever reason.

These vacancy rates not only affect the clients, but also MBHS employees. The recommended caseload for clinicians is 30 patients; however, according to one interviewee, that number has increased to 70 on occasion. The personnel shortage has resulted in employees taking on responsibilities that are outside of their job descriptions or areas of expertise. This could potentially result in early burnout and low job satisfaction. Many interviewees expressed feelings of low morale due to these issues.

Another impact of high caseloads is limited time for clinicians to complete their necessary documentation for charts and insurance billing. The Department of Health Care Services (DHCS) does a triennial review of MBHS charts to ensure that they are in compliance with state and federal medical records regulations and adhere to the terms of the contract between DHCS and MBHS. The last review completed in 2022 had six different findings of violations that required corrective actions. Several of those findings were related to the timeliness of the required documentation. Failure to complete documentation in a timely manner can lead to delays in care and denial of insurance claims, which negatively impacts the clients and MBHS funds.

The MCGJ reviewed meeting minutes from the Madera County Behavioral Health Advisory Board and found that *workforce issues* have been cited as a challenge for MBHS since 2021. MBHS states this is caused by lower salaries, high cost of living, commuting costs, and opportunities for telework. While there have been some efforts to address workforce issues, such as a 2.5 percent increase for *hard to fill positions* and a \$1,000 hiring bonus, those incentives are not enough to remedy this ongoing problem. The MBHS has stated that *a recruitment and retention plan is going to be developed*. However, there has been no acceptable plan presented in the last three years

The Madera County Board of Supervisors contracted a salary study with Koff & Associates in 2023/2024. The last study was completed in 2018. Employees interviewed stated that MBHS pays less than surrounding counties. Due to this MBHS has had difficulty recruiting all positions. One interviewee shared that they opened a licensed clinician position which was left unfilled for close to a year. Due to being unable to recruit a licensed clinician, MBHS had to modify the position to include pre-licensed individuals. That creates a new personnel issue because all pre-licensed clinicians are required to be overseen by a licensed clinician who must take time out of their own schedule and clients to provide supervision hours on a weekly basis. There is only so much capacity for pre-licensed individuals, especially if MBHS is unable to hire more licensed clinicians. The MBHS has stated to MCGJ and the Madera County Behavioral Health Advisory Board meetings they wanted to *grow their own professionals* in response to the workforce crisis by recruiting interns from local colleges in hopes that they would eventually stay and be hired after their internship. With the shortage of licensed clinicians able to provide the interns with the necessary supervision, having interns is not even a possibility for MBHS.

The MCGJ learned that the onboarding process for new employees, from initial contact with HR to the first day of work, has taken up to three months. During this time, prospective employees can find employment elsewhere, reducing the already low pool of applicants.

Mental Health Services Act

In 2004, California voters passed Proposition 63, the Mental Health Services Act (MHSA), which provides each county an allocation of about 50 percent of their behavioral health budget. This additional funding helps the counties expand their services in hopes of reducing homelessness, crime, incarcerations, and unemployment caused by severe mental health illnesses.

MHSA has 5 main components:

1. Community Services and Support (CSS)
2. Prevention and Early Intervention (PEI)
3. Innovation (INN)
4. Capital Facilities and Technological Needs (CFTN)
5. Workforce Education and Training (WET)

The Community Services and Support (CSS) component is the largest component of MHSA (76 percent), and funds direct services for adults with serious mental health illnesses and children with severe emotional disturbances. One category of this component is the Full Service Partnership (FSP) program, which is an intensive service collaboration between clinicians, case managers, and clients. When an individual has a severe mental illness, they often need support with transportation, housing, education, and linkage to community services. The MBHS even has co-located staff that assist clients in applying for insurance and other county benefits. In the FSP program, MBHS clinicians and case managers work together to provide some type of

support up to five times per week. This multi-disciplinary team meets daily to collaborate on client care and do *whatever it takes* to help the individual on their path to recovery.

Approximately half of MBHS adult clients are in the FSP program.

Since stable housing is critical to achieving overall wellness, MHSA has also funded a housing program that offers supportive housing for individuals with severe mental illness and their families who are homeless. The MBHS collaborates with several government agencies, community development organizations, and non-profit groups to house and treat those in need. The MBHS currently oversees 81 beds at eight different locations within the county. An MBHS case manager keeps an updated dashboard with vacancies per location so a client in need can easily be referred and connected to appropriate housing. In 2023, MBHS received nearly \$3,000,000 for the Behavioral Health Bridge Housing Program to expand its services aimed at assisting individuals experiencing homelessness. With the passing of Proposition 1 in March of 2024, further funding for these services can be expected in addition to what has already been received.

The MCGJ determined that while MBHS personnel are doing an excellent job with most of the components of MHSA, they are severely lacking in their commitment to Workforce Education Training (WET). The primary goal of the WET funding is to provide programs that enhance the skills of MBHS employees and community members, and develop recruitment and retention strategies for qualified professionals. This goal is also supported in the Madera County Strategic Plan 2023 which set a goal to increase the number of and attendance at training sessions related to mental health. Interviewees stated that last year, four different trainings were canceled, which was just another fallout of the personnel shortage. Although computer based training through Relias is still available to employees, it does not replace the value of in-person continuing education. For many clinical licenses, continuing education is a requirement in order to maintain their licensure. When MBHS-sponsored trainings are canceled, those employees could potentially be left to find and pay for the training sessions on their own. The MBHS Workforce Training Policy does state that *BHS is not responsible for the costs of continuing education courses to obtain licensure or for the maintenance of State licenses... (and) continuing education courses, which may be a requirement of employment... may not qualify for fee reimbursement.* Another MBHS policy states that failure to obtain required training for licensure, *including the satisfaction of any applicable continuing education requirements, as required for the provider type* is cause for termination. When a license is required for a specific position, and what is required in order to maintain that license is not provided, this is a missed opportunity for incentivizing individuals to work there. Per the interviewees, there are also no opportunities for pre-licensed or licensed clinicians to obtain certifications in treatment modalities while employed at MBHS. Interviewees stated that it would be difficult to do their job at MBHS had they not worked at other agencies first and participated in the training opportunities offered there since MBHS does not offer much. This directly contradicts MBHS's goal to *grow their own professionals* and could be another reason why their employees are seeking employment elsewhere.

The MCGJ also determined that MBHS needs to improve efforts regarding the Prevention and Early Intervention (PEI) component of the MHSA. One goal of the PEI funds is to increase outreach efforts and reduce the stigma related to mental illness. The effectiveness of these efforts is measured by collecting data regarding the penetration rate, which is the number of persons receiving the services out of the Medi-Cal eligible population. MBHS interviewees reported to MCGJ that the penetration rate for the Hispanic/Latino population is low. Data from the EQR report confirms this. The report states that “The proportion of Hispanic/Latino eligibles in the MHP (mental health plan) is much higher than statewide; however, despite outreach efforts, the PR (penetration rate) for this group is lower than statewide (2.84 vs. 3.51 percent).” Madera’s overall penetration rate has also consistently been lower than similar-sized counties, indicating that this may not be an issue related to general cultural stigma and distrust of mental health services but with ineffective outreach efforts.

Substance use disorder (SUD) services

Based on the Madera County Community Health Assessment conducted by Live Well Madera, the rates of incidence of substance abuse-related driving deaths in Madera were higher than in both California and the United States. Despite the high rates of substance use, it is significant to note that Madera County does not have a residential drug and alcohol rehabilitation facility so all inpatient needs would have to be addressed out of county. The MBHS provides outpatient SUD services that follow the Matrix Model for treatment. This model is a highly structured treatment program that lasts five months and can involve a combination of individual psychotherapy and social support groups.

Support groups take place at the MBHS centers in Madera, Oakhurst, and Chowchilla. During the site visit of the Madera location, the MCGJ observed that the center appeared very clinical, outdated, and lacked the warmth of a therapeutic environment. This was especially true for the rooms where SUD groups take place. Individual therapy takes place in a clinician’s office, and each staff member is able to decorate their own area, depending on their preferences and personal funds. MBHS employees confirmed that they are not provided with funds or materials to decorate their space. While some individual offices felt very nurturing and inviting, others were plain and intimidating. The hallways lacked color and had limited posters and paintings that appeared randomly selected. The rooms where group sessions take place consist of a large conference table and regular chairs. A study called “The Importance of Physical Environment” explains how a welcoming and visually attractive environment in therapeutic settings is central to client and staff experience in services. It states “The physical environment can influence feelings of safety, security and comfort, as well as support engagement, which are all essential aspects of the treatment and recovery process.” During the scheduled site visit tour, MCGJ observed that the center was very clean however during an unscheduled visit MCGJ noted that the reception area was notably different. The lack of cozy and soothing areas could also be a contributing factor to the low engagement rates that were discussed earlier

Crisis, Assessment, Response, and Evaluation Services (C.A.R.E.S. Team)

The C.A.R.E.S team is a new Crisis Care Mobile Unit (CCMU) that was designed to provide timely services to those individuals who are at high risk of suicide or homicide or have the need for assistance due to grave disability such as those who are unable to sustain shelter or adequately feed or clothe themselves. The team consists of one clinician and one case manager (usually a peer support specialist or person with lived experience.) The team can spend up to two hours with the individual to attempt to de-escalate the situation, provide a preliminary diagnosis if needed, and connect them to appropriate supportive services. If an individual has a plan, the means, and the intent to hurt themselves or others then the CCMU will initiate a WIC 5150, a 72-hour psychiatric hospitalization.

While the goal of crisis intervention services is to stabilize the individual so hospitalization is not necessary, there are times when a 5150 hold is needed. In this event, individuals are medically cleared and transported, most likely by ambulance, to an available facility for a 72-hour hold and treatment. Since there is currently no hospital in Madera County, all holds are sent out of the county. The MBHS had a Memorandum of Understanding (MOU) with Madera Community Hospital which helped facilitate communication and follow-up of admitted patients. This MOU has not been established at all the various out-of-county hospitals that a patient may be admitted to. Since follow-up within 72 hours of the initial crisis response is required, this lack of MOU can create a barrier for the team to assist in the continued resolution of the crisis and linkage to ongoing support after release. This could potentially impact the possibility of relapse and readmission creating an ongoing cycle. The EQR report collected data on MBHS's 7-day and 30-day post-psychiatric inpatient follow-up rate performance and found a decrease of 59 percent and 41 percent respectively.

In 2023, MBHS was conditionally selected to receive a \$25,000,000 grant from the California Behavioral Health Continuum Infrastructure Program to create a Crisis Stabilization Unit and Sobering Center. This would effectively reduce the burden on hospitals and jails, but only if MBHS is able to find qualified staff to work there.

Since California mandates emergency psychiatric services be available 24/7 and MBHS only employs staff during regular business hours, MBHS entered into a contract with Westcare to provide after-hours crisis care. Some interviewees noted that there is a lack of oversight to this contract, creating complications in the coordination and communication between the two teams. According to the EQR 2023 report, MBHS does not report timeliness data for contractor-operated services, so it would be unknown if MBHS clients who receive crisis services after-hours are receiving timely care and follow-up.

While a dedicated mental health crisis team has many benefits, success depends on the increased community knowledge and trust of such an available resource. During the investigation, MCGJ found that no information regarding the C.A.R.E.S team and their services was listed outside of the MBHS website. Information on the website simply states *In crisis? Call the Access line, now*. Although MBHS presents program updates at Board of Supervisor and Town Hall meetings, these meetings are lightly attended by the community. After a year and a

half of the crisis team being in the community, it is unclear why there has been no media coverage of this very beneficial resource. Social media is a free resource that could reach many that is also not being utilized. The MHSA stakeholders also agreed that there is a general lack of awareness of the mental health services available in the community, as noted in the MHSA plan.

One MBHS interviewee shared their experience responding to a mental health crisis call where the individual was near death due to fentanyl exposure and required multiple doses of Narcan. Most people would agree that this could be a traumatic experience for any individual, even one who is trained in responding to crisis situations. Mental health professionals are one of the most at risk for what is known as secondary trauma or compassion fatigue. Employees who continuously hear about or witness emotional distress can sometimes develop symptoms that mimic those seen in their clients. A study done by Sodeke-Gregson, Holtum & Billings reported that 70 percent of psychotherapists were vulnerable to experiencing chronic levels of secondary stress. This can have drastic consequences on the professional's own health and mental well-being and on organizations such as increased sick leave, high rates of turnover, and poor productivity. Therefore, organizations that employ mental health professionals not only have an ethical responsibility but a financial responsibility to support their employees regarding secondhand trauma. Some mental health agencies help support this by requiring reflective practice, which is a group of peers led by a trained professional who helps reflect and re-frame difficult experiences. Other organizations have an internal professional on-call that employees can speak to at any time. The MBHS employees noted that there are no internal services or support (outside of the EAP benefits which can be limited) for employees to reflect on their own mental well-being. Although pre-licensed individuals are required to have direct supervision with a licensed professional, other employees do not have a dedicated time to speak with someone about their experiences. This can be compared to being told to put on your oxygen first before helping others on a plane. An individual cannot properly assist others unless they take care of themselves. When an individual's own emotional well-being is not taken care of, they cannot be expected to carry the heavy load of another person's mental health.

Despite the limited support available to MBHS employees, those that the MCGJ interacted with during the investigation showed a tremendous amount of passion and dedication to their work and their clients. Their positive attitudes and willingness to do whatever it takes for their clients were evident. The work they do improves the lives of many.

Findings

F1: The MCGJ finds that MBHS' long-term staffing shortage has had a detrimental effect on the engagement and retention rate of those utilizing the services, as well as employee morale.

F2: The MCGJ finds that MBHS has insufficient professional development training for their employees, not just for the benefit of the staff, but also supporting their own goal of being able to *grow their own professionals* in response to the workforce crisis.

F3: The MCGJ finds that the outreach efforts are inadequate to the Hispanic/Latino population.

F4: The MCGJ finds that the sterile nature of the facilities where services are conducted do not support the therapeutic environment essential for connection.

F5: The MCGJ finds that the new C.A.R.E.S mobile crisis team is a very valuable resource for the county, however it lacks sufficient public exposure to develop awareness and trust in the community.

F6: The MCGJ finds that MBHS is not providing support to their employees regarding their own well-being and mental health.

F7: The MCGJ wants to commend the staff of MBHS for their dedication and commitment to improving the wellness of the community.

Recommendations

R1: The MCGJ recommends that MBHS submit a recruitment and retention plan that includes salary increases and incentives to the Board of Supervisors within 120 days of the MCGJ report posting, addressing the long-standing staffing shortage.

R2: The MCGJ recommends that MBHS update its Workforce Training Policy to expand the number of professional development training sessions and certifications available to employees, with costs incurred by MBHS within 120 days of the MCGJ report posting.

R3: The MCGJ recommends that MBHS add Spanish-language media outlets to their outreach efforts to the Hispanic/Latino community within 120 days of the MCGJ report posting.

R4: The MCGJ recommends that MBHS consult with a professional within 120 days of the MCGJ report posting to improve the interior of the treatment areas and create a more therapeutic environment.

R5: The MCGJ recommends that MBHS coordinate press releases, local news coverage, and social media campaigns to highlight the C.A.R.E.S. team and their services within 120 days of the MCGJ report posting.

R6: The MCGJ recommends that MBHS implement an internal program to support the well-being and mental health of its employees within 120 days of the MCGJ report posting.

Required Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows;
From the following elected county officials within 90 days:

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

Invited Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows;
From the following governing bodies within 60 days:

Director of Madera County Department of Behavioral Health
209 E. 7th St.,
Madera, CA 93638

Note: This report was prepared using current information available on the websites listed.

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.



**Madera County Animal Services:
It's A Dog's Life
Madera County Grand Jury
Final Report 2324-03
June 19, 2024**

Summary

Madera County Animal Services (MCAS) has long been a cornerstone of community welfare, providing vital services ranging from animal adoption to public health protection. However, recent investigations by the Madera County Grand Jury (MCGJ) have shed light on the organization's persistent challenges, spanning over two decades.

The findings of the 2023-2024 MCGJ report highlight three recurring themes: facility shortcomings, understaffing, and the absence of a comprehensive Policy and Procedure manual. Despite years of acknowledgment by the Madera County Board of Supervisors and MCAS directors, these issues still need to be solved, posing significant hurdles to effective operations and community service.

Background

Animal shelter services play an essential role in the community, by adopting out pets to loving homes and helping keep the streets clean and safe from animal-transmitted diseases. The Madera County website lists the following services provided by the Department of Madera County Animal Services (MCAS)

- Protection of public health against contagious, infectious, or communicable animal diseases.
- Rabies Control.
- Patrol of public streets and parks in the County of Madera.
- Adoption of shelter animals after mandated California state time period (3-day hold).
- Impoundment of stray, sick, or injured animals, cats/dogs.
- Vaccinate all impounded shelter animals.
- Welfare checks on possible neglected animals.
- Enforcement of local and state laws.
- Animal Licensing for County residents.
- Quarantine of animals involved in bites to humans.
- 24-hour response to emergency calls.
- Volunteer Opportunities - must be 16 or older with a waiver.
- Community Outreach Presentations (providing education on humane animal care, wildlife concerns, and shelter operations).

The MCAS is the only full-service animal shelter in Madera County. Chowchilla has a small holding facility that offers licensing, vaccinations, and community education. The MCAS houses lost, abandoned, or surrendered animals from within the county and city. Healthy animals are offered for adoption at the Madera shelter facility.

There are five Animal Control Officers (ACOs) that respond to field calls and patrol the county for stray or dangerous animals during MCAS business hours. If an animal needs emergency medical care, it is transported to a contracted veterinary facility in Chowchilla. If the

animal does not require emergency care, they are transported to the MCAS facility. The shelter has five trucks for transportation. Three of the five MCAS trucks have air conditioning in the animal cargo/holding area, and two utilize less effective swamp coolers in the animal cargo/holding area.

Methodology

- Interviewed key shelter personnel.
- Conducted an on-site evaluation.
- Reviewed previous Grand Jury reports and responses ([2004-2005](#), [2005-2006](#), [2006-2007](#), [2009-2010](#), [2013-2014](#), and [2015-2016](#))
- Reviewed the Road 28 Campus Project document and timeline.
- Monitored MCAS's social media presence.
- Examined the MCAS budget.
- Reviewed the MCAS organizational chart.
- Reviewed *Maddie's Shelter Medicine Program* prepared for Madera Animal Shelter by the University of Florida.
- Reviewed MGT Consulting Group report on animal services cost and fee analysis.
- Reviewed the data from [Shelter Animals Count](#)

Discussion

In 2023, MCAS was able to intake 3,644 animals, including cats, dogs, and other animals. The annual operating budget approved by the Board of Supervisors is approximately \$1.9 million. Funding for the shelter is split between the County of Madera and the City of Madera. The County provides approximately 90 percent of the funds, and the City covers the other 10 percent, despite the fact that 60 percent of the animals come from the County and 40 percent come from the City. This was established through a tax-sharing contract between the City and the County. Chowchilla does not contribute financially to MCAS.

The MCGJ has completed investigations into MCAS in 2004-2005, 2005-2006, 2006-2007, 2009-2010, 2013-2014, and 2015-2016. Throughout those reports spanning up to twenty years, there have been three recurring topics:

1. Facilities issues and capacity limitations
2. Insufficient personnel
3. There needs to be a policy and procedure manual that includes agency-specific training information for employees and volunteers.

The Board of Supervisors and MCAS directors acknowledge and agree with these concerns year after year. However, all three issues remain.

Facilities issues:

The following are excerpts from past MCGJ reports highlighting the concerns recognized regarding the MCAS facilities:

- 2004-2005: There were crowded conditions. Evidence of lack of cleaning was also noted.
- 2005-2006: Crowded conditions... are just a few problems faced in the operation of the animal shelter.
- 2013-2014: The County Animal Services Facilities need upgrading and repair.
- 2015-2016: The MCAS is old, in disrepair, and inadequate to accommodate the county's needs.

The 2023-2024 MCGJ toured the current MCAS facility and noted concerns over the drab gray facilities and the lack of a welcoming ambiance. Offensive, pungent, and lingering odors greet the public at the entry door to the kennels. These odors raise concerns for the safety of employees, the public, and the animals. The offensive smells in the kennel area may also discourage return visits and potential adoptions. Plumbing in the facility currently still requires frequent repair and maintenance. The location of the facility, hidden behind the County Jail, presents challenges in accessibility and visibility to the public.

Every year, MCAS offers hope for an improved or brand-new shelter facility to help meet the needs of the ever-growing community. In 1984, the Will and Testament of Ms. Roberta J. Wills, a resident of Madera County, requested that the sum of \$268,725.51 be donated to MCAS and half of the money be used for making capital improvements at any existing animal shelter or towards acquisition and construction of a new facility. The other half of the trust money was to be used for operations and maintenance. The 2004-2005, 2005-2006, 2006-2007 MCGJ panels all inquired into the status of the Roberta J. Will trust money allocation to MCAS. The 2009-2010 MCGJ reported that a new building opened in November 2008 that includes an adoption area and a room that houses adoptable animals. During the facility tour in September 2023, the MCGJ saw that the new room designated for pet bonding for potential adopters was being used for storage.

In November 2013, the Board of Supervisors commissioned and incorporated the Road 28 Campus Study into the Madera County Capital Improvement Plan. These plans included new buildings for Madera County Social Services and Public Health, relocation of the Agricultural Commissioner, and a new animal shelter facility for MCAS. The initial plans indicated that the animal shelter was slated in Phase 7 of 8, which was estimated for construction in 2024. An interview with a County administrator indicated that there is no longer any money in this plan for MCAS as of 2023. Funding shortages and bureaucratic hurdles have continuously hindered progress in facility upgrades.

Insufficient Personnel:

The following are excerpts from past MCGJ reports highlighting the concerns recognized regarding staffing issues at MCAS:

- 2004-2005: There is a staff shortage at the Animal Shelter.
- 2005-2006: ...staff shortages... are just a few problems faced in the operation of the animal shelter.
- 2013-2014: The Madera County Animal Services and the City of Madera Animal Control Divisions are understaffed.
- 2015-2016: Every county employee and county representative interviewed during this investigation stated that the department needed... more staff.

According to the Proposed Recommended Budget for 23-24, the Animal Shelter was budgeted for 20 full-time equivalent employees. As of May 2024, 14 positions were filled. MCGJ learned that there is currently a hiring freeze for the remaining positions. The staff comprises one director, an accounting technician, an animal services office supervisor, five field personnel, and other on-site employees. The animal services officers cover the entire County except for the incorporated cities of Chowchilla and Madera. There are also volunteers that offer assistance in caring for the animals and cleaning the facility.

Lack of Policy and Procedure Manual:

The following are excerpts from past MCGJ reports highlighting the concerns recognized regarding the lack of Policy and Procedure Manual:

- 2005-2006: MCGJ recommends MCAS ensure that all animal shelter staff is adequately trained.
- 2009-2010: There needs to be more formal, regularly scheduled training programs for staff.
- 2015-2016: No organized, detailed writing policy/procedure for the orientation of new hires was produced, nor did the present staff know of a formalized orientation program.

Policy and Procedure Manuals are essential tools to direct the operations of any agency or body, ensure state laws are known and followed by all employees, and establish consistent training procedures for all new hires and volunteers. The Board of Supervisors has acknowledged the lack of a Policy and Procedure Manual specific to MCAS, and no formalized department-specific training. In 2016, the MCAS director also acknowledged the MCGJ findings and recommendations by issuing a response stating; I will make a personal commitment to dedicate the time needed to provide an organized, detailed, written policy/procedure manual for both staff and volunteers.

The 2023-2024 MCGJ requested the current Policy and Procedure Manuals several times. MCAS personnel stated these documents would be produced for the MCGJ, however no manuals were ever provided. Later in the investigation, the Board of Supervisors confirmed that MCAS does not have a Policy and Procedure Manual. In addition, all interviewees stated that new employees and volunteers continue to rely on training from other employees. Despite commitments to address these issues, no progress has been made. This raises questions about adherence to state laws and standards and concerns for employees and volunteers who are left without essential guidance and training resources.

The data of the future is alarming.

Every year, MCAS reports data to several entities, one of which is *Shelter Animals Count*, a National centralized database for shelter animals. Their hope is to collect statistics with the intent of allowing organizations to *streamline and pivot operations according to the needs of their community*. The MCGJ reviewed the statistical trends of intakes, adoptions, and euthanasia events over the last several years and discovered a disturbing reality.

Year	Number of intakes	Number of adoptions	Number of animals euthanized	Euthanasia rate
2021	2,226	525	230	10%
2022	2,730	442	617	22%
2023	3,644	530	1,214	33%

Perhaps most alarming is the sharp increase in euthanasia events, with the percentage of animals euthanized nearly tripling from 2021 to 2023. While euthanasia is sometimes necessary for humane reasons, such as severe illness or aggression, the high euthanasia rate raises questions about the capacity of MCAS to provide alternatives and interventions to prevent unnecessary euthanasia.

The largest percentage of intakes consist of stray animals (picked up and brought to MCAS by the ACO team), with a small percentage of intakes consisting of owner-relinquished pets and other intakes. With the population of Madera County continuously growing, it can be assumed that the number of strays, and therefore the number of animals euthanized, will only continue to increase exponentially. Without concerted action, the trajectory of animal welfare in Madera County may continue on a troubling path, with far-reaching implications for both animals and residents.

Findings:

F1: The MCGJ finds that the tax-sharing contract between Madera County and the cities of Madera and Chowchilla should be more equitable based on the number of animal intakes per jurisdiction.

F2: The 2023-2024 MCGJ finds, and agrees with previous findings, that the MCAS facility is inadequate to meet Madera County's current needs and future growth.

F3: The 2023-2024 MCGJ finds, and agrees with previous MCGJ findings, that staffing shortages persist due to the significant gap between the budgeted number of full-time equivalent employees and the actual number of positions filled.

F4: The 2023-2024 MCGJ finds, and agrees with previous MCGJ findings, that the MCAS does not have an established written Policy and Procedure Manual.

Recommendations:

R1: The MCGJ recommends that the Board of Supervisors renegotiate the tax-sharing contract between the County of Madera and the cities of Madera and Chowchilla regarding the MCAS funding within 90 days of the MCGJ report posting.

R2: The MCGJ recommends that the Board of Supervisors propose a new plan to complete the renovation of the current MCAS facility or the construction of a new facility within 90 days of the MCGJ report posting.

R3: The MCGJ recommends that the Board of Supervisors remove the hiring freeze affecting MCAS within 90 days of the posting of the MCGJ report.

R4: The MCGJ recommends that MCAS develop and adopt a written Policy and Procedure Manual within 180 days of the MCGJ report posting.

Required Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows; From the following elected county officials within 90 days:

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

Madera City Council
205 W. 4th Street
Madera, CA 93637

Chowchilla City Council
130 S. 2nd Street
Chowchilla, CA 93610

Invited Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows;
From the following elected county officials within 60 days:

Madera County Animal Shelter
14269 Road 28
Madera, CA 93637

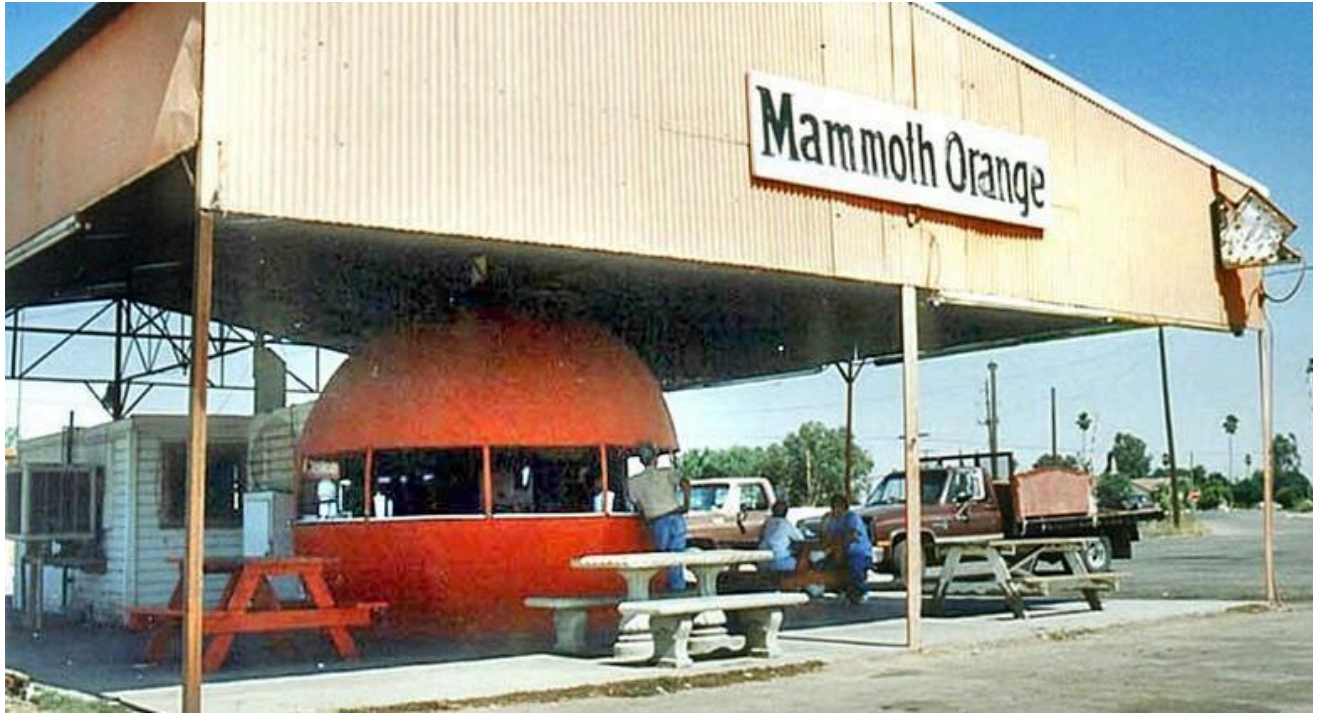
Madera County Public Health Director
1604 Sunrise Avenue
Madera, CA 98368

Madera County Animal Control Director
14269 Road 28
Madera, CA 93636

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

Note: This report was prepared using current information available on the websites listed.

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.



FAIRMEAD:
Waiting for a Train
Madera County Grand Jury
2023-2024
Final Report 2324-04
June 19, 2024

Summary

The Madera County Grand Jury (MCGJ) investigated several issues which currently plague the residents of Fairmead, a small unincorporated community located in Madera County, between the cities of Madera and Chowchilla. Due to its proximity, Fairmead falls within Chowchilla's sphere of influence. Unpaved streets, water quantity and quality, flood control, and the lack of a sewer system top the list of community needs. Non-profit organizations have attempted to gain public assistance to mitigate these problems with little success.

Background

Fairmead, known for the Mammoth Orange, is a small unincorporated community with approximately 170 homes and 1200 residents. Historically, San Joaquin Valley communities like Fairmead developed along the railroad tracks. Fairmead was originally a train stop with a few homes and businesses. Fairmead is a planned community designed in 1912 by developers from Palo Alto, CA. Later, Fairmead became a farm worker community, and is currently lacking modernized infrastructure.

Recent public information regarding the High Speed Rail as well as a press release detailing the plight of Fairmead residents with the lack of essential services prompted the MCGJ to investigate Fairmead and their issues. The High Speed Rail Authority (HSRA) plans to pass through Fairmead, and has offered the community many promises to upgrade their infrastructure.

Methodology

- Interviewed Madera County and Chowchilla City representatives.
- Interviewed key community members
- Toured the community of Fairmead
- Reviewed proposed HSRA route maps and WYE alignments
- Reviewed City of Chowchilla proposed sewer line to Fairmead map
- Reviewed Leadership Counsel for Justice & Accountability press release

[Community of Fairmead in Madera County Secures Investments as High Speed Rail Seeks to Pass Through - Leadership Counsel for Justice & Accountability](#)

- Reviewed Agreement between the HSRA and the Friends of Fairmead
- Reviewed the Madera County – 2012 Fairmead Colony Plan.
<https://fairmead.org/wp-content/uploads/2011/10/Fairmead-Colony-Area-Plan-Alternative-C-Revised-February-2012.pdf#:~:text=for%20low%20income%20groups%20and%20children%20who,areas%2C%20and%20other%20important%20community%20focal%20points>.

- Reviewed the 2015 The Nation article entitled “[Welcome to Fairmead, California, Where You Have to Walk a Mile for a Sip of Water | The Nation](#)”

Abbreviations

- FCF- Fairmead Community and Friends
- HSRA-High Speed Rail Authority
- MCGJ - Madera County Grand Jury
- MOU – Memorandum of Agreement
- SWRCB - State Water Resources Control Board

Discussion

Efforts to improve the living conditions in Fairmead have been difficult and met with promises without timelines for beginning or completion of projects.

Water Issues:

Some homes are hooked up to a community water system, known as the Sally Lovelady Water Works Facility, provided by Madera County. Others continue to use individual residential wells, some of which have gone dry. Homes with producing wells cannot use those wells because the water is high in agricultural chemicals making the water unfit for human consumption. Claiming economic hardship or personal choice, some families have elected not to connect to the community water system.

Further evidence of the need for water was the recognized efforts of Madera County Farm Bureau, a private organization, who delivered bottled water to the residents for several months. The bottled water was intended for drinking and/or cooking. Additional water is needed to wash clothes, water plants, and to provide water to animals.

Sewer Issues:

Fairmead lacks a community sewer system. Each home uses individual septic tanks and leach lines. Many of these systems have original pipes that are often plugged or collapsed, preventing the septic systems from functioning adequately.

The City of Chowchilla submitted a grant proposal to the state of California to upgrade Chowchilla’s sewer system for anticipated growth and provides a provision for Fairmead to access the system. The grant provides for the installation of a 24-inch pipeline to reach the outskirts of Fairmead, allowing Fairmead to become part of the Chowchilla sewer system. Should Fairmead receive the anticipated \$7 million from the High-Speed Rail Authority (HSRA), those funds would pay to complete the sewer infrastructure in Fairmead and connect all the houses to the proposed new sewer system. As of January 2024, the city of Chowchilla has received preliminary state approval of this grant request.

In February 2024, Chowchilla personnel reported an update to the Chowchilla City Council regarding the Fairmead Sewer Consolidation Project. Chowchilla City personnel reported that the State Water Resources Control Board (SWRCB) had completed the technical

and financial package reviews and have sent documentation to SWRCB management for review. Following management review, City personnel anticipated the Funding Agreement would be provided to the City by July 2024.

Roads:

According to the Madera County Planning Department in their 2012 Fairmead Colony Area Plan:

The existing street system of Fairmead consists of a combination of abandoned right of way, poorly maintained paved roads, and unimproved (unpaved) roads. Many of the roads within the planning area were designed and built in the beginning of the 20th century and have since lacked proper maintenance. Portions of the existing system contain relic curbs, gutters, and sidewalks from the initial development of the community. These relics, however, are now in a state of disrepair due to the long-term degradation from lack of maintenance.

In late 2023, the MCGJ toured Fairmead and noted that the roads are still in a state of disrepair. Many roads continue to be unpaved and riddled with potholes. Rain runoff creates traffic hazards on unpaved roads with mud bogs.

Madera County has failed to maintain the Fairmead roads. The damaged roads have caused the Chowchilla Elementary School District, which picks up and drops off students to the school in Fairmead, to make changes to their school bus routes.

Measure T, which is intended to provide additional funds for roads and transportation needs, has not provided any money to Fairmead. Measure T is an extra one-half cent tax added to local retail sales tax, and has collected \$219 million since it took effect in 2006. Measure T is set to sunset in 2027. The Measure T Oversight Committee only included one Fairmead road in their 2023 inspection tour.

High Speed Rail Authority (HSRA) Promises:

Efforts to call attention to the needs of the Fairmead community have been spearheaded by Fairmead Community and Friends (FCF), a non-profit organization, with assistance from the Leadership Counsel for Justice and Accountability, and Self-Help Enterprises.

According to an FCF press release, after nearly five years of negotiations with the HSRA, the FCF was able to reach a mitigated agreement with the HSRA in 2021. The Memorandum of Understanding (MOU) committed the HSRA to cooperate with FCF on the funding and construction-specific infrastructure improvements within Fairmead.

Provisions of the agreement include:

- The HSRA will provide funding for a community center/library with Madera County providing the design, construction, operation and maintenance of the facility.
- The HSRA will provide financial assistance to Fairmead's community water system with Madera County.

- The HSRA will provide funding to connect sewer service from Chowchilla to Fairmead and pay for the first ten years of the residents' sewer service.
- The HSRA will complete several road replacements, sidewalk installations, street lighting, and landscape projects throughout Fairmead.
- The HSRA will assist the Fairmead Community and Friends and Madera County in seeking funding for the development of affordable housing in Fairmead.

HSRA Uncertainties:

Several uncertainties surrounding the impact of the HSRA on the community remain. The MOU is a non-binding agreement and therefore cannot be enforced. Despite the MOU's stipulations, no definite timeline was established as a part of the agreement. All the HSRA contributions towards Fairmead could potentially be voided if the route bypasses Fairmead. After many attempts, the MCGJ has been unable to contact HSRA representatives or obtain any information regarding the exact route that the HSRA will take, and its development through Fairmead. The MCGJ examined HSRA maps of the various proposed routes. These maps fail to show any detail as to which Fairmead properties will be purchased and/or demolished for the HSRA route. When the HSRA train route is selected, the affected properties will undergo surveys followed by land purchase price negotiations. The legal procedures may take years. This ultimately means that any improvements to Fairmead may be very far in the future.

Findings:

- F1.** The MCGJ finds Fairmead is in dire need of assistance to mitigate the water challenges.
- F2.** The MCGJ finds Fairmead is in dire need of assistance to mitigate the sewer challenges.
- F3.** The MCGJ finds Fairmead is in dire need of assistance to mitigate the road challenges.
- F4.** The MCGJ finds that the HSRA has entered into a MOU agreement with the FCF that fails to include any timelines or deadlines for performance.
- F5.** The MCGJ finds that it is uncertain how the HSRA route will impact Fairmead.

Recommendations

- R1.** The MCGJ recommends that the Board of Supervisors create a work group with the HSRA and FCF to establish timelines, monitor the progress, and report to the Board of Supervisor annually regarding the water system conditions by October 1, 2024.
- R2.** The MCGJ recommends that the Board of Supervisors create a work group with the City of Chowchilla, FCF, and HSRA to establish timelines, monitor progress, and report to the Board of Supervisors annually regarding the implementation of the sewer system by October 1, 2024.
- R3.** The MCGJ recommends that the Board of Supervisors direct the County of Madera Road Department to submit a plan to the Board of Supervisors addressing the road repairs, including a timeline for completion, by October 1, 2024.

R4. The MCGJ recommends that the Madera County Board of Supervisors, the HSRA, and FCF establish timelines and deadlines for each provision included in the MOU agreement by October 1, 2024.

R5. The MCGJ recommends that Madera County, FCF, and HSRA determine the exact Fairmead HSRA route and determine the affected properties by October 1, 2024.

Required Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows; From the following elected county officials within 90 days:

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

City of Chowchilla City Council
130 S. Second St.
Chowchilla, CA 93610

Invited Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows; From the following elected county officials within 60 days:

Fairmead Community & Friends
P.O. Box 517
Chowchilla, CA 93610

City of Chowchilla Public Works
360 N 1st St.
Chowchilla, CA 93610

Madera County Public Works
200 W. 4th St.
Madera, CA 93637

High-Speed Rail Authority
Central California Regional Office
1111 H Street
Fresno, CA 93721

Note: This report was prepared using current information available on the websites listed.

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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**Madera County Strategic Plan – Mission 2023
2023-2024**

Madera County Grand Jury

Final Report 2324-05

June 19, 2024

Summary

In 2018, the Madera County Board of Supervisors adopted a five-year Strategic Plan - Mission 2023 (Plan) as a model for the operation and functioning of Madera County. The Plan was created and published through the efforts of all departments of Madera, the Plan expired at the end of 2023, however, the MCGJ recognizes that on-going discussions are taking place for a revised new Plan. The operations of the County's Strategic Plan - Mission 2023 and a consideration of a revised Plan is the focus of this Madera County Grand Jury (MCGJ) report.

Glossary

- 311 app: Madera County Information app: *MadCoServices*
- ARPA: American Rescue Plan Act
- BOS: Madera County Board of Supervisors
- CAO: Chief Administration Officer
- CHA: Community Health Association
- CHIP: Live Well Madera County Health Improvement Plan
- City: City of Madera
- CSASC: California State Association of Counties
- EDC: Economic Development Commission
- ELO: End of Life; infrastructure equipment
- FMCoC: Fresno Madera Continuum of Care
- GSP: Groundwater Sustainability Plan
- IT: Information Technology
- MBHS: Madera County Health Department of Behavioral Health
- MCGJ: Madera County Grand Jury
- MWD GSA: Madera Water District Groundwater Sustainability Act
- NFPA: National Fire Protection Association
- PIT: Public Information Team
- RMS: Records Management System
- Roads: Pavement Management System
- SGMA: California Sustainable Groundwater Management Act

Background

In 2018, at the Madera County Management Workshop, planning and development for the Madera County Strategic Plan-Mission 2023¹ (Plan) was initiated. The purpose of the Plan

¹Copy of *Strategic Plan Mission 2023* as it appears on the Madera County Website
<https://www.maderacounty.com/home/showpublisheddocument/31960/637901203406030000>

was considered a means of developing a culture within the County. The Plan is a road map for government services for making improvements and continuing to learn and grow as a community. The Plan involves all 24 of the County Departments. The mission-vision statements of the Plan include *Creating a countywide Culture of Excellence through dedicated public service. Always excelling as a trusted local government.* The core values of the Plan follow the acronym P.L.A.C.E.:

- P-professionalism,
- L-loyalty,
- A-accountability,
- C-compassion,
- E-excellence.

According to the Strategic Plan - Mission 2023,

Strategic Plan Planning Process

Madera County’s Chief Administrative Officer evaluated the county business model and determined that a more focused effort was needed to deliver effective and innovative services to the community.

To enhance this work, the County Administrative Officer enlisted the help of key stakeholders, staff and community to begin the process of developing and implementing a county-wide strategic plan to meet the mission of creating a Culture of Excellence through dedicated public service throughout Madera County.

The strategic plan outlines eight key focus areas over the next five years, each aligned with Objectives, Action Items and Performance Measure. A report card will be presented annually to the Board of Supervisors to ensure the document is relevant and Performance Measures are being met.

To achieve the Strategic Plan process, Team Captains were selected for each Focus Area. With input from each Focus Area, a Public Information Team developed a working document with directions from the Board of Supervisors (BOS).

The Plan was reviewed and updated at the 2019 Madera County Management Workshop. The eight key Focus Areas with “Results” and Strategic Objectives were identified:

Strategic Focus Area	Results	Strategic Objectives
1. Community	Creating a county-wide Culture of Excellence through dedicated public service.	Enhance Fiscal Responsibility Improve Customer Service Improve Transparency

		<p>Improve Delivery of Services</p> <p>Improve Community Impacts of Homelessness</p>
2. Employees	<p>Improve employee satisfaction and performance and promote wellness in an effort to enhance the health and well-being of our employees.</p>	<p>Improve Employee knowledge and skills through professional growth opportunities.</p> <p>Improve employee customer service aptitude.</p> <p>Improve employee engagement through effective management and supervision.</p> <p>Improve and promote employee wellness.</p>
3. Public Safety	<p>Ensure that the safety and security of the county is trusted, effective and efficient.</p>	<p>Streamline and Improve Public Safety.</p> <p>Improve Inmate Rehabilitation.</p>
4. Public Information	<p>Continue to market and tell the Madera County Story in an ongoing effort to improve the County image and create a Culture of Excellence.</p>	<p>Improve Constituent Satisfaction</p> <p>Improve Transparency & Branding</p> <p>Improve Customer Service</p>
5. Technology	<p>Evolve towards dynamic, flexible, and innovative solutions that can support changing business needs and data security requirements.</p>	<p>Ensure technology priorities are in alignment with and in support of County strategic goals.</p> <p>Increase the use of technology to better serve constituents and employees.</p> <p>Support, Maintain, and Secure Critical Infrastructure.</p>
6. Infrastructure	<p>Have residential and industrial diversification with smart community growth and a small-town feel for a thriving community.</p>	<p>Improve Infrastructure.</p> <p>Consider smart growth tactics (Economic Development) (water, sustainability, green space).</p>
7. Government Relations	<p>Collaborate with the Cities of Madera and Chowchilla in order to provide seamless, cost effective, and collaborative services throughout Madera County.</p>	<p>Strengthen/Enhance Intergovernmental Relationships.</p> <p>Strengthen/Enhance level of service for citizens.</p>

8. Health	To reduce the stigma associated with mental illness, suicide, and substance abuse disorders, as well as to reduce communicable diseases within our community and provide healthy, outdoor lifestyle spaces for all to enjoy	Collaborate with community partners and local stakeholders to incorporate awareness information into their existing training curriculum. Physical Health Collaboration among county departments and community stakeholders is needed to incorporate health into all policies for improved health outcomes. Complete the plan and documentation requirement for the Department of Public Health Strategic Plan (PHSP). Complete the plan and documentation requirements of the Public Health Accreditation Board.

Impacted by the COVID pandemic, the 2020 Madera County Management Workshop was canceled, and the opportunity for a review of the Plan was not possible. With COVID and a change in management, the Plan has not been as active as initially planned, nor has the public information posted on the Madera County website been updated since 2020².

At the September 26-27, 2023 Madera County Management Workshop, the expiration of the Strategic Plan - Mission 2023 was a topic of consideration. Since no new complete Plan would be in place by the end of 2023, the BOS agreed to keep the existing Plan in place until a new completed Plan would be adopted. Other broad topics of discussion included the purpose of the Plan, an examination of other California County plans, and the law requiring each local government to adopt a general plan (Gov. Code 65300³), reference to the City of Madera’s *Vision Madera 2025*,⁴ which is a 20-year plan to be used as a guide, and a format for moving forward on a revised Plan. The first step in moving forward will be to include the motto of *Live, Work, and Play* with the current Mission Statement of *Creating a countywide Culture of Excellence through dedicated public service*. The intended purpose of adding the language of the motto into the Mission Statement is to shift the focus of the Plan to be more inclusive of the public.

² Copy of Mission 2023 Update July 2020 <https://www.maderacounty.com/home/showpublisheddocument/21382/637298822947870000>

³ Gov. Code 65300: Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning.

⁴ Vision Madera 2025 <https://www.madera.gov/wp-content/uploads/2016/04/madera2025vision.pdf>

Methodology

- Investigated the Madera County Strategic Plan – Mission 2023
- Investigated Board of Supervisors meetings and agendas consent items
- Interviewed members of the Board of Supervisors and other County officers.
- Attended meetings of the Board of Supervisors.
- Participated in County ceremonies recognizing⁵ the achievements of various Departments and County Officers.
- Investigated Department Report Cards
- Reviewed employee surveys taken by different Departments of County Government.
- Reviewed customer service surveys received by various Departments.

Discussion

The Strategic Plan - Mission 2023 (Plan) has been a work in progress since before 2018 when BOS adopted the Plan. Even though the 2023 Plan expired as of December 31, 2023, it remains an ongoing, living document under consideration by the 24 Departments identified by Madera County.

The MCGJ has identified current, general trends the County Departments have identified as indicated in the BOS Agenda Packets. The MCGJ has also included some information on each of the individual Focus Areas with particular attention to Action Items. The term *Action Item* is not defined in the Plan. The MCGJ interprets the term *Action Item* to be those steps needed to meet the *Objectives* of a Focus Area.

The Plan calls for annual *Report Cards* to be presented to the Board to determine if goals are being met. Since the Plan has not been updated since 2020, no annual *Reports Cards* have been posted. It is presumed that such a *Report Card* is intended to be an update on the current status of the Plan in general, and is for the purpose of public information and transparency. In reviewing the BOS Agenda Packets, the MCGJ could find no items which make specific reference to annual *Report Cards*. However, there are individual Departments that have published annual reports with regard to the objectives in the Plan.⁶

This Report is not meant to be a complete analysis but rather highlights some strategies Madera County has successfully put into place and identifies Focus Areas that need improvement.

⁵ Agenda Packets include supporting documentation.

⁶ Sample of annual reports by First 5 and the need to address homelessness:

<https://first5madera.org/strategic-plan-and-reports-2/>

<https://www.maderacounty.com/government/administrative-management/madera-county-strategic-plan-to-address-homelessness>

Focus Area Trends

Beginning with the January 19, 2020, BOS Agenda Packet, a space to identify the specific *Plan Focus Area* was included on the Agenda Item Submittal form; however, it was not until the following BOS meeting, January 21, 2020, that specific Focus Areas were identified. The MCGJ reviewed all Agenda Packets beginning in January 2020 and made a careful analysis of agenda packets during the current Grand Jury term beginning July 2023 up to April 16, 2024. The MCGJ discovered frequency trends of identified Focus Areas (see Appendix A).

Using the Agenda Packets from July 11, 2023 (the beginning of the current MCGJ term) through April 16, 2024 (end of current report investigation), a total of 592 Agenda Items within 22 Agenda Packets were investigated. The Focus Areas 1, Community, 3, Public Safety, and 8, Health are prominent. The objectives for these three prominent Focus Areas are broad and reach far into the Madera Community. The overarching result that the Community Focus intends to achieve is *Creating a county-wide Culture of Excellence through dedicated public service*. Public Safety intentions include wanting to *Ensure the safety and security of the county*. The Strategic Area 8. Health identifies mental health as its strategic objective by wanting to *reduce the stigma associated with mental illness, suicide, and substance abuse disorders*. In addition to the frequency of these Focus Areas, Community, Public Safety, and Health are often identified together under the same Agenda Item. It may be reasonable to assume how and why these agenda items are connected; however, there are other situations where no apparent connection between Focus Areas exist.

Not only are Community, Public Safety, and Health identified together on the same Agenda Item, but oftentimes, many Focus Areas are identified in combination under one Agenda. For example, 46 times out of the 592 Agenda Items identify three or more Focus Areas with no explanation given for why many Focus Areas have an effect on a single Agenda Item.

Other notable trends include the least identified and the omission of identified Focus Areas. Focus Areas 4, Public Information, 5, Technology, and 7, Government Relations, trended as less frequently identified. Public Information topics cover a broad scope of topics, including proclamations, administrative codes, and road and traffic changes. Technology topics identified in Agenda Items generally include internal governmental issues such as data privacy and upgrade agreements, fee schedules, and library grants. While Public Information topics cover a broad scope, Government Relations topics cover an even wider scope and are often confusing. Topics include proclamations, taxes, calendars, traffic issues, vehicle leases, and many other matters. The only consistent, recurring topic identified is local emergencies. Government Relations topics are rarely identified alone but are included with various other Focus Areas.

Of the 592 Agenda Items analyzed, 56 did not identify a Focus Area, approximately 9.42 percent. Topics of the Agenda Items where no Focus Area had been identified routinely appear as approval of personnel appointments, emergencies due to tree mortality, drought, and fire, and considerations of approval of the responses to Grand Jury Reports. No explanation is given as to why no Focus Area is identified.

Specific Focus Areas

The Strategic Plan identified Eight Focus Areas that involved all 24 Departments within the County. The goal in developing the Strategic Plan was guided by the Mission Statement: *Creating a countywide Culture of Excellence through dedicated public service*. The MCGJ investigation found some areas of completion, with others still in progress.

Focus Area 1: Community

The desired results for Focus Area 1, Community, are to provide dedicated public service through a county-wide Culture of Excellence. The Plan outlined specific Action Items to be accomplished. In reviewing the Board of Supervisors Agendas and Agenda Packets, the MCGJ identified Focus Area 1, Community, as the one area of the Plan most often identified with Action Items. Action items completed include creating and deploying a Customer Service Survey, improving the homeless situation, and increasing grant funding.

The Customer Service Survey was created by Focus Area 1, Community, and deployed through the County's MadCoServices 311 phone application (311 app). The 311 app was activated in March of 2018 to allow Madera County residents to submit service requests and notify County departments of concerns. Focus Area 1 utilized the 311 app to discover levels of customer satisfaction when interacting with different departments within the county. An overall review of responses indicates that customers responded with 52 percent Strongly Agree, 23 percent Agree, 20 percent Neither Agree or Disagree, 9 percent Disagree, and 5 percent Strongly Disagree. In reviewing these results, Focus Area 1 evidence indicates that customers are satisfied with the services received from the County.

The need to aid the homeless is an additional Action Item under Focus Area 1, Community. The Madera County Board of Supervisors (BOS) collectively with leadership from the County Administration Office (CAO) made the decision to develop a strategic plan to prevent and end homelessness. The County contracted with Homebase- a national technical assistance provider that helps communities prevent and end homelessness. Funding for the project is being provided by the County and the Fresno Madera Continuum of Care (FMCoC). The County states that this planning is an important process that builds consensus on goals, facilitates group prioritization of key actions, fosters creative and collaborative problem-solving, provides a platform to consider resource needs and opportunities, and creates a concrete plan for action.⁷ In the spring of 2023, the BOS unanimously approved entering into a regionally coordinated action plan to address homelessness with the city of Fresno, Fresno County, and the Fresno Madera Continuum of Care to participate in the Homeless Housing and Prevention Round 5 Grant Program ending June 30, 2028. The plan includes outreach and site coordination

⁷ "Take Action: Steps to Prevent and Reduce Homelessness within Madera County 3/2023

<https://www.maderacounty.com/home/showpublisheddocument/35405/638271008122970000>

"Taking Action: A County-Wide Response to Housing Stability and Homelessness 5/9/23

<https://www.maderacounty.com/services/homelessness-madera-county/community>

and a plan to reduce the number of people experiencing homelessness when leaving an institutional setting. The agreement includes the use of local, state, and federal funds to reach out to the homeless and connect them with eligible benefit programs.

Focus Area 1, Community, also identified the need for a full-time grant writer as an additional Action Item. The Grant Services Division of Madera County is responsible for managing Madera's grant funding acquisition. The efforts include researching and securing new grants from federal, state, local, and private agencies on behalf of individual County departments and/or the County as a whole. In addition to securing grants, the Grants Division implements, manages, evaluates, and creates reports on behalf of the County's grant-funded projects. The County hired a full-time grant writer.

Focus Area 2: Employees

In reviewing the Agenda Packets, Focus Area 2, Employees, are not often identified; out of the 592 Agenda Items reviewed, Employees are mentioned 44 times or 7.4 percent. General topics include classification and appointments of personnel, policies regarding insurance, vacation and leave time, and monthly transactions. However, the stated desired result for Focus Area 2, Employees includes the statement, Creating a county-wide Culture of Excellence through dedicated public service.

In an effort to achieve the desired result of excellence through dedicated public service, an Action Item listed in the Plan is to develop and deploy an Employee Satisfaction Survey. The survey was completed throughout all departments, with generous responses for the Board of Supervisors and each department head to review the results. The MCGJ reviewed the results of the survey, which showed that out of 661⁸ responses to one of the questions, Considering everything, I am satisfied with my job, 21.4 percent Strongly Agreed, 32.22 percent Agreed, 20.42 percent Somewhat Agreed, 11.04 percent Neither Agree nor Disagree, 4.99 percent Disagree, and 4.24 percent Strongly Disagree. The survey indicates a trend that over 73 percent of the employees who participated are satisfied with their jobs with the County. The results are published on the Madera County website under Human Resources⁹.

The promotion of employee wellness is also stated as a desired result of Focus Area 2, Employees. The action item also used the above-mentioned Employee Satisfaction Survey as a tool to assist in achieving the desired result. The survey allowed employees to communicate personal concerns and feelings about jobs to management in a confidential manner. Management could address the employee concerns and make potential changes accordingly.

⁸ According to Madera County Human Resources, as of May 16, 2024, the current total number of employees is 1,779.

⁹ Madera County website link to Employee Satisfaction Survey:
<https://www.maderacounty.com/government/human-resources>

Focus Area 3: Public Safety

The third Focus Area in the Plan, Public Safety, identified the desired result to Ensure that the safety and security of the county are trusted, effective, and efficient. To this end, County Departments overseeing public safety have engaged in an intensive examination of many aspects of public safety as identified in the Agenda Packets. Action Items include a Records Management System (RMS), a Public Facilities Improvement Plan, an Acute Psych Custody Unit at the County Jail, Active Shooter training, Emergency Response pre-plans at the County Jail, and the monitoring of fire equipment.

A new Records Management System (RMS) has been purchased and implemented for the District Attorney and Sheriff. The new updated system has been in place and is fully functioning. The development of a Public Facilities Improvement Plan has been put in place and is consistent with portions of the City of Madera's Vision 2025, Vision and Action Plan adopted in 2006 for Public Facilities Improvements. An Acute Psych Custody Unit within the County jail is currently functioning for the purpose of isolating an inmate. The MCGJ was informed that an Active Shooter training program for County employees and the community has occurred and is ongoing. The MCGJ was additionally informed that Emergency Response pre-plans for the Madera County Jail are in place at the jail facility. Public Safety identified the need to maintain and monitor a fire equipment replacement plan. The MCGJ was informed that all fire equipment meets National Fire Protection Association (NFPA) standards.

Focus Area 4: Public Information

Focus Area 4, Public Information stated a desired result as Continue to market and tell the Madera County Story in an ongoing effort to improve the county image and create a Culture of Excellence. In early 2017, at a Madera County Workshop, the needs to expand communication outreach, increase transparency, and become more active on social media platforms were identified¹⁰. The county created a Public Information Team (PIT), which included the Human Resource Division, Information Technology (IT), and the chiefs of staff for each of the five county supervisors. The focus of PIT is to meet and identify strategies for social media press releases for the County. From the creation of the PIT in 2017 through the Spring of 2019, followers on Madera County's social media platforms doubled. In 2018, the California State Association of Counties (CSAC) awarded the PIT program with the 2018 CSCA Challenge Award, which spotlights innovative programs in county government¹¹. The PIT staff meets annually with the BOS to perform an assessment.

According to the Public Information Team (PIT), a new text notification process is currently under construction. This new notification will notify citizens who are affected by a new

¹⁰ See Executive Summary: Madera County Public Information Team: https://www.counties.org/sites/main/files/file-attachments/madera_county_-_public_information_team.pdf

¹¹ See: Foor, Sara. *The County Voice*, California State Association of Counties. May 29, 2019. <https://www.counties.org/county-voice/madera-county-uses-team-approach-narrate-their-own-story>

development or permit via text message in addition to mail and postings. This type of notification will assist the PIT team and other departments in communicating information to the community.

Focus Area 5: Technology

The desired result for Focus Area 5, Technology states the need for evolving towards dynamic, flexible, and innovative solutions that can support changing business needs and data security requirements. In order to achieve this result, an Action Item includes the need to improve the end-user experience through software upgrades, the introduction of collaboration software, regular replacement of end-user computers, and cloud software. This performance measure was accomplished over the past five years. A follow-up action item included replacing End-of-Life (EOL) infrastructure equipment. Initially, 80 percent of outdated infrastructure equipment was replaced or upgraded by July 2020. After the initial upgrade project, 80 percent of EOL infrastructure equipment and licensing has been regularly replaced.

Focus Area 5, Technology, identified the need to implement security tools, security training programs, and an updated network security policy. The MCGJ discovered that a cyber-attack, including Ransomware, was successfully caught in advance due to the security tools in place.

Focus Area 6: Infrastructure

Infrastructure includes the interrelated systems that provide commodities and services essential to enabling, sustaining, or enhancing and maintaining the community's environment. By definition, infrastructure covers many aspects of the County. The desired result of infrastructure in the Plan is residential and industrial diversification with smart community growth and a small-town feel for a thriving community. Some Infrastructure advances include retail development, building development, groundwater sustainability, and opportunities to improve roads.

The improvement of County facilities is one of the many Action Items under consideration in the departments of Infrastructure. Over the last five years, several county facilities have been built. New government buildings include the Public Health and Department of Social Services building, Hall of Justice, Oakhurst Government Center, Ranchos Library, Sheriff's Substation, Ag Commission building, and the Government Building. Enhancing retail development within the County is an additional Action Item under Infrastructure. The MCGJ found that the Board of Supervisors and some County Departments are actively meeting with the director of the Madera Economic Development Commission (EDC). The MCGJ learned that the EDC recently processed several small business applications utilizing federal funds through the American Rescue Plan Act (ARPA). Additionally, the EDC leaders attend trade shows each year to market the County for new businesses. This participation

included attracting the AutoZone Distribution Center to Chowchilla. The Distribution Center's construction has provided jobs and tax revenue to the County.

A Groundwater Sustainability Plan is a 20-year plan to ensure that groundwater is managed sustainably in a groundwater basin. With the passage of the California Sustainable Groundwater Management Act (SGMA) in 2014, the Madera Water District Groundwater Sustainability Agency (MWD GSA) along with its Board of Directors participated in implementing the SGMA regulations. The Madera Water District is an agricultural water district, and the MWD GSA manages uses that are agricultural in nature. In December of 2023, a press release announced that Groundwater Sustainability Plans for the Madera Subbasin are moving forward¹². The Groundwater Sustainability Plan (GSP) was completed and the draft was published¹³.

Additional projects connected to Infrastructure include seeking opportunities to improve or update roads and highways, such as Pavement Management System (Roads), Highway 41 expansion, and Highway 99 expansion. The projects to widen Highway 41 to four lanes between Avenue 15 and Highway 145 and expand Highway 99 are currently ongoing.

Focus Area 7: Governmental Relations

The Focus Area of Governmental Relations expresses the desired results of continuing to collaborate with the Cities of Madera and Chowchilla. However, in reviewing the last ten months of Agenda Packets, the MCGJ found that most of the Government Relations topics rarely mentioned either city¹⁴. Rather, topics included proclamations, taxes, calendars, traffic issues, vehicle leases, and other topics.

When members of both County and City departments were interviewed, they offered conflicting statements on Government Relations. Members of the County government generally admitted that the County could make a better effort to improve relationships with the cities of Chowchilla and Madera. Madera City employees offered a mixed review. Some stated that the communication between the City and County is nonexistent, while others stated the belief that the working relationship between City Management and the County is excellent and a source of pride.

One Action Item both the City and County of Madera have come to an agreement on is a tax-sharing agreement. On June 7, 2017, the Madera City Council (City) along with BOS adopted

¹² <https://mavensnotebook.com/2023/12/21/press-release-dwr-approves-sustainability-plans-for-the-madera-subbasin/>

¹³ <https://sgma.water.ca.gov/portal/gsp/preview/21>

¹⁴ References to Cities:

Madera- 2 times: 4 times: 8/1/23 Resolution authorizing distribution of excess proceeds of tax sale; 711/23 Groundwater Subbasin

Chowchilla: 3/19/24 Groundwater; 2/20/24 Trust for real property; 2/6/24 & 12/12/23 Chowchilla Subbasin; 1/16/24 Chowchilla Union High School District; 711/23 Groundwater Subbasin

Unincorporated areas: Oakhurst, Ahwahnee, Coarsegold, North Fork, Fairmead were referenced 16 times.

a resolution regarding the disposition providing for fair and equitable property and sales tax sharing with the encouragement of sound economic growth. The June 2017 Agreement ultimately expired on June 2, 2022. On December 20, 2022, the BOS adopted a New Agreement including non-material revisions that do not include revisions to the property and sales tax sharing amounts or percentages¹⁵. The Madera City Council approved this New Agreement on October 4, 2023¹⁶.

Focus Area 8: Health:

The final Focus Area 8, Health is divided into subcategories of Physical and Mental Health. Physical Health asserts the desired result as the need

to reduce chronic and communicable disease without community and provide healthy, outdoor lifestyle spaces for all to enjoy. Mental Health states a desired result to reduce the stigma, inaccurate stereotypes and discrimination associated with mental illness, suicide and substance use disorders thereby reducing the barriers to services.

Physical Health

After years of financial struggles, the Madera Community Hospital and its three clinics closed on January 3, 2023. In early February, Governor Gavin Newsom announced that state agencies had approved a \$57 million loan for American Advanced Management Inc., and the company has outlined a plan to reopen the Madera Hospital by July 2024. The case is currently being argued in Federal Court. The closure of the Madera Community Hospital has had an effect on the current efforts of the County to make progress on the physical health aspect of the Plan.

One Action Item accomplished prior the the Hospital closure was the need to finalize and implement the Live Well Madera County Health Improvement Plan (CHIP)¹⁷. This plan addresses chronic and communicable diseases and

is a community-driven, strategic and measurable work plan. A CHIP provides guidance to the health department, community partners, stakeholders and residents on improving the health of the population within Madera County. This plan defines how community partners across sectors will come together to address priority health issues identified through the CHA. In coordination with partner organizations, more than 30 diverse Madera County organizations identified four priority areas for the CHIP. An additional action item accomplished was the stated desire to complete the accreditation process for the Department of Public Health. The MCGJ confirmed that the Department of Public Health was accredited as published in the Business Journal in May of 2023¹⁸.

¹⁵ <https://maderacounty.primegov.com/public/portal?fromiframe=true>

¹⁶ <https://www.madera.gov/wp-content/uploads/2023/09/10.04.23-Final-Agenda.pdf>

¹⁷ CHIP

<https://www.maderacounty.com/government/public-health/data-reports-publications/mapp-assessment/madera-county-community-health-improvement-plan-chip>

¹⁸<https://thebusinessjournal.com/madera-county-health-department-earns-accreditation/>

Mental Health

The MCGJ can confirm that the Madera County Department of Behavioral Health Services (MBHS) division of the Public Health Department works tirelessly to meet the extensive needs of the Madera community. The MBHS has many programs that address general mental health for all ages, substance use disorders, and crisis intervention. Due to Proposition 63, the Mental Health Services Act, of 2004, funding has helped the County expand services in reducing homelessness, crime, incarceration, and unemployment caused by severe mental health issues. In addition, Behavior Health has increased annual training to employees. Training specifically for Sheriff officers and Correctional Officers in the jail and juvenile facility include Applied Suicide Intervention Skill Training (ASIST), Trauma Informed Training, and Mental Health First Aid¹⁹.

Looking Towards the Future: Madera's Growth and Changing Population

During this investigation of the history, past practices, and results of the Madera County Strategic Plan - Mission 2023, questions arose regarding what would happen to Madera County in the future. Several interviewees asserted that a Plan does not exist. One interviewee went further by qualifying the absence of a Plan by stating, the Plan is not a plan because it has no goals. Still others have argued that the Strategic Plan -Mission 2023 is inadequate and completely fails to consider what will happen tomorrow. They (the architects of the Plan) say nothing about goals, where the county is headed, and what to expect in the near and far future. In part, the MCGJ recognizes and acknowledges these assertions. The Plan of the past five years has functioned and some achievements in Focus Areas have been addressed. Yet, there is no current documentation for the next five years, or any apparent consideration of what will be included about the future of a growing Madera County in a new Strategic Plan.

Madera County is currently growing at a rate of 1.15 percent annually and its population has increased by 4.78 percent since the most recent census (2020)²⁰. The current population of Madera County is a little over 156k and is projected to be 273,456 by 2030, and 344,455 by 2040. The age of the population, 65+ saw an increase from 11.5 percent in 2010 to 14.5 percent in 2022. This trend of an aging population is expected to grow.

The Strategic Plan - Mission 2023 does not include considerations of the growth and aging of the County's population, nor does it consider a world of rapidly advancing technology. Moving forward the County has the opportunity to be proactive by examining current conditions and considering potential changes for the future.

Findings:

¹⁹ For a comprehensive review of Madera County's Behavioral Health Services, see MCGJ Report Madera County's Behavioral Health Services 2324-02

²⁰ <https://worldpopulationreview.com/us-cities/madera-ca-population>
https://aging.ca.gov/Data_and_Reports/Facts_About_California's_Elderly/

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 and the Madera County Grand Jury. Based on its investigation entitled Madera County Strategic Plan - Mission 2023

The Madera County Grand Jury has arrived at six principal findings, as follows:

- F1.** The current Strategic Plan - Mission 2023 has expired.
- F2.** The Madera County BOS did not have a plan for moving forward once the Strategic Plan expired.
- F3.** Individual Focus Areas identified on BOS Agenda Packet Agenda Item Submittal forms are often grouped together or completely omitted with no explanation or rationale provided.
- F4.** In reviewing Agenda Packets, no agenda item was found that made reference to an annual *Report Card*, which would provide an update on the status of the Plan and, provide the public with information, and increase transparency.
- F5.** Madera County and the City of Madera officials are in conflict regarding Government relations.
- F6.** The current Strategic Plan - Mission 2023 did not take into consideration goals for the future.

Recommendations:

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 recommendations presented in this section. 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 Strategic Plan - Mission 2023 Report 2023-2024 makes the following recommendation:

- R1.** In order to permit time until a new Strategic Plan is developed and published, at the next regularly scheduled BOS meeting after receipt of this Report the Madera County BOS document and publish a statement indicating that the Strategic Plan - Mission 2023 stands as its statement of *Creating a countywide Culture of Excellence* until that time when a new Plan is in place.
- R2.** Prior to and included in the process of developing a new Strategic Plan, the BOS will determine policies and procedure for having a new Plan in place prior to the previous Plan's expiration date.
- R3.** After receipt of this Report and at the next regularly scheduled BOS meeting all Departments take into consideration how and why Focus Areas are grouped and/or omitted from Agenda Items Submittal forms and provide explanation in the space provided.
- R4.** Prior to the publishing of the version of the Strategic Plan, the Madera County BOS work with the City of Madera City Council to develop a plan for improved working relations so that process can be identified and published in the new Plan.
- R5.** To improve public information and transparency, the Madera County BOS develop a specific plan for the presentation of an annual update at BOS meetings of current status of the Plan.
- R6.** For the next version of the Strategic Plan, the Madera County BOS identify specific goals for a growing, aging, and technologically advanced population.

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

Invited Responses:

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

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

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

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.

APPENDIX A

Focus Area Trends

Using the Agenda Packets from July 11, 2023 (the beginning current MCGJ term) through April 16, 2024 (end of current report investigation), a total of 592 Agenda Items within 22 Agenda Packets were read. The table below indicates the number of times the specific Focus Areas outlined in the Strategic Plan - Mission 2023 were identified. The table also includes the frequency of a Focus Area not identified and a list of Focus Areas frequently listed on the same agenda item.

Date of BOS meeting	FA1 Com m	FA2 Emp	FA 3 PS	FA4 PI	FA5 Tech	FA 6 Infra	FA 7 GR	FA 8 Health	Not Identified *	Combined Focus Areas (Some Agenda Items list multiple Focus Areas)**
7/11/23	13	3	12	1	1	6	1	7	6	1, 3, 7,8 1, 5 3,6 1, 3, 6 1,3,6 1, 4
7/18/23	5	1	1	0	1	1	0	1	1	1,3,6 1,4 1,2,3 3,6
8/1/23	5	0	2	1	0	0	2	4	0	2,3 1,6
8/8/23	1	0	3	1	2	1	0	0	3	1, 3, 7, 8 1, 6 (4)
8/15/23	13	2	9	1	0	8	5	7	2	1, 6 1, 3, 7, 8 1, 8 (3) 1, 2, 4, 7 1, 3, 6, 1, 6

9/12/23	20	7	10	0	2	9	4	13	4	1, 6 x's2 1,7, 6 1, 5 (3) 1, 3, 7,8 3, 7 1, 3, 6, 7, 8
9/19/23	17	3	2	1	1	7	1	3	3	1, 8 (2) 1, 6 (6) 1, 5, 6
10/3/23	9	2	10	1	0	4	1	7	2	1, 8 1, 3, 7, 8 1, 3, 6 (3) 1, 6 2, 3 1, 4
10/10/23	6	2	2	0	1	1	0	5	1	1, 6 1, 3, 6, 1, 8
10/17/23	4	1	7	1	0	0	3	7	5	1, 3,7,8
11/7/23	22	3	12	1	1	14	2	13	6	1-4, 6-8 1, 8 1, 3, 7, 8 3,6 1, 3, 6 (2) 1, 6 X's5
12/5/23	12	0	7	1	0	6	7	5	4	1,3, 7, 8 1, 6 (2) 1, 7 1, 3, 4, 6, 7 (2) 1, 3, 6, 7
12/12/23	17	1	12	2	1	9	3	4	4	1, 6 (3) 1, 4 (2) 1, 3, 7, 8 1, 4, 6 3, 6, 7 1, 3, 6 (2)

1/9/24	10	4	10	2	0	4	1	5	4	1, 6, 8 1, 6 1, 3, 7, 8 1, 2, 3, 4, 8
1/16/24	10	3	3	0	2	5	0	9	0	1, 6 (3) 1, 3, 3, 6
2/6/24	12	2	9	1	2	9	4	8	5	1, 8 1, 6 1, 3, 7 3, 6, 7 6, 7 (2) 3, 5
2/20/24	7	2	6	2	0	3	0	3	0	1, 2, 6 1, 2 1, 7 1, 3, 6, 8
3/12/24	13	4	7	3	0	11	2	5	0	1, 6 (2) 1, 2, 6 1, 3, 6, 8 1, 4, 6 (2) 1, 3, 6, 7, 8 1, 3, 6 1, 3 1, 6, 8 1, 2, 3, 4, 6, 7
3/19/24	9	1	6	1	2	4	1	7	3	1, 8 2, 7 1, 3, 7, 8 1, 4, 7 1, 6 (2) 1, 3, 6, 8
4/2/24	7	3	5	0	0	3	0	7	1	1, 6 (3) 3, 8 1, 2, 8 1, 2

4/9/24	2	0	3	0	0	2	1	1		6, 7
4/16/24	7	0	8	2	2	5	2	6	3	2, 6 1, 3, 7, 8 3, 6 1, 8 1, 4 1, 3
22 Agenda Packets	592 Agenda Items	Com m 244	Em p 44	PS 146	PI 22I	Tech 18	Infra 112	GR 40	Health 129	Not Identified 56

*Not Identified: In the 22 Agenda Packets, 56 items did not include an identified Focus Area and no explanation was provided.

**Combined Focus Areas: Frequently, an Agenda Item identified multiple Focus Areas; no explanation was given.

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***City of Madera Fails to Enforce the Golf Course
Contract Requirements Madera
Municipal Golf Course:
REVISITED 2023-2024
Madera County Grand Jury
Final Report 2324-06
June 19, 2024***



Summary

After receipt of responses from the City of Madera (City) to the 2022-2023 Madera County Grand Jury Report, City of Madera Fails to Enforce Golf Course Contract Requirements, 2223-02, the Madera County Grand Jury (MCGJ) revisited the City's multi-million-dollar asset, the Madera Municipal Golf Course (MMGC). The City has taken few positive actions since the previous report, and there is an ongoing lack of oversight, enforcement, and no action on deferred maintenance, failure to investigate and identify the subtenant bar operator, and failure to verify that the bar operator has ABC and City licenses.

Background

In 1991, the City of Madera (City), on behalf of its residents, established the open space recreational facilities, known as Madera Municipal Golf Course (MMGC), which is located on the southeast corner of Road 23 at 23200 Avenue 17, Madera, CA. The 18-hole Golf Course property is about 200 acres. It includes a large building that houses a pro shop for attire and accessories, a banquet room, a dining room with a bar, a kitchen, offices, and a patio area. The Madera County Tax Assessor has placed a value of \$2.8 million dollars for this public asset. Since the City opened this business in 1991, the City has never operated the business. The City has had at least nine different business operators for the golf course facilities from the private sector. These nine businesses held a Type 47 liquor license, and they are named on the Alcoholic Beverage Control (ABC) website. In 2009, the City signed a management and lease agreement

(Lease) with the current operator, SGM Inc., dba Sierra Golf Management Inc., (SGM), and dba Madera Municipal Golf Course (MMGC). There have been nine amendments to this agreement with the last amendment signed in June 2023 and ending after five years in 2028.

The Lease allows SGM to sublet parts of the premises. SGM took over the kitchen and bar operations from a suspended corporation and former SGM subtenant.

The MCGJ searched the ABC website for the MMGC bar history. The MCGJ discovered the identity of the business entity operating the city bar. The MCGJ read the ABC Notice posted at the MMGC, that SPS Madera Group LLC dba SPS at the Muni (GROUP), is operating the bar. (Please see the picture on the cover of this report which is the ABC Notice of liquor license transfer from SGM to GROUP.) The City confirmed that GROUP has never applied for a city business license. If the information the City provided to the MCGJ is accurate the GROUP's failure to obtain a City business license is a violation of City Ordinances.

As of March 2023, SGM sublet the MMGC kitchen and bar facilities and businesses to SPS Madera Group, LLC dba SPS at the Muni (GROUP).

However, for some unknown reason both SGM and the City claim that Sugar Pine Smokehouse, LLC (Smokehouse) is SGM's subtenant that has been operating the food and bar businesses since March 2023. As of May 1, 2024, Smokehouse is not on the ABC list of operators at the MMGC. The ABC website shows no record of Smokehouse having ever held a liquor license.

After receiving the 2022-2023 MCGJ report, for the first time since 2009, the City followed the 2009 Lease by establishing a Golf Course Advisory Committee (GCAC), and it also received the first contract-mandated United States Golf Association (USGA) annual report in 13 years.

Since 2009, SGM has been required by the Lease to produce a USGA report on how to maintain and improve the MMGC every year. SGM's failure to follow this Lease requirement saved SGM about \$30,000 over a 13-year period. The City informed the MCGJ that it will overlook SGM's violation and not request any compensation for this Lease violation. This is evidence that the City is not enforcing the Lease and has no intention of holding SGM accountable for the Lease violation which saved SGM around \$30,000. SGM's failure to provide the annual USGA inspection reports for 13 years has contributed to the deferred maintenance now under discussion by the GCAC, SGM, and the City Council.

Questions linger about why the City takes such a lax position in enforcing the Lease by merely accepting, overlooking, and ignoring SGM's violations. The bar operator's identity and if the operator does not have a city business license may result in the City asserting its Chapter 6 Business License Ordinances to levy fines and/or criminal penalties. The 2023-2024 MCGJ has revisited the MMGC to delve into these and other matters.

Abbreviations

ABC - California Alcoholic Beverage Control

ADA - Americans with Disabilities Act

BOE - Board of Equalization

GCAC - City Golf Course Advisory Committee

CI - Capital Improvements

City - City of Madera, an incorporated city

GROUP - SPS Madera Group, LLC dba SPS at the Muni (verified with SOS, ABC, and MCR)

FTB - Franchise Tax Board

Lease - All references to the 2009 Madera Municipal Golf Course Agreement and the 9 amendments.

MCGJ - Madera County Grand Jury

MCR - Madera County Recorder

MMGC - Madera Municipal Golf Course

PCS - Parks and Community Services Director

PRA - Public Records Act – Government Code sections 7920 - 7931

SGM - SGM, Inc., doing business as Sierra Golf Management, Inc., and dba Madera Municipal Golf Course (verified by SOS, MCR, City license deletes “Municipal”)

SOS – California Secretary of State

Smokehouse -Sugar Pine Smokehouse

USGA - United States Golf Association

Methodology

- Interviewed key City personnel and other knowledgeable people.
- Examined City Lease with SGM and nine amendments.
- Studied the City budget noting the golf course debt was retired in 2023.
- SGM monthly payment, and revenue reports.
- Inspected three years of monthly reports that SGM filed with the City.
- Reviewed equipment list (Exhibit B in the original contract).
- Followed payment records of SGM.
- Reviewed capital improvement fund and costs.
- Reviewed City, SGM, Sugar Pine Smokehouse (SPS), SPS Madera Group, LLC, North Fork Indian Casino, ABC, SOS, and other websites.
- Checked the Secretary of State’s Business records.
- Reviewed the North Fork Rancheria’s Environmental Impact Review (EIR) for planned casino construction off CA-99.
- Contacted and reviewed the ABC history of the liquor license ownership and present status of the incomplete ABC file on SGM’s liquor License transfer to SPS Madera Group, LLC.

- Reviewed SGM ownership and golf courses managed by SGM.
- Visited the premises, website, and observed signage, ABC posting the Notice of change of liquor license to SPS Madera Group, LLC, menus and pricing, signage, restrooms, banquet room, dining room, and bar areas.
- Reviewed the City water and sewer infrastructure system.
- Reviewed the City zoning maps to note designation requirements and property development plans.
- Reviewed the USGA website, its August 2023 report to the City, and the services it offers to golf courses.
- Reviewed MCR records for fictitious business name filings.
- Reviewed GCAC reports, City Council reports, and agendas and attended meetings.
- Reviewed Smokehouse – City business license applications and issued business licenses.
- Reviewed the County Personal Property tax filings in the Madera County Assessor’s Office.

Discussion

I. Correction to the MCGJ Report 2223-02 About the Sublessee

References to Sugar Pine Smokehouse (Smokehouse), in the MCGJ Report 2223 -02, are not correct. Most of those references to Smokehouse should be replaced by the business SPS Madera Group LLC, dba SPS at the Muni (GROUP) because Smokehouse has never been the business entity legally operating the MMGC bar.

The MCGJ was misled. The City and SGM represented that the Smokehouse was SGM’s subtenant operating the kitchen and bar. This information included written and verbal reports to the City Council, SGM’s website offering the Smokehouse menu, documents, records, agendas, public and official comments, stored videos of Council meetings, and interviews with the City Administration. By misleading the MCGJ that Smokehouse was SGM’s subtenant, the public was also misled. This report explains why Smokehouse cannot legally operate the MMGC bar.

II. The True Identity of SGM’s Subtenant

The City and SGM are required to know the parties involved in operating the businesses at the MMGC. The operators are SGM and its subtenant, GROUP, the bar operator. SGM knows that it is not selling its liquor license to Smokehouse because the ABC records show the Buyer is GROUP.

A. The City business license records processed by the City Finance Department indicate Smokehouse obtained its first business license in 2018 and was formerly located at 1830 West Cleveland Avenue in Madera.

B. Chapter 5 of the California Business and Professions Code requires that when a business, uses a fictitious name it must register that name in the county where it operates. Businesses which are not registered with the SOS as corporations or LLCs cannot falsely claim to be those entities. Corporations and LLCs must file, publish, and record their fictitious business

name statement with a county recorder no later than 40 days after using the name. As of May 1, 2024, the Madera County Recorder (MCR) had no record of any Smokehouse fictitious business name. As of May 1, 2024, the SOS had no records for Smokehouse.

C. With great difficulty the MCGJ followed the mysterious Smokehouse history through various public and government records. Smokehouse first appeared when it applied for a city business license on October 2, 2018. This application claims Smokehouse is a corporation. The application form was allegedly signed by the CEO corporate officer of Smokehouse. However, Smokehouse has never been a corporation, has never been an LLC., and has never had an ABC liquor license; Smokehouse is just a name.

D. The City Finance Department accepted Smokehouse business license applications as a corporation in 2018 and as an LLC on December 5, 2023. The City business license applications require signatures under penalty of perjury. The City's ongoing acceptance of Smokehouse as the MMGC subtenant, without checking with the ABC, SOS, and MCR, is evidence of the City's failure to exercise its oversight responsibility. On February 29, 2024, the City Finance Department issued a new business license to Smokehouse directly transferring the business location from the Cleveland address to the MMGC address with a new number and the notation, restaurant without alcohol. The City explained that without alcohol means the City Planning Department will check with the ABC to verify that Smokehouse has a liquor license, and if a license is verified, the without alcohol language will be removed. Thus, on February 29, 2024, Smokehouse appeared to become the subtenant operating a restaurant at the MMGC but without alcohol. This City issued business license to Smokehouse raises many questions.

E. If Smokehouse now claimed to be commencing its business at the MMGC without serving alcohol, and its name is not in the ABC records or on the ABC Notice, is this arrangement legal? Who was operating the restaurant prior to February 29, 2024, if it wasn't Smokehouse? As of February 29, 2024, since Smokehouse is stating it is a restaurant without alcohol then who is presently operating the City's bar facility? The food servers serve alcoholic beverages to tables and the patio which indicates that the restaurant is dispensing the alcohol. There appears to be some intrigue involved with these relationships.



III. Who is Operating the Madera Municipal Golf Course Bar?

The SGM held an ABC Type 47 liquor license which is only issued to restaurants that offer alcoholic drinks *incidental to the food it serves*. The ABC website shows that the SGM

license has restrictions and specific conditions. One condition is that it will not serve alcohol on the patio. The MCGJ did an inspection on May 7, 2024, which discovered that the food servers served bar drinks at dining room tables and outside on the patio. Perhaps the *without alcohol* notation should have been a red flag to the City informing it that *Smokehouse* has not been operating the bar since March 2023. If that didn't raise a flag, perhaps the City Planning Department if it finally checks with the ABC will discover that *Smokehouse* has not operated the MMGC bar for over a year. However, if *Smokehouse* has been operating the bar since March 2023 the ABC has no records approving *Smokehouse* to serve alcohol at the City bar. The City Planning Department and/or Code Enforcement hasn't checked the ABC website yet to make any findings about *Smokehouse* serving alcohol.

As of April 2024, the City provided the MCGJ with information which confirmed there is no copy of any ABC liquor license in the City's *Smokehouse* file. This is because the ABC has never issued *Smokehouse* a liquor license. The SGM website showing *Smokehouse* is operating the food concession, if true, would require *Smokehouse* to be the restaurant applying to the ABC for a Type 47 Liquor license *restaurant serving alcohol* incidental to the food service. The City business license states *restaurants without alcohol*. This too is notice that something is not right at the MMGC.

If *Smokehouse* purports to be a sole proprietorship, it has never been registered by the owner with the MCR. *Smokehouse* is not listed with the SOS, or MCR, and it has never held an ABC liquor license and it cannot legally operate the MMGC bar. The SGM Type 47 ABC license requires a restaurant to be the bar operator, not the other way around. The City has no written procedures requiring a business entity to offer proof and/or evidence of its legal status or an ABC license. The City does have ordinances requiring businesses to prove their identities.

The obvious discrepancy here is GROUP was a newly established business entity on November 11, 2022. GROUP never operated at the Cleveland location. This is because GROUP didn't exist until after the Cleveland building was demolished. Whereas the City Finance Department records show the *Smokehouse* history going back to 2018. ABC records show that GROUP has claimed to operate the MMGC bar since March 9, 2023. Nine (9) months later, on December 5, 2023, *Smokehouse* claimed that it was transferring its business location directly from Cleveland Avenue to the MMGC. This appears to be impossible due to the fact the Cleveland building didn't exist, and *Smokehouse* had ceased operations at that location about a year earlier.

The ABC, SOS, MCR, and City records clearly show that these alleged businesses, GROUP and *Smokehouse*, have traveled different paths over different time periods.

IV. GROUP is SGM's Subtenant and GROUP is Not Licensed by the City

The City initially cooperated with the MCGJ by providing documents until the MCGJ asked for more detailed records. At that point the MCGJ was directed to make a Public Records Act (PRA) request for more documents and/or contact the City attorney. The MCGJ made a PRA request to the City requesting the following documents:

(a) *Business license applications and issued business licenses for the following:*

(1) *GQ Investment Group, Inc. (GQ)*

(2) *Sugar Pine Smokehouse (Smokehouse)*

(3) *SPS Madera Group LLC dba SPS at the Muni (GROUP).*

The City provided two applications and a City license for *Smokehouse* dated February 29, 2024. The City also made the written statement that *no applications or business licenses exist for GQ or GROUP*. However, both GQ and GROUP have operated businesses in the City.

This is very surprising because GROUP is registered on the ABC website as the MMGC bar operator as of March 9, 2023. The absence of any City business license record for GROUP may indicate that GROUP has been operating the bar and kitchen in the City for over a year without ever applying for a City business license. If the records the City provided to the MCGJ are complete and accurate, and if GROUP has operated the bar without a City business license for over a year, the City may determine this situation is a violation of the City Business License Ordinances. The Ordinances provide for fines up to \$500. a day for every day. If this is correct, the City fine could be up to \$500.00 per day for 400+ days = \$200,000+. The GROUP posted the ABC Notice of License Transfer on March 9, 2023, that it was serving alcohol at the MMGC, and by May 1, 2024, that is about 420 days. (Please see the City Ordinances, Section VI, below.) The MCGJ is not asserting this is a fact, nor advocating any result, it is merely trying to follow the confusing, twisted connections involved and how any of this could happen under the City's scrutiny. It will be interesting to see if the City overlooks violations of the City Code, Chapter 6, as it overlooked SGM's failure to pay for USGA reports for 13 years.

V. The City Has Failed to Adopt and Follow an Accurate Business License Process

Although the City has specific ordinances, the City has not adopted a written policy concerning how it *confirms* the legal identity of business license applicants. If the City had a policy all businesses would prove their legal identities to operate as a legal business. Businesses would not be able to file papers under penalty of perjury claiming to be different types of entities. How did *Smokehouse* apply for City business licenses stating it is the three different types of business entities when *Smokehouse* did not exist? How could GROUP operate the MMGC bar for over a year without the City's knowledge or a city business license?

Again, these MCGJ premises are based on the accuracy of the records and information provided by the City to the MCGJ or stated by the City as no record found.

The City has not implemented any procedures to identify and catch violators, even when the parties are mentioned at City Council meetings, or posted on ABC notices, and websites.

VI. Victims of Corporate Fraud Compensation Fund (VCF CF)

The SOS administers the VCF CF, under its Business Programs Division. This fund may be available to persons who obtain a judgment against certain businesses like corporations. In some cases of criminal restitution, applications to this fund may be analyzed for payment if the

Debtor is unable to satisfy the judgment. Such judgments are not dischargeable in bankruptcy proceedings.

The City receives various forms which persons sign under penalty of perjury. The City has ordinances specifically targeted at misrepresentations made to the City. See the following section quoting City Ordinances and specifically Section 6-1.93. The MCGJ is not advocating for application to this fund because the City has no Civil judgment for fraud or judgment for restitution against any corporation.

Access to this fund is another reason for the City to verify business entities that apply for City business licenses. If the City obtains a judgment for misrepresentation or restitution and the business is unable to satisfy the money judgment, then the City can apply to the SOS for payment from this fund.

VII. City Chapter 6, Business License Ordinances Include Fines and Crimes

A. According to the *CITY CODE OF ORDINANCES FOR BUSINESS LICENSES sections 6-1.01 – 6-1.94, CRIMINAL AND CIVIL ACTIONS AUTHORIZED FOR FAILURE TO PAY LICENSE TAX*. The purpose of applying for a business license is to register a business in the City. This is so the tax can be properly credited to that business and to approve the zoning.

The title for *Section 6-1.93* is *VIOLATIONS; PENALTIES*:

Any person, . . . violating any provision of this chapter, . . . or knowingly or intentionally misrepresenting to any officer of the city any material fact in procuring the license or permit provided for in this chapter shall be deemed guilty of a misdemeanor.

B. A report was filed with the City by SGM. On April 3, 2024, as stated in the Report to City Council - Agenda Number E-3, under the heading *Food and Beverage*.

In early 2023 we entered into a sublease agreement with Sugar Pine Smokehouse (Sugar Pine) . . . Sugar Pine has become a great partner for SGM and the City of Madera . . .

SGM failed to mention to the City that the bar operator is GROUP. However, if SGM's bar operator is in fact *Smokehouse* as SGM represents, and if *Smokehouse* is operating the bar with SGM's approval, there is no ABC approval which is a violation of the ABC regulations.

At the April 3, 2024, City of Madera Council meeting, *Smokehouse* was proclaimed as a partner with SGM, and the City according to the following statement under the heading, *Food and Beverage*

Food and Beverage

In early 2023 we entered into a sublease agreement with Sugar Pine Smokehouse (Sugar Pine) that has benefited not only the golf course but the community, as their beloved local eatery found a new home at the golf course. They have done a great job of creating a community feeling around the course with outside events and entertainment for the residents of Madera. Sugar Pine came in and invested time and money into getting the building where it needs to be to be successful.

These announcements are questionable because *Smokehouse* is not SGM's sublessee. The *Smokehouse*, without a city business license or ABC liquor license, hosted an event at the MMGC in November 2023 with 20 wine vendors participating. *Smokehouse* has photos of this event and other photos of alcohol displayed on its Facebook page. *Smokehouse* is not licensed by the ABC to serve alcohol.

A. The MCGJ discovered that this publicly acclaimed sublease to *Smokehouse* in early 2023, did not occur as stated. The City of Madera is not a partner with *Smokehouse* or *Sugar Pine* as SGM reported to the City. No sublessee of SGM signed any agreement with the City. This continues to raise questions about the City's oversight and ability to understand its agreements, know its subtenants, oversee the legal operation of its business concessions, enforce its Business License Ordinances, and collect taxes due to the City.

B. *Section 6-1.05 LICENSE REQUIRED* states, *it shall be unlawful for any person to commence . . . any business in the city without first having procured a license from the city so to do, [sic] without complying with . . . the regulations of this chapter . . .* This ordinance was last updated in 1999.

The tax on businesses is supposed to be collected by the City Tax Collector. The Tax Collector merely sends out annual notices to renew business licenses. In the event that the City Tax Collector cannot collect the tax, the ordinance invokes help from the Police Chief. It is the responsibility of Code Enforcement to enforce this and all City ordinances.

VIII. *Smokehouse* Does Not Exist

The MCGJ is apprehensive about stating that *Smokehouse* is fictional based on claims and proclamations by SGM and the City. It was reported to the City Council on April 3, 2024, at the regular Madera City Council Meeting, that the *Smokehouse* exists and is doing a *great job*. Therefore, to verify the non-existence of the business *Sugar Pine Smokehouse, LLC.*, and after searching the SOS, ABC, MCR and City records, the MCGJ reserved the name *Sugar Pine Smokehouse, LLC* from the California Secretary of State (SOS) on May 2, 2024. The fact that MCGJ was able to reserve and control this name for 60 days is irrefutable evidence that *Smokehouse* is not registered as a legal business entity. On December 5, 2023, the City accepted an improper application for a business license, and on February 29, 2024, issued a license to *Smokehouse*. This application to the City identifies *Smokehouse* as both a sole proprietor and an LLC. This application was circulated and approved throughout City Departments; however, the application conflicts with itself.

Additional evidence suggests that SGM may be operating in violation of the Lease and/or City ordinances. A website, physical address, and domain name are all found to be questionable as to the identity of the SGM subtenant(s).

As recently as May 2024, the MCGJ continuous review discovered on the SGM website that SMG continues to identify *Smokehouse* as the food and beverage provider at the MMGC. On

the website, there are photos, a menu, and the letters SPS. Further down in bold, black letters display the name *Sugar Pine Smokehouse*.

A current review of search engines by the MCGJ indicates prior to the issuance of the City business license, on February 29, 2024, *Sugar Pine Smokehouse, LLC.*, address remained listed at 1830 Cleveland Avenue with a phone number. *Smokehouse* is also listed at the MMGC address.

Finally, on the *Smokehouse* Facebook page, there is a link to an address connecting to a link that shows that the domain name, sugarpinesmokehouse.com, is for sale for \$599.

The MCGJ could not determine if SGM has two subtenants at the MMGC. If both *Smokehouse* and GROUP are operating businesses as SGM's subtenants that could attract the attention of the ABC. The Facebook photos posted in November 2023 indicate that *Smokehouse* has been serving *food and alcohol* before the City license was issued on February 29, 2024. The ABC website is proof that *Smokehouse* has no approval to serve alcohol at the bar. GROUP has only appeared on the ABC website and on the ABC Notice taped to the dining room door since March 2023. However, GROUP's dba SPS at the Muni, appears on menus, SGM, and *Smokehouse* websites and elsewhere. Due to the confusion caused by SGM the MCGJ cannot determine the identity of the actual SGM subtenants or operator(s) of the kitchen and bar.

IX. City Golf Course Advisory Committee (GCAC) Oversight

The 2009 original Lease between the City and SGM recommends the establishment of the GCAC. After the MCGJ released the 2223-02 report, the City promptly moved to establish this Committee. This Committee meets monthly and provides the City Council with written reports of its deliberations, findings, and recommendations. The GCAC publishes reports for open public comments and City Council discussions with committee members about these reports. The Committee has seven members including the City, SGM, the business operator Director/Representative, and members of the public. The Committee is a positive first step towards establishing local oversight with the Parks Department to focus on this multimillion-dollar public asset, which has been in decline suffering from *deferred maintenance* for decades.

In October 2023, the GCAC received a report prepared by the Interim Fire Marshal, Matthew S. Tarr, following his inspection of the conditions in and around the MMGC building. The report determined that there were various ADA and City Code violations. Code violations include requiring and installation of new Exit signs, upgrading the restrooms to ADA and Code requirements, and repair damage to the building. The GCAC determined these violations are of the *highest priority to reduce the potential for liability*. The MCGJ has not determined if any of this required work has been done.



X. Capital Improvements vs. Deferred Maintenance

The City Council meeting on April 3, 2024, showed a positive focus on this public asset. There was a discussion about the new Capital Improvement (CI) funds. The 2009 Lease required SGM to pay \$50,000 for CI. Later this was reduced to \$19,900. The SGM cannot apply its normal maintenance expenses (Lease *Section 16*) to its CI contributions. The use of CI money and SGM's completion of CI projects has been on the honor system. This was because nobody from the City monitored the physical results from SGM's application of the CI money. The Lease requires the City and SGM to keep reports for five years on where CI money was used. These CI reports were not readily available to the MCGJ until days after it received the approval to publish last year's report. Since SGM is required to buy sand as normal maintenance (Lease Section 16.4) and it maintains many other golf courses where it presumably is buying sand, the City should set up a system to make sure that invoices for sand, etc., are delivered to the MMGC and not going elsewhere.

Presently the CI requirements have been raised in the 9th Amendment to \$25,000 payable by SGM, and \$25,000 by its sublessee. Thus, the original \$50,000 is now back in place. These payments are made in advance, every July. The City has no enforcement against the sublessee because the sublessee never signed the 9th Amendment. The payments are held by the City and SGM submits statements for evidence of its CI expenses. It is unknown who in the City verifies if invoices are for maintenance or CI. There is no verification of work performed and materials used.

The City and SGM claim confusion in the Lease between the identification of CI and maintenance. However, *Section 16* is very clear about what constitutes maintenance. The Lease lists what SGM must supply. For example, normal maintenance includes equipment, materials, labor, fuel, sand, etc. In 2021, the City allowed SGM to apply the purchase of sand to CI instead of a normal maintenance expense under Lease *Section 16.4*.

On April 3, 2024, and again on May 1, 2024, the City Council discussed renovating the MMGC restrooms due to numerous complaints from golfers. Also, serious restroom problems are mentioned in both the August 2023 USGA report and the April 2024 GCAC report. A third report prepared by the City consultant studying the MMGC for Americans With Disabilities Act (ADA) compliance, shows pictures of restrooms that do not have basic handrails attached to the walls. The predominant discussion on April 3, 2024, was about *deferred maintenance*, and the discussion also alluded to using the CI money for the deferred maintenance. Since SGM has failed to maintain the premises, it is assumed that SGM caused some of the deferred maintenance by not painting and performing other normal upkeep. The CI monies should never be credited for deferred maintenance that was caused by SGM's years of neglect.

The Lease allows the City to give SGM a *10-Day Notice* for needed repairs describing what the City expects to be done. If SGM fails to take action to fix the problem within ten days, the City can make the repair and bill SGM for its services. The City has never enforced this Lease term against SGM.

There has been a *ghost* handprint on the Men's restroom door for at least a year. This is where the black material covering the outside of the door has worn through to the white paint on the metal door. At the May 1, 2024, City Council meeting the City presented its own photo of this ghost-like handprint on the men's restroom door. In December 2023, the City had an employee Appreciation Breakfast in the MMGC banquet room for 200 employees. Every City employee had to walk past the men's restroom door viewing the handprint eyesore which appeared to be brown and unsanitary. Although the City has been aware of this condition for over a year, and it has been under public discussion for months, no action has been taken by the City or SGM for this minor repair.



XI. The City Increased the Rent by \$25,000, But it Now Pays \$25,000 to CI

The Ninth Amendment raised SGM's CI from \$19,900 to \$25,000. The City has never paid into the CI account. The 9th amendment to the Lease now requires the City to pay \$25,000 into the CI account. To compensate for this new City contribution to the CI fund, the City raised SGM's annual rent from \$40,000 to \$65,000. The result is no net increase to the City because the City's CI contribution is the same as SGM's raised rent payment. Thus, there is no net financial gain for the City from this offset. However, the City negotiated a higher *round of golf paid rate* which should result in a net increase in City revenue.

XII. Ongoing Failure to Use the Full Name of Madera Municipal Golf Course

In 2009, SGM Inc. first filed a fictitious business statement with the Madera County Recorder (MCR) doing business as *Madera Municipal Golf Course*. SGM applied for and was issued a city Business License for MMGC. The City Lease requires that this name, MMGC, must always be used by SGM together with the City and Parks logos. This business name is not used consistently as required by the Lease. For example, SGM letterhead and its website have often failed to include the word *Municipal*. In March 2024, SGM presented a letter to the Mayor and City Council that omitted the word *municipal* and the City and Parks logos from its letterhead. This omission was received by the City Mayor and Council without comment.

The GCAC had this name violation as a topic at its public meeting, but no action was taken.

The SGM website displays *Sugar Pine Smokehouse* as the MMGC food operator [Madera Golf Course | Dining \(maderamuni.com\)](http://MaderaGolfCourse.com) and often omits the required City and PCD logos and the word *Municipal* from the name. The Lease states:

Sierra [SGM] shall ensure that all brochures, scorecards, and other printed advertising and marketing materials always bear and maintain City's identity with the mandatory use by Sierra [SGM] of the name 'Madera Municipal Golf Course' with the accompanying logos of the City and the City Parks and Community Services department as provided by the City.

The City's response to Recommendation six (R6), in the MCGJ 2223-02 report, agreed that there were violations of the name and logo requirements, and the City would make necessary corrections. However, as of the end of the day, May 1, 2024, there have been no changes or corrections to these name and logo violations. The City has been aware of this Lease violation for almost a year and yet it has not enforced this requirement. This infraction appears to be the pattern in this SGM City business relationship.

Due to the City's ongoing neglect to enforce the Lease terms, the name requirement has been an unresolved, ongoing issue since the MCGJ Report last year. This brings up the question whether any person in the City is responsible for understanding how such contracts are supposed to operate and be enforced. This becomes a more obvious issue when the City is admittedly aware of minor type cosmetic repairs and yet fails to enforce any remediation.

XIII. The City Has Not Designated a Person Responsible to Review Contract Requirements, Performance, Compliance, and Enforcement

The City Attorney is available to review contracts and explain the terms. However, once a contract has been approved by the Council, who is responsible for City oversight of contractual performance? This question is directed to all agreements, bids for services and materials, etc. In 2014, with the third amendment, the City delegated the MMGC oversight to PCS. However, there has been no history of any oversight by the PCS. While that oversight involves constant physical investigation it does not involve interpreting the Lease and its nine amendments to understand and enforce the management company's duties.

XIV. There is No Current Inventory of Personal Property and Fixtures which the City Owns vs. What SGM or GROUP Owns

The MCGJ asked the City for an inventory listing the personal property and fixtures it owns at the MMGC facility. This list is important for insurance claims in case of a loss from fire or other insurable events. This is also important due to the replacement of equipment by management and to avoid a dispute as to who owns what. The reply from the City was that the last inventory list is Exhibit B to the original 2009 Lease. However, as the MCGJ report last year explained, fourteen years ago, all equipment/property was sold to SGM two weeks after the

Lease was signed and is no longer City property. This is another indication that, due to numerous amendments to the Lease instead of drafting one consolidated document, such successive changes over the past 14 years have simply created much confusion and no transparency. The goals and thoughts of the original planners back in 2009 are unclear because the City claims *we do not know what those people were thinking because they are no longer available*. This underscores the necessity for a new comprehensive Lease agreement.

XV. The City Consultant's 96 Page ADA Report – MMGC Inspection

A consultant was paid by the City to inspect and report on *Americans with Disabilities Act* (ADA) compliance throughout the City including the MMGC. The Report dated December 2022 resulted in a very detailed report and an inspection on the MMGC with 96 pages of observations including color pictures of the golf course facilities. The report raised concerns about the lack of ADA compliance. Again, the restrooms became the focus of this report. Each item noted in the report was supported with a color photo and a comment about the building code and ADA requirements which are of concern. The MCGJ was informed that each item is being inventoried by the consultant. Since the consultant's inventory, each of these items is supposed to be physically observed and noted by the *Parks and Community Services Department* (PCS) with its comments. This minute, detailed itemization has not been done by PCS. A previous ADA report was completed in 2009. However, there is no record of any review or response regarding the MMGC in the City records to that ADA report.

The MCGJ made visual walk-through inspections of the MMGC main building which began with bird droppings and a smashed egg on the outside walkway near the entrance. This is near the upright concrete ashtrays which were filled up with cigarette butts, cigars, a banana peel, and other trash. Entering the double glass doors and viewing the men's restroom door to the left, the ghost handprint on the men's door was obvious where the black covering is worn out from years of pushing the door open. Entering the right hallway into the bar-dining area is a raised lip of curved black tile which could be a hinderance or hazard for guests and employees. In addition, a transitions area at the entry to the dining room/bar area features areas of gaps in the flooring material. These are just a few examples of obvious, visible deferred maintenance and failures of ADA compliance.

XVI. The City Shows No Plans to Enforce SGM's Lease Compliance

The City has failed to take any action related to SGM's Lease violations except for changing the catering prohibition and enforcing the USGA report.

Ramifications of the City's failure to enforce the Lease after more than a decade have caused normal maintenance issues to become major deferred maintenance expenditures. Although the City is aware of the neglect of this multi-million-dollar public asset, the City has an uphill climb to achieve active oversight of the property and enforcement of the Lease. Issues such as compliance with the Lease and normal maintenance, and if the SGM liquor license can be transferred to the subtenant, are yet to be identified. No corrective action has been taken by

the City. It appears to the MCGJ that SGM expects that its Capital Improvement (CI) fund credits will be applied to its deferred maintenance expenditures in violation of the current Lease agreement. The City indicated that the CI could cost over \$4 million dollars. Worn out paint was quoted to cost \$50,000 which is two-thirds of the CI fund.

In 2023 the City made the final payment for MMGC, and this multi-million-dollar public asset is now debt-free. The retirement of the MMCG debt creates an opportunity for the City to redirect those freed-up funds to improve this long overly, neglected property. Improving this asset will improve MMCG's value, reputation, and desirability to the world of golf.

Conclusion

The City entered the Lease with SGM 14 years ago in 2009. The Lease allowed SGM to operate the public MMGC and facilities efficiently and maintain the entire property in good condition for public use. In 2024 both the City and SGM recognized that the property has seriously deferred maintenance issues. This and ADA compliance have created a financial crisis for MMGC.

Although the City Lease allows SGM to sublet the premises, and in 2023 SGM sublet the kitchen, bar, and banquet room, the City has failed to investigate SGM's subtenant. Not only has the City failed to inquire about this subtenant, but the City has also failed to check with the ABC to identify the business entity operating the MMGC bar. Had the City checked the ABC website it might have questioned why SGM has not been able to sell its liquor license to the subtenant after the one-year escrow. The ABC website shows that on February 29, 2024, the Board of Equalization (BOE) placed a hold on the SGM-GROUP liquor license escrow. However, the SGM liquor license was transferred to GROUP in late April 2024. The information presented in this MCGJ report should trigger a City inquiry about the insurance coverage on the subtenant's activities and legality of operating the City bar.

The very lax ability of the City to connect these and other obvious facts has become the major focus of this MCGJ investigation and report. For example, the ABC records available on its website show that GROUP is SGM's subtenant operating the MMGC bar. The ABC notice posted on March 9, 2023, has been taped to the MMGC dining room door for over one year. The City has hosted its Employee Breakfast in the building and has apparently ignored this notice. The SOS confirms that GROUP has a valid registration as an LLC as of November 11, 2022. The City has no written policy to check the registration of businesses seeking a City business license and has registered *Smokehouse* as three different types of business entities.

The alleged *Smokehouse* business operating under City business licenses since 2018, cannot be found in any other government records. The City records show inconsistent types of businesses for *Smokehouse* which cannot be verified from any other sources.

The City has many blind spots that it must address to monitor the services and public properties under its trust. The City must get serious to create a system of accountability with written procedures to enforce violations of the City ordinances. As stewards of the City, the City Administration has the responsibility to protect and maintain the public's assets in good condition.

Findings

F1. The MCGJ finds that the City has followed the 2009 Lease by establishing the Golf Course Advisory Committee to inspect, discuss, and report monthly to the City with findings and recommendations about MMGC.

F2. The MCGJ finds there is no current Inventory list of City owned personal property and fixtures located at the MMGC.

F3. The MCGJ finds that after 13 years the City has enforced one section in the Lease by requiring SGM to pay for the 2023 mandatory annual USGA report which was received in August 2023.

F4. The MCGJ finds that the City's PCS has failed to inspect, inventory, or comment to the 2022 consultant's 96-page ADA report evaluating the conditions at the MMGC.

F5. The MCGJ finds that the City has failed to understand the Lease and the series of nine amendments that have generated confusion hindering the orderly exercise, reasonable oversight, and enforcement over the MMGC tenants, maintenance, and capital improvement obligations.

F6. The MCGJ finds that the City business license application processing has no written procedures and thus no safeguards against fraudulent applications.

F7. The MCGJ finds that the logos and name *Madera Municipal Golf Course* are often omitted from signage, scorecards, announcements, menus, events, websites, etc.

F8. The MCGJ finds that the golf course kitchen and bar have not been operated by *Sugar Pine Smokehouse*.

F9. The MCGJ finds that the City made the written statement that no applications or City business licenses exist for GROUP.

F10. The MCGJ finds that the use of CI money has been discussed by the City and SGM as being used for deferred maintenance at the MMGC.

F11. The MCGJ finds that the City Tax Collector has no system to track businesses within the City to ensure that the City is receiving prompt and continuous tax payments.

F12. The MCGJ finds that the City of Madera has had discussions about writing one coherent consolidated MMGC Lease with SGM.

F13. The MCGJ finds that the City has repeatedly failed to ascertain or confirm the true identity of SGM's purported subtenant(s) at the MMGC.

F14. The MCGJ finds that SGM appears to have two subtenants: *Smokehouse* for the food service, and the undisclosed bar operator GROUP.

F15. The MCGJ finds that the Interim Fire Marshal recommended that the MMGC be brought up to both the ADA requirements and the City Building Code due to serious violations.

F16. The MCGJ finds that the City has failed to ensure that its tenant and subtenants at the MMGC have performed their daily maintenance obligations under the Lease

Recommendations

R1. The MCGJ recommends that this GCAC continue its monthly oversight of MMGC.

R2. The MCGJ recommends that the City create an Inventory list of property and fixtures it owns at the golf course within 90 days of the publication of this report.

R3. The MCGJ recommends that SGM continue to provide the mandatory annual USGA advisory reports.

R4. The MCGJ recommends that the City have the PCS physically inspect and provide a written report to the City Council on each observation noted in the 96-page ADA Consultant's MMGC report within 90 days of receipt of this report.

R5. The MCGJ recommends that the City assign a person or department responsible for following up on all contracts to determine contractual performance and to enforce violations of required performance within 90 days of receipt of this report.

R6. The MCGJ recommends that the City enact written procedures for reviewing and processing Business license applications within 30 days of this report.

R7. The MCGJ recommends that the City correct the omission and take action to either enforce this Lease requirement or delete the requirement within 30 days.

R8. The MCGJ recommends that the City require proof of the identity of the tenants and /or subtenants operating the kitchen and the bar and obtain a copy of the ABC liquor license within seven days.

R9. The MCGJ recommends that the City seek the maximum fines and penalties against GROUP within seven days of publication of this report.

R 10. The MCGJ recommends that the City enforce the maintenance provisions in Lease *Section 16* to require SGM to pay for all deferred maintenance.

R 11. The MCGJ recommends that the City enact adequate tracking systems to ensure that businesses are paying taxes to the City within 30 days from the publication of this report.

R 12. The MCGJ recommends that the City complete negotiations and memorialize the product of the negotiations into one modern consolidated Lease within 90 days from the publication of this report.

R 13. The MCGJ recommends that the City recognize that SGM has represented its subtenant as *Smokehouse* and commence all appropriate actions to determine and correct the subtenant's true identity of the kitchen/dining and bar operator(s) within 30 days of the publication of this report.

R 14. The MCGJ recommends that the City investigate this subtenant discrepancy and take appropriate action within 7 days of the publication of this report.

R 15. The MCGJ recommends that the City and SGM take action to correct these violations and complete the required work to avoid serious potential liability within 30 days of the publication of this report.

R 16. The MCGJ recommends that the City enforce timely maintenance at the MMGC immediately.

Report Respondents

Pursuant to Penal Code sections 933 and 933.05, the Madera County Grand Jury requests that the statutory required responses be delivered within the deadlines in both written form and PDF to the following:

Superior Court of Madera County
200 South G Street
Madera, CA 93637

Madera County Grand Jury
Po Box 534
Madera, CA 93639

Required Responses:

Pursuant to Penal Code sections 933 and 933.05, the MCGJ requests responses as follows;
From the following elected county officials within 90 days:

Madera City Council
Madera City Hall
205 West 4th Street
Madera, CA 93637

Mayor of the City of Madera
Madera City Hall
205 West 4th Street
Madera, CA 93637

Madera County District Attorney
300 South G Street
Madera, CA 93637

Invited Responses:

Pursuant to Penal Code sections 933 and 933.05, the Madera County Grand Jury invites
responses from the following within 60 days:

California Attorney General
1300 I Street Ste 1142
Sacramento, CA 95814

Alcoholic Beverage Control
1330 E. Shaw Avenue Ste or Building B
Fresno. CA 93710

City of Madera City Manager
Madera City Hall
205 West 4th Street
Madera, CA 93637

City of Madera Director of Parks and Community Services
John W. Wells Youth Center
701 East 5th Street
Madera, CA 93638

City of Madera Finance Department
Madera City Hall
205 West 4th Street
Madera, CA 93637

City of Madera Police Chief
330 C Street
Madera, CA 93637

City of Madera Planning Department
Madera City Hall
205 West 4th Street
Madera, Ca 93637

City of Madera Code Enforcement
330 C Street
Madera, CA 93637

City of Madera ADA Advisory Council
Madera City Hall
205 West 4th Street
Madera, CA 93637

City of Madera Golf Course Advisory Committee
Madera City Hall
205 West 4th Street
Madera, CA 93637

Note: This report was prepared using current information available on the websites listed.

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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**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 933.05²¹ 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

²¹Links 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.²²
- 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.

²² <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>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>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>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>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>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. Al-Rak Chaidan						

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 recommendations²³. 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.

²³ 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

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

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.

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.

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Summary of Responses to 2022-2023 Reports



Responses to the Final Reports, filed by the 2022-2023 Madera County Grand Jury, are mandated by the California Penal Code. Penal Code sections 933 and 933.05 and requests that a response to the report be filed. This section includes a summary and overview of each report introducing the MCGJ's Findings and Recommendations. The entire Final Report including archived responses are available on the website, Madera County Grand Jury Reports 2022-2023.

Governing boards and elected officials are required to respond to the report findings and recommendations within the timeline prescribed in Penal Code section 933(c)-60 days for elected officials and 90 days for governing bodies. The additional time for governing boards affords them adequate time to conduct a public meeting on the topic of the report. The Grand Jury may also invite responses from elected officials or an appointed official or a local governmental agency to which findings and/or recommendations are directed. Penal Code 933.05 specifies the mandated wording and content of the response.

For each relevant finding in the report, PC 933.059(a) requires the responding governing board or elected official to give one of the possible responses:

1. Agrees with the finding or
2. Disagrees wholly or partially with the finding, with an explanation of the reasons for the disagreement.

For each relevant recommendation, the board or elected official is required to give one of the following complete responses (PC 933(b)):

1. The recommendation has been implemented with a summary of the action taken.
2. The recommendation will be implemented with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope for the analysis and a timeframe for further discussion up to six months from the release of the report,
4. The recommendation will not be implemented because the recommendation is not warranted or it is not reasonable. In either of these situations, an explanation is required.

Final Report Responses 2022-2023

2223-01 Penal Institutions of Madera County

Overview:

Mandated by California Penal Code 919(b), the Madera County Grand Jury (MCGJ) conducts an inquiry into the conditions and management of the detention facilities within the county. Sections 919(a), 925, and 925(a) authorize the MCGJ to investigate county and city jails and other detention facilities within the county. Inspections are intended to highlight efficiencies, note any deficiencies, and ensure that the incarcerated are treated in an appropriate manner. The MCGJ inspected facilities, observed the programs in action, and spoke with several of those in custody and institutional staff.

As required by the California State Penal Codes 919(a), 919(b), 925(a), and 925(b) the Grand Jury in each county in California must conduct a Detention Facility Inspection. The inspections in Madera County were conducted at the Madera County Juvenile Detention Facility, the Madera County Department of Corrections (Jail), Valley State Prison (VSP), and the Central California Women's Facility (CCWF).

Under Proposition 57, the California Department of Corrections and Rehabilitation (CDCR) motivates inmates to take responsibility for their own rehabilitation with credit-earning opportunities for sustained good behavior as well as prison programs and activity participation. An early release is considered for nonviolent offenders who have served the full-term sentence for their primary offense and have demonstrated their release to the community would not pose an unreasonable risk.

Madera County Juvenile Facility

Findings:

1. The MCGJ finds that the Madera County Detention Facility provides structure and support to reduce the recidivism of youth at the facility.
2. The MCGJ finds that the staff throughout the facility demonstrate concern for the youth and take the success of the youth seriously.
3. The MCGJ finds that with the passage of SB823, Madera County will face unique challenges with the realignment population

Recommendations:

1. The MCGJ recommends that the administration, teachers, and staff continue to provide a nurturing environment.
2. The MCGJ recommends that the administration, teachers, and staff continue to build social and emotional support to further the success of the youth.
3. The MCGJ recommends that administration and staff work with all relevant stakeholders to meet the needs and success of the SB823 realignment population.

Required Responses:

Madera County Juvenile Facility:
Board of Supervisors 200 West Fourth Street Madera, CA 93637

Madera County Department of Corrections (Jail)

1. The MCGJ finds that the Madera County Sheriff Department’s operation of the Madera County Jail has done a responsible job implementing programs that provide opportunities for inmates.

Recommendations:

1. The MCGJ recommends that the Madera County Sheriff Department’s continue to offer job training opportunities for inmates.

Required Responses:

Madera County Department of Corrections:
Madera Board of Supervisors 200 West Fourth Street Madera, CA 93637 Sheriff Tyson Pogue
Madera County Sheriff Headquarters 2725 Falcon Drive Madera, CA 93637

Central California Women’s Facility:

Findings:

1. The MCGJ finds that a classroom in the Education Department has a roof leak.
2. The MCGJ finds the vocational programs and educational programs offered at CCWF assist inmates with employment opportunities upon release.
3. The MCGJ finds that the PUPS program has a positive effect on inmates/trainers, staff, and the administration.

Recommendations:

1. The MCGJ recommends that, even though the roof leak in the Education Classroom has been fixed on MCGJ's return visit on January 17, 2023, CCWF needs a replacement plan for the roofs.
2. The MCGJ recommends that the Warden of CCWF needs to continue to research and implement innovative programs.
3. The MCGJ recommends CCWF continue to offer the PUPS program for the benefit of the trainer/handlers, staff, and administration.

Required Responses:

Central California Women's Facility:

Governor Gavin Newsom 1021 O Street 9000 Sacramento, CA 95841

Anissa De La Cruz, Warden (A) Central California Women's Facility 23370 Road 22
Chowchilla, CA 93610

Valley State Prison**Findings:**

1. The MCGJ finds that the Prayer Garden and the Dog Park grounds are well maintained by the inmates.
2. The MCGJ finds that the optical program provides training and job opportunities for inmates upon release.
3. The MCGJ finds that the dog training program provides inmates with the opportunity to develop compassion, confidence, and responsibility.

Recommendations:

1. The MCGJ recommends that inmates continue to maintain the Prayer Garden and the Dog Park.
2. The MCGJ recommends that the optical facility program continue to provide training and job opportunities for inmates.
3. The MCGJ recommends that the dog training program continue.

Required Responses:

Valley State Prison:

Governor Gavin Newsom 1021 O Street 9000 Sacramento, CA 95841

M. MCVAY Warden (A) Valley State Prison 21633 Avenue 24 Chowchilla, CA 93610



OFFICE OF THE SHERIFF

Tyson J. Pogue, Sheriff-Coroner

August 22, 2023

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to Grand Jury Report #2223-01

Honorable Judge Jurkovich:

In accordance with California Penal Code sections 933 and 933.05, this correspondence serves as the response of the Madera County Sheriff to the Madera County Grand Jury (MCGJ) report #2223-01.

I've carefully reviewed your inspection report and concur with the findings and recommendations.

On behalf of our entire staff, I want to express heartfelt gratitude for recognizing our efforts in your inspection report. Your comments on the cleanliness, organization, and rehabilitative programs not only validate our dedication but highlight our unwavering commitment to safety and rehabilitation.

Our primary mission is to ensure the safety of both staff and inmates, while simultaneously empowering inmates through educational, vocational, and transitional programs. Your acknowledgment of these aspects affirms our belief in their importance and inspires us to continually strive for excellence in transforming lives.

While we take pride in our achievements, we recognize there's always room for improvement. We are in agreement with the Grand Jury's recommendation to continue offering job training opportunities, and we are actively exploring ways to expand these essential programs.

I must specifically acknowledge the tireless efforts of our corrections officers, administrative staff, healthcare professionals, and program coordinators. Their dedication has elevated our jail into a place of positive change, learning, and growth rather than merely a facility of confinement.

☎ (559) 675-7770

📍 2725 Falcon Drive, Madera, CA 93637

✉ Sheriff@MaderaCounty.com

In closing, I want to take this opportunity to thank the grand jury for their time and attention in this important matter. I appreciate your valued service to the community and for providing an opportunity to respond to the findings and recommendations of the Grand Jury's report.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyson J. Pogue". The signature is fluid and cursive, with a large initial "T" and "P".

Tyson J. Pogue, Sheriff-Coroner



ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
JORDAN WAMHOFF
District 1
DAVID ROGERS
District 2
ROBERT POYTHREES
District 3
LITICIA GONZALEZ
District 4
ROBERT MACAULAY
District 5

September 19, 2023

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2022-23 Grand Jury Report entitled "Penal Institutions in Madera County"

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2022-23 Madera County Grand Jury report entitled "Penal Institutions in Madera County" See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part II of the report, "Madera County Department of Corrections":

Finding 1:

The MCGJ finds that the Madera County Sheriff Department's operation of the Madera County Jail has done a responsible job implementing programs that provide opportunities for inmates.

Response

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

Recommendation 1:

MCGJ recommends that the Madera County Sheriff's Department continue to offer job training opportunities for inmates.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part III of the report, "Madera County Juvenile Detention Facility":

Finding 1:

The MCGJ finds that the Madera County Juvenile Detention Facility provides structure and support to reduce the recidivism of youth at the facility.

Response

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

Finding 2:

The MCGJ finds that the staff throughout the facility demonstrate concern for the youth and take the success of the youth seriously.

Response

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

Finding 3:

The MCGJ finds that with the passage of SB 823, Madera County will face unique challenges with the realignment population.

Response

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

Recommendation 1:

The MCGJ recommends that the administration, teachers, and staff continue to provide a nurturing environment.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 2:

The MCGJ recommends that the administration, teachers, and staff continue to build social and emotional support to further the success of the youth.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 3:

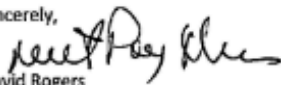
The MCGJ recommends that administration and staff work all relevant stakeholders to meet the needs and success of the SB823 realignment population.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

The Board acknowledges the Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,



David Rogers
Chairman of the Board of Supervisors



MADERA COUNTY PROBATION DEPARTMENT

CHRIS CHILDERS, CHIEF PROBATION OFFICER

August 1, 2023

Judge Michael Jurkovich Supervising Judge of the Madera County Grand Jury
200 S. G Street
Madera, Ca. 93637

Stephanie Stoeckel
Assistant Chief
300 S. G St, Ste 100
Madera, CA 93637
(559) 675-2488

Attention: Honorable Judge M. Jurkovich

This letter serves as a response to the Madera County Grand Jury findings and recommendations released on or about June 29, 2023, regarding Madera County Juvenile Detention Facility.

Sandra Meador
Deputy Chief
Adult Services
300 S. G St, Ste 100
Madera, CA 93637
(559) 675-2488

Madera County Probation Department acknowledges the Madera County Grand Jury's findings and recommendations. The department will continue to operate the facility with a high regard for safety and rehabilitation of youth under our care and supervision.

Revenue Services
300 S. G St, Ste 100
Madera, CA 93637
(559) 675-2488

Below is the department's response to the Madera County Grand Jury findings and recommendations pursuant to Penal Code Sections 933 & 930.05:

Jose Pantoja
Deputy Chief
Juvenile Hall
1615 E. Olive Ave
Madera, CA 93638
(559) 675-7899

The Madera County Probation Department agrees with the findings and recommendations. We will continue to follow these recommendations. Please note that the Madera County Juvenile Detention Facility is also inspected annually by the Madera County Public Health Officer, Buildings, Environmental Health, Superintendent of Schools, State and Local Fire, Juvenile Justice Commission, and the State Board of Community Corrections to ensure the facility meets the minimum standards set forth in California Government Code Title 15 Standards for Facilities. The facility meets or exceeds these standards set forth by the State of California. A copy of the State of California's inspection is available to the public on the Board of State Community Corrections website.

Rick Galindo
Deputy Chief
Juvenile Services
1615 E. Olive Ave
Madera, CA 93638
(559) 675-4970

Madera County Probation Department would like to thank the Madera County Grand Jury for their positive comments and recommendations. The Jurors that toured the facility on October 22, 2022, showed a genuine interest and concern for the youth and their education, rehabilitation, mental health, and medical treatment.



Feel free to contact me if you have any questions.

Cordially,

Chris Childers, Chief Probation Officer

Cc: MCGJ

300 S. G Street, Suite 100, Madera Ca. 93637 (559) 675-2488

"The mission of the Madera County Probation Department is to encourage positive change in the lives of offenders through collaborative partnerships, evidence-based practices, and corrective services."

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

Overview:

The City of Madera (City) owns the Madera Municipal Golf Course located at 23200 Avenue 17, Madera, CA. It is adjacent to the west side of Madera Airport. The City does not operate this business. The Golf Course includes the building which houses a pro-shop for golfing attire and accessories, a banquet room, kitchen and bar, including onsite food and beverage concessions, and patio area. In 2009 the golf course management and operation were turned over to Sierra Golf Management, Inc. (Sierra) under a Lease Agreement (Lease) with the City. Recently, Sierra made an agreement with Sugar Pine Smokehouse, LLC (Sugar Pine) to operate the golf course food and beverage concessions. Sugar Pine presently operates the food and bar services. The City does not have a copy of the Sierra – Sugar Pine agreement, although the Alcohol Beverage Control (ABC) requires the City to approve the agreement before it can issue a Liquor License. As of March 2023, the City is aware that Sugar Pine has a temporary ABC permit to serve liquor and Sugar Pine is operating the kitchen and bar concessions. The City has not produced any documentation on the Sierra – Sugar Pine agreement after the Madera County Grand Jury (MCGJ) request.

This report explores the City golf course, budgeting, revenue, and its operation by Sierra. The City has not enforced the Lease requirements for Sierra's signage and catering violations. The City budget and financial reports are misleading and failed to include \$64,000 rent City pays to the Airport. The City Budget shows a Net Surplus for the golf course which is actually only 10 percent of the amount shown. The City has often deviated from Sierra's contractual payment requirements, by making revenue concessions to Sierra. The City has been timid in negotiations, lax in oversight, and has not enforced the Lease terms.

The City's 14-year history of golf course agreements with Sierra, unless renewed by the City terminates on June 30, 2023.

Findings:

1. The MCGJ finds that the City's golf course Budget reports are misleading. This gives the City Council and the public a false understanding of the actual Net Surplus in the City Budget.
2. The MCGJ finds that Lease Exhibit A and Exhibit B are obsolete.
3. The MCGJ finds that the record-keeping requirements of the Lease are not being met.
4. The MCGJ finds that the City appointed the Parks Director to coordinate with Sierra for this golf course planning and oversight role.

5. The MCGJ finds that the City has failed to exercise reasonable oversight and enforcement over the golf course maintenance and capital improvements.
6. The MCGJ finds that the Lease requires that logos and name “Madera Municipal Golf Course” must always be used for all signage, announcements, menus, events, websites, etc. The MCGJ finds that the logos and word “Municipal” have been often omitted from required usage.
7. The MCGJ finds that use of the golf course kitchen for catering from the golf course, is offered on both Sierra and Sugar Pine websites. Catering from the golf course is Prohibited and is a breach of the Lease.
8. The MCGJ finds that in 2021-23 the City gave Sierra unnecessary financial concessions due to the Covid-19 pandemic.
9. The MCGJ finds that Lease section 4.4 unnecessarily excludes the City from receiving any revenue from the described activities.
10. The MCGJ finds that there are no United States Golf Association reports as required by the Lease.

Recommendations::

1. The MCGJ recommends that the City Finance Director correct and clarify all budget entries by December 31, 2023.
2. The MCGJ recommends that the City of Madera immediately rewrite a new contract for the lease, management, and operation of the Madera Municipal Golf Course.
3. The MCGJ recommends “Detailed” records of Capital Improvements and Maintenance expenditures and the USGA advice reports, be kept by the City for public viewing and for at least five years or as required by law.
4. The MCGJ recommends that Parks Director or other City Representative immediately begin to monitor and exercise oversight over the golf course Capital Improvement and Maintenance expenditures.
5. The MCGJ recommends that the City immediately specify the Maintenance and Capital Improvement categories as defined by USGA to eliminate confusion as to what Sierra is paying and/or has paid for golf course Capital Improvements and Maintenance.
6. The MCGJ recommends that the City immediately enforce the Lease provisions requiring the word ‘Municipal’ and all other name and logo requirements.
7. The MCGJ recommends that the City immediately review its position on catering. When making any decision, the City should determine its original purpose for prohibiting offsite food service and catering. City should enforce the agreement or allow the use.
8. The MCGJ recommends that the City immediately negotiate for concessions it made during Covid-19. The City should consider increasing its share of revenue by participating in all of Sierra’s income excluded from the City in Lease Section 4.4.
9. The MCGJ recommends that a new Lease be drafted immediately deleting all obsolete terms which unnecessarily exclude the City from City revenue.

10 The MCGJ recommends that the City should immediately make the USGA mandatory annual reports available for public review.

Required Responses:

11 205 West 4th Street Madera, CA 93637

Madera City Council Madera City Hall 205 West 4th Street Madera, CA 93637

August 17, 2023

The Honorable Michael Jurkovich, Supervising Judge
Madera County Superior Court
Supervising Judge for Grand Jury
200 S. G Street
Madera, CA 93637

**Re: City of Madera Fails to Enforce the Golf Course Contract Requirements 2022-2023
Madera County Grand Jury Final Report 2223-02; Published on June 16, 2023**

Dear Honorable Judge Jurkovich:

This letter is submitted on behalf of the Mayor and City Council of the City of Madera, the City Manager, and the Parks & Community Services Department, collectively referred to as "City" in this Response.

On Tuesday, June 20, 2023, the City of Madera ("City") received an email from the Madera County Grand Jury, which attached a copy of the Grand Jury's Report titled "City of Madera Fails to Enforce the Golf Course Contract Requirements" (hereafter "Report"). The report does not stipulate when it would be released to the public. As such, we view the release date as June 20, 2023.

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 City respectfully submits the following responses to the Findings and Recommendations in the Report in the form required by the Penal Code.

Please be advised 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 20 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 the Report.

FINDINGS

F1: The MCGJ finds that the City's golf course Budget reports are misleading. This gives the City Council and the public a false understanding of the actual Net Surplus in the City Budget.

Response 1: The City disagrees partially with this finding. As written, it is unclear what the finding is in reference to. The City's adopted Fiscal Year 2022/23 Operating Budget clearly identifies the City's debt pertaining to the Golf Course on pages 182, 187, and 244 under the title "Golf Course Debt Service."

The City acknowledges that potential confusion may be introduced on Page 245 of the adopted Fiscal Year 2022/23 Operating Budget document where it indicates that the City will "Transfer In" \$298,804, allowing the City to service its debt. A transfer is required to service outstanding debt considering the revenue generated is less than debt, and this practice is common in government accounting practices. This means that the City transfers that amount from the General fund to ensure the debt payments are made. While this terminology is used in public finance, greater explanation may be warranted on how these standards apply to the City budget.

With that said, the City routinely highlights the outstanding golf course loan balance. For example, in the report to the City Council on March 17, 2021, pertaining to the Sixth Amendment, it states:

"It is worth noting that there is outstanding debt for the golf course. The annual debt service for the golf course loan is approximately \$328k in calendar years 2021, 2022, and 2023. The annual debt decreases to roughly \$164k in 2024 at which time the debt will be retired. In addition, the golf course leases land from the Airport at an annual cost of \$60k."

Moreover, the City's Fiscal Year 2022/23 Operating Budget, notes, in part:

"The [golf course] fund does not typically cover its operating expenses with annual revenues. Due to a lack of revenue, the General Fund supports the Golf Course Fund with annual transfers-in" (Page 180)

The City is noting that it "disagrees partially" because of the mandated method for response.

F2: The MCGJ finds that Lease Exhibit A and Exhibit B are obsolete.

Response 2: The City agrees with this finding. Said exhibits were part of the original 2009 Agreement between the City and Sierra Golf Management, Inc. (SGM); however, because the exhibits remain part of the official record and for transparency, they have not been omitted from more recent updates. It is not a typical business practice to delete exhibits from existing agreements as this would create a void in the record.

- F3:** The MCGJ finds that the record-keeping requirements of the Lease are not being met.
- Response 3:** The City partially agrees with the finding. The City has records pertaining to Capital Projects and revenues to the City, but lacks records pertaining to the United States Golf Association.
- F4:** The MCGJ finds that the City appointed the Parks Director to coordinate with Sierra for this golf course planning and oversight role.
- Response 4:** The City agrees with this finding. The City's Director of Parks & Community Services is responsible for coordination and oversight of the Municipal Golf Course.
- F5:** The MCGJ finds that the City has failed to exercise reasonable oversight and enforcement over the golf course maintenance and capital improvements.
- Response 5:** The City partially disagrees with the finding. The finding, as written, provides insufficient information to either agree or disagree, as the term, "reasonable oversight and enforcement" is unclear.

While not mentioned in Finding 5, the narrative of the Report alludes to sand. The respondent is assuming that this finding is relative to said item. If so, Section 16 of the 2009 Agreement notes that SGM shall be responsible for providing sand; whereas Section 5.6 of the Sixth Amendment notes:

"[S]aid capital improvements shall include repairing of drainage and renovation of 11 bunkers on the course. Said costs includes [sic], but is not limited to materials, equipment, and labor."

Thus, while additional clarity may be desired, it is clear that the renovation of the bunkers for drainage improvement was deemed an appropriate expense.

More recently, the City did not mandate that the \$15,000 connection be made to the Madera Irrigation District line as required by the 6th Amendment. This item was determined to be redundant and would not add water capacity by the City, Sierra Golf Management, Inc. (SGM), and/or Madera Irrigation District, thus said funds were reappropriated to other more pressing water infrastructure. Said reallocation of the \$15,000 to add water capacity was approved by the City Council on June 21, 2023, as part of the 9th Amendment to the Agreement.

In terms of capital improvements, Section 34.6 of the original 2009 Agreement indicates:

All records provided for in this section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than five (5) years, additionally any and all such records which pertain to actual disputes, litigation, appeals or claims shall be maintained and made available for a period of not less than five (5) years after final resolution of such disputes, litigation, appeals or claims.

Said records are available for public viewing.

F6: The MCGJ finds that the Lease requires that logos and name "Madera Municipal Golf Course" must always be used for all signage, announcements, menus, events, websites, etc. The MCGJ finds that the logos and word "Municipal" have been often omitted from required usage.

Response 6: The City agrees with this finding. The City will address this with SGM.

F7: The MCGJ finds that use of the golf course kitchen for catering from the golf course, is offered on both Sierra and Sugar Pine websites. Catering from the golf course is Prohibited and is a breach of the Lease.

Response 7: The City agrees with this finding. It is noted that Section 7.13 of Agreement states:

"...Unless agreed upon in writing, Sierra agrees to limit its services under this agreement to the facilities at the Golf Course and will not under the auspices of this agreement provide catering services off."

As part of 9th Amendment, adopted by the City Council on June 21, 2023, this section was amended to read:

"Sentence 2 of Paragraph No 2 is deleted in its entirety and replaced with "Should SPS [Sugar Pine Smokehouse] vacate the clubhouse, the City, and SGM will work together to procure a new operator""

Thus, as part of the 9th Amendment, the prohibition against catering for off-site events was removed.

F8: The MCGJ finds that in 2021-23 the City gave Sierra unnecessary financial concessions due to the Covid-19 pandemic.

Response 8: The City disagrees with this finding. This finding neglects to recognize the immense uncertainty caused by the COVID-19 pandemic. In a report to the City Council on April 15, 2020, at the onset of the pandemic, City staff noted:

"The City and SGM were close to finalizing these terms last month when the COVID-19 pandemic began to emerge in the United States. The COVID-19 pandemic has had a negative impact on local economies, leaving SGM uncertain of long-term effects this may have on operations and reduction to revenues. SGM indicated to the City that they could not move forward with the terms of a new agreement due to the unknown variables at this time."

At the time, the City's agreement with SGM was set to sunset on April 30, 2020, and the City was not in a position to resume responsibility for the operations and maintenance of the golf course. As noted in Response 1, the City was responsible for servicing debt and a comprehensive review of the City's adopted 2019/20 Operating Budget, and subsequent budgets, support the City's position that it is unable to resume responsibility without

reallocating substantial monies from other funds. For example, as an alternative, the City could have reallocated monies from other funds, such as General Fund dollars from the Fire or Police Departments, but this would have been irresponsible and would have altered the City's service delivery model that the community has come to expect.

In addition, the respondent disagrees with the underlying inference that this reduction was somehow inappropriate. The respondent questions the basis of this finding, as this statement does not provide:

- Any evidence
- Indication of a study or reference to underlying data that defines "unnecessary"
- A reasonable alternative

A review of the record clearly demonstrates that the pandemic was a global crisis with significant economic impacts. In a report to the City Council on March 18, 2020, over one month prior to Amendment 5, the City proclaimed a local emergency due to the imminent threat of COVID-19. This declaration was consistent with National, State, and County states of emergency.

The report continues by noting that:

"[T]he exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation."

In short, the City was not in a position to resume responsibility given the uncertainty of the pandemic. The purpose of the concessions was an attempt to maintain the golf course in operating condition.

F9: The MCGJ finds that Lease section 4.4 unnecessarily excludes the City from receiving any revenue from the described activities.

Response 9: The City disagrees with this finding. The observation that the City excluded itself from receiving any revenue from the described activities is accurate; however, the respondent disagrees with the underlying inference that this fee practice is somehow inappropriate. Moreover, staff that was involved during the original 2009 Agreement have separated from the City, thus any direct response to counter with rationale would be speculative. Under the established structure, the City receives a Base Rent, compensating for additional activities.

F10: The MCGJ finds that there are no United States Golf Association [USGA] reports as required by the Lease.

Response 10: The City agrees with this finding. After additional research, SGM acknowledged that they have not contracted with USGA since the agreement was ratified in 2009. Since then, USGA visited the golf course on July 21, 2023. USGA provided a written report which was presented to the City Council on August 2, 2023. This report is attached as Attachment 1.

RECOMMENDATIONS:

R1: The MCGJ recommends that the City Finance Director correct and clarify all budget entries by December 31, 2023.

Response 1: This recommendation has been implemented. The respondent is under the assumption that this recommendation pertains to the payment from the Golf Course to the Airport. If so, this recommendation has been addressed.

Staff became aware that the Golf Course Fund does not contain appropriations in the Fiscal Year 2022/23 Annual Operating budget to cover the rent payment to the Airport Fund. The payment of \$64,083 is made to the Airport Fund as it is the legal owner of a portion of the property on which the golf course resides. To remedy this, at its June 21, 2023, City Council meeting, the Council approved an appropriation through a budget amendment.

R2: The MCGJ recommends that the City of Madera immediately rewrite a new contract for the lease, management, and operation of the Madera Municipal Golf Course.

Response 2: This recommendation has been implemented. At its June 21, 2023, the day after the Grand Jury submitted its Report to the City, the City Council approved a five-year contract extension. In accordance with the Brown Act, the documents considered by City Council were published on June 17, 2023, days prior to the Grand Jury Report. While the City acknowledges that a contract absent items the Grand Jury considers obsolete may not be ideal, the contract is a legally binding document. Regardless, the City and SGM have discussed updating the contract.

R3: The MCGJ recommends "Detailed" records of Capital Improvements and Maintenance expenditures and the USGA advice reports, be kept by the City for public viewing and for at least five years or as required by law.

Response 3: This recommendation has been partially implemented and will be ongoing. The City has a long-standing policy relating to the retention of records in conformance with state law; however, the City understands the MCGJ request for greater detail. Moreover, the City 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 community and all other Public Records requests, per the Public Records Act.

In terms of USGA advice reports, the initial report was made available to the public on August 2, 2023.

R4: The MCGJ recommends that Parks Director or other City Representative immediately begin to monitor and exercise oversight over the golf course Capital Improvement and Maintenance expenditures.

Response 4: This recommendation has been implemented and will be ongoing. Moreover, the 9th Amendment established a Golf Course Committee comprised of:

1. One City Council member
2. Director of Parks & Community Services
3. SGM Representative
4. Service Organization Representative
5. Golfer/At-large Community member
6. Food and Beverage Director/Representative
7. At-large Community member (added during the City Council meeting on June 21, 2023)

The Committee is expected to provide oversight on capital improvements and maintenance. In addition, the 9th Amendment requires that the City collect capital improvement funding and reimburse SGM for eligible activities. This is in contrast to the historic practice where SGM would submit receipts to the City.

R5: The MCGJ recommends that the City immediately specify the Maintenance and Capital Improvement categories as defined by USGA to eliminate confusion as to what Sierra is paying and/or has paid for golf course Capital Improvements and Maintenance.

Response 5: This recommendation has been implemented. USGA visited the golf course on July 21, 2023 and prepared a list of recommendations. The report was presented to the City Council on August 2, 2023 and will be shared with the Golf Course Advisory Committee at their upcoming meeting.

R6: The MCGJ recommends that the City immediately enforce the Lease provisions requiring the word 'Municipal' and all other name and logo requirements.

Response 6: This recommendation has been implemented and will be on-going.

R7: The MCGJ recommends that the City immediately review its position on catering. When making any decision, the City should determine its original purpose for prohibiting off-site food service and catering. City should enforce the agreement or allow the use.

Response 7: This recommendation has been implemented. The recently approved 9th amendment permits off-site catering. This item was reviewed during recent negotiations and the City cannot determine why said prohibition was originally included.

R8: The MCGJ recommends that the City immediately negotiate for concessions it made during Covid-19. The City should consider increasing its share of revenue by participating in all of Sierra's income excluded from the City in Lease Section 4.4.

Response 8: This recommendation has been implemented. On June 21, 2023, the City Council approved the 9th Amendment which outlines how much SGM pays the City to operate the Golf Course. As part of the 9th Amendment, the amount that SGM remits to the City for base rent and per round of golf exceeds what it paid prior to the COVID-19 Pandemic.

R9: The MCGJ recommends that a new Lease be drafted immediately deleting all obsolete terms which unnecessarily exclude the City from City revenue.

Response 9: This recommendation has been partially implemented. Given that the recommendation does not identify specifics, the City does not have adequate information to ascertain what obsolete terms this is regarding. Per Finding 2, it is apparent that the Madera County Grand Jury considers Exhibits A and B from the original 2009 Agreement obsolete; however, drafting a new agreement to strike two exhibits appears excessive. In addition, on June 21, 2023, the City Council approved the 9th Amendment, a five-year extension. Notwithstanding this, both parties have discussed preparing a consolidated agreement.

R10: The MCGJ recommends that the City should immediately make the USGA mandatory annual reports available for public review.

Response 10: This recommendation has been implemented. This report was presented to the City Council on August 2, 2023 and is attached.

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 584, Madera, CA 93639

Attachments:

1. Report to the City Council dated August 2, 2023, including report from the USGA



REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: August 2, 2023

Agenda Number: _____

Joseph Hebert

Joseph Hebert, Parks & Community Services Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

SUBJECT:

Informational report on USGA Site visit to the Madera Municipal Golf Course

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council)

SUMMARY:

During the June 21, 2023 Council meeting staff presented the Ninth Amendment to the Madera Municipal Golf Course Operation and Management Lease Agreement with SGM Inc. dba Sierra Golf Management, Inc. There is a provision in the original 2009 contract requiring an annual audit be conducted by the United States Golf Association (USGA); however, the report had not been previously prepared.

The staff is providing this report to inform Council that the USGA annual audit provision has been satisfied.

DISCUSSION:

On July 21, 2023, the USGA conducted its first audit of the Madera Municipal Golf Course. The audit findings were generally favorable. The course is over 30 years old and in good shape, except for several items requiring upgrades or general maintenance.

Recommendations made by USGA are presented below:

1. Upgrade Irrigation System

2. Increase Weed Control
3. Putting Greens -- increase sand dilution and decrease surface patch.
4. Bunker renovation
5. Upgrade to hybrid Bermudagrass

The establishment of a seven (7) member golf committee was approved by Council during the July 19, 2023, meeting. The USGA recommendations will be scheduled for discussion during the Committee's upcoming.

FINANCIAL IMPACT:

Funding for Golf Course Capital Improvement projects will be generated by revenues outlined within contract amendment nine.

ALTERNATIVES:

This is an informational item only.

ATTACHMENTS:

1. USGA Site Visit Report for Madera Municipal Golf Course 21 July 2023



Site Visit Report

Madera Municipal Golf Club
Madera, California

Visit Date: July 21, 2023

Present:

Jeremy Jordan, Golf Course Superintendent
Dan Bacci, Sierra Golf Management
Jon Christensen, Sierra Golf Management
Brian Whillark, USGA Green Section

Brian Whillark | Regional Director, West Region | (480) 215-1958 | bwhillark@usga.org

USGA GreenSection

Executive Summary

Thank you for the invitation to conduct the first Course Consulting Service visit to Madera Municipal Golf Course on behalf of the USGA Green Section. The purpose of the Course Consulting Service is to collect and distribute information on the proper construction and maintenance of golf courses. Each visit offers an impartial yet concerned perspective regarding turfgrass growth requirements, practical information on maintenance practices to address your needs, and sharing information from other courses that we visit that may be helpful to your operation. This information is provided free of bias since the USGA is not affiliated with manufacturers or suppliers. In short, we are a tool to help your superintendent and management team provide better turf for better golf.

This was my first visit to Madera Municipal Golf Course. The golf course is about 30 years old, and it is clear that there have been no capital improvement projects completed at the golf course. The infrastructure of the golf course is aging, and the most important topic of this report will be the need to upgrade components of the irrigation system. We will also discuss the importance of significantly increasing weed control efforts. A brief summary of the topics discussed in this report is included below:

- **Irrigation system.** Despite a significant reduction in irrigated turf, the irrigation system is insufficient to properly deliver water adequately and efficiently to this golf course. It is recommended for the City to consider significant upgrades to the pump station and irrigation system at Madera Municipal Golf Course.
- **Weed control.** Weeds are a significant problem at this golf course, and weed control efforts need to be increased in primary playing areas such as green surrounds, fairways and tees.
- **Putting greens.** The putting greens are in good health in general, but they are very soft and spongy. We will discuss increasing cultural practices to improve sand dilution and decrease surface thatch.
- **Bunkers.** The bunkers have exposed sumps which are unsightly and impact playability but do help to drain the bunkers during rainfall events. While not an immediate priority in my opinion, a bunker renovation should be considered in the future.
- **Bermudagrass upgrade.** After upgrading the irrigation infrastructure, it is recommended to consider upgrading to hybrid bermudagrass, which could be sprigged to the fairways perhaps nine holes per year. This would improve golf course aesthetics and playability year-round.

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Irrigation

Observations

1. Antiquated System

The irrigation system is now over 30 years old. Most courses will replace irrigation satellites, sprinklers, lateral and mainline valves between year 15 and 25, and often courses will replace the entire irrigation system at year 30 to 35.

2. System Limitations

The irrigation system does not deliver water adequately and efficiently to this golf course. The system only delivers about 1,200 gallons per minute, which is only about 40% of what a typical golf course will pump out to an 18-hole golf course. This means not enough water can be delivered to the golf course during an evening irrigation cycle, and the time in which to apply water is 11 to 13 hours. A system with adequate pressure and flow could deliver more water in a window of only about six hours. The long water window creates wet conditions for golfers playing early in the morning and does not facilitate deep watering.

3. Multiple Sprinklers Per Valve

Most all golf courses I work with (approximately 90 golf courses per year) have the ability to control every sprinkler individually. At Madera, there are two to three sprinklers per station and, in some cases, five to six sprinklers per station. This means limited ability to apply site-specific water and results in inefficient use of water and overwatering.

4. Inconsistent Spacing

The spacing among the sprinklers is inconsistent, which results in localized wet and dry areas.

5. Valves Not Working

Mainline and lateral line valves are not working properly. This means that to conduct any repairs across the golf course, the team must shut off the pump station. During the summer months, this is a significant inconvenience and puts turfgrass throughout the golf course at risk of failure.

6. Pump Station in Poor Condition

The pump station is in very poor condition and is exposed to the elements.

7. No Independent Watering

It was great to see that irrigated turf was removed several years ago. It was reported that the team now irrigate only about 75 acres of turf compared to about 105 acres of turf several years ago. However, the sprinkler design is not set up to independently water only these 75 turf acres. This means water is applied where it is not needed.

8. Poor Sprinkler Design Around Greens

There are full-circle sprinklers around greens, which means water must be applied to green surrounds and bunkers when greens are watered. Ideally, greens would be watered with part-circle sprinklers designed only for the greens to allow deep watering of greens without flooding bunkers.

Recommendations

1. System Component Replacement

At the very least, it is suggested to replace swing joints, sprinklers and irrigation satellites and add a central irrigation computer. This is the very minimum irrigation component replacement plan. This plan does not allow for redesigning irrigation spacing to accommodate the new turf lines and does not replace lateral line pipes which are more likely to fail in the next five to ten years. Below is an industry reference that provides the expected useful service life of irrigation components:

GOLF COURSE ITEMS EXPECTED LIFE CYCLE

HOW LONG SHOULD PARTS OF THE GOLF COURSE LAST?

No two golf courses are alike except for one thing: desiring replacement of key items can lead to greater expense in the future, as well as a drop in conditioning and player enjoyment. The following information represents a realistic timeline for each item's longevity.

Component life spans can vary depending upon location of the golf course, quality of materials, original installation and past maintenance practices. The American Society of Golf Course Architects (ASGCA) encourages golf course leaders to work with an ASGCA member, superintendent and others to assess their course's components.

ITEM	YEARS
Greens (1)	10 – 20 years
Bunker Sand	5 – 7 years
Irrigation System	10 – 30 years
Irrigation Control System	10 – 15 years
Pump Station	15 – 20 years
Cart Paths – asphalt (2)	5 – 10 years (or longer)
Cart Paths – concrete	15 – 30 years (or longer)
Practice Range Tees	5 – 10 years
Tees	10 – 20 years
Corrugated Metal Pipes	10 – 30 years
Bunker Drainage Pipes (3)	5 – 10 years
Mulch	1 – 2 years
Grass (4)	Varies

NOTES: (1) Several factors can weigh into the decision to replace green's construction of type and/or surface of the original construction. (2) It is best to correct any problems and/or repairs as they arise rather than waiting until the deterioration between green and hole becomes. (3) Assume an early maintenance program 1 – 2 years after installation. (4) Typically replaced before the need to bring changes – in the structure of the drainage pipe. All items provided in this chart are general guidelines. (5) Do not use grass seed of any type – for example, bluegrass, fescue, etc. – in areas where the soil is not suitable for growing grass.

ASGCA thanks those at the USGA Green Section, Golf Course Builders Association of America, Golf Course Superintendents Association of America and various suppliers for their assistance in compiling this information.

The materials presented on this chart have been reviewed by the following Allied Associations of Golf:

For more information, contact ASGCA at (282) 786-5990 or visit www.ASGCA.org

DATA COMPILED BY ASGCA, 180 NORTH EXECUTIVE DRIVE, SUITE 300, GREENFIELD, NY 12309

2. Pump Station Replacement

In Central California, the irrigation system is the lifeblood of every golf course and effectively is the most important part of the golf course. Without it, you do not have a golf course. Replacing the irrigation system components in conjunction with upgrading to hybrid bermudagrass would have a significant positive impact on the golfer experience for the long-term viability and sustainability of this golf course. It is strongly recommended to replace the pump station with a system that is capable of delivering at least 2,500 gallons per minute.

- You may wish to reach out to Cloudburst Engineering in Palm Desert to assist with the pump station replacement.
- It is also strongly recommended to reach out to an irrigation designer such as [BTG Golf LLC](#) for consultation on the system hydraulics. It is critical to size the pipe properly leaving the pump station and throughout the golf course to provide adequate flow.
- Below I have included several articles on the importance of replacing the irrigation system.
 - [How Do We Know When It is a Good Time to Replace Our Irrigation System?](#)
 - [How Long Does an Irrigation System Last?](#)
 - [Irrigation System: There Is More Than Meets the Eye](#)
 - [New Irrigation System Offers Significant Water Savings](#)
 - [Proper Pump Maintenance and Testing](#)
 - [Making Your Case for An Irrigation Renovation](#)
 - [USGA Water Use and Irrigation Literature](#)

Bermudagrass Upgrade

Observations and Recommendations

1. Hodgepodge of Grasses

The primary playing areas in green surrounds, fairways and tees consist of a hodgepodge of grasses including common bermudagrass, cool-season and warm-season weeds, and patches of hybrid bermudagrass. The current combination of grasses and weeds does not provide the ability to deliver good conditions any time of the year. While golfers may consider the conditions acceptable, there is a huge opportunity at this facility if the irrigation system is upgraded to convert to hybrid bermudagrass and deliver a far superior playing experience, and one that will use much less water.

2. Convert To Hybrid Bermudagrass

While many courses are sodding hybrid bermudagrass at a cost of about \$.70 per square foot, there is an option to sprig bermudagrass at a cost of about \$.15 per square foot. However, this would require closing nine holes for a period of about 90 days during the summer months to complete the conversion. It is important to note that it is not recommended to consider any conversion until the irrigation system is upgraded. The success of the conversion relies on improved irrigation coverage. The current system limitations would significantly limit the success of the conversion. Here is an article that explains [bermudagrass conversion](#) in greater detail.

Weed Control

Observations

1. Significant Weed Population

Unfortunately, the golf course is littered with both cool-season and warm-season weeds. Green surrounds, fairways and tees have a very high weed population which significantly detracts from the golfer experience. It also weakens the existing turfgrasses.

Recommendations

1. Increased Weed Control Program

While it may be several years until the City has the funds to upgrade the irrigation system and convert to hybrid bermudagrass, weed control efforts should be increased immediately. There is a big opportunity to significantly reduce the weed population during the summer months, which will ultimately increase the health of the common bermudagrass. Please consider the following weed control program:

- **Increased nitrogen.** First and foremost, nitrogen should be increased on fairways to improve common bermudagrass density and coverage. It is always impressive to see that when bermudagrass density improves, the weed population decreases. Ideally, you would apply at least 2 pounds of nitrogen per 1,000 square feet between mid-September in late October and apply another 2 pounds of nitrogen per 1,000 square feet from early April through the end of May. Nitrogen should be applied only where necessary during the summer months.
- **Spring preemergent weed control.** Please consider the following two options for pre-emergence weed control, which should begin in late February or early March:
 - ◆ One option is to spray indaziflam (Specticle®) on green surrounds, fairways and tees. The Specticle will kill a majority of existing cool-season weeds. Specticle can be expected to provide weed control through the end of August. It is critical to avoid spraying Specticle within a 15-foot barrier of the putting greens. In this zone, it is recommended to use a combination of proflaminate and Pennant Magnum® for preemergence control. A second application will be needed in late May, and the chemistry should be switch to granular Ronstar® to pick up goosegrass control.
 - ◆ The next option is to combine proflaminate with the Pennant Magnum in early March on green surrounds, fairways and tees. A second application will be needed with an alternative chemistry such as oxadiazon (granular Ronstar). Another option is simazine (Princep®).
- **Fall postemergence goosegrass control.** For postemergence control of goosegrass, it is strongly recommended to have Sencor® on hand. While the two-application strategy in the spring is very important to control the summer weeds, we discussed not using preemergence products in the fall given the common bermudagrass is susceptible to wet and soggy conditions. In fact, the annual bluegrass and ryegrass that recovers each fall effectively improves playing conditions during the winter months, especially in a wet winter, even without overseeding. It is worth noting that if you should ultimately convert the fairways to hybrid bermudagrass, then it would be important to control the winter weeds.

- **Additional applications.** There is also a fair amount of purple nutsedge on the golf course. For this weed, it is important to use Celero® with two to three applications from mid-July through mid-October. You also may consider purchasing Vexis®, a granular product that can be used to spot apply to the nutsedge areas. The preemergent program provided above will help to control dallisgrass as well. However, when dallisgrass breaks through, it is recommended to spray Monument® as a postemergence control product.

Putting Greens

Observations

1. General Condition

I was able to view multiple greens during our visit, and I'm happy to report that all greens have a healthy combination of bentgrass and *Poa annua*.

2. Rooting Depth

Closer observation reveals roots extending to 5 to 6 inches in the greens.

3. Shear Strength

I utilized a shear strength tester to measure surface strength of greens. A value less than about 12 Newton meters (Nm) indicates weak surface strength. At Madera Municipal Golf Course, values ranged from 15 to 17 Nm, which is excellent this time of year, especially given the recent heat.

4. Excess Organic Matter

The putting greens are very soft and puffy, and ball marks are quite deep. A soil profile collected from greens reveals there is excess organic matter near the surface of the greens and there has not been enough sand applied for dilution.

Recommendations

1. Aeration and Vertical Mowing

It is recommended to continue with your program to conduct 5/8-inch-diameter core aeration on a 2- by 2-inch spacing this fall. It is recommended to immediately precede this operation with vertical mowing with blades set about 0.150 inches below the bottom of the rollers. Run the vertical mower up and back on the same pass and change directions, thereby making four passes over the greens. Follow by applying ample sand to dilute surface organic matter.

2. Increased Sand Topdressing

During the growing season, it is recommended to apply sand from February or March through October or November at a frequency of two or three times per month. Rates should range from as low as 40 to 50 pounds per 1,000 square feet to as high as 100 to 115 pounds per 1,000 square feet. During the primary growing season, conduct vertical mowing two to four times per month at light intensity. All these practices combined will help to reduce surface thatch and increase firmness. These practices will also help to smooth ball roll.

Bunkers

Observations

1. Exposed Sumps

The bunkers have an exposed sump in the lowest area of each bunker to facilitate drainage during rainfall events. While this may be effective to remove water, it is unsightly and negatively impacts play. Golfers must move their golf ball aside when the ball comes to rest in these low-lying areas. I will say this is extremely uncommon to see at golf courses.

2. Ample Sand

I was able to measure sand depth in a few greenside bunkers. It was great to see adequate sand at a depth of 6 to 7 inches. It was also good to hear that golfer comments concerning the bunkers are generally positive.

Recommendations

1. Continued Sand Addition

For the time being, it is recommended to continue to add sand where necessary in greenside bunkers. A good goal is to provide 7 to 9 inches of sand on the bunker floors. This will help with playability and drainage.

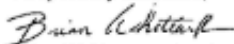
2. Bunker Renovation

A bunker renovation is needed at Madera Municipal Golf Course. However, I would strongly recommend focusing your capital monies on irrigation upgrades and converting to hybrid bermudagrass before any work may be considered on the bunkers.

Closing Comments

Thank you for an enjoyable morning spent on the golf course at Madera Municipal. Given that this was my first opportunity to see the property, it was impressive to see the amount of turf reduction and to see the greens in good condition. **The major take-home message from this first initial visit is that it is strongly recommended to focus capital improvement funds on irrigation system upgrades and consider upgrading to hybrid bermudagrass.** In the short term, it is necessary to increase funds for fertilizing primary playing areas and increasing weed control efforts. Thank you for your support of the USGA Green Section. Please do not hesitate to contact my office should you have any further questions or concerns.

Respectfully submitted,



Brian Whitlark, Regional Director
USGA Green Section, West Region

Distribution:

Dan Bacchi, Sierra Golf Management
Jon Christensen, Sierra Golf Management

USGA Green Section

Turfgrass and Environmental Research

The [USGA Green Section](#) appreciates your support of the Course Consulting Service. First started in 1953, the Course Consulting Service provides unbiased assessments of golf facilities to optimize resources and reduce consumption of critical resources. The proceeds from the Course Consulting Service directly support the USGA's annual \$2 million investment in [turfgrass and environmental research](#), which provides an estimated [\\$2 billion annual benefit to the U.S. golf industry](#). Follow the QR Code for more information.



Tools and Solutions

The USGA Green Section is proud to offer [tools and solutions](#) for golf courses. Innovative products including Deacon, GS3, and GPS Services provide solutions to optimize the golf experience through data-driven communication and resource management.



Green Section Record

The [USGA Green Section Record](#) is a free digital magazine offering the latest information on turfgrass management, environmental sustainability, innovation in golf course maintenance, and turfgrass research. If you would like to stay updated on regional topics, best management practices, and industry trends, please [subscribe for free to The Record](#).

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2223-03 Madera County Public Safety Incident Command System

Overview:

The Incident Command System (ICS) is a standardized management program with procedures for managing temporary incidents. This nationwide program is designed to ensure effective and efficient management of incidents, regardless of their size, complexity, or location. The ICS system employs common terminology and standardized procedures to ensure that everyone involved in the response works together in a cohesive manner. The ICS is not unique to Madera County as the ICS uses common terminology and standardized procedures throughout the United States. Major event planning, community gatherings, and incidents requiring a multi-agency response, including man-made or natural disasters, can require ICS activation. This system permits a clear point of control and can be expanded and contracted as needed.

The Madera County Grand Jury (MCGJ) investigated the capabilities of the ICS in Madera County. The MCGJ found the Madera County ICS to possess the ability and resources to effectively deal with unusual occurrences or high-risk incidents in accordance with established policies and procedures of the Nationwide Incident Management System (NIMS).

Findings:

1. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department are well-prepared to work in cooperation with outside agencies to address incidents.
2. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department follow the National Incident Management System (NIMS) guidelines.
3. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff Department use common terminology and standardized procedures.
4. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff Department train on ICS procedures on a regular basis across all agencies.

Recommendations:

1. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to engage outside agencies while addressing incidents.
2. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to follow the NIMS guidelines.
3. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to work in a cooperative and collaborative manner using common terminology and standardized procedures.

4. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to train on a regular basis across all agencies.

Required Responses:

Madera County Sheriff 2725 Falcon Drive Madera CA. 93637

Madera County Board of Supervisors 200 W. 4 th Street Fourth Floor Madera, CA 93638



OFFICE OF THE SHERIFF

Tyson J. Pogue, Sheriff-Coroner

August 22, 2023

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to Grand Jury Report #2223-03, "Madera County Public Safety Incident
Command System Madera County Grand Jury Final Report"

Honorable Judge Jurkovich:

In accordance with California Penal Code sections 933 and 933.05, this correspondence serves as the response of the Madera County Sheriff to the Madera County Grand Jury (MCGJ) report #2223-03. I've carefully reviewed the report and concur with the findings and recommendations.

I would like to take this moment to express my sincere gratitude for the comprehensive examination and analysis you have conducted with regard to Madera County's emergency preparedness. Your findings and recommendations affirm the collaborative effort, adherence to standards, and commitment to continuous training that we strive for.

Findings:

F1: The recognition of the collaboration between the Madera County Sheriff's Office and its emergency preparedness partners is sincerely appreciated. We invest significant time in building relationships, planning strategically, and gaining insights into each other's capabilities well before any event occurs. This concerted effort ensures that we are not only prepared but also efficient and effective when the time comes to act.

F2, F3, & F4: The National Incident Management System (NIMS) guidelines serve as the framework for our emergency preparedness. Utilizing common terminology and standardized procedures is central to our successful collaboration. This is reinforced by standardized training across all agencies on the Incident Command System (ICS). I am pleased to see these crucial aspects highlighted in your report.

☎ (559) 675-7770

📍 2725 Falcon Drive, Madera, CA 93637

✉ Sheriff@MaderaCounty.com

Recommendations:

RI-R4: I wholeheartedly agree with your recommendations for continuing our engagement with outside agencies, adhering to NIMS guidelines, maintaining cooperative collaboration using standardized procedures, and conducting regular training. Rest assured, these will remain priorities for the Madera County Sheriff's Office as we take our role as the County's Office of Emergency Services seriously.

In conclusion, your report reinforces our shared vision for public safety. I would personally like to thank the members of the Grand Jury for their time, attention, and dedication to this important matter.

Sincerely,



Tyson J. Pogue, Sheriff-Coroner



ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
JORDAN WAMHOFF
District 1
DANN ROGERS
District 2
ROBERT POYTHRESS
District 3
LETICIA GONZALEZ
District 4
ROBERT MACGULAY
District 5

September 19, 2023

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2022-23 Grand Jury Report entitled "Madera County Public Safety Incident Command System"

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2022-23 Madera County Grand Jury report entitled "Madera County Public Safety Incident Command System" See Attachment #1.

Finding 1:

The MCGJ finds that Madera City Police, Cal Fire and the Madera County Sheriff's Department are well-prepared to work in cooperation with outside agencies to address incidents.

Response

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

Finding 2:

The MCGJ finds that Madera City Police, Cal Fire and the Madera County Sheriff's Department follow the National Incident Management System (NIMS) guidelines.

Response

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

Finding 3:

The MCGJ finds that Madera City Police, Cal Fire and the Madera County Sheriff's Department use common terminology and standardized procedures.

Response

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

Finding 4:

The MCGJ finds that Madera City Police, Cal Fire and the Madera County Sheriff's Department train on ICS procedures on a regular basis across all agencies.

Response

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

Recommendation 1:

The MCGJ recommends that Madera City Police, Cal Fire and the Madera County Sheriff's Department continue to engage outside agencies while addressing incidents.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 2:

The MCGJ recommends that Madera City Police, Cal Fire and the Madera County Sheriff's Department continue to follow the NIMS guidelines.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 3:

The MCGJ recommends that Madera City Police, Cal Fire and the Madera County Sheriff's Department continue to work in a cooperative and collaborative manner using common terminology and standardized procedures.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 4:

The MCGJ recommends that Madera City Police, Cal Fire and the Madera County Sheriff's Department continue to train on a regular basis across all agencies.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

The Board acknowledges the Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,



David Rogers
Chairman of the Board of Supervisors

Auditor/Controller Department Key to Achieving Excellence in County Government 2223-04

Overview:

Efficient and effective government operations in Madera County rely heavily on the Auditor/Controller (A/C) Department, which is involved in many of the County's financial activities. In summation, the activities of the A/C Department combine to promote and support accountability across County entities. Internal auditing is one of the many functions of the A/C Department. When performed consistently this activity can play a critical role in achieving efficient County processes by identifying risks and operational deficiencies. The failure to perform in-depth internal audits results in increased exposure to the County of operational and financial risk. Delivery of payroll to the employees of the County is one of the most critical and sensitive functions of the A/C Department. Computer software plays a key role in this process, and its reliability and ease of use are critical in delivering timely and accurate payroll services to approximately 1700 County employees. Failure to fully understand the capability of a software program and/or its supplier before purchase and implementation can have a substantial negative impact on both individual employees and County operations.

Findings:

- 1 The MCGJ finds that County departments and activities designated as selected for audit by utilization of the Risk Assessment worksheets are in most cases left unaudited, potentially resulting in continued risk to County operations.
2. The MCGJ finds that County departments and activities planned to receive an audit in the Annual Audit Schedule in many cases do not align with County activities previously designated in the Risk Assessment worksheets, resulting in many high-risk designated activities remaining unaudited.
3. The MCGJ finds that when in-depth internal audits are performed by the A/C Department, value-added Findings and Recommendations are made to management affording opportunities to improve the effectiveness and efficiency of government operations.
4. The MCGJ finds that since the dissolution of the Internal Audit Committee as originally created by the BOS Resolution 2016-315, public visibility, and awareness of internal audit publications is minimized, thereby resulting in a clouded transparency of government operations.
5. The MCGJ finds the County did not sufficiently understand and test the capability of NEOGOV's payroll program to deliver reliable and accurate payroll services to the employees of Madera County, resulting in payroll errors for many County employees.

6. The MCGJ finds that the County and NEOGOV did not provide sufficient training necessary to implement the new payroll system effectively and efficiently, thereby compounding payroll and reporting errors.

7. The MCGJ finds that the reputation of the Audit Controllers department was compromised resulting from the undue burden of the payroll conversion to NEOGOV, thereby adversely impacting the A/C Department's ability to fully execute the wide range of its responsibilities.

Recommendations:

1. The MCGJ recommends that the A/C Department return to a robust utilization and application of the Risk Assessment worksheet to all County entities, with implementation by November 1, 2023.

2. The MCGJ recommends that in preparing the Annual Audit Schedule, the A/C, with input from the Audit Committee, should demonstrate a more rigorous adherence to those County activities previously identified in the Risk Assessment worksheet by December 31, 2023.

3. The MCGJ recommends that the A/C, with input from the Audit Committee, should establish and execute a minimum number of in-depth audits to be performed annually by December 31, 2023.

4. The MCGJ recommends the A/C should publish on its webpage the results of all internal audits performed on County activities by December 31, 2023.

5. The MCGJ recommends that prior to purchasing or subscribing to new computer software programs, the County adheres to the guidance provided by the 2015 Internal Control Guidelines of California stating: "Changes in software should be subject to extensive evaluation and testing in order to identify and manage risks associated with use."

6. The MCGJ recommends that prior to initiating a computer software conversion plan, a training plan should be fully developed and fully implemented with all personnel expected to use the new software program. Both on and off-site training should be a mandatory component of the training plan.

7. The MCGJ recommends that the A/C Department personnel should continue to work with HR and other departments to close the remaining gaps associated with the NEOGOV payroll conversion in order to exemplify the core values stated in the 2023 Madera County Strategic Plan: Professionalism, Loyalty, Accountability, Compassion, and Excellence.

Required Responses:

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

Madera County Auditor/Controller 200 W. 4th Street, 2nd Floor Madera, CA 93637.

August 16, 2023

Honorable Michael Jurkovich
Supervising Judge Madera County Grand Jury
Madera Superior Court
200 South G Street
Madera, CA 93639
&
Madera County Grand Jury
P.O. Box 534
Madera, CA 93639

RE: Auditor-Controller Department: Key to Achieving Excellence in County Government

Report Date June 19, 2023

Dear Honorable Judge Jurkovich and Members of the Grand Jury:

This letter is to serve as a response to the Madera County Grand Jury findings and recommendations regarding the Madera County Auditor-Controller's Department.

The Auditor-Controller's Department would like to thank the Madera County Grand Jury for their thorough report entitled Auditor-Controller Department, Key to Achieving Excellence in County Government, including the findings and recommendations included therein.

The Grand Jury's report contained seven (7) findings and recommendations for the Auditor-Controller's Department. Below you will find the department's responses pursuant to Penal Code Sections 933 and 933.05.

Findings & Responses, Key to Achieving Excellence in County Government

Finding 1: The MDGJ finds that County departments and activities designated as selected for audit by utilization of the Risk Assessment worksheets are in most cases left unaudited, potentially resulting in continued risk to County operations.

Response: Respondent partially disagrees with the finding. During every year, issues arise during the year (and after the risk assessment and creation of the audit plan) that are of a higher and more urgent risk than certain items selected for audit. It is very important for the Audit Division to be flexible enough to address items of a critical nature timely, when they arise. So, while some items selected for audit may be delayed to a later audit year, it is normally due to issues of higher risk arising that require attention of the Audit Division. The A/C department strives to continually address any noted high-risk areas.

Finding 2: The MDGJ finds that County departments and activities planned to receive an audit in the Annual Audit Schedule in many cases do not align with County activities previously designated in the Risk Assessment worksheets, resulting in many high-risk designated activities remaining unaudited.

Response: Respondent partially disagrees with the finding. As noted in the response immediately above, the Audit Division and the A/C address items of the highest risk, based on the resources available. Therefore, not all items selected for audit may be addressed in any given year. Additionally, this report addressed Risk Assessments and audits going back to 2016, while current departmental employees with auditing responsibilities have only been employed with the County since 2018. We are therefore unable to address items from 2016 and 2017.

Finding 3: The MDGJ finds that when in-depth internal audits are performed by the A/C department, value-added Findings and Recommendations are made to management affording opportunities to improve the effectiveness and efficiency of government operations.

Response: Respondent agrees with the finding and appreciates the acknowledgement of the importance and the quality of work of the Internal Audit Division. The A/C especially recognizes the MCGJ statement in the body of the report that internal audits performed and recommendations made: "...are exemplary of the highest levels of internal auditing and contributions to effective government." The A/C Department will continue to provide internal audits with value-added Findings and Recommendations geared to improve the effectiveness and efficiency of government operations.

Finding 4: The MDGJ finds that since the dissolution of the Internal Audit Committee as originally created by the BOS Resolution 2016-315, public visibility, and awareness of internal audit publications is minimized, thereby resulting in a clouded transparency of government operations.

Response: Respondent wholly disagrees with the finding. For example, after the dissolution of the Internal Audit Committee as originally created by the BOS Resolution 2016-315 (which occurred on October 23, 2018), there was significant discussion at the December 18, 2018 BOS meeting of an audit of County-wide concern.

Finding 5: The MDGJ finds the County did not sufficiently understand and test the capability of NEOGOV's payroll program to deliver reliable and accurate payroll services to the employees of Madera County, resulting in payroll errors for many County employees.

Response: Respondent partially disagrees with this finding. In retrospect, while more testing could have been performed, the County did understand and test the capability of NEOGOV's payroll program. Our extensive testing resulted in numerous suggestions to NEOGOV's programming staff for correction or

errors in the program's processing of payroll transactions. Subsequent testing indicated processing errors were corrected, but in some instances, when final payroll was processed, new processing errors occurred in the NEOGOV program, resulting in payroll errors. It should be noted that all known pay errors were subsequently corrected to ensure that County employees were paid properly.

Finding 6: The MDGJ finds that the county and NEOGOV did not provide sufficient training necessary to implement the new payroll system effectively and efficiently, thereby compounding payroll and reporting errors.

Response: Respondent partially disagrees with the finding. The Payroll Division of the A/C department provided numerous instances of both in-person and remote training to all departmental payroll representatives to ensure efficient and effective implementation of the new NEOGOV system. The implementation of any new payroll system in a California County government is a very complex and intricate undertaking due to the hundreds of different pay codes and pay types for all employees. It was expected that there would be a learning curve for both employees in the Payroll Division and in for all County department's payroll representatives. We did not expect to have a significant learning curve exist with the NEOGOV staff on their own software and in payroll processing in general, but this did occur. There was no compounding of payroll and reporting errors due to insufficient training. Instead, problems occurred due to the intricacies of the new software and the steep learning curve to the new program during implementation. It should be noted that payroll errors resulting in the issuance of variance checks have been minimal for the last 4 months of pay processing (approximately 1/2 of 1%) and that the issues were not related to the NEOGOV system, nor due to lack of understanding of system functionality.

Finding 7: The MDGJ finds that the reputation of the Auditor Controller's department was compromised resulting from the undue burden of the payroll conversion to NEOGOV, thereby adversely impacting the A/C department's ability to fully execute the wide range of its responsibilities.

Response: Respondent agrees with this finding. The implementation of the NEOGOV system selected by previously employed members of County management was very challenging to current members of the A/C department, due to system inadequacies, vendor issues and the steep learning curve for all involved. It should be noted that proper payroll processing in the County involves timely and accurate entries by payroll representatives in each County department, Human Resources personnel and Payroll Division personnel. While the A/C department's reputation was compromised for a period of time, the department has proactively taken steps to improve performance. This included the implementation of a change in the monthly pay period which has resulted in a more accurate and efficient processing of County payroll.

Recommendations & Responses, Key to Achieving Excellence in County Government

Recommendation 1: The MCJC recommends that the A/C Department return to a robust utilization and application of the Risk Assessment worksheet to all County entities, with implementation by November 1, 2023.

Response: The recommendation will be implemented by November 1, 2023.

Recommendation 2: The MCJC recommends that in preparing the Annual Audit Schedule, the A/C, with input from the Audit Committee, should demonstrate a more rigorous adherence to those County activities previously identified in the Risk Assessment Worksheet by December 31, 2023.

Response: The recommendation will not be implemented because it is not reasonable to focus on items previously identified as far back as 2016. The annual Risk Assessment Worksheet informs the discussion of County risk each year, and the A/C works with Administration & informal Audit Committee members to ensure that items of the highest current risk and urgency, for which the County does not have other compensating controls, are addressed timely.

Recommendation 3: The MCJC recommends that the A/C, with input from the Audit Committee, should establish and execute a minimum number of in-depth audits to be performed annually by December 31, 2023.

Response: The recommendation will not be implemented as it is not reasonable. Internal Audits require a varying investment of time; therefore, it is not feasible to establish an explicit minimum number of in-depth audits. However, goals are and will continue to be set on an annual basis and progress analyzed at the end of each year.

Recommendation 4: The MCJC recommends the A/C should publish on its webpage the results of all internal audits performed on County activities by December 31, 2023.

Response: The recommendation will not be implemented as it is not reasonable. In reviewing the websites of all California Counties of an approximate similar size to Madera County (with populations of +/- 20% of Madera's population), none publish internal audit reports. Many publish, like Madera County, various financial and statistical reports either prepared internally or by external accounting firms. We will continue to publish these items on the A/C website.

Recommendation 5: The MCJC recommends that prior to purchasing or subscribing to new computer software programs, the county adheres to the guidance provided by the 2015 Internal Control Guidelines of California stating: "*Changes in software should be subject to extensive evaluation and testing in order to identify and manage risks associated with use.*"

Response: The recommendation has not yet been implemented but will be implemented immediately for any new computer software programs purchased or subscribed to by the A/C office.

Recommendation 6: The MCJC recommends that prior to initiating a computer software conversion plan, a training plan should be fully developed and fully implemented with all personnel expected to use the new software program. Both on and off-site training should be a mandatory component of the training plan.

Response: The recommendation has not yet been implemented but will be implemented in the future prior to initiating a new computer software conversion.

Recommendation 7: The MCJC recommends that the A/C Department personnel should continue to work with HR and other departments to close the remaining gaps associated with the NEOGOV payroll conversion in order to exemplify the core values stated in the 2023 Madera County Strategic Plan: *Professionalism, Loyalty, Accountability, Compassion, and Excellence.*

Response: The recommendation has been implemented, as the A/C Department personnel has worked with HR and all other departments to close the gaps with the NEOGOV payroll conversion resulting in significantly improved system performance over the last four months, as exemplified by the payroll processing success rate of approximately 99.5%. The significant efforts by Auditor-Controller and other County personnel involved in payroll processing exemplify the Core Values (*Professionalism, Loyalty, Accountability, Compassion, and Excellence*) delineated in the 2023 Madera County Strategic Plan.

Respectfully Submitted,



David E. Richstone, Auditor-Controller, Madera County



ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
JORDAN WAMICOFF
District 1
DAVID ROGERS
District 2
ROBERT POYTHRESS
District 3
LETICIA GONZALEZ
District 4
ROBERT MACAULAY
District 5

September 19, 2023

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2022-23 Grand Jury Report entitled "Madera County Auditor-Controller Key to Achieving Excellence in County Government"

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2022-23 Madera County Grand Jury report entitled "Madera County Auditor-Controller Key to Achieving Excellence in County Government" See Attachment #1.

Finding 1:

The MCGJ finds that County departments and activities designated as selected for audit by utilization of the Risk Assessment worksheets are in most cases left unaudited, potentially resulting in risk to County operations.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Auditor-Controller has responded to this finding and stated:

"During every year, issues arise during the year (and after the risk assessment and creation of the audit plan) that are of a higher and more urgent risk than certain items selected for audit. It is very important for the Audit Division to be flexible enough to address items of a critical nature timely, when they arise. So, while some items selected for audit may be delayed to a later audit year, it is normally due to issues of higher risk arising that require attention of the Audit Division. The A/C department strives to continually address any noted high-risk areas."

The response of the Auditor-Controller to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 2:

The MCGJ finds that County departments and activities planned to receive an audit in the Annual Audit Schedule in many cases do not align with County activities previously designated in

the Risk Assessment worksheets, resulting in many high-risk designated activities remaining unaudited.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Auditor-Controller has responded to this finding and stated:

"...the Audit Division and the A/C address items of the highest risk, based on the resources available. Therefore, not all items selected for audit may be addressed in any given year."

The response of the Auditor-Controller to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 3:

The MCGJ finds that when in-depth internal audits are performed by the A/C Department, value-added Findings and Recommendations are made to management affording opportunities to improve effectiveness and efficiency of government operations.

Response

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

Finding 4:

The MCGJ finds that since the dissolution of the Internal Audit Committee as originally created by the BOS Resolution 2016-315, public visibility, and awareness of internal audit publications are minimized, thereby resulting in a clouded transparency of government operations.

Response

Finding 5:

The MCGJ finds the County did not sufficiently understand and test the capability of NEOGOV's payroll program to deliver reliable and accurate payroll services to the employees of Madera County, resulting in payroll errors for many County employees.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Auditor-Controller has responded to this finding and stated:

"In retrospect, while more testing could have been performed, the County did understand and test the capability of NEOGOV's payroll program. Our extensive testing resulted in numerous suggestions to NEOGOV's programming staff for correction or errors in the program's processing of payroll transactions. Subsequent testing indicated processing errors were corrected, but in some instances, when final payroll was processed, new processing errors occurred in the NEOGOV program, resulting in payroll errors. It should be noted that all known pay errors were subsequently corrected to ensure that County employees were paid properly."

The response of the Auditor-Controller to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 6:

The MCGJ finds that the County and NEOGOV did not provide sufficient training necessary to implement the new payroll system effectively and efficiently, thereby compounding payroll and reporting errors.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Auditor-Controller has responded to this finding and stated:

"The Payroll Division of the A/C department provided numerous instances of both in-person and remote training to all departmental payroll representatives to ensure efficient and effective implementation of the new NEOGOV system. The implementation of any new payroll system in a California County government is a very complex and intricate undertaking due to the hundreds of different pay codes and pay types for all employees. It was expected that there would be a learning curve for both employees in the Payroll Division and in for all County department's payroll representatives. We did not expect to have a significant learning curve exist with the NEOGOV staff on their own software and in payroll processing in general, but this did occur. There was no compounding of payroll and reporting errors due to insufficient training. Instead, problems occurred due to the intricacies of the new software and the steep learning curve to the new program during implementation. It should be noted that payroll errors resulting in the issuance of variance checks have been minimal for the last 4 months of pay processing (approximately 1/3 of 1%) and that the issues were not related to the NEOGOV system, nor due to lack of understanding of system functionality."

The response of the Auditor-Controller to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 7:

The MCGJ finds that the reputation of the Audit Controllers department was compromised resulting from the undue burden of the payroll conversion to NEOGOV, thereby adversely impacting the A/C Department's ability to fully execute the wide range of responsibilities.

Response

Recommendation 1:

The MCGJ recommends that the A/C Department return to a robust utilization and application of the Risk Assessment worksheet to all County entities, with implementation by November 1, 2023.

Response

The recommendation has not been implemented but will be implemented in the near future. The Auditor-Controller has committed to implementation by November 1, 2023 consistent with the Grand Jury's recommendation.

Recommendation 2:

The MCGJ recommends that in preparing the Annual Audit Schedule, The A/C, with input from the Audit Committee, should demonstrate a more rigorous adherence to those County activities previously identified in the Risk Assessment worksheet by December 31, 2023.

Response

The recommendation requires further analysis or study. As noted by the Grand Jury, the A/C should receive input from the Audit Committee. To the extent that the Audit Committee and the A/C identify activities that were identified in a previous Risk Assessment Worksheet, those activities should not be excluded based solely on the fact that they were identified in the past.

Recommendation 3:

The MCGJ recommends that the A/C, with input from the Audit Committee, should establish and execute a minimum number of in-depth audits to be performed annually by December 31, 2023.

Response

The recommendation requires further analysis or study. Under separate cover, the Auditor-Controller has responded to this recommendation and stated:

"... Internal Audits require a varying investment of time; therefore, it is not feasible to establish an explicit minimum number of in-depth audits. However, goals are and will continue to be set on an annual basis and progress analyzed at the end of each year."

The response of the Auditor-Controller to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 4:

The MCGJ recommends that the A/C should publish on its webpage the results of all internal audits performed on County activities by December 31, 2023.

Response

The recommendation requires further analysis or study. Under separate cover, the Auditor-Controller has responded to this recommendation and stated:

In reviewing the websites of all California Counties of an approximate similar size to Madera County (with populations of +/- 20% of Madera's population), none publish internal audit reports. Many publish, like Madera County, various financial and statistical reports either prepared internally or by external accounting firms. We will continue to publish these items on the A/C website.

The response of the Auditor-Controller to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 5:

The MCGJ recommends that prior to purchasing or subscribing to new computer software programs, the County adheres to the guidance provided by the 2015 Internal Control Guidelines of California stating: "Changes in software should be subject to extensive evaluation and testing in order to identify and manage risks associated with use."

Response

The recommendation has not been implemented but will be implemented in the near future. Under separate cover, the Auditor-Controller has responded to this recommendation and stated: