

2021 – 2022 KERN COUNTY GRAND JURY

CITY OF DELANO

At the Crossroads

December 15, 2021

CITY OF DELANO

AT THE CROSSROADS

SUMMARY:

The City of Delano, the second most populated city in Kern County, has a storied history dating from 1869. Its roots run deep—almost literally—in the soil and toil of agriculture. For generations, Delano symbolizes the heart and soul of agriculture in California. From the early period of the Bracero Program, the Filipino migration, and ultimately the advent of Cesar Chavez, Phillip Vera Cruz and Larry Dulay Itliong, all involved in bitter labor disputes, the people of Delano have seen it all.

Delano is at a crossroads. It finds itself at an intersection where politics, special interests and conflicting public sentiments come head to head. For example, Measure I (now Measure U) spending is hotly debated, the need for walkways verses maintaining the golf course is a big issue. Recently, a new Chief of Police was hired and this proved to be a contentious drawn out process. In addition, in the past 10 years Delano’s population has flattened. One concerned resident stated, “we have to do something to stop people from moving to Bakersfield—they’re all moving to Bakersfield!”

In the past 10 years, Delano has made remarkable improvements to its roads, infrastructure, community development and the quality of life for Delano residents has been enhanced. This advancement is in danger of disruption due to ongoing strife and disunity between city officials and the Delano City Council.

PURPOSE OF INQUIRY:

The City of Delano (Delano) was previously reviewed by the 2017-2018 Kern County Grand Jury. Pursuant to California Penal Code §925(a), the 2021-2022 Kern County Grand Jury (Grand Jury) conducted an inquiry into the operations and management of Delano.

METHODOLOGY:

The Grand Jury conducted interviews with Delano city officials, various Delano City Council members and concerned citizens. The Grand Jury viewed a City Council meeting on ZOOM video and reviewed the Delano City Council’s agendas and minutes. Internet research was conducted and previous Grand Jury reports were reviewed.

DISCUSSION OF FACTS:

Delano is a General Law city with five elected City Council members, one of which serves as Mayor. General Law cities are regulated by State Government Codes. Delano currently utilizes an At-Large form of City Council representation. In At-Large systems, all citizens of the city vote on City Council members whereas in District Assigned systems, City Council members are

voted in by the geographical district they represent. At this juncture, Delano officials and the Delano City Council do not see the need to change.

Delano city officials and department heads average 10 years of experience. Delano is committed to transparency. They have enhanced their website into a stellar, well designed system that includes City Council agendas and minutes; detailed current and prior budgets; department specifications; virtual recreation, which offers virtual field trips and fitness videos; and community service notices, and much more.

In July 2021, the County of Kern opened the Delano Navigation Center for the homeless located at 531 High Street. It is estimated that there are approximately 66 homeless in Delano. (Point-In-Time Census, 2020)

On October 25 and November 4, 2021, the Grand Jury toured Delano and noticed little to no graffiti; the major roadways were generally in good repair; traffic lights and stop signs appeared to be safely organized; and there were no unusual areas of litter accumulation.

The Grand Jury noted the following:

- A. The current population of Delano is 53,573, to include approximately 7,000 from two California Department of Corrections and Rehabilitation (CDCR) prisons. The 30-year population history reflects:
 - 1990.....23,091
 - 2000.....38,824
 - 2010.....53,041
 - 2020.....53,573

- B. Delano has five high schools, 13 elementary schools and one charter K-12 school.

- C. Delano owns the Delano Golf Course and maintains the fairways and greens. The green fees and clubhouse activities are contracted to a private vendor. The golf course is played by adults, retirees and the high schools hold tournaments there.

- D. Delano is made up of five departments with 230 employees:
 - City Engineering & Public Works
 - Finance & Information Systems & Technology
 - Police
 - Community Development
 - Human Resources

- E. In 2020, Delano contracted for fire service with the Kern County Fire Department, at a cost of \$2,500,000 per year for the next five years, with an annual Consumer Price Index increase of 3%.

F. Delano’s overall budget, including funding from the American Rescue Plan Act (ARPA) is approximately \$106 million for fiscal year (FY) 2021-2022 and projected to be \$90 million for FY 2022-2023, without ARPA:

- 2021-2022 Budget Summary
 - Revenues \$113,057,404
 - Expenses 106,337,607
 - Revenue Less Expense 6,719.734

- 2021-2022 General Fund Summary
 - Revenues \$ 28,227,670
 - Expenses 28,242,670
 - Revenues less expenses -15,000

- Outstanding debt \$ 60,374,213

Per city officials, as of June 30, 2021, Delano has \$12 million in emergency reserves and its retirement pension is 82% funded.

G. On August 20, 2020, the State of California closed the Delano Modified Community Correctional Facility, eliminating 76 jobs compounding Delano’s high unemployment rate. An independent financial audit dated June 30, 2020 states the following: *Delano has been earmarked as one of the cities with the highest unemployment rate in California. The new commercial and residential developments that are coming to Delano are aiding to stabilize the local economy and move forward slowly. Unemployment in Delano was at 31.6% as of June 2020, an increase of 6.7% from the rate on June 30, 2019 due to the COVID-19 economic impact. As of October 2021, the State of California Finance and Labor Statistics reports Delano’s unemployment rate had improved to 13%.*

H. Delano’s largest employers are:

1. California Department of Corrections and Rehabilitation
2. Delano Unified School District
3. Wonderful Citrus Packing
4. Adventist Health Delano

I. In November 2020, Delano purchased the Voice of America property, an approximate 804-acre undeveloped parcel, for \$5 million. Delano is in the process of annexing the parcel so that this area can be developed into a multi-purpose area with new housing and retail.

Per city officials, other recent projects that have been approved and are under construction or consideration are:

- 196 single-family homes under construction at Hiatt Avenue and County Line Road
- 194 homes approved for construction at Hiatt and Cecil Avenues
- In-and-Out, Chipotle, and a gas station next to Home Depot on Woollomes Avenue
- Popeyes Fried Chicken on Cecil Avenue and Princeton Streets
- Drive-thru car wash next to the Aldi store on Woollomes Avenue
- Bootbarn on Glenwood Avenue next to Harbor Freight
- Safe1 Credit Union on 11th Avenue and Fremont Street
- Big Lots, located in a portion of the old K-Mart building at County Line Road
- Indications of interest by Dutch Bros, at the location of the old Del Taco on High Street and Cecil Avenue
- Application for annexation on the northeast corner of Browning Road and Garces Highway for 85 single-family homes

- J. Delano is currently undergoing their General Plan Update. Completion is anticipated within the next two years. The last update was in 2005. The General Plan Update will provide an opportunity for the community to review the current policies and make changes, which will guide Delano through the next 20 years.
- K. Public Works is Delano's largest department with two divisions and 100 full-time and seven part-time employees. In addition to its regular duties, Public Works is currently undertaking sewer main and water line repairs between Glenwood and Fremont Streets, and 6th and 8th Avenues, at an estimated cost of \$700,000 issued from the sewer fund.
- L. The Delano City Council is deeply divided with moderates pitted against progressives who want change now. Because of differing philosophies and sentiments regarding the way a city should be operated, bitter attitudes exist and there is little constructive communication.
- M. On October 25, 2021, Delano swore in a new Chief of Police. The appointment process involved five panels consisting of seven members each, who interviewed candidates and made recommendations to the City Manager. Based on the recommendations from the panels, the City Manager made the final decision.

The appointment was not warmly welcomed by all. In fact, not all City Council members attended the swearing in ceremony. A local media station reported, *Some city council members supported and welcomed him while asking Delano to also give their chief of police a chance.* Other City Council members had concerns that the new Chief had a prior working relationship with US Immigration and Customs Enforcement (ICE) and that the city's undocumented residents would be in danger of

deportation. It should be noted that in August 2019, the City Council voted to make Delano the first designated “Sanctuary City” in Kern County.

- N. Another contentious point is Delano’s use of School Resource Officers (SROs) on school campuses. Here again the City Council is divided. Some Council members support the SROs, while others state that the SROs do not make schools safer and are not good for school culture; that they provide a possible *school-to-prison pipeline*. It should be noted that the current Delano Police statistics state that between 2017 and 2020, there were no juvenile arrests under age 11. Additionally, due to staffing shortages, only one SRO is assigned to all 18 Delano schools.
- O. The Delano Police Department is creating outreach programs to build trust within the community. Recently, they sponsored the “Trunk-or-Treat” Halloween candy giveaway, and they are actively recruiting for their Explorer Program. The Explorer Program consists of young adults’ ages 15 to 24. Explorers receive training and are able to ride with officers on patrol assisting in missing person searches, special events, traffic control, and more.
- P. In August 2020, the Delano Police Department installed 182 crime deterrent surveillance cameras throughout the city at a cost of \$180,000, funded by a transportation grant. The cameras provide 360-degree surveillance of strategic areas including bus stops and city parks. Additionally, in September 2021, the City Council approved 63 body worn cameras that are due to be issued in July 2022.



Photo by Grand Jury

- Q. During the September 2, 2021 City Council Special Meeting, a concerned resident publically commented, asking about Measure U: *...what are the projections for both years...just like the past, what are details in how that money was spent and when is the Oversight Committee (sic) going to be functioning?* On October 4, 2021, the City Council regular meeting minutes reflect another public comment: *...Measure I and U, they’ve never seemed to be able to get an accounting for that particular money...*



Photo by Grand Jury

On November 6, 2007, voters in Delano approved Measure I, a 1% sales tax increase to be deposited in Delano’s general fund. It has been used to pay for general city services such as police, fire, park maintenance, recreational facilities, street repair, engineering and administration. The tax ran for 10 years, and a Citizens Review committee was established. Delano subsequently purchased 20 police vehicles with Measure I funds.

On November 8, 2016, Delano voters passed Measure U, which extended the Measure I sales tax for another 10 years, keeping the same budget objectives and continuing the empaneling of a Citizen Review Committee. Per the County of Kern Sample Ballot of November 8, 2016:

The governing body of the City of Delano is the City of Delano City Council. The City Council ordinance will continue to require a continuance of an independent Citizens Review Committee to oversee the effective and efficient utilization of these additional funds. In addition to, the City is required to have an annual financial audit as specified in Government Code Section 6505.

Measure U produces approximately \$6 million in revenue per year. City officials provided minutes of the Citizen Review Committee meetings. Meetings occurred in 2008, 2009, 2010, 2011 and 2012. No meetings have convened since 2012. The City Council and city officials state that recruiting volunteers for this committee is difficult.

- R. Currently, the Delano City Council is holding council meetings by ZOOM video only, in accordance with the Governor’s Executive Order N-08-21. Of seven cities in Kern County, Delano is the only city not allowing public attendance. The City Council has made this their policy in the abundance of caution, due to COVID-19.

- S. To access the City Council meetings on ZOOM, one goes to the Delano website, City Council Agenda instructions. The ZOOM webinar link is not readily available on the first page but is located on the last page of the agenda.

FINDINGS:

- F1. Residents of Delano would be better represented if the City of Delano converted from At-Large City Council representation to District Based City Council representation. Because of the adverse effect of de facto segregation, this would ensure that all demographics of the city have equal representation. It would give each district the opportunity to elect someone living in his or her district.
- F2. The current website link to the ZOOM Delano City Council webinar, on the last page of the Agenda makes it difficult to locate, especially for people with limited internet ability.
- F3. Delano is well within its right not to have in-person attendance at City Council meetings. This practice, however, disenfranchises those without internet access and technical expertise.
- F4. Delano has made an admirable effort at being transparent, via their website. Unfortunately, the Delano City Council has missed the mark in providing a Citizens' Review Committee for Measure U spending. The Committee has not met since 2012—this is a violation of the Measure U Ballot initiative.
- F5. This crossroad Delano currently finds itself at is a tenuous one. Varying ideologies on how a city should be run exists between the City Council and city officials. This threatens to stall the progress Delano has made. The City Council and city officials must bridge the gap of their divide in order to maintain the progress and development the city has produced in recent years and ensure that future growth is not stunted.

COMMENTS:

The Grand Jury would like to thank the city of Delano and all who provided interviews and vital documentation for this report.

RECOMMENDATIONS:

- R1. Within the next five years, the Delano City Council should convert to a District Based City Council representation. (Finding 1)
- R2. The Delano City Council ZOOM hyper-link on the website Agenda page should immediately be moved from the last page to the first page. (Finding 2)

- R3. To benefit citizens who do not have internet access, the Delano City Council should resume in-person meetings, in addition to ZOOM, in accordance with Centers for Disease Control Guidelines, i.e., mask wearing and social distancing. (Finding 3)
- R4. In order to comply with Measure U, the Delano City Council should immediately advertise for and empanel candidates for the Measure U Citizens Review Committee. The City Council should ensure that meetings are held yearly. (Finding 4)
- R5. The Delano City Council and city officials must bridge the gap of their ideological differences. In order to improve communication and relations amongst them, the Delano City Council and city officials should initiate team-building meetings quarterly, where they can establish a positive working relationship. (Finding 5)

NOTES:

- The City of Delano should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE § 933, SUBD. (C) AND 933.05 WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**

- **FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code § 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 Grand Jury.



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CITY MANAGER

April 7, 2022

*WMT
4-12-22*

Honorable Colette Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue, Suite 212
Bakersfield, CA 93301

RE: Response to 2021-2022 Kern County Grand Jury Report on the City of Delano

The City of Delano appreciates the report provided following the Kern County Grand Jury's December 15, 2021 visit to our community. Below is the City's response to the findings and recommendation contained in the Grand Jury's Final Report.

FINDINGS:

F1. Residents of Delano would be better represented if the City of Delano converted from At-Large City Council representation to District Based City Council representation. Because of the adverse effect of de facto segregation, this would ensure that all demographics of the city have equal representation. It would give each district the opportunity to elect someone living in his or her district.

CITY'S F1 RESPONSE: The City Council Agrees with this Finding in part as it relates to representation of the City based on Districts will result in district based representation and will allow District elected councilmembers. The City Council does not agree to the statement: "Because of the adverse effect of de facto segregation, this would ensure that all demographics of the city have equal representation." The City Council is not aware of any facts to support such a statement relating to adverse effects of At-Large elections nor were they provided in the Grand Jury Report.

F2. The current website link to the ZOOM Delano City Council webinar, on the last page of the Agenda makes it difficult to locate, especially for people with limited internet ability.

CITY'S F2 RESPONSE: City Council agrees with this Finding.

CITY OF DELANO

F3. Delano is well within its right not to have in-person attendance at City Council meetings. This practice, however, disenfranchises those without internet access and technical expertise.

CITY'S F3 RESPONSE: City Council agrees with this Finding.

F4. Delano has made an admirable effort at being transparent, via their website. Unfortunately, the Delano City Council has missed the mark in providing a Citizens' Review Committee for Measure U spending. The Committee has not met since 2012—this is a violation of the Measure U Ballot initiative.

CITY'S F4 RESPONSE: City Council agrees with this Finding.

F5. This crossroad Delano currently finds itself at is a tenuous one. Varying ideologies on how a city should be run exists between the City Council and city officials. This threatens to stall the progress Delano has made. The City Council and city officials must bridge the gap of their divide in order to maintain the progress and development the city has produced in recent years and ensure that future growth is not stunted.

CITY'S F5 RESPONSE: Council agrees with this Finding in part. The Council agrees there is a difference of ideology on the Council. The Council does not agree that the varying opinions of the Council threatens to stall City progress.

RECOMMENDATIONS:

R1. Within the next five years, the Delano City Council should convert to a District Based City Council representation. (Finding 1)

CITY'S R1 RESPONSE: The City Council had already directed that this item come to the full Council in the next few months to allow the Council to consider changing to District based elections with proper noticing and input from the community as required by law.

R2. The Delano City Council ZOOM hyper-link on the website Agenda page should immediately be moved from the last page to the first page. (Finding 2)

CITY'S R2 RESPONSE: City staff has moved the link to the top of the Agenda on the first page.

R3. To benefit citizens who do not have internet access, the Delano City Council should resume in-person meetings, in addition to ZOOM, in accordance with Centers for Disease Control Guidelines, i.e., mask wearing and social distancing. (Finding 3)

CITY'S R3 RESPONSE: City Council has resumed in person meetings as of February 2022 and continues to allow public participation via ZOOM

R4. In order to comply with Measure U, the Delano City Council should immediately advertise for and empanel candidates for the Measure U Citizens Review Committee. The City Council should ensure that meetings are held yearly. (Finding 4)

CITY'S R4 RESPONSE: City Council has fully empaneled members to the Measure U Committee and directed that its annual Measure U review be conducted.

R5. The Delano City Council and city officials must bridge the gap of their ideological differences. In order to improve communication and relations amongst them, the Delano City Council and city officials should initiate team-building meetings quarterly, where they can establish a positive working relationship. (Finding 5)

CITY'S R5 RESPONSE: The City Council agrees to work together in the best interest of the City and to discuss team building meetings.

The City appreciates the opportunity to responde to the Grand Jury's Report. Should you have any questions regarding our written response to the report, please do not hesitate to contact me at 661-720-2269 via telephone or at mreyna@cityofdelano.org via email.

Respectfully Submitted,



Maribel Reyna,
City Manager

Cc: Kern County Grand Jury, Foreperson
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