This document is an extract of a larger publication.

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Central California Women's Facility
And
Valley State Prison
2018-2019
Madera County Grand Jury
Final Report 1819-01

Published on June 28, 2019

Summary:

California Penal Code Section 919(b) requires the Grand Jury of each county to make an annual inquiry into the condition and management of the public prisons within the county. In Madera County, there are two public prisons: Central California Women's Facility (CCWF), located at 23370 Road 22, Chowchilla, and Valley State Prison (VSP), located at 21633 Avenue 24, Chowchilla.

BACKGROUND:

Two of California's Department of Corrections and Rehabilitation (CDCR) facilities are located in Madera County. The population of the prisons are 2892 at CCWF and 2968 at VSP. According to the Madera County Economic Development Commission, 1086 individuals are employed at VSP and 1064 are employed at the CCWF. The combination of inmates and employees contribute to the economic well-being of Madera County.

The purpose of the Madera County Grand Jury (MCGJ) is to investigate the public entities within Madera County including the Cities of Chowchilla and Madera. Madera County Grand Jury inquired into the condition and management of the prison system. The MCGJ completed a walk-through of the Women's and the Men's Prisons. The Grand Jury was specifically interested in observing the training and rehabilitation programs that are made available to the inmates, and to make observation of compliance with Proposition 57.

In November 2016, California voters passed Proposition 57. The purpose of Prop 57 is to "enhance public safety, stop the revolving door of crime by emphasizing rehabilitation, and prevent federal courts from releasing inmates."

Under Proposition 57, CDCR incentivizes inmates to take responsibility for their own rehabilitation with credit-earning opportunities for sustained good behavior, as well as in-prison program and activities participation. Proposition 57 also moves up parole consideration of nonviolent offenders who have served the full- term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community. These changes will lead to improved inmate behavior and a safer prison environment for inmates and staff alike, and give inmates skills and tools to be more productive members of society once they complete their incarceration and transition to supervision (www.CDCR.ca.gov/proposition57).

METHODOLOGY:

The Madera County Grand Jury participated in tours of these two (2) prisons. A senior officer from each prison conducted the tours, described the facilities and rehabilitative programs which are used to prepare potential parolees with employment ready skills. The Madera County Grand Jury observed vocational and educational programs. During each of the tours, members of the MCGJ were able to interact and question teachers, facilitators, and inmates. In addition to the tour of CCWF, the MCGJ engaged in a lengthy interview with the warden of the CCWF.

DISCUSSION:

The Grand Jury's annual inquiry requirement was fulfilled by visits to both prisons. Central California Women's Facility was toured on October 26, 2018 and Valley State Prison was toured on January 18, 2019. At the Central California Women's Facility and Valley State Prison, the MCGJ observed vocational and educational programs available to inmates. Educational programs address the needs of inmates with drug rehabilitation and counseling, basic high school graduation requirements as well as providing access to college programs. The vocational focus includes training in cosmetology, small engine repair, bicycle reconditioning, eyeglass lens crafting, therapy dog training, veteran service dog training, carpentry, masonry, janitorial skills, landscaping, and fire suppression skills. Following incarceration, those returning to their communities should be better prepared to become employable with skills acquired at the institutions.

FINDINGS:

VSP and CCWF are in compliance with Proposition 57.

RECOMMENDATIONS:

Prison management and staff continue to follow state-mandated management and condition procedures.

Invited Responses:

Warden
Central California Women's Facility
23370 Road 22
Chowchilla, CA 93610

Warden
Valley State Prison
21633 Avenue 24
Chowchilla, CA 93610

Secretary of California Department of Corrections and Rehabilitation
1515 "S" Street
Sacramento, CA 95811

Cascadel Woods: CSA-21
2018-2019
Madera County Grand Jury
Final Report 1819-02

Published on June 28, 2019

SUMMARY:

The Madera County Grand Jury (MCGJ) received a complaint and learned of a conflict

between some of the residents of the Cascadel Woods Home Owners and the County Board of Supervisors. The conflict centered around the ownership and management of the property known as The Clubhouse and adjoining "shelter in place" property. Disagreement between some residents and the Board of Supervisors exists over this issue.

BACKGROUND:

Cascadel Woods, also known as County Service Area 21 (CSA 21), is the only recreational special district in Madera County. This special district was created to maintain the Clubhouse and adjoining properties. Since the Madera County Public Works Department (MCPWD) does not typically maintain buildings, a non-traditional contract was created with Cascadel Woods Property Owners (CWPO) to maintain and provide services for the Clubhouse and adjoining properties. The issues under review in this report are ownership, liability, maintenance, and finance.

There are in excess of 100 Maintenance Districts and County Service Areas located throughout Madera County. They were formed for the purpose of providing one or more specialized service(s) to the residents. Services provided may include water, sewer, road maintenance, lighting, drainage, etc. The Board of Supervisors acts as the Board of Directors for, and on behalf of, each property owner in the district. Typically, the MCPWD oversees road maintenance and daily operations of the sewer and water systems.

County Service Area 21 is located east of the town of North Fork. County Service Area 21 is approximately 45 acres consisting of four lots within three parcels. One building, referred to as The Clubhouse, is approximately 100 years old.

On March 19, 1984, a notice was released by the Madera County Board of Supervisors stating their intention to purchase the real properties known as the "clubhouse and golf course." The contract also states that the County's intent is to contract with the Cascadel Woods Property Owners Association (CWPOA) to manage the property, but there was no intent to transfer the properties to the property-owners. The contract was later consummated on April 16, 1985.

On December 10, 1984, the Madera County Board of Supervisors adopted Resolution 84-599 which created CSA 21. The purpose of the Resolution is to provide "local recreational facilities and services only."

Through Resolution 85-205, the Board of Supervisors approved the land purchase of four lots contained within three parcels. A grant deed was signed to the County May 22, 1985, and the County remains the property owner. The grant deed was recorded on June 3, 1985.

On May 28, 1985, the County entered into a contract, number 3780-C-85, with CWPOA for the continuing operation and maintenance of the property. The contract was set to expire ten years from the date of creation (1995), or when the loan was paid off. The parties entered into a second contract dated

August 8, 1995. This agreement automatically renewed each year until 2013 when it was terminated by the Madera County Board of Supervisors.

In 1998, the residents voted to establish assessments of $100 per parcel, per year. These funds were collected for the purpose of the management, operation, and maintenance of the properties. The funds collected did not include road maintenance or other activities previously performed by the CWPOA. County Service Area 21 provides local recreational facilities services only and does not cover road, water, sewer, or other services.

The County entered into a purchasing agent agreement with a contractor to mow portions of the County-owned land as of July 2018. The MCPWD is continuing to solicit proposals to enter into a multi-year agreement with an outside contractor to ensure the grounds are mowed on a yearly basis. The MCPWD has also facilitated a proposal seeking a qualified property management firm for The Clubhouse. The County has also entered into several maintenance agreements for the purpose of tree removal services needed on the County-owned land.

METHODOLOGY:

- Reviewed a citizen complaint
- Interviewed community members that utilize the facility
- Interviewed Madera County representatives
- Reviewed legal documents of property ownership
- Physical observation of Cascadel Woods property
- Requested pertinent documents

DISCUSSION:

On May 21, 1985 the Madera County Board of Supervisors approved the purchase of the property within CSA 21 through Resolution 85-205, for $70, 000. A grant deed transferred the property to the County. On May 28 of the same year, the County of Madera entered into contract, number 3780-C-85 with CWPOA for operation and maintenance of the property. Subsequently the CWPOA board dissolved and no representation existed to negotiate with the County. This contract terminated in 2013 by the Madera County Board of Supervisors.

Prior to the termination of contract number 3780-C-85, in 1998, the residents voted to establish assessments at $100 per parcel, per year. These funds were used for management, operation, and maintenance purposes and no other activities such as road maintenance. Currently, CSA 21 provides local recreational facilities and services only, and it does not maintain roads, provide water, sewer, or other services.

The Cascadel Clubhouse was being used by the residents for various functions. Some residents want to take over ownership and operations of the Clubhouse and property. Other residents do not want the responsibility and liability of ownership. This issue is what caused the CWPOA to dissolve prior to 2013.

The County of Madera has sole control and is liable for any access to the Clubhouse. It was reported that, on or about June 6, 2018, there was a possible safety issue with the Clubhouse, and as the County would be liable for any issues with the safety of people while using the facility, the County locked the

Clubhouse until the situation could be rectified. Some residents expressed dissatisfaction and were angry over being locked out of the Clubhouse by the County of Madera.

Because of the sentiments expressed by the residents, the MCPWD issued a letter, dated March 6, 2019, to all property owners, that explains two possible options for the residents to take in order to regain ownership of the Clubhouse and property (Attachment A). These two options include dissolve CSA 21 or the option of a conservation easement. Following through with either option could return full control of the Clubhouse and property to the property owners.

As legal owner of the property located in Cascadel Woods, the County of Madera is responsible for carrying liability insurance for all buildings as well as the grounds. The MCGJ has identified that the County of Madera has met these criteria.

Additionally, it became apparent to the County of Madera, that a property manager is needed in order to maintain the facility. County of Madera reports it is currently seeking a resolution to this issue.

In 2018, the County entered into a purchasing agent agreement with a contractor to mow and clear portions of the County-owned land. The MCPWD reports it is in process of soliciting proposals from contractors to enter into a multi-year agreement to ensure grounds are mowed on an annual basis. This is of great concern as the area in considered a "shelter in place" in the event of fire.

A review of the CMPWD audited financial records for the years 2016-19 reflect monies spent on property maintenance versus receipts received from property owner's special assessments. The records indicate a shortfall of revenue versus expense.

FINDINGS:

F1. The MCGJ finds that the property within CSA-21, that contains the Cascadel Clubhouse, on four lots within three parcels of land, is owned by the County of Madera.

F2. The MCGJ finds that the County of Madera is currently responsible for upkeep, maintenance, insurance (both property and liability), for those properties noted in F1.

F3. The MCGJ finds the County of Madera does not have an agreement with CSA 21 for road maintenance nor improvement.

F4. The MCGJ finds that currently there is not a multi-year contract in effect between the County and a contractor for mowing and maintenance of the properties.

F5. The MCGJ finds that the area around and adjacent to the Clubhouse, including the land parcels, are a designated "Shelter in Place" zone for the residents in the event of fire blocking egress from Cascadel Woods.

F6. The MCGJ finds that the amount collected from property owners is insufficient to cover the cost of maintenance and expenses currently paid by the County.

RECOMMENDATIONS:

R1. It is recommended that, within the next year, the property owners within Cascadel Woods (CSA 21), begin to form a legal association, to start the process of returning all properties to their ownership, control, and responsibility, as well as the use of the property at the owners own expense.

R2. It is recommended that the County continue to maintain and insure the subject properties until the transfer of ownership is complete.

R3. It is recommended that Cascadel Woods continue to maintain control of road maintenance.

R4. It is recommended that, when all CSA 21 properties are relinquished from the County of Madera, it would be the responsibility of the new legal association contract, as they find necessary, for all upkeep, mowing, maintenance, and insurance.

R5. It is recommended that the area around and adjacent to the Cascadel Clubhouse, must remain accessible and maintained as a "Shelter in Place" zone.

R6. It is recommended that Madera County find a solution to fund the financial shortage within the next fiscal year.

REQUIRED RESPONSES

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

Director of Public Works
200 West Fourth Street
Madera, CA 93637

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

Reports issued by the 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 Grand Jury.

DISCLAIMER

This report was issued by the Grand Jury with the exception of a juror who has current knowledge of the residential area in this report. This grand juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

March 6, 2019

To: CSA-21 Residents,

Re: County Service Area No. 21

Dear Residents and Property Owners,

This letter is a detailed correspondence regarding services to the clubhouse and surrounding open space area within County Service Area No. 21 ("CSA-21"). This correspondence also discusses future options involving the collection of assessments for the continued management and maintenance of the recreational facilities. We hope you find this letter informative.

Background

The Madera County Board of Supervisors created CSA-21 on December 10, 1984.[1] The resolution forming CSA-21 specifies that its purpose is to provide "local recreational facilities and services only". Later, a mechanism was established for CSA-21 to collect funds for property maintenance purposes.

On March 19, 1985, the Board of Supervisors released a notice of intention to purchase real property, specifically, the golf course and clubhouse. The notice states that the "County of Madera, for and on behalf of County Service Area No. 21 ["CSA-21"], intends to purchase…certain real property…" and "the County intends to contract with the Cascadel Woods Property Owners Association to manage, operate, and maintain said property, and to restrict usage of such property to residents of CSA-21."[2] While the document makes it clear that the money to repay the purchase loan was to be raised from assessments and charges levied against the properties, there was no noticed intent to transfer the real property to the property-owners.

The Board of Supervisors approved the land purchase on May 21, 1985 through Resolution no. 85-205.[3] The grant deed, dated May 22, 1985, transferred the property

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to the County.[4] The land conveyed consists of four lots contained within three parcels. The County remains the landowner today.

On May 28, 1985, the County of Madera entered into contract no. 3780-C-85 with the Cascadel Property Owners Association ("CPOA") for the continuing operation and maintenance of the real property acquired by the County.[5] This contract was set to expire 10 years from the date of creation (1995) or when the loan was paid off, whichever was sooner.

Prior to expiration, the parties entered into a second contract dated August 8, 1995. This agreement automatically renewed each year until 2013 when it was terminated by the Board of Supervisors.[6]

In 1998, a District-wide vote established assessments at $100 per parcel, per year. The Madera County Auditor/Controller's office accounts for the collection of assessments and related fiscal responsibilities associated with the management, operation, and maintenance of the clubhouse and surrounding open space area. These funds are used solely for those purposes and not for other activities previously performed by the CPOA, such as road maintenance.

At this time, CSA-21 provides local recreational facilities and services only. It does not maintain roads or provide water, sewer or other services.

Current Projects

In July 2018, the County entered into a purchasing agent agreement with a contractor to mow portions of the County-owned land. The Public Works Department (PWD) is continuing to solicit proposals to enter into a multi-year agreement with an outside contractor to ensure the grounds are mowed on an annual basis. The PWD also facilitated a proposal process seeking qualified property management services for the clubhouse.[7] Until a qualified property management company is chosen, please continue calling the PWD for all clubhouse maintenance and use requests at (559) 675-7811.

Regarding the structural integrity of the clubhouse, it was evident from the recent snow storms that the building has sustained some damage and the PWD is working on sending a qualified structural engineering firm to evaluate the structure and give recommendations for

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the safe use of the facility, meanwhile, the County will not allow the use of the clubhouse until further notice.

In addition to mowing services, the County has entered into several maintenance agreements, specifically for tree services needed on County-owned land.[8] The County will continue to facilitate this work.

Future Options

1. Dissolve CSA-21

Existing state law authorizes the Local Agency Formation Commission ("LAFCo") to process applications for the dissolution of a county service area and allows a board of supervisors to initiate a proposal to dissolve a CSA, by following specified procedures.

At present, the procedures for dissolution may be commenced by the district's legislative body, by petition or by LAFCo. The legislative body of a district, in this case the Madera County Board of Supervisors, may begin the process by adopting a resolution of application. The dissolution of CSA-21 would mean the County of Madera would no longer collect assessments and would likely include a provision for transferring title to County-owned properties.

a. Property Owners Association Control

As a possible outcome of dissolution, all assets and responsibilities may be transferred to a property owners association. The County could enter into a purchase agreement with a property owners association, such as the CPOA, for the land and transfer of any existing fund balance received from assessments to the organization so they can manage the funds directly. The CPOA has provided the maintenance and operation of the recreational facilities in the past; however, the Superior Court ruled in 2016 that it does not possess the power to collect mandatory assessments. This option would allow residents to retain local control, as long as the property owners association adequately represented all residents and developed a revenue source.

b. Create an Independent Special District

An independent special district may be created by Madera County. The new district would have its own elected governing board and continue to collect assessments. For example, a community services district ("CSD") can be formed in Cascadel Woods under existing law (Government Code section 61000, et seq).

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A CSD is an entity that is formed following LAFCo approval and following a vote of the registered voters within the proposed boundaries of the CSD. A CSD is a separate legal entity that would have its own board of directors directly elected by the registered voters in the Cascadel Woods area. The voters would also vote to assess themselves for a certain amount a month (to replace the County assessment) that would provide a revenue source for CSD services. The CSD would be a separate legal entity from the County and, once formed, could be the grantee of the County owned CSA-21 properties. The formation process can be started by a petition signed by the people or by a Board of Supervisors resolution.

2. Conservation Easement

A conservation easement is the relinquishment of a property right, like development, in exchange for money or perpetual protection by a land trust while retaining ownership of the property. To qualify for a conservation easement, the land must be significant. Examples include oak woodlands, conifer forests, wetlands, certain ranches and forests, endangered species habitat, and scenic areas. Further analysis and consideration of this option is needed to determine whether it is feasible. Under this option, Madera County would continue to provide local recreational facilities and services.

I will keep you updated with any future issues concerning CSA-21 and if you have any questions, please do not hesitate to contact me.

Sincerely,

Ahmad M. Alkhayyat
Director of Public Works

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Community Action Partnership of Madera County Inc.
Meeting Community Needs
2018-2019
Madera County Grand Jury
Final Report 1819-03

Published on: June 28, 2019

SUMMARY

Community Action Partnership of Madera County Inc. (CAPMC) has been coordinating a variety of community service programs since 1964. These programs include Head Start, Victim Services, Community/Family Services, Child Care, and Senior Services among others. CAPMC receives funds for these and other programs from federal, state and local grants, as well as public and private funding. Services are available throughout Madera County. The agency employs 360+ employees and has its own independent Board of Directors.

GLOSSARY

- CAO- Madera County Chief Administrative Office
- CAPMC- Community Action Partnership Madera County
- CFIT- Child Forensic Interview Team
- DSS Department of Social Services
- MC- Madera County
- MCGJ- Madera County Grand Jury
- CAPQuest – Community Action Partners quest for excellence

BACKGROUND

In 1964, as part of President Lyndon B. Johnson's Great Society and War on Poverty, non-profit agencies were established across the country geared towards meeting the needs of those caught in poverty. Community Action Partnership of Madera County, Inc. coordinates a variety of community service programs for Madera County. Their programs are structured to address the social and economic needs of Madera County residents across the age spectrum. Head Start is one of those programs and was key to the beginning of CAPMC.

In addition to Head Start, CAPMC secures funding for the following programs:

- Senior Meals
- Medical Escort
- Senior Citizen Bus
- Child Care Initiative Project
- Child Care Resource & Referral
- Shunammite Place Permanent supportive Housing
- Victim Services (Domestic Violence, Rape/Sexual Assault, Victim Witness Service);
- Community/Family Services (Energy Assistance, Weatherization, Child Care Alternative Payment Program;

Since its inception, CAPMC has reported to the Madera County Board of Supervisors. Additionally, CAPMC has its own Board of Directors that oversees the many agency programs under CAPMC's umbrella. Operations are led by an Executive Director with an additional supportive administrative staff.

The administration includes, the Chief Financial Officer, Human Resources Director, Madera Head Start Director, Fresno Head Start Director, Victim Services Program Manager, Community Services Program Manager, and Alternative Payment Program/ Resource & Referral Program Manager. These individuals report to the Executive Director.

The Community Action Partnership of Madera County had an operating budget for 2017-18 of over $23 million. Funding is from grants via a combination of federal, state, local, public and private sectors. A majority of CAPMC's 2017-2018 annual funding allocation of $23,600,021 came from state and federal sources. These funds are focused on services to the lower-income and disadvantaged population of Madera County. The Agency's services provide a significant impact to the economy of Madera County, and to that of the surrounding counties of Fresno and Mariposa. CAPMC anticipated expending $26 million in 2018 with a $26 million budget.

The effectiveness of the programs is evaluated and audited on an annual basis by the grant-sponsoring agency and through internal evaluations and audits. Results are then conveyed to the CAPMC Board of Directors.

The Executive Director (ED) is the only employee who reports to the Board of Directors and to Madera County's Chief Administrative Officer (CAO). For every grant CAPMC receives, a portion of the funds are allocated to administration and salaries for the individual operating the various programs. The ED is the only person paid in this manner.

The mission of CAPMC is to help people, change lives, and make the community a better place to live by providing the resources and services that inspire personal growth and independence.

In 2011, CAPMC developed CAPQuest, which is a strategic plan to become an Agency of Excellence. As part of the CAPMC's Journey to Excellence, CAPMC created agency standards to live by:

- **C**ourtesy
- **A**ttitude
- **P**rofessionalism
- **M**ake time
- **C**losure

According to CAPMC, by 2020, they will mark the end of a 10-year mission to become an Agency of Excellence. As a non-profit, public benefit agency, CAPMC strives to be a service to clients and the community.

Community Action Partnership of Madera County, Inc., (CAPMC) has never been reviewed by the Madera County Grand Jury (MCGJ). There was a general lack of understanding as to what CAPMC does for the community, its funding sources, and who benefits from the services. As a non-profit agency, CAPMC is unable to use direct advertising of its services and programs. This causes a broad lack of knowledge of the agency's services and programs. This report is designed to help enlighten the community of these services and programs and their availability.

METHODOLOGY

- Attended CAPMC Board of Directors meeting.
- Reviewed CAPMC Board's agenda items and supporting documentation.
- Met with the Administrative Staff.
- Toured operating programs sites, which are funded by CAPMC including three different Head Start programs, Shunammite Place, Strengthening Families program, and the Administration Facilities.
- Reviewed program publications and other printed material used to inform the public of CAPMC services.
- Interviewed select program facilitators.
- Interviewed members of the CAPMC Board.

- Interviewed Department of Social Services (DSS) personnel who refer clients for CAPMC services.
- Examined 2017's audit.

DISCUSSION

The Madera County Grand Jury met with a selection of the administrative staff.

The CAPMC was originally known as "Madera County Action Committee." It is the largest non-profit public benefit organization in Madera County. The CAPMC staff has adopted community projects including the American Cancer Society's Relay for Life, Children's Hospital of Central California Kids Day campaign, Victim's Service Soup Bowl and Walk-a-Mile.

Community Action Partnership of Madera County employs 362 individuals of which 98% are fulltime. The agency connects victim services as well as community and family services with eligible residents of Madera County. Community Action Partnership of Madera County communicates program information via community fairs, health fairs, parent resource centers at school sites, neighborhood gatherings, brochures, social media, and through word-of-mouth.

The MCGJ attended one of the CAPMC Board meetings. The 15-member board is composed of representatives who are elected, from the private sector, and "target areas." They are not involved in the day-to-day operation of the agency. This "Triumvirate Board," consist of five members that are representatives from the elected, private, and target sectors. They function as a policy/oversight group and oversee the Executive Director's position. The public official sector is composed of representatives from elected county bodies. In the private sector, members are represented by community groups. Target areas representatives reside and represent the voice of those populations.

The MCGJ toured several programs and facilities supported, operated, and staffed by CAPMC within the city of Madera. The facilities were pre-selected by the staff, and interaction with those operating the various facilities was limited. Three separate Head Start facilities were toured. At each of these facilities, the children were at naptime, and the MCGJ met a few of the staff at work.

Also included in the tour, was a visit to the Shunammite Place, which is a supportive housing program for chronically homeless women with disabilities. The Shunammite Place currently houses 15 residents. On site staff assists clients with employment training, case management, basic life skills, and education.

The final location visited was the Strengthening Families services-delivery site. Strengthening Families programs involve building parenting communication skills and strategies to prevent and/or mitigate the incidents of behavioral, emotional, or social problems for children, teens, and adults. The program has a childcare area. It is provided for the parents as a practice area, and while adults are attending classes. The parenting classes are available in English and Spanish.

An issue MCGJ noticed is that program publications provided by CAPMC to the target group, are geared toward a verbal, reading audience. Most publications are reader-intensive, and the vocabulary may be beyond the target audience. Those with limited reading abilities need audio-visual text in order to access and understand CAPMC publications.

In a similar vein, the Resource Guide for the County of Madera was last updated August 3, 2016. The publication information indicated that the booklet Resource Guide for the County of Madera was

created for CAPMC. Most services in the booklet are located in the City of Madera. Few resources listed are located in the outlying areas of the County. Additionally, the size of the font type is too small for the public to read.

The MCGJ met with the Victim Services. The issues addressed included, gang activity, sexual assault, human trafficking and the need for financial support.

A primary issue is the high level of gang activity throughout Madera County. Previously, an effort to reduce gang activity was led by the Madera County Gang Task Force. The Task Force brought together participation from law enforcement, schools, churches, civic groups including Boys and Girls Scouts, and Big Brothers and Big Sisters. The Task Force was headed by a member of the Board of Supervisors, and was considered effective in suppressing gang activity. When the Gang Task Force was disbanded, gang activity increased substantially. Staff members and witnesses currently experience intimidation during court appearances.

The Victim Services program has seen an increase in the number of services for victims of sexual assault. Based on statistics provided by Victim Services, the need for victim services for sexual assault dramatically increased over 800 percent between 2014 and 2016. An additional challenge for Victims Services is human trafficking throughout specific pockets in the County. Community awareness for victims of sexual assault, domestic violence, and human trafficking are highlighted with participation in community events such as Denim Day, Walk a Mile, and Soup Bowl community-based activities.

Concerns were expressed regarding financial support of the Child Forensic Interview Team (CFIT). Community Action Partnership of Madera County works in collaboration with other agencies regarding CFIT funding. Several agencies within the county utilize the CFIT services, while working with sexually abused youth. The MCGJ examined the most recent independent audit for CAPMC. A close reading of this document resulted in finding no evidence of funding for expenses attributed specifically related to CFIT activity.

The MCGJ interviewed the Department of Social Services (DSS), which is an agency that refers clients to various programs provided by CAPMC. The DSS reported working closely with CAPMC. The DSS refers clients to the Parenting Program, and works hand-in-hand with the Victim's Service Program.

Community Action Partnership of Madera County is a combination of much needed programs that provide a variety of services to Madera County's low to moderate-income population. Services are made available through local, state, and federally funded grants and address a variety of the community's needs. Community Action Partnership of Madera County is the intervention agency for those in crisis. Depending upon an individual's circumstance, and income qualifications, CAPMC has the means to assist the client prior to being processed though the Department of Social Services. Community Action Partnership of Madera County has the ability to provide emergency housing, food vouchers, and emergency assistance for those in need.

FINDINGS

F1. The MCGJ finds that community knowledge of CAPMC services is severely limited to primarily word of mouth.

F2. The MCGJ finds that the Resource Guide is outdated in style, information, and format for the entire County of Madera.

F3. The MCGJ finds that elimination of the Gang Task Force resulted in increased violent gang activity.

F4. The MCGJ finds staff members and witnesses experience intimidation during court appearances.

F5. The MCGJ finds that the number of victims of sexual assault have increased dramatically.

F6. The MCGJ finds that CAPMC does not have dedicated funding specifically related to CFIT activity.

F7. The MCGJ finds that DSS and CAPMC work well together.

RECOMMENDATIONS

R1. By January 1, 2020, the MCGJ recommends that CAPMC promote services through various forms of social media and other community venues throughout the County.

R2. The MCGJ recommends, by January 1, 2020, CAPMC update their Resource Guide to reflect style, social media outlets, and include all areas of the county.

R3. The MCGJ recommends, by January 1, 2020, that CAPMC reestablish the Gang Task Force in conjunction with other community agencies.

R4. The MCGJ recommends, by January 1, 2020, CAPMC coordinate a plan to work with law enforcement and the Courts for training staff on how to recognize and defuse gang intimidation.

R5. The MCGJ recommends, by January 1, 2020, CAPMC increase efforts to address the community issues for the needs of victims of sexual assault and human trafficking by reviewing and creating new strategies for victim prevention and assistance.

R6. The MCGJ recommends, by July 1, 2020-2021 budget, CAPMC secure funds and include a line item for expenses attributed specifically related to CFIT activity.

R7. The MCGJ recommends that CAPMC and DSS continue to have a positive relationship.

REQUIRED RESPONSES

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

Madera County Board of Supervisors
200 W. Fourth
Madera, CA 93637

Executive Director CAPMC
Community Action Partnership of Madera County

1225 Gill Street
Madera, CA 93637

Community Action Partnership Board of Directors
1225 Gill Street
Madera, CA 93637

Reports issued by the 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 Grand Jury.

The City of Madera:
Veiled Transparency
2018-2019
Madera County Grand Jury
Final Report 1819-04

Published on: June 28, 2019

SUMMARY:

The purpose of the Madera County Grand Jury (MCGJ) is to investigate the public entities within the County and City of Madera. During the Grand Jury's initial investigation of the City, the topics of concern included the increase in salaries of several department heads as well as water rate increases. As the investigation progressed, the MCGJ found that the problems were much more complex than the issue regarding salaries and increased water rates. After hearing several complaints from the community on how the City Council conducts its business, the Madera County Grand Jury chose to investigate the City of Madera. Through the investigation, the MCGJ found a significant lack of transparency, code of ethics, lack of ethical practices, access to information, and violation of confidentiality. The Grand Jury found that the public had reasons to be alarmed.

BACKGROUND:

In order to understand the City of Madera's policies, procedures, and management, the MCGJ attempted to engage in a thorough investigation. Early in October 2018, the MCGJ began requesting information related to operations at City Hall. Multiple times the MCGJ's investigation was impeded by a lack of cooperation for access to the documents related to the investigation.

The MCGJ began investigating the City of Madera with special emphasis on finance. As part of this investigation, the MCGJ attended City Council meetings. The arrival of the August 1, 2018, water bills, which came with higher water rates, generated an increase in the attendance at City Council meetings. The higher water rates created a great deal of anger expressed by residents during the public comment section of the meetings. Additionally, a presentation at a City Council meeting highlighted inflated salaries and a budget deficit. This presentation left the public questioning whether water rates were increased to offset salaries. This was followed by a front-page article in the Madera Tribune (August 8, 2018) publicizing these issues. Residents expressed anger over issues of excessive salaries, rising water rates, and the possible correlation between them.

Due to the expressed anger by residents during City Council meetings, the MCGJ elected to broaden the initial investigation. In 2015, salaries of management staff were increased anywhere from 11 to 44 percent. During the same period, 2015-16, water rates increased between 9-10 percent. In 2017, water rates increased an additional 20 percent, followed by the 2018 increase of 10 percent. Currently, in 2019, there has been an additional increase of 3 percent. The public perception is that it took four years to offset the salary increase from 2015 with the increase in water rates through 2018. In early 2019, the City made a concerted effort to lower its expenses by reducing salaries, combining job duties, resignations, and retirements.

Throughout the MCGJ's investigation of the City's management of handling public monies, the City caused a combination of obstacles to the inquiries. The MCGJ found that administrators dodged multiple inquiries by deflecting direct questions, avoided providing documentation in a timely manner, and, at times, stated the requested information did not exist. Furthermore, conflicts of interest within the City were found, even to the point of violating its own mission statement. In general, the City of Madera avoided cooperating with the MCGJ's investigation, violated the MCGJ's confidentiality, and the City of Madera's own stated commitment of transparency.

The MCGJ broadened the investigation.

With of the departure of senior staff, failure to provide documentation, and appearance of malfeasance, the MCGJ refocused the direction of the investigation. Through the investigation, the MCGJ found a lack of transparency, code of ethics, ethical practices, access to information, as well as a violation of the MCGJ's confidentiality.

METHODOLOGY:

- Beginning in July 2018, Grand Jury frequently observed the following regular meetings:
    - City Council
    - Planning Commission
    - Successor Agency

- Beginning in August 2018, the Grand Jury interviewed the following:
    - Financial professionals
    - Former City of Madera employees
    - Current City of Madera employees
    - Real Estate investors
    - Business owners
    - Current City Council members
    - Private citizens

- Beginning in October of 2018, the Grand Jury requested, received, and reviewed the following documents:
    - Roberts Rules of Orders
    - City of Madera Policy and Procedure manual
    - Code of Conduct
    - Government Codes
    - Relevant common law
    - 1974 Political Reform Act (PRA)
    - The Brown Act
    - Purchase Order Standard Terms and Conditions for the Purchase of Goods
    - Purchase Order Standard Terms and Conditions for the Purchase of Services
    - Purchasing Policy of the City of Madera
    - Invoices for purchases of $2,500 or more
    - Cal Credit Card statements selected by City Clerk's office
    - City Council Meeting Agendas
    - City Council Meeting Consent Calendars
    - Board Packet for Consent Calendar Agenda Items
    - Financial Reports from Finance Department
    - Annual Budget from Finance Department
    - Select Purchase Orders from 2016-2018 for amounts between $2,500-$7,500
    - Bids selected by the Purchasing Department
    - Organizational Chart

- Documents Requested but not received:

- Code of Ethics for elected officials and senior management
- Cal Credit Card Statements for City Council Members from 2015 to present
- Cal Credit Card Statement for non-elected management staff from 2015 to present
- All Bids from 2013-2018
- City of Madera Audit

DISCUSSION:

The MCGJ began an investigation into the management of City finances. The MCGJ requested audits for the past five years; none were provided.

The MCGJ requested the City's Code of Ethics. The MCGJ was informed, at present, the City does not have a written Code of Ethics for upper management or City Council members. However, newly elected City Council members are required to attend an annual mandated ethics training. Due to the lack of documentation provided, the MCGJ was unable to verify completion of ethics training by any elected officials.

Residents have expressed a lack of understanding of the methods and procedures of City Council meetings. They do not know how to access supporting documentation for the items of the Consent Calendar or the complete Agenda, nor does the public know when or how they have the right to challenge the City Council. Additionally, the public is not aware of how to put items on the City Council Agenda, nor are they made aware they can ask questions regarding the Agenda items. Citizens are not made aware they can ask questions on each item of the Agenda before the Council votes on the items. This includes items within the Consent Calendar.

Roberts Rules of Order states, a Consent Calendar is a tool used in public meetings which groups routine agenda items into a single agenda item, allowing the grouped items to be approved in one action, rather than through the filing of multiple motions. However, for the public who attend such meetings, the Consent Calendar appears to be purposely vague. Items on the Consent Calendar are written using legal terminology with references to obscure codes and contract numbers. Consent Calendar items are not written with enough information for the general public to understand.

City Council requires anyone addressing the Council to step up to the podium, state their name, address, and topic or question of concern. They may not speak for more than three minutes. Since Council meetings are public, anyone in the public should be able to comment without fear of reprisal or providing personal information. The requirement of stating a personal address (publicly) is intimidating.

Throughout the investigation, the MCGJ's request for documents from the City of Madera's administration were hindered, delayed, and, at times, blocked. The MCGJ was stymied by the lack of response from City administrators. Upon requesting specific documents from the City administration, the administration frequently asked the MCGJ for more detailed information about the documentation.

For example, the MCGJ requested documentation of financial records covering expenses of City Council members and senior staff from 2013 to present. The administration's response was that they were not sure what expenses the MCGJ was referring to, and the request was too broad. After many attempts by the MCGJ to clarify and narrow the request, over many weeks--far beyond the required ten days, the MCGJ was delivered a large number of documents. The

documents received were in disarray; documents were in no apparent order, documents did not appear to be complete, and there were obvious omissions. After much delay and receipt of documentation in its disorderly state, the MCGJ concluded that the City of Madera lacked respect for the authority of the MCGJ, which was nonfeasance and thus created suspicion of malfeasance by City officials.

During the process of attempting to acquire the requested documents, the City violated the Grand Jury's Admonition through email (Exhibit A). Records of email exchanges between City administration, staff, and members of the MCGJ showed multiple and direct violations of the Grand Jury's admonition of secrecy. The MCGJ sent a cease and desist order to interviewees who were not following the admonition oath. This event further supported the MCGJ's concern for the lack of respect for the authority of the Grand Jury, and the laws governing Grand Jury procedures.

Some elected officials are doing business with the City as private citizens, which raises the question of a conflict of interest. The MCGJ referred to the statutory and common law to understand the circumstances surrounding the City's management.

California Government Code section 1090 states in part:

> *City officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.*

Meaning, the City Council is prohibited from entering into any contract with a business or vendor, which is owned by a sitting elected official. Furthermore, the City Council should not enter into a contract with a business or vendor owned by an elected official even if the elected official has abstained from a vote. Any renewal or modification of an existing contract, which predates an elected official's election, would likely violate section 1090.

Moreover, the California Government Code § 18702 (b) states in part:

> *No public servant shall make, participate in making, or in any way attempt to use his or her position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest in the decision.*

Additionally, there is also what is known as "common law conflict of interest." Common law implies that a public officer or employee is:

> *"…bound to exercise the powers conferred on him with disinterested skill… primarily for the benefit of the public…" (Noble v. City of Palo Alto (1928) 89 Cal. App. 47, 51).*

Furthermore,

> *Dealings between a public officer and himself as a private citizen which bring him into collision with other citizens equally interested with himself in the integrity and impartiality of the officer are against public policy (Goodyear v. Brown, 155 Pa. 514 [Am. ST. Rep. 903, 20 L.R.A. 838,26 A. 664]).*

Finally,

> *Public policy and sound morals alike forbid that a public officer should demand or receive for services performed by him in the discharge of official duty any other or*

further remuneration than that prescribed and allowed by law (Somerset Bank v. Edmund, 76 Ohio St. 396 [10 Ann. Cas. 726, 11 L.R.A. (N.S.) 1170, 81 N.E. 641[).

Upon further investigation, the MCGJ examined the regulations covering the City of Madera's Purchasing-Central Supply Mission Statement, which states:

Purchasing - Central Supply is committed to obtaining the most desirable goods and services to meet the City's operational needs, at the lowest possible cost, delivered in a timely manner, and in compliance with all City policies and applicable laws.

It is further stated in the City of Madera's Purchasing Policy:

Conflicts of interest occur when a conflict exists between the public interest and the private monetary interest of a public official or employee. Conflicts of interest can also occur with regards to individuals who have left government employment, when former public officials are able to exert undue influence over the purchasing process because of their past personal connections inside government.

No member of the Council or of any board and no officer or employee of the City shall be or become interested in any contract for which bids are or may be required for the furnishing of labor or materials to or for the City, nor shall any of them receive any gratuity or advantage from any contract or from the contractor furnishing any labor or material under any contract, the cost or consideration of which is payable from the City treasury. Any such contract with the City in which any such officer or employee is or becomes interested shall be declared void by the Council.

In conclusion, the role of the MCGJ is to act as a public "watchdog." Documentation, or the lack there of, has persuaded the Grand Jury of malfeasance within the City of Madera. The MCGJ has found malfeasance valid based upon the lack of ability and transparency in acquiring documentation from the City, conflicting statements from City administration, interviewees and documentation (invoices, purchases orders, and paid warrants) from other businesses, and public responses. The documents and evidence acquired by the MCGJ establishes laws may have been broken.

FINDINGS:

F1. The City of Madera does not have a written code of ethics for senior officials or elected members.

F2. The senior officials and elected members do not have adequate follow-up training on ethics.

F3. The general public does not know how to access the City Council meeting agenda and comment on agenda items including the consent calendar.

F4. Speakers during Public Comment at City Council meetings are intimidated by the requirement to provide their personal address.

F5. The Agendas for the City Council Meetings are difficult for the general public to understand.

F6. The City Council of Madera did not provide the MCGJ with requested documentation in a timely and orderly manner.

F7. City administration violated the MCGJ's admonition of secrecy.

F8. The City of Madera does not follow its Purchasing-Central Supply Mission Statement regarding conflicts of interest.

F9. City administrators and elected officials are doing personal business with the City as private individuals.

F10. The City of Madera shows a lack of transparency towards residents of the City of Madera and the Madera County Grand Jury.

RECOMMENDATIONS

R1. By September 30, 2019, the MCGJ recommends that the City of Madera create and follow a code of ethics for all senior officials and elected members, and display the code of ethics in a public place.

R2. By September 30, 2019, the MCGJ recommends that the City of Madera create and contract for follow-up ethical training for senior officials and elected members to attend annually.

R3. By September 30, 2019, the MCGJ recommends that City Council make clarifications regarding the access to Agenda and Consent Calendar for the public.

R4. By September 30, 2019, the MCGJ recommends that those addressing the City Council during Public Comment not be required to provide their street address.

R5. By September 30, 2019, the MCGJ recommends that City Council make clarifications which enable the public's understanding of all Agenda items.

R6. By September 30, 2019, the MCGJ recommends the City of Madera officials implement training for their department heads and employees on how to respond in a timely and orderly manner, within ten days, to inquiries made by the MCGJ.

R7. The MCGJ recommends the City of Madera officials immediately take steps to understand the importance and necessity of the MCGJ's admonition of secrecy.

R8. The MCGJ recommends the Madera City Council and the Madera City officials immediately review and follow its Purchasing-Central Supply Mission Statement regarding Conflicts of Interest.

R9. The MCGJ recommends that City administrators and elected officials immediately cease doing personal business with the City of Madera.

R10. The MCGJ recommends that the City of Madera immediately take steps to restore the trust of the citizens by being more forthcoming and transparent in their cooperation and communication with residents of Madera.

REQUIRED RESPONSES

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

City of Madera
City Manager
204 West Fourth Street
Madera, CA 93637

Madera City Council
204 West Fourth Street
Madera, CA 93637

INVITED RESPONSES

Madera County Board of Supervisors
200 West Fourth Street
Fourth Floor
Madera, CA 93637

Madera County District Attorney
209 West Yosemite
Madera, CA 93637

Reports issued by the 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 Grand Jury.

EXHIBIT A

Madera County Grand Jury Admonition

All Madera County Grand Jury proceedings are conducted in secret session. You and each of the grand jurors participating in today's session have the obligation to observe this rule of secrecy.

You are admonished not to reveal to any person, except as directed by the court, which questions were asked or what responses were given today.

You are further admonished not to reveal any matters concerning the nature or subject of the Grand Jury's investigation that you learn during your interview today.

A violation of this admonition is punishable as contempt of court.

My signature below indicates that I understand this admonition.

Document Retention

Documents provided to the Grand Jury become the property of the Grand Jury and shall be destroyed.

My signature below indicates my understanding of the document retention statement.

_____ _____

Signature **Printed Name**

_____

Date

Student Safety:
Why Are They Turning the Wrong Way?
2018-2019
Madera County Grand Jury
Final Report 1819-05

Published on June 28, 2019

SUMMARY

In recent years, both the Madera County Public Works Department (MCPWD) and the 2017-2018 Madera County Grand Jury (MCGJ) investigated safety issues concerning Madera County students. The responsibility for school safety, door to door, belongs to the school district of record. This obligation includes evaluating traffic flow in coordination with the local law enforcement and effectively educate drivers with safety procedures. Student safety and traffic congestion have been analyzed and recommendations have been put forth by both MCPWD and 2017-2018 MCGJ. The findings of these studies include specific issues pertaining to traffic congestion and communication with drivers regarding the safety of students. Since student safety continues to be a real concern, the 2018-2019 MCGJ has taken an additional look into the District's implementation of the 2017-2018 Recommendations.

BACKGROUND

In late 2014 and early 2015, the Madera County Public Works Department completed a study addressing traffic safety issues exclusively at Webster Elementary School. This study was developed into a Master Plan, which would change drop-off and pick-up locations for students at Webster Elementary School (Exhibit A). The implementation of the Master Plan languished due to lack of funding. Citizens expressed concern and annoyance regarding congestion and student safety.

The 2017-2018 MCGJ released a report on "School Transportation Safety." As a result of the report, Madera Unified School District (MUSD) and Golden Valley Unified School District (GVUSD) were required to submit responses to the report findings. The report included recommendation for Alpha Elementary School (MUSD). Both districts complied and responses were received. The response by MUSD indicates some of the recommendations had been implemented, others were in the process of being implemented, and others would be completed before the start of the 2018-2019 school year. The responses by GVUSD were a general acknowledgment of the findings.

Following is a list of selected 2017-2018 MCGJ Findings for both MUSD and GVUSD, which provide the driving force behind the current investigation and report:

F1. Because senior management of MUSD and GVUSD was unaware of the requirement to provide written bus safety information for drivers, there is a potential violation of Education Code §39831.S (a) (A, B, C, D, and E) (2).

F2. Because the findings of the study done in 2014 and 2015 regarding Webster Elementary School have not been implemented, congestion problems continue and unsafe conditions persist.

F3. There is a need for a crossing guard on Ruth Avenue at Webster Elementary School to enhance student safety.

F7. Drivers turning left <u>out of</u> Alpha Elementary School onto Stadium Road create congestion problems and dangerous conditions for pedestrians.

F8. Drivers turning left into Alpha Elementary School from Stadium Road create congestion problems and dangerous conditions for pedestrians.

METHODOLOGY:

For the purposes of continuity, the 2018-2019 MCGJ reviewed the Madera County Grand Jury Final Report 1718-06 School Transportation Safety and all of the responses received from the school districts and the Motor Carrier Specialist I of the California Highway Patrol. After reviewing the responses, the current MCGJ investigated the following:

- MCGJ members visited both John Adams Elementary School and Alpha Elementary School in the MUSD and Webster Elementary School in GVUSD multiple times to witness traffic congestion during student arrival and dismissal times.
- At the request of the MCGJ, the superintendents of MUSD and GVUSD observed student arrival and dismissal times at their respective schools.
- Subsequent to the superintendents' observations at their respective schools, the superintendents were interviewed by the MCGJ.
- The MCGJ requested the City of Madera Chief of Police personally observe the traffic congestion during the arrival and dismissal times for the students at both Alpha and John Adams Elementary Schools.
- Subsequent to his observation, the MCGJ interviewed the City of Madera Chief of Police.
- MCGJ interviewed senior school administrators, senior school transportation personnel, senior City of Madera administration, and senior City of Madera law enforcement personnel.
- MCGJ reviewed the Webster Elementary School Master Plan.
- MCGJ reviewed the newly revised MUSD transportation manual and other internal documents related to school transportation.

DISCUSSION

Madera Unified School District and GVUSD provided MCGJ the revised transportation documents. These documents included school bus emergency procedures, passenger safety, and walking routes. The same documentation should be provided annually to both students and those who transport students.

In response to the 2017-2018 Report Finding 1 (*F1*), the MCGJ obtained a revised policy and procedures manual. Distribution of this document to impacted individuals cures the potential violation of Education Code §39831.S (a) (A, B, C, D, and E) (2).

Many students are transported by private vehicles. The drivers of these private vehicles create unsafe traffic conditions. In some instances, drivers were observed following a consistent and organized process, while other drivers were making erratic and unsafe driving choices.

The traffic congestion and unsafe drop-off and pick-up conditions may not improve at Webster Elementary School until the GVUSD is successful in finding funds to implement the Master Plan. This plan, once implemented, will improve traffic flow on Ruth Avenue. In addition, there is a need for a crossing guard on Ruth Avenue. On the Webster Elementary School website, there is a “Student Pick Up & Drop Off.pdf” with a description of how drivers need to drop-off and pick-up students to lessen the traffic congestion and increase safety of both students and drivers (Exhibit B).

Until adequate funds are obtained, the GVUSD must try to reduce the traffic congestion and the unsafe conditions by continuing to educate drivers. Webster Elementary School provides printed handouts to students for the drivers to read, and has information available on their website. However, given the ease and wide use of social media, it is surprising that schools have not been taking advantage of platforms such as Aeries, Facebook, Twitter, or even their own website to inform drivers of the proper drop-off and pick-up procedures. The use of social media platforms informs the public through a contemporary method familiar, accessible, and acceptable to most drivers. If schools are to keep pace with the changing nature of methods of communication in today’s world, they should be open to exploring new ideas.

Stadium Road in Madera not only connects a football stadium but two high schools, and two elementary schools. Traffic is extremely congested during school start and end times for nine months each year. Traffic is exacerbated when drivers disregard the faded, unofficial "No Left Turn" sign exiting the Alpha Elementary School parking lot. Drivers traveling north on Stadium Road and turning left, across traffic, into Alpha Elementary School parking lot adds danger to the congestion.

The congestion on Stadium Road is well known to both the City of Madera and the MUSD. Permanent electronic traffic controls have been considered; however, the controls are quite expensive for the length of time they would be used. These types of electronic traffic controls would be needed only during the school year, twice a day, during arrival and dismissal times, or approximately 30 minutes twice a day.

John Adams Elementary School has designed and implemented a designated safe area on the north side of the school, on National Avenue, for buses, drivers, and students walking to school. However, drivers were witnessed double parking and blocking traffic while dropping off or waiting for students at the intersection of National Avenue and Accornero Street. Moreover, drivers were witnessed letting students out of vehicles in the middle of the street, allowing students to weave through cars causing increased danger.

Third Street, on the South side of John Adams Elementary School, is quite narrow and becomes extremely congested and dangerous during drop-off and pick-up times. John Adams Elementary School currently has almost three times the number of students, teachers, staff, and employee cars as the school was originally designed to accommodate. Many employees and residents compete for parking on the street. Parked cars, double parked cars, and the large number of drivers dropping off and picking up students, limits the traffic flow to one direction and creates an extremely dangerous situation.

Recently, the City of Madera has taken steps to increase safety for students walking to John Adams Elementary School. At the time of this writing, sidewalks, on the south, east, and north side of the school, are being constructed. The intent of this plan includes requesting drivers to drop students off on Williams Avenue instead of Third Street, and placing a staff person in the area to monitor drivers and students.

Madera Unified School District staff met with local police officers assigned to Madera High School Campus to try to design a safe and appropriate traffic flow of drivers dropping off and picking up students at each schools in MUSD. That effort was notable, but student safety issues could be vastly improved with complete coordination between the senior staff of MUSD and the senior staff of the City of Madera Police Department.

FINDINGS:

Finding for both Madera Unified School District and Golden Valley Unified School District:

F1. Both MUSD and GVUSD are in compliance with Education Code §39831.S (a) (A, B, C, D, and E) (2), the "Annual Student Bus Safety Document" requirements.

FINDING FOR GOLDEN VALLEY UNIFIED SCHOOL DISTRICT:

F2. GVUSD has not implemented the Webster Elementary Master Plan, and the traffic congestion and unsafe conditions persist during drop-off and pick-up times.

F3. Despite printed instructions being sent home to drivers, many drivers are either uninformed or disregard Webster Elementary School's adopted procedures for dropping-off and picking-up students causing additional traffic congestion and unsafe conditions for students.

F4. GVUSD presented a job announcement searching for a volunteer crossing guard for Webster Elementary School, but this position remains unfilled as of the writing of this report. (see Exhibit C)

FINDINGS FOR MADERA UNIFIED SCHOOL DISTRICT:

F5. The MCGJ finds that the traffic conditions are dangerous at Alpha Elementary School and John Adams Elementary.

F6. Many drivers are either uninformed or disregard traffic safety procedures at Alpha Elementary School and John Adams Elementary School causing additional traffic congestion and unsafe conditions for students.

F7. Senior staff at both MUSD and Madera City Police Department are not collaborating to solve traffic safety issues throughout the district.

RECOMMENDATIONS MUSD AND GVUSD

R1. The MCGJ recommends that MUSD and GVUSD must continue staying in compliance with Education Code §39831.S (a) (A, B, C, D, and E) (2), the Annual Student Bus Safety

Document requirements each year to ensure that the most complete and accurate information is provided to drivers.

RECOMMENDATIONS: GVUSD

R2. The MCGJ recommends that by September 2020, GVUSD must secure funding for implementing the Webster Elementary School Master Plan for redirecting the entrance to Webster Elementary School in order to reduce vehicle congestion and improve student safety.

R3. The MCGJ recommends, by the beginning of the 2019-2020 school year, GVUSD must begin using social media platforms, such as Aeries, Facebook, Twitter, and school website to post existing traffic hazards to illustrate problems and improve the education of drivers.

R4. The MCGJ recommends, by the start of the 2019-2020, Webster Elementary School must complete the implementation of a paid Crossing Guard Service to ensure, enhances, and maximize student and driver safety.

RECOMMENDATIONS: MADERA UNIFIED SCHOOL DISTRICT

R5. The MCGJ recommends MUSD senior District leaders immediately meet with senior City of Madera Law Enforcement and the City of Madera Traffic Engineer in order to mitigate all traffic congestion at Alpha School and John Adams School.

R6. The MCGJ recommends, by the beginning of the 2019-2020 school year, MUSD must begin using social media platforms, such as Aeries, Facebook, Twitter, and the school website, to publicize existing traffic hazards and expose problems in order to improve the behavior of drivers.

R7. The MCGJ recommends MUSD senior leadership immediately begin to collaborate with senior managers of the City of Madera Police Department and the City of Madera Traffic Engineer to review the traffic flow plan of each school in Madera Unified.

REQUIRED RESPONSES

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

Golden Valley Unified School District Governing Board
Golden Valley School District
37479 Avenue 12
Madera Ca 93638

Madera Unified School District Governing Board
Madera Unified School District
1902 Howard Road
Madera Ca 93637

Superintendent
Golden Valley School District
37479 Avenue 12
Madera Ca 93638

Superintendent
Madera Unified School District
1902 Howard Road
Madera Ca 93637

City of Madera Police Department
Police Chief
330 S. C Street
Madera Ca 93638

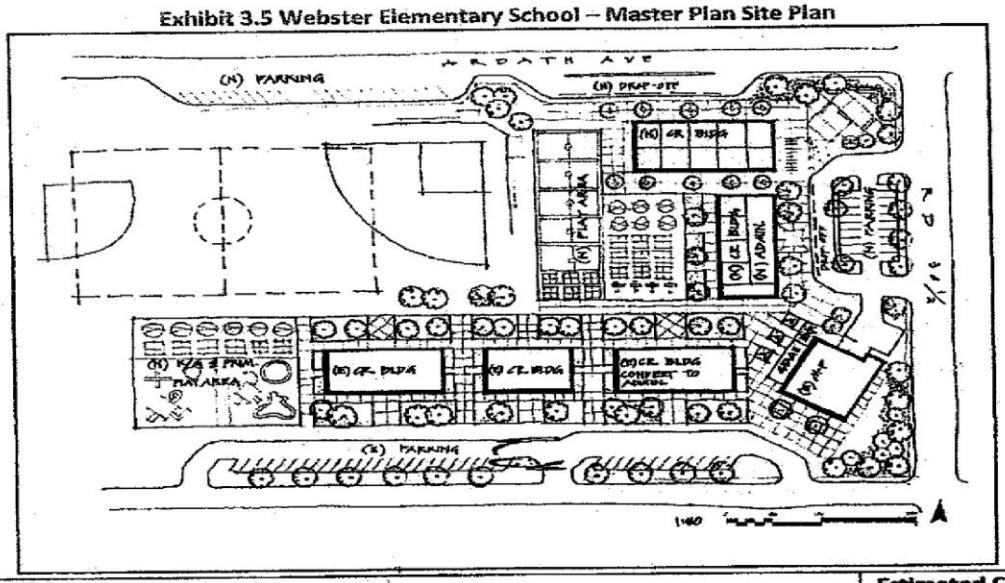
City Engineer
City of Madera
204 West Fourth
Madera Ca 93637

Reports issued by the 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 Grand Jury.

EXHIBIT A

WEBSTER ELEMENTARY SCHOOL – MASTER PLAN

Exhibit 3.5 Webster Elementary School – Master Plan Site Plan



Proposed Improvement Projects		Estimated Const. Cost
1.	WES1 - New Administration, 4 Classrooms & Secure Parking	$2,649,440
2.	WES2 - Upgrade Security System	$141,520
3.	WES3 - Alternate Drop-Off Bus Zone	$313,000
4.	WES4 - Parking Lot Asphalt Resurfacing	$63,800
5.	WES5 - 10 Portable Classroom Replacement	$2,883,760
6.	WES6 - Multi-Purpose Stage Expansion	$845,676
7.	WES7 - Technology Expansion & Upgrade	$273,760
8.	WES8 - Storm Drainage & Playfield Refurbishment	$528,960
9.	WES9 - Kindergarten Shade Structure	$133,632
10.	WES10 - Convert (E) Administration to Classroom	
11.	WES11 – New Playground	
Master Plan Implementation Total		$7,833,548
Anticipated State Funding		
2013		$658,177
Anticipated State Funding Total		$658,177

EXHIBIT B

WEBSTER ELEMENTARY SCHOOL
36477 Ruth Avenue, Madera, CA 93636
Phone (559) 645-3540 ♦ Fax (559) 276-1921
Ladislao Lopez, Principal
Audrey Fulton, Vice Principal

Dear Parents, September 28, 2018

I write to clarify our morning and after school student drop off/pick up procedures. As you know, many of our students take the bus, while others walk to school alone or with parents. In addition, a large percentage of students are dropped off/picked up by parents. We constantly review and update our procedures to ensure the three groups of students are as safe as possible getting to school and home. Please help me provide a safe environment for all by following the expectations below.

Parents Escorting Students to School/Home

Morning: Students are allowed to be dropped off no earlier than 7:30 am. Students arriving before 7:45 am need to report immediately to the cafeteria where there is adult supervision. Students arriving after 7:45 am report to the playground for a short, supervised recess. I ask that you leave campus immediately after dropping off your child. If you are planning to volunteer in the class, sign in the main office and ask for a pass.

Afternoon: Parents please ***do not*** arrive to school before 2:25 pm and 1:05 pm on Wednesdays to pick up your child. After 2:25 pm and 1:05 on Wednesdays, you may wait in front of the three main buildings, but please ***do not*** visit classes, playground, cafeteria, bathrooms or black top area. If you arrive before 2:25 pm, please report to the main office and ask for a visitor's pass. If you're on campus before 2:25 pm, expect Webster staff to ask you for your visitors pass. I ask that you help me protect the safety of our students.

Traveling by Automobile

Drop Off/ Pick Up in front of the Main Office: Please drive slowly in this area, use the right lane only for drop off/pick up, and pull all the way forward so more families can access this zone. Please stay with your vehicle at all times to keep the flow of traffic moving. When exiting the lot, please note that it is a ***RIGHT TURN ONLY***. This helps with the flow of traffic leaving our campus and keeps the parking lot from getting congested.

Drop Off/Pick Up in Surrounding Areas: You may drop off/pick up your child at the pedestrian gates on Road 36 ½ and Ardath Avenue. Webster staff will provide supervision before and after school in both areas.

Traveling by Bus

Bus Zone: There is to be no dropping off or picking up of students in this area. The area is exclusively for staff parking and bus loading and unloading.

Sincerely,

Lalo Lopez, Principal

The Mission of Webster Elementary School is to increase student achievement through exemplary teaching practices, and to provide a safe, clean environment where students know that great character is important.

EXHIBIT B

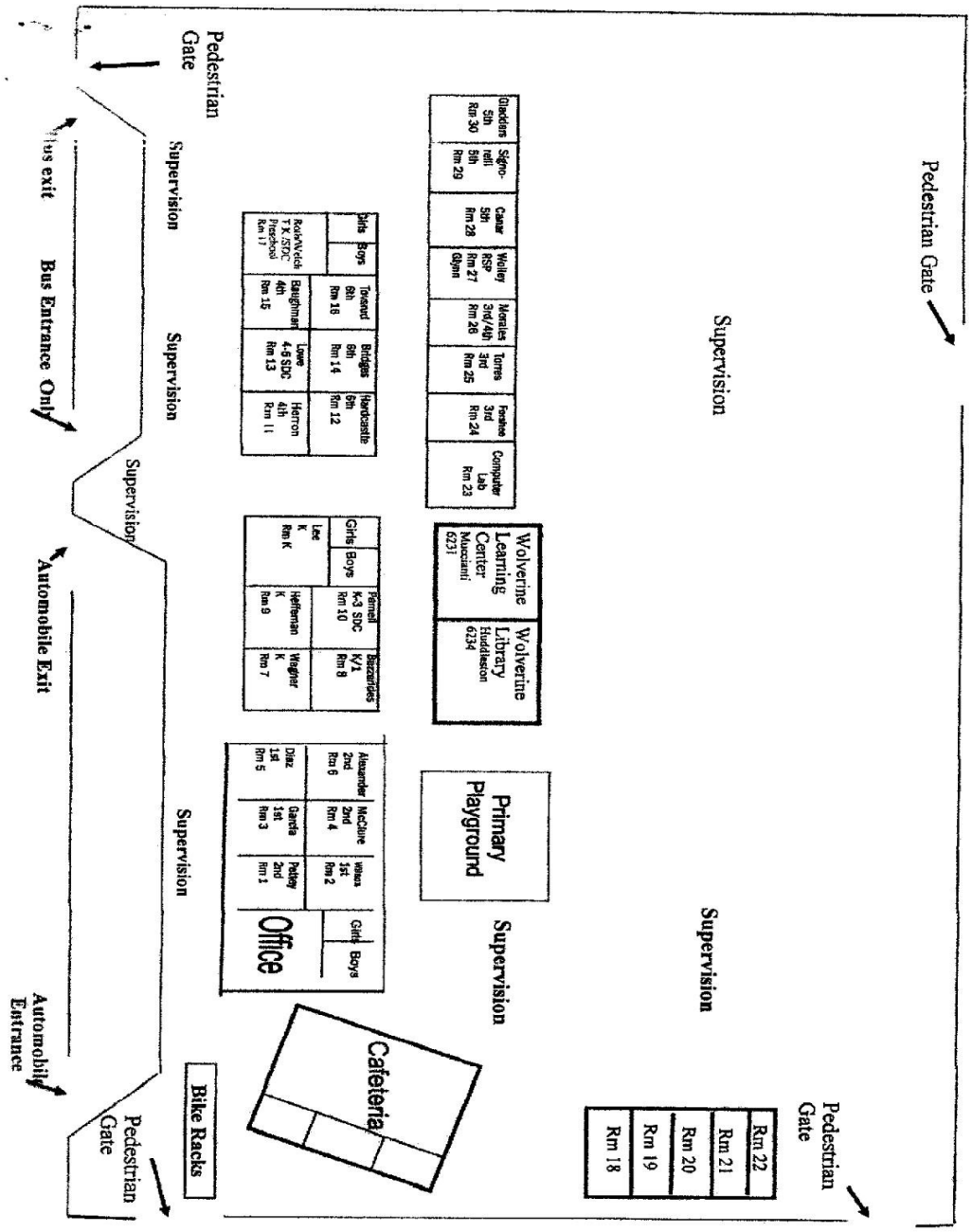

Pedestrian Gate
Supervision
Supervision
Pedestrian Gate
Rm 22
Rm 21
Rm 20
Rm 19
Rm 18
Ardath Avenue
Glaeckens 5th Rm 30
Signo-refill 5th Rm 29
Cantor 5th Rm 28
Walley RSP Rm 27 Gbpm
Morales 3rd/4th Rm 26
Torres 3rd Rm 25
Fenelon 3rd Rm 24
Computer Lab Rm 23
Wolverine Learning Center Musciamli 6231
Wolverine Library Huddleston 6234
Primary Playground
Supervision
Girls
Boys
Toxwood 6th Rm 18
Bridges 6th Rm 14
Handcastle 6th Rm 12
Baughman 4th Rm 15
Lowe 4-6 SDC Rm 13
Herron 4th Rm 11
Girls
Boys
Fitzmell K-3 SDC Rm 10
Bazzanigles K/1 Rm 8
Lee K Rm K
Heffernan K Rm 9
Wagner K Rm 7
Alexander 2nd Rm 6
McClure 2nd Rm 4
Wilkes 1st Rm 2
Diaz 1st Rm 5
Garcia 1st Rm 3
Pelley 2nd Rm 1
Girls
Boys
Office
Cafeteria
Supervision
Supervision
Supervision
Supervision
Pedestrian Gate
Bus exit
Bus Entrance Only
Automobile Exit
Automobile Entrance
Pedestrian Gate
Bike Racks
36 1/2

EXHIBIT C

Golden Valley Unified School District

is seeking

VOLUNTEER CROSSING GUARDS

If you are interested in volunteering as a school crossing guard, please complete the information below and the Crossing Guard Waiver located on the back of this flyer.

Name:_____ (please print)

Contact Number: _____ Email Address:_____

Elementary School Site:_____ School Year: _____

Circle All That Apply: I would like to volunteer on the following day(s): M T W TH F

Check All That Apply: ☐ AM 7:30 a.m.—8:00 a.m. ☐ PM 2:20 p.m.—2:50 p.m. M/T/TH/F

☐ PM 1:00 p.m.—1:30 p.m. early out Wednesday

☐ I agree to take the GVUSD/CRMA online Safety Training course.

_____ _____

Signature Date

A representative from the school/district will contact you to arrange the CRMA Safety Training and set up the crossing guard schedule.

City of Chowchilla
Public Works Department:
Interrupted Flow
2018-2019
Madera County Grand Jury
Final Report 1819-06

Published June 28, 2019

SUMMARY

The economic downturn that severely reduced adequate full-time licensed and qualified staff levels caused Chowchilla's water delivery system to be reduced to a trickle. Combined with a lack of established and uniform practice procedures for testing, and no long-term plan to address the water needs of the community, the wells were failing. The city experienced a significant loss of producing wells and loss of water system pressure required to serve the needs of the community.

GLOSSARY

Chlorine residual:	The measurement of the amount of chlorine in water
Corporation Yard:	City of Chowchilla's Water Division headquarters
Forced Test:	Altered test results in order to achieve desired results
Logs:	Records that provides a diary of observations of variations at a specific site and any actions taken
PPM:	Parts Per Million
Residual test:	A test that is performed at a specific site

Standard Operating Procedure (SOP): Directions for how to conduct various operations

BACKGROUND

The Madera County Grand Jury (MCGJ) chose to investigate the City of Chowchilla's Public Works Water Division. Because of the lack of an established oversight program, the wells failed. The failure of wells caused a system-wide reduction of water pressure within the city, frustration for the residents, a potential public safety hazard, and a breach of trust between the residents and the city.

Between 2008 and 2017, a turnover occurred approximately every two-years in the Public Works Director position. Up until 2017, no evidence of a long-range water development plan was provided to prove that one existed. A slow recovery from the fiscal downturn in the economy that reduced staffing levels, a four-year statewide drought, and imposed water restrictions during the summer of 2018 had a devastating impact on the residents of Chowchilla.

The restricted water-use within the City of Chowchilla, additionally was caused by fewer functioning wells. This caused significant system wide pressure loss, and reduced delivery for domestic water use down to a trickle. Also, outdoor watering was restricted to "one-day-a-week-only" with water warnings, the water patrol, and imposed water fines.

METHODOLOGY

- Toured the Public Works Corporation Yard

- Viewed a 750,000 gallon above-ground water storage tank, which was currently under construction
- Inspected well site #14
- Observed the chlorine residual test procedure
- Visited sample site #14
- Interviewed water division employees
- Studied the 2013-2017 monthly, and quarterly well reports, and the annual report to the Drinking Water Program filed with the State of CA Water Resource Board
- Surveyed water system maps indicating well and sample site locations
- Reviewed the monthly well logs between 2013-2017, which showed the same results

DISCUSSION

Currently, the City of Chowchilla owns seven domestic water wells; five of which are operational. The Water Division personal do not have a Standard Operating Procedure (SOP), knowledge, or field experience. This contributes to well maintenance failures. There are no established and consistent testing, security, or maintenance procedures in place. Employees indicated that when they were hired, they did not have any type of formal training of the procedures. According to the Safe Water Drinking Act, only trained, certified operators, or persons trained by a certified operator are permitted to sample collections or test samples. Employees reported that they were shown how to test samples by other employees currently performing the job.

The MCGJ interviewed the City of Chowchilla Public Works director, and was provided testimony and documents regarding the wells. After the interview, the MCGJ reviewed the provided documents and observed that testing logs indicated that chlorine residual tests were at a level of 0.3ppm every day for the past several years. This is statistically impossible. Chlorine levels vary depending upon well depths, ambient temperature, and flow. This false representation of the integrity of the chlorine residual tests can result in a public safety hazard.

While at the Corporation Yard, the MCGJ requested to observe a chlorine residual test. City staff suggested to observe the test at well #14. Upon arrival at the site, the MCGJ observed that none of the employees present were prepared with a chlorine residual test kit. Prior to this visit, the MCGJ was told, during interviews, that all of the service trucks are equipped with a chlorine residual testing kit. While at well #14, the staff discovered that only one of the three trucks present that day had a chlorine residual test kit. This was confusing, as it was reported this is a required daily test, which is part of their job duties. These chlorine residual test kits are simple and readily available. Despite claims of each vehicle carrying chlorine residual testing kits, the operators were not prepared to conduct the chlorine residual test.

The MCGJ witnessed the chlorine residual testing of the sample site at well #14. The sample valve was leaking, dirty, and the line was not flushed prior to the start of testing. Operators use a reagent, which is included in the test kit and is a chemical used during the test, which reacts with the chlorine to give the results of the chlorine residual test. During testing, the operator poured out half of the sample and refilled the test vial from the sample valve, forcing the results to a 0.3 ppm reading. Adding more water diluted the sample and changed the outcome. If the test had not

been diluted, the result of chlorine would have been higher. This dilution placed the results within the range of 0.2 ppm to 4.0 ppm as required by the State's Safe Drinking Water Act.

Security for the water system should include the following: locked perimeter fencing, locked doors to pump houses where applicable, and locked test sites. Wells which are not housed are only secured by perimeter fencing. Another security risk concerns the sample sites. These sites can easily be secured with simple padlocks, but are not. Boxes are designed with a ring to accommodate a lock.

During the investigation by the MCGJ, only one box was secured with a rusted lock. Additionally, MCGJ observed one site's equipment door was open, not locked, or secured. Since October's high temperatures could damage the pump motor and motor control center, staff cited a non-functioning air conditioner as one of the reasons for an opened door. The Grand Jury returned on March 4, 2019, when temperatures were significantly less intense, the door was again open and no staff was on site. The lack of proper training, policy, procedures, and security practices were viewed at multiple well and sample sites. These issues pose an unacceptable safety risk to public health. This is a liability for the City.

The MCGJ received information from the City of Chowchilla, through its Policy and Procedure manual, how operators are required to exercise and maintain valves. This information was accompanied by an individual valve condition report form and a cumulative records form. The MCGJ also received the Annual Water report filed with the State of California Water Board.

The purpose of exercising a valve is to make sure that valves can fully open and fully close for proper operation. The number of rotations is recorded to determine and document the conditions of the valve. A portion of *The Large Water Systems' Annual report to the Drinking Water Program (Annual Water Report)* is indicated in the table below. During a three-year period, from 2013-2015, no valves were exercised. In 2016, one-third of the valves intended to be exercised were reported as exercised. In 2017, after lowering the number of intended valves to be exercised by more than 50 percent less than the prior year, only 80 valves were reported as having been exercised. This means that by lowering the number of intended valves to be exercised, they still did not complete the program:

Valve Exercise Program **Intended** **Actual**

Year Ending in December	Total Number in System	Frequency of Valve Exercising-Intended	Number of Actual Valves Exercised
2013	930	20 a month/240 per yr.	0
2014	930	20 a month/240 per yr.	0
2015	930	20 a month/240 per yr.	0
2016	930	15 a month/180 per yr.	60
2017	930	7 a month/84 per yr.	80

A two page document, known as the "Valve Record Sheet," was provided to the MCGJ and is the current recording document to be used by operators. The purpose of this sheet is to record information of individual valves throughout the City. Page two of the Valve Record Sheet is a

cumulative record of multiple valves exercised by individual operators and used to record the results. The Valve Record Sheet is used to compile the *Annual Water Report.* An incomplete and inaccurate report was given to the MCGJ. The MCGJ originally requested supporting documentation used to populate the cells in the *Annual Water Report* in January 2019. The information was not received until April 2, 2019. When this information was received, it was incomplete and inaccurate. Based on the original form identified as "Valve Record Sheet" in the Policy and Procedure manual, the form received by the MCGJ did not look like the original form. There were omissions in the recording year, the number of valve rotations were missing, and there was no operator identification. Operators are required to be certified in order to complete the exercise, and the information recorded on this the form is what is used to compile the *Annual Water Report*, and for maintenance management. These omissions and inaccuracies will misrepresent what is actually happening within this agency, and will be reflected as misrepresentation in the *Annual Water Report* to the California State Water Resources Board.

In addition, the MCGJ interviewed water department staff members who expressed no knowledge or familiarity with valve reporting forms and procedure. Only one certified operator knew about the valve exercise program. This same operator admitted avoiding dealing with old valves because the valves could become damaged by being exercised. This same certified operator admitted to not exercising any valves during the prior 18 months. The other operators and supervisor lacked knowledge about the program.

At well site #14, there was a line (pipe) from the well that flows into drains. The only purpose of this line is to flush the well. This line does not touch anything because there has to be an air gap between the flush line and the contents of the drain. This air gap prevents the flush line from siphoning the contaminants from the drain into an off line well. The purpose of the air gap is to prevent contamination of the aquifer.

At well site #14, the MCGJ found maintenance of operational equipment failing. The support bracket, which holds the flush line in place, was broken. The broken bracket caused the line to drop six inches below the drain opening, thus losing the air gap and potentially contaminating the water supply system including the aquifer. Furthermore, no evidence of labeling of equipment was found at the viewed well site. Labeling is important because it identifies to the operator the purpose of the equipment. Two operators at site #14 were not aware of the function of the line, which had fallen into the drain.

The MCGJ looked into customer complaints and the policies and procedures for responding to customer complaints by the City operators. Customer complaints generate a work order. Once a work order has been generated, operators are not leaving documentation with the customer that they have addressed the issue. Customers should know the complaint was addressed, and who replied to the problem.

The MCGJ found no guidelines in the Policy and Procedures manual instructing operators to not enter homes and give advice. The MCGJ was told that operators responding to customer complaints try to go above and beyond their duties. Operators have documented responding to customers by entering homes and providing advice for homeowners. Because entering a home and offering customer service is beyond the scope of the operator's training, they should not be providing advice to homeowners. Beyond the curbside meter, the responsibility lies with the homeowner. As a courtesy, pressure is checked at the homeowner's hose bib. Touching or working on customer's fixtures carry a liability for the City.

FINDINGS

F1. The MCGJ finds there are no established and consistent testing, security, or maintenance procedures in place.

F2. The MCGJ reports the chlorine residual tests results filed with the state of California Water Resource Board were at a level of 0.3 ppm every day, for four years.

F3. The MCGJ observed chlorine residual testing kits are not readily available in each vehicle for daily testing.

F4. The MCGJ found the chlorine residual testing at sample site #14 was leaking, dirty, and not secured.

F5. The MCGJ observed during the chlorine testing procedure, the outcome was forced to produce the consistent 0.3 ppm test result.

F6. The MCGJ observed the equipment door was open, not locked or secured at well site #14.

F7. The MCGJ observed sample test site #14 was not secured despite a designated mesh ring feature to accommodate a lock.

F8. The MCGJ found from 2013-2017, the valve exercise program was not completed on a regular basis.

F9. The MCGJ found the supporting documentation used to populate the state of California Water Resource Board report was incomplete and inaccurate including omissions of the year, number of valve rotations, and the operator's identification.

F10. The MCGJ found the flush line bracket leading to the catch basin at well site #14 was damaged, thus eliminating the existence of an air gap deemed necessary to prevent water supply system contamination.

F11. The MCGJ found no labeling of water supply or drain lines to equipment at well site #14.

F12. The City of Chowchilla's Personnel Rules and Regulations as well as the Public Works Policy and Procedure Manual do not provide direction for employees dealing with water related complaints and entering private dwellings.

RECOMMENDATIONS

R1. The MCGJ recommends that, by September 1, 2019, the Public Works Director implement testing, security, and maintenance procedures and training be established, practiced, and documented consistent with regulatory standards.

R2. The MCGJ recommends that, by September 1, 2019, the Public Works Director implement a procedure, which accurately tests and records the daily outcome of chlorine residual tests at each sample site.

R3. The MCGJ recommends that, by September 1, 2019, the Public Works Director be responsible for providing each vehicle and well site with a chlorine residual testing kit.

R4. The MCGJ recommends that, by September1, 2019, the Public Works Director will assure all well and sample sites are clean, repaired, and secure.

R5. The MCGJ recommends the Public Works Director immediately adopt and implement a Standard Operating Procedure for chlorine residual testing.

R6. The MCGJ recommends the Public Works Director immediately secure all equipment room doors at all well sites where applicable.

R7. The MCGJ recommends the Public Works Director immediately secure all sample sites to eliminate any opportunities for tampering or intrusion of the water system throughout the City.

R8. The MCGJ recommends, by September 1, 2019, the Public Works Director implement and supervise monthly goals for operators who are actually performing the exercise program including logs with complete and accurate records.

R9. The MCGJ recommends, by September 1, 2019, the Public Works Director implement and provide all employees with training and orientation for the adopted valve exercise form from 1999 and contained in the April 31, 2017 Public Works Policy and Procedures Manual.

R10. The MCGJ recommends the Public Works Director immediately direct staff to address the flush line support brackets at well site #14 to be repaired and secured, and inspect all other well sites with flush lines.

R11. The MCGJ recommends, by September 1, 2019, the Public Works Director implement a standard color code line identification system, including labels, on all appropriate equipment and lines at all well sites.

R12. The MCGJ recommends, by September 1, 2019, the Public Works Director develop, adopt, and implement a policy dealing with water related complaints and entering private dwellings.

REQUIRED RESPONSES

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

Director of Public Works
City of Chowchilla
130 S. Second Street
Chowchilla, CA 93610

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

INVITED RESPONSES

State Water Resources Control Board
State of California
P. O. BOX 100
Sacramento CA 95812-0100

Reports issued by the 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 Grand Jury.

Rolling Hills Water
2018-2019
Madera County Grand Jury
Final Report 1819-07

Published on: June 28, 2019

MADERA COUNTY REPORT RE: CSA 19

SUMMARY

In 2017, a private owner and resident of Rolling Hills Estates, known to the County of Madera as County Service Area 19 (CSA 19), filed a complaint to the Madera County Grand Jury (MCGJ) to investigate and provide accountability of the County of Madera's actions regarding the following issues:

Water well and water system expenses and expenditure; road maintenance and expenditures; lack of water supply requiring Rolling Hills to be under water restriction; lack of production from wells drilled subsequent to the 2008 CSA 19 agreement with the County of Madera; high levels of arsenic as production declines; and accounting irregularities in public documents from expenses listed for CSA 19.

Based on the complaint, the MCGJ undertook the responsibility to provide the residents of CSA 19 with an understanding of the financing and expenses related to water wells and other County-provided services between 2005-2016.

During the time the MCGJ was investigating these issues, the residents of Rolling Hills voted to change the water system provider from the County of Madera to Bakman Water. The conversion to Bakman was consummated on March 1, 2019.

BACKGROUND

The property owners and residents of the Rolling Hills Estates (CSA 19) have, in the past few years, experienced a County of Madera imposed water restriction. That is not what the property owners expected for their typical ¾-acre lots. Subsequent to the original 1976 beginnings of Rolling Hills Estates, water has become scarcer, wells have failed, and production has dropped. As a result, the residents entered into an agreement with the County of Madera in 2008 for roughly $3,410,677, to drill new wells, add a storage tank, and other items to improve their water system availability and condition. The majority of property owners believe the County of Madera has failed to accomplish what was promised in good faith.

METHODOLOGY:

The Madera County Grand Jury:

- Interviewed the individual who had filed the complaint regarding the County of Madera's handling of water, and water-well issues, which have resulted in a charge of mismanagement by this complainant.
- Interviewed County of Madera officials, directors and staff managers, with past and present knowledge of the County of Madera activity with CSA 19.
- Reviewed and studied the County of Madera audited budget and expenditure documents for 2005-2017.
- Interviewed local owners and residents of the CSA 19 district.

- Reviewed information regarding the formation of legal agreements between the County of Madera and the subdivision identified as Rolling Hills/CSA 19.
- Reviewed well logs and test results from active wells.
- Reviewed and examined Aegis Groundwater Consulting reports dated April 29, 2016 and June 20, 2016.
- Visited the neighborhood in question to assess complainant's description of conditions.

DISCUSSION

In the 1970's, property owners of Rolling Hills entered into an agreement with the County of Madera to form County Service Area (CSA 19) for the purpose of operating and managing the water wells, water distribution system, and road maintenance.

Currently, the homeowners of Rolling Hills Estates are represented by a Board consisting of five board members elected by the property owners in that area. The Rolling Hills Board is responsible for informing its residents of the inter-actions with the County of Madera regarding the special district. During the years in question, from 2006 to 2019, the CSA 19 Board changed members, and had periods of time with less than five members.

The District 1 Supervisor, whose district includes CSA 19, along with County staff, held several meetings with Rolling Hills residents locally and primarily at Children's Hospital Conference Room. These meetings have taken place at least annually since 2008.

These meetings were held to give the County of Madera and the Rolling Hills Property Owners Association (RHPOA), and the residents an opportunity to share concerns and plans for the water system. Much of the concerns dealt with water availability, usage restrictions and finances related to water. At these meetings, typically the communication between these parties was contentious and hostile. As a result, the residents stated they lost trust in County of Madera's competency to properly manage the water system. The residents interviewed complained the communications with the County of Madera were insufficient and unsatisfactory.

The MCGJ began studying the finances, and expenses of CSA 19 water wells and other county provided services between 2005 and 2016, in an effort to answer the questions raised in the complaint. During this process, the MCGJ learned the County of Madera, Public Works Department (PWD), is responsible for the management of all of the County of Madera County Special Areas (CSAs) and Special Districts (SDs).

To answer the salient questions in the complaint, the MCGJ interviewed numerous individuals in the PWD. The MCGJ learned two significant facts.

First, in the past, money paid by the residents of CSA 19 to the County of Madera, in the form of assessments and water fees, was exceeded by the expenses for these named services. By 2012, expenses had accrued to $83,493.28 in excess of the revenue.

Currently, the accounting system handles this condition for the special district losses as a "Cash Flow Loan," which must be paid back at some point. A cash flow loan from the General Fund was used to supplement the shortfall of revenues received from CSA 19. It is important to note that Special Districts must stand alone financially and separate from Madera County as a whole.

Second, during that time and until 2016 these expenses were tracked in a "side-book spread sheet" as a method to track the debt accruing to CSA 19. This Excel spreadsheet was used until a more modern accounting system was implemented to track expenses integral with the CSA 19 financial records.

Additionally, the complaint raised the issue of audits of the accounting of CSA 19. The bookkeeping maintenance and accounting service performed by the County of Madera, tracking all expenses and paying invoices for CSA 19, are recorded on a month-by-month basis and charged as expenses to CSA 19. Since 2015, a full outside vendor audit was done. Prior to that time, only a certified audit was completed as needed. Every year the County of Madera has reviewed the accounts within the Auditing Department, but only since 2015 have outside-certified audits been added routinely to each CSA.

Reviewing the financial records for CSA 19, the MCGJ found no improprieties, nor any accounting anomalies in the records. All of these financial records are available to the public to view at the PWD. There are individuals in the PWD who are available to meet with the public and/or individuals to discuss these issues.

The MCGJ also learned substantial information related to the processes and maintenance of the existing wells in Rolling Hills. This information includes equipment purchased, vendor expenses, problems encountered with well #2 and well #3, and expenses associated with necessary remedial work done by the County and contractors. All of this information is public information and is available for the public to view at the PWD offices.

FINDINGS

F1. The MCGJ's examination of the County accounts and reports failed to disclose any malfeasance or negligence by the County of Madera.

F2. The MCGJ found a lack of good communication between County of Madera and the residents of Rolling Hills, which resulted in misunderstanding and frustration on both sides.

RECOMMENDATIONS

R.1 The MCGJ recommends that the County of Madera continue to use appropriate accounting practices and policies consistent with national accounting standards for all County Service Areas managed by the County.

R.2 The MCGJ recommends the County of Madera communicate in writing or meeting in person with County Service Areas and Special Districts to provide the financial health of those entities to them on an annual basis.

REQUIRED RESPONSES

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

Supervisor District 1
County of Madera
200 W. 4th St., Madera, CA 93637

Chief Administrative Officer,
County of Madera
200 W. 4th St., Madera, CA93637

Reports issued by the 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 Grand Jury.

DISCLAIMER

This report was issued by the Grand Jury with the exception of two jurors who had current knowledge of the residential area in this report. These Grand Jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Madera County Grand Jury

Responses to 2017-2018 Reports

Received after publication of Final Report Book

ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
BRETT FRAZIER
District 1
DAVID ROGERS
District 2
ROBERT POYTHRESS
District 3
MAX RODRIGUEZ
District 4
TOM WHEELER
District 5

July 24, 2018

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

Subject: **Response to the 2017-18 Grand Jury Report entitled "Madera County Code Enforcement Takes Action."**

Honorable Judge Blea:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2017-18 Madera County Grand Jury report entitled "**Madera County Code Enforcement Takes Action**." See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:
The Code Enforcement team is dedicated and hardworking

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

Finding 2:
Current Code Enforcement staffing does not allow sufficient time for investigations beyond those which are complaint-driven, and many potential code violations are not investigated.

Response
Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). "Complaint-driven" investigations are a matter of department policy. Investigations are initiated only in response to a complaint or in conjunction with another department unless there is a health or safety issue.

Finding 3:
Assistance with clerical tasks, including collecting and monitoring penalty payments, would provide Code Enforcement officers with more time for enforcement activities.

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

Finding 4:
The selection of hearing officers for Code Enforcement administrative hearings does not comply with Madera County Code Sec. 8.01.090 – Hearing officer.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

> *"The Community and Economic Development Planning Division has had an agreement with current Administrative Hearing Officer for his services for numerous years. Madera County Code § 8.01.090 does not require that the agreement be of any particular degree of formality, or that it contain any specific terms."*

The response of the Director of Community and Economic Development to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 5:
There has been inconsistency in administrative hearing findings where similar sets of facts exist.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

> *"The Administrative Hearing Officer's findings are regularly consistent among cases with similar facts. The Grand Jury's Report posits a single example of two cases, both in which the absentee property owners claimed to have no knowledge of illegal marijuana cultivation on the property, yet the fines were upheld in one case and not the other. The example posited omits any facts as to what, if any, efforts the respective property owners made to periodically inspect the property, to check the background of potential lessees before leasing, or take any other reasonable measure to ensure illegal activities are not occurring on the property.*
>
> *Where such measures have been taken by absentee property owners, the Administrative Hearing Officer's decisions consistently find that the property owners took all reasonable efforts available to comply with the County Code, and should therefore not be held liable for his/her tenant's violations. Where the property owner has failed to inspect the property for months or years (as is often the case) and has taken no other measures to ensure unlawful activity is not occurring on the property, the Hearing Officer's decisions consistently uphold the fines against the property owner."*

The response of the Director of Community and Economic Development to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 6:
There has been inconsistency in the adjustments of fines and administration of penalty payments.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

> *"Respondent disagrees with the finding. The Grand Jury's Report contains no facts or examples indicating inconsistent adjustment of fines or penalties. To the contrary, the Report itself indicates that when a fine is adjusted, it is usually reduced to ten percent (10%) of the total potential liability amount."*

The response of the Director of Community and Economic Development to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 1:
The BoS authorize and budget for additional Code Enforcement Officer positions in the 2018-19 fiscal year.

Response
The recommendation has been implemented. Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

> *"The 2018/19 budget includes 3 full time Code Enforcement Officers and 1 full time Supervising Code Enforcement Officer. Additionally, there is a full time extra help Code Enforcement Officer. In the 2017/18 fiscal year the extra help Code Enforcement Officer position was only filled part time. A full time extra help staff member will also be utilized for clerical tasks which will allow the Code Enforcement Officers to dedicate more time code violations and enforcement activities."*

The response of the Director of Community and Economic Development to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 2:
Code Enforcement Officers be provided with clerical assistance beginning with the 2018-19 fiscal year.

Response
The recommendation has been implemented. The recently adopted 2018-19 budget includes an extra help staff position to provide clerical support to the Code Enforcement Officers.

Recommendation 3:
The Director of Community and Economic Development immediately comply with Madera County Code Sec. 8.01.090

Response
The recommendation requires further analysis. Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

> *"CED believes that it is currently in compliance with Madera County Code §8.01.090. However, the Director of CED, in consultation with County Counsel's office, is currently*

reviewing the Division's administrative hearing procedures, and based on that analysis will determine what, if any, changes to staffing of the Administrative Hearing Officer position need to be made."

The response of the Director of Community and Economic Development to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 4:
By September 1, 2018, CED shall develop written policies and procedures for the assessment and payment of fines for administrative citations.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Community and Economic Development has responded to this finding and stated:

"The Community and Economic Development Planning Division is currently in the process of reviewing our written policies to determine if guidelines for penalty payment adjustments and time payment plans are appropriate and necessary. This review and any necessary updates are expected to be completed by September 1, 2018."

The response of the Director of Community and Economic Development to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

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,

Tom Wheeler
Chairman of the Board of Supervisors

Community and Economic Development

Matthew Treber
Director

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June 28, 2018

Presiding Judge, Madera County Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2017/18 Grand Jury Report entitled "Madera County Code Enforcement Takes Action".

Dear Honorable Presiding Judge:

Pursuant to the California Penal Code 933.05, this letter addresses the findings and recommendations in above-referenced report which address subjects under control of the Madera County Community and Economic Development Planning Division.

The following are the Grand Jury's findings and recommendations and the Community and Economic Development Planning Division responses:

FINDINGS:

Finding 1:
The Code Enforcement team is dedicated and hardworking.

Response:
Respondent agrees with the finding.

Finding 2:
Current Code Enforcement staffing does not allow sufficient time for investigations beyond those which are complaint-driven, and many potential code violations are not investigated.

Response:
It has been a department policy to initiate an investigation in response to a citizen complaint or in conjunction with another department unless there is a health or safety issue.

Finding 3:
Assistance with clerical tasks, including collecting and monitoring penalty payments, would provide CE officers with more time for enforcement activities.

Response:

Extra help staff has been approved in the 2018/19 budget to assist with clerical tasks, including collecting and monitoring penalty payments.

Finding 4:
The selection of hearing officers for CE administrative hearings does not comply with Madera County Code §8.01.090-Hearing Officer.

Response:
Respondent disagrees with the finding. The Community and Economic Development Planning Division has had an agreement with current Administrative Hearing Officer for his services for numerous years. Madera County Code § 8.01.090 does not require that the agreement be of any particular degree of formality, or that it contain any specific terms.

Finding 5:
There has been inconsistency in administrative hearing findings where similar sets of facts exist.

Response:
Respondent disagrees with the finding. The Administrative Hearing Officer's findings are regularly consistent among cases with similar facts. The Grand Jury's Report posits a single example of two cases, both in which the absentee property owners claimed to have no knowledge of illegal marijuana cultivation on the property, yet the fines were upheld in one case and not the other. The example posited omits any facts as to what, if any, efforts the respective property owners made to periodically inspect the property, to check the background of potential lessees before leasing, or take any other reasonable measure to ensure illegal activities are not occurring on the property.

Where such measures have been taken by absentee property owners, the Administrative Hearing Officer's decisions consistently find that the property owners took all reasonable efforts available to comply with the County Code, and should therefore not be held liable for his/her tenant's violations. Where the property owner has failed to inspect the property for months or years (as is often the case) and has taken no other measures to ensure unlawful activity is not occurring on the property, the Hearing Officer's decisions consistently uphold the fines against the property owner.

Finding 6:
There has been inconsistency in the adjustments of fines and administration of penalty payments.

Response:
Respondent disagrees with the finding. The Grand Jury's Report contains no facts or examples indicating inconsistent adjustment of fines or penalties. To the contrary, the Report itself indicates that when a fine is adjusted, it is usually reduced to ten percent (10%) of the total potential liability amount.

REMOMMNEDATIONS:

Recommendation 1:
The BOS authorize and budget for additional Code Enforcement Officer Positions in the 2018/19 fiscal year.

Response:
The 2018/19 budget includes 3 full time Code Enforcement Officers and 1 full time Supervising Code Enforcement Officer. Additionally, there is a full time extra help Code Enforcement Officer. In the 2017/18 fiscal year the extra help Code Enforcement Officer position was only filled part time. A full time extra help staff member will also be utilized for clerical tasks which will allow the Code Enforcement Officers to dedicate more time code violations and enforcement activities.

Recommendation 2:
Code Enforcement Officers be provided with clerical assistance beginning with the 2018/19 fiscal year.

Response:
The 2018/19 budget includes an extra help staff position to provide clerical support to the Code Enforcement Officers.

Recommendation 3:
The Director of CED immediately comply with Madera County Code §8.01.090 – Hearing officer.

Response:
CED believes that it is currently in compliance with Madera County Code §8.01.090. However, the Director of CED, in consultation with County Counsel's office, is currently reviewing the Division's administrative hearing procedures, and based on that analysis will determine what, if any, changes to staffing of the Administrative Hearing Officer position need to be made.

Recommendation 4:
By September 1, 2018, CED shall develop written policies and procedures for the assessment and payment of fines for administrative citations.

Response:
The Community and Economic Development Planning Division is currently in the process of reviewing our written policies to determine if guidelines for penalty payment adjustments and time payment plans are appropriate and necessary. This review and any necessary updates are expected to be completed by September 1, 2018.

I appreciate the opportunity to respond to the findings and recommendations of the Grand Jury and acknowledge their effort and time spend on this matter.

Sincerely,

Matthew Treber
Director of Community and Economic Development

Cc: County Counsel
Board of Supervisors

ADMINISTRATIVE OFFICE
County Administrative Officer
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200 West 4th Street
Madera, CA 93637

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BRETT FRAZIER
District 1
DAVID ROGERS
District 2
ROBERT POYTHRESS
District 3
MAX RODRIGUEZ
District 4
TOM WHEELER
District 5

July 24, 2018

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

Subject: **Response to the 2017-18 Grand Jury Report entitled "Madera County Roads: Has "Doing More With Less" Run its Course?"**

Honorable Judge Blea:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2017-18 Madera County Grand Jury report entitled ""**Madera County Roads: Has "Doing More With Less" Run its Course?**"" See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:
Because there is no instruction manual outlining the service request system, the system users are not properly trained.

Response
Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

> *"While there is no published formal instruction manual, individual users have been provided written instructions. All users are inputting information into the system correctly and obtain the appropriate information from callers. Since the Administration Department has recently started using the system Countywide in conjunction with the 311 program, there is the opportunity to create a user manual for all types of service calls, not just road related."*

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 2:
Because there are no regular internal audits and no system for alerting PWD of service requests that remain open after two weeks, the processing of service requests is inconsistent.

Response
Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

> *"Clerical staff pull a report weekly of all service requests that have been open longer than two weeks. This list is sent to the Deputy Director, who in turn sends them to the road supervisors. It is accurate to state the software has no mechanism to flag a request that has been open more than two weeks, but inaccurate to state there are no regular internal audits of the system."*

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 3:
Because there are no written instructions for PWD staff to request contact information, complainants often receive no follow-up on their request for service.

Response
Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

> *"There is no widely shared instruction manual, but individual users have written instructions. All clerical staff asks for contact information from callers. Most times, callers do not want to share their contact information and would prefer to remain anonymous. An email address is usually asked for since the system can send automatic communication when the status of the request has changed. Clerical staff commonly hears from callers that they do not want to give their email address because they do not want "spam" mail from the County or they do not have an email address."*

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 4:
PWD does not adequately promote the service request system to the public.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"The Service Request system (GORequest) utilized by Public Works Department has been promoted through outreach at public meetings, on the Public Works website, and through Social Media. All Department staff has also been informed of the system so that they can share this with the public when the need/opportunity arises. The County Administration recently adopted the use of the system Countywide and it has been re-branded as MadCoServices and is now tied to the County's 311 program. The promoting of this service has also been expanded beyond just the Public Works Department with its use Countywide, including promoting by the recently formed Public Information Team (P.I.T.) PWD staff utilizes every opportunity to publically promote all the ways a service request could be inputted into our system. PWD will continue this practice."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 5:
The five road crews are not staffed proportionately to their district's workload.

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

Finding 6:
Road crew morale is low.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"Respondent is not aware of, nor does the Grand Jury offer any facts in support of this."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 7:
Because PWD lacks a written policy and procedures manual for road repairs, road repair standards are inconsistent.

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

Finding 8:
Because PWD does not ensure that every road maintenance worker has been formally trained for every type of job to which they might be assigned, job performance

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"Training is the responsibility of the road crew supervisor and varies crew to crew based on which tasks they might assign their staff. Each road crew supervisor has worked their way up through the ranks over their career and is familiar with the required maintenance activities and operation of equipment. They direct their staff daily to perform the tasks at hand and have weekly meetings with their crew."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 9:
Road maintenance workers do not receive proper and adequate safety training.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"Each staff member has been provided the Department's Safety Manual and Heat Illness Prevention Program. In addition, each crew has a weekly tailgate safety meeting, and all new hires receive flagging training. It has been noted that not all crews are familiar with proper temporary traffic control despite having the adopted standard field guide available to each of them (Work Area Traffic Control Handbook adopted by American Public Works Association). The Department has scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 10:
Written temporary traffic control plans and procedures per Caltrans guidelines are not utilized consistently.

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

Finding 11:
Because PWD does not oversee or review the written temporary traffic control plan for every job before it is started, safety is compromised.

Response
Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"While there is no separate written temporary traffic control plan for each and every job, each crew has the APWA field guide Work Area Traffic Control Handbook which is the adopted standard throughout the industry, and the crew supervisor is to ensure the proper setup of the temporary traffic control. The Department has also scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 12:
Because road crew trucks lack sufficient safety lights and beacons, safety is compromised.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"All road crew fleet have aftermarket flashing beacons installed to increase visibility."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 13:
Monthly meetings between Deputy Director and road maintenance supervisors are ineffective.

Response
Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Public Works has responded to this finding and stated:

"Respondent is not aware of, nor does the Grand Jury offer any facts in support of this. Monthly meetings were non-existent under previous administration. These meetings began 3 months ago with the intent to increase communication, eliminate equipment scheduling conflicts between crews and operate more efficiently. Since implementing these meetings; communication on all levels has increased, and there have been less equipment scheduling conflicts between crews."

The response of the Director of Public Works to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 1:
PWD develop an internal office policy and procedures manual within the next year.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"The Department is currently in the process of implementing this recommendation by creating a procedure manual."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 2:
Office staff immediately receive formalized training for their service request job responsibilities.

Response
The recommendation will not be implemented because it is not warranted. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"Clerical staff has received training and with the transition to the Countywide use of the MadCoServices app, we will be working to develop an updated procedures manual in conjunction with County Administration that will be provided to staff once completed."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 3:
Office staff request the name, address, telephone number and email for every person who generates a service request immediately.

Response
The recommendation has been implemented.

Recommendation 4:
PWD promote ways an individual can report a complaint by placing the PWD phone number, website and GORequest phone app information on every road crew truck within 90 days.

Response
The recommendation will not be implemented because it is not warranted. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"Every County vehicle already contains the 311 decals. The County also promotes the GORequest phone app through its website, social media, public meetings, correspondence, etc. Permanent 311 road signs are also located on major arterials throughout the County."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 5:
PWD develop its own road maintenance job policy and procedures manual within the next year.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"The Department is currently in the process of implementing this recommendation by adopting the Caltrans Maintenance Manual."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 6:
PWD develop its own road maintenance safety policy and procedures manual immediately.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"The Department is in the process of implementing this recommendation by adopting the Caltrans Maintenance Manual which includes Protection of Workers. This is in addition the County's Safety Manual and Heat Illness & Prevention Program."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 7:
PWD provide certified training for all road maintenance supervisors and senior road maintenance workers in order to train their crews on the operation of road maintenance equipment within six months.

Response
The recommendation will not be implemented because it is not warranted. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"All road maintenance supervisors and senior road maintenance workers promoted from equipment operator. They have extensive knowledge and have operated all road maintenance equipment assigned to them. Periodically, there is additional specialized training or training for new equipment we purchase or rent. However, this type of training is conducted only when applicable."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 8:
PWD require all road crew workers be trained by certified trainers within 12 months for every type of job to which they might be assigned.

Response
The recommendation requires further analysis. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

"Road crew workers are manual labor type positions that trench, weed-eat, pick up trash, flag, etc. All road crew workers will be trained by certified trainers for flagging

and temporary traffic control, etc. However, certified training for manual labor is not applicable."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 9:
Safety training immediately be updated and provided in formats which can be utilized at tailgates and in shop office settings.

Response
This recommendation has been implemented.

Recommendation 10:
Effective immediately, temporary traffic controls properly follow the California Manual on Uniform Traffic Control Devices until the PWD develops its own manual.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

> *"The Department has scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."*

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 11:
Effective immediately, PWD designate an individual in a managerial position to review and approve all Temporary Traffic Control plans before each job is started.

Response
The recommendation will not be implemented because it is not reasonable. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

> *"Some jobs are emergency response based. Crews cover separate geographic areas and operate from satellite facilities. They do not have access to software to design Temporary Traffic Control Plans for each job before it is started and wait for someone in a managerial position to review and approve. As such, all agencies practice the adopted standards of the Work Area Traffic Control Handbook which is readily available. The Department has also scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."*

and temporary traffic control, etc. However, certified training for manual labor is not applicable."

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 9:
Safety training immediately be updated and provided in formats which can be utilized at tailgates and in shop office settings.

Response
This recommendation has been implemented.

Recommendation 10:
Effective immediately, temporary traffic controls properly follow the California Manual on Uniform Traffic Control Devices until the PWD develops its own manual.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

> *"The Department has scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."*

The response of the Director of Public Works to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 11:
Effective immediately, PWD designate an individual in a managerial position to review and approve all Temporary Traffic Control plans before each job is started.

Response
The recommendation will not be implemented because it is not reasonable. Under separate cover, the Director of Public Works has responded to this recommendation and stated:

> *"Some jobs are emergency response based. Crews cover separate geographic areas and operate from satellite facilities. They do not have access to software to design Temporary Traffic Control Plans for each job before it is started and wait for someone in a managerial position to review and approve. As such, all agencies practice the adopted standards of the Work Area Traffic Control Handbook which is readily available. The Department has also scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel."*

Recommendation 16:
PWD increase and update the safety lights and beacons on road repair vehicles, effective immediately.

Response
This recommendation has been implemented.

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,

Tom Wheeler
Chairman of the Board of Supervisors

COUNTY OF MADERA
PUBLIC WORKS DEPARTMENT

AHMAD M. ALKHAYYAT
DIRECTOR

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May 25, 2018

Judge Dale Blea
Supervising Judge of the Grand Jury
Madera Superior Court
200 South G Street
Madera, CA 93637

Madera County Grand Jury
PO Box 534
Madera, CA 93639

Re: Response to the Findings of the 2017-2018 Madera County Grand Jury Final Report Entitled "Madera County Roads: Has "Doing More With Less" Run Its Course?"

The Public Works Department (PWD) has compiled its responses to your 2017-2018 Madera County Grand Jury Final Report entitled "Madera County Roads: Has "Doing More With Less" Run Its Course?" dated April 30, 2018. The PWD would like to address some of the statements mentioned in the Title, Summary and Discussion of the report before I address the Findings.

The previous Road Department and the current PWD has gone through many changes since the 2008 recession where a large number of employees were laid off Countywide and since that time, all departments have worked hard to evaluate themselves to maximize efficiency. To be efficient, all the specific roles and responsibilities of staff have been looked at closer to make sure that the full scope of responsibility is being achieved and utilized so we can maximize the benefits to the residents of Madera with our limited Public Funds.

"Doing more with less" is not our Department's policy but it may have been perceived as such because our goal is efficiently excellent service and our Highway User Tax Act (HUTA) fund has been minimized by %25 annually in the past 4 or so years. We are the custodians of public funds and we are ALL expected to perform our duties within our budget and abilities. Never has management in the past 2 years requested any employee to do more than what they are being compensated for. All employee rights and rules are observed at all times.

One of my goals as director of the PWD is to make sure that all employees enjoy their employment property and benefits within the Civil Service and County guidelines.

Furthermore, in the Discussion section I would like to correct a huge error by the GJ in estimating the budget for the maintenance of our roads to be $17,000,000. This budget includes all capital improvement projects, operations, maintenance, and employee salaries and benefits.

Another error in estimation is the cost of our Pavement Management System (PMS). In the GJ Report it is stated that the PWD has been obligated to purchase a $1-2 million PMS where the actual cost is $280,000.

I appreciate all the effort the Grand Jury Team has put into this report and if you have any questions about our responses please contact me.

Respectfully,

Ahmad M. Alkhayyat, PE, MBA

Public Works Director

RESPONSES TO FINDINGS IN REPORT:

F1. Because there is no instruction manual outlining the service request system, the system users are not properly trained.

Response: *The respondent partially agrees with the finding. While there is no published formal instruction manual, individual users have been provided written instructions. All users are inputting information into the system correctly and obtain the appropriate information from callers. Since the Administration Department has recently started using the system Countywide in conjunction with the 311 program, there is the opportunity to create a user manual for all types of service calls, not just road related.*

F2. Because there are no regular internal audits and no system for alerting PWD of service requests that remain open after two weeks, the processing of service requests is inconsistent.

Response: *The respondent partially agrees with the finding. Clerical staff pull a report weekly of all service requests that have been open longer than two weeks. This list is sent to the Deputy Director, who in turn sends them to the road supervisors. It is accurate to state the software has no mechanism to flag a request that has been open more than two weeks, but inaccurate to state there are no regular internal audits of the system.*

F3. Because there are no written instructions for PWD staff to request contact information, complainants often receive no follow-up on their request for service.

Response: *The respondent partially disagrees with the finding. There is no widely shared instruction manual, but individual users have written instructions. All clerical staff asks for contact information from callers. Most times, callers do not want to share their contact information and would prefer to remain anonymous. An email address is usually asked for since the system can send automatic communication when the status of the request has changed. Clerical staff commonly hears from callers that they do not want to give their email address because they do not want "spam" mail from the County or they do not have an email address.*

F4. PWD does not adequately promote the service request system to the public.

Response: *The respondent disagrees with this finding. The Service Request system (GORequest) utilized by Public Works Department has been promoted through outreach at public meetings, on the Public Works website, and through Social Media. All Department staff has also been informed of the system so that they can share this with the public when the need/opportunity arises. The County Administration recently adopted the use of the system Countywide and it has been re-branded as MadCoServices and is now tied to the County's 311 program. The promoting of this*

service has also been expanded beyond just the Public Works Department with its use Countywide, including promoting by the recently formed Public Information Team (P.I.T.) PWD staff utilizes every opportunity to publically promote all the ways a service request could be inputted into our system. PWD will continue this practice and will always improvise as applicable.

F5. The five road crews are not staffed proportionately to their 'districts' workload.

Response: *The respondent partially agrees with the finding. The finding requires further analysis and assumption of workload. The 2017-2018 fiscal year budgets have been approved and do not include funding all authorized positions. The Work Crew was re-assigned and work load requirements have been shifted to be as efficient as possible.*

The Work Crew referenced in the report was comprised of 1 Road Supervisor and 2 Road Construction Maintenance Workers. The main duties of this crew were to pick up trash and spray shoulders throughout the County. Instead of sending them to the mountains to respond to a service request to pick up trash on a certain road, these requests would be sent to the appropriate road crew in that area. This allowed us to fill a vacant supervisor position in Crew 1 and re-assign the two workers to other crews that were short-handed.

F6. Road crew morale is low.

Response: *Respondent disagrees with finding. Respondent is not aware of, nor does the Grand Jury offer any facts in support of this.*

F7. Because PWD lacks a written policy and procedures manual for road repairs, road repair standards are inconsistent.

Response: *Respondent agrees with this finding.*

F8. Because PWD does not ensure that every road maintenance worker has been formally trained for every type of job to which they might be assigned, job performance can be adversely affected.

Response: *Respondent disagrees with this finding. Training is the responsibility of the road crew supervisor and varies crew to crew based on which tasks they might assign their staff. Each road crew supervisor has worked their way up through the ranks over their career and is familiar with the required maintenance activities and operation of equipment. They direct their staff daily to perform the tasks at hand and have weekly meetings with their crew.*

F9. Road maintenance workers do not receive proper and adequate safety training.

Response: *Respondent partially agrees with this finding. Each staff member has been provided the Department's Safety Manual and Heat Illness Prevention Program. In addition, each crew has a weekly tailgate safety meeting, and all new hires receive flagging training. It has been noted that not all crews are familiar with proper temporary traffic control despite having the adopted standard field guide available to each of them (Work Area Traffic Control Handbook adopted by American Public Works Association). The Department has scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel.*

F10. Written temporary traffic control plans and procedures per Caltrans guidelines are not utilized consistently.

Response: *Respondent agrees with this finding and has scheduled certified training for all road crews as noted in response to F9.*

F11. Because PWD does not oversee or review the written temporary traffic control plan for every job before it is started, safety is compromised.

Response: *Respondent partially agrees with this finding. While there is no separate written temporary traffic control plan for each and every job, each crew has the APWA field guide Work Area Traffic Control Handbook which is the adopted standard throughout the industry, and the crew supervisor is to ensure the proper setup of the temporary traffic control. The Department has also scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel.*

F12. Because road crew trucks lack sufficient safety lights and beacons, safety is compromised.

Response: *Respondent disagrees with this finding.* ***All*** *road crew fleet has aftermarket flashing beacons installed to increase visibility.*

F13. Monthly meetings between the Deputy Director and road maintenance supervisors are ineffective.

Response: *Respondent disagrees with this finding. Respondent is not aware of, nor does the Grand Jury offer any facts in support of this. Monthly meetings were non-existent under previous administration. These meetings began 3 months ago with the intent to increase communication, eliminate equipment scheduling conflicts between crews and operate more efficiently. Since implementing these meetings;*

communication on all levels has increased, and there have been less equipment scheduling conflicts between crews.

RESPONSES TO RECOMMENDATIONS IN REPORT:

R1. PWD develop an internal office policy and procedures manual within the next year.

Response: *The Department is currently in the process of implementing this recommendation by creating a procedure manual.*

R2. Office staff immediately receive formalized training for their service request job responsibilities.

Response: *This recommendation will not be implemented because it is not warranted. Clerical staff has received training and with the transition to the Countywide use of the MadCoServices app, we will be working to develop an updated procedures manual in conjunction with County Administration that will be provided to staff once completed.*

R3. Office staff request the name, address, telephone number and email for every person who generates a service request, effective immediately.

Response: *This recommendation is already in practice.*

R4. PWD promote ways an individual can report a complaint by placing the PWD phone number, website and GORequest phone app information on every road crew truck within 90 days.

Response: *This recommendation will not be implemented because it is not warranted. Every County vehicle already contains the 311 decals. The County also promotes the GORequest phone app through its website, social media, public meetings, correspondence, etc. Permanent 311 road signs are also located on major arterials throughout the County.*

R5. PWD develop its own road maintenance job policy and procedures manual within the next year.

Response: *The Department is currently in the process of implementing this recommendation by adopting the Caltrans Maintenance Manual.*

R6. PWD develop its own road maintenance safety policy and procedures manual immediately.

Response: *The Department is in the process of implementing this recommendation by adopting the Caltrans Maintenance Manual which includes Protection of Workers.*

This is in addition the County's Safety Manual and Heat Illness & Prevention Program.

R7. Provide certified training for all road maintenance supervisors and senior road maintenance workers in order to train their crews on the operation of road maintenance equipment within the next six months.

Response: *This recommendation will not be implemented because it is not warranted. All road maintenance supervisors and senior road maintenance workers promoted from equipment operator. They have extensive knowledge and have operated all road maintenance equipment assigned to them. Periodically, there is additional specialized training or training for new equipment we purchase or rent. However, this type of training is conducted only when applicable.*

R8. PWD require all road crew workers be trained by certified trainers within 12 months for every type of job to which they might be assigned.

Response: *This recommendation requires further analysis. Road crew workers are manual labor type positions that trench, weed-eat, pick up trash, flag, etc. All road crew workers will be trained by certified trainers for flagging and temporary traffic control, etc. However, certified training for manual labor is not applicable.*

R9. Safety training immediately be updated and provided in formats which can be utilized at tailgates and in shop office settings.

Response: *This recommendation has been implemented. The Department has provided PDFs of weekly tailgate meetings to cover all aspects of road work and construction safety. Furthermore, certified training for flagging and temporary traffic controls have been scheduled for all crews.*

R10. Effective immediately, temporary traffic controls properly follow the California Manual on Uniform Traffic Control Devices until the PWD develops its own manual.

Response: *This recommendation is in the process of being implemented. The Department has scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel.*

R11. Effective immediately, PWD designate an individual in a managerial position to review and approve all Temporary Traffic Control plans before each job is started.

Response: *This recommendation will not be implemented because it is not reasonable. Some jobs are emergency response based. Crews cover separate geographic areas and operate from satellite facilities. They do not have access to software to design*

Temporary Traffic Control Plans for each job before it is started and wait for someone in a managerial position to review and approve. As such, all agencies practice the adopted standards of the Work Area Traffic Control Handbook which is readily available. The Department has also scheduled onsite training and certification through UC Berkeley Institute of Traffic Safety for setting up proper work zones and temporary traffic control. This will include updated flagging training and certification for all road crew personnel.

R12. PWD maintain a permanent file for all approved Temporary Traffic Control Plans after each job is done, starting immediately.

Response: *This recommendation will not be implemented because it is not warranted. All Temporary Traffic Control Plans will follow adopted standards. There is no need to draw up a Temporary Traffic Control Plan for each job when adopted standards are readily available for all road classifications, easy to follow and exist in a convenient field guide.*

R13. PWD review the services needed throughout the County and assign road crew personnel as required, on an ongoing basis.

Response: *This recommendation has been implemented. While it makes most sense to assign crews to specific geographic areas to minimize travel time and be readily available for response, there are certain occasions where crews are assigned to work together to complete a specific job or task. This can include operation of equipment, flaggers, trucks, laborers, etc.*

R14. PWD promote better employee morale within road crews.

Response: *This recommendation requires further analysis. Administration has recently started monthly meetings to enhance communication at all levels. The Department is looking into updating equipment and enhanced training. The Department has also put together a voluntary bowling league outside of work hours to invite employees and their families to interact outside of the job. It's the PWD objective to have good communication throughout the Department and promote a healthy, safe and collaborative work force.*

R15. PWD and road maintenance supervisors continue monthly meetings with clearly stated objectives.

Response: *The Department agrees and will continue implementation of this recommendation.*

R16. PWD increase and update the safety lights and beacons on road repair vehicles, effective immediately.

Response: *This recommendation has already been implemented. All road repair fleet is equipped with aftermarket beacons/lights to enhance visibility.*

OFFICE OF THE SHERIFF

Madera County

Jay A Varney, Sheriff-Coroner

2725 Falcon Dr.
Madera, CA 93637
Phone: (559) 675-7770
Fax: (559) 675-8413
E-Mail: sheriff@maderacounty..com

July 9, 2018

Madera County Grand Jury
PO Box 534
Madera CA 93639

Judge Dale Blea
Supervising Judge of the Grand Jury
Madera Superior Court
200 G Street
Madera CA 93637

I have received and reviewed the 2017-2018 Madera County Grand Jury Report regarding the Madera County Narcotic Enforcement Team.

The Madera County Sheriff's Office will continue to coordinate MADNET operations in a manner that leads to the ongoing success of the task force. Task force member agencies continue to work towards fully staffing all task force agent positions.

MADNET, along with the Sheriff's Office, will continue to review funding opportunities for a fully equipped surveillance vehicle to assist with complex investigations. Finally, MADNET has already begun an audit of what evidence requires continued retention, thereby opening up some storage space.

Should you have any questions please do not hesitate to contact me.

Sincerely,

Jay Varney
Sheriff/Coroner
Madera County Sheriff's Office

ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
BRETT FRAZIER
District 1
DAVID ROGERS
District 2
ROBERT POYTHRESS
District 3
MAX RODRIGUEZ
District 4
TOM WHEELER
District 5

August 21, 2018

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

Subject: **Response to the 2017-18 Grand Jury Report entitled "Madera County Narcotic Enforcement Team."**

Honorable Judge Blea:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2017-18 Madera County Grand Jury report entitled "**Madera County Narcotic Enforcement Team**." See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:
MADNET and its participating agencies have been successful in fulfilling its mission.

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

Finding 2:
MADNET could increase its effectiveness if fully staffed per the MOU.

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

Finding 3:
The distribution of confiscated money benefits the participating agencies by partially offsetting costs.

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

Finding 4:
MADNET needs a fully equipped surveillance vehicle.

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

Finding 5:
MADNET needs a single vehicular delivery system which can hold multiple individuals for enforcement activities.

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

Finding 6:
MADNET officer's safety is compromised because undercover vehicles are identified by lawbreakers.

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

Finding 7:
MADNET has insufficient storage space for evidence.

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

Recommendation 2:
The MADNET council increase authorized staffing to minimize the borrowing of personnel, effective the next MOU.

Response
The recommendation requires further analysis. Task force member agencies will work towards fully staffing all task force agent positions and is currently reviewing funding opportunities.

Recommendation 3:
MADNET acquire a fully equipped surveillance vehicle within the next year.

Response
The recommendation requires further analysis. Task force operations and staffing are subject to limited funding. MADNET, along with the Sheriff's department, is currently seeking funding opportunities to satisfy operational needs, including the addition of a fully equipped surveillance vehicle. The department has enlisted the assistance of the County Grant Manager to assist in this effort.

Recommendation 4:
MADNET acquire a single vehicular delivery system to hold multiple team members within the next year.

Response
The recommendation requires further analysis. Task force operations and staffing are subject to limited funding. MADNET, along with the Sheriff's department, is currently seeking funding opportunities to satisfy operational needs. The department has enlisted the assistance of the County Grant Manager to assist in this effort.

Recommendation 5:
MADNET acquire additional storage for evidence within the next year.

Response
The recommendation has not yet been implemented, but will be implemented in the future. MADNET has begun an audit of what evidence requires continued retention which should result in additional storage space.

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,

Tom Wheeler
Chairman of the Board of Supervisors

37479 Avenue 12
Madera · California · 93636
Phone 559.645.3570
Fax 559.645.7144

Andrew G. Alvarado · Superintendent
aalvarado@gvusd.org

July 5, 2018

The Honorable Dale Blea, Supervising Judge
Grand Jury, Madera Superior Court
200 South G Street
Madera, CA 93638

Madera County Grand Jury
P.O. Box 534
Madera., CA 93639

Re: Golden Valley Unified School District's Response to Grand Jury Report Final Report 1718-06

Dear Judge Blea and Grand Jury:

Pursuant to California Penal Code sections 933 and 933.05, the Board of Trustees for the Golden Valley Unified High School District ("Board" or "Trustees") hereby submits this formal response to the Madera County Grand Jury Report, Final Report 1718-06 ("Report").

OVERVIEW OF DISTRICT RESPONSE

The Board of the Golden Valley Unified School District concurs in the Grand Jury's commitment to addressing issues of student safety and, in this case, issues of safety related primarily to student transportation. The Governing Board and Superintendent have duly considered the Grand Jury's findings and recommendations and offer the responses below.

We would also like to take this opportunity to point out that, while we acknowledge that it is always beneficial to receive input about ways to improve, the culture of the Governing Board and District management is continually directed to the safety of students, as well as members of staff.

Please also note that the responses to the Findings, below, are provided separately for Brian Freeman, the Governing Board President, and Kevin Hatch, District Interim Superintendent, as indicated in the text.

RESPONSE TO GRAND JURY'S FINDINGS

Finding F1. Because senior management at MUSD and GVUSD was unaware of the requirement to provide written bus safety information for parents, there is a potential violation of Education Code section 39831.5(a)(A, B, C, D, and E)(2).

Response to Finding F1:

Superintendent: There was confusion about the inquiry related to this topic. Upon reflection, the District does provide this information to families in the notice of rights and obligations issued to parents annually, pursuant to Education Code section 48980.

Finding F2. Because the Findings of the study done in 2014 and 2015 regarding Webster Elementary School have not been implemented, congestion problems continue and unsafe conditions persist.

Response to Finding F2:

Superintendent and Board President: The District is aware that there are times of the school day when traffic and thus vehicle congestion occurs. It is an issue that District and site administration have always recognized must be monitored on a regular basis.

Finding F3. There is a need for a crossing guard on Ruth Avenue at Webster Elementary School to enhance student safety.

Response to Finding F3:

Superintendent and Board President: We recognize that a crossing guard is one way to address student safety. We are open to exploring this, as well as other modes of keeping students safe when crossing streets adjacent to Webster School.

Finding F4. Because of the large number of breakdowns, the older, high-mileage buses need to be replaced.

Response to Finding F4:

Superintendent: The use of the term "breakdowns" related to the District's school buses is ambiguous but, in any event, maintenance and repair of school buses is a fact of life for most school districts and is not a symptom of a problem. Nevertheless, we are always exploring ways to update our fleet.

Board President: The Board is committed to having staff takes steps to update the District's school buses and to explore funding sources to defray impacts on the District's General Fund.

Finding F5. Transporting special needs preschool students in a large yellow school bus with no seat belts creates a potential for danger even if a paraprofessional sits with the students.

Response to Finding F5:

Superintendent and Board President: We are sensitive to issues related to the transportation of special needs students and will give this item priority.

Finding F6. The use of three or more white vans instead of large buses to transport large groups could negatively impact student safety.

Response to Finding F6:

Superintendent: The point in this finding is well-taken and we can remain cognizant of how a particular vehicle used for extracurricular activities may impact safety. However, we believe that we are able to observe safety standards by addressing the needs of various groups on a case-by-case basis.

RESPONSES TO GRAND JURY'S RECOMMENDATIONS

Recommendation R1. Beginning in the 2018-2019 school year, MUSD and GVUSD provide parents with written information on bus emergency procedures and passenger safety pursuant to Education Code section 39831.5.

Response to Recommendation R1:

The Board and Superintendent accept this recommendation with qualification (see response to Finding F1). Action consistent with this recommendation, specifically notification of bus safety information in the annual notice to parents, has been implemented and will continue in accordance with law.

Recommendation R2. GVUSD Superintendent immediately meet with Madera County Public Works regarding two pick-up and drop-off locations at Webster Elementary School, one for parents at Ardath Avenue and one for buses at Ruth Avenue.

Response to Recommendation R2:

The recommendation has not yet been implemented, but the District Superintendent will meet with Madera County Public Works by September 30, 2018, to discuss this issue.

Recommendation R3. GVUSD immediately provide crossing guards for the crosswalk at Webster School.

Response to Recommendation R3:

The recommendation requires further analysis. The District will work with its risk and insurance consultants, legal counsel, human resources department, and other interested persons, to determine the level of need for one or more crossing guards. The District's determination should be completed no later than December 31, 2018.

Recommendation R4. GVUSD develop a school bus replacement schedule by the end of the 2018-2019 school year.

Response to Recommendation R4:

The recommendation has not yet been fully implemented due to budget constraints. However, the Governing Board has approved a special reserve fund that could be used for the purchase of a bus, as necessary funds develop, and the District is in the process of completing a school bus replacement schedule. Further, in conjunction with the San Joaquin Valley Pollution Control District, the District has sought and continues to seek alternative funding for school bus replacement in order to defray the impact of such costs on the District's General Fund.

Recommendation R5. GVUSD immediately utilize a white van, driven by a certified bus driver, to transport special needs pre-school students until a smaller special needs bus is obtained.

Response to Recommendation R5:

The recommendation has not yet been implemented, but will be implemented for the 2018-2019 school year and will continue until a smaller special needs bus is obtained.

Recommendation R6. Whenever possible, GVUSD immediately use large buses for extra-curricular trips that require three or more white vans.

Response to Recommendation R6:

The recommendation is generally acceptable but requires further analysis, as the nature and type of extra-curricular activity informs the type of vehicle that is best suited for the particular activity. Please note that the District is committed to providing the safest mode of transportation for student extracurricular activities while, at the same time, providing the flexibility that best accommodates the needs of the extracurricular group.

CONCLUSION

The Board of Trustees of the Golden Valley Unified School District and the Superintendent appreciate the time and dedication of the Grand Jury members in providing the District with the Report and recommendations.

If you have any questions, please feel free to contact us.

Sincerely,

Brian Freeman, President, Governing Board of Trustees

Kevin Hatch, Interim Superintendent

MADERA UNIFIED SCHOOL DISTRICT
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Board of Trustees:
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Trustees:
Ricardo Arredondo; Brent Fernandes,
Philip Huerta; Ruben Mendoza; Ray G. Seibert
Superintendent:
Todd Lile

June 1, 2018

Madera County Grand Jury
PO Box 534
Madera, CA 93639

RECEIVED
JUN 7 2018
MADERA COUNTY GRAND JURY

Judge Dale Blea
Supervising Judge of the Grand Jury
Madera Superior Court
200 South G Street
Madera, CA 93637

Attention: Madera County Grand Jury

This letter is to serve as a response to the Madera County Grand Jury findings and recommendations released on May 9, 2018 regarding School Transportation Safety.

The report called out five (5) findings for Madera Unified School District (MUSD) and provided five (5) recommendations to address the reported findings. Below you will find MUSD's response to each of the Grand Jury's findings and recommendations.

F1. Because senior management of MUSD and GVUSD was unaware of the requirement to provide written bus safety information to parents, there is a potential violation of Education Code 39831.5 (a)(A,B,C,D,and E)(2).

R1. Beginning in the 2018-19 school year, MUSD provide parents with written information on bus emergency procedures and passenger safety pursuant to Education Code 39831.5.

Response:
Ed Code 39831.5 (a) (1) (A, B, C, D, and E) states:

(a) All pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school that are transported in a school bus or school pupil activity bus shall receive instruction in school bus emergency procedures and passenger safety. The county superintendent of schools, superintendent of the school district, or owner operator of a private school, as applicable, shall ensure that the instruction is provided as follows:

(1) Upon registration, the parents or guardians of all pupils not previously transported in a school bus or school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on school bus safety. The information shall include, but not be limited to, all of the following:

(A) A list of school bus stops near each pupil's home.
(B) General rules of conduct at school bus loading zones.
(C) Red light crossing instructions.

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Superintendent:
Todd Lile

(D) School bus danger zone.
(E) Walking to and from school bus stops.

The district provides this information to parents through several avenues and to the families of all students enrolled in our district.

School bus stops are posted on the district website and a flier is provided to each school site listing the bus stops for each of our bus routes organized by school of attendance. These routes are developed annually based on student enrollment and the location of student residences.

Written information on general rules of conduct, red light crossing instructions, and school bus danger zones are included in the district handbook that is provided to all students at the beginning of every school year. Currently, staff is revising these sections based on examples of other school districts. The revised version will be included in the 2018-2019 School Year District Handbook for Students and will be distributed to all enrolled students upon the start of the new school year.

The district failed to include information on walking to and from bus stops in its most recent notification to parents. Staff has included this information in the district handbook mentioned above. This handbook will be provided to all enrolled students/families at the beginning of the 2018-2019 school year.

A copy of the written material included in the 2018-2019 District Handbook for Students is attached as Exhibit A.

F7. Drivers turning left out of Alpha Elementary School onto Stadium Road create congestion problems and dangerous conditions for pedestrians.

R7. MUSD immediately enforce the "No Left Turn" rule at the exit onto Stadium Road at Alpha Elementary School.

Response:
Madera Unified School District will replace the "No Left Turn" signage at Alpha Elementary School prior to the start of the 2018-2019 School Year. Alpha Elementary will also send home information to parents regarding not turning left onto Stadium Road and will also send home phone message reminders. MUSD has worked in collaboration with Madera Police Department to have traffic officers patrol Stadium Road during morning drop-off and afternoon pick-up and to assist in enforcing traffic signs. Staff members will also be assigned to the parking lot exits to encourage right hand turns out of the parking lot to assist in creating a better vehicular traffic flow.

F8. Drivers turning left into Alpha Elementary School from Stadium Road create congestion problems and dangerous conditions for pedestrians.

R8. MUSD work with the City of Madera to develop a plan to prevent left turns into Alpha Elementary School by August 1, 2018.

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Superintendent:
Todd Lile

Response:
MUSD has met with the City Traffic Engineer to begin discussions on how to prevent left hand turns into Alpha Elementary School on Stadium Road. The district will continue to work with the City to determine if center medians are a possible solution on Stadium Road in front of Alpha Elementary School.

F9. The Transportation Department manual contains duplicate information and needs revision.

R9. MUSD eliminate duplications in the transportation manual by August 1, 2018.

Response:
MUSD Transportation staff will revise the transportation manual to eliminate duplications found by August 1, 2018. The district would like additional information from the Grand Jury on what duplications were found to ensure that all duplications are found and corrections are appropriately made.

F10. Several emergency evacuation forms were incomplete because they were not signed by school staff in violation of Education Code 39831.5(a) (4) (b)

R10. MUSD ensure complete documentation of annual student bus emergency procedures and passenger safety training beginning fall term, 2018.

Response:
The district will require a school site administrator be present for all annual student bus emergency procedures and passenger safety training beginning with the fall term of the 2018-2019 school year. The Director of Transportation will then review all evacuation forms to ensure that required school personnel are present and have signed the required documentation.

Implementation of the recommended measures will have negligible financial impact on the district at this time and will only require the improvement of systems and processes currently in place. The Madera Unified School District Governing Board thanks the Grand Jury for their diligence and recommendations for improving our community.

Sincerely,

Al Galvez
Board President
Madera Unified School District Governing Board

Todd Lile
Superintendent
Madera Unified School District

Enclosure

EXHIBIT A

TRANSPORTATION

Student Walking Limits

Students who reside outside the established radius zones as defined below will have bussing services available to them:
1. Radius zone will be drawn at a distance of 1 mile from the school site for K – 6th.
2. Radius zone will be drawn at a distance of 1.5 miles from the school site for 7th - 8th.
3. Radius zone will be drawn at a distance of 2 miles from the school site for 9th - 12th.

The radius zone will be measured by drawing a circular radius from a central location at the school site campus and around the school within the school's attendance boundary.

Walking To and From Bus Stops

1. Use crosswalks and/or intersections to cross streets. Do not cross in the middle of the block.
2. Use sidewalks where available. If no sidewalks are available, do not walk in the roadway.
3. Arrive at the bus stop five (5) minutes prior to stop time.
4. If you are late to the bus and need to cross the street, wait for the bus driver to escort you across the street.
5. Never run to or from the bus.
6. Go directly home.

Foggy Day Schedule

MUSD Foggy Day Information Phone Line: (559) 673-2288

The following radio stations and television stations are sources to determine whether or not Madera Unified School District is on a foggy day schedule. These stations will broadcast the foggy day conditions periodically throughout the morning hours:

Radio Stations	Television Stations
English KMJ 580 AM	Channel 24 - KSEE
	Channel 30 – KFSN
	Channel 47 – KJEO

Fog delays will be called District wide by the superintendent. Parents and students need to look or listen for Madera Unified School District on the television or radio stations listed above.

Bus Riding Privileges

Any student who violates the bus rules or does not follow instructions from the driver may have their riding privileges suspended or revoked. Authority to suspend or revoke a student's bus riding privileges shall rest with a site administrator or the Transportation Director. The administrator will notify parents of the students of the suspension and the reasons therefore. All drivers involved will be notified.

When a student is denied bus-riding privileges, this also includes field trips.

Parents/guardians/designated people of Kindergarten students must be at the bus stop to receive the student or the student will be taken back to the school. If this happens more than 3 times during the school year, the student will lose bus riding privileges.

Video Recording Devices

Some of our school buses may be equipped with audio and video recording devices for the protection of our students and staff.

Safe Riding Practices and Emergency Procedures

Board Policy and State law require all pupils in pre-kindergarten, kindergarten and grades 1st to 8th who receive home to school transportation be given appropriate classroom instruction in safe bus riding practices and participate in an emergency bus evacuation drill.
The training must include the following:
1. Proper loading and unloading procedures, including escorting by the driver.
2. How to safely cross the street, highway, or private road.
3. Instruction in the use of passenger restraint systems.
4. Proper passenger conduct.
5. Location of emergency equipment.
6. Bus evacuation procedures – pupils will evacuate the school bus through emergency exit doors.

General Rules of Behavior at the Bus Stop or Loading and Unloading

1. Always arrive at the bus stop early (at least 5 minutes prior to bus arrival).

2. Stand in an orderly manner.
3. Respect private property. Do not walk on lawns or flowerbeds, or climb on cars and trees.
4. No pushing or shoving.
5. Always face the bus as it approaches.
6. Never run to or from the bus.
7. Listen to instruction from the driver.
8. Wait completely off the road for the bus. Stand at a safe distance from the bus as it pulls up to make its stop, and wait until the bus comes to a complete stop and the driver opens the door before walking towards the bus (recommended distance is 12 feet).
9. Watch your step getting on and off the bus, especially in wet weather. Always use the handrail.
10. The bus driver is in complete charge of the bus and seats will be assigned as directed by the Director of Transportation.

While Riding the Bus

1. Pupils should enter the bus in an orderly manner and should not bring aboard items of injurious or objectionable nature (animals, glass, balloons, weapons etc.).
2. All passengers are require to wear passenger restraint systems (i.e. seat belts) if the bus is so equipped.
3. Do not get out of your seat while the bus is in motion.
4. Remain seated until the bus stops and the driver opens the doors before exiting.
5. Keep hands, head, arms, etc. inside the bus at all times.
6. No screaming, yelling, or use of profanity on the bus.
7. No harassing or fighting on the bus.
8. Be courteous to fellow students.
9. No smoking on the bus.
10. Students are not allowed to make offensive remarks or gestures to pedestrians or motorists.
11. The aisle of the bus shall be kept clear of books, lunches, feet, etc.
12. Permission to leave or board the bus at other than the normal stops shall be cleared with the Principal or the school office in advance and written permission presented to the driver on a school bus pass.
13. The request must not require the bus to go off its route or require an additional stop.
14. Space must be available on the bus.
15. No objects will be thrown in or out of the bus.
16. You may not refuse to share a seat with another student.
17. Remain in your seat and be quiet at railroad grade crossings.
18. All Kindergarten students who ride the bus are seated at the front of the bus.

Red Light Crossing Instruction
(For children who must cross the street at the bus stop.)

1. In the morning, students are to gather at their assigned bus stop and wait for the bus to arrive.
2. Driver will shut bus off, activate red lights and walk to the center of the roadway to cross children, if required.
3. Children are to remain still until the driver tells them it is safe to cross.
4. Students must cross between the driver and the bus.
5. The driver will be the last person to get on the bus.
6. Drivers doing red light crossing are in control of the street or roadway upon which they are on! Cross traffic or traffic on the other streets that a student must cross to get to or from a bus stop cannot be controlled by the bus driver.
7. Grades 9 -12 will not receive a driver escort unless pre-kindergarten through 8th-grade students require an escort. Then all students will receive a driver escort.

Afternoon Drop Offs
(For children who must cross the street that bus stop is on.)

1. Children are to remain seated until the bus comes to a complete stop.
2. Driver will shut bus off, activate red flashing lights and open the door. Driver will be the first person off the bus.
3. The children will wait inside the bus until the driver signals them when it is safe to exit the bus.
4. The children must walk in front of the bus between the driver and the bus in an orderly manner.

School Bus Danger Zone

Any place around a school bus can be dangerous. It is safe to assume that if you cannot see the driver, the driver cannot see you. Some of the danger zones children are commonly found while loading or unloading the bus are shown in the diagram below. Never play in the following areas of a bus:

1. Directly in front of the bus.
2. The area near the entrance door.
3. The area near the front tires (on either side of the bus).
4. The area near the rear tires (on either side of the bus).
5. Directly behind the bus.

MADERA CTC
Madera County Transportation Commission

2001 Howard Road, Suite 201
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Office: 559-675-0721 Facsimile: 559-675-9328
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June 20, 2018

RECEIVED
JUN 24 2018
MADERA COUNTY GRAND JURY

Judge Dale Blea
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, California 93637

Madera County Grand Jury
P.O. Box 534
Madera, California 93639

Subject: Response to the 2017-18 Grand Jury Report entitled "Madera County Transportation Commission"

Honorable Supervising Judge:

Pursuant to California Penal Code 933.05(a) and (b), the Madera County Transportation Commission submits this response to the findings and recommendations in the 2017-18 Madera County Grand Jury final report entitled, "Madera County Transportation Commission (MCTC)."

FINDINGS:

Finding 1: Since the MCTC is funded by a number of different sources, it is important that all requirements related to those sources are met to ensure funding continues.

Finding 1 Response: Agree, the MCTC ensures that all programs and documents remain current so that the local jurisdictions remain eligible for local, state and federal funding.

Finding 2: Because the Regional Transportation Plan (RTP) is only published every four years and must be amended whenever a project is added between publications, an additional strain is imposed on the MCTC staff.

Finding 2 Response: Agree, the RTP is published every four years and it does require significant amount of staff time; however the RTP is necessary and required and does not necessarily impose additional strain.

Finding 3: The MCTC's requirement to meet federal and state targets of reducing greenhouse gasses is onerous due to the number of different and constantly evolving factors which

must be taken into consideration.

Finding 3 Response: Agree, the MCTC is required to meet state targets of reducing greenhouse gasses and staff works closely with other agencies, including the eight San Joaquin Valley Metropolitan Planning Organizations (MPOs), California Air Resources Board and the San Joaquin Valley Air Pollution Control District to ensure the targets are aggressive and achievable to implement.

Finding 4: All model-based scenarios are educated guesses at best because of the unpredictability of human behavior.

Finding 4 Response: Disagree, the transportation model is a procedure based tool utilized for forecasting and estimating traffic behavior and travel conditions. All traffic model-based scenarios include assumptions based on real data and analysis that includes roadway conditions; socio-economic profile; location and type of housing and employment; and population characteristics.

Finding 5: The use of technical language and acronyms inhibits the public's understanding of the MTC and its functions.

Finding 5 Response: Agree, the use of technical language and acronyms creates challenges when presenting to the public in order to educate the public in its ability to understand the MCTC and its functions.

Finding 6: The scant public participation at the workshops indicates the MCTC is not doing enough to promote public involvement.

Finding 6 Response: Disagree, over the years, public outreach has increased. MCTC works diligently to reach out to the public. MCTC's outreach efforts meets, and exceeds, the federal and state requirements and includes: social media, print media, surveys, workshops, and pop-up events. Attendance is limited as the topics may or may not be of interest to the general public. MCTC is open to continuing and expanding upon its effort and will strive for additional public outreach.

Finding 7: Despite constantly changing air quality standards, the MCTC works very hard to achieve its many far-reaching duties, jobs and goals.

Finding 7 Response: Agree, MCTC staff works to achieve various existing air quality standards established by both the State and Federal Government. These existing air quality goals sometimes change or new standards are developed. MCTC staff collaborates with pertinent partners to diligently prepare for all current or planned air quality standards required to be met for the Madera region.

RECOMMENDATIONS:

Recommendation 1: The MCTC continue its hard work to accomplish its tasks and goals while adhering to the many federal and state requirements and regulations.

Recommendation 1 Response: Implemented and will continue to implement.

Recommendation 2: The MCTC re-focus its priority of public participation by posting previous ideas

submitted by the public at every future workshop and on its website, effective immediately.

Recommendation 2 Response: Further Analysis – staff will discuss how we can provide notes from workshops and include on the MCTC website. This will be discussed in the next fiscal year beginning July 1, 2018 with implementation on the MCTC website.

Recommendation 3: The MCTC explain in layman's terms what they do and how they do it at every workshop and on their website, effective immediately.

Recommendation 3 Response: Implemented. The MCTC has worked to simplify its description of roles and responsibilities. MCTC staff created a brochure that describes the Commission and its role within the community. The brochure is available online and at most meetings and workshops.

Recommendation 4: The MCTC limit its use of technical language and acronyms in public presentations, effective immediately.

Recommendation 4 Response: Implemented. The MCTC includes an acronym list in most planning documents. The acronyms are included on the MCTC website.

Recommendation 5: The MCTC work with the Board of Supervisors and city councils to promote the MCTC's meetings and workshops, effective immediately.

Recommendation 5 Response: Implemented. MCTC staff works with each local jurisdiction staff at a technical advisory committee level. It is at these meetings that MCTC staff provides information to each local jurisdiction staff to present to their various boards. In addition, MCTC staff, during Commission meetings, announces to its members to share information at their jurisdiction meetings. MCTC staff also makes staff available if necessary to attend the city council and board of supervisor meetings.

The Madera County Transportation Commission would like to thank the Madera Grand Jury's review and time involved in this matter, and appreciates the opportunity to respond to the findings and recommendations. MCTC would like to offer the following clarifications to the content of the report:

- The MCTC acts as four organizations in one for Madera County: the Local Transportation Commission; the Regional Transportation Planning Agency; the Metropolitan Planning Organization; and the Madera County Transportation Authority.
- Measure "T" funds are not allocated to Caltrans. In 2006, Madera County voters approved Measure "T", the ½ cent sales tax for local transportation projects. Measure "T" is a twenty-year program that funds highway and road capital projects that: improve traffic safety; relieve traffic congestion; and leverage other state and federal funds. All Measure "T" funds are locally controlled.
- MCTC undertakes comprehensive regional planning. "Regional" means Madera County and its local jurisdictions; Madera County and its neighboring counties; and Madera County within the eight-county San Joaquin Valley air basin: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and Kern.
- MCTC acknowledges that there are challenges to generate public participation for many reasons and that although outreach may be expanded, additional forms of outreach may not produce additional public participation.

- MCTC is not formed by a Joint Powers Authority (JPA), and is statutorily created. However, MCTC is a member on other JPA's related to the Commission's work as well as several memoranda of understandings (MOUs).

Respondents:

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District 4
TOM WHEELER
District 5

August 21, 2018

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

Subject: **Response to the 2017-18 Grand Jury Report entitled "Serving Madera County At-Risk Children, Behavioral Health Services, Department of Social Services."**

Honorable Judge Blea:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2017-18 Madera County Grand Jury report entitled **"Serving Madera County At-Risk Children, Behavioral Health Services, Department of Social Services."** See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:
Because of a lack of understanding of procedures for procuring the properly prepared releases, it is sometimes difficult for DSS to obtain needed client information from BHS.

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

Finding 2:
When the Healthy Beginnings Program is no longer funded, children under five will be adversely affected.

Response
Respondent disagrees with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Behavioral Health Services has responded to this finding and stated:

> *"Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS. "*

The response of the Director of Behavioral Health Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 3:
There is a lack of understanding among BHS clinicians regarding the upcoming changes in the Healthy Beginnings Program.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Behavioral Health Services has responded to this finding and stated:

> *"Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS. The clinicians interviewed may not understand the funding changes."*

The response of the Director of Behavioral Health Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 4:
Because the Presumptive Transfer Program is new and BHS and DSS don't always agree on placement/treatment, children are adversely affected.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Behavioral Health Services has responded to this finding and stated:

> *"While DSS and BHS don't always agree on placement and treatment as each agency has different responsibilities, the team always has the child's best interest in mind. Therefore, the team work through their differences and come to a mutually agreed upon approach."*

The response of the Director of Behavioral Health Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 5:
Because there is no provision for DSS social workers to obtain licensure within the agency, professional advancement is inhibited.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"DSS administers state and federal programs which do not require staff to hold a license, therefore there is no professional advancement within DSS that is being inhibited."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 6:
Because social workers don't always attend TDM's, services to children are compromised.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"While it is true that the ongoing social worker does not attend the initial TDM at removal, there are assigned Social Workers who coordinate services. Furthermore, there is a warm hand off from the ER Social Worker to the Ongoing Social Worker."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 7:
Services to children continue to be negatively impacted by the high turnover rate of social workers between 2014-2016.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"While it is true that the considerable turnover of 2014-16 has led to a current workforce with little tenure and experience, staff turnover is not unique to DSS and the department is making considerable recruitment and retention efforts mitigate its impact."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 8:
The 100+ "stale referrals" still open at DSS represent children who have "fallen through the cracks" and not received necessary services.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"While it is correct that we have investigation referrals that have been pending over 60-days which are sometimes termed "stale", these referrals have not fallen through the cracks and been forgotten. We have made considerable progress in eliminating overdue referrals since 2017, from a high of over 1,000 to a current number of less than 110."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 9:
Because Madera County does not require Social Workers and Program Managers to have a master's degree in Social Work or previous social work experience, effectiveness in their positions can be compromised.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

"Pursuant to California Government Code Section 19800 – 19810, the California Department of Human Resources (CalHR) is charged with the responsibility of ensuring that counties that receive federal funds for programs within their Social Services and Child Support Services departments adhere to the federal merit principles. CalHR has contracted with CPS HR Consulting (CPS HR) to provide Recruitment and Selection and Classification services that meet the federal mandates by following the Local Agency Personnel Standards (LAPS). Minimum job qualifications are set by CPS HR.

DSS makes every effort to select educated and experienced individuals and even more importantly the department strives to prepare these individuals for their critical responsibilities through training, mentoring and support leading to valuable work force regardless of their background. New social workers have a statewide standardized training curriculum through Regional Training Academies contracted by the California Department of Social Services. Furthermore, new Social Work Supervisors are required to participate and complete Supervisor Core training.

Of our forty-six (46) permanent Child Welfare Social Workers 41.3% have a master's in social work, 28.2% have a master's in another field, 26% have a bachelor's in social work while 71.7% have a bachelors in another related field of study."

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 10:
Because BHS and DSS have different operational objectives and methods, there can be negative results for children.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated:

"While DSS and BHS do have different operational objectives and methods the team always has the child's best interest in mind. Therefore, the team work through their differences and come to a mutually agreed upon approach."

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 11:
DSS has too many administrators/supervisors for the number of social workers.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2). Under separate cover, the Director of Social Services has responded to this finding and stated

"Less than a quarter (25%) of our child welfare social workers have even 2 years of experience with the department. Such an inexperienced workforce requires additional training, support and mentorship as they perform their work in a 24-hour operation addressing the needs of children of our community."

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 1:
BHS management develop a plan to continue the services of the Healthy Beginnings Program by fall of 2018.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS.

Recommendation 2:
BHS management meet weekly with clinicians to update and inform them of changes, particularly regarding the Health Beginnings Program, effective immediately.

Response
The recommendation has been implemented. BHS Clinical Supervisors meet weekly with clinicians and other staff. A greater emphasis will be devoted to updates of program changes.

Recommendation 3:
BHS and DSS staff work together to resolve the issues resulting from AB1299 and the Presumptive Transfer Program on an ongoing basis, effective immediately.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"The recommendation regarding the Presumptive Transfer process has been partially implemented by reinitiating more frequent DSS and BHS meetings and will be fully implemented within the next 30 --days facilitated the State's issuance on June 22, 2018, of All County Letter (ACL No. 18-60), that provides Presumptive Transfer clarification and policy guidance and also includes procedural flowcharts and notification form templates that will significantly assist us in implementing this new legislation."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 4:
DSS administration develop a plan to facilitate social worker licensure while working for DSS by fall 2018.

Response
The recommendation will not be implemented because it is not warranted or is not reasonable. Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"DSS facilitating staff to pursue licensure as a Licensed Clinical Social Worker (LCSW) when none of its state and federal programs require staff to hold such a licensure would negatively impact the work it is mandated to perform given that it would require time away from regularly assigned duties."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 5:
DSS social workers attend all of their TDM's unless there is an emergency, effective immediately.

Response
The recommendation has been implemented. Staff have been reminded through emailed communication and through unit meetings that they are to be present at any TDM involving a child on their caseload or for which they are serving as the TDM facilitator or in any other role.

Recommendation 6:
DSS administration develop a plan to better retain social workers, by fall of 2018.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"DSS has taken a number of actions to better retain social workers including the purchase of electronic tools, the establishment of support units for foster parent placement and community resource referral assistance and the establishment of an in-service training unit to better prepare new staff. It is appropriate that the department document its current and future efforts through the writing of a comprehensive plan which will be accomplished with the recommended time frame."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 7:
DSS properly close all "stale referrals" and develop strategies to prevent this problem from occurring again, by fall of 2018.

Response
The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Social Services has responded to this finding and stated:

> *"DSS has taken a number a number of significant and successful measures to address overdue referrals and while virtually no county in the state can attest to never having overdue referrals, we can certainly strive for perfection and document our "Zero-Tolerance" for referrals to remain pending over 60-days which will be done within the next 30-days."*

The response of the Director of Social Services to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 8:
DSS administration to make a greater commitment to hiring Social Workers and Program Managers with social work education and experience, effective immediately.

Response
The recommendation has been implemented. DSS will continue its efforts to select the best Social Worker and Program Managers from our stream of candidates.

Recommendation 9:
DSS administration annually review the social worker to supervisor ratio in order to reduce management top-heaviness.

Response
The recommendation has been implemented. DSS will continue its continuous evaluation of staffing levels at all levels of the organization.

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,

Tom Wheeler
Chairman of the Board of Supervisors

Behavioral Health Services
Dennis P. Koch, Director
559-673-3508

209 E. 7th Street
Madera, CA 93638

Board of Supervisors
BRETT FRAZIER
District 1
DAVID ROGERS
District 2
ROBERT POYTHRESS
District 3
MAX RODRIGUEZ
District 4
TOM WHEELER
District 5

June 27, 2018

Presiding Judge, Madera County Grand Jury
Madera, County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to 2017-2018 Grand Jury Report entitled "Serving Madera County At-Risk Children"

Honorable Presiding Judge:

In accordance with California Penal Code 933.5(a) and (b), this letter addresses the Findings and Recommendations related to the Department of Behavioral Health Services in the above-referenced Grand Jury report.

The following are the Grand Jury's findings and recommendations related to the Department of Behavioral Health, followed by the responses on the Director of Behavioral Health Services.

Finding 1:
Because of a lack of understanding of procedures for procuring the properly prepared releases, it is sometimes difficult for DSS to obtain needed client information from BHS.

Response
Respondent agrees with finding per California Penal Code 933.05 (a) (1). The process for releasing private health information to include mental health records is dictated by both State and Federal law. DSS may experience challenges getting the required signatures from family members or clients on the release forms. Without signed release forms BHS cannot release the private health information.

Finding 2:
When the Healthy Beginnings Program is no longer funded, children under five will be adversely affected.

Response
Respondent disagrees with finding per California Penal Code 933.05 (a) (2).

Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS.

Finding 3: There is a lack of understanding among BHS clinicians regarding the upcoming changes in the Healthy Beginnings Program.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2).
Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS. The clinicians interviewed may not understand the funding changes.

Finding 4:
Because the Presumptive Transfer Program is new and BHS and DSS don't always agree on placement/treatment, children are adversely affected.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2).
While DSS and BHS don't always agree on placement and treatment as each agency has different responsibilities, the team always has the child's best interest in mind. Therefore, the team work through their differences and come to a mutually agreed upon approach.

Finding 10:
Because BHS and DSS have different operational objectives and methods, there can be negative results for children.

Response
Respondent disagrees partially with finding per California Penal Code 933.05 (a) (2).
While DSS and BHS do have different operational objectives and methods the team always has the child's best interest in mind. Therefore, the team work through their differences and come to a mutually agreed upon approach.

Recommendation 1:
BHS management develop a plan to continue the services of the Healthy Beginnings Program by fall of 2018.

Response
Behavioral Health Services will back fill the funding cuts that would have been received from First Five, therefore there will be no changes to the services these children are receiving from BHS.

Recommendation 2:
BHS management meet weekly with clinicians to update and inform them of changes, particularly regarding the Health Beginnings Program, effective immediately.

Response
The recommendation has be implemented. BHS Clinical Supervisors meets weekly meetings with clinicians and other staff. A greater emphasis will be devoted to updates of program changes.

Recommendation 3:
BHS and DSS staff work together to resolve the issues resulting from AB1299 and the Presumptive Transfer Program on an ongoing basis, effective immediately.

Response
The recommendation has been partially implemented.
At the beginning of the AB 1299 Program DSS and BHS had more frequent meetings. BHS agrees that more frequent meetings would be beneficial. BHS will work more closely with DSS to develop protocols and practices regarding AB 1299 (Presumptive Transfer Program) to ensure issues are resolved at an early stage.

I want to acknowledge the Grand Jury's review and time involved in this matter, and I appreciate the opportunity to respond to the findings and recommendations

Sincerely,

Dennis P. Koch
Director, Madera County Behavioral Health Services

Cc: County Councel
Board of Supervisors