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**2021-2022 FINAL REPORT**

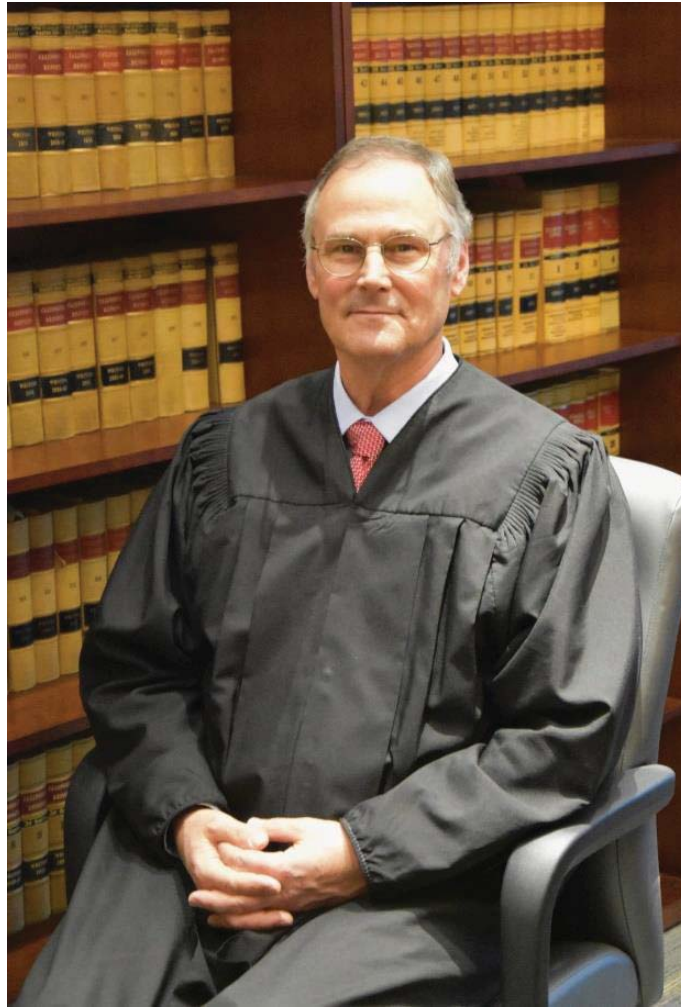
**TABLE OF CONTENTS**

Grand Jury Supervising Judge & Grand Jury members ..... IV  
Grand Jury Supervising Judge’s Letter .....V  
Foreperson’s Letter..... VII  
Duties, Purpose, and Powers of the Grand Jury..... VIII  
Grand Jury Contact Information..... IX  
Final Report Approval and Accepted.....X

**Penal Institution in Madera County.....1**  
    Madera County Juvenile Detention Center.....3  
    Madera County Department of Corrections.....7  
    Central California Women’s Facility.....10  
    Valley State Prison.....15

**2019-2020 Final Reports.....19**  
    1920-01 California Department of Corrections’ and Rehabilitation Facilities ..... 20  
    1920-02 Unmet Transit Needs in Madera County: Riders without Routes ..... 32  
    1920-03 At Promise Student Opportunities in Madera County..... 62  
    1920-04 Madera County Food Safety/Food Inspections.....68  
    1920-05 City of Madera Police Department; Unveiling Truths of Law Enforcement .....77  
    1920-06 Madera County and City of Madera Government:  
        Public Servants or Self Serving ..... 89





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

**2021-2022 Madera County Grand Jury Members**

Rosa Cardona, Ray Fudge, Janice Gomes,  
Ali Haider, Tracy Herzog, Debbie Jackson,  
Cynthia Lawrence, Khubaib “Bobby” Sheikh,  
Debra Sutherland, Leanne Thomson,  
Caroline Williams, Nina Zarucchi-Mize,  
and Foreperson Howard Smith.



# SUPERIOR COURT

COUNTY OF MADERA  
STATE OF CALIFORNIA

ERNEST J. LICALSI  
PRESIDING JUDGE

DALE J. BLEA  
ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP  
COURT EXECUTIVE OFFICER

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

June 17, 2022

Re: 2021-2022 Grand Jury

To the Citizens of Madera County:

As the supervising judge of your Madera County Grand Jury, it is my privilege to report to you at the conclusion of the 2021-2022 grand jury term. Your grand jury is a part of the judicial branch of government. However, neither I nor the court provide direction to the grand jury on what matters or agencies should be investigated. As such, your grand jury is truly independent.

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

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

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

Each juror who served on the grand jury during the 2021-2022 term did so without complaint – notwithstanding how difficult this term has been in light of the continuing COVID-19 pandemic. The grand jury has produced detailed reports. These reports also contain recommendations. We all benefit from the work of the grand jury.

In conclusion, I wanted to personally thank each member of the 2021-2022 grand jury for selflessly devoting to your community so much of your personal time during this grand jury term. I also

wanted to specifically thank this year's forepersons, Michael Brune and Howard Smith, for their guidance to the grand jury this term.

Respectfully yours,



Michael J. Jurkovich  
Supervising Judge  
2021-2022 Madera County Grand Jury



## Madera County Grand Jury

June 22, 2022

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

Honorable Judge, Jurkovich

To say this was a very exhausting and trying year for both you and Erin and the members of the Grand Jury would be an understatement.

We were only able to accomplish the state mandated reports on both Prisons, the Madera County Jail and Juvenile Hall.

On behalf of the members of the 2021-2022 Madera County Grand Jury it is my privilege to present you our final report.

While carrying out the duties with which we were charged, members of the 2021 - 2022 Madera County Grand Jury performed with dedication and commitment.

The Madera County Grand Jury would like to thank the Jury Division Supervisor Erin Kinney and her staff. We are especially grateful to your Honor for the support and guidance you provided.

It has been my honor and privilege to serve with each of you for the past year.  
Thank You!

Respectfully Submitted,

*Howard Smith*

2021-2022 Madera County Grand Jury

## **Duties, Purpose and Powers of the Grand Jury**

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

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

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

Other powers permitted to the grand jury include

- (1) free access, at reasonable times, to public prisons;
- (2) the right to examine all public records within the county;
- (3) the right to examine books and records of
  - (a) any incorporated city or joint powers agency located in the county;
  - (b) certain redevelopment agencies and housing authorities;
  - (c) special purpose assessing or taxing districts wholly or partly within the county; and
  - (d) nonprofit corporations established by or operated on behalf of a public entity;
- (4) the authority to investigate and report on operations and methods of performing duties of any such city or joint powers agency and to make recommendations as deemed proper;
- (5) the ability, with permission of the Superior Court, to hire such experts as auditors and accountants; and
- (6) the right to inquire into the sale, transfer and ownership of lands which might or should escheat to the state.

The grand jury is also likely to receive a number of citizen complaints, many of which involve operations of county, city or special districts. Whether the complaint is civil or criminal, rules of secrecy apply, and the grand jury may not divulge the subject or methods of inquiry.

Credit to Marianne Jameson. PhD

## **Grand Jury Contact Information**

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

Telephone:  
559-662-0946

Fax:  
559-662-0848

Website:  
[www.Madera-County.com](http://www.Madera-County.com)  
(Select Residents and then Grand Jury)

Email:  
[info@maderagrandjury.org](mailto:info@maderagrandjury.org)  
[complaints@maderagrandjury.org](mailto:complaints@maderagrandjury.org)  
[foreman@maderagrandjury.org](mailto:foreman@maderagrandjury.org)



# **Madera County Grand Jury**

## **2021-2022 Madera County Grand Jury Final Report**

**With signature below this document becomes**

**The Final Report of the  
2021-2022 Madera Grand Jury  
July 1, 2021, to June 30, 2022**

**Approved by the Grand Jury**

*Howard Smith*

**Foreperson Howard Smith  
2021-2022 Madera County Grand Jury**

**Accepted for Filing:**

*M. Jurkovich*

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



Courtesy of Madera County Juvenile Detention Facility Cadet Academy 21-22

## **Penal Institutions in Madera County**

**Madera County Grand Jury**

**Final Report 2122-01**

**June 22, 2022**

## **Penal Institutions in Madera County**

**Summary:** Mandated by California Penal Code 919(b), the Madera County Grand Jury (MCGJ) conducts an inquiry into the conditions and management of detention facilities within the county. Section 919(a), 925, and 925(a) further authorizes the Grand Jury to investigate the County and City jails and other detention facilities within the county. Inspections are intended to highlight efficiencies and ensure that those incarcerated are treated in a humane manner. At each of the facilities, knowledgeable senior personnel facilitated the inspection tour. The MCGJ observed facilities, the programs in action, and spoke with those in custody, and institutional staff.

**Background:** As required by the California State Penal Code, 919a, 919b, 925a, and 925b, the Grand Jury in each county in California must conduct a Detention Facility Inspection. The Inspections in Madera County were conducted at the Madera County Juvenile Detention Facility, the Madera County Department of Corrections (Jail), Valley State Prison, and the Central California Women’s Facility.

The Madera County Grand Jury is mandated to investigate the conditions and management of the detention facilities within the county. The MCGJ was interested in observing compliance with Proposition 57, intended to reduce the “revolving door” of crime, and the effectiveness of training and rehabilitation programs.

Under Proposition 57, California Department of Corrections and Rehabilitation (CDCR) incentivizes inmates to take responsibility for their own rehabilitation with a credit-earning opportunities for sustained good behavior, as well as prison program and activity participation. A move for earlier release is considered for nonviolent offenders who have served the full-term 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, with skills and tools to be more productive members of society once they complete their incarceration.

### **Methodology:**

Referenced the following documentation:

Jail Inspection Handbook for Grand Jurors provided by the California

Board of Community and State Correction (BCSC)

Completed Detention facility Inspection forms provided by the respective institutions

Reviewed previous Grand Jury Detention Inspection reports

Recidivism Report: Offenders Release from the CDCR in Fiscal Year 2015-2016/Office Research  
September 2021

Formulated questions related to an inspection

Toured and inspected selected and requested portions of Penal Institutions within Madera County:

Madera County Juvenile Detention Facility

Madera County Department of Corrections

Central California Women’s Facility

Valley State Prison

## **Madera County Juvenile Detention Facility**

**General Information:** Madera County Grand Jury conducted the mandated Detention Facility Inspection at the Madera County Juvenile Detention Facility, located at 28212 Avenue 14 in Madera, CA on April 11, 2022. Those facilitating the inspection were both transparent and accommodating of the MCGJ's requests for information.

**Summary:** "Changing Lives" is the operational motto for the members of the administration, teachers, and staff at the Madera County Juvenile Detention Facility. The lives of the youth are changed with the implementation of routines, establishing requirements, and recognizing achievements. Without the addition of what the Grand Jury has deemed the three R's of Routines, Requirements and Recognition, youth often find themselves merely floating through life without recognizing the goals that can be achieved. A combination of routine, requirements, and recognition has resulted in a reduced recidivism rate of only 25 per cent. Routines of academic study, physical activity, and personal care are combined with the requirements of maintenance and expectations for personal and community space resulting in completion of the Cadet Academy Program.

The facility houses both the Juvenile Detention Facility and a Correctional Academy. The facility contains five separate units of approximately 15 rooms per unit. The facility has a capacity of 70 youth. At the time of the inspection, there were 20 juveniles, 18 males and 2 females. The facility holds youth awaiting punishment for crimes of which they are accused. The most frequent reasons for detainment are fighting, gangs, and drugs. Most youth are detained for less than two years with an average stay of 30 days. Youth are detained for their own protection or the protection of the community.

The youth participating in the Correctional Academy and earning a designation as a cadet, spend a minimum of six months in the program, are graduated from the program, and are then monitored for six months following release from the facility.

Staffing is often stretched as several activities are occurring at the same time. Direct supervision of youth always requires staff to be present. The recommended staff ratio is 1 to 10 youth by Title 15. The staffing is currently down seven staff members and five extra help positions.

**Exterior and Interior of the Buildings:** Local fire, health, and safety inspections have been conducted at the facility and are current. Chemicals and other cleaning supplies are maintained in a secured and locked area. With a \$3.2 million state Block Grant, the HVAC system at the Juvenile Detention Facility will be improved and upgraded. An additional \$167k will improve Wi-Fi access at the facility.

The overall condition of the facility, both inside and outside, was exceptionally clean. The cadets were charged with the cleaning and took great pride in their living conditions. The cadets themselves and their bunks were very neat. The bunks are maintained in a military-like precision manner with bed linens tucked and wrinkle-free on the surface.

With supervision, youth are painting and adding color to the otherwise grey cinderblock walls of their bunks. Select areas in the facility feature artwork painted by the youth. With guidance of officers, the interior of the rooms will have a brighter look with light-colored paint and passing clouds. In the visiting room, there is a wall-sized mural of an eagle and silhouettes of soldiers, framed by the Statue of Liberty. In the lobby of the building is a painted seal of California that was completed by the youth in the Academy. In the hallway, a familiar quotation graces the wall. Individual art projects are displayed in the visiting areas as well as in specific areas in the facility.

**Health:** Madera County contracts with Well path to provide medical services that are available 12 hours per day, seven days per week. A registered nurse is on duty for eight hours a day and the remainder of the

shifts is covered by a Licensed Vocational Nurse. A full-time mental health clinician is available on site five days a week. All services meet or exceed the standards required by California Code of Regulations Title 15. A medical doctor is also available to the youth. With parent consent, youth under 18 can be vaccinated for COVID -19 at the facility.

**Kitchen/Nutrition:** Meals are prepared and meet the nutritional standards for California schools. The youth receive one hot meal a day. All food is prepared at the Madera County Department of Corrections, located next door and delivered to the juvenile detention facility. The menus, provided by Aramark, appear to be nutritionally balanced meals, however, the quantity of food at 2800 calories per day may not be sufficient for growing youth. Cadets often complain that the meals are not hot. Additionally, the youth enjoy barbeques and supplement the entrée with fresh vegetables and fruits from a garden they manage. The garden items include tomatoes, squash, peppers, strawberries, and tree fruit in season.

Cadets have a regular schedule including education, work details, physical activity, bay clean-up, sports competition, religious services, monthly haircuts, and access to commissary.

**Educational/Vocational Programs:** With three dedicated full-time teachers, with many years of experience in the setting, a Special Ed teacher, and a teacher's aide, a regular school schedule is available to youth at the facility. Regular courses are offered and those participating in the educational program earn high school credits toward graduation. Opportunities to participate in speech contests are available to students. Participating students are prepared for competition by their teachers and accompanied to the competition by their teacher as well as a uniformed officer. Alcohol and drug counseling, Youth for Christ, a library collection, and games enhance the learning environment for participating youth.

Classes begin on Monday thru Friday at 7:45am following breakfast, clean-up, and hygiene time. Lunch is served at 11:30am with classes resuming at 1pm. Afternoon classes end at 2:30pm for snack time. After school programs include work force, AOD class, Youth for Christ, drug awareness, and art classes. Dinner is served at 5pm and then evening hours include work on ENDOVO tablets, writing, table games, reading, or viewing TV. Shower time begins at 7:15pm and is followed by a snack, youth phone calls, and light out at 9pm in the cells. The television is off at 10pm during the week and midnight on Friday and Saturday nights.

Family visitation and communication is held weekly and encouraged by staff.

Students also participate in off-campus community service projects with guidance from officers. Cadets participated in the Ribbon Cutting at the City of Madera Fire Station #58. They assisted with setting up tables and chairs and breaking-down the items after attending the Ribbon Cutting. Youth have also presented the flag at the Madera County Government Center, attended the Master Gardener programs, laid Wreaths across America at a local cemetery, and helped with the Easter Bunny activity at the park. In the company of officers, youth have traveled to Yosemite National Park, the Monterey Bay Aquarium, Santa Cruz, and seen the lights of Christmas Tree Lane. With an imposed structure, the display and recognition of valued skills, the recidivism of those completing the Cadet Academy is 25 per cent.

**Leaving the Cadet Academy:** For those youth completing the Cadet Academy Program, a graduation exercise is held. During the graduation exercise, a group of cadets present the colors and are featured in a video presentation chronicling the activities that were a part of their academic, athletic, and social activities at the facility. Those graduating are recognized by the staff, their teachers, their family, and members of the community. In preparation for their departure from the facility, their teachers, counselors, and staff along with the family navigate and connect the youth and their family with supportive agencies in the community.

A youth slated for release has a Case Plan that is developed by a Treatment team of teachers, a clinician from behavioral health, probation, and medical personnel. Together they prioritize the development of a plan for continued support of the youth as they transition from custodial to at-home continuity of care. Partnering with parents, the team works to navigate the smooth transition to the home school site and follow-up monitoring for the cadet. Many of the cadets do not have a positive home environment to which they will return. This appears to be the greatest handicap that cadets must face following graduation from the Academy. As a result, many cadets elect to join the military and continue in a structured environment.

**Senate Bill 823:** With the passage of SB 823 in 2020 and the closure of California Youth Authority facilities, a realignment target population (up to age 25) will be returning to home counties. The youth will bring both new challenges for staff and opportunities for the realignment population. According to the Madera County SB 823 Juvenile Justice Realignment Plan and Fiscal Summary, developed by local stakeholders, a portion of the current facility will be designated for use as the Secure Tract Treatment for the realignment population.

Madera County's plan includes providing services to the designated population, which is slated to include sex offenders, females, and mentally ill youth. The County is committed to implementing practices, programs, and treatments that are geared toward reducing recidivism. According to the staff, a part of the plan includes the construction of a welding facility on the Juvenile Detention grounds. Youth will be trained to weld, earn certification, and gain valuable career-enhancing skills.

**Findings:**

1. **MCGJ finds that** the Madera County Juvenile Detention Facility provides structure to reduce the recidivism rate of youth participating in the Cadet Academy Program.
2. **MCGJ finds that** the faculty and staff provide a supportive encouraging environment for youth.
3. **MCGJ finds that** with the passage of SB 823, Madera County faces new challenges with the realignment population.

**Recommendations:**

1. **MCGJ recommends that** the administration, teachers, and staff continue to provide a rigorous and nurturing structure of academics and activities.
2. **MCGJ recommends that** administration, teachers, and staff continue to provide social and emotional support.
3. **MCGJ recommends that** administration continue to work with community stakeholders to meet the needs of the realignment population.

**Required Respondent:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following elected county officials within 60 days:

Board of Supervisors

200 West Fourth Street

Madera, CA 93637

**Invited Respondent:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following governing bodies within 90 days:

Mr. Chris Childers

Madera County Chief Probation Officer

200 Yosemite Avenue

Madera, CA 93637

## **Madera County Department of Corrections (Jail)**

**General Information:** Madera County Grand Jury conducted the mandated Detention Facility Inspection at the Madera County Department of Corrections Facility (Jail), located at 14191 Road 28 in Madera, CA on April 14, 2022. Those conducting the inspection were both transparent and accommodating of the MCGJ's requests for information and members of the Grand Jury had an opportunity to speak with management over lunch.

**Overview:** The oversight and management of the county jail was transferred to the Madera Sheriff's Office as a result of action by the Board of Supervisors in April of 2021. On April 14, 2022, when the MCGJ's inspection was conducted, the population was 430 which did not exceed the design capacity of 564.

Over the course of two years 510 inmates were placed in safety cells, 464 were placed in sobering cells, and six deaths occurred. Two suicides were reported and one is awaiting the coroner's final report.

**Staffing:** Staffing ratios are assessed and adjusted depending on the inmate population, classification, diversity, and special needs of inmates. Staffing for the 430 inmates housed at the county facility included 13-14 officers on each of three shifts. This provides a ratio of 1 officer to 31-33 inmates on each shift. The number of inmates in each housing unit varies and officers are assigned based on availability. During the MCGJ visit and witnessed, in one unit, only one officer was charged with handling an entire unit whereas, in other units more than one officer was available to maintain safety for the officers and inmates.

**Environmental Conditions:** The exterior and the interior of the Administrative and Training portion of the facility is well-maintained and manicured. Although the Grand Jury did not see the outdoor areas intended for inmates, it was described as having a 12-foot perimeter fence topped with razor wire. The yard is enclosed with 2-story high block walls, so inmates are not visible to the public at any time. Information provided by the jail indicates that inmate housing areas are fully equipped with lights and a surveillance system.

Lighting and temperature of the housing unit are within the California Title 24 standards and are maintained by on-site maintenance personnel. Title 24 standards includes ADA accessibility. The facility is not new, however, routine maintenance has been deferred for an extended period of time. The look of the inmate housing area of the building is aged and has significant wear. This is evidenced by worn flooring, and detached rubber floor coving.

**Orientation of Inmates:** The intake area is typically staffed by three officers although the time may be divided as they attend to arriving inmates. A watch commander also assists as arriving inmates are searched for contraband with a pat search, body scan, and metal detectors. Incoming inmates are divided into three types of holding cells: intake cells, safety cells, or sobering cells. The various cells require differing levels of monitoring. Processing of inmates includes checks for warrants, pictures, fingerprinted, and booked. Inmates are then evaluated for either release or housing. Those moving onto housing are further evaluated based on their classification, in order to minimize disruptive housing issues. The MCGJ was not provided with a daily schedule for inmates. Time appears to be at-will of inmates.

Incoming inmates are oriented to the facility both verbally and in written form. Topics addressed during the orientation include correspondence, visiting, telephone use, inmate grievance procedures, available programs, how to participate in activities, medical services, housing assignments, court appearance, voting registration, inmate discipline, and rules for the module and facility.

**Housing:** At this facility most inmates have individual cells. Individual cells are provided as safety measures as many inmates are involved in gangs and need to be housed separately. However, those without gang ties may be housed in dorm units of 10 inmates. The average detainment is 34- 36 days. The most common cause for detainment is Driving Under the Influence (DUI).

**Kitchen/Nutrition:** Contracted kitchen service provider, Aramark, supervises between six and 12 select inmates who work in the kitchen area preparing and packaging meals while learning marketable skills. Those working in the kitchen are screened by medical and are trained in culinary safety, the rules of the kitchen, food preparation, proper food storage, hygiene, and cross contamination.

**Personal Appearance of Inmates:** Inmates and their surroundings appeared dirty and disorganized. Inmate grooming was found to demonstrate a lack of concern for their personal appearance. Evidence of personal hygiene was lacking. Clothing was untucked, and their hair was both unwashed and uncombed. The interior of the multi-inmate cells also lacked regular cleaning as used food containers, dirty laundry, and unmade beds were viewed by the MCGJ. Each inmate is issued clothing and linens.

**Medical Services:** During the week one RN, one LVN, one CNA as well as two mental health clinicians are available to handle the needs of the inmates. One FNP, one health service administrator, and a medical director are available for eight hours per week. Medical services are provided by Well Path, the county's contracted provider. Limited dental services are also available.

**Program-Vocational:** Classes are available to inmates on preparing resumes, doing mock interviews, and completing classes to meet court directives. A solar program is an on-going program for solar installation. Inmates are very excited about participating. Once released, those completing the in-custody part of the solar installation program, are eligible to move to the continuation of the program at the non-profit GRID facility. Once completing the program, inmates may earn up to \$70,000 per year.

**Findings:**

1. **MCGJ finds that** in housing areas of the jail, staffing levels are not adequate to ensure the safety of the staff and inmates.
2. **MCGJ finds that** the custody areas lack routine maintenance.
3. **MCGJ finds that** a lack of a daily structured regimentation contributes to a lack of self-pride by inmates.

**Recommendations:**

1. **MCGJ recommends that** staffing levels in housing areas be increased immediately to ensure the safety of both the staff and inmates.
2. **MCGJ recommends that** long-deferred maintenance issues be immediately addressed.
3. **MCGJ recommends that** immediately a daily regulated schedule be implemented for inmates.

**Required Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following elected county officials within 60 days:

Board of Supervisors

200 West Fourth Street

Madera, CA 93637

Sheriff Tyson Pogue

Madera County Sheriff Headquarters

2725 Falcon Drive

Madera, CA 93637

**Invited Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following governing bodies within 90 days:

Assistant Sheriff Darin McMechan

Madera County Sheriff Department-Jail Division

2725 Falcon Drive

Madera, CA 93637

Assistant Chief Chris Rodriguez

Madera County Jail

195 Tozer Road

Madera, CA 93637

## Central California Women's Facility

Madera County Grand Jury conducted the mandated Detention Facility Inspection at the Central California Women's Facility (CCWF), located at 23370 Road 22 in Chowchilla, CA on February 22, and April 18, 2022, and attended Dog Graduation on May 19, 2022. Those conducting the inspection were both transparent and accommodating of the MCGJ's requests for information, and members of the Grand Jury had an opportunity to speak with staff, inmates, and inmate's families.

**Overview:** Central California Women's Facility is a Level 1-4 institution. The original facility was designated for 2004 inmates. However, the State of California will allow 137.5 per cent of capacity or 2755 inmates. At the time of the inspection on April 18, 2022 the inmate population was 2213, which is within the State mandates. This is a significant improvement over the MCJG last visit on January 9, 2020. At that inspection, inmate population was 2778, which was not in compliance. There are currently 22 inmates on death row, although the death penalty has been suspended in California. Typically, five to six inmates are released on a weekly basis. Over the course of the last two years, 2,113 inmates were released with only 19 returning to Madera County.

**Orientation of Inmates:** Central California Women's Facility serves as a central receiving intake institution. Upon arrival from counties throughout California, female inmates are interviewed, and a classified based on security, custody, and treatment needs are determined. This classification determines not only the facility assignment for the inmate, but also the housing assignment. Accessibility to the community and any program or job placement are also considerations.

**Housing:** Inmates are housed at eight per cell. There are Honor Dorms for those who have demonstrated best behavior. Room inspection for contraband is conducted every day. Inmates are tested weekly for COVID and on February 22, 2022 60 inmates were isolated with COVID. Those individuals were housed in four buildings and were quarantined.

**Staffing:** Approximately 412 guards attend to the 2100 inmates. Guards work eight hour-16 hour shifts. A daily briefing is provided to Correctional Officers. COVID has caused staff shortages and the staff is often stretched. Two chaplains are available to serve inmates of all denominations.

**Environmental Conditions:** Buildings at CCWF looked to be in good condition. There were no visible signs of damage. The interior of the buildings was clean and well kept; however, the grounds appeared neglected. Lawns and flower beds were unkempt. Weeds were evident in the flower beds. The MCGJ was told that "professionals" oversee the grounds and not inmates. The facility recycles water from washing machines and uses grey water in landscaping. Administration is working on a way to reduce usage with drought-tolerant plants and other water-conserving practices.

**Kitchen/Nutrition:** A monthly menu was provided during the February inspection. At that time, meals were served in the housing blocks due to COVID. Inmates typically have 15 minutes to eat the food. In April as COVID restrictions changed, inmates returned to the dining hall for meals with half of each block served and seated to allow for social distancing. A hot breakfast and cold lunch are served in the morning, and a hot dinner is served in the evening. Commissary items are also available for purchase by inmates.

In the kitchens, job opportunities are available to inmates. Inmates are cleared by medical and cleared to handle food. Inmates are trained to work during each shift in the kitchen. Training consists of information concerning daily duties, rules, policies, safety training, proper ways to lift items, proper ways

to clean, and sanitize areas and equipment used during the respective shift. Food preparation, cooking of food, storage of food, serving, sanitation, and hygiene are a part of the training.

**Personal Appearance of Inmates:** Inmates appeared to be clean and well groomed. Personal items and the laundering of those items is handled by the inmates who have access to two washers/dryers in each Block. Laundering rotation is determined by prison cell number. There are 250 inmates that access the two laundering facilities in the block.

**Liaison for Communication:** An Inmate Advisory Council (IAC) serves as a liaison between the Administration and the inmates. The IAC presents inmate concerns at quarterly meetings with administration and works to quickly resolve any matters. The most common issue disputes deal with property. A team of four inmates, representing each of four blocks, convey messages from the Administration to inmates in the respective blocks. The team gathers complaints and attempts to resolve them at a block level based on information secured from Administration. Team representatives expressed positive outcomes from meetings and communications from Administration.

**Visiting Areas:** Inmates have access to a large visiting area that can seat 150 as well as to telephones in the housing blocks. Regular visits are available on Friday, Saturday, and Sunday. Each inmate is typically allowed to have five pre-approved visitors at a time.

Four units for family conjugal visits are available for those inmates who have met the criteria for visitation. For inmates to be permitted to have a conjugal family visit, the inmate must be disciplinary free, not have close custody status, and no guilty disciplinaries for distribution of narcotics. Family visits are once a quarter for three days and two nights. Each family visiting unit has two sleeping rooms, a cooking area, a living area, and a fenced outdoor area.

**Mail:** Mail arriving from the Chowchilla Post Office at CCWF is processed and delivered within seven days. All mail is scanned, screened, opened, and read. Any mail found to contain any suspicious messages or contraband are immediately, physically delivered to a custody officer within the mail facility. Cash is not accepted for deposit into an inmate's account; however, checks and money orders can be sent for deposit to the inmate's account.

**Educational/Vocational Programs:** Educational and vocational classes are available to inmates. Inmates can earn a high school GED as well as college degrees. Inmates who do not have a high school equivalency are placed during the classification process. Inmates are placed in Adult Basic Education 1, 2, or 3, general education development, or the high school diploma program--In order to streamline the program, Administration is working to access newer technology. A program through Merced Community College has 225 participants studying to earn an Associates of Arts degree. With the Chancellor of the State Center Community College District, CCWF administration is exploring the option of offering lab classes at the community college once-a-week. A Bachelor of Arts degree program is available through California State University, Fresno (CSUF) and began in the spring of 2021. Twenty-five inmates have earned a bachelor's degree through CSUF. Classes are offered online.

Vocational training programs are offered in career core basics: basic building and building maintenance, computer and related technologies (CRT), cosmetology, auto body and paint, electronics, substance abuse counseling, carpentry, and farming. Due to COVID, modifications and the need for hands-on experiences in several programs, the number of certifications in the last two years has dropped significantly. (See table below.)

**Certifications earned by Inmates in Rehabilitation Programs**

Type of Vocational Certification	2019-2020	2020-2021	2021-2022
Accreditation	28	3	0
Skill Mastery	68	48	55

**Auto Body and Paint:** Vocational training is provided to the inmates as they learn auto body repair and paint. Currently CCWF is scheduled to upgrade to a new state-of-the-art paint booth with a computerized paint mixing station. Upon successfully completing the training, inmates have options of getting certified by I-Car or Automotive Service Excellence (ASE). Upon completion, 80-90per cent of the inmates pass the state certification test.

**Firehouse 5:** Firehouse 5 is the only fulltime, fully functioning firehouse in the County of Madera with 8-10 trained inmates. The firehouse inmates are supervised by a chief and two captains. Inmates participating in this program are screened in an interview during a selection process prior to joining the firehouse crew. Physical conditioning is a part of the daily routine. Inmates responded to 1936 calls in 2021 within a 200-mile radius. A mutual-aid agreement with Madera County is in place. These firefighters respond to calls ranging from wildland fires, structures fires, auto accidents, and medical emergencies. The firehouse and fire engines are kept in pristine condition by the firefighter inmates. These firefighters are on-call 24 hours a day, 7 days a week.

CalFire has provided a fire engine for the station and the inmates train with CalFire at time, Firefighters are CPR certified and meet physical requirements. Each firefighter can run with a 35-pound hose. Two former inmates have been hired by CalFire. The firefighters’ records have been expunged by legislation passed by the state of California.

Firefighters are trained in deep-contamination cleaning and have an on-site washer to launder outer gear. As a firefighter, an inmate can earn a 50per cent reduction of incarceration. The maximum length of stay in the program is five years. Central California Women’s Facility firefighters were recognized by Chowchilla City officials for their efforts in combating a fire at the Myerwood Apartments in Chowchilla.

At the fire station, Daryl, the firehouse cat, serves not only as the mascot but also as a therapy cat to those returning from a call for service.

**Puppies Uplifting Inmate’s Spirits (P.U.P.S.):** For those electing to participate in the Puppies Uplifting Prisoner’s Spirit (PUPS) program, a puppy becomes the fulltime round-the-clock responsibility of two handler/trainers. Inmates with no record of harm to animals or others and without any discipline issues can apply to be a dog trainer. The assigned dogs live in the cell with the trainer/handlers. In each 8-person cell, up to three dogs and three handler/trainers share the space. The behavior of the dogs is logged 24-hours a day. The dogs sleep in crates and are trained to respond to commands, changes in the handler’s emotions, and leave the facility after approximately 18 months for further training. The value of the training provided by the inmates is estimated at \$20k. The graduating dogs will provide emotional support, assist the visually impaired, hearing impaired, and provide mobility and stabilizing assistance. Some dogs serve as diabetic alert, and seizure alert dogs. Following PUPS graduation at CCWF, the dogs move onto their next round of training at the Little Angels training facility in San Diego.

At the Dog Graduation on May 19, 2022, inmate/trainers, their dogs, families of participants and invited guests, including MCGJ viewed a video featured on Nightline (<https://littleangelesservicedogs.org>) was shared by Little Angels, the sponsoring agency.

The Warden highlighted the impact the dog training program has had on the inmate/trainers, the staff, and the administration. He included his experience as a volunteer to transport a dog to go to a veterinary appointment. The dog began the ride in the passenger's seat but ended up sitting in his lap. After the appointment and upon returning to CCWF, the dog jumped up on the inmate/trainer's bed. Another experience chronicled by the Warden involved a dog who sat down enroute to the entrance gate. A golf cart had to relocate the dog and the inmate/trainer shared that the dog was stubborn, a noted behavior trait.

**Findings:**

1. **MCGJ finds that** the landscaping was neglected.
2. **MCGJ finds that** those participating in the Auto Body and Paint program received valuable employable skills.
3. **MCGJ finds that** the Warden was willing to speak with members of the Grand Jury about the rehabilitative programs at CCWF.
4. **MCGJ finds that** the Warden initiated communication and rehabilitative programs geared to minimize institutional disruptions and was willing and scheduled regular meetings with the IAC representatives.
5. **MCGJ finds that** the Puppies Uplifting Inmate's Spirits Program (P.U.P.S.) enables inmates to become more responsive to the needs of the dog and the changes associated with surrounding stimuli.

**Recommendations:**

1. **MCGJ recommends that** CCWF develop a landscaping program practice for inmates to train for after-institution life.
2. **MCGJ recommends that** the institution continue to train and make ASE and I-CAR certification available at CCWF.
3. **MCGJ recommends that** the Warden continue to research and implement innovative programs at CCWF.
4. **MCGJ recommends that** the Warden expand the IAC program to involve more inmates in the decision-making process.
5. **MCGJ recommends that** CCWF continue to offer the P.U.P.S. program to benefit the inmate/trainer, the staff, and the administration.

**Required Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following governing bodies within 60 days:

Governor Gavin Newsom

1021 O Street, Suite 9000

Sacramento, CA 95841

**Invited Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following governing bodies within 90 days:

Warden Michael Pallares

Central California Women's Facility

23370 Road 22

Chowchilla, CA 93610

## Valley State Prison

Madera County Grand Jury conducted the mandated Detention Facility Inspection at the Valley State Prison, located at 21633 Avenue 24 in Chowchilla, CA on April 12, 2022. Although a new warden was assigned to the facility following the retirement of the previous warden, members of the Madera County Grand Jury did not meet the warden nor was the Public Information Officer available during the mandated and scheduled Detention Facility Inspection. Despite multiple attempts to contact the Warden and Public Information Officer, they failed to respond. In the end, the Inspection of the facility was handled by the Litigation Coordinator who was extremely polite, familiar with the facility, personnel, and the programs in place at Valley State Prison. Their primary responsibility is not public information but to process intimate litigation for inmates.

**General Information:** Valley State Prison is a Level 1/Level 2 facility, although the facility does have inmates who are sentenced to life. Inmates consider themselves fortunate to be assigned to Valley State Prison. The capacity of the facility is 1980 with a population on April 12, 2022 of 2950. The State of California will allow 137.5 per cent of capacity, or 2722 inmates. The population on April 11, 2022 was 2,950. This is well over State mandate as well as the designated capacity of the institution. .

Over the course of the last two years, 433 inmates were placed in a one-on-one watch.

**Staffing:** State staffing standards are designed to provide a “base” staffing level which is the minimum staffing necessary for institutions to operate.

**Local and State Inspections:** Fire Inspections of the facility take place every quarter with the last inspection in February of 2022. The state-conducted medical inspection took place over a three-day period in March of 2022. In January of 2022, the State Corrections Standards Authority Inspection took place in conjunction with the Security Audit.

**Conditions of the Grounds:** Well-maintained landscaping is a distinctive feature at Valley State Prison. A special prayer garden has been developed by the inmates and serves as a photo backdrop. Several large boulders surrounded by trees, flowers, benches, and wildlife are featured in the tranquil garden created and maintained by the inmates. The exterior of the buildings looked to be in good condition and there were no visible signs of damage. The interior of the buildings was clean and well kept.

**Housing:** Inmates are housed at eight per cell. The cell within the block observed by MCGJ had six inmates. The cell appeared neat and orderly with a shower and toilet within the unit. The inmates are allowed to shower unsupervised at any time between 6 am and 9 pm. Linens, such as sheets and towels, appeared dingy. Honor Dorms house those demonstrating best behavior. N95 or KN95 masks were required in common areas at the time of the inspection on April 12, 2022. Room inspection for contraband is conducted every day.

**Orientation of Inmates at Intake:** All inmates arriving to Receiving and Release (R&R) are given an orientation packet, Prison Rape /Elimination Act (PREA) brochure, and a self-assessment guide. The inmates are shown a video and given an explanation concerning PREA. Inmates were also instructed how to report if they witness or are a victim of sexual violence. A signature acknowledges receipt of the information. Safety issues are also addressed. The Disability Placement Program (DPP), a 602 grievance, and an 1824 Reasonable Accommodation Request are explained.

During a typical intake interview an individual is interviewed and each file is reviewed. The inmate is admonished that, “Valley State Prison is a Non-Designated Institution, and they must be able to live with any race.” Safety concerns are addressed and verified. Housing restrictions are reviewed for proper placement.

The healthcare needs of the inmate population are addressed. Two mental health programs are provided at Valley State Prison. Enhanced Outpatient Program (EOP) provides weekly individual therapy. The Correctional Clinical Case Management System (CCCMS) provides individual therapy and groups are mandatory. Services are provided by psychologists, social workers, psychiatrists, recreational therapists, pre-doctoral interns, and practicum students.

**Discipline of Inmates:** A progressive discipline process for conduct violations is handled in accordance with the California Code of Regulations Title 15. There are three progressive levels of discipline: verbal, counseling, and a rules violation report.

**Kitchen/Nutrition:** A monthly menu is provided, and meals are served during a 15-minute shift in the Dining Hall following COVID social distancing regulations. For every meal served, one 'dead man's meal' is refrigerated and tested if anyone becomes ill. Inmates working in the kitchen must be cleared by medical and are able to complete a 52-week California Department of Corrections and Rehabilitation Food Service Training program. Commissary provisions are also available for purchase by inmates with funds deposited to their account. A maximum of \$250 can be spent monthly.

**Personal Appearance of Inmates:** Inmates are clean, neat, and well-groomed.

**Dog Training:** Inmates can work with dogs in a service dog program. Dogs are trained to assist in a home setting and to retrieve specific personal items on command, open and close doors, and operate ADA access buttons.

**Program/Vocational:** Vocational programs offered to inmates at VSP include masonry, cosmetology, computer and related technologies, small engines, welding, and electrical works.

**Optical Production:** VSP is the location for an optical production facility and trains screened and select inmates. This operation makes lenses for Medi-Cal patients in northern California. The optical facility receives 1500 to 2500 new orders per day. At the time of the MCGJ-conducted inspection, approximately 70 inmates were working in the optical center from 7am until 8pm to fill the incoming orders for eyewear. Upon successfully completing the program, the inmates receive a certification that can help them gain employment when released.

**Programs/Educational:** Twenty-one full time teachers, including 12 academic teachers, two testing coordinators, five college coordinators, one EOP teacher, and one recreational coach provide educational services to inmates. Each academic class has 54 student-inmates assigned. As of the April 12, 2022 inspection, 648 inmates were participating in Adult Education I, II, III, and GED classes.

**Family Visiting Areas:** Weekly visits are held in the visiting room for up to 6-hours. Inmates also have the option of using tablets for face-time visits with family members. All visitors must be approved. Family conjugal visits are determined by the inmate's counselor. An application must be filed to request visitation and be scheduled. Every 90 days, overnight conjugal visits are permitted based on availability.

### **Findings:**

1. **MCGJ finds that** neither the Warden nor the Public Information Officer at Valley State Prison made themselves available to meet with the Grand Jury during the mandated and scheduled Detention Facility Inspection as per Penal code 919a, 919b, 925a, and 925b.
2. **MCGJ finds that** the Litigation Coordinator was extremely polite, familiar with the facility, personnel, and programs at the institution.
3. **MCGJ finds that** VSP's inmate population exceeds the state capacity of the facility by 228 inmates and exceeds the design capacity by 970 inmates.

4. **MCGJ finds that** the grounds are well-maintained by inmates who have created a tranquil prayer garden.
5. **MCGJ finds that** the optical program at VSP provides excellent training for inmates, using state-of-the-art equipment, to earn certification that can assist in securing employment upon release.

**Recommendations:**

1. **MCGJ recommends that** the Warden of Valley State Prison must find time to meet with the Madera County Grand Jury during a mandated and scheduled inspection as per Penal Code 919a, 919b, 925a, and 925b.
2. **MCGJ recommends that** a specifically designated Public Information Officer must find time to facilitate the Detention Facility Inspection as per Penal Code 919a, 919b, 925a, and 925b.
3. **MCGJ recommends that** VSP work to reduce the inmate population within state designated capacity by December 31, 2022.
4. **MCGJ recommends that** inmates continue to maintain the tranquil setting in the prayer garden.
5. **MCGJ recommends that** the optical facility program continue to provide training on state-of-the-art equipment for inmates to develop employment-ready skills.

**Required Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following elected officials within 60 days:

Governor Gavin Newsom

1021 O Street, Suite 9000  
Sacramento, CA 95841

**Invited Respondents:** Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request responses as follows:

From the following governing bodies within 90 days:

Warden Landon Bird

Valley State Prison  
21633 Avenue 24  
Chowchilla, CA 93610

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## Responses to 2019-2020 Reports



**To the Reader:** Responses to the Final Reports, filed by the 2019-2020 Madera County Grand Jury, are mandated by California Penal Code. Penal Code sections 933 and 933.05 and requests that a response to the report be filed. In this section, the reader will find the summary, background, findings and recommendations made by the Grand Jury to each of the filed reports. The received responses follow the respective report's highlights. The entire report is available at the website, **Madera County Grand Jury Final Reports 2019-2020**.

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

For each relevant finding in the report, PC 933.05(a) requires the responding governing board or elected county official to give one of the two possible responses:

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

For each relevant recommendation, the board or elected county official is required to select one of four possible responses (PC 933.05(b) :

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

## **1920-01 California Department of Corrections' And Rehabilitation Facilities**

### **MADERA COUNTY JAIL**

#### **SUMMARY:**

As mandated by California Penal Code §919(b), the Madera County Grand Jury (MCGJ) is charged with inquiring into the condition and management of detention facilities within the County. Sections 919 (a), 925, and 925(a) authorize the Grand Jury to investigate County and City jails and other detention facilities. Such investigations highlight efficiencies and ensure that those incarcerated are treated in a humane manner.

#### **BACKGROUND:**

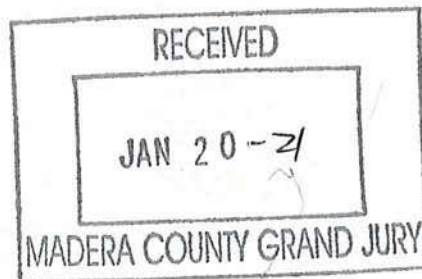
The Madera County Grand Jury (MCGJ) is authorized to visit and inquire into the conditions of any public prison within the County, including County jails. Inspecting safety and security in jails are priorities along with ensuring inmates are treated in a safe and humane manner. This report is about the MCGJ inspections of the Madera Department of Corrections, Madera County Juvenile Detention Center, and two California Department of Corrections and Rehabilitation facilities.

#### **FINDINGS - MADERA COUNTY JAIL:**

- F1.** The MCGJ finds there are unfilled and unfunded Correctional Officer positions.
- F2.** The MCGJ finds that the booking and intake area is small.
- F3.** The MCGJ finds a lack of mental health treatment options available in Madera County.
- F4.** The MCGJ finds there is a limited conduit for released inmates to find employment.
- F5.** The MCGJ finds MCDC works well with individual inmates with limited financial support.
- F6.** The MCGJ finds that the MCDC was very accommodating and open to taking questions.

#### **RECOMMENDATIONS – MADERA COUNTY JAIL:**

- R1.** The MCGJ recommends that, by the beginning of the fiscal year 21-22, the Department of Corrections secure funding to fill vacant positions.
- R2.** The MCGJ recommends that, by the beginning of the fiscal year 21-22, the MCDC redesign the workflow of the booking/intake area.
- R3.** The MCGJ recommends that, by the beginning of the fiscal year 21-22, Madera County Probation and Department of Corrections investigate an outsourcing option for mental health services.
- R4.** The MCGJ recommends that, by the beginning of fiscal year 21-22 MCDC and Madera County Probation work cooperatively to seek employment opportunities in the local area.
- R5.** The MCGJ recommends that the MCDC continue to work cooperatively with inmates to provide work opportunities to increase a financial support system for released inmates.
- R6.** The MCGJ recommends that the MCDC continue their work in providing open communication to the MCGJ.



December 23, 2020  
Judge Michael Jurkovich  
Madera County Supervising Judge  
300 South G street  
Madera Ca 93637

Dear Judge Michael Jurkovich:

This is the written response per Penal Code 933.05, Requires that I, Manuel L. Perez Director of Corrections respond separately to specified Findings and Recommendations contained in the Madera County's Department of Corrections' Facility / Grand Jury Final Report 1920-1 December 21, 2020.

**Findings:** Madera County jail

- F1.**MCGJ finds there are unfilled and unfunded Correctional Officer positions. (I concur)
- F2.**MCGJ finds that the booking area and intake area is small. (I concur)
- F3.**MCGJ finds a lack of Mental Health treatment options available in Madera County. (I concur)
- F4.**MCGJ finds there is limited conduit for release inmates to find employment. (I concur)
- F5.**MCGJ finds MCDC works well with individual inmates with limited financial support. (I concur)
- F6.**MCGJ finds MCDC was very accommodating and open to taking questions. (I concur)

**Recommendations:** Madera County Jail

**R1.** MCGJ recommends that, by the beginning of the fiscal year 21-22, the Department of Corrections secure funding to fill vacant positions.

**Response:** BOS and HR Department in Madera County have been excellent to work with. The jail currently has Ten Vacancies and fiscal year 2020-21 provided funding to hire all ten with qualified candidates. Madera County has a continuous testing on meeting the need and commitment of the department. The department does have unfunded positions and in my ten years of being the director, I've never had the opportunity to ask for the opportunity to fill because of no vacancies. I hope with the start of the new SB1022 Construction Project, We will have an opportunity to address unfunded frozen positions.

**R2.** The MCGJ recommends that, by the beginning of the fiscal year 21-22, MCDC redesign the workflow of the booking/Intake area.

**Response:** In August of 2020, Madera County jail started SB1022 Pre-Design Review that includes the redesign of the Intake area in include widening the work area and adding two safety cells. Madera jail working with Dewberry: Architects/ Kitchell: Engineering + Architectural Services





**R3:** The MCGJ recommends that, by the beginning of the fiscal year 21-22, Madera County Probation and Department of Corrections investigate an outsourcing option for mental Health services.

**Response:** Madera County Department of Corrections received an award of 19 million for Behavioral Health Treatment Facility to address the Mentally ill in Madera County that are incarcerated. We are currently in the pre-design review, being nearly completed. January 08, 2021 with Probation and law enforcement partners. A meeting was initiated in regards to applying for SAMHSA Mental Health Awareness Training (MHAT) Grant.

**R4:** The MCGJ recommends that, by the beginning of fiscal year 21-22 MCDC and Madera County Probation Department work cooperatively to seek employment opportunities in the local area.


**Response:** Madera County Department of Corrections with cooperation with our food vendor Aramark, provide a Food preparation and food service certificate to address employment opportunities when out of custody. Madera County Department of Corrections also with cooperation with Grid Solar Company provide training for inmates in the field of solar to assist when they leave the jail. We also work closely with Workforce Development Agencies to help address recidivism. Probation has been a great partner with Community Corrections Partnership and I will continue to work closely on this issue to address future opportunities for the jail population.

**R5:** The MCGJ recommends that the MCDC continue to work cooperatively with inmates to provide work opportunities to increase a financial support system for released inmates.

**Response:** Madera County Department of Corrections also provides educational tablets that have a large sort of subjects and learning topics that can assist the inmate population if they chose to. For example: section in the automotive repair, teaches the students how to service and repair carburetors. MCDC will continue to be innovative and seek out more resources to assist the jail population.

**R6:** The MCGJ recommends that the MCDC continue their working in providing open communication to the MCGJ.

**Response:** I will always do my best to be available for any questions or tours, and to be transparent on my direction to staff on how the facility stays affected in providing the highest level of service and keeping Public Safety a priority.

Director of Corrections  
Madera County  
  
Manuel L. Perez

## **JUVENILE DETENTION CENTER**

### **SUMMARY:**

Madera County Grand Jury visited the Madera County Juvenile Detention Center (MCJDC) on October 2, 2019. The visit included observing the interior and exterior of the facility. Access was provided to all requested locations.

### **OVERVIEW:**

This facility is for juvenile residents. The Madera County Juvenile Hall is a medium to low-security detention center that is operated locally by the Juvenile Justice Department and holds youth awaiting the determination of punishment for the crimes of which they are accused. Most of the adolescents are detained for less than two years. The Probation Department is also responsible for operation and administration of the Juvenile Hall. Juvenile Hall is a place of detention for juvenile offenders taken into custody within the provisions of Section 602 of the Juvenile Court Law. These young people are detained for their protection or the protection of the community pending and/or serving final disposition of their cases. Programs include temporary detention pending court disposition, holding for other agencies, and varying lengths of residential care. Treatment programs include full-time school within the Juvenile Hall for continuation of education.

### **FINDINGS - MADERA COUNTY JUVENILE DETENTION CENTER (MCJDC)**

**F1.** The MCGJ finds the Correctional Academy Program to be successful for the positive development of the youth who take part in the Academy.

**F2.** The MCGJ finds the staff and teachers within the Program at MCJDC highly capable, dedicated, and compassionate.

**F3.** The MCGJ finds that a delay of a 96-hour physical screening endangers the health of other residents and staff.

**F4.** The MCGJ finds the wards face a lack of choices after release.

### **RECOMMENDATIONS - MADERA COUNTY JUVENILE DETENTION CENTER (MCJDC)**

**R1.** The MCGJ commends CAP as a successful program and recommends that the MCJDC continue to provide this highly structured program thus enabling youth to recognize their personal potential.

**R2.** The MCGJ commends the staff and teachers within the Program for their attention to the mental, physical, and educational needs of the youth and encourage providers to continue in their positive responsiveness.

**R3.** The MCGJ recommends that immediately upon admission wards shall be screened for any communicable diseases.

**R4.** The MCGJ recommends that, by the beginning of fiscal year 21-22, the MCJDC connect wards with meaningful community service organizations.



# MADERA COUNTY PROBATION DEPARTMENT Administration



STEPHANIE STOECKEL  
Deputy Chief Probation Officer

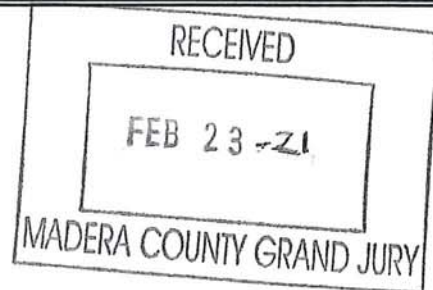
CHRIS CHILDERS, Chief Probation Officer

209 W. Yosemite Ave  
Madera, CA 93637  
Phone (559) 675-7739  
Fax (559) 673-0521

February 19, 2021

Madera County Grand Jury Foreperson  
PO Box 534  
Madera CA 93637

Attention: Madera County Grand Jury Foreperson



This letter is to serve as a response to the (MCGJ) Madera County Grand Jury findings and recommendations released on December 21, 2020, regarding Madera County Juvenile Detention Facility.

Madera County Probation Department would like to thank the Madera County Grand Jury for their recommendations and comments. The group that toured our facility showed great interest in the education, rehabilitation, and medical efforts that were on display when visiting with the teachers, wards, facility staff and medical staff.

The Probation Department acknowledges the Grand Jury's recommendations and will strive to adopt them into our plan to improve both public safety and rehabilitation efforts of justice involved individuals.

The report noted two (2) findings for Madera County Juvenile Detention Facility and provided two (2) recommendations to address the reported findings. Below you will find both Grand Jury findings and recommendations, and the department's response pursuant to Penal Code Section 933.

### 1) Finding, Recommendation and Response:

*F3. The MCGJ finds that a delay of a 96-hour physical screening endangers the health and safety of other residents and staff.*

*R3. The MCGJ recommends that immediately upon admission wards shall be screened for any communicable diseases.*

### Madera County Probation Department Response:

The Madera County Probation Department partially agrees with the finding and will explain the reasons. The physical screening is a full health assessment conducted by a physician soon as possible and no later than 96-hours of the ward's arrival. Equally, upon arrival to the facility, a ward is also screened by a qualified health care professional between 7am-7pm and no later than the following morning if the

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

ward arrived after 7 pm. Further, if a ward exhibits any signs of illness, the facility or medical staff will immediately contact the on-call physician who is available 24/7.

The recommendation has been further implemented, with a summary regarding the implemented action. The facility policies and procedures were updated in response to communicable disease priorities identified by the local health officer in March of 2020, at the start of the COVID pandemic. Facility administration, along with medical administration, developed a "COVID response plan" to prevent a communicable disease outbreak. Wards are still screened during the intake process by health care professionals for communicable diseases with the addition of the CDC screening tool and daily health screenings for the first (10) ten days after a ward's arrival.

Lastly, the Madera County Juvenile Detention operational policies and procedures are inspected bi-annually by the Madera County-Public Health Officer and the (BSCC) Board of State Community Corrections to ensure the facility meets Local and State standards set for the in California Title 15 Standards for Juvenile Facilities. Please note the facility meets or exceed those standards with the last inspection occurring in November 2019. A report of that inspection is public and accessible on Board of State Community Correction's website.

**2) Finding, Recommendation and Response:**

*F4. The MCGJ finds the wards face a lack of choices after release.*

*R4. The MCGJ recommends that, by the beginning of fiscal year 21-22, the MCDJC connect wards with meaningful community service organizations.*

Madera County Probation Department Response:

The Probation Department agrees with the finding. However, the department's recommendation also requires further analysis and additional resources. Community based programs for wards and their rehabilitation have associated costs. The department has recently applied for additional grant funding through Senate Bill 823 for fiscal year 21-22. If awarded, the grant award will be used to augment evidenced-based treatment programs for wards housed in local juvenile detention facilities, as well as wards participating in re-entry programs following their release from custody.

In Closing, Madera County Probation appreciates the effort and time of the Grand Jury to provide the recommendations to the operation of the Madera County Juvenile Detention Facility. Madera County Probation Department Management and Staff will continue to follow all state and county procedures in the daily operation of the Juvenile Detention Facility. Should you have any questions please do not hesitate to contact me.

Cordially,

  
Chris Childers, Chief Probation Officer

cc: Judge Michael Jurkovich

## VALLEY STATE PRISON (VSP)

### SUMMARY:

The Madera County Grand Jury visited the California Department of Corrections and Rehabilitation (CDCR), located in Chowchilla, California on December 6, 2019. The MCGJ toured the prison facility and was provided guided access to many areas.

### OVERVIEW:

The VSP is operated by the CDCR. The prison opened in April 1995 as a women-only prison, and the prison began receiving inmates immediately thereafter. The CDCR began converting the prison into a facility for low-risk male inmates in 2012. The conversion was completed in January 2013 with the last female inmates in the facility transferred to the nearby Central California Women's Facility (CCWF) in Chowchilla and California Institution for Women in Chino, California. Some inmates nearing the end of their sentence were transferred to various county jails.

The MCGJ inspected the prison using a checklist developed for grand jury prison inspections by the California Board of State and Community Corrections. Additional information was requested by the MCGJ prior to making the inspection. The check list included the general safety and security of the facility, food services, medical services, job training, and educational programs for inmates, and a housing unit.

### FINDINGS - VALLEY STATE PRISON (VSP)

- F1.** The MCGJ finds that the inmate population exceeds state mandates.
- F2.** The MCGJ finds there are adequate educational and vocational opportunity programs for inmates.
- F3.** The MCGJ finds there is a lack of mental health treatment options available for inmates.
- F4.** The MCGJ finds that the inmates were well behaved, polite, proud of their accomplishments, and willing to answer questions.

### RECOMMENDATIONS - VALLEY STATE PRISON (VSP)

- R1.** The MCGJ recommends that the CDCR continue to work at the state level, specifically the California State Legislative Analyst Office (LAO), to assist in resolving overcrowding issues. <https://lao.ca.gov/Publications/Report/4186>
- R2.** The MCGJ recommends that the CDCR continue providing well-rounded offerings of educational and vocational training with post release employment opportunities.
- R3.** The MCGJ recommends that the CDCR investigate an outsourcing option for mental health services or jointly utilize the mental health services available at the Central California Women's Facility.
- R4.** The MCGJ commends the CDCR staff for maintaining a positive and supportive environment.

**VALLEY STATE PRISON**

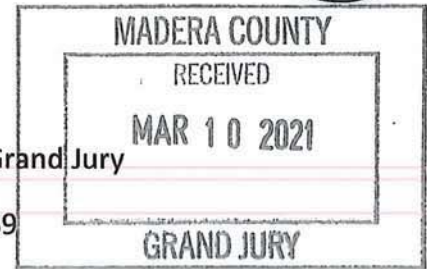
P.O. Box 99  
Chowchilla, CA 93610-0099



March 3, 2021

Presiding Judge Michael Jurkovich  
Madera County Superior Court  
300 S. G. Street  
Madera, CA 93637

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



This is in response to your Findings and Recommendations contained in the 2019-2020 Madera County Grand Jury report, dated December 21, 2020, regarding Valley State Prison (VSP).

**Findings:**

1. The MCGJ finds the inmate population exceeds state mandates.

I disagree with this finding.

2. The MCGJ finds there are adequate educational and vocational opportunity programs for inmates.

I agree with this finding.

3. The MCGJ finds there is lack of mental health treatment options available for inmates.

I disagree with this finding. Inmates are provided access to Mental Health Services Delivery System (MHSDS) at any time by submitting a referral for services. Inmates that are part of the MHSDS at the level of Enhanced Outpatient Care (EOP) and Correction Clinical Case Management System (CCCMS) level of care are provided adequate care consistent with their severity of mental illness and overall functioning. In addition, VSP is currently fully staffed in the Mental Health Department. There are regular audits to ensure quality care is being provided for the inmates. VSP has routine treatment team meetings to ensure that inmates are at the appropriate level of care.

4. The MCGJ finds the inmates were well behaved, polite, proud of their accomplishments, and willing to answer questions.

I agree with this finding.

**Recommendations:**

1. The MCGJ recommends that the CDCR continue to work at the state level, specifically California State Legislative Analyst Office (LAO), to assist in resolving overcrowding issues.

This recommendation has been implemented in 2019. The inmate population was 2906 however, with the Implementation of Propositions 47, 57 and AB 109 the population has continued to reduce the number at VSP to 2755.

2. The MCGJ recommends that the CDCR continue providing well-rounded offerings of educational and vocational training with post release employment opportunities.

This recommendation has been implemented with advanced education with Merced College and educational, vocational job placement, which has led to 157 AA degrees, 240 GED's and 37 high school diplomas between, 2017-2020.

3. The MCGJ recommends that the CDCR investigate an outsourcing option for Mental Health Services or jointly utilize the Mental Health Services available at the Central California Women's Facility.

As mentioned above, VSP's Mental Health Department is fully staffed to provide services to the inmate population in all levels of care.

4. The MCGJ commends the CDCR staff for maintaining a positive and supportive environment.

Thank you.

Should you have any questions or concerns regarding this matter, please contact David Barksdale, Administrative Assistant/Public Information Officer, at (559) 665-6500, extension 5509.

  
R. FISHER, JR.  
Warden  
Valley State Prison

## **CENTRAL CALIFORNIA WOMEN’S FACILITY (CCWF)**

### **SUMMARY:**

The Central California Women’s Facility (CCWF), in Chowchilla, California, is part of the California State Prison system. A mandated responsibility of the MCGJ is to inspect the condition of all facilities within the County of Madera. The MCGJ toured this facility on January 9, 2020 after experiencing delayed, and limited scope access.

### **OVERVIEW:**

The Madera County Board of Supervisors gave the prison its current name in 1989, prior to opening in October 1990 at a cost of \$141 million to construct.

The MCGJ inspected the prison using a checklist developed for grand jury prison inspections by the California Board of State and Community Corrections. The check list included the general safety and security of the facility, food services, medical services, job training, and educational programs for inmates, and a housing unit. The MCGJ toured the prison facilities pre-determined by the CCWF staff. The MCGJ were are not permitted access to many areas requiring inspection.

### **FINDINGS - CENTRAL CALIFORNIA WOMEN’S FACILITY (CCWF)**

**F1.** The MCGJ finds that access was severely limited during the tour.

**F2.** The MCGJ finds that the inmate population exceeds State mandates.

**F3.** The MCGJ finds Firehouse 5 to be a valuable opportunity for inmates to learn marketable post incarceration skills and to serve the public while incarcerated.

**F4.** The MCGJ finds administrators attending job fairs on behalf of inmates is a questionable practice.

### **RECOMMENDATIONS - CENTRAL CALIFORNIA WOMEN’S FACILITY (CCWF)**

**R1.** The MCGJ recommends that, during the fiscal year 21-22, the CCWF provide the Grand Jury with access to all areas on the checklist and those frequented by inmates.

**R2.** The MCGJ recommends that, beginning immediately, the CDCR continue working at the state level, specifically the California State Legislative Analyst Office (LAO) to assist in resolving overcrowding issues. Ref; <https://lao.ca.gov/Publications/Report/4186>

**R3.** The MCGJ recommends that, immediately, CCWF administrative personnel provide equitable compensation for on-call services provided by firefighter inmates working from Firehouse 5.

**R4.** The MCGJ recommends that, immediately, the CCWF provide onsite job fairs for inmates nearing parole, enabling the inmate to personally participate and interact with potential employers

DIVISION OF ADULT INSTITUTIONS  
 Central California Women's Facility  
 P.O. Box 1501  
 23370 Road 22  
 Chowchilla, CA 93610-1501  
 (559) 665-5531



March 22, 2021

Presiding Judge Michael Jurkovich  
 Madera County Superior Court  
 300 S. G. Street  
 Madera, CA 93637

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

This is in response to your Findings and Recommendations contained in the 2019-2020 Madera County Grand Jury report, dated December 21, 2020, regarding Central California Women's Facility (CCWF).

**Findings:**

1. The MCGJ finds that access was severely limited during the tour  
 I agree with this finding.
2. The MCGJ finds the inmate population exceeds state mandates  
 I disagree with this finding.
3. The MCGJ finds Firehouse 5 to be a valuable opportunity for inmates to learn marketable post incarceration skills and to serve the public while incarcerated.  
 I agree with this finding.
4. The MCGJ finds administrators attending job fairs on behalf of inmates is a questionable practice.  
 I disagree with this finding.

**Recommendations:**

1. The MCGJ recommends that during the fiscal year 21-22, the CCWF provide the Grand Jury with access to all areas on the checklist and those frequented by inmates.  
 CCWF agrees with this recommendation.
2. The MCGJ recommends that the CDCR continue to work at the state level, specifically California State Legislative Analyst Office (LAO), to assist in resolving overcrowding issues.

This recommendation has been implemented in 2019. With the implementation of Propositions 47, 57 and AB 109 the population has continued to reduce the number at CCWF to 2147 inmates.

3. The MCGJ recommends that immediately, CCWF provide equitable compensation for on-call services provided by firefighter inmates working from Firehouse 5.

CCWF follows California Code of Regulations Title 15 Section 3041.2; Inmate Pay Rates, Schedule and Exceptions. Pay rates can only be revised by the Secretary pursuant to the Administrative Procedure Act.

4. The MCGJ recommends that immediately, the CCWF provide onsite job fairs for inmates nearing parole, enabling the inmate to personally participate and interact with potential employers.

Job Fairs have been provided in the past for the inmate population which was organized with the Department of Rehabilitation Program (DRP). CCWF continues to offer job fairs for the inmate population and work with the Fresno Regional Workforce Connection to encourage a successful transition back into society.

Should you have any questions or concerns regarding this matter, please contact Gene Norman, Administrative Assistant/Public Information Officer, at (559) 665-5531, extension 5012.



M. PALLARES  
Warden (A)  
Central California Women's Facility

## **1920-02 Unmet Transit Needs: Riders Without Routes, Unmet**

### **SUMMARY:**

The 2019-2020 Madera County Grand Jury (MCGJ) was prompted to review the Madera County Public Transportation (MCTC) services after reviewing the MCGJ 2017 report. That report found the “*Madera County Transportation Commission efforts in obtaining public input are insufficient.*” The MCGJ also considered the Unmet Transit Needs FY 2019/2020 Report published by the Madera County Transportation Commission. In addition, in July 2019 the County awarded a five-year contract to the Fresno County EOC (FCEOC) for Madera County Connection (MCC) transportation services. The change to the new service provider would have given the County the opportunity to review the routes and connections but improvements were not considered. The only changes were cosmetic: a new logo, different uniforms, and a new name attached to the service provider. This MCGJ report reviews the improvements to secure public input and develop route improvements to meet needs geographically, demographically, economically while addressing the needs for all communities in the County of Madera.

### **BACKGROUND:**

The MCTC publishes an annual report provided to them by the Social Services Technical Advisory Council (SSTAC) “Unmet Transit Needs FY 2019/2020 Report.” SSTAC serves as a citizen advisory committee to the MCTC on matters related to public transportation needs of the Madera County community. SSTAC holds two to three meetings per year, including the Unmet Transit Needs Public Hearing.

The function of SSTAC, which is comprised of MCTC staff and public volunteer representatives, evaluates public comments, holds public workshops, public hearings, and makes recommendations to the MCTC Board to aid the MCTC Policy Board in its review of public transit.

The composition of the SSTAC is set forth in statute and consists of representatives of the following groups; One representative of potential transit users who is 60 years of age or older, one representative of potential transit users who have a disability, two representatives of the local service providers for seniors, including one representative of a social service transportation provider if one exists, two representatives of local social service providers for those with disabilities, including one representative of a social service transportation provider, if one exists, one representative of a local social service provider for persons of limited means, and two representatives from the local consolidated transportation services agency. The volunteer representatives of SSTAC have not been filled since 2018. The administrative role of the MCTC is to foster intergovernmental coordination. By conducting meetings with Caltrans, undertaking comprehensive regional planning with the region’s public transportation operators, providing a forum for citizens input with citizen forums held once a year, and providing technical services to its member agencies.

The MCGJ's focus was on this annual report, and on the following items:

- MCTC efforts made to further engage and obtain public input
- MCTC efforts made to meet unmet transit needs
- MCTC efforts made to develop strategies to increase ridership and alleviate challenges of unmet transit needs
- MCTC efforts made to provide new or additional public transportation services routes
- MCTC efforts made to provide a public transportation service that services all communities in an efficient and cost effective manner.

Based on the findings presented in the MCJG 2017 report and the Unmet Transit Needs 2019/2020 Report, the MCGJ 19-20 revisited the agency and its operation.

### **FINDINGS:**

**F1.** The MCGJ finds that the definition of unmet transit needs is vague and fails to consider the geography, the demographics, and the economic inequity of Madera County.

**F2.** The MCGJ finds that bus schedule information is not readily available.

**F3.** The MCGJ finds that bus schedules are difficult to read and understand.

**F4.** The MCGJ finds that there is inadequate public outreach to secure community input for transit needs from low income, senior citizens, and from rural mountain communities.

**F5.** The MCGJ finds that there continues to be unmet transit needs throughout the county which will only increase in outlying areas as the population increases and ages.

**F6.** The MCGJ finds that MCC LaVina, Fairmead, Berenda, Madera Dial a Ride, Chowchilla Dial a Ride, Senior Bus and Medical Escort are underused.

**F7.** The MCGJ finds that when referencing the hours and the bus schedules, transit services do not provide adequate hours or diverse route schedules.

**F8.** The MCGJ finds that there are several volunteer unfilled positions on the SSTAC committee. This limits the input from the underserved populations in the community.

**F9.** The MCGJ commends the County on the consolidated contract agreement and, cost savings of \$500,000 per year over five years with the selection of FCEOC as the bus service provider under a single operator contract.

**F10.** The MCGJ finds that little is being done to market public transportation within the County.

### **RECOMMENDATIONS**

**R1.** The MCGJ recommends that, by the of beginning fiscal year 21-22, the MCTC redefine the definition of "unmet transit needs" to be clearly outlined in layman terms.

**R2.** The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules be posted at bus stops, inside buses, and be made available at local businesses.

**R3.** The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules should be easier to read to promote ridership and ensure the clarity of transit availability.

**R4.** The MCGJ recommends that, by the beginning of fiscal year 21-22, SSTAC increase Unmet Transit Needs Workshops and Unmet Transit Needs Public Hearings to four times per year to promote community involvement from other County locations outside of the City of Madera.

**R5.** The MCGJ recommends that, by the beginning of fiscal year 21-22, an incentive programs, including FREE ridership days once a month for Seniors, Disabled and Persons with Limited Means, be introduced.

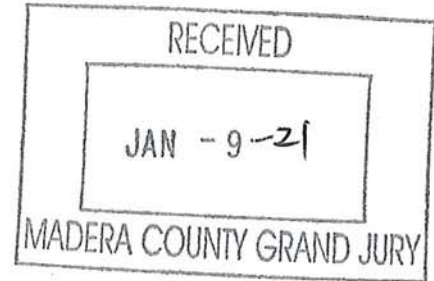
**R6.** The MCGJ recommends that, by the beginning of fiscal year 21-22, the Senior Bus, Dial-a-Ride, and Medical Transport County service be reviewed and expanded within Eastern Madera County, LaVina, Fairmead, and Berenda.

**R7.** The MCGJ recommends that, by the beginning of fiscal year 21-22, additional bus routes be added for Fairmead, LaVina, Berenda, Raymond, North Fork, and Eastern Madera County.

**R8.** The MCGJ recommends that, by the beginning of fiscal year 21-22, a concerted effort be made by SSTAC to recruit volunteers to serve on the SSTAC committee.

**R9.** The MCGJ recommends that, by the beginning of fiscal year 21-22, the annual \$500,000 savings be utilized to increase transit service routes in outlying areas; Eastern Madera County, La Vina, Fairmead, Berenda, Raymond, and North Fork.

**R10.** The MCGJ recommends that, by the beginning of fiscal year 21-22, the County Public Works Department proactively seek additional funding, either through grants or minimal fare increases, to brand themselves and actively market their services to improve community outreach and increase ridership.



January 5, 2021

Judge Michael Jurkovich  
Madera County Supervising Judge  
300 South G Street  
Madera, CA 93637

RE: Madera County's Unmet Transit Needs in Madera: Riders without Riders  
Report Dated December 21, 2020

The Honorable Michael Jurkovich,

I write this letter as my required response to the above references Grand Jury Report.

While the Madera County Economic Development Commissions (MCEDC) does have a significant interest in transportation, our focus is on goods movement and access to key commercial and industrial areas throughout Madera County. The transit needs in this report are generally addressed in required environmental documents as conditions of development.

Unmet transit needs in Madera County is not an issue MCEDC tracks, as that falls in the purview of the Madera County Transportation (MCTC) and is a very complex issue that is expensive and generally not cost effective.

Our interaction with MCTC and their staff is limited. We assist with letters of support for their grant applications when appropriate and occasionally provide input regarding major transportation corridors.

Please feel free to contact me if you have any further question in which I may be of assistance.

Respectfully submitted,

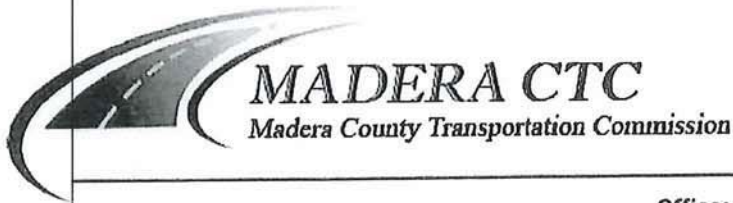
A handwritten signature in black ink, appearing to read 'Bobby Kahn'.

Bobby Kahn  
Executive Director

Cc: Madera Grand Jury

*"Madera County, The Perfect Location"*





2001 Howard Road, Suite 201  
Madera, California 93637

Office: 559-675-0721 Facsimile: 559-675-9328  
Website: www.maderactc.org

February 17, 2021

Judge Michael Jurkovich  
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 Grand Jury Report – Final Report 1920-02, entitled “Unmet Transit Needs in Madera County: Riders without Routes,” December 21, 2020

Honorable Supervising Judge Jurkovich:

Pursuant to California Penal Code 933.05(a) and (b), the Madera County Transportation Commission (MCTC) submits this response to the findings and recommendations in the Grand Jury Report – Final Report 1920-02, entitled “Unmet Transit Needs in Madera County: Riders without Routes,” December 21, 2020.

As a preliminary matter, Penal Code Section 993(b) requires that “the governing body of the public agency shall comment...on the findings and recommendations pertaining to matters *under the control of the governing body.*” MCTC respectfully notes that Findings 2, 3, 5, 6, 7, 9, and 10, and the associated recommendations, pertain to matters that are not under the control of MCTC. MCTC is a public agency that is distinct and separate from the County of Madera and has a separate governing board. As such, MCTC is not the entity who would be able to provide a response to those items, nor would it have authority to implement the associated recommendations as further noted below. In an effort to facilitate comments, MCTC has forwarded a copy of the Grand Jury report to the County of Madera (see attached cover letter dated January 15, 2021).

**FINDINGS:**

**Finding 1:** The MCGJ finds that the definition of unmet transit needs is vague and fails to consider the geography, the demographics, and the economic inequity of Madera County.

**Finding 1 Response:** Agree. However, neither the Transportation Development Act (TDA) nor the California PUC provide guidance on the definition for “Unmet Transit Needs” or “Reasonableness to Meet”.

**PUC-99401.5(c)**

The definition adopted by the transportation planning agency for the terms “unmet transit needs” and “reasonable to meet” shall be documented by resolution or in the agency’s minutes.

The MCTC legally complies with the TDA and California PUC requirements – Sections 99400-99408.

There is no statute for these definitions related to the geography, demographics, and economic inequity in a region.

The Social Service Transportation Advisory Council (SSTAC) is comprised of a diverse group of representatives of social service and transit providers representing the elderly, disabled, and persons of limited means. An essential responsibility of the SSTAC is to advise the transportation planning agency on any major transit issues, including coordinating and consolidating specialized transportation services for those they represent. This responsibility includes considering the definition that guides the Unmet Transit Needs process related to problems or concerns with the region’s transit operations.

**Finding 2:** The MCGJ finds that bus schedule information is not readily available.

**Finding 2 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 2 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus schedule information. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 3:** The MCGJ finds that bus schedules are difficult to read and understand.

**Finding 3 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 3 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus schedule development. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 4:** The MCGJ finds that there is inadequate public outreach to secure community input for transit needs from low income, senior citizens, and from rural mountain communities.

**Finding 4 Response:** Disagree. Pursuant to TDA regulations, MCTC is required to conduct at least one public hearing to receive potential unmet transit needs from the public. MCTC also makes accommodations for interested individuals to remotely access and participate in public hearings online.

**PUC-99401.5 (c)**

The transportation planning agency shall hold at least one public hearing pursuant to Section 99238.5 for the purpose of soliciting comments on the unmet transit needs that may exist within the jurisdiction, and that might be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.

MCTC receives comments and input on potential unmet transit needs throughout the entire year. MCTC has discussed unmet transit needs at workshops and provided opportunities for interested individuals to provide comments or feedback during these functions.

Public hearing and workshop information has been noticed in local newspapers, made available on public transit vehicles for riders, distributed to local social service agencies, distributed to businesses, distributed to online email groups, and posted on websites and social media in both English and Spanish.

**Finding 5:** The MCGJ finds that there continues to be unmet transit needs throughout the county which will only increase in outlying areas as the population increases and ages.

**Finding 5 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 5 are believed to be within the jurisdiction and control of the County of Madera. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 6:** The MCGJ finds that MCC LaVina, Fairmead, Berenda, Madera Dial a Ride, Chowchilla Dial a Ride, Senior Bus and Medical Escort are underused.

**Finding 6 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 6 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for the operation of transit service. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 7:** The MCGJ finds that when referencing the hours and the bus schedules, transit services do not provide adequate hours or diverse route schedules.

**Finding 7 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 7 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus and route schedule information. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 8:** The MCGJ finds that there are several volunteer unfilled positions on the SSTAC committee. This limits the input from underserved populations in the community.

**Finding 8 Response:** Agree, there are two volunteer unfilled positions on the SSTAC committee. This limits the input from underserved populations in the community.

**Finding 9:** The MCGJ commends the County on the consolidated contract agreement and, cost savings of \$500,000 per year over five years with the selection of FCEOC as the bus service provider under a single operator contract.

**Finding 9 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 9 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for transit operator contract agreements. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

**Finding 10:** The MCGJ finds that little is being done to market public transportation within the County.

**Finding 10 Response:** MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 10 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for marketing public transportation within the County. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

#### **RECOMMENDATIONS:**

**Recommendation 1:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the MCTC redefine the definition of "unmet transit needs" to be clearly outlined in layman terms.

**Recommendation 1 Response:** The MCTC definition of "unmet transit needs," is concise. "Unmet Transit Needs," includes all essential trip requests by transit-dependent persons for which there is no other convenient means of transportation.

MCTC staff will include an item on the next SSTAC meeting agenda, scheduled for April 1, 2021, to discuss and take action to accept or amend the definition. If a recommendation is made to amend the definition, it would initiate a process that would ultimately require action from the MCTC Policy Board.

MCTC staff will initiate a fixed quarterly SSTAC meeting, and report quarterly to the MCTC Policy Board.

**Recommendation 2:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, bus schedules be posted at bus stops, inside buses, and be made available at local businesses.

**Recommendation 2 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 3:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, bus schedules should be easier to read to promote ridership and ensure the clarity of transit availability.

**Recommendation 3 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 4:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, SSTAC increase Unmet Transit Needs Workshops and Unmet Transit Needs Public Hearings to four times per year to promote community involvement from other County locations outside of the City of Madera.

**Recommendation 4 Response:** MCTC's process is compliant. MCTC has never had nor will be limited to fixed in-person participation. There are various opportunities and methods for interested individuals to participate throughout the year. Expansion of the process is discretionary and based on the availability of resources. MCTC will schedule additional workshops as resources allow. During this unprecedented time with COVID-19 restrictions, MCTC will schedule, and advertise a GoToWebinar. The webinar(s) will be recorded and available on MCTC's website.

**Recommendation 5:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, incentive programs, including FREE ridership days once a month for Seniors, Disabled and Persons with Limited Means, be introduced.

**Recommendation 5 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 6:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the Senior Bus, Dial-a-Ride, and Medical Transport County service be reviewed and expanded within Eastern Madera County, LaVina, Fairmead, and Berenda.

**Recommendation 6 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 7:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, additional bus routes be added for Fairmead, Berenda, Raymond, North Fork, and Eastern Madera County.

**Recommendation 7 Response:** As explained above, MCTC respectfully notes this matter is

outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 8:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, a concerted effort be made by SSTAC to recruit volunteers to serve on the SSTAC committee.

**Recommendation 5 Response:** MCTC staff, in January 2021, advertised the SSTAC vacancies in Madera's local newspapers and on MCTC's social media accounts. Flyers are posted on transit buses from all three providers that service the Madera County area. Also, MCTC staff reached out to social service providers, requesting to post vacancy flyers. The announcement of vacancies has also been sent to community members included on MCTC's email list. The following is a more detailed list of the outreach efforts completed:

- Advertisement in print and online newspapers of general circulation;
- Facebook post with a boost that reached 3,259;
- Emails sent to MCTC Agenda recipient list;
- Emails sent to SSTAC recipient list with the announcement of SSTAC vacancies and requesting the announcement to be posted. The list includes: Bass Lake Chamber, Oakhurst Chamber, Coarsegold Chamber, North Fork Chamber, Madera Chamber, Chowchilla Chamber, Madera County Economic Development Commission, Madera Farm Bureau, Chukchansi Tribe, North Rancheria of Mono Indians, Camarena Health, California Rural Legal Assistance, Madera County Action Partnership, Leadership Counsel, Madera Workforce Development, and Fairmead Community and Friends; and
- Emails sent to libraries, senior centers, and public health providers, requesting to post flyers in their facilities and social media.

**Recommendation 9:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the annual \$500,000 savings be utilized to increase transit service routes in outlying areas; Eastern Madera County, LaVina, Fairmead, Berenda, and North Fork.

**Recommendation 9 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

**Recommendation 10:** The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the County Public Works Department proactively seek additional funding, either through grants or minimal fare increases, to brand themselves and actively market their services to improve community outreach and increase ridership.

**Recommendation 10 Response:** As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

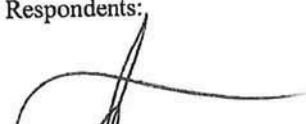
The Madera County Transportation Commission would like to thank the Madera Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations. MCTC would like to offer the following clarifications to the content of the report:

- Page 5: *Filed annually, the Unmet Transit Needs Report is required in order to receive Transportation Development Act (TDA) Funds.* The main purpose of the Unmet Transit Needs process is to ensure that all the unmet transit needs reasonable to meet are fully funded before Local Transportation Funds can be released to fund street and road expenditures.
- Page 5: *Local Transportation Fund: As the Regional Transportation Planning Agency (RTPA) for Madera County, MCTC is responsible for the administration of the Transportation Development Act (TDA) funds also known as Local Transportation Funds. TDA or Local Transportation Funds are funded through 25 percent of the statewide sales tax that is remitted back to the County of origin and is the primary funding source for most transit systems. The Local Transportation Fund (LTF) is derived from ¼ cent of the 1.25 cent local rate of the general sales tax collected in each county and then returned to that county.*
- Page 13: *Based on the definition of unmet transit needs which is: to create routes that are feasible, serve the community, service a significant number of the population at an economical cost with effectiveness, the MCTC is failing to meet the needs of Madera County. This results in increased single vehicle use with resulting negative environmental impacts.* From MCTC's perspective, this statement can be addressed from both a "reasonable to meet" TDA needs standard and a general interpretation of "...failing to meet the needs of Madera County." MCTC is mandated to comply with the TDA unmet transit needs requirements and has an established compliant process with an adopted definition of unmet transit needs. Based on MCTC's current definition of unmet transit needs, MCTC has responded to County-wide feedback in full compliance with the TDA. As noted in Recommendation #1, MCTC will closely coordinate with the SSTAC in evaluating the efficacy of MCTC's current definition of unmet transit needs, taking into consideration factors needed to demonstrate reasonably meeting unmet needs, something explicitly required of the SSTAC members who ultimately are responsible for forwarding a recommendation to the MCTC Board.

From a more general interpretation of the definition of "needs," the Grand Jury Report's statement "*MCTC is failing to meet the needs of Madera County,*" does not delineate areas of need and can be interpreted as all-encompassing without specificity. Although there certainly may be transit needs in the County, they may not be considered feasible to address based on performance considerations. Through quarterly SSTAC meetings, as noted in Recommendation #1, and effective community outreach, MCTC looks forward to improving its understanding of specific needs throughout Madera County and working closely with local transit operators to address feasible unmet transit needs.

- Page 14: *There is only one reasonable connection with YARTS and none with other general service providers.* There are three possible connections between MCC and YARTS.

Respondents:



Council Member Jose Rodriguez, MCTC Policy Board Chair  
 Madera County Transportation Commission  
 2001 Howard Road, Suite 201  
 Madera, California 93637



---

Patricia Taylor, Executive Director  
Madera County Transportation Commission  
2001 Howard Road, Suite 201  
Madera, California 93637



January 20, 2021

Honorable Judge Michael Jurkovich  
Madera County Supervising Judge  
300 South G Street  
Madera, CA 93537

**SUBJECT:** Responses to Madera County Grand Jury Final Report 1920-02 (December 21, 2020) "Unmet Transit Needs in Madera County: Riders without Routes"

Dear Honorable Judge Michael Jurkovich:

The Madera County Public Works Department would like to acknowledge and express appreciation for extensive efforts undertaken by the Grand Jury to review the County's transit services. This review certainly will benefit the County's efforts to provide efficient and effective levels of mobility for residents throughout Madera County.

In accordance with California Penal Code §933 and §933.05, this letter addresses all the Grand Jury Findings and Recommendations that address subjects under the jurisdiction and control of the Public Works Department--F2/R2; F3/R3; F5/R5; F6/R6; F7/R7; F9/R9; and F10/R10. The Madera County Transportation Commission (MCTC) will address those Findings and Recommendations under their jurisdiction and control--F1/R1; F4/R4; and F8/R8. We hope our responses are helpful to future pursuits of the Grand Jury and to the community at large.

**A. RESPONSE TO GRAND JURY FINDINGS**

**F1 The MCGJ finds that the definition of unmet transit needs is vague and fails to consider the geography, the demographics, and the economic inequity of Madera County.**

The County respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.



**F2 The MCGJ finds that bus schedule information is not readily available.**

The County disagrees with this finding as information for all Madera County transit services—MCC, Madera Dial-A-Ride, Chowchilla Dial-A-Ride, Senior Bus and Medical Escort, is readily available through a variety of ways.

- A dedicated, comprehensive County transit website is available at [www.mcctransit.com](http://www.mcctransit.com) and provides information on all County services with real-time MCC bus location updates by stop, and links with other key transit operators, including YARTS, Madera Metro, CATX, and FAX.
- Google Maps Transit at [www.google.com/transit](http://www.google.com/transit) provides on-line access to MCC routing and real-time MCC bus location updates by stop.
- Brochures/schedules are accessible on the Madera County website at [www.maderacounty.com/government/public-works/transit](http://www.maderacounty.com/government/public-works/transit) and at the Madera County Transportation Commission website at [www.maderactc.org](http://www.maderactc.org).
- Brochures/schedules are available at the following key locations throughout the County:
  - County Transit Administration Building, 201 W. Almond Avenue, Madera
  - Madera County Transportation Commission, 2001 Howard Road, Suite 201, Madera
  - Downtown Intermodal Center, 123 E. Street, Madera
  - Camarena Health Services, Madera and Chowchilla
  - Madera Community Hospital
  - Madera Senior Centers
  - City of Chowchilla City Hall
- Brochures/schedules are available on all MCC buses and Medical Escort van.
- Madera County Transportation Commission periodically publishes a County-Wide Transit Guide.

The County will review other potential opportunities for wider distribution and increased accessibility of information on its transit services at key locations throughout the County.

**F3 The MCGJ finds that bus schedules are difficult to read and understand.**

The County partially agrees with this finding with the understanding that it appears to refer to MCC fixed-route schedules. The County has five different transit services each with its own brochure/schedule. The MCC fixed-route brochure provides detailed information on its services including bus schedules for three MCC routes—Eastern Madera County; Chowchilla-Fairmead; and Eastin Arcola-Ripperdan-La Vina. The County therefore assumes that this finding refers to MCC bus schedules. The Madera Dial-A-Ride, Chowchilla Dial-A-Ride, Senior Bus and Escort brochures provide detailed information on these services and how to make a demand-response trip reservation.

Although the County has received mostly positive feedback on the format of the MCC schedule, the County is receptive to evaluating alternative approaches to make it easier to

read and understand the brochure/schedule and will review other transit service information for ease of use.

**F4 The MCGJ finds that there is inadequate public outreach to secure community input for transit needs from low income, senior citizens and from rural mountain communities.**

The County respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.

**F5 The MCGJ finds that there continues to be unmet transit needs throughout the county which will only increase in outlying areas as the population increases and ages.**

The County partially agrees with this finding given that no specific needs by location are identified; the phrase "unmet transit needs" is very broad and undefined; and there are reasonable limits to meeting needs. For clarification purposes, the phrase "unmet transit needs" frequently is used in transit planning by the MCTC and County with a strict definition developed by the MCTC and in compliance with the Transportation Development Act (TDA). The County's response to this finding will address how the County meets both the formal MCTC definition and informal meaning that encompasses operating and capital needs.

As stated above, the MCGJ finding refers to unmet transit needs throughout the County without identifying specific unmet transit needs by location. Given the County's large geographic area, the County's mission has been to provide, at a minimum, lifeline services to those areas and residents that have been identified as being in greatest need of transit services, including seniors, disabled, persons of limited means, students and other general public.

Like many rural transit operators, the County faces many challenges in providing successful transit services and infrastructure to rural communities with low population densities and diverse needs such as those found in Madera County. The County spans over 2,100 square miles and has a population of 157,000 residents served by five different transit services, one fixed-route and four demand-response services—MCC fixed-route; MCC Madera Dial-A-Ride; MCC Chowchilla Dial-A-Ride; Senior Bus; Medical Escort. These services collectively serve an area stretching from Oakhurst-Bass Lake to the north, Valley Children's Hospital to the east, Eastin Arcola-Ripperdan-La Vina to the south, and Chowchilla-Fairmead to the west. Inter-county medical trips also are provided from Madera County to Fresno County.

One of the key purposes of the MCTC Unmet Transit Needs process is to determine whether any unmet transit needs may exist and may be reasonable to meet before street funds can be distributed. MCTC has a well-established annual public outreach process and utilizes its Social Services Transportation Advisory Council (SSTAC) to review all testimony received from the MCTC Board Public Hearing and advises the MCTC Board. The County actively participates in MCTC's annual Unmet Transit Needs process and is a member of the SSTAC

which provides the County with informed insight into transit needs throughout the region from a broad spectrum of the public.

It is important to note that through the County's proactive participation in MCTC's public participation process, the County has expeditiously addressed many transit needs throughout the County. For example, a dedicated MCC route was added to Eastin Arcola-Ripperdan-La Vina, and additional service was expanded to the communities of Raymond and Yosemite Lakes Park. Levels of service also were enhanced to and from Fairmead, Chowchilla, Valley Children's Hospital, and Madera Community College with additional round trip service.

Beyond the MCTC Unmet Transit Needs process, the County initiated and continues to undertake many transit service and capital improvements. Most recently, on-time performance, dispatching and fleet maintenance have improved and a new dedicated Transit Administration Office completed. Bus shelters and benches have been installed at key MCC bus stops throughout the County. All vehicles are wheelchair accessible. Service reliability is high given the procurement of seven new buses and a van over the past two years and the County's goal of adhering to its Fleet Replacement Plan. Consolidation of transit operations from four contracts to one was undertaken beginning in FY2019/20. This effort has led to streamlined operations, management, and administrative oversight, seamless services and dispatching, and more cost-efficient services.

The County's transit services are funded by a variety of federal, State, and local funds. Integral to each funding source are stringent requirements. Implementation of services must be carefully evaluated for effectiveness in meeting service and cost-efficient performance measures. The County, at a minimum, must strive to achieve a ten percent (10%) farebox recovery, where fares cover 10% of transit operating costs, and to maintain transit costs that do not exceed specific Consumer Price Index metrics consistent with State TDA requirements. These requirements do not exclusively guide County transit improvements but must be considered.

While the County recognizes the need for effective transit services throughout the County, including outlying rural communities, warranted operating and capital improvements have been and will continue to be undertaken. The ability to operate transit services while meeting key performance metrics remains key to successful long-term sustainability.

**F6 The MCGJ finds that MCC La Vina, Fairmead, Berenda, Madera Dial a Ride, Chowchilla Dial a Ride Senior Bus and Medical Escort are underused.**

The County partially agrees with this finding but does not currently provide direct service to Berenda. The MCGJ provides a general statement about underuse collectively of all County transit services. The County agrees that ridership on its services could increase both by incentivizing current riders and attracting non-riders. New residential and commercial

developments, an aging population, and an increasing transit-dependent population also will help generate increased ridership.

The County understands the importance of developing increased public outreach and trust in its transit services, particularly with the dramatic changes in transit rider behavior during the Covid-19 pandemic and declining transit ridership. Marketing efforts will be undertaken as described in greater detail in R10.

**F7 The MCGJ finds that when referencing the hours and the bus schedules, transit services do not provide adequate hours or diverse route schedules.**

The County disagrees with this finding and would like to clarify that while the finding is general in nature, it appears to reference MCC fixed-route schedules and routes. Assuming this interpretation is correct, the County agrees that MCC has the potential to increase its hours of operation. The service is designed to provide a high level of service justified by demand and that is cost-effective for long-term sustainability.

As described in F5, the County offers diverse services with operating challenges faced by many rural transit operators. Improvements to County transit services, whether through an MCTC Unmet Transit Needs process or informal request, are considered based on a specific defined need and on many operational performance measures, including potential ridership, days and hours of operation, vehicle requirements and cost. Each request is carefully considered and responded to on a timely basis, and as warranted, improvements are initiated.

For clarification purposes, the MCGJ report states that “there have been no new service routes or expanded services in Madera County since the YARTS expansion in 2000 and the addition of MCC routes in 2002/03 to Eastin Arcola, Ripperdan and La Vina.” The County would like to note that MCC services were expanded to the Chukchansi Gold Casino in 2005; Yosemite Lakes Park in 2010; and mid-morning and mid-afternoon trips to Chowchilla-Fairmead, and an early-morning run to the College-Hospital route and additional Eastern Madera stops were added in 2016. Further, two trips were added to Eastin Arcola-Ripperdan-La Vina in July 2020 but discontinued in December 2020 due to low ridership. MCC schedules are continuously monitored for on-time performance and undergo changes as needed due to route changes, transfers, addition or deletion of bus stops, traffic changes, etc.

Six new MCC bus shelters also were installed in 2015 in Fairmead, Chowchilla, Oakhurst, Coarsegold, and La Vina. There are plans for additional shelters at other locations, including in Fairmead through close coordination with community leaders and the organization Fairmead Community and Friends.

**F8 The MCGJ finds that there are several volunteer unfilled positions on the SSTAC committee. This limits the input from the underserved populations in the community.**

The County respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.

- F9 The MCGJ commends the County on the consolidated contract agreement and, cost savings of \$500,000 per year over five years with the selection of FCEOC as the bus service provider under a single operator contract.**

The County agrees with this finding and notes that cost savings through consolidation of contracted services have proven beneficial from both an operational as well as financial perspective. For clarification, however, the cost savings are estimated at \$340,000 annually from FY2019/20 to FY2023/24.

- F10 The MCGJ finds that little is being done to market public transportation within the County.**

The County partially agrees with this finding, and will undertake proactive marketing as described in greater detail in R10.

## **RECOMMENDATIONS**

- R1 The MCGJ recommends that, by the beginning fiscal year 21-22, the MCTC redefine the definition of “unmet transit needs” to be clearly outlined in layman terms.**

The County respectfully responds that this recommendation does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.

- R2 The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules be posted at bus stops, inside buses, and be made available at local businesses.**

The County partially agrees with this recommendation and already provides bus schedules and brochures on all vehicles. The County will post bus schedules at key bus stops and broaden its distribution of schedules and brochures to more businesses/sites.

- R3 The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules should be easier to read to promote ridership and ensure the clarity of transit availability.**

The County agrees with this recommendation and will review the MCC bus schedules and other service brochures and identify alternative approaches to make them easier to read and understand.

- R4 The MCGJ recommends that, by the beginning of fiscal year 21-22, SSTAC increase Unmet Transit Needs Workshops and Unmet Transit Needs Public Hearings to four times per year to promote community involvement from other County locations outside of the City of Madera.**

The County respectfully responds that this recommendation does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.

- R5 The MCGJ recommends that, by the beginning of fiscal year 21-22, an incentive programs, including FREE ridership days once a month for Seniors Disabled and Persons with Limited Means be introduced.**

The County partially agrees with this recommendation but proposes to undertake a more comprehensive approach for marketing system-wide. The County will evaluate the feasibility of an incentive program targeting free-ride days for seniors, disabled, and persons with limited means as part of a more comprehensive marketing and outreach campaign to increase overall ridership as described in greater detail in R10.

- R6 The MCGJ recommends that by the beginning of fiscal year 21-22, the Senior Bus, Dial-A-Ride, and Medical Transport County service be reviewed and expanded within Eastern Madera County, La Vina, Fairmead, and Berenda.**

The County partially agrees with this recommendation and will review the feasibility of expanding the Senior Bus, Madera Dial-A-Ride, and Medical Escort services within Eastern Madera County, La Vina, Fairmead, and Berenda before final determination is made to expand services. The County does not initiate additional services or bus routes outright without comprehensive evaluation of key performance metrics, including potential ridership, days and hours of operation, vehicle requirements, projected costs, and transit budget and farebox recovery impacts of each service improvement component. Services may be expanded as warranted by County performance findings and carefully monitored for long-term sustainability.

- R7 The MCGJ recommends that, by the beginning of fiscal year 21-22, additional bus routes be added for Fairmead, La Vina, Berenda, Raymond, North Fork, and Eastern Madera County.**

The County partially agrees with this recommendation and will review the feasibility of adding routes to the identified communities before final determination is made to add bus routes. This effort will be undertaken as described in R6. Routes may be added and maintained as warranted by County performance findings and carefully monitored for long-term sustainability.

- R8 The MCGJ recommends that, by the beginning of fiscal year 21-22, a concerted effort be made by SSTAC to recruit volunteers to serve on the SSTAC committee.**

The County respectfully responds that this recommendation does not pertain to a matter under its control. Instead, matters pertaining to F1 are believed to be within the jurisdiction and control of the MCTC.

- R9 The MCGJ recommends that, by the beginning of fiscal year 21-22, the annual \$500,000 v savings be utilized to increase transit service routes in outlying areas; Eastern Madera County, La Vina, Fairmead, Berenda, Raymond, and North Fork.**

The County partially agrees with this recommendation but wishes to clarify that consolidation of transit contracts resulted in approximately \$340,000 in annual cost savings. As noted in R6, additional bus routes are not increased outright without comprehensive evaluation of key performance metrics, including potential ridership, days and hours of operation, vehicle requirements, projected costs, and transit budget and farebox recovery impacts of each service improvement component. Routes may be added and maintained as warranted by County performance findings and carefully monitored for long-term sustainability.

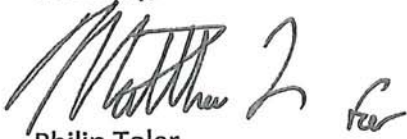
- R10 The MCGJ recommends that, by the beginning of fiscal year 21-22, the County Public Works Department proactively seek additional funding, either through grants or minimal fare increases, to brand themselves and actively market their services to improve community outreach and increase ridership.**

The County agrees with this recommendation and will proactively seek and/or utilize grant funding or minimal fare increases, as recommended, and will undertake marketing and branding strategies in an effort to increase ridership.

The County believes that this effort will help establish a more structured marketing approach to reach out to the general public and targeted groups. Effective marketing and outreach also provide an opportunity to capture greater market share to assure residents that the County is undertaking protective health safety measures in response to unprecedented Covid-19 pandemic impacts on transit ridership in Madera County and throughout the country.

County residents will be informed of the many options available to access transit service information and of specific safety health measures implemented in transit operations. As noted in R5, the County will evaluate the feasibility of an incentive program with free-ride days targeting seniors, disabled, and persons with limited means as part of a more comprehensive marketing campaign to increase overall ridership. The County will coordinate marketing efforts with MCTC, as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Toler". The signature is stylized and cursive, with a large "P" and "T".

Philip Toler  
Deputy Public Works Direct



# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST 4<sup>TH</sup> STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970  
Agendas available: [www.MaderaCounty.com](http://www.MaderaCounty.com)

Members of the Board  
Brett Frazier, District 1  
David Rogers, District 2  
Robert L. Poythress, District 3  
Leticia Gonzalez, District 4  
Tom Wheeler, District 5

## AGENDA ITEM SUBMITTAL

March 16, 2021

Chairman Robert L. Poythress

<b>DEPARTMENT</b> County Administration/Risk Management & Legal Services Division		<b>DEPARTMENT CONTACT</b> Yvette Gomez 559-675-7703		<b>AGENDA ITEM</b> 5.J Consent Calendar	
<b>SUBJECT:</b> Response to Grand Jury Report		<b>REQUIRED VOTE:</b> 3/5 Votes Required	<b>DOC. ID NUMBER</b> 7150	<b>DATE REC'D</b> 11/20/2019	
<b>STRATEGIC FOCUS AREA(S):</b> Focus Area Not Defined (Explain)					
<b>For Clerk of the Board's Office Use Only</b>					
<b>BOARD'S ACTION:</b>					
<b>RESULT:</b> APPROVED BY CONSENT VOTE [UNANIMOUS] <b>MOVER:</b> Tom Wheeler, Chairman Pro Tem <b>SECONDER:</b> Brett Frazier, Supervisor - District No. 1 <b>AYES:</b> Frazier, Rogers, Poythress, Gonzalez, Wheeler					
Is this item Budgeted? No Will this item require additional personnel? No Previous Relevant Board Actions: PowerPoint/Supporting Documents: Other/Misc.			<b>DOCUMENT NO(S).</b>		

### RECOMMENDED ACTIONS:

Consideration of approval of the response to the 2019-2020 Grand Jury Report entitled "Madera County's Unmet Transit Needs in Madera County: Riders without Riders".

### DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:

N/A

### ATTACHMENTS

1. Grand Jury Response 2019-2020 - Madera County Unmet Transit Needs
2. Grand Jury Report - Unmet Transit Needs in Madera County 12-21-2020





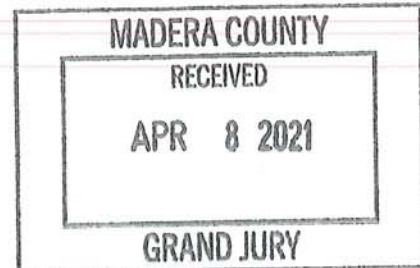
**MEMBERS OF THE BOARD**

BRETT FRAZIER, District No. 1  
DAVID ROGERS, District No. 2  
ROBERT L. POYTHRESS, District No. 3  
LETICIA GONZALEZ, District No. 4  
TOM WHEELER, District No. 5

KAREN POGUE, Chief Clerk of the Board

March 21, 2021

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



**Subject: Response to the 2019-20 Grand Jury Report entitled "Madera County's Unmet Transit Needs in Madera County: Riders without Riders"**

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2019-20 Madera County Grand Jury report entitled "Madera County's Unmet Transit Needs in Madera County: Riders without Riders" See Attachment #1.

The following are the Board of Supervisors' responses to The Grand Jury's Findings and Recommendations 2, 3, 5, 6, 7, 9 and 10. The remaining findings and recommendations are considered to be under the control of the Madera County Transportation Commission (MCTC) and will be addressed in a separate response submitted by the commission.

**Finding 2:**

The MCGJ fines that bus schedule information is not readily available.

**Response**

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

*"Information for all Madera County transit services--MCC, Madera Dial-A-Ride, Chowchilla Dial-A-Ride, Senior Bus and Medical Escort, is readily available through a variety of ways.*

- *A dedicated, comprehensive County transit website is available at [www.mcctransit.com](http://www.mcctransit.com) and provides information on all County services with real-time MCC bus location updates by stop, and links with other key transit operators, including YARTS, Madera Metro, CATX, and FAX.*
- *Google Maps Transit at [www.google.com/transit](http://www.google.com/transit) provides on-line access to MCC routing and real-time MCC bus location updates by stop.*
- *Brochures/schedules are accessible on the Madera County website at [www.maderacounty.com/government/public-works/transit](http://www.maderacounty.com/government/public-works/transit) and at the Madera County Transportation Commission website at [www.maderactc.org](http://www.maderactc.org).*
- *Brochures/schedules are available at the following key locations throughout the County:*
  - *County Transit Administration Building, 201 W. Almond Avenue, Madera*
  - *Madera County Transportation Commission, 2001 Howard Road, Suite 201, Madera*
  - *Downtown Intermodal Center, 123 E. Street, Madera*



- Camarena Health Services, Madera and Chowchilla
- Madera Community Hospital
- Madera Senior Centers
- City of Chowchilla City Hall
- Brochures/schedules are available on all MCC buses and Medical Escort van.  
Madera County Transportation Commission periodically publishes a County-Wide Transit Guide.

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

**Finding 3:**

The MCGJ finds that bus schedules are difficult to read and understand.

**Response**

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

*"The County has five different transit services each with its own brochure/schedule. The MCC fixed-route brochure provides detailed information on its services including bus schedules for three MCC routes—Eastern Madera County; Chowchilla-Fairmead; and Eastin Arcola-Ripperdan-La Vina. The County therefore assumes that this finding refers to MCC bus schedules. The Madera Dial-A-Ride, Chowchilla Dial-A-Ride, Senior Bus and Escort brochures provide detailed information on these services and how to make a demand-response trip reservation.*

*Although the County has received mostly positive feedback on the format of the MCC schedule, the County is receptive to evaluating alternative approaches to make it easier to read and understand the brochure/schedule and will review other transit service information for ease of use."*

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

**Finding 5:**

The MCGJ finds that there continues to be unmet transit needs throughout the county which will only increase in outlying areas as the population increases and ages.

**Response**

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

*"The phrase "unmet transit needs" is very broad and undefined; and there are reasonable limits to meeting needs. For clarification purposes, the phrase "unmet transit needs" frequently is used in transit planning by the MCTC and County with a strict definition developed by the MCTC and in compliance with the Transportation Development Act*

*(TDA). The County's response to this finding will address how the County meets both the formal MCTC definition and informal meaning that encompasses operating and capital needs.*

*As stated above, the MCGJ finding refers to unmet transit needs throughout the County without identifying specific unmet transit needs by location. Given the County's large geographic area, the County's mission has been to provide, at a minimum, lifeline services to those areas and residents that have been identified as being in greatest need of transit services, including seniors, disabled, persons of limited means, students and other general public.*

*Like many rural transit operators, the County faces many challenges in providing successful transit services and infrastructure to rural communities with low population densities and diverse needs such as those found in Madera County. The County spans over 2,100 square miles and has a population of 157,000 residents served by five different transit services, one fixed-route and four demand-response services—MCC fixed-route; MCC Madera Dial-A-Ride; MCC Chowchilla Dial-A-Ride; Senior Bus; Medical Escort. These services collectively serve an area stretching from Oakhurst-Bass Lake to the north, Valley Children's Hospital to the east, Eastin Arcola-Ripperdan-La Vina to the south, and Chowchilla-Fairmead to the west. Inter-county medical trips also are provided from Madera County to Fresno County.*

*One of the key purposes of the MCTC Unmet Transit Needs process is to determine whether any unmet transit needs may exist and may be reasonable to meet before street funds can be distributed. MCTC has a well-established annual public outreach process and utilizes its Social Services Transportation Advisory Council (SSTAC) to review all testimony received from the MCTC Board Public Hearing and advises the MCTC Board. The County actively participates in MCTC's annual Unmet Transit Needs process and is a member of the SSTAC which provides the County with informed insight into transit needs throughout the region from a broad spectrum of the public.*

*It is important to note that through the County's proactive participation in MCTC's public participation process, the County has expeditiously addressed many transit needs throughout the County. For example, a dedicated MCC route was added to Eastin Arcola-Ripperdan-La Vina, and additional service was expanded to the communities of Raymond and Yosemite Lakes Park. Levels of service also were enhanced to and from Fairmead, Chowchilla, Valley Children's Hospital, and Madera Community College with additional round trip service.*

*Beyond the MCTC Unmet Transit Needs process, the County initiated and continues to undertake many transit service and capital improvements. Most recently, on-time performance, dispatching and fleet maintenance have improved, and a new dedicated Transit Administration Office completed. Bus shelters and benches have been installed at key MCC bus stops throughout the County. All vehicles are wheelchair accessible. Service reliability is high given the procurement of seven new buses and a van over the past two years and the County's goal of adhering to its Fleet Replacement Plan. Consolidation of transit operations from four contracts to one was undertaken beginning in FY2019/20. This effort has led to streamlined operations, management, and administrative oversight, seamless services and*

*dispatching, and more cost-efficient services.*

*The County's transit services are funded by a variety of federal, State, and local funds. Integral to each funding source are stringent requirements. Implementation of services must be carefully evaluated for effectiveness in meeting service and cost-efficient performance measures. The County, at a minimum, must strive to achieve a ten percent (10%) farebox recovery, where fares cover 10% of transit operating costs, and to maintain transit costs that do not exceed specific Consumer Price Index metrics consistent with State TDA requirements. These requirements do not exclusively guide County transit improvements but must be considered.*

*While the County recognizes the need for effective transit services throughout the County, including outlying rural communities, warranted operating and capital improvements have been and will continue to be undertaken. The ability to operate transit services while meeting key performance metrics remains key to successful long-term sustainability."*

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

**Finding 6:**

The MCGJ finds that MCC La Vina, Fairmead, Berenda, Madera Dial a Ride, Chowchilla Dial a Ride, Senior Bus and Medical Escort are underused.

**Response**

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

*"The MCGJ provides a general statement about underuse collectively of all County transit services. The County agrees that ridership on its services could increase both by incentivizing current riders and attracting non-riders. New residential and commercial developments, an aging population, and an increasing transit-dependent population also will help generate increased ridership.*

*The County understands the importance of developing increased public outreach and trust in its transit services, particularly with the dramatic changes in transit rider behavior during the Covid-19 pandemic and declining transit ridership. Marketing efforts will be undertaken as described in greater detail in R10."*

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

**Finding 7:**

The MCGJ finds that when referencing the hours and the bus schedules, transit services do not provide adequate hours or diverse route schedules.

**Response**

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

*“The County disagrees with this finding and would like to clarify that while the finding is general in nature, it appears to reference MCC fixed-route schedules and routes. Assuming this interpretation is correct, the County agrees that MCC has the potential to increase its hours of operation. The service is designed to provide a high level of service justified by demand and that is cost-effective for long-term sustainability.*

*As described in F5, the County offers diverse services with operating challenges faced by many rural transit operators. Improvements to County transit services, whether through an MCTC Unmet Transit Needs process or informal request, are considered based on a specific defined need and on many operational performance measures, including potential ridership, days and hours of operation, vehicle requirements and cost. Each request is carefully considered and responded to on a timely basis, and as warranted, improvements are initiated.*

*For clarification purposes, the MCGJ report states that “there have been no new service routes or expanded services in Madera County since the YARTS expansion in 2000 and the addition of MCC routes in 2002/03 to Eastin Arcola, Ripperdan and La Vina.” The County would like to note that MCC services were expanded to the Chukchansi Gold Casino in 2005; Yosemite Lakes Park in 2010; and mid-morning and mid-afternoon trips to Chowchilla-Fairmead, and an early-morning run to the College-Hospital route and additional Eastern Madera stops were added in 2016. Further, two trips were added to Eastin Arcola-Ripperdan-La Vina in July 2020 but discontinued in December 2020 due to low ridership. MCC schedules are continuously monitored for on-time performance and undergo changes as needed due to route changes, transfers, addition or deletion of bus stops, traffic changes, etc.*

*Six new MCC bus shelters also were installed in 2015 in Fairmead, Chowchilla, Oakhurst, Coarsegold, and La Vina. There are plans for additional shelters at other locations, including in Fairmead through close coordination with community leaders and the organization Fairmead Community and Friends.”*

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

**Finding 9:**

The MCGJ commends the County on the consolidated contract agreement and, cost savings of \$500,000 per year over five years with the selection of FCEOC as the bus service provider under a single operator contract.

**Response**

Respondent agrees with the finding per California Penal Code 933.05 (a) (1). As a point of clarification, as noted by the Deputy Director of Public Works, the estimated cost savings from FY 2019/20 to FY2023/24 is \$340,000 annually.

**Finding 10:**

The MCGJ finds that little is being done to market public transportation within the County.

**Response**

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). However, respondent agrees that increased funding and a renewed focus on marketing and branding would help to increase ridership.

**Recommendation 2:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules be posted at bus stops, inside buses, and be made available at local businesses.

**Response**

The recommendation will not be implemented in part because it is not necessary and will be implemented in the future in part. Bus schedules and brochures are already available on all vehicles. As noted by the Deputy Director of Public Works, greater emphasis will be placed on posting bus schedules at key bus stops and distribution of schedules and brochures will be broadened to include additional businesses and sites in the coming fiscal year.

**Recommendation 3:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, bus schedules should be easier to read to promote ridership and ensure the clarity of transit availability.

**Response**

Bus schedules and brochures will be reviewed in an effort to identify alternative approaches to make them easier to read and understand.

**Recommendation 5:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, an incentive program, including FREE ridership days once a month for Seniors, Disabled Persons, and Persons with Limited Means be introduced.

**Response**

The recommendation requires further analysis. The Public Works Department will undertake a comprehensive review of system-side marketing. The feasibility of an incentive program targeting free-ride days for seniors, disabled, and persons with limited means will be studied as part of a comprehensive marketing and outreach campaign to increase overall ridership.

**Recommendation 6:**

The MCGJ recommends that by the beginning of fiscal year 21-22, the Senior Bus, Dial-A-Ride, and Medical Transport County service be reviewed and expanded within Eastern Madera County, La Vina, Fairmead, and Berenda.

**Response**

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

*"The County will review the feasibility of expanding the Senior Bus, Madera Dial-A-Ride, and Medical Escort services within Eastern Madera County, La Vina, and Berenda before final determination is made to expand services. The County does not initiate additional services or bus routes outright without comprehensive evaluation of key performance metrics, including potential ridership, days and hours of operation, vehicle requirements, projected costs, and transit budget and farebox recovery impacts of each service improvement component. Services may be expanded as warranted by County performance findings and carefully monitored for long-term sustainability."*

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

**Recommendation 7:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, additional bus routes be added for Fairmead, La Vina, Berenda, Raymond, North Fork, and Eastern Madera County.

**Response**

The recommendation requires further analysis. Feasibility of expanding service will be reviewed consistent with the process described in the response to Recommendation 6.

**Recommendation 9:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, the annual \$500,000 v savings be utilized to increase transit service routes in outlying areas; Eastern Madera County, La Vina, Fairmead, Berenda, Raymond, and North Fork.

**Response**

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

*"The County partially agrees with this recommendation but wishes to clarify that consolidation of transit contracts resulted in approximately \$340,000 in annual cost savings. As noted in R6, additional bus routes are not increased outright without comprehensive evaluation of key performance metrics, including potential ridership, days and hours of operation, vehicle requirements, projected costs, and transit budget and farebox recovery impacts of each service improvement component. Routes may be added and maintained as warranted by County performance findings and carefully monitored for long-term sustainability."*

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

**Recommendation 10:**

The MCGJ recommends that, by the beginning of fiscal year 21-22, the County Public Works Department proactively seek additional funding, either through grants or minimal fare increases, to brand themselves and actively market their services to improve community outreach and increase ridership.

**Response**

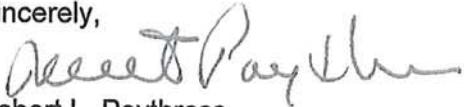
The recommendation has not been implemented but will be implemented in the future. Under separate cover, the Deputy Director of Public Works has responded to this recommendation and stated:

*"The County agrees with this recommendation and will proactively seek and/or utilize grant funding or minimal fare increases, as recommended, and will undertake marketing and branding strategies in an effort to increase ridership.*

*The County believes that this effort will help establish a more structured marketing approach to reach out to the general public and targeted groups. Effective marketing and outreach also provide an opportunity to capture greater market share to assure residents that the County is undertaking protective health safety measures in response to unprecedented Covid-19 pandemic impacts on transit ridership in Madera County and throughout the country."*

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,



Robert L. Poythress  
Chairman of the Board of Supervisors

## 1920-03 At Promise Student Opportunities In Madera County

### SUMMARY:

The Madera County Grand Jury (MCGJ) investigated programs and facilities which support “At-Risk” youth. The essential question the MCGJ considered is, *what does the education system within the County of Madera do with ‘at-risk youth’ to prevent them from becoming adults with similar problems?* What preventative educational programs and training do the districts within Madera County provide to school-aged students who need additional help to prepare to navigate the adult world. The base concern being students becoming homeless or incarcerated adults. The MCGJ reviewed each school district throughout Madera County and how their programs fit to serve the needs of the student.

The first problem the MCGJ encountered was a misunderstanding in terminology. At the outset of the investigation, the MCGJ was referring to the student population under consideration as “At-Risk Youth.” The term “at-risk” had been used to describe students coming from precarious situations or circumstances that increase their chances of academic failure. The term was often used to refer to those from disadvantaged backgrounds, which can include those in low-income communities, English learners, and children in foster care, among others. However, the MCGJ was quickly and politely corrected that the current term is “At-Promise Youth.” In October of 2019, the California Governor, through Assembly Bill No. 413, officially changed the term from “At-Risk Youth” to “At-Promise Youth.” The reasoning behind this name change was to create a more positive, “promising” image of students.

### BACKGROUND:

Dr. David Satcher, director of the Centers for Disease Control and Prevention stated, *If you can give young people a reason to believe that they can change their future, then it is much easier to deal with violence and substance abuse and teenage pregnancy...*” According to Dr. Satcher, violence, substance abuse, and teenage pregnancy are not the problem but the symptoms of a lack of hope in the future, *when young people don’t have any hope for the future, they’ll do anything.*

For students who are at-promise, their key to success in high school lies in convincing them that a satisfying future is within their reach by showing them how education relates to their future goals. For the mainstream student in any school, the valued outcome from the school’s perspective is to have as many students graduate as possible and to go on to college. However, for many of the students, their immediate concern is to make money. Students may not want to pursue an academic college education but may wish to pursue a career technical education. Those who do not expect to attend college, however, are often confused as to why they should care about getting a good grade in English, or even finishing high school at all. Students focused on making money have limited their concerns to skill oriented education.

Student who don’t see a connection between high school and future success are doomed to spend their school years in a ‘neutral position.’ The way to turn on turned-off students is to help them

understand the role of high school achievement in reaching their goals in life as well as in education and employment.

In the wake of significant concern and frustration surrounding current public-school systems, forms of alternative education continue to thrive. Many parents are dissatisfied with the quality and focus of the education their children receive in the public-school system. Others may have religious or political reasons to seek alternative schools. Others simply believe their students are unsafe in the public-school system and seek out alternative, nontraditional schools. Students themselves may find that the traditional forms of teaching and learning do not fit their needs.

Types of Non-traditional Schools: The Education Code, sections 58500-58512, provides that school districts may establish and maintain alternative schools and programs of choice. The premise behind alternative schools of choice is that “one size doesn’t fit all.” In other words, not all students will thrive or reach their full potential in the traditional comprehensive school. The following is a list of the different types of alternative educational programs available throughout California including Madera County.

Alternative-Non-traditional Schools: a form of alternative education with non-traditional methods. Non-traditional schools base their curriculum and methods on individual philosophies of education. Non-traditional schools often teach in radically different manners, sometimes not using grades, or typical teaching strategies such as lesson plans, rubrics, worksheets, and standard type tests.

*The purpose of alternative schools and programs of choice is to provide different means of achieving grade-level standards and meeting students' needs. Alternative Schools and Programs of Choice are voluntary for districts, teachers, students, and their parents/guardians/caregivers.*

*These schools and programs are often characterized by responsiveness to learning and instructional style differences and small unit size. The effective use of such instructional strategies as independent study, community-based education, focused or thematic education, and flexible scheduling increases attendance and improves performance.*

Independent Schools: a form of alternative education, often referred to as “independent” schools, are often more traditional in their methods. Students often work at their own pace with standard curriculum and teacher resources. Often times, independent schools provided students an opportunity to catch up on missing credits.

Charter Schools: a form of alternative education which is publicly funded but have more freedom and choice in policies and curriculum. In return for academic freedom, charter schools are required to produce better results than the public-school system.

Continuation High Schools: Continuation high school is primarily for students who are considered at risk for not graduating at the normal pace. Continuation education provides a high school diploma program that meets the needs of students of ages 16 to 18 who have not graduated from high school, are not exempt from compulsory school attendance, and are deemed at risk of not completing their education. Students enrolled in continuation education programs

often are behind in high school credits. They may need a flexible educational environment because they are employed or fulfilling family obligations. Minimum attendance in the program is 15 hours per week or 180 minutes daily.

Community Day Schools: Community day schools are schools for students who have been expelled from school or who have had problems with attendance or behavior. They are run by school districts. These schools serve troubled students in many ways. They offer challenging classes and teach important skills. They have counselors and other professionals who assist students. The California Department of Education is involved in the funding and management of community day schools.

**FINDINGS:**

**F1.** The MCGJ finds that the Madera County Office of Education and Madera County School Districts are in compliance with California State mandates for At-Promise students.

**F2.** The MCGJ finds the Madera County Office of Education and Madera County School Districts are addressing At Promise youth through their Strategic Plan.

**F3.** The MCGJ finds throughout Madera County, all school districts seek to maintain At-Promise students' connection to a relevant and Career Technical Alternative Education Services program. (CTAES).

**RECOMMENDATIONS:**

**R1.** The MCGJ recommends that the Madera County Office of Education and Madera County School Districts continue to follow State mandates for At-Promise students.

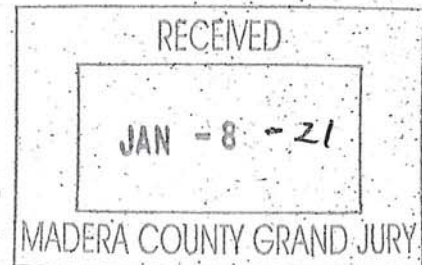
**R2.** The MCGJ recommends Madera County Office of Education and Madera County School Districts continue to address At Promise youth in their Strategic Plan.

**R3.** The MCGJ recommends Madera County Office of Education and Madera County School Districts continue to connect At-Promise students to Career Technical Alternative Education Service program.



Cecilia A. Massetti, Ed.D.  
Superintendent

January 4, 2021



The Honorable Michael Jurkovich  
Madera County Supervising Judge  
300 South G Street  
Madera, CA 93637

Dear Judge Jurkovich:

I am in receipt of the grand jury final report dated December 21, 2020. As outlined in the cover letter, the Madera County Superintendent of Schools is required by Penal Code Section 933.05(a)(b) to respond separately to the specified findings and recommendations "in the report."

**Findings (F)**

**F1. The MCGJ finds that the Madera County Office of Education and Madera County School Districts are in compliance with California State mandates for At-Promise students.**

The Madera County Superintendent of Schools agrees with finding number one.

**F2. The MCGJ finds the Madera County Office of Education and Madera County School Districts are addressing At-Promise youth through their Strategic Plan.**

The Madera County Superintendent of Schools agrees with finding number two.

**F3. The MCGJ finds throughout Madera County, all school districts seek to maintain At-Promise students' connection to a relevant and Career Technical Alternative Education Services program (CTAES).**

The Madera County Superintendent of Schools agrees with finding number three.

**Recommendations (R)**

**R1. The MCGJ recommends that the Madera County Office of Education and Madera County School Districts continue to follow State mandates for At-Promise students.**

The Madera County Superintendent of Schools appreciates the recognition of the efforts of the educational community and multi-agency partners for Madera County's At-Promise youth in recommendation number one.

**R2. The MCGJ recommends Madera County Office of Education and Madera County School Districts continue to address At-Promise youth in their Strategic Plan.**

The Madera County Superintendent of Schools recognizes the need for continued awareness and responsiveness to the needs of our youth. During the 2020-2021 school year, all school districts in the county will be reviewing the Madera County Plan for providing services to expelled youth for submission to the California Department of Education by June 30, 2021. This is a triennial process.

**R3. The MCGJ recommend Madera County Office of Education and Madera County School Districts continue to connect At-Promise students to Career Technical Alternative Education Service program.**

The Madera County Superintendent of Schools and the school districts look forward to future opportunities to provide additional Career Technical Education programs for our "At-Promise students" through grants and business partnerships.

On behalf of the school districts in Madera County, I would like to thank the grand jury members for their interest in our educational programs for "At-Promise Youth." Your genuine interest in ensuring quality programming for students reaffirms the commitment of the Madera County community for all students.

Sincerely,



Cecilia A. Massetti, Ed.D.  
Madera County Superintendent of Schools

cc: Foreperson, Madera County Grand Jury



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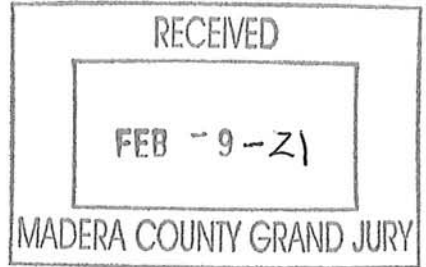
Todd Lile

**Our Vision**

Madera Unified will set the standard for hard work, creativity and resiliency with a fearless drive to continuously improve.

**Our Mission**

We are committed to creating and sustaining a culture enabling Madera Unified students to experience an unparalleled educational journey that is intellectually, socially and personally transformative.



February 2, 2020

Honorable Judge Michael Jurkovich  
 Madera County Supervising Judge  
 300 South G Street  
 Madera CA 93637

Re: At Promise Student Opportunities in Madera County Report Date:  
 December 21, 2020

Dear Honorable Judge Jurkovich,

I am submitting a response letter to the recent Madera County Grand Jury Report regarding the investigation mentioned above for Madera Unified School District.

After reviewing the findings and recommendations including in the report I am pleased to let you know that the findings are accurate with the exception of one error.

The findings under Madera Unified are correct with a minor revision in the third paragraph for Madera Unified School District findings ( page 9). I have included the paragraph below:

High school students, who are placed on suspended orders, are usually referred to alternative programs, which include Mountain Vista Continuation, Ripperdan Community Day School, Furman High School (independent study) or Pioneer Technical Center. High school students, for whom expulsion orders are not suspended, are referred to MCSOS Community Day School.

Pioneer Technical Center needs to be removed as an alternative program for Madera Unified. We do not send Suspended Order Students to PTC. Only Full Orders as indicated in the last sentence within the same paragraph.

We appreciate the time and effort the Madera County Grand Jury has put together to produce this report. Should you, or members of the Grand Jury have further questions or concerns regarding our At Promise student opportunities, feel free to contact me.

Respectfully,

Todd Lile  
 Superintendent

cc: Foreperson, Madera County Grand Jury

## **1920-04 Madera County Food Safety/Food Inspection**

### **SUMMARY:**

The US Federal Food and Drug Administration's (FDA) Food Code and the California Retail Food Code provide scientific standards and guidelines that states and localities may adopt for food safety in restaurants and institutional food settings. The code includes temperature standards for cooking, cooling, refrigerating, reheating, and holding food. It also recommends that inspectors visit restaurants every six months. Each state or locality may choose to adopt any or all of the code in its laws or regulations. There are variations among jurisdictions in standards currently being applied to restaurants and other food establishment inspections. Madera County has no food safety reporting requirements. The Environmental Health Department does not report food safety reports to any State or Federal agencies. All inspection programs performed by the Environmental Health Department, except food inspections, are regulated by the State of California. Madera County Grand Jury (MCGJ) focused on retail food facility inspection, compliance with standards, and recording the results by the Food Inspection Program.

### **BACKGROUND:**

All food services requiring a food inspection in Madera County are required to be inspected by the Food Safety Program (FSP) under the jurisdiction of Madera County's Environmental Health Division (EHD). In the past 20 years, MCGJ has reviewed this entity in 2007/2008 and in 2012/2013. Both inquiries discovered the program was under-funded and under-staffed causing inspections to be delayed or not performed at all. Insufficient time for available personnel limited meeting inspection goals. The FSP is not required to report food inspections to any State or Federal agency or any public entity.

Because of these past reports, the MCGJ was prompted to reexamine the Food Safety Program to see what changes were made in the past seven years to rectify the inspection backlog.

### **FINDINGS:**

- F1.** The MCGJ finds that current staffing levels, determined by permit fee income, leave inspection requirement goals unattainable.
- F2.** The MCGJ finds that the lack of available vehicles hinders timely inspections.
- F3.** The MCGJ finds that the FSP does not assign "risk" categories for establishments with repeated infractions.
- F4.** The MCGJ finds that the online food inspection program scheduled for January 2020 has not been implemented.

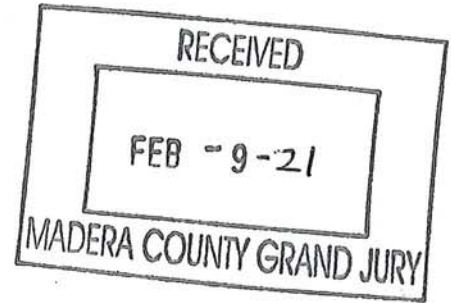
### **RECOMMENDATIONS:**

**R1.** The MCGJ recommends that, beginning fiscal year 21-22, the EHD study the fee structure and elements of inspection (# Inspections\*Inspection and Travel time + fee =Budgetary Allotment). The calculation will provide the number of staff and time required to complete all inspections. Further, if funding is inadequate, request funding from the general fund or raise fees to complete all required FSP inspections on a timely basis.

**R2.** The MCGJ recommends that, beginning fiscal year 21-22, the EHD work within the department to set up a schedule for vehicle usage assignments.

**R3.** The MCGJ recommends that, beginning fiscal year 21-22, EHD assign risk categories to establishments with inspection failures and impose fines.

**R4.** The MCGJ recommends that, beginning fiscal year 21-22, EHD post online food inspection report results on the EHD website.



February 3, 2021

**Judge Michael Jurkovich**  
Madera County Supervising Judge  
300 South G Street  
Madera, CA 93637

**Foreperson**  
Madera County Grand Jury  
PO Box 534  
Madera, CA 93639

**Subject: Response to the Findings of the Madera County Food Safety / Food Inspections 2019/20 Grand Jury Final Report 1920-04 Published on December 21, 2020**

Honorable Judge Jurkovich:

Pursuant to California Penal Code 933.05(a) and (b), the Community and Economic Development (CED) - Environmental Health Division (EHD) has compiled its responses to the findings and recommendations in the 2019/20 Madera County Grand Jury Final Report 1920-04 entitled "Madera County Food Safety/Food Inspections" published on December 21, 2020.

EHD appreciates all the efforts that the Grand Jury Team has put into this report and please contact me if you have any additional questions about our responses.

Respectfully,

Dexter Marr  
Deputy Director  
Environmental Health Division

Matt Treber  
Madera County  
Chief of Development Services





**Response:**

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

**RESPONSES TO RECOMMENDATIONS IN REPORT:**

**Recommendation 1:**

The MCGJ recommends that, beginning fiscal year 21-22, the EHD study the fee structure and elements of inspection (# Inspections\*Inspections and Travel Time + fee = Budgetary Allotment). The calculation will provide the number of staff and time required to complete all inspections. Further, if funding is inadequate, request funding from the general fund or raise fees to complete all required FSP inspections on a timely basis.

**Response:**

The recommendation requires further analysis. EHD will review its fee structure and fee schedule to make the necessary recommendations to our Board of Supervisors, if needed. Most EHD staff are Registered Environmental Health Specialist (REHS), even though staff are assigned to a specific EHD program, staff will be required to assist in other programs as needed to protect public health and safety.

**Recommendation 2:**

The MCGJ recommends that, beginning fiscal years 21-22, the EHD work within the department to set up a schedule for vehicle usage assignments.

**Response:**

The recommendation has been implemented. This recommendation is already in practice.





**Recommendation 3:**

The MCGJ recommends that, beginning fiscal years 21-22 EHD assign risk categories to establishments with inspection failures and impose fines.

**Response:**

The recommendation has not yet been implemented but will be implemented in fiscal year 2021-22.

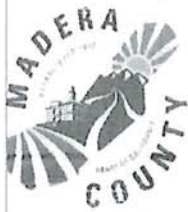
**Recommendation 4:**

The MCGJ recommends that, beginning fiscal year 21-22, EHD post online food inspection reports result on the EHD website.

**Response:**

The recommendation has not yet been implemented but will be implemented in fiscal year 2021-22.





# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
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Members of the Board  
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David Rogers, District 2  
Robert L. Poythress, District 3  
Leticia Gonzalez, District 4  
Tom Wheeler, District 5

## AGENDA ITEM SUBMITTAL

March 16, 2021

Chairman Robert L. Poythress

<b>DEPARTMENT</b> County Administration Department		<b>DEPARTMENT CONTACT</b> Yvette Gomez 559-675-7703		<b>AGENDA ITEM</b> 5.1 Consent Calendar									
<b>SUBJECT:</b> Response to Grand Jury Report		<b>REQUIRED VOTE:</b> 3/5 Votes Required	<b>DOC. ID NUMBER</b> 7149	<b>DATE REC'D</b> 11/20/2019									
<b>STRATEGIC FOCUS AREA(S):</b> Focus Area Not Defined (Explain)													
<b>For Clerk of the Board's Office Use Only</b>													
<b>BOARD'S ACTION:</b>													
<table border="0"> <tr> <td><b>RESULT:</b></td> <td><b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b></td> </tr> <tr> <td><b>MOVER:</b></td> <td>Tom Wheeler, Chairman Pro Tem</td> </tr> <tr> <td><b>SECONDER:</b></td> <td>Brett Frazier, Supervisor - District No. 1</td> </tr> <tr> <td><b>AYES:</b></td> <td>Frazier, Rogers, Poythress, Gonzalez, Wheeler</td> </tr> </table>						<b>RESULT:</b>	<b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b>	<b>MOVER:</b>	Tom Wheeler, Chairman Pro Tem	<b>SECONDER:</b>	Brett Frazier, Supervisor - District No. 1	<b>AYES:</b>	Frazier, Rogers, Poythress, Gonzalez, Wheeler
<b>RESULT:</b>	<b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b>												
<b>MOVER:</b>	Tom Wheeler, Chairman Pro Tem												
<b>SECONDER:</b>	Brett Frazier, Supervisor - District No. 1												
<b>AYES:</b>	Frazier, Rogers, Poythress, Gonzalez, Wheeler												
Is this item Budgeted? No			<b>DOCUMENT NO(S).</b>										
Will this item require additional personnel? No													
Previous Relevant Board Actions:													
PowerPoint/Supporting Documents: Other/Misc.													

### RECOMMENDED ACTIONS:

Consideration of approval of the response to the 2019-2020 Grand Jury Report entitled "Madera County Food Safety/Food Inspections".

### DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:

N/A

### ATTACHMENTS

1. Grand Jury Response 2019-2020 - Madera County Safety and Food Inspections
2. Grand Jury Report - Madera County Food Safety Food Inspections 12-21-2020





**MEMBERS OF THE BOARD**

BRETT FRAZIER, District No. 1  
DAVID ROGERS, District No. 2  
ROBERT L. POYTHRESS, District No. 3  
LETICIA GONZALEZ, District No. 4  
TOM WHEELER, District No. 5

KAREN POGUE, Chief Clerk of the Board

March 21, 2021

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



**Subject: Response to the 2019-20 Grand Jury Report entitled "Madera County Food Safety/Food Inspections"**

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2019-20 Madera County Grand Jury report entitled "Madera County Food Safety/Food Inspections" See Attachment #1.

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

**Finding 1:**

The MCGJ finds that current staffing levels, determined by permit fee income, leave inspection requirement goals unattainable.

**Response**

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

**Finding 2:**

The MCGJ finds that the lack of available vehicles hinders timely inspections.

**Response**

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

*"EHD staff works together to make sure county vehicles are available for staff that are scheduled for field inspections. EHD has been working with Madera County Central Garage and can access pool vehicles when needed."*

The response of the Deputy Director of Public Works, Environmental Health to the above finding is considered appropriate and is submitted as the Board of Supervisors' response.



**Finding 3:**

The MCGJ finds that the FSP does not assign "risk" categories for establishments with repeated infractions.

**Response**

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

**Finding 4:**

The MCGJ finds that the online food inspection program scheduled for January 2020 has not been implemented.

**Response**

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

**Recommendation 1:**

The MCGJ recommends that, beginning fiscal year 21-22, the EHD study the fee structure and elements of inspection (#Inspections\*Inspection and Travel time + fee = Budgetary Allotment). The calculation will provide the number of staff and time required to complete all inspections. Further, if funding is inadequate, request funding from the general fund or raise fees to complete all required FSP inspections on a timely basis.

**Response**

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

*"EHD will review its fee structure and fee schedule to make the necessary recommendations to our Board of Supervisors, if needed. Most EHD staff are Registered Environmental Health Specialist (REHS), even though staff are assigned to a specific EHD program, staff will be required to assist in other programs as needed to protect public health and safety."*

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

**Recommendation 2:**

The MCGJ recommends that, beginning fiscal year 21-22, the EHD work within the department to set up a schedule for vehicle use assignments.

**Response**

The recommendation has been implemented.

**Recommendation 3:**

The MCGJ recommends that, beginning fiscal year 21-22, EHD assign risk categories to establishments with inspection failures and impose fines.

**Response**

The recommendation has not yet been implemented but will be implemented in fiscal year 2021-22.

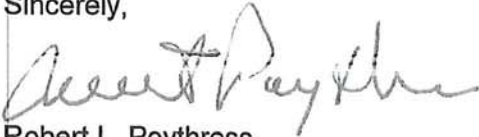
**Recommendation 4:**

The MCGJ recommends that, beginning fiscal year 21-22, EHD post online food inspection report results on the EHD website.

**Response**

The recommendation has not yet been implemented but will be implemented in fiscal year 2021-22. 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,

A handwritten signature in cursive script, appearing to read "Robert L. Poythress".

Robert L. Poythress  
Chairman of the Board of Supervisors

# **1920-05 City of Madera Police Department Unveiling Truths of Local Law Enforcement**

## **SUMMARY:**

The City of Madera Police Department (MPD) is facing challenges in a community that is growing economically and in racial diversity. The law enforcement officer's job is both physically and mentally challenging. In an instant, officers can be thrown into extremely stressful situations. The City of Madera Police Department is staffed by a pool of young, motivated officers and an experienced command structure. High-risk encounters coupled with a focus on community relationships in the efforts to serve and protect the City of Madera residents. How these officers cope with work related stress and maintain compassion as positive role models is what guided the MCGJ focus.

## **BACKGROUND:**

When the Madera County Grand Jury (MCGJ) started considering what areas within public safety to investigate, it was decided to review the City of Madera Police Department (MPD) there were several reasons for this choice, including police stress reduction programs, police in community outreach programs, crime statistics, police department staffing, and procedural deficiencies.

The City of Madera Police Department is made up of 70 sworn officers (able to carry a firearm on duty) and 35 non-sworn employees. The department is organized into 3 divisions:

Administration: Community outreach, including. (97 Neighborhood Watch programs), dispatch, and non-sworn personnel.

Operations: The largest division of the department comprised of patrol personnel.

Investigations: Detective Unit, Special Investigations Unit, and Code Enforcement. Code Enforcement and Animal Control are part of the police department.

The police department also has two K9 (canine) officer. One K9 is trained as a drug sniffing/identifying dog and the other one is a multi-purpose bite/attack dog. The K9 officers are issued bullet proof vests. Summertime temperatures make prolonged wearing of vests problematic for K9 officers.

The cost for each K9 officers to be service ready is \$10,000 with an additional \$10,000 for training. This one-time cost does not include the costs for veterinary care and food for these canine officers which can vary with each K9 officer. The K9 officers work vehicles are unique and specifically designed for K9 officers and their human partner.

## **FINDINGS:**

- F1. The MCGJ finds that the Madera Police Department works on multiple levels to build and strengthen positive relationships with community members.
- F2. The MCGJ finds there are 15 funded positions that currently are unfilled at the Madera Police Department.
- F3. The MCGJ finds that Madera County is not effectively handling the individuals Madera Police Department identifies as having a mental health crisis (5150).

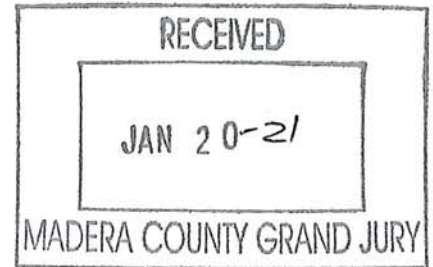
**RECOMMENDATIONS:**

- R1. MCGJ recommends that the Madera Police Department continue to foster the relationships within the community through the efforts already in place, and be open to the suggestions brought by community groups and individuals.
- R.2 MCGJ recommends that during Fiscal Year 21/22 currently open positions at the Madera Police Department be filled.
- R3. MCGJ recommends that the Madera Police Department immediately work with the Madera County Board of Supervisors to provide adequate mental health services.



# MADERA POLICE DEPARTMENT

Office of the Chief of Police



January 12, 2021

Michael Jurkovich  
Supervising Judge of the Grand Jury  
Madera Superior Court 300 South G Street  
Madera, CA 93637

&

Madera County Grand Jury  
PO Box 534  
Madera, CA 93637  
Attn: Foreperson; Nina Zarucchi

RE: City of Madera Police Department: Unveiling Truths of Law Enforcement

Report Date: December 21, 2020

Dear Honorable Judge Jurkovich and Members of the Grand Jury:

Enclosed please find Madera Police Department's response to the Madera County Grand Jury findings and recommendations.

## FINDINGS

F1. The MCGJ finds that the Madera Police Department works on multiple levels to build and strengthen positive relationships with community members.

F2. The MCGJ finds there are 15 funded positions that currently are unfilled at the Madera Police Department.

F3. The MCGJ finds that Madera County is not effectively handling the individuals Madera Police Department identifies as having a mental health crisis (5150).

## Madera Police Department Response to the Madera Grand Jury Findings:

F1. The respondent agrees with the MCGJ findings.

F2. The respondent agrees with the MCGJ findings.

F3. The respondent agrees with the MCGJ findings.



# MADERA POLICE DEPARTMENT

Office of the Chief of Police

## RECOMMENDATIONS

R.1. MCGJ recommends that the Madera Police Department continue to foster the relationships within the community through the efforts already in place and be open to the suggestions brought by community groups and individuals.

R.2 MCGJ recommends that during Fiscal Year 21/22 currently open positions at the Madera Police Department be filled.

R.3 The MCGJ recommends that the Madera Police Department immediately work with the Madera County Board of Supervisors to provide adequate mental health services.

### **Madera Police Department Response to the Madera Grand Jury Recommendations:**

R.1 The MGJ recommendation has been implemented. The Madera Police Department will continue to build and strengthen positive relationships with community members. The Madera Police Department will continue to foster openness with the community that we serve.

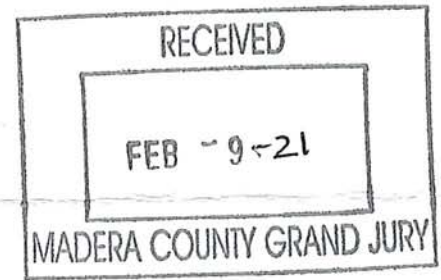
R.2 The MGJ recommendation has been implemented. The Madera Police Department has and will continue to fill current unfilled positions. The Madera Police Department has filled nine (9) of the above-mentioned vacancies and we are moving forward with filling the remaining six (6) vacancies.

R.3 The MCJ recommendation has been implemented. On 01-08-2021 County Law Enforcement and Mental Health Officials conducted a meeting relating to providing improved mental health services and training. All entities are also perusing a combined grant. All entities are engaged in reoccurring meeting with the goal of improved Mental health services.

Sincerely,

A handwritten signature in black ink, appearing to read "Dino Lawson".

Dino Lawson  
Chief of Police



February 2, 2021

**Judge Michael Jurkovich**  
Madera County Supervising Judge  
300 South G Street  
Madera, CA 93637

**Foreperson**  
Madera County Grand Jury  
PO Box 534  
Madera, CA 93639

**Subject: Response to the Findings of the City of Madera Police Department Unveiling Truths of Local Law Enforcement Madera County Grand Jury Final Report 1920-05 Published December 21, 2020.**

Honorable Judge Jurkovich:

Pursuant to California Penal Code 933.05 the Department of Behavioral Health Services (BHS) has complied its responses to the findings and recommendations in the Grand Jury Final Report 1920-05 "City of Madera Police Department Unveiling Truths of Local Law Enforcement" published on December 21, 2020.

BHS appreciates all the efforts that the Grand Jury Team has put into this report and that we were invited to submit a response. Please contact me if you have any additional questions about our responses.

Respectfully,

Julie Morgan  
Acting Director  
Madera County Behavioral Health





## **RESPONSES TO FINDINGS IN REPORT:**

### **Finding 3:**

The Madera County Grand Jury (MCGJ) finds that Madera County is not effectively handling the individuals Madera Police Department identifies as having a mental health crisis (5150).

### **Response:**

Disagree with the finding per California Penal Code 933.05. BHS has a long history of working as a collaborative community partner with Madera Police Department and other local Law Enforcement. Madera County has a Community Wide Collaborative that includes BHS, all local law enforcement, both local hospitals, Madera County Department of Corrections, and other community stakeholders. This collaborative has developed the Madera County 5150 Response Protocol. The 5150-response protocol was updated in 2019 and outlines all stakeholders agreed upon roles in addressing our community members in crisis.

### **Response to Recommendations in Report:**

#### **Recommendation 3:**

MCGJ recommends that the Madera Police Department immediately work with the Madera County Board of Supervisors to provide adequate mental health services.

#### **Response:**

This recommendation is already in effect. Madera County has a Community Wide Collaborative that includes BHS, all local law enforcement, both local hospitals, Madera County Department of Corrections, and other community stakeholders. This collaborative has developed the Madera County 5150 Response Protocol. The 5150-response protocol was updated in 2019 and outlines all stakeholders agreed upon roles in addressing our community members in crisis. The collaborative meets quarterly to address any issues or breakdowns within the system of crisis care. BHS is currently in collaboration with Madera County Administration, Madera Police Department, Madera Sheriff's Department and the Department of Corrections are working to apply for a Substance Abuse and Mental Health Services Administration (SAMSHA) grant that would provide law enforcement partners with additional training on mental health issues that qualify as POST training, will enhance knowledge and reduce training costs. BHS in collaboration with Madera Police Department and Madera Sheriff's Department were able to establish a mobile crisis response team in 2017 that is still in effect.



March 17, 2021



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

**Re: City of Madera Response to Madera County Grand Jury  
Madera County and City of Madera Police Department: Unveiling Truths of Local Law  
Enforcement  
Report 1920-05; December 21, 2020**

Dear Honorable Judge Jurkovich:

This letter is submitted on behalf of the Mayor and City Council of the City of Madera.

On December 21, 2020, the City of Madera ("City") received a letter from the Madera County Grand Jury which attached a copy of the Grand Jury's Report titled "City of Madera Police Department: Unveiling Truths of Local Law Enforcement" (hereafter "Report"). The letter states that the Report would be released to the public "three days after the date of this letter." As such, we view the release date as December 24, 2020.

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

**FINDINGS**

**F1:** The MCGJ finds that the Madera Police Department works on multiple levels to build and strengthen positive relationships with community members.

**Response 1:** The City agrees with Finding 1. The Madera Police Department works tirelessly to build and strengthen positive relationships with community members.

**F2:** The MCGJ finds there are 15 funded positions that currently are unfilled at the Madera Police Department.

**Response 2:** The City disagrees partially with Finding 2. Given that the finding does not identify the positions or dates, the City does not have adequate information to ascertain how this data was obtained. The finding, as written, provides insufficient information to either agree or disagree. Additionally, we note that the City "disagrees partially" because of the mandated method for response. Regardless, the City strives to fill vacant positions to ensure adequate service levels that the community has come to expect. While staffing may sometimes be fluid due to attrition, the Police Department currently has six vacancies. The City budgeted for these positions and is aggressively working to fill the openings.

**F3:** The MCGJ finds that Madera County is not effectively handling the individuals Madera Police Department identifies as having a mental health crisis (5150).

**Response:** The City respectfully notes that this finding pertains to a matter that is not under the control of the City.

### **RECOMMENDATIONS**

**R1.** MCGJ recommends that the Madera Police Department continue to foster the relationships within the community through the efforts already in place and be open to the suggestions brought by community groups and individuals.

**Response:** This recommendation has been implemented. The City appreciates MCGJ's recognition of the City's effort to foster and strengthen relationships with our community. The City believes that when it comes to public safety, nothing is more important than trust and mutual respect between Police Officers and the community. For this reason, the Police Department will continue to explore new and innovative ways to connect with our community.

**R2.** MCGJ recommends that during Fiscal Year 21/22 currently open positions at the Madera Police Department be filled.

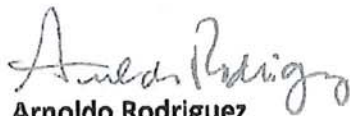
**Response:** This recommendation has not yet been implemented but the City plans to implement it when it adopts the Fiscal Year 21/22 Budget.

**R3.** MCGJ recommends that the Madera Police Department immediately work with the Madera County Board of Supervisors to provide adequate mental health services.

**Response 3:** This recommendation has been implemented. More specifically, earlier this year, Police Chief Lawson attended a meeting with the Madera County Mental Health Department where the focus was on improving mental health services. The Police Department is also assisting the Mental Health Department pursue mental health grant opportunities.

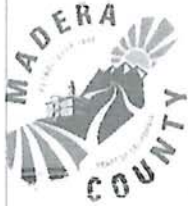
Thank you for your service to the community. Please let us know if you need additional information.

Sincerely,



Arnoldo Rodriguez  
City Manager  
City of Madera

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



# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST 4<sup>TH</sup> STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970  
Agendas available: [www.MaderaCounty.com](http://www.MaderaCounty.com)

Members of the Board  
Brett Frazier, District 1  
David Rogers, District 2  
Robert L. Poythress, District 3  
Leticia Gonzalez, District 4  
Tom Wheeler, District 5

## AGENDA ITEM SUBMITTAL

March 16, 2021

Chairman Robert L. Poythress

<b>DEPARTMENT</b> County Administration/Risk Management & Legal Services Division		<b>DEPARTMENT CONTACT</b> Yvette Gomez 559-675-7703		<b>AGENDA ITEM</b> 5.K Consent Calendar	
<b>SUBJECT:</b> Response to Grand Jury Report		<b>REQUIRED VOTE:</b> 3/5 Votes Required	<b>DOC. ID NUMBER</b> 7151	<b>DATE REC'D</b> 11/20/2019	
<b>STRATEGIC FOCUS AREA(S):</b> Focus Area Not Defined (Explain)					
<u>For Clerk of the Board's Office Use Only</u>					
<b>BOARD'S ACTION:</b>					
<b>RESULT:</b> APPROVED BY CONSENT VOTE [UNANIMOUS] <b>MOVER:</b> Tom Wheeler, Chairman Pro Tem <b>SECONDER:</b> Brett Frazier, Supervisor - District No. 1 <b>AYES:</b> Frazier, Rogers, Poythress, Gonzalez, Wheeler					
Is this item Budgeted? No			<b>DOCUMENT NO(S).</b>		
Will this item require additional personnel? No					
Previous Relevant Board Actions: PowerPoint/Supporting Documents: Other/Misc.					

### RECOMMENDED ACTIONS:

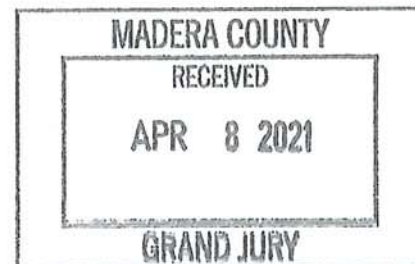
Consideration of approval of the response to the 2019-2020 Grand Jury Report entitled "City of Madera Police Department: Unveiling Truths of Law Enforcement".

### DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:

N/A

### ATTACHMENTS

1. Grand Jury Response 2019-2020 - City of Madera Police Department
2. Grand Jury Report - City of Madera Police Department 12-21-2020





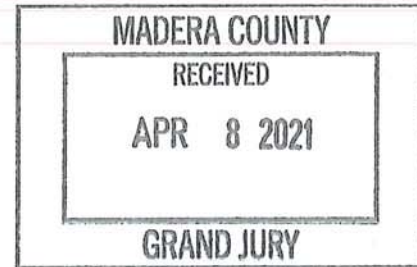
**MEMBERS OF THE BOARD**

BRETT FRAZIER, District No. 1  
DAVID ROGERS, District No. 2  
ROBERT L. POYTHRESS, District No. 3  
LETICIA GONZALEZ, District No. 4  
TOM WHEELER, District No. 5

KAREN POGUE, Chief Clerk of the Board

March 21, 2021

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



**Subject: Response to the 2019-20 Grand Jury Report entitled "City of Madera Police Department: Unveiling Truths of Law Enforcement"**

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2019-20 Madera County Grand Jury report entitled "**City of Madera Police Department: Unveiling Truths of Law Enforcement**" See Attachment #1.

The following are the Board of Supervisors' responses to the Grand Jury's finding and recommendation No. 3:

**Finding 3:**

The MCGJ finds that Madera County is not effectively handling the individuals Madera Police Department identifies as having a mental health crisis (5150)

**Response**

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

*"BHS has a long history of working as a collaborative community partner with Madera Police Department and other local Law Enforcement. Madera County has a Community Wide Collaborative that includes BHS, all local law enforcement, both local hospitals, Madera County Department of Corrections, and other community stakeholders. This collaborative has developed the Madera County 5150 Response Protocol. The 5150-response protocol was updated in 2019 and outlines all stakeholders agreed upon roles in addressing our community members in crisis."*

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



**Recommendation 3:**

The MCGJ recommends that the Madera Police Department immediately work with the Madera County Board of Supervisors to provide adequate mental health services.

**Response**

The recommendation has been implemented. Under separate cover, the Acting Director of Behavioral Health Services has responded to this finding and stated:

*"Madera County has a Community Wide Collaborative that includes BHS, all local law enforcement, both local hospitals, Madera County Department of Corrections, and other community stakeholders. This collaborative has developed the Madera County 5150 Response Protocol. The 5150-response protocol was updated in 2019 and outlines all stakeholders agreed upon roles in addressing our community members in crisis. The collaborative meets quarterly to address any issues or breakdowns within the system of crisis care. BHS is currently in collaboration with Madera County Administration, Madera Police Department, Madera Sheriff's Department, and the Department of Corrections are working to apply for a Substance Abuse and Mental Health Services Administration (SAMSHA) grant that would provide law enforcement partners with additional training on mental health issues that qualify as POST training, will enhance knowledge, and reduce training costs. BHS in collaboration with Madera Police Department and Madera Sheriff's Department were able to establish a mobile crisis response team in 2017 that is still in effect."*

The response of the Acting Director of Behavioral Health Services to the above finding 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,



Robert L. Poythress  
Chairman of the Board of Supervisors

## 1920-06 Madera County and City of Madera Government Public Servants or Self Serving

### OVERVIEW:

The Madera County Board of Supervisors (BOS) serves as the legislative and executive governing body of Madera County government. The Board of Supervisors is made up of five elected officials from five supervisorial and geographical districts in the County. Within the limits prescribed by State law, the Board enacts ordinances and rules, determines County policy, supervises the activities of County departments, adopts an annual budget, and negotiates and approves salaries.

The Madera City Council, a board of seven, is the elected legislative body of the City of Madera. Members of the City Council are elected by district, and the Mayor is elected at large. There are six (6) Council districts. Members of the City Council, including the Mayor, serve four-year terms. According to the National Association of Counties' Code of Ethics, the code requires that the duty and responsibilities to the communities remain unbiased, are fair and open to the public, and receive community input.

The self-serving practices of the City of Madera and County of Madera governments have repeatedly ignored the rights, voices, and the needs of the constituency. As elected officials, their duty is to serve the residents of Madera County and the City of Madera honestly, openly, and purposefully.

In this 2019-2020 Grand Jury report, the Madera County Grand Jury (MCGJ) addresses the following complaints.

- **Part I: Madera County Administrative Officer (CAO) Management Practices**
- The rights of employees have been squelched and dismissed.
  - **The complaints were that Workplace Harassment issues were not addressed.**
- **Part II: Coarsegold Rezoning**
- The repeated requests of residences have been shoved to the side.
  - **The complaints were failure by the BOS to listen to impacted constituents.**
- **Part III: Madera Municipal Airport Closure of Runway 8-26**
- The needs of a long-valued and heralded agricultural industry are experiencing frequent incursions of urban expansion without prior notice.
  - **The complaints were that adequate Public Notice not provided in accordance with the Brown Act.**

## **PART I**

### **Madera County Administrative Officer (Cao) Management Practices**

The complaints were that Workplace Harassment issues were not addressed.

#### **SUMMARY:**

During the last 10 years several workplace harassment complaints from Madera County employees have been reported to local news agencies and the Madera County Grand Jury (MCGJ). The 2012-2013 Madera County Grand Jury reported on these issues and they were not resolved by the Madera County Board of Supervisors or Human Resources Department. This 2019-2020 Madera County Grand Jury report further documents the ongoing and newly reported issues that occurred in the Chief Administrators Office (CAO) of Madera County.

#### **BACKGROUND:**

During the 2019-2020 year, the MCGJ received complaints which had previously been addressed in the *MCGJ Report of 2012-2013* regarding misconduct by the County Administrative Officer (CAO). The response to the 2012-2013 report by BOS dismissed the findings of the MCGJ and denied the existence of any problems. Therefore, the MCGJ was prompted to revisit the 2012-2013 issues expecting that progress in resolving workplace harassment issues would have been made. After reviewing the new complaints, the MCGJ was appalled that these serious issues regarding the office of the CAO persisted.

#### **FINDINGS:**

- F1.** The MCGJ finds that the Board of Supervisors committed nonfeasance by not taking appropriate action on a timely basis on the ongoing workplace harassment complaints and issues.
- F2.** The MCGJ finds that the CAO's \$306,000 salary is excessive commensurate to the size of the County population and budget.
- F3.** The MCGJ finds that the CAO's severance of \$113,168.34 was paid by county taxpayers.
- F4.** The MCGJ finds that the Board of Supervisors negligent in failing to address the ten years of harassment thus allowing the unhealthy work environment to persist.

#### **RECOMMENDATIONS:**

- R1.** The MCGJ recommends that the Board of Supervisors immediately address, review, and curtail all abuses of power in the county workplace by working with the County Human Resources Director to ensure that adopted Policies and Procedure protocols are enforced.
- R2.** The MCGJ recommends that the County Director of Human Resources immediately conduct compensation research and salary review for the CAO position as it relates to counties and budgets similar in size to Madera County.
- R3.** The MCGJ recommends that the Board of Supervisors immediately document and provide a rationale for the severance package and payout made to the CAO.
- R4.** The MCGJ recommends that immediately changes are made to Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment," adopted by Madera County Board of Supervisors August 20, 2019, to enable employees to report issues to the Human Resources Department without fear of retribution or retaliation.

## **PART II**

### **Coarsegold Rezoning:**

The complaints were failure by the BOS to listen to impacted constituents.

#### **SUMMARY:**

The Madera County Grand Jury (MCGJ) responded to complaints regarding the ongoing request to rezone a Coarsegold neighborhood from residential rural to light industrial. Residents of the area in question presented to the Board of Supervisors' objections to this rezone, provided a signed petition by all neighbors and continue to oppose this rezoning. This issue has come before the Board of Supervisors and County Planning Department numerous times beginning in 2002 and continuing through 2018.

#### **BACKGROUND:**

Over the past 17 years, a property owner in the Meadow Springs Ranch neighborhood has repeatedly requested the rezoning of a 30-acre parcel from Residential Mountain Single Family (RMS) to Industrial, Urban or Rural, Light LI. The request also included an amendment to the General Plan and Coarsegold Area Plan designations from Rural Residential (RR) to Light Industrial (LI). The property is located on the West Side of Highway 41, between Veater Ranch Road and Stone Creek Drive. The parcel was split into two lots in 2014 (APN #054-090-095 and APN #095-090-096) and is surrounded entirely by residential homes. A petition signed on June 12, 2018 by 121 residents, has continually opposed the rezoning citing noise, traffic flow issues, and environmental impacts. Additionally, reviews completed and recommendations by the County Planning Department, Cal Trans, and the Regional Water Control Board also recommended denial of this rezoning and filed a negative environmental impact report. This report addresses the ongoing requests and opposition presented to the Board of Supervisors by the various agencies and concerned property owners.

#### **FINDINGS:**

- F1.** The MCGJ finds that the Board of Supervisors' behavior towards the public and the constituents is contrary to the National Association of Counties' Code of Ethics.
- F2.** The MCGJ finds that elected officials of the Board of Supervisors acted outside the Public Hearing process and may have violated the Brown Act.
- F3.** The MCGJ finds that the Board of Supervisors acted negligently by showing favoritism to the property owner requesting the rezoning and ignoring the recommendations of the regulatory agencies and aggrieved tax paying property owners.

#### **RECOMMENDATIONS:**

- R1.** The MCGJ recommends that the Board of Supervisors immediately adhere to and comply with the National Association of Counties' Code of Ethics that states that well-functioning counties form the basis for the people's trust in government.
- R2.** The MCGJ recommends immediately that all Board of Supervisor members read and follow the Brown Act as required by law.
- R3.** The MCGJ recommends that immediately the Board of Supervisors make a final decision on this rezoning request and **close the request.**

## **PART III**

### **Madera Municipal Airport**

Part III. The needs of a long-valued and heralded agricultural industry are experiencing frequent incursions of urban expansion without prior notice.

**The complaints were that adequate Public Notice was not provided in accordance with the Brown Act.**

#### **SUMMARY:**

The self-serving practices of the City of Madera and the County of Madera have repeatedly ignored the rights, voices, and the needs of the constituency. Along with issues addressing work-place harassment (Part 1) and repeated requests for rezoning (Part 2) contained in this overall report (Madera County and the City of Madera Government: Public Servant or Self-Serving), this investigation into the closure of Runway 8-26 (Part 3) further highlights the City of Madera and the County of Madera's self-promoting agendas rather than the interests of the residents of Madera County in an honest, open, and purposeful fashion.

Within the City of Madera and the County of Madera there has been much public interest and an outcry concerning the closure of Runway 8-26 at the Madera Municipal Airport. The topic of the closure of Runway 8-26 has been discussed in the Madera Tribune and during Madera City Council meetings. In addition to the public responses to the closure of Runway 8-26, the Madera County Grand Jury (MCGJ) received several citizen complaints regarding the closure of Runway 8-26.

In order to operate, every airport is required to submit to the Airport Land Use Commission (ALUC – “The Commission”) their Master Plan (“Master Plan”). The Airport Land Use Compatibility Plan (ALUCP – “The Plan”) was originally drafted for the Madera Municipal Airport in 1993. It is required by the Federal Aviation Administration (FAA) and State Aeronautical Act (SAA). The Plan utilizes composite compatibility zones. Four compatibility factors are considered: noise, safety, airspace protection, and overflight. The Commission was intended to promote compatibility between airport operators and surrounding land use. From this Master Plan of the airport, The Commission then completes The Plan. The Plan is approved by the FAA, not the County, City, or Airport Advisory Committee.

#### **BACKGROUND:**

The Madera Municipal Airport is a general aviation airport owned and operated by the City of Madera, situated on 524 acres on the northwest edge of the City of Madera, and is supervised by the Madera Public Works Department. It is self-supporting and does not receive any subsidies from the City of Madera. Revenues from the airport finance the cost of operations and maintenance with the surplus going into the Enterprise Airport Fund.

The Airport has two asphalt paved runways. The primary runway, Runway 12-30, is 5544 feet long and the secondary, agriculture runway, Runway 8-26, is 3702 feet long and is restricted to aerial agriculture application, crop dusters, only. There is no tower, and pilots follow FAA procedures.

The City of Madera Airport Advisory Commission is a City Council appointed body established to serve in an advisory capacity to the City Council and staff on matters concerning the airport. The Commission is tasked with reviewing the annual budget to prioritize capital projects as well as reviewing and recommending airport policies, operational procedures, and action regarding land use surrounding the airport. The Advisory Commission meets three times a year or more if needed.

The Airport Land Use Compatibility Plan (The Plan), required by the FAA and State Aeronautical Act (SAA), was originally drafted for the Madera Municipal Airport in 1993. It was intended to promote compatibility between airport operators and surrounding land uses. The Plan does not have authority over existing land uses or operations of the airport, nor does it propose future airport or land use development or physical environmental changes.

In 2015, the City of Madera requested an update of the original 1993 Master Plan and a committee was formed including City Planners. The outcome of the updated Master Plan included closure of the Runway 8-26, and the construction of a large housing development. This Master Plan was presented to the public at a City Council meeting in August 2019 as a “done deal.” As a result, much negative commentary from pilots and users of Runway 8-26 was voiced.

Since then, the MCGJ received complaints over the closure of Runway 8-26 and the loss to local agriculture of the crop dusting services necessary to maintain and grow the agricultural industry.

In the past, Runway 8-26 served as an agricultural runway for the purpose of crop dusting, and aerial application of fertilizers, and pesticides. Runway 8-26 has been considered a vital, centrally located agricultural runway for the purpose of crop dusting. Crop dusting is a general term for aerial application of products.

With the closure of the Runway 8-26 at the Madera Airport, crop dusters no longer have a “designated crop duster only”- runway with which to conduct business. Crop dusters will be required to use the main runway, which is used by all other private and public flights.

Changes to the airport and its operations are the purview of the City of Madera’s Airport Layout Plan, not The Plan, as stated in the September 1, 2015 ALUCP Staff Report. According to the Staff Report, the City of Madera was “in process” of updating the Airport Layout Plan (ALP), therefore, it fell to the City of Madera to provide Public Notice concerning those changes. However, it was the position of the City of Madera planners that notice provided by the County of Madera was adequate. The MCGJ was not able to find any separate notices addressing the closure of Runway 8-26 made or posted by the County. Rather, the MCGJ was told the closure of Runway 8-26 was a “done deal.”

The discussion surrounding the closure of Runway 8-26 dates back to 1993. The Plan is only for the areas surrounding the airport. The Plan does not address what the airport does on airport property if the airport does not violate past Airport Land Use Compatibility Plans. The Commission solely serves in an advisory capacity and cannot dictate the closure of a runway. According to the California Environmental Quality Act (CEQA):

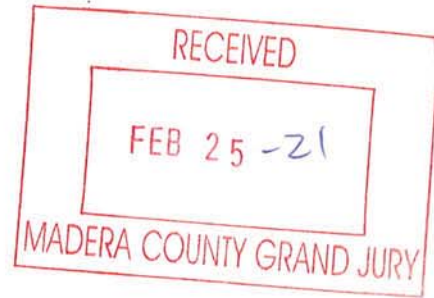
*The Madera Municipal Airport Land Use Compatibility Plan (ALUCP) will replace the existing plan adopted in by the Madera County Land Use Commission (ALUC) in 1993. The proposed ALUCP is included as Attachment to the Initial Study. Preparation of the ALUCP is intended to promote compatibility between airport operations and surrounding land uses considering noise, safety, airspace protection, and overflight effects. Neither the ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or state, federal, or tribal lands. Nor does the ALUCP propose future airport or land use development, or physical changes to the environment. Based on the analysis performance, adoption, and implementation of the ALUCP will not create a significant effect on the environment. <https://opr.ca.gov/2015071075>*

#### **FINDINGS:**

- F1.** The MCGJ finds that the City of Madera and the County of Madera did not provide requested documentation.
- F2.** The MCGJ finds that the City of Madera and the County of Madera did not provide adequate Public Notice for the closure of Runway 8-26.
- F3.** The MCGJ finds that the City of Madera spent taxpayer's money to purchase additional acreage for a fire station.
- F4.** The MCGJ finds that to facilitate the closure of Runway 8-26 a renewal application for funding was not submitted.
- F5.** The MCGJ finds that private interests in leasing the airport facilities were repeatedly ignored.

#### **RECOMMENDATIONS:**

- R1.** The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to requests for public documents when requested by the Madera County Grand Jury.
- R2.** The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to the provisions of the Brown Act to provide clear, fair and unambiguous Public Notice.
- R3.** The MCGJ recommends that immediately the City of Madera and the County of Madera refrain from carelessly spending taxpayer money.
- R4.** The MCGJ recommends that immediately the City of Madera and the County of Madera maintain records and avail the city and county of renewable funding opportunities.
- R5.** The MCGJ recommends that immediately the City of Madera and the County of Madera entertain the financial investment interests of private entities.



February 19, 2021

Honorable Judge Michael Jurkovich  
Madera County Supervising Judge  
300 South G Street  
Madera CA 93637

SUBJECT: Response to the Findings of the Madera County and City of Madera: Public Servants or Self Serving 2019/20 Grand Jury Final Report 1920-04 Published on December 21, 2020

Dear Honorable Judge Michael Jurkovich:

I would like to acknowledge and express appreciation for extensive efforts undertaken by the Grand Jury. In accordance with California Penal Code §933 and §933.05, this letter addresses all the Grand Jury Findings and Recommendations that address subjects under my purview as the Chief of Development Services. I hope my responses are helpful to future pursuits of the Grand Jury and to the community at large.

**Part II  
Coarsegold Rezoning**

**FINDINGS IN REPORT:**

**F3.** The MCGJ Finds that the Board of Supervisors acted negligently by showing favoritism to the property owner requesting the rezoning and ignoring the recommendations of the regulatory agencies and aggrieved tax paying property owners.

**Response:** *Disagree. In review of the MCGJ report this is clearly a mistake and has no merit as a finding. The finding by the MCGJ that the Board of Supervisors showed favoritism to the property owner is contrary to the fact that the applicant spent tens of thousands of dollars on applications and in every case was DENIED by the Board of Supervisors.*

**RECOMMENDATIONS IN REPORT:**

**R3.** The MCGJ recommends that immediately the Board of Supervisors make a final decision on the rezoning request and **close the request.**





**Response:** *The recommendation will not be implemented because it is not reasonable. This would be a violation of the individual's due process rights. Land Use Planning Law mandates and provides for an individual to apply for a change in land use on their personal property. The Board has made a final decision of denial on the latest land use entitlement application. The property owner may elect to pay for another change in land use through an entitlement application and proceed through the process laid out in law if they so choose. There is no cost to the taxpayers of Madera County, our application costs recover the full costs in the processing of individual land use entitlements.*

**Part III  
Madera Municipal Airport**

**FINDINGS IN REPORT:**

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

**Response:** *Partially Disagree. I was never approached by the MCGJ requesting any documentation related to the Madera Municipal Airport.*

**RECOMMENDATIONS IN REPORT:**

**R1.** The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to request for public documents when requested by the Madera County Grand Jury.

**Response:** *Agree.*

**R2.** The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to the provisions of the Brown Act to provide clear, fair and unambiguous Public Notice.

**Response:** *Agree.*

**R3.** The MCGJ recommends that immediately the City of Madera and the County of Madera refrain from carelessly spending taxpayer money.

**Response:** *Agree.*





R4. The MCGJ recommends that immediately the City of Madera and the County of Madera maintain records and avail the city and county of renewable funding opportunities.

**Response: Agree.**

R5. The MCGJ recommends that immediately the City of Madera and the County of Madera entertain the financial investment interests of private entities.

**Response: The recommendation will not be implemented because it is not reasonable. It appears that MCGJ may be contradicting Part II of this report with this recommendation to provide prejudice or favoritism to those individuals who have a financial investment interest rather than what is best for all Madera County Taxpayers. Ethically this would not be appropriate and may even rise to the level of illegal actions.**

Sincerely

Matthew Treber  
Chief of Development Services



March 17, 2021



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

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

Dear Honorable Judge Jurkovich:

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

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

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

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

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

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

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

## **FINDINGS**

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

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

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

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

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

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

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

E. Additional Public Outreach

A. 1993 Madera Municipal Airport Master Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**E. Additional Public Outreach**

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

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

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

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

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

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

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

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

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

**Response 4:** The City disagrees with this finding.

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

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

**Reference:**

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

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

**Response 5:** The City disagrees with this finding.

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

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

**RECOMMENDATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

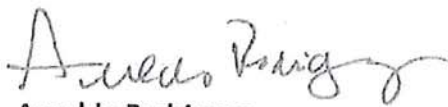
**Rec. 5:** The MCGJ recommends that immediately the City of Madera and the County of Madera entertain the financial investment interests of private entities.

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

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

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

Sincerely,



Arnoldo Rodriguez  
City Manager  
City of Madera

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

**Attachments:**

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

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



**BOARD OF SUPERVISORS  
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER  
200 WEST 4<sup>TH</sup> STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970  
Agendas available: [www.MaderaCounty.com](http://www.MaderaCounty.com)

Members of the Board  
Brett Frazier, District 1  
David Rogers, District 2  
Robert L. Poythress, District 3  
Leticia Gonzalez, District 4  
Tom Wheeler, District 5

**AGENDA ITEM SUBMITTAL** March 16, 2021  
Chairman Robert L. Poythress

<b>DEPARTMENT</b> County Administration Department		<b>DEPARTMENT CONTACT</b> Yvette Gomez 559-675-7703		<b>AGENDA ITEM</b> 5.L Consent Calendar									
<b>SUBJECT:</b> Response to Grand Jury Report		<b>REQUIRED VOTE:</b> 3/5 Votes Required	<b>DOC. ID NUMBER</b> 7152	<b>DATE REC'D</b> 11/20/2019									
<b>STRATEGIC FOCUS AREA(S):</b> Focus Area Not Defined (Explain)													
<b>For Clerk of the Board's Office Use Only</b>													
<b>BOARD'S ACTION:</b>													
<table border="0"> <tr> <td><b>RESULT:</b></td> <td><b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b></td> </tr> <tr> <td><b>MOVER:</b></td> <td>Tom Wheeler, Chairman Pro Tem</td> </tr> <tr> <td><b>SECONDER:</b></td> <td>Brett Frazier, Supervisor - District No. 1</td> </tr> <tr> <td><b>AYES:</b></td> <td>Frazier, Rogers, Poythress, Gonzalez, Wheeler</td> </tr> </table>						<b>RESULT:</b>	<b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b>	<b>MOVER:</b>	Tom Wheeler, Chairman Pro Tem	<b>SECONDER:</b>	Brett Frazier, Supervisor - District No. 1	<b>AYES:</b>	Frazier, Rogers, Poythress, Gonzalez, Wheeler
<b>RESULT:</b>	<b>APPROVED BY CONSENT VOTE [UNANIMOUS]</b>												
<b>MOVER:</b>	Tom Wheeler, Chairman Pro Tem												
<b>SECONDER:</b>	Brett Frazier, Supervisor - District No. 1												
<b>AYES:</b>	Frazier, Rogers, Poythress, Gonzalez, Wheeler												
Is this item Budgeted? No			<b>DOCUMENT NO(S).</b>										
Will this item require additional personnel? No													
Previous Relevant Board Actions:													
PowerPoint/Supporting Documents: Other/Misc.													

**RECOMMENDED ACTIONS:**

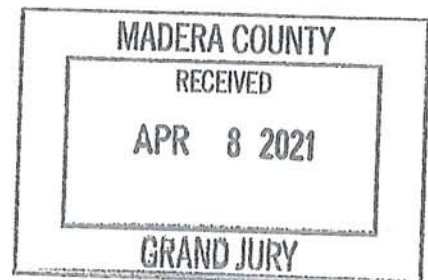
Consideration of approval of the response to the 2019-2020 Grand Jury Report entitled "Madera County and City of Madera: Public Servants or Self Serving".

**DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:**

N/A

**ATTACHMENTS**

1. Grand Jury Report - Madera County City Public Servants or Self Serving 12-21-2020
2. Grand Jury Response 2019-2020 - Madera County and City of Madera-Public Servants



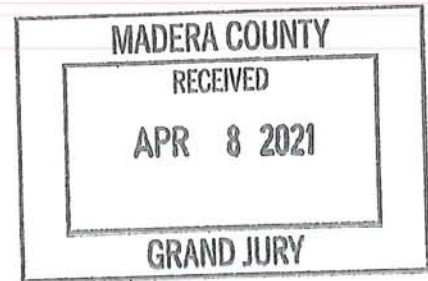


**MEMBERS OF THE BOARD**

BRETT FRAZIER, District No. 1  
DAVID ROGERS, District No. 2  
ROBERT L. POYTHRESS, District No. 3  
LETICIA GONZALEZ, District No. 4  
TOM WHEELER, District No. 5

KAREN POGUE, Chief Clerk of the Board

March 21, 2021



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

**Subject: Response to the 2019-20 Grand Jury Report entitled "Madera County and City of Madera: Public Servants or Self Serving"**

Honorable Judge Jurkovich:

Pursuant to California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2019-20 Madera County Grand Jury report entitled "**Madera County and City of Madera: Public Servants or Self Serving**" See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part I of the report, "**Madera County Administrative Officer (CAO) Management Practices**":

**Finding 1:**

The MCGJ finds that the Board of Supervisors committed nonfeasance by not taking appropriate action on a timely basis on the ongoing workplace harassment complaints and issues.

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). As set forth in the County Policy and Guidelines on Discrimination and Harassment (policy), the Board of Supervisors believes that all workers are entitled to work in an environment free of discrimination, harassment and abusive conduct. Consistent with County policy, all complaints are investigated in a fair, complete, and timely manner and if determined to have merit, appropriate disciplinary measures are taken. All complaints received during the period which is the subject of the Grand Jury's report were addressed consistent with County policy including any complaints regarding the former CAO.

**Finding 2:**

The MCGJ finds that the CAO's \$306,000 salary is excessive commensurate to the size of the County population and budget.



**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). The finding is misleading in that the figure represented as salary is not delineated in terms of base salary and benefits. As to whether the then CAO's salary was reasonable under the circumstances, it should be noted that the County conducted a total compensation survey during the Spring of 2015, the results of which were presented to the Board of Supervisors at its August 25, 2015 meeting. The purpose of the survey was to determine how competitive the County was within its labor market of ten county agencies. Among the one hundred thirty-nine (139) classifications studied was that of CAO. The base salary survey results for the classification of CAO found the Madera County salary associated with the position was 13.39% below the labor market median. At the January 26, 2016 Board of Supervisors meeting, the Board approved implementation of the survey salary recommendations effective July 1, 2016 for approximately fifty (50) elected and appointed department heads and unrepresented employees, including the CAO. Subsequently, the County conducted a follow up survey in 2018 revisiting the classifications and labor market which was the subject of the 2015 study. Results of the follow up survey indicated that the CAO position was 5% below the labor market median. Since the reporting of the 2018 follow up survey, the County has conducted an additional survey, the results of which were presented to the Board at its September 15, 2020 meeting. Salary data derived from labor market comparisons as of June 15, 2020 indicate that the CAO position is 4% below the labor market median at the midpoint of the salary range.

**Finding 3:**

The MCGJ finds that the CAO's severance of \$113,168.34 was paid by county taxpayers.

**Response**

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). The finding is an oversimplification of the complexities of funding County operations. The County Administrative Office expenditures are part of the County's total administrative overhead cost and are funded by various state, federal and local funding sources. Based on the historical net County cost percentage of administrative overhead costs, approximately \$39,608 of the total severance amount was funded through local taxes. This impact was fully offset with salary savings in the FY 2019-20 budget by the delay in hiring of a permanent CAO.

**Finding 4:**

The MCGJ finds that the Board of Supervisors negligent in failing to address the ten years of harassment thus allowing the unhealthy work environment to persist.

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). As previously stated, the Board of Supervisors is committed to fostering an environment free of workplace discrimination and harassment. Consistent with County policy, all complaints of discrimination or harassment are acted upon promptly. Fair and timely investigations are conducted and when appropriate, disciplinary measures are taken. The Grand Jury's narrow presentation of the facts aside, the Board's actions in this regard have been consistently applied prior to, and since the allegations that are the subject of the report.

**Recommendation 1:**

The MCGJ recommends that the Board of Supervisors immediately address, review, and curtail all abuses of power in the county workplace by working with the County Human Resources Director to ensure that adopted Policies and Procedure protocols are enforced.

**Response**

The recommendation will not be implemented because it is not warranted. As previously stated, harassment, discrimination and abuse are not tolerated by the Board of Supervisors and any complaints of that nature are investigated and acted upon swiftly consistent with County policy.

**Recommendation 2:**

The MCGJ recommends that the County Director of Human Resources immediately conduct compensation research for the CAO position as it relates to counties and budgets similar in size to Madera County.

**Response**

The recommendation has been implemented. As previously discussed, the County, through the Department of Human Resources, recently concluded a total compensation study of one hundred thirty-two (132) benchmark positions including CAO. The results of the study were presented to the Board at its September 15, 2020 meeting.

**Recommendation 3:**

The MCGJ recommends that the Board of Supervisors immediately document and provide a rationale for the severance package and payout made to the CAO.

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. The Grand Jury's report provides details from Madera County Contract No. 11539-19, Resignation Agreement and Release. The material terms of the agreement are contained in the excerpts provided in the report.

**Recommendation 4:**

The MCGJ recommends that immediately changes are made to Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment," adopted by Madera County Board of Supervisors August 20, 2019, to enable employees to report issues to the Human Resources Department without fear of retribution.

**Response**

The recommendation has not yet been implemented but will be implemented in the future. The policy will be updated to reflect the current organizational structure within the Department of Human Resources.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part II of the report, "Coarsegold Rezoning":

**Finding 1:**

The MCGJ finds that the Board of Supervisors' behavior towards the public and the constituents is contrary to the National Association of Counties' Code of Ethics.

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). The Grand Jury's report fails to specify exactly what conduct on the part of the Board it finds in violation of the National Association of Counties' Code of Ethics nor does it specify what exact provision of the Code is in violation. Further, the Grand Jury's methodology fails to include the National Association of Counties' Code of Ethics as a referenced document and efforts to locate the document have been unsuccessful.

**Finding 2:**

The MCGJ finds that elected officials of the Board of Supervisors acted outside the Public Hearing process and may have violated the Brown Act.

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). The Grand Jury's report fails to describe in what manner it believes that the Board of Supervisors may have violated the Brown Act.

**Finding 3:**

The MCGJ finds that the Board of Supervisors acted negligently by showing favoritism to the property owner requesting the rezoning and ignoring the recommendations of the regulatory agencies and aggrieved tax paying property owners.

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). There does not appear to be any evidence of favoritism described in the Grand Jury's report, nor was it apparent upon review of the video of the June 22, 2009 Board of Supervisors Special Meeting. To the contrary, as noted by the Grand Jury, this property owner has seen 6 separate applications for land use entitlement denied by the Board.

**Recommendation 1:**

The MCGJ recommends that the Board of Supervisors immediately adhere to and comply with the National Association of Counties' Code of Ethics that states that well-functioning counties form the basis for the people's trust in government.

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. The recommendation is unnecessary. The Board of Supervisors is well aware of its duty to act, both collectively and individually, in conformity with all applicable rules, regulations, and policies related to ethical conduct.

**Recommendation 2:**

The MCGJ recommends that all Board of Supervisor members read and follow the Brown Act as required by law.

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. The recommendation is unnecessary. The Board of Supervisors is fully committed to adherence to all provisions of the Brown Act.

**Recommendation 3:**

The MCGJ recommends that immediately the Board of Supervisors make a final decision on this rezoning request and close the request.

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. Under separate cover, The Chief of Development Services has responded to this recommendation and stated: *"Land Use Planning Law mandates and provides for an individual to apply for a change in land use on their personal property. The Board has made a final decision of denial on the latest land use entitlement application. The property owner may elect to pay for another change in land use through an entitlement application and proceed through the process laid out in law if they so choose. There is no cost to the taxpayers of Madera County, our application costs recover the full costs in the processing of individual land use entitlements."*

The response of the Chief of Development Services to the above recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

The following are the Board of Supervisors' responses to the Grand Jury's findings 1 and 2 and recommendations 1, 2, 3, 4 and 5 to Part III of the report, "Madera Municipal Airport":

**Finding 1:**

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

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Although the Grand Jury's report references "multiple requests of involved parties," the Board of Supervisors is unaware of any requests for documentation. Without information detailing specific requests, the Board is unable to adequately respond to the finding.

**Finding 2:**

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

**Response**

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Although the finding implies some level of responsibility to the County to provide notice of the closure of Runway 8-26, the finding concerns a matter which is not under the control of the Board of Supervisors.

**Recommendation 1:**

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

**Response**

The recommendation has been implemented. The County of Madera appreciates the important role of the Grand Jury and is, and has always been, committed to responding promptly to inquiries to assist the Grand Jury in carrying out its statutory duties.

**Recommendation 2:**

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

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. The recommendation is unnecessary. The Board of Supervisors is fully committed to adherence to all provisions of the Brown Act.

**Recommendation 3:**

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

**Response**

The recommendation will not be implemented because it is not warranted or is not reasonable. The recommendation is unnecessary. The Board of Supervisors is certainly aware of its obligation to safeguard the interests of the taxpayers of Madera County and will continue to operate with full transparency and accountability to the taxpayers.

**Recommendation 4:**

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

**Response**

The recommendation has been implemented. The County of Madera maintains all records in accordance with its Record Retention Schedule and always seeks to identify alternate funding opportunities.

**Recommendation 5:**

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

**Response**

The recommendation requires further analysis. Analysis of the recommended action and the County's role in such, can only be considered on a fact specific basis.

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,

A handwritten signature in cursive script, appearing to read "Robert Poythress".

Robert L. Poythress  
Chairman of the Board of Supervisors