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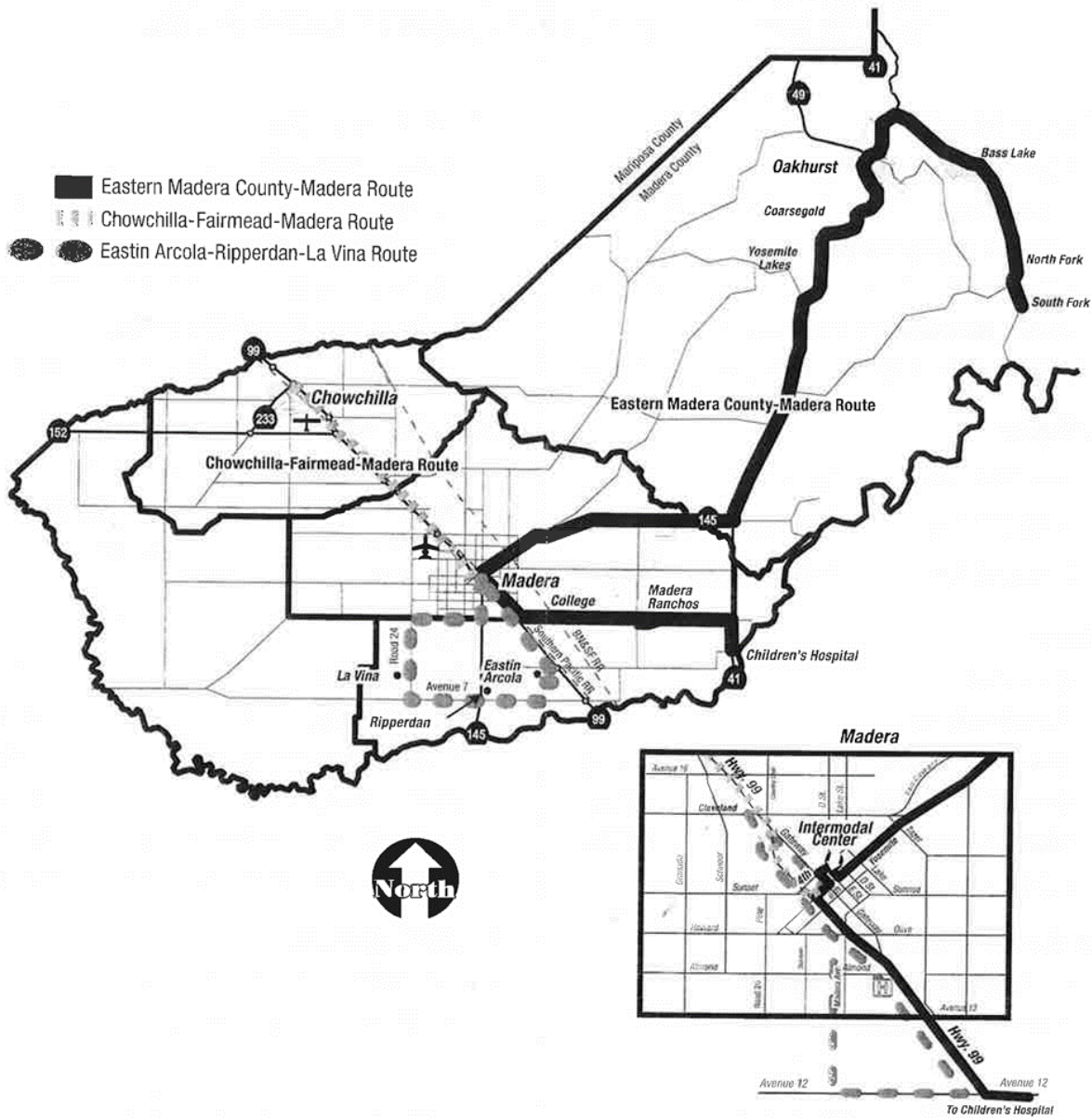
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Madera County Connection

The Madera County Connection services four routes: Chowchilla-Fairmead-Madera Route, Eastin-Arcola-Ripperdan-LaVina, College Route and Eastern Madera County-Madera. The Eastern Madera-Madera route services the communities of North Fork, Oakhurst, and Coarsegold.

MADERA COUNTY CONNECTION SYSTEM MAP



Madera County Connection (MCC) Figure 2

Service Area

The Chowchilla - Fairmead route provides five trips **Monday through Friday** from Downtown Madera to Chowchilla via Fairmead.

The Eastin Arcola - Ripperdan - La Vina route provides two loops on **Wednesday and Friday** through Eastin Arcola - Ripperdan - and La Vina before returning to Downtown Madera.

The College route provides five trips per day **Monday through Friday** from Downtown Madera to Children's Hospital.

The Eastern Madera-Madera route services the communities of North Fork, Oakhurst, and Coarsegold with three trips per weekday. This Eastern Madera Route operates three roundtrips per weekday – only one of these trips connects well with Yosemite Area Regional Transportation System (YARTS).

YARTS - operates one year-round route (State Route 140 Route between Merced and Yosemite) and three seasonal routes, typically from May to September (Routes State Route 41 from Fresno, State Route 120 from Sonora, and State Route 120/395 from Mammoth Lakes).

Service Hours and Days -Reference Bus Schedule

The MCC bus schedule is difficult to read and follow. It is difficult to determine how to get to and from various destinations within the County. Reference the website or call 311 for further details. Bus schedule information is not available at bus stops. There is no phone contact information posted and not all communities are served. There is only one reasonable connection with YARTS and none with other general service providers and no weekend or holiday service.

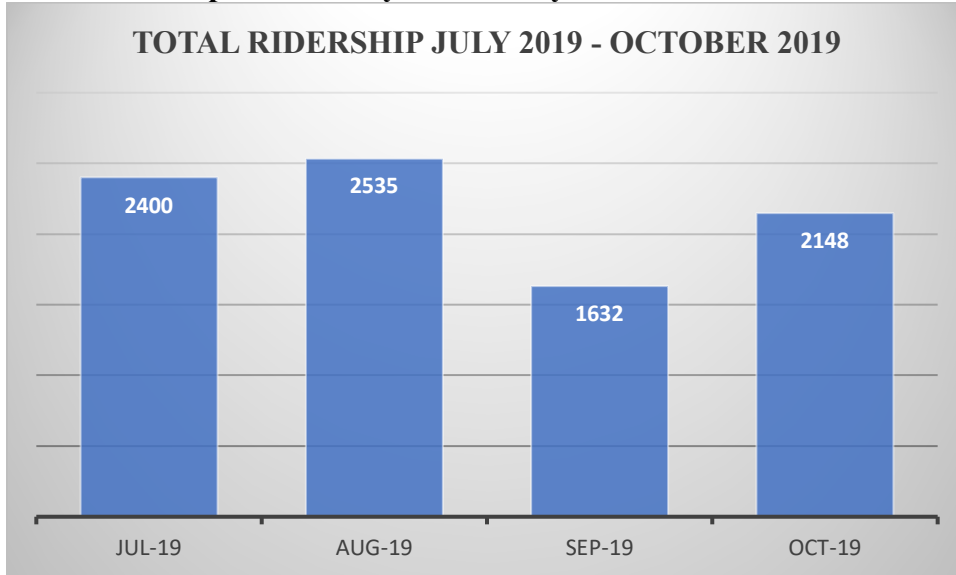
<http://mcctransit.com/routes/>

Limitations – There is no holiday or weekend services for any of the service area noted above routes. There are only two routes on Wednesday and Friday for the Eastin Arcola-Ripperdan-LaVina locations. MCC Eastern Madera Route arrives at Coarsegold at 7:05 AM and YARTS arrives at Coarsegold heading to Yosemite at 7:15 AM. Better coordination between YARTS and this route could yield at least one additional meaningful connection for area residents.

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.

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 2002/2003 to Eastin Arcola, Ripperdan and LaVina.

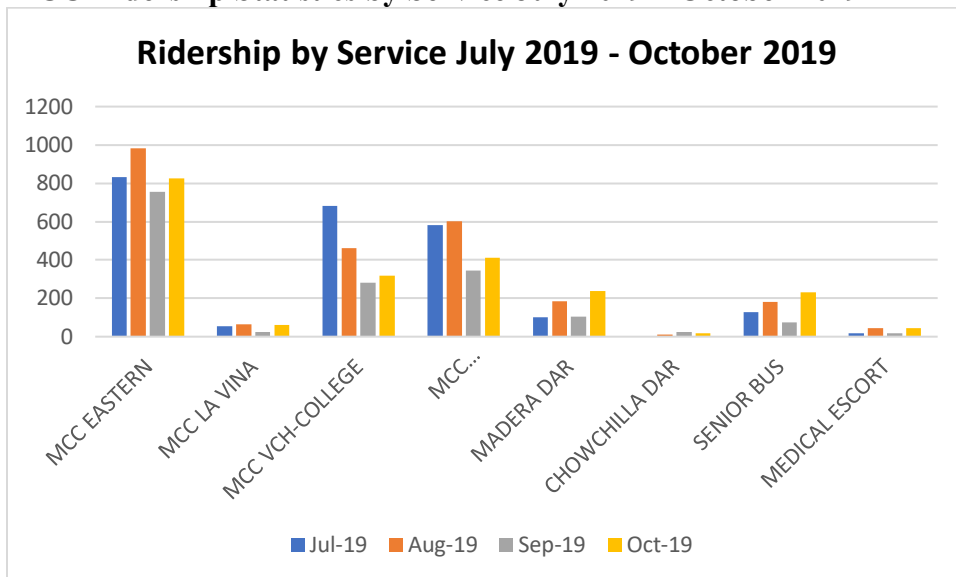
MCC Ridership Statistics by Month July 2019 – October 2019



Information provided by Madera County Public Works 2019. Ridership stats under new Public Transportation Provider FCEOC July 2019.

MCC 2019 ridership rates overall are tracking to historical ridership rates as shown on the Historical Ridership graph. The overall ridership in the four-month period above, shows an annual projection of 27,045 riders. Ridership information was not available from Public Works for November 2019-December 2019. Bus schedule information is an impediment to increase bus ridership. Up-to-date schedules are not available at bus stops, and there is no phone contact information listed and not all communities are served. There is only one reasonable connection with YARTS and none with other general service providers and no weekend or holiday service.

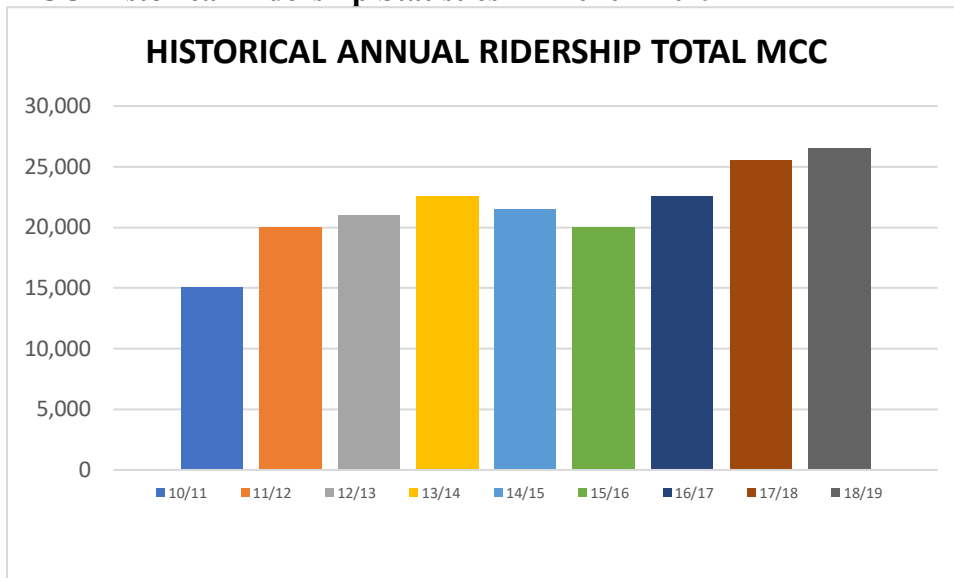
MCC Ridership Statistics by Service July 2019 – October 2019



Information provided by Madera County Public Works

MCC LaVina, Madera Dial a Ride, Chowchilla Dial-a-Ride, Senior Bus and Medical Escort are under used. When referencing the hours and the bus schedules, these services do NOT provide adequate hours or multiple bus route schedules. Bus schedule information is an impediment to increase bus ridership. Update to date schedules are not available at bus stops, there is no phone contact information listed and not all communities are served. There is only one reasonable connection with YARTS and none with other general service providers and no weekend or holiday service.

MCC Historical Ridership Statistics FY 2010 – 2019



Information provided by Madera County Public Works

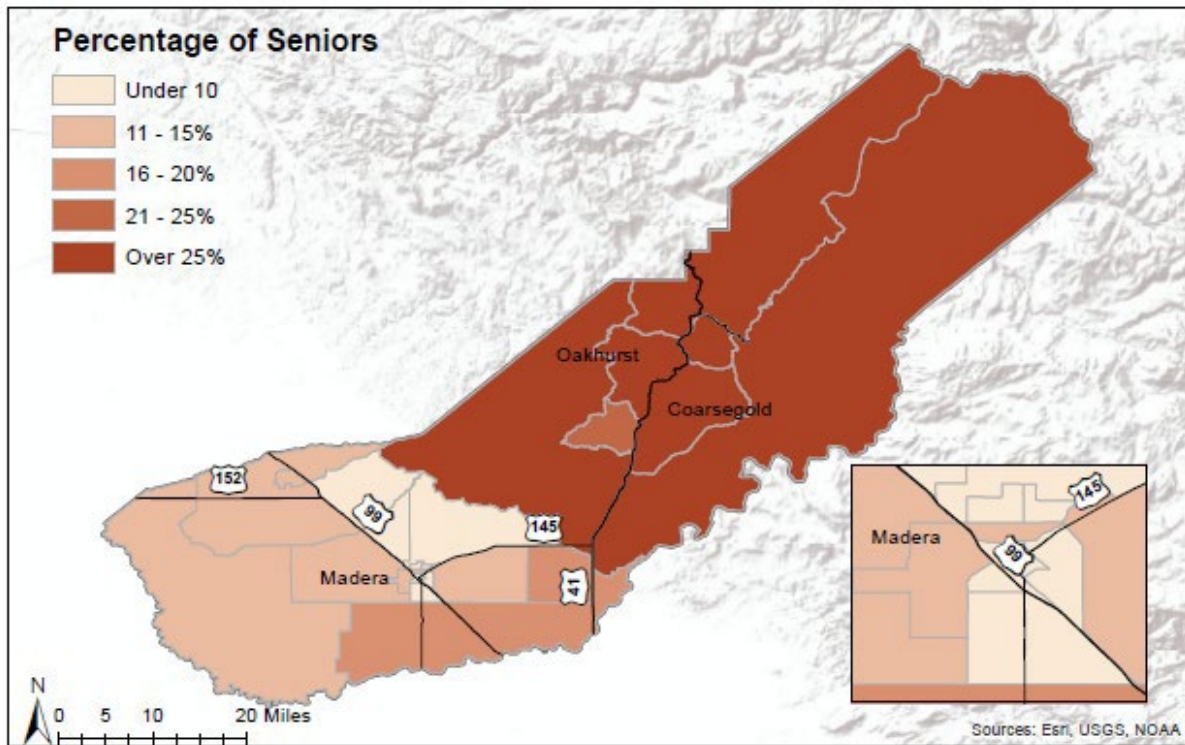
Historical ridership reports for MCC do not show any significant increases in ridership over the last three years and ridership actually dropped off for years 2014-2016. The graph above shows the combined ridership of Madera County Connection under the old service provider Merced Transportation Services.

Statistics of Transit Dependent Persons

In the SSTAC assessment, transit-dependent population groups consist of the following classifications: Elderly – Individuals who are age 65 years or older; Disabled – Non-institutionalized, civilian members of the population who may be unable to operate vehicles or utilize certain modes of public transportation due to physical or mental disabilities, and Persons of Limited Means – Individuals who are defined by the federal government as having an income below the poverty threshold.

Based on the definition of unmet transit needs: to create feasible routes, to serve the community, and to service a significant number of the population at an economical cost with effectiveness, the MCTC is failing to meet the needs of the residents of Madera County. With the exception of the College Route, added in 2017, and one new bus stop in Fairmead in 2019, the usefulness of Madera County Public Transit remains unchanged, inadequate, and unable to meet the needs of the older residents, the disabled, and persons of limited means in the growing area.

Demographics and Persons with Disabilities



Source: U.S. Census Bureau, 2013-2017 5-Year ACS (Table B01001)
FIGURE 3: DISTRIBUTION OF POPULATIONS AGE 65 OR OLDER BY CENSUS TRACT

Figure 3 illustrates the distribution of the aging population within Madera County. The majority of the aging population is concentrated in Eastern Madera County. Over 25 percent of the Eastern Madera County population are over 65 and aging. This represents over 13 percent of the entire county population. As the population ages, the need for adequate and readily available public transportation will become a much needed requirement and necessity.

As the over 65 population continues to grow, public transportation routes have not kept up to meet the needs in Madera County. To be effective, the Madera County transportation agencies have to plan for new and effective opportunities to meet the ever-growing transportation needs. For older residents, the need for public transportation services will increase for those no longer able or willing to drive. The number of older residents in Madera County is projected to grow to 34 percent by 2025.

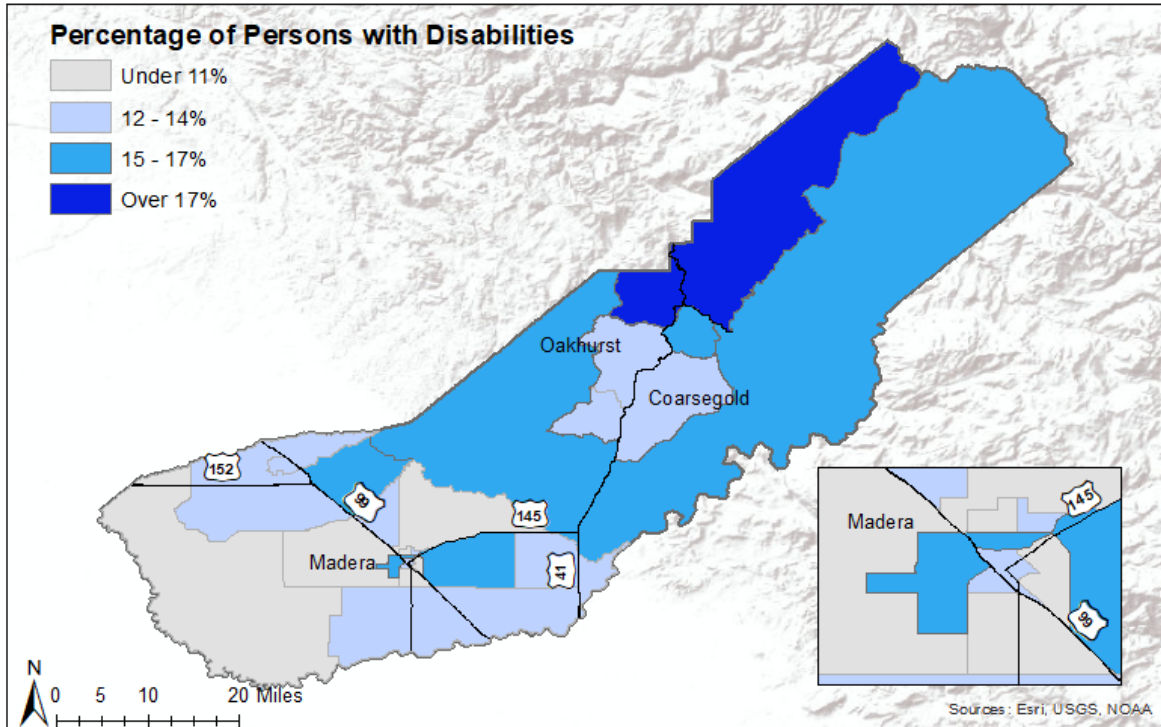


FIGURE 4: 2017 POPULATION ESTIMATE OF PERSONS WITH DISABILITIES
 Source: U.S. Census Bureau, 2013-2017 5-Year ACS (Table S1810)

Persons with disabilities are in or near the City of Madera, City of Chowchilla, Fairmead, and in Eastern Madera County. Over 35 percent of the County’s population with disabilities are outside of the City of Madera and mainly located in Eastern and Western Madera County. The location of those with disabilities creates a greater need and that need is not being met. Expanded public transportation routes to these locations have not been added.

Economic Disparity

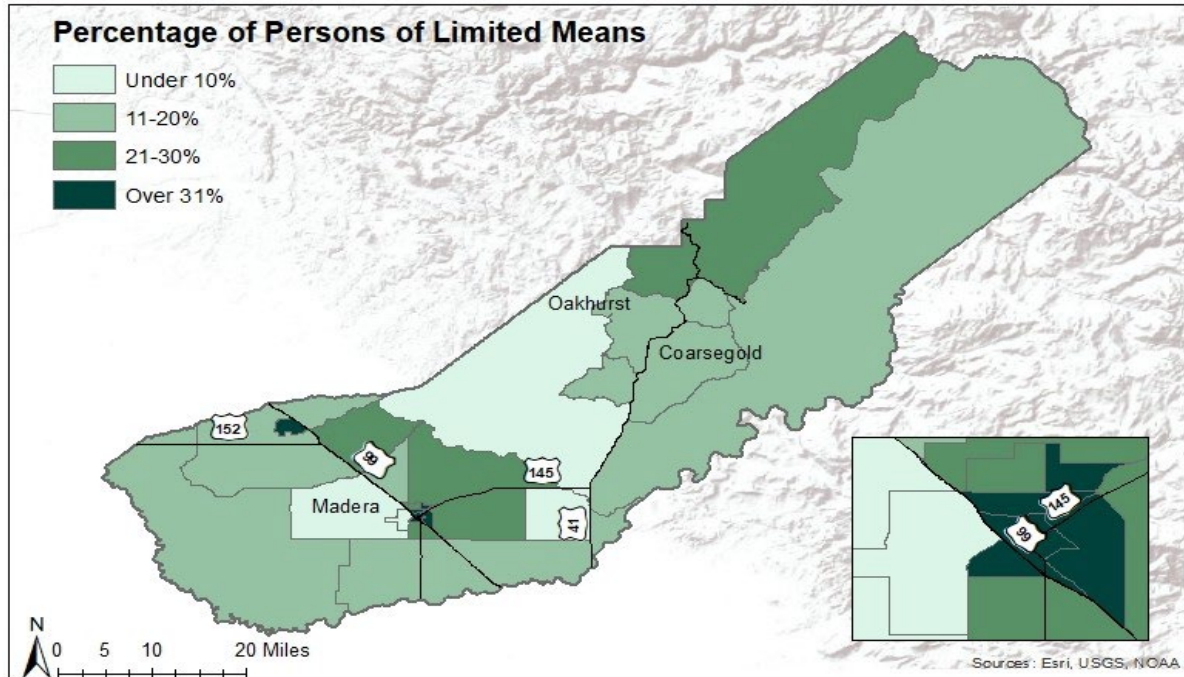


FIGURE 5: 2017 ESTIMATE OF PERSONS OF LIMITED MEANS

The concentration of persons living below poverty level by census tract is reflected in Figure 5 above. Darker colors reflect a higher percentage of people living in poverty, while lighter colors reflect a lower percentage. Over 20 percent of the population in Eastern and Southern Madera County are persons of limited means. Over 31 percent of the populations in and around Fairmead and Berenda are persons of limited means.

The ongoing lack of access to public transportation, and expanded route availability for these groups of residents, only further exacerbates the needs of the underserved. If these residents do not have access to affordable, available, and adequate public transportation, single person vehicles will continue to impact traffic congestion and safety, as well as air quality in Madera County.

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.

REQUIRED RESPONSES:

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

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

From the following governing bodies within 90 days:

**Ms. Patricia Taylor
Executive Director
Madera County Transportation Commission
2001 Howard Road, Suite 201, Madera, CA 93637**

**Mr. Bobby Kahn
Executive Director
Madera County Economic Development Commission
2425 West Cleveland Avenue, Suite 101, Madera, CA 93637**

INVITED RESPONSES

**Mr. Philip Toler
Deputy Director
Madera County Public Works
200 W. Fourth Street, Madera, CA 93637**

**Ms. Madeline Harris
Leadership Counsel for Justice and Accountability
2210 San Joaquin Street, Fresno, CA 93721**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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BIBLIOGRAPHY:

Madera County Transportation Commission, SSTAC; Unmet Transit Needs FY 2019-2020
<https://www.maderactc.org/bc-transportation/page/unmet-transit-needs-findings-report>
Madera County Economic Development Commission; Annual Report 2017/2018
Madera County Transportation Commission; 2019 Federal Transportation Improvement Program
Madera County Public Works; REQUEST FOR PROPOSALS FOR OPERATIONS AND MAINTENANCE OF TRANSIT SERVICES
Madera County Transportation Commission; 2017 Public Participation Plan
Fiscal Years 2018-19 through 2021-22
Madera County Transportation Commission; Measure “T” Strategic Plan 2017
Measure T Citizens’ Oversight Committee; Meeting Minutes and Agenda
<http://yarts.com/wp-content/uploads/2019/04/YARTS-Short-Range-Transit-Plan-2019.pdf>



**At Promise Student Opportunities
in Madera County**

**Madera County Grand Jury
Final Report 1920-03
December 21, 2020**

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.

METHODOLOGY

Interviews

- Superintendents
- Correctional Officers
- Social Workers
- CEOs of private facilities

Document Research

- Multiple newspaper articles from the Madera Tribune and *Webelieve Madera Unified* newspaper covering positive aspects of the various At-Promise programs
- Local Control Accountability Plan and Annual Update (LCAP) 2017-2018 Plan Summary
- Madera County Plan for Providing Education Service to Expelled Youth June 30, 2018
- Prior Grand Jury Reports
- Madera County Probation Parent Handbook
- Madera County Comprehensive Multi-Agency Juvenile Justice Plan 2019-2020
- Madera County School District's LCAPs
- Education Codes
- State Assembly Bills
- Legislative Counsel's Digest

Site Visitations

DISCUSSION

Madera County Superintendent of Schools

The office of the Madera County Superintendent of Schools provides leadership and support to school districts to ensure continuous improvement of curriculum development, instructional delivery, student assessment, teacher preparation and ongoing professional development to both certificated and classified employees.

The Madera County Office of Education includes the following school districts: Alview-Dairyland Unified School District (ADUSC), Bass Lake Joint Union Elementary School District (BLJUESD), Chawanakee Unified School District (CUSD), Chowchilla Elementary School District (CEUSD), Chowchilla Union High School District (CUHSD), Golden Valley School District (GVUSD), Madera Unified School District (MUSD), Raymond-Knowles Union Elementary School District (RKUSD), Yosemite Unified School District (YUSD).

Madera County Alternative Education Programs

In addition, the office of the Madera County Superintendent of Schools operates career and technical education, childcare and childcare development programs. The following list are the schools administered by the office of the Madera County Superintendent of Schools:

Charter Schools

Madera County Independent Academy (MCIA)

Pioneer Technical Center (PTC)

Pioneer Technical Center Chowchilla (PTCC)

Both Madera County Independent Academy (MCIA) and Pioneer Technical Centers (PTC and PTCC) are chartered by the Madera County Board of Education. MCIA serves students K-12. All charter schools serve students 9-12 including special education students with learning disabilities which require resource specialist services. These charter schools provide Pregnant and Parenting Teen program which identifies teen parents and pregnant minors who have not yet graduated from high school. Expelled students are placed in this program on an “as needed” basis.

Madera County Independent Academy

Madera County Independent Academy accepts applications for enrollment from any student qualified by the State Charter School Law. The targeted student population consists of educationally disadvantaged students in grades kindergarten through twelve. Two distinct student populations will be served: K-12 home school students and K-12 independent study students. Students who attend Madera County Independent Academy are in search of an alternative educational model that provides opportunities for greater flexibility in terms of time and delivery of instruction.

The mission of the Madera County Independent Academy is to broaden the educational choices and opportunities for students and families who live in Madera County and surrounding areas. The instructional method will emphasize the whole child and frame its academic components within an artistic, creative, and imaginative context allowing each child's full potential to unfold.

Pioneer Technical Center

Located in Madera, California, Pioneer Technical Center (PTC) serves students in grades Pre-Kindergarten through 12. Students have the opportunity to participate in many school activities including sports, field trips and community involvement. The school offers student's both academic courses and career technical education. All students are enrolled in academic subjects

as well as technical education including a choice in the following areas: Construction, Child Development, and Career in Education.

Pioneer Technical Center-Chowchilla

Pioneer Technical Center Chowchilla is a public charter high school and is accredited by the Accrediting Commission of Western Association of Schools and Colleges. It is a second school site to Pioneer Technical Center located in Madera, California.

MADERA COUNTY ALTERNATIVE SCHOOLS FOR INCARCERATED YOUTH

Juvenile Hall and Correctional Academy Program

Madera County Juvenile Detention Facility and Correctional Academy both provide educational services through the Madera County Office of Education (MCOE). Student placement into these programs is determined by the juvenile court. Probation officers serving individual students may make recommendations to the court for any of these placements.

Juvenile Hall Endeavor and Voyager Secondary School

In keeping with the At-Promise legislative intent the schools within Juvenile Hall are referred to as Endeavor/Voyager.

The goal of Endeavor/Voyager schools within the juvenile justice system in Madera County provides incarcerated students with the structure and support they need to succeed both academically and as citizens. Students receive curriculum which is aligned with California State Standards. The schools include a community service component which allows for rehabilitation through giving back to the community by becoming a positive influence.

Correctional Academy Program (CAP)

The presiding Juvenile Court judge orders wards (an individual) to be committed to this in-house, residential program. This decision is a collaboration between 1. Madera County Probation Department, 2. Madera County Office of Education, 3. Madera County Behavioral Health Services, 4. Volunteers. The Correctional Academy Program consists of 12, 18, or 24-month commitment, which include residential detention and aftercare phases. The Program was developed from a correctional model for defiant youth based in part on a military protocol. The youth ordered to this program are referred to as “Cadets.” Graduation of Cadets occurs after successful completion of the program, which is followed by the custody phase into an aftercare phase.

Madera County Office of Education provides educational services to both Madera County Juvenile Detention Facility and Correctional Academy. Title 15 and State of California Department of Education standards are followed. Positive youth development occurs through the following programs:

Alternative Education:

Career Technical Alternative Education Services (CTAES) and Live Well Madera Programs

Additional funding from the Governor, Supplemental and Concentration funds; \$3,000 per year for student attendance. Categories include English Learners, Low income, and Foster Youth.

Madera County School Districts

Alview-Dairyland Union School District

Alview-Dairyland Union School District (ADUSD) is a small, k-8 school district which was founded in 1915. The name, Alview-Dairyland refers to the two campuses within the district. The Alview campus houses students k-3rd; Dairyland campus is for 4th – 8th grade students. Dairyland School's population of students consists of 70% free and reduced lunches, and 40% English language learners.

Expulsions are rare because Alview-Dairyland has established community and parent involvement through a variety of programs, committees, and activities:

Alview School supports a Parent-Teacher Club (PTC), School Site Council, De Lac Committee, ESL Class, and they host a Back to School BBQ.

Dairyland School supports the Dairyland Band, GATE classes, STEM science instruction, 4H, and school sponsored sports. One other notable highlight is Dairyland School's additional intervention instruction for intervention of at-risk students.

Bass Lake Joint Union Elementary School District

Bass Lake Joint Union School District (BLJUESD) is made up of the following four schools with approximately 890 students: Wasuma Elementary (K-8), Oakhurst Elementary (K-5), Oak Creek Intermediate (6-8) and Fresno Flats Community Day School.

The 2018-2019 school year saw an increase of after school activities such as homework clubs, after-school tutoring, chess club, sewing club, California Cadet Corps and Eagle Academy.

Expulsions at BLJUESD are rare. Typically, expulsions are suspended and an individual rehabilitation plan is developed, and excluded students are transferred to Fresno Flats Community Day School (FFCDS). If a student continues to experience difficulties, the student is placed on home studies.

Fresno Flats Community Day School is located on a site adjacent to Wasuma Elementary School and functions in a multi-graded capacity to meet the individual needs of its student population. The FFCDS is quite successful because it provides the opportunity for students to succeed in a smaller, highly structured environment. The development of positive social skills is a primary goal for students at FFCDS.

Chawanakee Unified School District

The Chawanakee Unified School District has approximately 740 students in the following schools: North Fork Elementary (TK-8), Hillside School (TK-8), Spring Valley (TK-8), Minarets High School, Mountain Oaks High School, and Manzanita Community Day School (4-12).

The standard procedure for Chawanakee Unified School District is to suspend an expulsion decision unless a weapon is involved. Students are assigned a rehabilitation plan assigned to the Community Day School or to the Madera County Superintendent of Schools' Community School in Madera.

Chowchilla Elementary School District

All expulsions that are mandated by law, such as weapons and drug violations, are brought before the Board of Trustees for consideration and action. Cases which are recommended for expulsion but not mandated by law, are appraised by the Trustees and are dealt with through school counseling, probationary periods of behavior, and other rehabilitative measures.

When students are expelled, parents are provided information about schools and educational services throughout the County of Madera. Parent options include: Pioneer Technical Center Chowchilla as well as Madera County Superintendent of School Community Day School in Madera.

Chowchilla Union High School District

Chowchilla Union High School District (CUHSD) has one traditional high school and one alternative high school.

Starting in the 2014-2015 school year, CUHSD changed its policy from suspended expulsions to implementing behavior contracts for first time drug offenders and other serious but not expellable offenses. These behavior contracts consist of individual rehabilitation plans which include stipulated conditions which must be met. Individual behavior contracts include a community service component. Students who are first time drug offenders must enter the Drug Opportunity Class and adhere to mandatory drug counseling. Students with mandated expulsions or who have violated the terms of their individual behavior contract are assigned to Pioneer Technical Center Chowchilla.

Golden Valley School District

The Golden Valley Unified School District (GVUSD) has two elementary schools, a middle school, a high school, and an educational options program. For the past nine years, GVUSD student population has remained under 2000 students. Beyond GVUSD's mainstream students, GVUSD also provides opportunities for court placed foster youth to excel and get back on track to graduate in the most appropriate setting with staff support. Two Educational Options are Lincoln Community Day School and Independence High School. Educational Options principal and the Director of Student Services attend Foster Youth meetings at the office of SOS to ensure they have current information needed to serve this group of students.

Lincoln Community Day School serves 13 to 18-year-old students in grades seven through twelve. It provides a small class size, which does not exceed 14 students. The classroom is self-contained with a six-hour school day. Lincoln Community Day School meets the Instructional and Assessment goal in the District's Strategic Plan: "To provided alternative education opportunities for students who do not benefit from traditional school..."

Program Requirements, Placement, and Enrollment. Students are assigned to Lincoln Community Day School when they meet the following conditions:

The student is placed on a suspended expulsion*

The student is referred by probation

The student is referred to by the School Attendance Review Board (SARB)

*Students awaiting a scheduled expulsion hearing are given priority enrollment. A student on suspended expulsion has no other educational options following repeated expulsions.

Independence High School serves students between the ages of 16 and 18. The program is designed to meet the individual needs of each student and includes direct instruction, independent, and web-based instructional components. Independence High School meets the Instructional and Assessment goal in the District's Strategic Plan: "To provide alternative education opportunities for students who do not benefit from traditional school..."

Program Requirements, Placement, and Enrollment.

Students must be between 16 and 18 years of age

Students may voluntarily enroll in Independence High School in order to receive individualized instruction and participate in a credit recovery.

Students may also be involuntarily transferred to Independence for violating Ed. Code Section 48900 (acts to suspension or expulsion) and/or the student is habitually truant.

Madera Unified School District

Madera Unified School District (MUSD) is located in the geographic center of California among a growing community of 65,000. The District serves 20,000 students and employs 2000 individual staff members. MUSD is comprised of 27 schools and, at the time of this writing, is in the process of building a new high school. The district serves federal preschool and K-12 students at: one preschool, 18 elementary schools, three middle schools, three comprehensive high schools, and three alternative high schools.

The MUSD traditionally processed expulsions by conducting hearings before Administrative Hearing Panels. However, because of statutory timelines and other procedural delays, students were often out of school for several weeks. Beginning in the 2003-2004 school year, the District implemented a "stipulated expulsion" whereby parents of the expelled student agreed to the facts of the case, agreed with the recommendation of expulsion, and waived the right to appeal. With assurances in place, the Administration of Madera County District of Schools and Pioneer Technical Center agreed to place those students who have entered into a stipulated agreement while the Board of Education rectification is pending. This acceleration of timelines has greatly benefited students with stipulated expulsions because students are rarely out of school for more than one or two weeks.

When students in K-8 grade are expelled, their orders are usually suspended, and, in most cases, students are placed at an alternate site. In extreme cases, where there is danger to self or others, the student is referred to Madera County Superintendent of Schools programs.

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.

Raymond-Knowles Union Elementary School District (RKUESD)

Raymond-Knowles Unified School District, located in the foothills of Madera, is a small school that serves 80 to 90 students. Expulsions of a student are rare due to effective intervention practices. Intervention practices include positive behavior interventions, individualized behavior plans, frequent communication with care givers, and counseling services.

On the rare occasion of expulsion, the expulsion would be suspended and the parents would have the option of enrolling the student in independent study, be placed by MCSOS, or partner with a neighboring district to enroll the student into one of their expelled youth programs.

Yosemite Unified School District (YUSD)

YUSD provides intervention to ensure that students have access to other means of correction when possible and views expulsion as a last resort. YUSD utilizes the California Department of Education Administrator Recommendation of Expulsion Matrix to determine when expulsion is mandated, expected, or discretionary. If a student is recommended for expulsion, the district meets with the family and designs a rehabilitation plan, effectively suspending the expulsion. The individual rehabilitation plan specifies behavioral and performance expectations as well as district support.

YUSD also provides two programs for expelled students: Meadowbrook Community Day School for grades 5-8, and Campbell Community Day High School, grades 9-12. Both programs provide instruction through a seat-based model where students are given assignments on a daily basis and progress is determined by completion of work and monitored by the teacher.

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.

Required Responses

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

From the following officials within 60 days:

Dr. Cecilia Massetti
Madera County Superintendent of Schools
105 S. Madera Avenue
Madera, CA 93637

Invited responses

Ms. Shelia Perry
Superintendent Alview-Dairyland Union Elementary School District
12861 Avenue 18-1/2
Chowchilla, CA 93610

Mr. Randall Seals
Superintendent Bass Lake Joint Union School District
40096 Indian Springs Road
Oakhurst, CA 93644

Mr. Darren Q. Silva
Superintendent Chawanakee Unified School District
26065 Outback Industrial Way
O'Neals, CA 93645
Mailing Address: PO Box 400
North Fork, CA 93643

Dr. Charles Martin
Superintendent Chowchilla Elementary School
355 North Fifth Street
Chowchilla, CA 93610

Mr. Ron Seals
Superintendent Chowchilla Union High School District
805 Humboldt Street
Chowchilla, CA 93610

Mr. Rodney Wallace
Superintendent Golden Valley Unified School District
37479 Avenue 12
Madera, CA 93636

Mr. Todd Lile

Superintendent Madera Unified School District
1902 Howard
Madera, CA 93637

Michelle Townsend
Superintendent/Principal Raymond-Knowles Union Elementary School District
31828 Road 600
Raymond, CA 93653

Mr. Glen Billington
Superintendent Yosemite Unified School District
50200 Road 427
Oakhurst, CA 93644

Mr. Chris Childers
Madera County Chief Probation Officer
200 Yosemite Avenue
Madera, CA 93637

Board of State Community Corrections
2590 Venture Oaks Way Suite 200
Sacramento, 95833
Attention: Beth Gong

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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Satcher MD, David. In *Crossroads: The Quest for Contemporary Rites of Passage*. Ed. Carus Mahdi, Louis. Guyer Christopher, Nancy. Meade, Michael. Open Court: Chicago: Il. 1998.

Southern Regional Educational Board. *Making High Schools Work*. 2020
<https://www.sreb.org/publication/making-schools-work>

APPENDIX

Golden Valley Unified School District Plan Goals

Instruction and Assessment:

To develop, provide and maintain a culture of achievement and personal character at all levels through the use of innovative and effective standards-based curriculum driven by frequent assessments.



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Madera County

Food Safety/ Food Inspections

Madera County Grand Jury

Final 1920-04

December 21, 2020

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.

GLOSSARY

CED - Community Economic Development, Madera County

EHS – Environmental Health Specialist (non-registered)

EHD – Environmental Health Department

FDA – Federal Food and Drug Administration

FSP - Food Safety Program, Madera County

MCGJ – Madera County Grand Jury

PHD - Public Health Department, Madera County

REHS – Registered Environmental Health Specialist

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.

METHODOLOGY

Researched reporting processes used for Food Safety Inspections.

Reviewed Madera County's Food Safety Inspection Program documents:

- Environmental Health Department organizational chart

- Policies and Procedures for Food Safety
- Reviewed operating budget for Food Safety and Consumer protection.
- Examined onsite inspection report forms used when conducting inspections.
- Reviewed records of complaints.
- Surveyed policy for handling complaints.

Interviewed County personnel.

Reviewed California Retail Food Code Handbook.

Reviewed field and recording Inspection Forms used in Madera County.

Observed Food Safety inspection of Madera County retail facilities.

DISCUSSION

The County of Madera Environmental Health Division (EHD) oversees the Food Safety Program (FSP) for the residents of Madera County. The EHD is under the direction of Madera Community Economic Development (CED), not the Madera County Public Health Department (PHD). Annually, all food establishments within Madera County including restaurants, fast food, convenience stores/gas stations, food trucks/mobile food, schools, pools and spas, camps, detention facilities, and swap meets are to be inspected.

In the County of Madera, there are 739 food facilities that require inspections. In addition, there are 94 mobile food facilities, 202 schools, 121 pools/spas, 12 organized camps, and six detention facilities that require at least an annual inspection, with some requiring two per year. Facility remodels or new construction of facilities require plan reviews and inspections. Change-of-ownership inspections are also required. Annual inspections of food vendors at swap meets and special events are conducted. To ensure health and food safety, the FSP issues permits for temporary or mobile facilities offering food, such as fairs, concerts, and special events.

The time required to complete inspections does not consider travel time, vehicle availability, and available personnel to complete the task.

With over 1,100 sites requiring inspections, the Environmental Health Department has 14 inspectors. Four inspectors are classified as extra help, and three are identified as hourly staff working in the FSP. Staff includes one senior Registered Environmental Health (REHS) permanent staff member, and three extra help staff, -one REHS, and two Environmental Health Specialists (EHS). Environmental Health inspectors will be moved to the FSP as required.

Any complaints received by the department are assessed and a determination is made for resolution. Any food-borne illness complaints must be reported to the Madera County Public Health Department.

The Food Safety Program (FSP) follows Madera County's independent guideline for Food Safety and Consumer Protection Program and the California Retail Food Code Handbook. Federal Food and Drug Administration (FDA) Guidelines are available for reference. The county's program consists of some elements to protect the health and welfare of the community.

The program does not comply with all the recommendations contained in the FDA guidelines; however, the FSP adheres to the State of California Retail Food Code. Madera County has no food safety reporting requirements to any State, Federal agency or the public. As of 2019 California has not adopted the provisions of the Federal Food and Drug Administration.

Food Grading Program

In February 2015, a pilot Food Facility Grade Program was implemented. The pilot rating system included seven food facilities county-wide, including three foothill-area restaurants. With approval from the County Board of Supervisors, the EHD promoted the program on a trial basis and intended to include food facilities in each area of the county.

The results of this trial were to go back to the Madera County Board of Supervisors to determine whether the placard project should continue and expand to include all of the food facilities that exist in Madera County.

At the June 4, 2019 meeting, the Madera County Board of Supervisors (BOS) approved a plan to set up and manage an online food inspection reporting system. The online system will allow for public access to food inspection reports. Under the present system, an individual wishing to see a recent food inspection report [must file a request via the county website](#) and then wait up to 10 days for a response. The rollout of the online food inspection reporting program was paired with State Senate Bill 252. SB252 required counties, receiving applications for a well permit “in a critically over drafted basin”, make the application readily available online to both the public and to groundwater sustainability agencies by January 2020. This paired rollout provides access to both food inspection reports and well permit application processing.

The County Information Technology (IT) Division will manage the online food inspection website and the Geographic Information System (GIS) will track the online inspection reports. The Environmental Health Division has received numerous requests from the public for online food inspection reports. The new system will help the County make food inspection reports more readily accessible to the public.

Food Inspections

Food facility inspections require more than the time at the site. Although the site inspection is conducted without prior notice at the given site, the inspector must ensure that a vehicle is available, travel time to the site is adequate, and the site is in operation at the time.

The EHD Food Inspectors complete between 15 and 18 inspections per week. Staffing issues and the availability of a regular operating schedule present challenges. Some food facilities are only open on weekends or during the summer tourist season which makes it difficult to inspect on a regular schedule. Travel time to and from the inspection location is not calculated into total time needed to complete an inspection. School cafeterias require two inspections per year; in October and February. Youth camps are checked in the spring prior to students attending camp. The EHD Inspector is required to inspect the camp rooms, pools, rock climbing walls, and eating areas.

The EHD is also responsible for conducting a light fire inspection of fire extinguishers and fire alarms in food facilities outside the city limits to assist the fire department.

Vehicle availability is an issue. There are seven vehicles available for 14 EHD inspectors. There is no pre-registration on obtaining a vehicle or scheduled vehicle pre-assignments for inspections. This makes it difficult on many days to perform any inspections. Priority is given to those inspectors generating greater fee income for the county.

The MCGJ accompanied Food Service Program Inspectors and observed the following inspections

- On January 30, 2020 two members of the MCGJ accompanied the EHD Food Inspector, to inspect two establishments in the City of Madera. The inspector is working on 900 hours of training experience to become a Registered Environmental Health Specialist certification.
- The inspector checked food temperatures, cold storage temperatures, hot storage, hot water temperatures in hand wash stations, cooking and prep areas, hood ventilation over the grill, fire extinguisher expiration dates, overhead lighting, floor drains in the dishwashing and soda fountain area, sanitation of dish wash water, soda fountain catch drains, the garbage area inside, and bathrooms. The Inspector asked to view food handler cards and the manager's food safety card.
- The Inspection Report, a 49-point checklist, was completed on a paper notepad and information transferred to a tablet while on site. The inspector reviewed the results with the facility manager or person working at the site and had them sign it electronically. The results of the inspection at the facility were given to a person working onsite. The results for the inspection at the second facility were given to the manager. If corrections are required, the inspector sends an email to the person contacted onsite with a request for a response within two weeks.
- Establishments that have infractions require the EHD Inspector to return for re-inspection, and the facility is charged \$114.00/hour. Re-inspections are handwritten and no priority of re-inspection is performed. There are no risk categories assigned to infractions or establishments that may be at a higher risk.
- There were minor infractions noted at each facility and the contact person at each facility was advised to send photo evidence of corrections to the inspector via email. There were no major issues that required the inspector to return to the site this year.
- On February 6, 2020 two members of the MCGJ accompanied an EHD Registered Environmental Health Specialist to inspect additional retail food establishments in Madera. The inspector checked food temperatures, cold storage temperatures, hand wash station, cooking and prep areas, hood ventilation over the grill, floor drains in the dishwashing area, safe food handling certificates of employees at work that day, garbage area outside, and bathrooms. The Inspection Report was then completed on site and reviewed the results with facility manager who then signed electronically.

Funding for staffing

The Environmental Health Division is self-funded by permit and inspection fees. The collected fees generate the operating fund for personnel to conduct inspections of retail food service, solid and liquid waste management, hazardous material control, hazardous waste, medical waste, body art/tattoo, rental housing, public swimming pools/spas, organized camps, water supply, vector control, and nuisance abatement. Well permit fees generate the highest income for EHD while FSP fees have the lowest priority and pose the highest risks to the public for food borne illnesses.

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.

REQUIRED RESPONSES

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

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

INVITED RESPONSES

From the following governing bodies within 90 days:

Matthew Treber
Director, Madera County Community and Economic Development Department
200 West Fourth Street
Madera, CA 93637

Dexter Marr
Deputy Director, Madera County Environmental Health Division
200 West Fourth Street
Madera, CA 93637

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX

<https://sierranewsonline.com/county-grades-for-restaurants-program/>

Madera County Permit Fee Schedule

https://library.municode.com/ca/madera_county/codes/code_of_ordinances?nodeId=TIT7HESA_CH7.01ENHEFE_7.01.140FEADREGEPOTH

<https://www.maderacounty.com/Home/ShowDocument?id=21447>

<https://blog.smartsense.co/restaurant-letter-grading#:~:text=All%20state%20and%20local%20letter,identifies%2056%20different%20inspection%20items.&text=GRADE%20A%3A%20The%20restaurant%20is,and%20on%20verge%20of%20closure.>



**City of Madera Police Department
Unveiling Truths of Local Law Enforcement**

**Madera County Grand Jury
Final Report 1920-05
December 21, 2020**

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.

METHODOLOGY

- Researched policy and procedures manuals for Madera Police Department.
- Reviewed Peace Officers' Standards and Training (POST) requirements.
- Interviewed city and county agency personnel.
- Examined related state adopted legislation related to officer's stress. (SB 542, AB1116).

- Participated in ride along sessions with Madera Police Department.

DISCUSSION

DEALING WITH STRESS

The City of Madera Police Department (MPD) officers are responsible to address a wide range of situations. At any time during the work shift, the officer may respond to a violent incident, a domestic dispute, or a natural disaster. These unpredictable events may require the officer to provide emergency first aid, or act as a social worker. The officer might have to be a grief counselor or remove a child from an abusive home environment. It must be noted that the officer is never truly off duty as they are expected to respond in emergency situations. New situations facing all police agencies raised the question of how MPD deals with increased stress.

Police officers across the United States are expected to adapt daily to new challenges. One officer related how he had to experience both a child's death and a double beheading. The MCGJ examined the recovery process in place to deal with the aftermath of such a traumatic event. Most local law enforcement agencies have chaplains who ride along with patrol officers to comfort and counsel the victims of violent crimes. While chaplains primary focus is on the victims of crime, their presence is also beneficial to the officers and deputies who are the First Responders to these traumatic events. The presence of a chaplain provides a resource that, if needed, can engage in a confidential manner with the officers. The chaplain keeps these conversations private. In Madera the departments supervising officers evaluate the individual incident and the responding officer. It is then determined how to best serve the recovery of the responding officer.

Madera Police Department has a psychologist available to engage with officers and evaluate their response to traumatic events and recommend further treatment or temporary changes in assignment if determined to be necessary.

The continual daily stress imposed on first responders can manifest itself in many ways. Marital issues, job burnout, isolation, and lack of empathy, even suicide are all responses to occupational stress. Nationwide, in 2017, 103 Firefighters committed suicide and 140 Police Officers took their own lives. In contrast, 93 Firefighters and 129 Police Officers died in the line of duty in the same year. These numbers are from a nationwide study.

Internal peer support groups have been established in the Madera Police Department to provide immediate and long-term support for first responders. The guidelines for peer support are currently informal and each officer may choose whether to participate or not. The participation can vary, as some officers prefer to work out issues at the gym. Each officer is unique and may not want to share personal issues with other officers. There is some reluctance to share as it could be viewed as a weakness. They rely on themselves to be fit mentally, physically, and emotionally. Lack of sleep and working excessive overtime can be impediments to their emotional and physical health.

State Legislative Action

It is noteworthy that the California Legislature has recently attempted to provide additional support for First Responders. SB542 entitles First Responders to Workmen's Compensation benefits for Post-Traumatic Stress Disorder. AB1116 "California Firefighter Peer Support and Crisis Referral Services Act" provides First Responders the opportunity to seek help when they feel overwhelmed by traumatic events encountered in the workplace. (ca.gov)

COMMUNITY RELATIONS

The police department is continually building relationships with the community as a daily practice. The approach of the Madera Police officers is to treat every person with respect without any favoritism. The practice of mutual respect between officers and the public has resulted in no complaints lodged against the department for rude behavior. "Coffee with a Cop" allows community members to interact with officers and see how much they care about the people of the community.

The department is involved with the hospital, community development, housing authority and the school district with programs such as Gang Resistance, Education, and Training, (GREAT). This program teaches life skills, violence prevention, conflict resolution techniques, and problem-solving skills. It allows for positive interaction and teaching opportunities between officers and the citizens of Madera.

The department is trying to address peer pressure at the junior high level with the GREAT Program, and officers are actively involved in this program. This entails officers involved in school campus activities, participating in community outreach events, and continuing to use any interaction with citizens as teachable opportunities to maintain positive relationships with the citizens of Madera. The department has a Gang Task Force as well as a Special Investigations Unit. The Special Investigations Unit consists of the Madera Police, Chowchilla Police, Madera County Sheriff, and Probation officers. The Special Investigations Unit meet formally for Special Weapons and Tactics (SWAT) meetings on a regular basis to collaborate.

Members of the MCGJ were able to experience a "ride along" with officers. The diversity in what the officers experienced was wide. It could be anything from a bicyclist riding at night without a light to a suspected burglary or a DUI (driving under influence), never knowing what was coming next. The MCGJ found the officers to be accommodating dealing with offenders yet following the law.

Key accomplishments from the 2019/2020 Fiscal Year:

According to the Madera Police Department the following Key Accomplishments were accomplished in 2019/2020.

Growing popularity of community outreach programs as applications for the Citizens' Academy, Parent Project, and Madkids Camp exceeded the number of spots available. As a result, an additional three Citizens' Academy classes, with one in Spanish, were added.

Every patrol officer is now equipped with a body-worn camera, which garners public trust and the ability to quickly resolve citizens' complaints, thereby helping protect the city against frivolous complaints.

The department has delivered, once again, on the promise of achieving faster response times with the passage of Measure K. For the last two years, officers have lowered their response time by 30 seconds.

Measure K enabled the department to hire 11 new officers beginning in 2017. This new staffing has significantly increased the capacity of the department. Officer-initiated field activity has increased by over 46 percent during this time, which is critical to the department's mission since this proactive component of policing has the greatest impact on property crimes and certain violent crimes, such as street robberies.

The department utilizes social media to spread and receive information. The department currently has more than 44,500 social media followers, creating a network to disseminate information and work collaboratively with the public to solve crimes that may have otherwise gone unsolved. The department's weekly feature titled "WhoIsThisWednesday" promotes posts with surveillance videos of crimes, allowing the public to help identify suspects. This program has a success rate of over 60 percent.

Members of the department participated in 15 Neighborhood Watch meetings, with over 97 Neighborhood Watch groups and five Business Watch groups, respectively.

The Communications Center received and processed over 122,400 emergency and non-emergency calls for 2019.

Department personnel handled 60,432 events, which included calls for service and officer-initiated activity, in 2019.

Responded to 2,187 welfare checks, 1,448 burglar alarms, 1,605 stray animal calls, and 3,646 request-for-assistance calls in 2019.

Successfully integrated the Code Enforcement tracking system.

Code Enforcement conducted 518 rental housing inspections; a 33 percent increase compared to 2018.

Code Enforcement personnel handled 308 public nuisance complaints, issuing 537 notice-of-violations and citations.

The Investigations Unit handled 1,177 cases in 2019, a 29 percent increase from 2018, and closed over 99 percent of the cases during the calendar year.

Officers arrested 338 persons for driving under the influence.

Personnel completed 38 homeless encampment/river cleanups in coordination with Public Works.

MPD partnered with Criscom Company to proactively seek out grant funding for public safety. Criscom Company is currently working on a multimillion-dollar SAFER grant to hire seven fire fighters and submitted for COVID-19 grant funding for the City.

\$130,000 added to Measure K Police Reserve Fund.

This is a snapshot of the work done by Madera Police Department taken from the 2020/2021 Madera City Budget.

CRIME STATISTICS IN THE CITY OF MADERA

	HOMICIDE	RAPE	ROBBERY	AGGRAVATED ASSAULT	VIOLENT CRIME	BURGLARY	LARCENY	MOTOR VEHICLE THEFT	PROPERTY CRIMES
2014	6	17	72	210	305	472	1007	207	1686
2015	3	16	94	334	447	462	1135	325	1922
2016	3	24	99	393	519	299	1266	301	1866
2017	4	26	106	233	369	296	981	349	1626
2018	6	37	92	260	395	241	898	207	1346
2019	3	32	77	223	335	235	824	242	1288
Percentage decrease from 2018					-15%	Percentage decrease from 2018			-3%

Taken from the City of Madera Police Department Annual Report 2019

<https://www.madera.gov/wp-content/uploads/2020/10/PD-Annual-Report-Final.pdf>

POLICE DEPARTMENT STAFFING AND COMPENSATION:

The MCGJ discovered that currently there are 15 unfilled positions at Madera Police Department. A comparative search of average annual income for police officers revealed the difference between Fresno and Madera Police officers. Average annual income for Fresno officers is \$57,000. Average annual income for Madera officers is \$50,000. (Current city budget for both Fresno and Madera)

It follows that maintaining or increasing the funding for the Madera Police Department would better serve the community.

Expanded training and hiring more officers would be the recommended path forward. The current ratio is one sworn (able to carry firearm on duty) officer per 1000 citizens. At the time of this report the department has 105 employees. This number includes 70 sworn officers. The FBI recommends 1.5 officers per 1,000 residents. It also includes code enforcement, community redevelopment, and neighborhood watch.

PROCEDURAL DEFICIENCIES

The two most common deficiencies the MCGJ heard from department personal were:

1. With recent law changes, defendants do not stay in jail. This is called the “Zero Bail” policy for non-violent offenders. An officer referenced one incident where a defendant stole four vehicles in one night and was released from jail in between each incident.
2. The time utilized to deal with California Code 5150 or an involuntary commitment of individuals who present a danger to themselves or others due to signs of mental illness.

When a call to law enforcement comes in regarding an individual who appears to be a danger to themselves or others, an officer is dispatched to evaluate the situation. In most cases the individual is not violent. The officer must determine if the individual needs to be placed on a 5150 hold despite the officer having minimal if any formal medical training in this area. If it is determined to be necessary, an ambulance is called and an EMT transports the individual to a mental health facility with the officer following the ambulance. Madera lacks sufficient services to handle mental health crisis with Madera Community Hospital as the primary facility to receive and evaluate these patients. The police officer must remain at the hospital for extended periods of time while the individual is evaluated, resulting in the officer not being available for other duties. This has severely impacted the Madera Police Department and the unfilled positions in the department.

The cost to taxpayers for a 5150 24-hour hospital hold is \$1000 per patient. Some of the cost is carried by the county and some is shared by the state. This contrasts with the program available in Fresno county where the Exodus Psychiatric Health Facility operates. Exodus is a licensed facility with 16 beds within a locked and monitored environment. The Fresno Police that have a 5150 patient can transfer custody of the person to be evaluated at the facility and return to regular duty without unnecessary loss of time. The cost of this program to Fresno County is \$200 per patient. The difference in cost is due to patient care being billable to Medi-Cal or personal insurance. This reduces the cost directly absorbed by the County Of Madera. The lack of a local mental health facility or option for MPD in handling people in a mental health crisis is a problem that has no current solution. The County needs to take a closer look at this situation. One option can be a Memorandum of Understanding (MOU) between Madera County and Fresno County to cooperate in transferring patients in crisis into the Exodus facility in Fresno.

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.

REQUIRED RESPONSES

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

From the following elected county officials within 60 days:

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

Mayor of the City of Madera
205 4th St, Madera, CA 93637

Madera City Council
205 W 4th St, Madera, CA 93637

Madera County District Attorney
209 W Yosemite Ave, Madera, CA 93637

Madera County Sheriff
2725 Falcon Drive, Madera, CA 93637

INVITED RESPONSES

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

Department Head, Madera County Department of Public Health
1604 Sunrise Avenue, Madera, CA 93637

Department Head, Madera County Department of Behavioral Health
209 East 7th Street, Madera, CA 93637

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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BIBLIOGRAPY:

“*Mental Health and Suicide of First Responders*. Ruderman Family Foundation White Paper Study. April 2018”

SB542 (Section 2. Section 3212.15 “Workers Compensation” California Labor Code) amended 11/18/2019.

AB1116 (Section 2. Article 21. Section 8669.5 “California Firefighter Peer Support and Crisis Referral Act” California Government Code) amended 11/18/2019.



**Madera County and City of Madera Government
Public Servants or Self Serving**

**Madera County Grand Jury
Report 1920-06
December 21, 2020**

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.

GLOSSARY

BOS – Madera County Board of Supervisors

CAO – County Administrative Officer

MCGJ – Madera County Grand Jury

MCC – Madera City Council

Nonfeasance - The willful failure to execute or perform an act or duty required by one's position, office, or **law**, whereby that neglect results in harm or damage to a person or property

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.

METHODOLOGY

Interviewed:

- Complainants
- County Staff
- Elected Officials

Documents:

- Resignation and Agreement Release, Madera County Contract #11539-19 dated 12/13/2019
- Resolution No. 2016-284 “Policy and Guidelines on Discrimination and Harassment” adopted by the Madera County Board of Supervisors October 18, 2016
- Resolution No. 2019-128 “Policy and Guidelines on Discrimination and Harassment” adopted by Madera County Board of Supervisors August 20, 2019
- The National Association of Counties’ (NACo) www.NACo.org Board of Supervisors Meetings:
- Board of Supervisors meeting 10/1/2019. Reorganization of Human Resources Department.
- <http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True>
- Board of Supervisors meeting on 12/10/2019 – Public Comment
- Board of Supervisors meeting on 01/14/2020 – Public Comment

- Madera County Board of Supervisors Meeting 2/4/2020. Selection of new Director of Human Resources.
- <http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True>
- Reviewed locally published newspaper articles regarding ongoing CAO issues ⁶

DISCUSSION

The 2012/2013 Madera County Grand Jury wrote a report that cited the same workplace harassment issues within the CAO office that are contained within the 2019 complaints. The 2012/2013 report cited.

1. *The CAO creates a hostile work environment by:*
 - a. *bullying, intimidating and threatening subordinates.*
 - b. *demonstrating retaliation, resentment, and secrecy.*
 - c. *sending threatening and intimating emails and letters to department heads;*
 - d. *using inappropriate and profane language in an angry email to department heads;*
 - e. *engaging in angry, verbal tirades in the presence of others.*
2. *The CAO plays favorites with certain employees.*
3. *The CAO uses divisive tactics by pitting department heads against one another.*

The 2019-20 MCGJ upon investigation and interviewing current complainants cited the workplace harassment issues have been allowed to continue for the last 10 years without any intervention by the BOS or Madera County Human Resources.

As a result of a second public complaint, MCGJ initiated investigations into continued abusive behavior within the County workplace. The MCGJ researched the topic using internet search resources and reviewed Madera County Policies and Guidelines on Discrimination and Harassment related to workplace behavior. The MCGJ interviewed past and current county employees who were targets of, or witnesses to, abusive behavior. The MCGJ found that abuse continued to occur in County government and that the County has not enforced the adopted policies in place to protect employees. Employees have escaped from abusive behavior by severing their County employment or just simply “flying under the radar”.

These harassed employees did not file complaints of abusive behavior because they perceived they could not get a fair and impartial investigation into their complaints. This was largely because the Human Resources Department reported directly to The Office of the CAO.

Affected County employees relayed that if any employees filed complaints, such action would most likely put their jobs in jeopardy. A particularly disturbing report in the May 27, 2014 Big Valley News Room an employee who was harassed by the CAO filed for workman’s compensation. The employee accepted a \$10,000 settlement. The employee, accepting the payout could never again work for or apply for a position with Madera County Government.⁷ In March of 2014 another separate hostile work environment claim was filed with the California

⁶ Refer to Bibliography

⁷ 5/27/2014 Big Valley News/New Hostile Work Environment Claim Against Madera County

Fair Labor and Housing Office in Fresno. At this point the Madera County Counsel's office requested an outside investigation be conducted by Bickmore Risk Services. The MCGJ requested, via a public records request, a copy of this report. MCGJ was advised that no such report existed.

On December 10, 2019, the MCGJ attended the BOS meeting and witnessed an Elected Official addressing the BOS on the recurring workplace actions of CAO. The speaker addressed the BOS adopted policy violations and was speaking not only as an individual but for other county employees, who feared speaking out against the CAO's harassment. The speaker stated that the BOS "turned a blind eye".

At the October 1, 2019 meeting, BOS authorized the reorganization of the Department of County Administration and created the Department of Human Resources. A new Director of Human Resources with the new reorganization, was selected and hired at the February 4, 2020 BOS Meeting. The new Director of Human Resources reports directly to the BOS.

The MCGJ reviewed the BOS updated Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment" adopted August 20, 2019 and found no change in the guidelines for handling complaints by county employees. The complaint process is as follows: "*The employee complaining about a co-worker or a supervisor/manager shall submit a complaint in writing to his or her department head, with a copy to the Deputy CAO-Human Resources Operations (Deputy CAO), who will notify and provide a copy of the complaint to County Counsel*". If any employee is complaining about a Department Head, the complaint goes to the Clerk of the Board of Supervisors who then distributes copies to the Deputy CAO-Human Services.

The MCGJ expressed the continued lack of action by the BOS, allowing the former CAO to continue the same inappropriate behavior. The BOS was aware of these workplace harassment issues since 2012 and did nothing to correct such abusive behavior.

The CAO's bullying and intimidation of County employees and department heads continued until the CAO's resignation December 13, 2019. The CAO's selective enforcement of policies, the use of Annual Evaluations as a punitive tool and the continued violation of written Policy and Procedure protocols were construed by County employees as acceptable behavior sanctioned by the BOS. The MCGJ assigns responsibility entirely on the BOS in failing to recognize, address and correct the actions of; bullying, intimidating and threatening activities in a timely manner. The BOS's response to the issues cited in the 2012-2013 report, stated the findings in the MCGJ report "are not supported by the record" and that all recommendations by the MCGJ "will not be implemented". Therefore, the BOS did not correct the issues revealed in the 2012-2013 report.

The delay in replacing the former CAO cost the county far too much in taxpayer money, in addition setting the county up for future litigation by employees who were previously reluctant to take any legal actions against the county.

The annual salary of \$306,000 for this CAO was not justified.

On September 22, 2015, The ABC News headline read *Madera County's top administrator is getting a pay raise*. The report stated *Staff (County) proposed a raise from \$183 thousand a year to \$214 thousand*. Though this decision was defended by the county taxpayers disagreed. In one article a *Chowchilla resident said, "a raise of the proposed amount at this time is excessive, completely unfair, and it sends the wrong message to the constituents."* A Madera resident said, *"Let's take care of the employees because you guys keep slapping the employees in the face, saying they're not worthy"*. On September 29, 2015, the Chowchilla News printed an article titled *Madera County official receives controversial pay bump*. The article stated *Madera County CAO was recently granted a more than \$31,000 salary increase, causing some to question why he's being given a raise before rank-and-file employees*

In addition, the severance pay of \$113,168.34 is called into question. Despite the resignation of the CAO a severance package was paid out. Madera County Contract No. 11539-19, Resignation Agreement and Release signed by the CAO and Chairman for the BOS on December 13, 2019 states the following:

Recital:

Section B. An employment issue has arisen between the CAO and the County, and CAO now desires to voluntarily resign from his employment with the County, and the County desires to accept CAO's immediate resignation, upon the terms and conditions set forth in this Agreement.

Agreement:

Section 2. Resignation. By execution of the Agreement, CAO voluntarily resigns his employment with the County effective at the close of business on December 13, 2019, which resignation is hereby accepted by County. CAO's resignation is irrevocable. CAO agrees he shall have no right to future employment with the County.

Section 3. Severance Payment: Benefits: Leave Payment. In consideration of CAO's immediate resignation and the releases set forth in the Agreement, County agrees to pay CAO the sum of \$113,168.34, less all required taxes and deductions and voluntary deductions....

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.

GLOSSARY

BOS – Madera County Board of Supervisors

CEQA - California Environmental Quality Act was enacted in 1970 and requires that all known environmental effects of a project be analyzed, including environmental noise impacts

EIR – Environmental Impact Report

MCGJ – Madera County Grand Jury

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.

METHODOLOGY

Interviewed:

- Complainants

Meetings

- Board of Supervisors Meeting August 21, 2018 – Public Hearing for Re-zoning
- Madera County Planning Commission June 5, 2018 – Regular Meeting
- Board of Supervisors Meeting June 22, 2009 - Board of Supervisors Special Meeting
- Board of Supervisors Meeting August 21, 2008 – Board of Supervisors Meeting

Documents

- Referenced Madera County General Plan GP #2016-004
- Environmental Impact Report – Sierra Meadows Estates Subdivision, May 2005
- Reviewed Coarsegold Area Plan Adopted October 10, 2006
- Reviewed Coarsegold Municipal Services Review Adopted March 28, 2017
- PRJ# 2016-006, CZ# 2016-011, GP# 2016-004, APN# 054-090-096, CEQA MND #2016-24, June 5, 2018
- Petition to Oppose Rezoning June 12, 2018
- Reviewed Proposal of Opposition to PRJ #2016-004 Presentation presented to Board of Supervisors August 21, 2018
- Referenced Resolution 4329 Denied Rezone August 21, 2018 Public Hearing

DISCUSSION

The BOS demonstrated favoritism to certain property owners, while ignoring the voices of a large group of concerned residents and regulatory agencies. The property owner requesting the rezoning in 2002, 2005, 2009, 2014, 2017, and 2018 was denied each time. The BOS ignored the Planning Commission, Cal Trans and Regional Quality Control Water Boards denial of the rezoning request citing safety and environmental impacts. At a June 22, 2009 Special Meeting, a Planning Commission member was observed having a conversation with the requesting property owner. The Planning Commission member proceeded to the podium to speak during public comments to advocate for the requesting property owners rezoning request. A member of the BOS was observed to have signaled from the dais to the requesting property owner to have a private conversation in the lobby. After the lobby conversation the BOS member then returned to the dais requesting an immediate vote to return the project back to the Planning Commission **without** allowing the 35 opposing residents to speak. A former BOS witnessed the conversation between the property owner and the current BOS member. County Counsel intervened and addressed the BOS and public citing testimony that members of the Planning Commission had discussed the project outside the Public Hearing process. The hearing was deemed “tainted and compromised” and the rezoning request was denied. This blatant disregard by the BOS to follow the Public Hearing process further typifies the biased decisions being made in the county.

A public hearing is intended to obtain public testimony or comment prior to any decisions being made. Not all members of the public wishing to speak were heard.

The property owner requesting this rezoning proposal has been cited multiple times for code violations and has been notified of the rezoning denial. The following denotes the Planning Commission recommendation to deny the rezoning six times and the three code violations from 2002 through 2018. Only one code violation was rectified.

Resolution 4329 Denied Rezone Board of Supervisors Meeting August 21, 2018

The Planning Commission recommends to the Board of Supervisors that the general plan amendment and rezone be denied. However, should the Board of Supervisors vote to approve the general plan amendment and rezoning, it is recommended that the Board also approves all conditions of approvals, the mitigated negative declaration and the mitigation monitoring program as included.

Previous Relevant Board Actions on this Specific item:

GP #2002-05 (proposed to amend the designation from RR - Rural Residential - to HC - Heavy Commercial); and CZ #2002-07 (proposed to rezone from RMS - Rural Mountain Single Family - to PCD - Planned Commercial Development) was denied at the Planning Commission. (APN #054-090-021).

A Code Enforcement violation (ZA #2003-0262) for grading and stockpiling material on site without benefit of permit was issued in 2003. (APN #054-090-021).

PRJ #2005-009 consisting of a rezone from RMS (Residential, Mountain, Single Family) District to PCD (Planned Commercial Development), a General Plan Amendment from RR (Rural Residential) to HC (Heavy Commercial) Designation and an Area Plan Amendment from SF-2 ½ (Single Family - 2 ½ Acre) District to CG (Commercial General) District was denied at the Planning Commission, the Board of Supervisors referred it back to Staff, and was eventually withdrawn due to no further action by the applicant. (APN #054-090-021)

PRJ #2008-014 consisting of a rezone from RMS (Residential, Mountain, Single Family) to PIP (Planned Industrial Park), a General Plan Amendment from RR (Rural Residential) Designation to LI (Light Industrial) Designation, and an Area Plan Amendment was heard by the Planning Commission on April 7, 2009 and denied by a 5-0 vote. The Board of Supervisors heard the item on June 22, 2009, and denied the project by 5-0 vote. (APN #054-090-021).

A Notice of Violation was issued by the Regional Water Quality Control Board for grading without adequate erosion control best management practices in place on May 5, 2010. (APN #054-090-021).

A Code Enforcement violation (ZA #2013-0127) was issued for illegal construction. (APN #054-090-021). This violation has been corrected.

Project PRJ #2016-006 Description and Analysis:

The applicant is requesting to amend the Zoning, General Plan and Coarsegold Area Plan designation to a light industrial designation for the storage and maintenance of heavy equipment (i.e. pick-up trucks, dump trucks, equipment transport trucks, water trucks, loaders, dozers, backhoes, excavators, scrapers, rollers, compactors, pavers, and paving equipment), and for the storage of building materials, such as culvert pipe, pipe products, aggregate, conduit beams, catch basins, manholes, and small equipment such as welders and air compressors. The request is to change the zoning from RMS (Residential, Mountain, Single Family) to IL (Industrial, Urban or Rural, Light); to change the general plan designation from RR (Rural Residential) to LI (Light Industrial); and to change the Coarsegold Area Plan designation from RR (Rural Residential) to LI (Light Industrial Business Park).

The hours of operation of the site would be 5 days a week, 6:00 AM to 7:00 PM, twelve months a year. However, the applicant has indicated that he is under contract with CalFire and the Forest

Service (USFS). This would mean that there is a potential of equipment such as the bulldozers, water trucks and related vehicles will go in and out of the site at all hours of the day.

A full report provided to the BOS on June 5, 2018 by the Community and Economic Development Planning Commission and Environmental Impact Report (EIR) Assessment of the rezoning request. The report included an Environmental Impacts Study with input from County and State Agencies; Cal Trans, Madera County Planning Commission, Regional Water Quality Board and other Agencies. These agencies studied the impacts of noise (under the 1970 CEQA Act), traffic flow, water quality impacts, and noise issues.

The partial analysis results from the regulatory agencies reported the following impacts of this proposed rezoning:

**Madera County Community and Economic Development Planning Division:
Planning Commission Staff PRJ #006-006 Report:**

Access to the site is via Highway 41 directly across from Veater Ranch Road. At this time, there are no acceleration or deceleration lanes to accommodate the equipment getting up to or slowing down from highway speed. The topographic nature of Highway 41 in that area makes it difficult to judge when the next vehicle is coming, therefore for heavy equipment to get on to Highway 41 and attempt to get up to speed may pose safety issues. Highway 41 is considered an arterial roadway that currently meets or exceeds capacity. It was originally designed as a two lane highway with a capacity of approximately 2,100 vehicles per hour. There are areas of Highway 41 where the vehicle trips exceeds 2,200 vehicles per hour. With the hours of operation being from 6:00AM to 7:00 PM, there would be negative impacts to commute traffic with heavy equipment entering and leaving the site, causing congestion.

The subject parcel is surrounded predominately by residentially zoned parcels. Most of the residences in the area have a direct line of site to the parcel and can see when heavy equipment is parked on site. These residents have indicated that they can also hear the equipment when in operation. Across Highway 41 from the site at Veater Ranch Road is a school bus stop. There is the chance that heavy equipment could be leaving the site at or around the same time school children are waiting for pick-up, which could be a potential safety issue.

Cal Trans

The Coarsegold Area Plan has policies that seek to achieve a safe circulation system that accommodates the areas needs and is capable of handling its' current and future needs. Based on comments received from Caltrans, which referenced their comments on the 2008 project, this project would contribute negatively to the circulation patterns in the area. Caltrans commented on the project, and indicated that their current comments were similar to the previous projects on the parcel. Highway 41 in the area of the project is planned for a 4-lane highway with a 146 feet (73 feet measured from centerline) minimum right-of-way. The existing right-of-way within the project area varies between 85 to 160 feet. Therefore, additional right-of-way to the west will be needed for future planned highway. Encroachment permits must be obtained for all encroachment activities. Caltrans would further require left and right turn lanes to access the parcel so as to not impact traffic.

Water Quality Control Boards and other Agency comments

Coarsegold Creek is directly down slope from the project location. A drainage swale is indicated leading from the project site to the creek. Heavy equipment engines have a tendency, even if maintained properly, to drip oils, grease, lubricants, and anti-freeze on to the ground. During any precipitation event, these oils and greases and lubricants can flow straight to the creek. The applicant has also indicated the operation might include equipment maintenance.

This could lead to release of oils, grease, fuels and other materials detrimental to Coarsegold Creek.

The Regional Water Quality Control Board contacted Staff as a part of their response to the project. They had expressed some concern over the project. One of the main points they voiced was that the applicant had apparently been issued a Notice of Violation in 2010 regarding grading activities that had inadequate erosion and sediment control best management practices being implemented.

The project was circulated to County Departments and outside regulatory agencies for comments and conditions. This included the San Joaquin Valley Air Pollution Control District, Regional Water Quality Control, Department of Fish and Wildlife, Agricultural Commissioner, the Chowchilla Yokuts Tribe, Picayune Rancheria of Chuckchansi, Table Mountain Rancheria, the Coarsegold Area Plan Advisory Committee and Sheriff's Department.

The Picayune Rancheria of Chuckchansi responded with concerns on the project. Their concerns included cultural resources, noise issues, the new access point and the new well. They indicate that if the project were approved that an archaeological evaluation be conducted.

MCGJ observed video of the June 22, 2009 BOS meeting when impacted property owners made a clear case against the rezoning of this property and offered reasonable viable options for the property owner to explore. Attempts by the property owners and regulatory agencies to mitigate the request only led to rebuff and dismissal of solutions offered to the BOS. Ultimately, the matter was sent back to the County Planning Department for "further review." One BOS member called the public comments and proposal as "**mob rule.**" The BOS voted against the rezoning five times and finally denied the request again at the August 21, 2018 following the Planning Department's repeated recommendations. The waste of taxpayer money and County and State resources to continually reconsider a rezoning proposal that has been denied a minimum of six times is excessive.

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.

GLOSSARY

AAC: Airport Advisory Commission (appointed by the City of Madera)

ALP: Airport Layout Plan

ALUC: Airport Land Use Commission aka “The Commission (appointed by the County of Madera, includes two county representatives, two city representatives [Chowchilla and Madera] and one aeronautic expert/citizen appointee)

ALUCP: Airport Land Use Compatibility Plan aka “The Plan” (pertains to property surrounding the perimeter of the airport)

AMP: Airport Master Plan aka “Master Plan” (pertains to airport property)

FAA: Federal Aviation Administration (must approve actions taken by The Commission)

NOTAM: Notice To Airmen (reflects current conditions at the airport)

SAA: State Aeronautical Act

TAG: Technical Advisory Group, (working subcommittee of The Commission, comprised of city and county staff members, without an aeronautics expert)

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>

METHODOLOGY

Interviews:

- City administrators and staff
- Airport Advisory Commission members

- Farm Bureau personnel
- Airport Land Use Commission members
- Airport personnel
- Impacted individuals, farmers, pilots, agricultural industry people

Document Investigations:

- Public meeting agendas and minutes
- Newspaper articles
- Public notices
- Federal, State, County, City land use documents
- Brown Act
- Government Codes
- Airport regulations, design, and management

DISCUSSION

During the MCGJ’s investigation, and according to the Madera City Council, the unavailable Master Plan was cited as the original source for the decision to close Runway 8-26. However, repeated requests for a copy of the Master Plan went unheeded.

According to multiple sources, a broad public awareness of the 2015 Airport Land Use Compatibility Plan Update surfaced during the first week of June 2019 at an informal meeting with stakeholders and the City of Madera personnel. The updated plans included the closure of the Runway 8-26. Federal grant funding financed the maintenance of Runway 8-26. Without Federal grant funding, the City of Madera would not fund the maintenance of Runway 8-26. Consideration for continued funding required submission of a grant renewal application. Without a grant renewal application submission, funding terminated, maintenance was suspended, and the runway closed. FAA grants are available if requested. The MCGJ found no evidence that the City or County of Madera submitted any such request to continue receiving funding to maintain Runway 8-26. Repeated offers, by private entities, over many years, to negotiate an agreement to lease the property from the City of Madera were ignored.

A presentation was made during a Madera City Council meeting on August 21, 2019 where many citizens learned of the planned closure of Runway 8-26 and raised concerns. The presentation referred to the Airport Land Use Compatibility Plan Update from September 29, 2015. Citizens became aware of the problems the closure of the runway would present to crop dusters and the lack of information provided to the public. Heightened concerns from the public included the lack of adequate, detailed, and informative notice to those affected by the runway closure, the change in plans for the relocation of the construction site for the fire house, and airport safety. Concerned citizens have concluded that the veiled reasons for the closure of Runway 8-26 appears to be the desire of the City of Madera and County of Madera to develop the surrounding area, specifically “Village D.” Village D is identified as “Village Reserve” in

The Plan, (Page 108, Section 5-3). Village Reserve is within the City of Madera’s sphere of influence and is located immediately west of the Madera Municipal Golf Course, and immediately north and south of the Airport boundary. Negative commentary from pilots and users of Runway 8-26 was voiced during this meeting. The plan was presented to the public as a “done deal.” The airport Runway 8-26 is identified on the Compatibility Policy Map as shown as C1.

Concerned citizens became aware of the 2015 Madera Countywide Airport Land Use Compatibility Plan (ALUCP) during June 2019. At this time, in June 2019, very few who regularly use Runway 8-26 had seen or were aware of The Plan, or how The Plan would affect those who use the airport. Pilots, farmers, and crop dusters became aware that the restricted agricultural Runway 8-26, would be closed with the upcoming plans for “Village D” property development.

For pilots, the FAA maintains a website where information is posted regarding changes in airport conditions. The airports are also required to maintain a record with all NOTAMS and maintain the records for 5 years. According to the FAA, a NOTAM is a notice to pilots,

“containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, conditions, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System) the timely knowledge of which is essential to personnel concerned with flight operations.”

NOTAMs do not include any proposed changes to airport facilities and availability. There is no evidence that a NOTAM was posted regarding the closure of Runway 8-26. NOTAM’s do NOT serve as Public Notice. No record of the impending closure of Runway 8-26 was posted in a NOTAM until July 28, 2020, when the following NOTAM was posted:

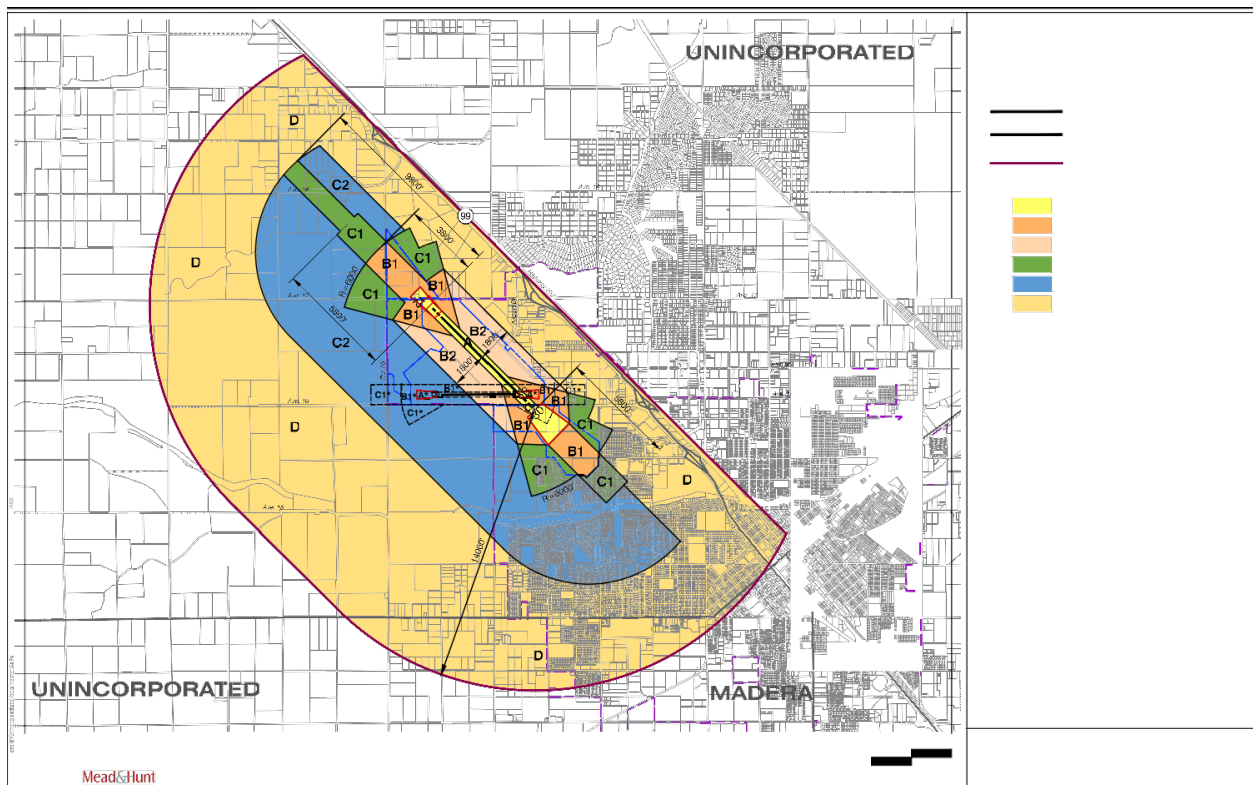
NOTAM 07/003: Madera Municipal Airport (KMAE)

!MAE 07/003 MAE RWY 08/26 CLSD 2007282056-PERM CREATED: 28 Jul 2020 20:56:00 SOURCE: KRIUYFYX)

<https://ourairports.com/airports/KMAE/notams.html>

The development of Village D creates serious problems for the City of Madera Municipal Airport which includes the loss of the Runway 8-26, and the land development to the west and south of the airport that includes the proposed development of over 10, 000 homes, two elementary schools, and commercial buildings directly under the airport flight pattern. Citizens raised concerns regarding the long-term problems the City of Madera will face over safety, noise, airspace protection, and loss of agricultural generated income. Citizens questioned the lack of infrastructure needed to accommodate the 10,000 new homes. In addition, it appears that the effect on the agricultural community was not taken into consideration. These issues were included in the draft of the September 29, 2015 ALUCP Update, but concerned citizens were not made aware of these factors.

Compatibility Policy Map Madera Municipal Airport (C1)



The Plan map shows the land surrounding the Madera Airport features the Village D designation for future development. This is the area which is planned for 10,000 homes, two elementary schools, and commercial zoning. This is the area which lies directly under the over-flight patterns which raise safety, noise, and other annoyance concerns.

Change in location of the new Fire Station

A fire station was to be built on City of Madera- owned property across the street from the Madera County Sheriff-Coroner's Office. However, the City of Madera bought an additional and different parcel of land for \$620,000 of taxpayer funds and has since constructed the Fire House #58 at the end of Runway 8-26.

Relocation of the fire station was made with the termination of the grant funding for maintenance and repair for Runway 8-26. The decision to relocate the site of the fire station came after no application was made for federal grant money. The issue is the fact that the City of Madera paid \$620,000 for a piece of land at the end of Runway 8-26 when there was already a planned and identified location for the fire station. The decision to change the site of the fire station appears to be more aligned with the plan for the development of Village D. The MCGJ was unable to find the rationale used by the City of Madera to make the decision to incur additional expense acquiring land for a new location for the fire station.

Oddly, the new location for the fire station was identified to be placed at the end of the Runway 8-26. According to some of the pilots, the location of the fire station was an additional reason the City of Madera gave to close Runway 8-26. The potential loss of the runway protection zone was cited. A runway protection zone provides a safe over-fly space for aircraft landings and take-offs. However, according to the pilots who use Runway 8-26, the loss of the runway protection zone is an invalid claim because the runway is of sufficient length.

Runway 8-26 includes a runway protection zone beyond each end of the runway to the east and west. These runway protection zones are shorter in length as compared to the main Runway 12-30. By closing Runway 8-26, the runway protection zones disappear. However, according to local pilots, there are ways to keep the runway in use and maintain approach zones clear with proper planning. Because Runway 8-26 is used for agricultural purposes, the types of planes, which use Runway 8-26, fly at a lower elevation, at slower speeds, and do not need an extended runway protection zone for safe take offs and landings.

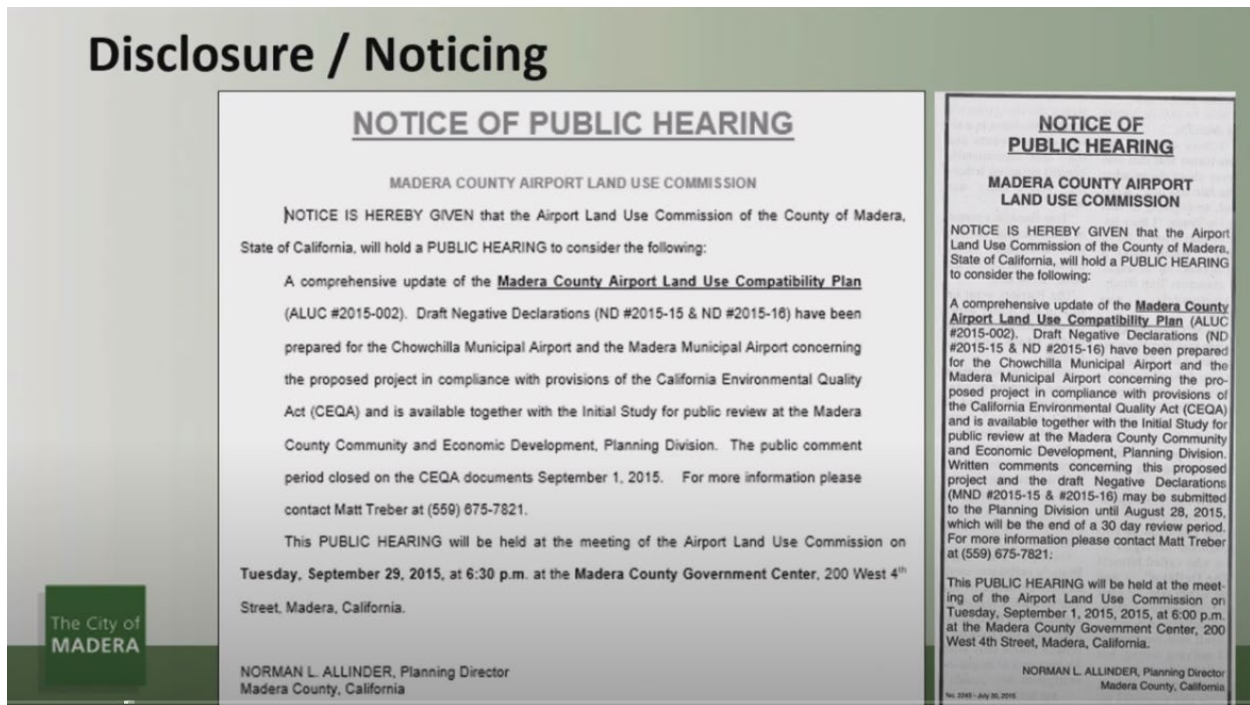
City and County's Agenda/Brown Act

Vocal citizens asserted their belief that the staff of the City of Madera and the County of Madera worked on their own agendas in a way which bypassed any oversight by the Madera City Council, Madera County Board of Supervisors, the Airport Advisory Commission (AAC), and the public including airport tenants and users.

During the course of investigation, MCGJ met with the City of Madera's planning department to gain a deeper understanding of the process employed with the decision to close Runway 8-26. The MCGJ was told by the Madera City Planning Department that adequate and compliant notice was given to the public in advance of making the decision to close the runway. While the MCGJ used a variety of comprehensive methodologies, including interviews, online searches at the City of Madera and County of Madera, other websites, and document requests, the only notices discovered were those used in a presentation on August 21, 2019 at a Madera County City Council meeting.

The Airport Plan adopted in the Plan Update, September 1, 2015, proposed future abandonment of Runway 8-26. According to the Plan Update Staff Report, the City of Madera was in the process of doing an update to the ALP. The MCGJ was told that it was Madera County's responsibility to provide notice of the Public Hearing for The Plan. The City of Madera failed to acknowledge their responsibility for providing Public Notice regarding updating the ALP. The MCGJ found no evidence of an adequate Public Notice which follows the requirements of the Brown Act.

Exhibit A



The Exhibit A is from the video recording of the August 21, 2019 City Council meeting at 25 minutes:16 seconds.

https://www.youtube.com/watch?v=NP_z_dUq2p8

There are two images on the slide. On the left side is the image of the Notice of a Public Hearing scheduled for Tuesday, September 29, 2015.

Exhibit A appears to have been posted, most likely at the Madera County Government Center, and not at the Airport. The notice relates to a Public Hearing scheduled for Tuesday, September 29, 2015, while the other notice on the right appears to have been published in a newspaper. This notice, dated July 30, 2015, was published. Both notices refer to the public hearings being held at the Madera County Government Center and were identified on the meeting agenda of The Commission, and the notices were issued by a representative of the Madera County Planning Department.

In the footnotes of the September 29, 2015 The Plan Update, pages 2-11, refers to Public Utilities Code Sec. 21675.2(d) and Government Code secs. 65090, 65091, and 65353 with regard to how notice is to be provided to the public, *Generally, notice must be sent to each affected property owner unless mailing of more 1,000 such notices would be required.*

Witnesses interviewed indicated that the number of affected property owners is far below 1000. Presumably, the same Public Utilities Code applied to the City of Madera's Public Notice requirements concerning the ALP.

Notice for the Plan Update Public Hearing does not adhere to the provision of the Brown Act regarding notice requirements. Government Code Sec. 54954.2 contains agenda requirements. Courts have interpreted the agenda description requirement as an “elastic standard.” Analysis of the Brown Act recommends the following to ensure compliance:

- The description must give fair notice to the essential nature of the business to be considered.
- The public must be provided with more than just clues from which they must then guess or surmise the essential nature of the business to be considered.
- The agenda must not be confusing, misleading, or unfairly opaque.

Regarding the City of Madera’s changes to the ALP, the MCGJ was not provided with, nor could find, either related Public Notice or an agenda. It is the City of Madera’s position that the ALP notification was covered by the Committees’ actions. If this is the case, it stands to reason that there are no public notices to view. This would then mean the public received no actual or implied notice of the intent to close Runway 8-26. The Commission’s agenda for September 29, 2015 Public Hearing was insufficient as the only matter listed there under the category of “Public Hearing” was “County of Madera-Land Use Commission Compatibility Plan (ALUC #2015-002).” The notices do not specify any proposed actions, including but not limited to, the closure of Runway 8-26. It appears that the County of Madera staff relied on the City of Madera to provide specific Public Notice in accordance with the Brown Act stipulations stated above, and the City of Madera relied on the County of Madera and The Commission’s staff to provide specific notice. As a result, no such notice was provided by any of the parties responsible for providing Public Notice that is clear, fair, and unambiguous.

The City of Madera claimed that adequate Public Notice was given and relied on the County of Madera Planning Department to fulfill that requirement of the Brown Act. There was no direct reference to the closure of Runway 8-26. Instead, both notices issued by the Planning Department provide a generic description of the Public Hearing as, “concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA).” The notice to the right, relating to the September 1, 2015 hearing indicates that written comments must be submitted by August 28, 2015 to the Madera County Planning Department, not The Commission. The notice to the left on Exhibit A states that the “public comment period closed on the CEQA documents September 1, 2015.” Neither notice informs the public that these meetings are about the closure of Runway 8-26, nor does the notice of the closure of Runway 8-26 appear clear, fair, unambiguous.

Despite multiple requests of involved parties, the MCGJ was unable to secure any documentation to support a claim by the Madera County Planning Department that the public was specifically notified of the intent to close Runway 8-26 at the end of the 2019 crop dusting season nor were any NOTAMs were posted at the airport.

While representatives of the Madera County Planning Department, City of Madera Planning Department, and The Commission may well believe that the notices met the “letter of the law,” it is clear to the MCGJ that they did not meet the intent of the law, which was to provide clear and

unambiguous notice to the interested public who would be affected by the closure of Runway 8-26. In addition, the 30-day window within which public comment was allowed only exacerbated the public's inability to understand and respond to the notifications provided.

When The Plan was presented by the Madera County Planning Commission, no one with aviation experience was part of the Technical Advisory Group (TAG). Members of the TAG included representatives from the County of Madera's Planning Department, a representative of the Public Works division of the City of Chowchilla, and representatives of the City of Madera Public Works Department. According to the September 1, 2015 Staff Report (page 3), TAG members were, "charged with keeping their respective local jurisdictions informed of ALUCP (The Plan) Update process." No aviation experts were part of the TAG and no members of the City of Madera's Airport Advisory Committee had aviation experience or a connection to the aviation community. This lack of aviation expertise created a clouded vision for those who use the airport and the public at large.

The MCGJ could find no notice to or involvement of the City of Madera Airport Advisory Commission in the preparation of The Plan until August 26, 2015; one month prior to its adoption by The Commission. According to the minutes of the August 26, 2015 meeting of The Commission,

The Airport Land Use Commission has allowed additional time for the review of the ALUCP. This additional review time was requested by the City Madera and a few of the Airport Land Use Commissioners as it was believed that the County had failed to provide adequate time for stakeholder review. The City will continue to review the ALUCP and provide comments the consultant in a timely manner. The county is expected to adopt the ALUCP in late September.

The Board of Supervisors held a workshop on August 11, 2015, followed by the AAC meeting August 26, 2015, with the final adoption of The Plan coming on September 29, 2015. The fact that the AAC was given The Plan just one month prior to the adoption begs the question of how much effort was made by the City of Madera and The Commission to secure input or comments from the Madera AAC as well as the public at large.

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.

REQUIRED RESPONSES

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

From the following elected county officials within 60 days:

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

Mayor of Madera
205 W 4th St, Madera, CA 93637

Madera City Council
205 W 4th St, Madera, CA 93637

From the following governing bodies within 90 days:

INVITED RESPONSES

Mr. Jay Varney
Chief Administrative Officer
Madera County Administrator Office
200 West 4th Street Madera, CA 93637

Ms. Elba Gomez
Director of Human Resources
Madera County Human Resources Department
200 West 4th Street Madera, CA 93637

Mr. Philip Toler
Director of Public Works
Madera County Planning Department

200 West 4th Street Madera, CA 93637

Mr. Matthew Treber
Director of Community and Economic Development Department,
200 West 4th Street Madera, CA 93637

Madera County Farm Bureau
1102 S Pine St, Madera, CA 93637

Madera Municipal Airport
4020 Aviation Dr, Madera, CA 93637

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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