

*The 2007 – 2008
Madera County Grand Jury*



*Final Report
July 1, 2007 through June 30, 2008*

**MADERA COUNTY 2007-2008 GRAND JURY
FINAL REPORT BOOK**

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2007-2008 MADERA COUNTY GRAND JURY PHOTO



Seated:

Mitzi Layne, Sergeant at Arms; Richard Hoffman, Ed.D., Pro Tem; Linda Dominguez, Foreperson; Donald Holley, Recording Secretary; Charlotte Wayne, Treasurer

Standing:

James Haze, Gary Foust, James Ferguson, Charlie Ketter, Robert Martin, Barry Crow, John Pelowski, Carol Redmon, Frank Bradford, Brenda Perreira, Lee Blackstone, Edward Redmon

Not pictured:

Carolyn Buckles, Lewis Honeycutt

2007-2008 MADERA COUNTY GRAND JURY FINAL REPORT

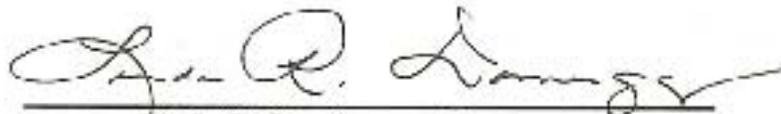
With signatures below, this document becomes

The Final Report of

The 2007-2008 Madera County Grand Jury

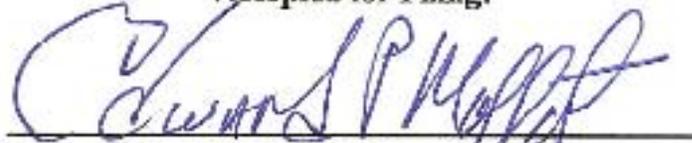
July 1, 2007 through June 30, 2008

Approved by the Grand Jury:



**Linda R. Dominguez, Foreperson
2007-2008 Madera County Grand Jury**

Accepted for Filing:



**Edward P. Moffat, Presiding Judge
Superior Court of California**

2007-2008 MADERA COUNTY GRAND JURY FINAL REPORT

The 2007-2008 Madera County Grand Jury

Wishes to thank

These officials for their continued assistance

**The Honorable Edward P. Moffat
Grand Jury Presiding Judge**

**Lynda Pierini
Court Supervisor, Jury Division**

**Ray Beach
RMA Director**

**Joel Moses
Assistant Planning Director**

**John Anderson
Sheriff/ Coroner**

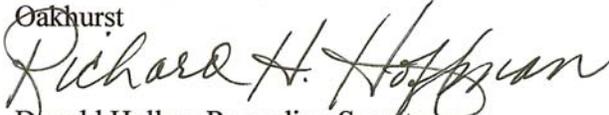
2007-2008 Madera County Grand Jury Members

July 1, 2007 – June 30, 2008

Linda R. Dominguez, Foreperson
Coarsegold



Richard H. Hoffman, Pro Tem
Oakhurst



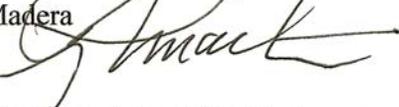
Donald Holley, Recording Secretary
Madera



Mitzi Layne, Sergeant at Arms
Madera



Robert Martin, Chairperson
Madera



Carolynn G. Buckles, Chairperson
North Fork

Frank Bradford, Chairperson
Madera



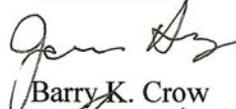
Carol Redmon, Chairperson
Madera



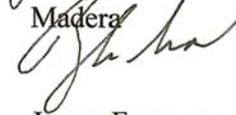
Lee Blackstone, Chairperson
Madera



James Haze, Chairperson
Chowchilla



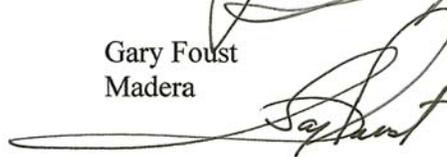
Barry K. Crow
Madera



James Ferguson
Bass Lake

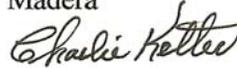


Gary Foust
Madera



Lewis Honeycutt
Madera

Charlie Ketter
Madera



John Pelowski
Coarsegold



Brenda Perreira
Coarsegold



Edward Redmon
Madera



Charlotte Wayne
Madera



2007-2008 Madera County Grand Jury Members

Resigned During Term

Louis Donaldson
Madera

Eugene Thurber
Madera

Robert Olson
Madera

Raymond Warner
Chowchilla

Michelle Treckeme
Madera

The History of Grand Juries

Juries were first created under the law of Etherel II, who reigned during the Anglo-Saxon period of A.D. 978-1016. By AD 1368, Juries had evolved to include the Grand Jury, or Grand Inquest, formed by Edward III.

Most of us have heard the term, “Grand Jury”, but most of us have little knowledge of what a Grand Jury actually does.

The Grand Jury system in America began in 1635, becoming a full legal body with the Fifth Amendment of the U.S. Constitution, which states, “No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces of in the Militia, when in actual service time of War, or public danger...”

The Grand Jury system has been in existence in California since 1879 when the State Constitution was adopted. Every county in California has at least one Grand Jury, and in some cases, larger counties have more than one. Santa Clara County, for example, has one Grand Jury that deals with civil issues, and another Grand Jury for criminal issues. On rare occasions, the Grand Jury may also handle Coroner Inquests.

Madera County has one Grand Jury handling both civil and criminal cases. In criminal cases, the Madera County Grand Jury is presented with evidence of a crime, and works together to determine if enough evidence exists to issue an indictment.

Most Grand Jury members are drawn from the regular petit jury pool. Letters are sent to a random group from the jury pool, and those responding with interest are invited to participate in an interview process. From this group, nineteen jurors and several alternates are selected, and are impaneled in July to serve for one year. The nineteen individuals impaneled as jurors make a commitment to do this important work that includes conducting investigations, writing reports on those investigations, attending meetings, and making recommendations.

Some Grand Jury investigations are triggered by public concerns. These complaints maybe brought to the Grand Jury through letters, phone calls, or email. These issues and concerns are then brought before the Grand Jury panel in order to determine if an investigation should be completed. All Grand Jury business is conducted in secret, and all information and discussions are considered highly confidential. This secrecy is required to:

- ...protect the innocent accused, who is exonerated by and through the investigation
- ...ensure the utmost freedom to the Grand Jury in its’ deliberations
- ...prevent subordination of perjury or tampering with witnesses
- ...encourage untrammled disclosures by persons with information relevant to an investigation
- ...prevent the escape of those whose indictment may be contemplated



Superior Court of the State of California

County of Madera

Edward P. Moffat
Judge



209 W. Yosemite Avenue
Madera, Ca 93637
Phone: 559-661-3001
Fax: 559-675-0701

June 20, 2008

To: Residents of the County of Madera

Each year in July the County of Madera impanels a Grand Jury to examine and investigate the activities of government agencies. The Grand Jury is a part of the judicial branch of government but operates as a separate and independent body. The Madera County Grand Jury is selected at random from the trial court's list of qualified trial jurors.

The 2007-2008 Grand Jurors served from July 2007 through June 2008. During their tenure in office the Grand Jury conducted numerous investigations and inquires into the operation of the state and local government. The 2007-2008 Grand Jury worked effectively and efficiently in addressing the concerns presented to them and offered reasoned recommendations addressing the issues presented to them.

I feel extremely fortunate to have had the opportunity to work with such a group of dedicated citizens who gave freely of their time and their expertise. With the outstanding leadership of Foreperson Linda Dominguez this Grand Jury was able to accomplish their goal of providing service to the community of Madera and complying with their solemn duty to do their utmost in being conscientious, complete, and correct.

The 2007-2008 Grand Jury was diligent and performed their duties impartially. As citizens of Madera you should be very proud of what the Grand Jury accomplished as evidenced by the reports contained in this Final Report.

I want to personally thank each and every member of the 2007-2008 Madera Grand Jury for their selfless dedication to duties as Grand Jurors. You did excellent work for the citizens of Madera County and the Superior Court.

A handwritten signature in blue ink that reads 'Edward P. Moffat'.

EDWARD P. MOFFAT
Supervising Judge
2007-2008 Madera Grand Jury



Madera County Grand Jury

Foreperson's Letter

June 30, 2008

Honorable Judge Edward P. Moffat
Supervising Judge of the Superior Court
State of California, County of Madera

Dear Judge Moffat:

It is an honor and a pleasure to present to you, in accordance with applicable California law, the 2007/2008 Madera County Grand Jury's final report. This report is an accumulation of reports issued throughout the Grand Jury year of July 1, 2007 through June 30, 2008.

The 2007/2008 Grand Jury accepted our duties by taking an oath on July 2, 2007; since then, all 19 members of this Grand Jury have diligently performed the required duties, while maintaining confidentiality and respect for all involved. Our commitment, objectivity, professionalism, and integrity helped ensure that the citizens of Madera County were being provided the most effective, efficient and responsive governmental services.

This Grand Jury would like to thank you for your tireless and continued support, guidance, and encouragement throughout our term of service. It has been our privilege to serve on this Grand Jury, and working together with you has made the experience especially rewarding.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Linda R. Dominguez".

Linda R. Dominguez
Foreperson
2007/2008 Madera County Grand Jury



Madera County Grand Jury

Secretary's Letter

May 16, 2008

Citizens of Madera County:

Your 2007-2008 Madera County Grand Jury is made up of as diverse a group of individuals as you might find anywhere. Each is selected from the community at large and they come from all walks of life and each with his or her own diverse background.

I am proud to have served on this Grand Jury and have the opportunity to work with people selected to do the same. We all had a learning curve to contend with and training along with the experiences of returning Jury members helped achieve this. Be they new or experienced, there was a common goal to be obtained and that was to meet our responsibilities as a 'watchdog' for the taxpayers of our community. It required, in total secrecy, for us to investigate every aspect of our County and City Government. Additionally, we investigated citizen complaints and assisted in criminal indictments. Witnesses brought in were required to take an oath and admonished never to discuss with anyone what transpired in an interview. Nor could the Grand Jury members discuss an investigation with anyone other than fellow panel members, not even their spouses.

When an investigation report was completed and approved by majority vote of the panel it would then be reviewed by our presiding judge for approval before being sent to all responding individuals and/or departments. Forty eight hours later it would be released to the press for public consumption. We never knew how it would be received; however, we were confident the report contained accurate, factual and substantiated content.

The 2007-2008 Grand Jury came together in a responsible manner, learning more about our local Government than we anticipated, and challenged with expectations while achieving results we are proud of. It has been a privilege and honor to have served you and them.

As my final act as Secretary for the 2007-2008 Madera County Grand Jury, I hereby state that all completed and approved final reports created by the 2007-2008 Madera County Grand Jury are incorporated in this year-end final report, and represent all of the completed and approved investigations and work performed on behalf of the citizens of Madera County.

Respectively,

Donald Holley
Secretary

Citizen Complaint Process

Madera County Grand Jury

The Grand Jury receives complaints from Madera County citizens concerning a variety of issues. These complaints are reviewed by the Grand Jury Panel to determine appropriate action.

The Grand Jury may decline to act on a complaint particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or it is out of the jury's purview. Committee investigations reports regarding complaints are submitted to the entire jury with recommendations for action which must be endorsed by a quorum of 12 jury members. Some complaints may remain open for action by the following years' Grand Jury as appropriate.

Submission of Complaints

Complaints should be in writing and legible. After all normal attempts to resolve the problems have been taken; a complaint form should then be prepared and submitted. Complaint forms may be obtained from the Grand Jury office, on online at www.Madera-County.com.

Content of Complaint

The complaint form is designed to help an individual supply pertinent data regarding the reason for the complaint. It is easy to complete, and asks for information that is vital in helping the Grand Jury resolve the problem.

1. Identify yourself with your full name, correct mailing address and phone number where you can be contacted.
2. Identify the nature of your complaint.
3. Identify all of the people involved and how we may contact them.
4. If appropriate, include the location of the incident that lead to your complaint.
5. Furnish documentation in support of your allegation.
6. Specifically describe in reporting the reasons for your claim.
7. Specifically describe the action you would like the Grand Jury to take.

Citizen Complaint Form

Madera County Grand Jury
PO Box 534 Madera Ca 93639
(559) 662-0946

Person or agency about which this complaint is made:

Name: _____

Address: _____

Telephone: _____

Nature of Complaint: Describe the events in the order they occurred as concisely as possible; attach any correspondence or documents in your possession. Attach extra pages if necessary.

Complaint Contacts: What other persons or agencies have you contacted about this problem?

Name of Agency	Address	Date of Contact
_____	_____	_____
_____	_____	_____
_____	_____	_____

Grand Jury Contacts: Who do you believe the Grand Jury should contact about this matter?

Name of Agency	Address	Phone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Action Required: Describe the action you wish the Grand Jury to take.

Complainant:

Name: _____

Address: _____

Telephone: _____

The information presented in this form is true, correct, and complete to the best of my knowledge.

Signature of Complainant

Date

CONTACT INFORMATION

MADERA COUNTY GRAND JURY



P.O. Box 534
Madera, CA 93637
559-662-0946

Internet Address: www.MaderaGrandJury.org

Email:

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

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MAINTENANCE DISTRICT 95**

INTRODUCTION:

A citizen complaint by residents of Maintenance District 95 (MD 95) was sent to the Madera County Grand Jury to investigate allegations of misappropriation of funds and man-hours as well as neglect to the water system. Also, they were asking for the examination of alleged false documentation filed by Madera County Environmental Health Department (EHD) and misdealing between Madera County agencies and the developer of this District.

The authors of the complaint presented a formidable and challenging task, matched by documentation and evidence to support their position. We commend the authors for their diligence and content of their complaint.

FINDINGS:

The Madera County Board of Supervisors established MD 95 on June 20, 1995, by Resolution 95-157. The Resolution stated in part, "that the service to be provided (by the County) within the maintenance district shall be for any and all services authorized by law, including road maintenance service."

A letter of compliance submitted to the developer by the Madera County Planning Department on April 16, 1995, stated in part, "A community water system shall be developed to provide domestic and fire flow water service to each lot. The system shall be operated as a public utility for which the Board of Supervisors is the Board of Directors and which is authorized to provide the water needs." Further stated, "Development of the community water system shall be by authorization of the Environmental Health and Engineering Departments".

The EHD in its initial "Water Inspection Report" of August 11, 1998, stated, "The system serves a subdivision of approximately 29 lots. Currently, 5 of those lots are developed. The system is permitted as a Community water system under the definition in Section 116275 (I) of the California Safe Drinking Water Act. Madera County regulates the water system as part of the contract with the State Department of Health Services."

The system is supplied by two wells located in a well field at the north east corner of the subdivision. They are designated the 10 inch (in.) well and the 6 in. well. Water meters are installed on both wells, and both fill the adjoining storage tank. Water meters are also installed on each residence of the subdivision in accordance with State law.

The 10 in. diameter well is identified as state water source ID# 2000692-001. It is 550 ft. A 40 horsepower submersible pump was installed at 399 feet (ft.). During the initial 5-day test the well produced 325 gallons per minute, (GPM) from a depth of 350 ft. The GPM are

estimated to be in excess of 200 GPM at this time. For the purposes of this report, this will be called the South well.

The 6 in. diameter well identified is state water source ID# 2000692-002. It was constructed initially as a test well to a depth of 685 ft. After water quality testing there were concerns of arsenic from the blue and brown clays at 625 ft. and the well was reported to have been backfilled with concrete by the driller to 550 ft. It has a 7 ½ hp submersible pump set at 399 ft. Its estimated yield is 70 GPM. For the purposes of this report this will be called the North well.

The EHD did a "Small Water System Permit Information" report on or about December 3, 1998. In it was reported much of the same information as the previous report including that the North well was backfilled with cement from its original depth of 685 ft. to 550 ft. due to the concerns of arsenic.

In March of 2000, for some unknown reason it was decided between Madera County Engineering and the well drilling company that a third well was needed. It was not to replace the North well, that had an arsenic contamination problem, but to replace the South 10 in. well, the one that was working properly.

On March 14, 2000, a letter addressed to Madera County Engineering from the well drilling company states, "The new well will be constructed of 10 in. steel well casing to the same depth as the existing 10 in. South well. After well is constructed and developed, the existing submersible pump will then be pulled. After necessary repairs are made to achieve required GPM, the pump will then be installed in the new well and re-plumbed into the existing system." For purposes of this report, this will be called the East well. See attachment 1.

On March 14, 2000 County Engineering responded by letter to the Developer indicating the County's acceptance of the scheduled replacement, of the South well, which was to be completed by May 1, 2000.

On July 18, 2002 EHD performed a Water System Inspection Report. It was reported that three wells are located in a well field at the north east corner of the subdivision. It was further stated, "Only the 10 in. South well is currently supplying the system. The new East well has not supplied any water to the system at this time." This same report identified the South well, which was to have been replaced by the East well as still producing 325 GPM which was estimated in excess of 200 GPM per day. The new East well was reported not currently supplying water to the system. It was found to pump fine sand that did clear after a period of continuous pumping. On initial start up, the well still produces fine sand. This well is on standby for future residential development.

Also, in this report it was stated that the North well, "Was supposed to be backfilled with concrete by the driller to 550 ft. It was not backfilled and the concerns of Arsenic, Iron, and Manganese may continue. Its estimated yield is 70 GPM. This well is used as stand-by."

On January 24, 2003 EHD performed a Water System Inspection Report which read much same as the 2002 report. However, once again the North well was reported in standby and

backfilled with concrete by the driller to 550 ft. “Concerns of Arsenic, Iron, and continue.”

On August 3, 2004 EHD performed a Water System Inspection Report and found the same condition exists with regards to all three wells, North, South, and East along with additional problems different from the previous year’s report.

A concern of the North well is found in the EHD reports. In the first inspection of August 1998, the contamination was reported and it stated that the well had been backfilled with cement to a safer level. However, in the July 2002 EHD report it was noted the well was “not backfilled”. There were no recommendations and no evidence that this discrepancy was ever forwarded to a higher authority for action. Discussions between County staff and residents of MD 95 in July of 2007 generated many questions such as: how much it would cost to inspect and confirm, who would pay for the inspection, which would be contracted to perform the inspection and would the Board of Supervisors approve the expenditure at County expense or place the burden on the residents. At this writing, nothing has been done and it remains an unanswered question. This discrepancy, when discussed with the EHD in March 2008, could not offer an explanation other than the turnover of employees and the questionable actions of one. As of the writing of this report, it is still unclear to the Grand Jury or the residents of MD 95, if the North well has been backfilled.

The East well was installed at the insistence of the County in 2000; however, this new well is capable of providing only 8 GPM while producing fine sand and as a result remains in standby. Although, this pump is reported in standby, it continues to run and allegedly pumps into the South well, which seems counterproductive.

The County is charged with maintaining the water system and is overseen by the Board of Supervisors when acting as Board of Directors for MD 95, however, in a July 2007 meeting with Resource Management Agency (RMA) and the residents it was asked; “if the East well is not doing any good, why not shut it down?” The response from County was, “we had never heard there was an issue with this pump and we can have it shut down before the end of the day”.

Residents pointed out there are no flow switches or any type of switch to shut the booster pumps off when they run dry. As a result, one booster had to be replaced along with a starter and fuses. That cost was approximately \$800 to \$1,000. “Why did no one think about a flow switch or a system to shut those boosters off so they don’t run dry?” Further stated, “We’re throwing good money on a bad system and it needs to be thought out with a little more sense”.

County’s response was, “It isn’t just inspecting the well, it’s the whole system”. “I don’t know what else is wrong with that system; I’m going back to the Board and saying, guys, this is more than just the fact we got a little sand in the well and we think it’ll burn the pump if we turn it on full volume, we need to fix it once and for all, whatever it takes. We’ll find a way to pay for it.”

From these statements it is evident that some County staff felt a responsibility to the maintenance of the water system.

Of importance in this meeting was the rate proposal presented by County to pay for the outstanding debt and the continued maintenance and operating expenses of MD 95. MD 95 is operating in the red and is indebted in excess of \$17,000. The means by which to resolve this was presented in the form of a Water Rate Increase Proposal. MD 95 residents were rejecting outright any rate increase to mitigate expenses until County resolves all mismanagement and questionable issues that continued to exist. Additionally, they wanted detailed explanations of maintenance expenses to the water system that had not been forthcoming from Madera County. The Madera County Auditor Controller Office has failed to provide quarterly billings in a timely manner, to MD 95 residents. The bills would often arrive just days before the penalty phase was ready to go into effect.

A Notice of Public Hearing from RMA was sent to the residents of MD 95, regarding an increase in fees for water service in MD 95. See attachment 2.

On March 18, 2008 at the regularly scheduled Board of Supervisors meeting, their agenda called for hearings on MD 95. However, before discussion took place, item #11 on the agenda called for a presentation by California Water Service Company (CWSC) on their background, qualifications, and service capabilities in the business of operation and maintenance of water and wastewater systems.

The CWSC representative provided a PowerPoint presentation that illustrated their ability to operate and maintain water systems within Madera County.

The next item on the agenda, #12, called for a hearing to consider a proposed resolution to increase the fees for water service in Maintenance District 95. A spokesman for the residents of district 95 stated, "This is not a water issue but an efficiency issue. We want the system fixed. We have 22 protest letters. Whatever plan you have (County) you must fix our system. Also, you need to provide a detail of maintenance expenses we have previously requested, but have not been provided." When the residents of MD 95 realized they were getting nowhere with further discussion, they requested a five minute break to confer among themselves. When they returned, they presented to the BOS 22 letters of protest thus refusing to accept the proposed rate increase. This unified stance taken by the residents of MD 95 brought this agenda item to a close allowing the BOS to move on to the next agenda item.

Next on the agenda was item #13 which called for a hearing for consideration of approval of resolution dissolving MD 95.

- a. Consider and adopt resolution dissolving MD 95
- b. Authorize staff to prepare and file all documents and legal actions necessary to appoint a receiver for MD 95
- c. Authorize staff to take all actions necessary to sell MD 95 infrastructure to a Public Utilities Commission (PUC) Regulated Water Company.

Motion made to approve items a-b-c and carried 4/1 with one dissenting vote.

CONCLUSIONS:

It appears to the Grand Jury that the County knew in advance that the MD 95 residents would reject the rate increase, consequently the agenda was structured accordingly, and all went as planned:

1. Presentation by CWSC representative, first
2. Proposed rate increase which was rejected by MD 95 residents, second
3. Dissolving MD 95, third

With the dissolution of MD 95, Madera County can now reach out to companies like CWSC for competing bids to take over this District, and any other Maintenance District the County wishes to separate itself from, that is not operating in a financially sound manner. Because of Madera County's inability to operate and maintain MD 95, it makes good sense to dissolve this District and turn it over to a PUC certified company that has the experience and ability to manage it properly. However, questions remain. Foremost among them, why, when it became apparent that the maintenance of the wells in MD 95 was an issue, was it not addressed by the County? When the residents were asking for accounting figures and budgets, why were they not forthcoming? It is easy to say that previous County employees dropped the ball, and this may well be what happened, but the citizens of Madera County and in particular, other Special Districts, deserve to have their questions and concerns answered. The MD 95 residents have continually requested a detailed accounting of all charges incurred by their district, that reflect all of the maintenance and utility costs, as well as inspection charges by County employees. From our investigation, the Grand Jury concludes that the Special Districts Department of the RMA has been trying to correct operations from past decisions and deficiencies made by previous County and RMA employees. From 1998 to 2004, there were no rate increases put in place. In 2004, there was a substantial rate increase, but no follow-up on operations and maintenance. In 2006, when staff at RMA underwent a significant change in personnel, it was decided that all Special Districts within Madera County should be reviewed and brought up to date. It is evident from our investigation that the Special Districts Administrator, who came to this job some twenty months ago, inherited a complicated and dysfunctional program. We commend him for his managerial skills in attempting to bring order to this complex issue.

Currently, only one well, South, is able to serve MD 95. This one well, should the pump fail, will result in an immediate interruption of available water service. With the other wells, North & East, unavailable, the residents will wait for repair and/or replacement. Should the South well fail entirely, how long will it take to resolve this potential, catastrophic condition, created by Madera County's failure to properly maintain the system?

Madera County has failed to provide a dependable, safe and efficient water system for the residents of MD 95, as stated in the original Resolution 95-157, dated June 20, 1995.

RECOMMENDATIONS:

The Madera County Board of Supervisors has now dissolved MD 95 and perhaps has no further legal responsibility to it; however, the foregoing issues should not be ignored and swept away. A responsible County would at least consider the following recommendations.

MD 95 system should be thoroughly checked:

- 1 Was the North well properly backfilled with concrete? The well should be inspected by camera to assure the residents that this was done as stated in 1998. If not, the County should take immediate action to correct its own oversight.
- 2 Although the East well was intended to replace the South well it has never functioned as a replacement. To this day it still produces fine sand, provides only 8 GPM, and remains in standby. Madera County should determine why this condition still exists and correct its own oversight.

Because of its continued mismanagement the Grand Jury recommends that the Auditor Controller's Office of Madera County resolve its internal deficiencies and strive to provide accurate and timely billing to all Special Districts within the County.

The Environmental Health Department Water System Inspection reports reflect needed corrections to water systems. Before the next years inspection, the previous report should be reviewed by the inspection team and notations made to assure corrections have taken place.

RESPONSES:

Board of Supervisors
200 West 4th St.
Madera, CA. 93637

Environmental Health Department
2037 West Cleveland Ave.
Madera, CA. 93637

RMA
2037 West Cleveland Ave.
Madera, Ca. 93637

RMA Special Districts Department
2037 West Cleveland Ave.
Madera, CA. 93637

Madera County Auditor Controller
200 West 4th St.
Madera, CA. 93637

MADERA COUNTY WATER ADVISORY COMMISSION

Introduction

A new Water Commission has been formed in Madera County by the Madera County Board of Supervisors.

The Grand Jury has identified a problem with the Madera County Board of Supervisors approval of appointees for the Madera County Water Advisory Commission (MCWAC). These appointments are in violation of Ordinance 383D, Resolution No. 2007-193, which resolution was approved in a four-to-one vote of the Board of Supervisors (see attached as Exhibits 1 and 2). Criteria established on August 21, 2007 to appoint *qualified* candidates to the five-member MCWAC representing each of the five Madera County supervisorial districts was ignored by four of the five supervisors.

A “commission” is a policy-setting body, as opposed to an “advisory board” only authorized to make recommendations.

Since decisions made by this Commission will have consequences that affect Madera County for decades to come, it is imperative that we have the most qualified appointees on the Madera County Water Advisory Commission.

Findings

A. In 2005, Madera County obtained two grants totaling \$770,000 from the California Department of Water Resources. The funds from this grant were to produce a *plan* called the **Integrated Regional Water Management Plan (IRWMP)** for Madera County. Because this plan must accommodate the needs of the Valley Floor, as well as the needs of Eastern Madera County, special attention must be paid to the policies, agreements, regulations, and

practices emerging from the IRWMP to enable the plan to serve the diverse water needs of all county communities.

The integration, regionalization and technical aspects of the planning process were designed to:

1. Create a Water Management Plan for Madera County that will become the framework for the policies and practices designed to balance the demand for and supply of water in Madera County.
2. Create a set of projects designed to implement Water Management over the next five years. These projects will be described in terms of their contribution to water management objectives, their cost, duration, and priority of importance. Taken together, these projects will result in the infrastructure that will support the county-wide water management effort.
3. Develop a set of criteria for evaluating the results of implementing each project and mechanisms for “mid-course” corrections when necessary.
4. Provide Madera County government with the information and tools necessary to manage water under their jurisdiction.

B. On August 21, 2007, the Board of Supervisors established the following Mission Statement for the MCWAC in Resolution No. 2007-193 (attached as Exhibit 2, page 1):

“It is the mission of the Madera County Water Advisory Commission to investigate, discuss and recommend water policies to the Madera County Board of Supervisors and Madera County Flood Control and Water Conservation Agency/Board of Directors to ensure a consistent and healthy supply of water within the County of Madera for all

residential, agricultural, commercial, industrial and recreational needs, and to further responsible and effective flood control operations.”

- C. The Board of Supervisors established the following Policy Statement for the MCWAC in Resolution No. 2007-193 (attached as Exhibit 2, page 1):

“It is the policy of the Madera County Water Advisory Commission to fully explore the efficient and healthy uses of the limited water supplies in the County of Madera. To listen to all who come before the Commission and to formulate advice regarding water matters before the Board of Supervisors and Agency Board so as to provide unbiased environmentally sound recommendations which will assist both Boards to make fully informed decisions regarding water and flood control matters for specific and general projects.”

- D. The Board of Supervisors established the following qualifications for appointment as a Water Commissioner in Resolution No. 2007-193 (attached as Exhibit 2, Pages 1 and 2):

“To ensure that the mission and policies of the Madera County Water Commission are met, it is necessary that appointed Commissioners be qualified to fully discuss and understand the various scientific, environmental, legal, political and social aspects of water issues which will come before the Commission for consideration. Therefore, at a minimum, members of the Commission must have the following qualifications:

1. Demonstrated employment or education in water issues

This may be satisfied by a showing of employment within a water agency, water district, canal district or employment as a water contractor, water attorney, or consultant. The education may be demonstrated by evidence of extensive course work in recognized institutions or sponsored water seminar on water issues in California. The employment

and educational experience may be considered separately or jointly so as to show a level of experience or knowledge in water issues which allow the member to fully participate in Commission discussions.

2. Political Experience

Political experience may demonstrate the necessary qualifications for membership on the Commission, depending on length of service and the relationship of that service to California water issues. An example of political qualifications are an elected membership to the board of directors for a water district and service on said board for a period of time which would demonstrate an understanding of water issues.

3. Lay Experience

A person who by way of interest or necessity due to work or other experience has a demonstrated knowledge of water issues will qualify for membership on the Commission. An example of lay experience would be those persons in the agricultural, commercial, industrial, or recreational endeavors, which routinely require the assessment of water issues or interface with the water industry so as to provide basis of knowledge of water issues in California.

- E. Members of the previous water boards, Water Advisory Committee and Water/Flood Control Conservation Advisory Board, were summarily dismissed.
- F. The Grand Jury found that prior to their dismissal, members were not consulted for their assistance, input or expertise after many years of service.
- G. The following grid demonstrates the qualifications of each new MCWAC appointee as compared to the adopted criteria by the Board of Supervisors in Resolution 2007-193:

Criteria Appointee	Employment/Education	Political Experience	Lay Experience
Appointee A	None	Yes	None
Appointee B	None	None	None
Appointee C	None	None	None
Appointee D	None	None	None

Additionally, Appointee A disclosed in his application for appointment that he has experience as a water broker, to wit, “In 1993, joined a team working to transfer water from Arizona to California. The water project was located in Cibola, Arizona. The purpose of the transfer was to help stabilize agricultural water delivery and price to farmers in San Diego County and to secure drought year water for the greater San Diego area. This project is still under consideration, but water projects move at glacier speed.”

Conclusions

The Grand Jury questions why the Board of Supervisors entitled the newly-formed group as a ‘Commission’ rather than an advisory board; commissioners are empowered to make policy, while advisory boards are charged with making recommendations.

As currently seated, the appointees consist of three real estate brokers and one dairyman. The Grand Jury concludes **these appointees, not fitting the standard created by Resolution 2007-193, were selected based on some other, questionable, criteria.** Allowing unqualified appointees to remain seated on this commission is a gross violation of the public trust by our county stewards.

Recommendations

1. Since the County has spent \$770,000 to obtain the Integrated Regional Water Management Plan, the Grand Jury recommends the Board of Supervisors move forward with the presentation of the IRWMP fact-based information to the citizens of Madera County according to the original plan: Circulate the draft report in November 2007, the final report in December 2007, and adopt the IRWMP plan in January 2008.
2. The Grand Jury recommends the appropriate district supervisor **immediately remove each unqualified appointee** (see Exhibit 1, Page 3, 13.06.100 Vacancies; removal from office).
3. The Grand Jury recommends the Board of Supervisors create a search committee to recruit qualified candidates in compliance with Resolution No. 2007-193 section entitled Qualifications for Appointment of Water Commissioner, (see Exhibit 2 Page 2).
4. The Grand Jury recommends the Board of Supervisors welcome the participation of citizen action groups - stakeholders - in discussion of vital water management issues.
5. Finally, the Grand Jury recommends the Board of Supervisors acknowledge the many years of service of the volunteer members of the previous advisory committees, waters boards, and councils that have been abruptly dismissed.

Responses

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

Madera County Chief Administrative Officer
200 West Fourth Street
Madera, CA 93637

County Counsel
Madera County
200 West Fourth Street
Madera, CA 93637

Madera County RMA, Engineering
200 West Fourth Street
Madera, CA 93637

Madera Irrigation District
12152 Road 28 ¼
Madera, CA 93637

Chowchilla Water District
327 So. Chowchilla Blvd.
Chowchilla, CA 93610

Madera County Flood Control
2037 W. Cleveland Ave.
Madera, CA 93637

Madera County Farm Bureau
1102 South Pine St.
Madera, CA 93637

California State Attorney General
Sacramento, California 94244

Paul Dabbs, Chief
California Department of Water Resources
PO Box 942836
Sacramento, CA 94236

Coarsegold Resource Conservation District
P. O. Box 1288
North Fork, CA 93643

California Association of Resource Conservation Districts,
3823 V Street, Suite 3,
Sacramento, CA 95817

Central Valley Regional Water Control Board
Fresno Branch Office
1685 "E" Street
Fresno, CA 93706-2007

Hillview Water Company
40312 Greenwood Way
Oakhurst, CA 93644
Broadview Terrace Mutual Water Company
Oakhurst, Ca

Bass Lake Water Co
P O Box 113
Bass Lake, CA 93604

Broadview Terrace Water Co.
P O Box 1454
Oakhurst, CA 93644

Madera Water District
16943 Road 26
Madera, CA 93638

BEFORE
THE BOARD OF SUPERVISORS / DIRECTORS
OF THE COUNTY OF MADERA /FLOOD CONTROL
AND WATER CONSERVATION AGENCY
STATE OF CALIFORNIA

ORDINANCE NO. 383 D

AN ORDINANCE AMENDING CHAPTER 13.06 OF THE MADERA COUNTY CODE AND ADDING SECTIONS 13.06.070 TO 13.06.170 THERETO, IN REGARD TO ESTABLISHING A WATER ADVISORY COMMISSION

The Board of Supervisors of the County of Madera, and Board of Directors of the Madera County Flood Control and Water Conservation Agency, State of California, ordain as follows:

SECTION 1

Chapter 13.06 of the Madera County Code is amended to change the chapter title from Water Appeals Board to Water Appeals Board/Water Advisory Commission and to add sections 13.06.070 through 13.06.170 to read as follows:

CHAPTER 13.06 SECTIONS 13.06.070 – 13.06.170, MADERA COUNTY WATER ADVISORY COMMISSION.

Sections:

- 13.06.070 Water Advisory Commission Established.
- 13.06.080 Membership; appointment.
- 13.06.090 Term of office.
- 13.06.100 Vacancies; removal from office.
- 13.06.110 Officers.
- 13.06.120 Meetings.
- 13.06.130 Compensation/Expenses.
- 13.06.140 Duties.
- 13.06.150 Board of Supervisors and County Defined.
- 13.06.160 Elimination of Existing Water and Flood Control Committees.
- 13.06.170 Limitations.

13.06.070 Water Advisory Commission Established.

Pursuant to section 31000.1 of the Government Code of the State of California, the Madera County Water Advisory Commission is established.

13.06.080 Membership: appointment.

The Madera County Water Advisory Commission ("Commission") shall be composed of five (5) members appointed by the Board of Supervisors and the Board of Directors. Each Supervisor/Director shall recommend to the Board one appointee to the Commission. To serve on the Commission, prospective members must have experience in issues regarding water supply and use. Members shall be known as Water Commissioners.

13.06.090 Term of office.

Each Water Commissioner shall serve at the pleasure of the Board of Supervisors/Directors and, subject to the following, shall hold office for a term of four (4) years and until the appointment and qualification of his or her successor. The terms of the Water Commissioners in office on the effective date of the ordinance codified in this chapter shall be as follows:

Supervisory District Number	Term Expires
1	June 30, 2009
2	June 30, 2011
3	June 30, 2011
4	June 30, 2009
5	June 30, 2009

13.06.100 Vacancies: removal from office.

The occurrence of any of the events specified in section 1770 of the Government Code of the State of California shall cause a vacancy in the office of a member of the Commission. In addition, a vacancy shall occur whenever a member of the Commission fails to attend three (3) consecutive regular meetings of the Commission without good cause for such failure to attend having been entered into the minutes and approved by the Commission. The Commission shall advise the Board of Supervisors/Directors and the member when a vacancy has occurred so that the vacancy may be filled by recommendation of the appointing Supervisor and appointment by the Board of Supervisors/Directors. A Water Commissioner may be removed from office at any time, but only upon the recommendation of the member of the Board of Supervisors/Directors who recommended appointment of the Commissioner and the affirmative vote of a majority of the Board of Supervisors/Directors.

13.06.110 Officers.

The officers of the Commission shall be a Chair and a Chair Pro Tem. The officers shall be elected by the Commission from among the members of the Commission in accordance with rules to be adopted by the Commission for the conduct of its business at its meetings and the other affairs of the Commission. The Board of Supervisors/Directors shall appoint an Interim Chair of the Commission upon establishment of the Commission. The Interim Chair shall remain in office until such

time as the rules of conduct have been enacted and permanent officers have been elected by the Commission in accordance with this section. The position of Chair and Chair Pro Tem shall rotate annually on January 1st. The Chair Pro Tem shall act in the place and stead of the Chair in his or her absence.

13.06.120 Meetings.

The Commission shall hold a regular meeting at least once each month at a time and place determined by the members of the Commission, and such additional meetings as the members determine to be necessary. All meetings of the Commission shall be conducted in accordance with the Ralph M. Brown Act, beginning at section 54950 of the Government Code of the State of California. The Commission shall adopt all necessary rules governing the transaction of business at its meetings and the other affairs of the Commission. The Clerk to the Board of Supervisors or her designee shall prepare the agenda, agenda materials and attend the meetings of the Commission to record the minutes and other duties as assigned by the Chair or the Chair Pro Tem in absence of the Chair. The County Engineer shall attend all meetings of the Commission. An attorney whose practice emphasizes water law shall be appointed or hired by the Commission as legal counsel to the Commission, and shall attend all meetings of the Commission.

13.06.130 Expenses.

Pursuant to section 31000.1 of the Government Code of the State of California, Water Commissioners shall receive actual and necessary travel expenses incurred in the performance of their duties, and compensation for attendance at each meeting at a rate to be determined by resolution of the Board of Supervisors/Directors. No Water Commissioner shall be reimbursed for expenses related to travel outside the County of Madera or the State of California, unless such travel is approved in advance by the Board of Supervisors/Directors.

13.06.140 Duties.

The Commission shall perform the following duties:

- A. Consider all water and flood matters affecting the County of Madera and report their findings and recommendations to the Board of Supervisors/Directors, and
- B. Make reports to the Board of Supervisors or the Board of Directors on matters referred to the Commission by the Board of Supervisors/Directors, and
- C. Inform the citizens of the County of Madera with regard to water and flood matters affecting the County, and
- D. File a copy of the minutes of each meeting of the Commission with the Board of Supervisors/Directors, and
- E. Perform such other duties as the Board of Supervisors/Directors may direct.

13.06.150 Board of Supervisors/Directors.

This article is simultaneously enacted by the Board of Supervisors for the County of Madera and the Board of Directors of the Madera County Flood Control and Water Conservation Agency. The Commission shall report to the County or Agency dependent upon the issue considered.

13.06.160 Elimination of Water and Flood Control Committees.

On the effective date of this article, the following water and/or flood control committees, boards and commissions shall be eliminated and shall have no further authority to act in any manner: the Madera County Water Oversight Committee; the Eastern Madera County Water Oversight Committee and the Madera County Flood Control and Water Conservation Agency Advisory Committee. However, the Commission may establish committees for the purpose of carrying out the duties of the Commission, within certain geographic regions or for special issues related to the Commission's duties. Members of the committees may be appointed by the Commission based upon the Commission's needs and the mission of any committee so appointed.

13.06.170 Limitations.

In completing the duties described in section 13.06.140, the Commission is not empowered to enact policy or deny or approve specific projects within the County of Madera. The Commission is limited in the scope of its duties to advising the Board of Supervisors and the Madera County Flood Control and Water Conservation Agency Board of Directors. Commission recommendations are advisory only and are not binding upon the Board of Supervisors or the Agency Board of Directors.

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The foregoing Ordinance was adopted this 21st day of August, 2007,
by the following vote:

Supervisor/Director Bigelow voted:	<u>No</u>
Supervisor/Director Moss voted:	<u>yes</u>
Supervisor/Director Dominici voted:	<u>yes</u>
Supervisor/Director Rodriguez voted:	<u>yes</u>
Supervisor/Director Wheeler voted:	<u>yes</u>



Cornel W. Moss

Chairman, Board of Supervisors &
Board of Directors

ATTEST:

Kenneth A. Boyd
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By *[Signature]*

To ensure that the mission and policies of the Madera County Water Commission are met, it is necessary that appointed Commissioners be qualified to fully discuss and understand the various scientific, environmental, legal, political and social aspects of water issues which will come before the Commission for consideration. Therefore, at a minimum, members of the Commission must have the following qualifications:

1. Demonstrated employment or education in water issues.

This may be satisfied by a showing of employment within a water agency, water district, canal district or employment as a water contractor, water attorney or consultant. The education may be demonstrated by evidence of extensive course work in recognized institutions or sponsored water seminars on water issues in California. The employment and educational experience may be considered separately or jointly so as to show a level of experience or knowledge in water issues which will allow the member to fully participate in Commission discussions.

2. Political experience.

Political experience may demonstrate the necessary qualifications for membership on the Commission, depending on length of service and the relationship of that service to California water issues. An example of political qualifications are an elected membership to the board of directors for a water district and service on said board for a period of time which would demonstrate an understanding of water issues.

3. Lay experience.

A person who by way of interest or necessity due to work or other experience has a demonstrated knowledge of water issues will qualify for membership on the Commission. An example of lay experience would be those persons in the agricultural, commercial, industrial or recreational endeavors which routinely require the assessment of water issues or interface with the water industry so as to provide basis of knowledge of water issues in California.

Appointment as a Water Commissioner may be based on one, all or a combination of the above qualifiers.

BE IT HEREBY FURTHER RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby establishes compensation to defray unquantifiable expenses related to the attendance of Water Commissioners at meetings of the Commission in the amount of one hundred (\$100.00) for each regular meeting of the Commission.

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The foregoing Resolution was adopted this 21st day of AUGUST,

2007, by the following vote:

Supervisor Bigelow voted: No

Supervisor Moss voted: yes

Supervisor Dominici voted: yes

Supervisor Rodriguez voted: yes

Supervisor Wheeler voted: yes

Ernest A. Moss

Chairman, Board of Supervisors

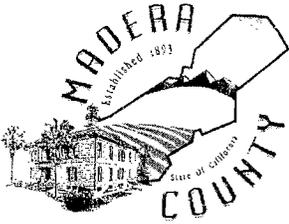


ATTEST:

Janna A. Boyd
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By [Signature]



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 08161

Date: January 8, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008
GRAND JURY FINAL REPORT ON THE "MADERA COUNTY WATER
ADVISORY COMMISSION", ADMINISTRATION DEPARTMENT.

Upon motion of Supervisor Moss, seconded by Supervisor Rodriguez, it
is ordered that the attached be and it is hereby adopted as shown.

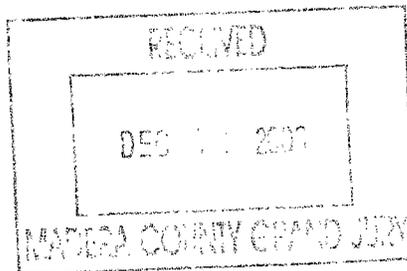
I hereby certify that the above order was adopted by the following vote, to wit:

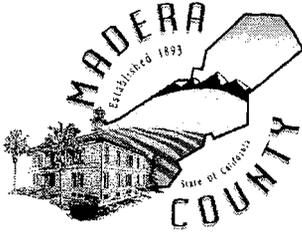
AYES: Supervisors Bigelow, Moss, Dominici and Rodriguez.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Wheeler.

Distribution:
CAO
Grand Jury
Madera County Water Advisory Commission
Honorable John DeGroot
Committee Binder

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Briana Parra*
Deputy Clerk





**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

January 8, 2008

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2007-08 Grand Jury Final Report on the
"Madera County Water Advisory Commission."**

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The Grand Jury has requested a response to Recommendations in the 2007-08 Madera County Grand Jury Final Report on the "Madera County Water Advisory Commission." (See Attachment #1).

The Final Report of the Grand Jury includes "Findings" which we believe requires a response. The Board will respond to each assertion before addressing the recommendations of the Jury (See Attachment #1, pages 1 through 5).

Finding (A) - Grant approved for Integrated Regional Water Management Plan.

Response: The stated finding is accurate, but the Integrated Regional Water Management Plan has little or nothing to do with the Commission. While the Commission will receive reports on the project, it does not have any input into the process which was initiated and nearing completion before the Commission was seated.

Finding ``B``-Commission Mission Statement adopted by the Board of Supervisors.

Response: The finding is accurate as to the adopted resolution establishing a Mission Statement for the Commission.

Finding ``C``-Commission Policy Statement adopted by the Board of Supervisors.

Response: The finding is accurate as to the adopted resolution establishing a Policy Statement for the Commission.

Finding ``D``-Commissioner Qualifications adopted by Board of Supervisors.

Response: The finding is accurate to the extent quoted for adoption of qualifications by the Board of Supervisors. However, the resolution states that *(appointment as a Water Commissioner may be based on one, all or a combination of the above qualifiers.)*

Finding ``E``-Members of the former Water Advisory and Flood Control Boards were summarily dismissed.

Response: This finding is without factual support. The issue of the Water Commission was discussed with the Madera County Water Advisory Committee, Eastern Madera County Water Advisory Committee and the Madera County Flood Control and Water Conservation Advisory Committee before the concept or ordinance was presented to the Board for adoption. All of the committees approved of the concept and the original Commission was to have 17 members from those committees. However, due to a conflict between East County and West County that iteration failed adoption. Staff was tasked to come back to the board with recommendations. It was these recommendations which were finally adopted. Every member of every former committee received a personal letter of appreciation signed by the Chairman of the Board of Supervisors with a personal invitation to apply for a position on the Commission.

Finding ``F``-Members of the former advisory Commission were not consulted.

Response: This finding is without factual support. The County Counsel and Chairman of the Board of Supervisors consulted with all three former committees at their regularly scheduled meetings. The response was positive and suggested changes to the proposed

ordinance were made. Individuals from the committees also spoke during the numerous hearings before the Board of Supervisors.

Finding ``G`` - Appointed members of the Commission are not qualified.

Response: This finding is without factual support. While the report indicates that only one of the appointed members has political experience in water issues (enough to qualify under the resolution), none are identified with any employment or lay experience. In truth all of the commissioners have years of experience through work on extensive water infrastructure projects and farming endeavors to more than qualify under the resolution. It must be pointed out that the qualifications for water commissioner are disjunctive. In other words, no commissioner need meet all three of the criteria, as one category is sufficient. This section of the qualification resolution was omitted from the Grand Jury Report (see Response to Finding ``D``).

Miscellaneous Finding - Commission vs. Advisory Board-Grand Jury questions use of the title ``Commission.``

Response: The Board of Supervisors has many committees and boards which on some level report to the board on specific issues. But as the Jury recognizes, the issue of water is extremely important to the citizens of Madera County. It was for that reason that the board elected to entitle the new advisory panel on water as a ``commission.`` The word commission does not, as the Jury states, mean the body is policy making. Indeed all commission means is that it is a body charged with a mission. (See, Merriam-Webster's Collegiate Dictionary, 10th edition, p231 [*an authorization or command to act in a prescribed manner or to perform prescribed acts.*].) In this case the Commission is to act in a prescribed manner as advisors only. The commission has no policy making authority.

The following are the Grand Jury's recommendations within their Final Report, and the Board's response to each recommendation:

Grand Jury Recommendation #1

``Since the County has spent \$770,000 to obtain the Integrated Regional Water Management Plan, the Grand Jury recommends the Board of Supervisors move forward with the presentation of the IRWMP fact-based

information to the citizens of Madera County according to the original plan: Circulate the draft report in November 2007, the final report in December 2007, and adopt the IRWMP plan in January 2008.'

Board of Supervisors' Response to Grand Jury Recommendation #1

This recommendation will not be implemented as there is no current connection between the Commission and the Plan which would change the board's intentions regarding this issue.

Grand Jury Recommendation #2

``The Grand Jury recommends the appropriate district supervisor immediately remove each unqualified appointee (see Exhibit1, Page 3, 13.06.100 vacancies; removal from office).

Board of Supervisors' Response to Grand Jury Recommendation #2

This recommendation will not be implemented. Since each of the current commissioners is qualified for the position, they will remain as seated member of the Commissioners.

Grand Jury Recommendation #3

`` The Grand Jury recommends the Board of supervisors create a search committee to recruit qualified candidates in compliance with Resolution No. 2007-193 section entitled Qualifications for Appointment of Water Commissioner, (see Exhibit 2 Page 2).

Board of Supervisors' Response to Grand Jury Recommendation #3

This recommendation will not be implemented as there are qualified members sitting on the Commission.

Grand Jury Recommendation #4

The Grand Jury recommends the Board of Supervisors welcome the participation of citizen action groups - stakeholders - discussion of vital water management issues.

Board of Supervisors' Response to Grand Jury
Recommendation #4

This recommendation will not be implemented as the Board has always solicited and taken input on all issues related to water. Moreover, the Commission policy statement clearly states that the Commission is to listen to all interested parties.

Grand Jury Recommendation #5

"Finally, the Grand Jury recommends the Board of Supervisors acknowledge the many years of service of the volunteer members of the previous advisory committees, waters boards, and councils that have been abruptly dismissed."

Board of Supervisors' Response to Grand Jury
Recommendation #5

This recommendation will not be implemented as this has already been completed.

Sincerely,



Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments



P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

November 14, 2007

Madera County Chief Administrative Officer
200 West Fourth Street
Madera, CA 93637

Gentlemen:

Enclosed is a copy of the 2007-2008 Madera County Grand Jury report entitled "MADERA COUNTY WATER ADVISORY COMMISSION".

Pursuant to California Penal Code Section 933.05(f), a copy of the report is being provided to you two working days prior to the report's public release. The public release of this report is scheduled for November 16, 2007. Please note that under Penal Code section 933.05 (f), "[no] officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report".

In accordance with California Penal Code Section 933.05(a) and (b), please respond to the findings and recommendations in this report that address subjects under your control.

According to Penal Code Section 933(c), you have 90 days to submit your responses to the recommendations contained in this report. Accordingly, the date on which the responses must be submitted is February 16, 2008.

Please send your responses to:

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

Thank you,

A handwritten signature in black ink, appearing to read "Linda R. Dominguez".

Linda R. Dominguez
Foreperson,
2007-2008 Madera County Grand Jury

RECEIVED

NOV 14 2007

ADMINISTRATIVE OFFICE

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MAINTENANCE, MONEY & ACCOUNTABILITY
REGARDING FLOOD CONTROL**

INTRODUCTION:

Based on a previous Grand Jury report entitled, “Maintenance of the Flood Control Waterways As Agreed to in 1977”, a second investigation was conducted regarding how property tax assessment monies are used from the County’s Flood Control Trust Fund (the Fund). The Fund’s purpose is to maintain the levees, waterways, and streams, pertaining to the Berenda Slough, Ash Slough, Chowchilla River, and Fresno River.

FINDINGS:

According to the Grand Jury Final Report referred to above, “in 1969, the Madera County Flood Control and Water Conservation Agency (the “Agency”) was created by the Board of Supervisors (BOS). The members of the BOS were to serve as the Directing body. In other words, when a person is elected to the BOS, he or she becomes a Director of the Agency.”

An agreement between the BOS, Army Corps of Engineers, and the Bureau of Reclamation established in 1970, required the flood control of the waterways be maintained to the 1959 standards as set forth by the Army Corps of Engineers.

During the course of the investigation, it was determined that a special trust fund was set up by the County for flood control maintenance. A yearly 1% (approximately) of County property tax assessments are to be used for revenue generation in maintaining the Fund. The tax dollars deposited in the Fund have varied widely from year to year. At one point in 1994, the Fund had accumulated \$1.47 million dollars. Currently, the Fund’s value stands at less than \$25,000. It should be noted that the BOS legally diverts money from one trust fund to another. The diverted funds are considered loans and are to be paid back, with interest, to the funds from which they were borrowed.

These trust funds are also known as Special Revenue Funds.

In attempting to track maintenance Expenditures for Public Protection (flood control), the County, specifically the Resource Management Agency, could not provide adequate documentation to determine which monies were spent and how monies were utilized in the clearing and maintenance of the waterway channels. Currently, approximately \$700,000 cannot be accounted for. Additional findings suggest that improper and inadequate maintenance contributed to the floods of 1996 and 2006. The Grand Jury discovered that the County currently uses Parks & Recreation personnel to perform maintenance on the waterways during downtimes of their primary responsibilities to Parks & Recreation. It was also revealed to the Grand Jury

that the Army Corps of Engineers and the Bureau of Reclamation advised Madera County in 2007 that the waterways and levees had not been maintained to the standards of 1959.

As a consequence of not maintaining the standards, the County risks losing Federal Disaster Relief Funds and residents would not be eligible for flood insurance. Illustrating the financial impact, the BOS have been made aware that the current estimate to return just the Berenda Slough, which is the shortest of the affected waterways, to 1959 standards, is in excess of \$5 million.

It was found by the Grand Jury, that even over a ten year period, involving two floods, the BOS still did not take the necessary steps to comply with the agreed upon standards.

CONCLUSIONS:

The BOS, past and present, have not lived up to the aforementioned agreements regarding flood control maintenance of the Berenda Slough, Ash Slough, Chowchilla River, and Fresno River. In addition, the County has not accurately accounted for waterway maintenance expenditures.

It took a notification from the Bureau of Reclamation in 2007 to make the BOS aware that they had a flood control problem and that Madera County is in danger of losing Federal Disaster Relief Funds should another flood occur based on inadequate waterway maintenance.

At the present time, there is evidence of gross mishandling of monies, past and present, for waterway maintenance within the County.

RECOMMENDATIONS:

The Grand Jury recommends that the BOS live up to the agreements established between the BOS, the Army Corps of Engineers, and the Bureau of Reclamation in 1970.

The Grand Jury recommends that the County maintain proper waterway maintenance expenditure records.

The Grand Jury recommends that the County establish a high priority of repaying diverted loans from the Flood Control Trust Fund.

The Grand Jury recommends that the BOS take a proactive approach for flood control within the County.

RESPONSES:

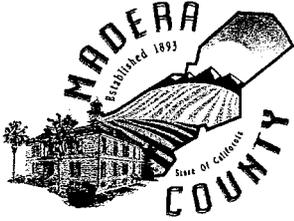
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

The Reclamation Board
State of California
3310 El Camino Ave, Rm LL40
Sacramento, California 95821
Attn: Mr. Jay Punia
General Manager

Department of the Army
US Army Engineer District Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Madera County
Resource Management Agency
2037 W. Cleveland Avenue
Madera, California 93637

Madera County
Auditor/Controller Office
200 West 4th Street
Madera, California 93637



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 08161

Date: April 15, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008 GRAND JURY REPORT ON THE "MAINTENANCE OF THE FLOOD CONTROL WATERWAYS AS AGREED TO IN 1977", ADMINISTRATION DEPARTMENT.

Upon motion of Supervisor Wheeler, seconded by Supervisor Rodriguez, it is ordered that the attached be and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

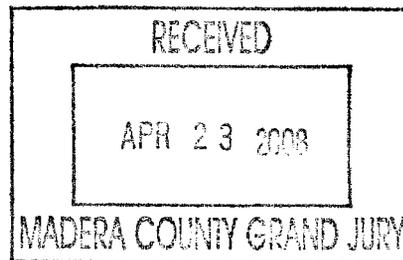
AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

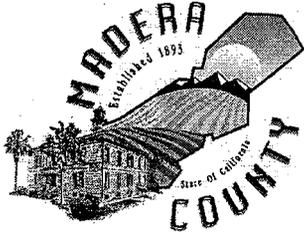
Distribution:

- CAO
- Engineering
- ✓ Grand Jury
- Madera County Water Advisory Commission
- Resource Management Agency
- CA Reclamation Board
- Chowchilla Water District
- US Army Corps of Engineers

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Tanna G. Boyd*
Deputy Clerk





BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

April 15, 2008

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2007-08 Grand Jury Final Report on the
"Maintenance of the Flood Control Waterways as Agreed
to in 1977."**

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The Grand Jury has requested a response to Recommendations in the 2007-08 Madera County Grand Jury Final Report on the "Maintenance of the Flood Control Waterways as Agreed to in 19977." See Attachment #1.

The following are the Grand Jury's recommendations within their Final Report, and the Board's response to each recommendation:

Grand Jury Recommendations

"The Grand Jury recommends that the Agency follow the correction plan submitted to the Reclamation Board."

"The Grand Jury recommends that the Agency be directed to review existing agreements with the Reclamation Board, the Chowchilla Water District, and the Army Corps of Engineers and take immediate action to comply with the provisions of said agreements."

Page -1-

Board of Supervisors' Response to Grand Jury
Recommendation

The response of County Counsel is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation.
(See Attachment #2)

Sincerely,



Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments



P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

FILED

JAN 24 2008

MADERA COUNTY BOARD
OF SUPERVISORS

January 21, 2008

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

RE: Grand Jury Final Report, Flood Control

Gentlemen:

Enclosed is a copy of the Madera County Grand Jury report entitled, "2007/2008 MADERA COUNTY GRAND JURY FINAL REPORT, MAINTENANCE OF THE FLOOD CONTROL WATERWAYS AS AGREED TO IN 1977" .

Pursuant to California Penal Code Section 933.05(f), a copy of the report is being provided to you two working days prior to the report's public release. The public release of this report is scheduled for January 23, 2008. Please note that under Penal Code section 933.05 (f), "[no] officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report".

In accordance with California Penal Code Section 933.05(a) and (b), please respond to the findings and recommendations in this report that address subjects under your control.

According to Penal Code Section 933(c), you have 90 days to submit your responses to the recommendations contained in this report. Accordingly, the date on which the responses must be submitted is April 21, 2008.

Please send your responses to:

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

Regards,

Linda R. Dominguez
Foreperson,
2007-2008 Madera County Grand Jury

LAO
BOS

**County of Madera
Office of the County Counsel**

INTER-DEPARTMENT MEMORANDUM

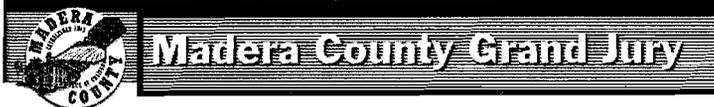
CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

DATE: March 27, 2008
TO: Stanley Koehler, Chief Assistant Administrative Officer
FROM: David A. Prantice, County Counsel
RE: Response to 2007/2008 Madera County Grand Jury Final Report Maintenance of Water Ways as Agreed To In 1977

This memorandum, as noted, is responsive to the recent Grand Jury Final Report regarding flood control. As you are aware, this office has been working on a legal opinion regarding the complicated issues surrounding the flood control obligations of the County vs. Madera County Flood Control and Water Conservation Agency and other public agencies within the County of Madera.

These issues are complicated and require a difficult legal analysis and the review of a multitude of documents far beyond that reviewed by the Grand Jury. With that in mind, I must respond that any information that I have regarding the flood control obligations of the County or any other entity within the County of Madera is within the attorney-client privilege and I am thus unable to respond to the Grand Jury Report.

DAP:ich



P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

June 12, 2008

Ronn Dominici
Chair, County of Madera Board of Supervisors
200 West 4th Street
Madera, California 93637

Dear Supervisor Dominici:

After extensive review, the Madera County Grand Jury has found the Board of Supervisors response to the Grand Jury final report entitled, "**2007/2008 MADERA COUNTY GRAND JURY FINAL REPORT, MAINTENANCE OF THE FLOOD CONTROL WATERWAYS AS AGREED TO IN 1977**" to be unsatisfactory.

The Grand Jury is unclear whether County Counsel is concerned with privilege or conflict.

As to Privilege: Communications, not issues, are privileged. Privilege would only be involved if the grand jury were asking for disclosure of the content of a communication between the client and the attorney. If this is the case, please explain why privilege exists, and respond directly to the Grand Jury, perhaps with the assistance of another lawyer not so encumbered. In California the attorney-client privilege is a creature of statute (the Evidence Code), and is expressly not assertable against a grand jury (Evid.Code 300.)

As to Conflict: If the problem is conflict, (based on County Counsel representing competing agencies, including the Grand Jury), we recommend each respondent agency respond by itself or with the assistance of a different attorney.

The Grand Jury report was published on Jan. 21, 2008; even though the issue is complicated, the responsibility of each respondent under Penal Code 933.05(b)(3) provides that each may have up to six months from the date of publication to appropriately respond.

Page two
June 12, 2008

California Penal Code 933.05(b)(3): The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

In summary, the Grand Jury at this time finds no grounds for privilege; however we do appreciate the potential conflict of interest issue this report may represent for the Board of Supervisors and other agencies within the County. This potential conflict does not eliminate the obligation to respond to the Grand Jury report as described above. We await your response to the above mentioned report by July 21, 2008.

Regards,

Linda R. Dominguez
Foreperson,
2007/2008 Madera County Grand Jury

Chowchilla Water District

Post Office Box 905 ♦ 327 S. Chowchilla Blvd. ♦ Chowchilla, CA 93610
Phone (559) 665-3747 ♦ Fax (559) 665-3740 ♦ Email dwelch@cwdwater.com

Board of Directors

Dan Maddalena ♦ Michael Mandala ♦ Vince Taylor ♦ Kole M. Upton ♦ Mark Wolfshorndl

March 26, 2008

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

Subject: Response to the 2007-2008 Grand Jury report entitled "2007/2008 MADERA COUNTY GRAND JURY FINAL REPORT, MAINTENANCE OF THE FLOOD CONTROL WATERWAYS AS AGREE TO IN 1977"

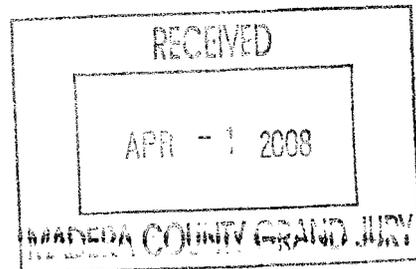
Dear Members of the Grand Jury:

The Chowchilla Water District agrees with the findings, conclusions and recommendations of the subject Grand Jury report. It is imperative that the Madera County Flood Control and Water Conservation Agency (Agency) take the necessary steps to fulfill its responsibility to operate and maintain the flood control facilities of the Chowchilla River System. The Chowchilla Water District is prepared to cooperate with the Agency to fulfill its responsibilities.

Sincerely,



Douglas Welch
General Manager



Chowchilla Water District

POST OFFICE BOX 905 - 327 S. CHOWCHILLA BLVD.
CHOWCHILLA, CALIFORNIA 93610

TELEPHONE (559) 665-3747
FACSIMILE (559) 665-3740
E-MAIL cwd@thegrid.net

July 26, 2006

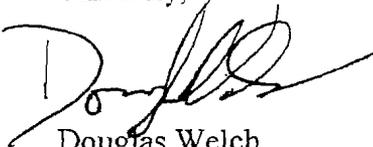
Stell Manfredi
County Administrative Officer
333 W. Olive Avenue.
Madera, CA 93637

Dear Mr. Manfredi:

Enclosed is the "white paper" prepared by Chowchilla Water District that is our attempt to clarify the District's position as to the responsibilities of Chowchilla Water District, Madera County and the Madera County Flood Control & Water Conservation Agency in regards to operation and maintenance of the various flood control facilities associated with the Chowchilla River System.

If you have any questions regarding the District's position, please call me. We look forward to hearing back from you and hopefully reaching a satisfactory conclusion to this matter.

Sincerely,



Douglas Welch
General Manager

cc: CWD Directors
Douglas Jensen

Encls.

FLOOD CONTROL RESPONSIBILITIES
ASH SLOUGH AND BERENDA SLOUGH
MADERA COUNTY FLOOD CONTROL AND WATER CONSERVATION AGENCY
COUNTY OF MADERA
AND
CHOWCHILLA WATER DISTRICT
JULY 26, 2006

ISSUES:

1. WHAT ARE THE RESPONSIBILITIES OF MADERA COUNTY FLOOD CONTROL AND WATER CONSERVATION AGENCY ("Agency"), COUNTY OF MADERA ("County") OR CHOWCHILLA WATER DISTRICT ("District"), RESPECTIVELY, REGARDING ASH SLOUGH AND BERENDA SLOUGH PURSUANT TO AGREEMENTS TO WHICH AGENCY, COUNTY OR DISTRICT IS A PARTY?
2. WHAT, IF ANY, NEW ARRANGEMENTS OR AGREEMENT WOULD THE AGENCY, COUNTY AND DISTRICT BE WILLING TO UNDERTAKE?

CONCLUSIONS:

1. A. County responsibilities were to clear sloughs in District pursuant to Madera County Contract No. 156-C-63 dated November 5, 1963 between County and District (the "1963 Contract"), which provides for County's cleaning of sloughs in the [District] for the purpose of protecting County roads, rights of way and easements." It also provided for District to reimburse the County for its costs of fuel and equipment operator compensation, but not "any other costs or expenditures." The 1963 Contract was superseded when the Reclamation Board acquired easements for levees, the Army Corps of Engineers constructed flood protection levees and the Agency accepted responsibility for operation and maintenance of the local project (flood channels) when the Agency entered into the 1970 Agreement with the Reclamation Board.
- B. Agency's responsibilities are:
 - a. to maintain and operate the channel of the Chowchilla River to the bifurcation of the Ash and Berenda Sloughs in a manner that restores and preserves the channel capacity as of 1959, in accordance with the Agreement between the Agency and The Reclamation Board of the State of California ("Board") dated April 7, 1970 ("1970 Agreement")
 - b. to maintain and operate the local project (Ash and Berenda Slough flood channels and levees from the Bifurcation Structure to the East Side By Pass)

or any unit thereof upon completion of the project, substantially in accordance with the Maintenance Manual of the U. S. Army Corps of Engineers for Chowchilla River: Ash and Berenda Sloughs Channel Improvement and Levee Construction ("Corps Manual")

- c. to provide local agency/interests assurances to the State of California, its Reclamation Board and the United States that will hold those government entities harmless from claims arising out of the project on the Chowchilla River and those sloughs, in accordance with the 1970 Agreement.
- d. to reimburse District for its maintenance of the bifurcation structure described in the Corps Manual per the Agreement between the Agency and District dated December 6, 1977 ("1977 Agreement").

C. District's responsibilities are:

- a. to accept title to, and operate, the bifurcation structure at the division of the Ash and Berenda Sloughs ("Sloughs") for flood control purposes in accordance with the Corps Manual, as set forth in the 1977 Agreement.
- b. to maintain that bifurcation structure, at the cost and expense of the Agency, in accordance with the 1977 Agreement.
- c. during flood periods, to patrol the banks of the levees along the Sloughs to detect breaks in those levees, and to the extent the District has personnel and equipment available, make emergency small repairs in those levees, all at the District's expense, in accordance with the 1977 Agreement.

D. District's responsibilities do not include:

- a. long term maintenance, repair or replacement of any portion of those levees, per the terms of the 1977 Agreement.
- b. any other obligation regarding the clearing, maintenance, repair or replacement of those levees or the slough channels.
- c. in spite of District's having made, on one or more occasions, a contribution of in-kind services to assist the Agency in its responsibility to maintain the sloughs, the District has no responsibility to make any similar contributions in the future.

2. County, Agency and District may be willing to enter into an Agreement that clarifies these responsibilities and provides for the efficient and effective operation and maintenance of the Ash and Berenda Sloughs which results in flood protection for Madera County residents as was originally planned.

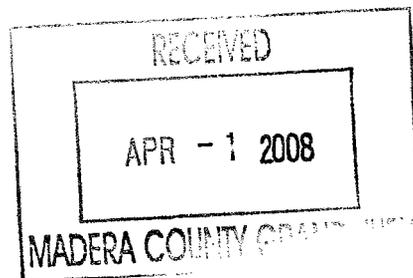
CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0653 FAX: (916) 574-0682



March 21, 2008

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



Re: Grand Jury Final Report, Flood Control

Dear Members of the Grand Jury:

The State of California, Central Valley Flood Protection Board (Board), successor to the Reclamation Board, has received the Madera County Grand Jury report entitled, "2007-2008 MADERA COUNTY GRAND JURY FINAL REPORT, MAINTENANCE OF THE FLOOD CONTROL WATERWAYS AS AGREED TO IN 1977."

The transmittal letter sent with the report requests a response from the Board "in accordance with California Penal Code Section 933.05(a) and (b)," and characterizes the Reclamation Board as one of the agencies from whom a response is due. The Central Valley Flood Protection Board respectfully disagrees that it is required to respond pursuant to Penal Code Section 933 or 933.05. Section 933 (a) provides that the grand jury shall submit a final report of its findings and recommendations "that pertain to county government matters." The final report may be submitted for comment to responsible officers, agencies, or departments, including the County Board of Supervisors, which in context means, the officers, agencies, or departments of the county. Section 933(c) provides that no later than 90 days after the grand jury submits a final report "on the operations of any public agency *subject to its reviewing authority* [emphasis added]," the governing body of the public agency shall comment on the findings and recommendations pertaining to matters under its control. The State of California, including the Central Valley Flood Protection Board, is not subject to the reviewing authority of the Madera County Grand Jury. (See 76 Ops.Cal.Atty.Gen.70 (1993) [grand jury is given oversight powers with respect to county, city, and district affairs, but State agencies are outside the scope of Penal Code sections 925, 928, and 933]). Since the Board is not subject to the reviewing authority of the Madera County Grand Jury, it is not required to respond to the findings and recommendations of the report.

Nonetheless, in a spirit of cooperation, the Central Valley Flood Protection Board offers the following responses to those findings and recommendations which pertain to the Board:

Finding: On April 7, 1970, an agreement was reached between the Madera County Flood Control and Water Conservation (Agency) and the Reclamation Board to clear the waterways and return the water flow capacity to the 1959 standards (the Chowchilla River Project (CRP). This project was assigned to the U. S. Army Corps of Engineers (Corps).

Madera County Grand Jury

March 21, 2008

Page 3

Response: The Board agrees with the recommendation that the Agency review existing agreements with the Reclamation Board, now the Central Valley Flood Protection Board, and take immediate action to comply with provisions of said agreements.

If you have any questions, please contact Dan Fua, Supervising Engineer, at (916) 574-0698.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin F. Carter". The signature is written in a cursive style with a large initial "B" and "C".

Benjamin F. Carter
President

AGREEMENT

THIS AGREEMENT, made and entered into by and between THE RECLAMATION BOARD of the State of California (hereinafter referred to as the "Board") and the MADERA COUNTY FLOOD CONTROL AND WATER CONSERVATION AGENCY (hereinafter referred to as the "Agency"), on the 7th day of April, 1970, in view of the following circumstances:

WHEREAS, the Congress of the United States, by Public Law 87-874 approved October 23, 1962, authorized the Buchanan Reservoir, Chowchilla River, California, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Number 98, 87th Congress; and

WHEREAS, the State of California authorized the project for Buchanan Reservoir and channel improvement on the Chowchilla River (section 12648.4 of the Water Code) and authorized the Board to give satisfactory assurances to the Secretary of the Army that the required local cooperation be furnished by the State in connection with the aforesaid project (section 12657 of the Water Code); and

WHEREAS, the State Legislature has authorized the Board to acquire the lands, easements and rights-of-way necessary for construction of supplemental channel improvements for said project in accordance with the authorized plans on the Chowchilla River (hereinafter referred to as "local project") and has appropriated funds to commence acquisition of said lands, easements and rights-of-way; and

WHEREAS, the Board is not authorized to expend any funds upon the local project until a public agency, other than the Board, has assumed the obligation of maintenance and operation of the works, the obligation to hold the United States harmless from damages due to construction of the works, directly with the United States, or has by agreement with the Board agreed to assume the said obligations, and to hold the State of California and the Board harmless from any claims therefor; and

WHEREAS, Congress has appropriated funds necessary to commence design of the project by the Corps of Engineers, U. S. Army; and

WHEREAS, the proposed project will be beneficial to the lands and properties located with the boundaries of the Agency;

NOW, THEREFORE, IT IS HEREBY AGREED:

1. (a) The Board, as funds are authorized by the State Legislature and become available to the Board for expenditure, will acquire, without cost to the Agency, such lands, easements, and rights-of-way as may be necessary for the construction of the local project as authorized by section 12648.4 of the Water Code of the State of California, or as subsequently modified, provided, however, that lands, easements, and rights-of-way owned by the Agency at the date of this agreement, and utilized for or occupied by levee and channel improvements or other flood control project works within the boundaries of the local project shall be conveyed, without charge, by the Agency to the Sacramento and San Joaquin Drainage District for joint use by the Board and the Sacramento and San Joaquin Drainage District for flood control and reclamation purposes prior to certification to the Corps of Engineers by the Board that construction may commence.

(b) Any easement or right-of-way owned or possessed by a public agency other than the Agency which is necessary for project operation and which is within the project area on the Chowchilla River, shall be acquired in such manner as to allow the continued use thereof by such public agency for the purpose theretofore devoted if such continued use is possible under the flood control criteria. Such acquisition shall be made by the State Reclamation Board by agreement, or failing agreement, by condemnation, if such is allowed by law, from such other public agency; provided that if such easements or rights-of-way are acquired by joint use agreements, such agreements, to the extent that they affect the maintenance or operation of the flood control facilities, shall be subject to the approval of the Agency prior to execution.

2. (a) The Board and the Agency hereby accept the plans and specifications prepared by the Corps of Engineers for the local project.

WHEREAS, the proposed project will be beneficial to the lands and properties located with the boundaries of the Agency;

NOW, THEREFORE, IT IS HEREBY AGREED:

1. (a) The Board, as funds are authorized by the State Legislature and become available to the Board for expenditure, will acquire, without cost to the Agency, such lands, easements, and rights-of-way as may be necessary for the construction of the local project as authorized by section 12648.4 of the Water Code of the State of California, or as subsequently modified, provided, however, that lands, easements, and rights-of-way owned by the Agency at the date of this agreement, and utilized for or occupied by levee and channel improvements or other flood control project works within the boundaries of the local project shall be conveyed, without charge, by the Agency to the Sacramento and San Joaquin Drainage District for joint use by the Board and the Sacramento and San Joaquin Drainage District for flood control and reclamation purposes prior to certification to the Corps of Engineers by the Board that construction may commence.

(b) Any easement or right-of-way owned or possessed by a public agency other than the Agency which is necessary for project operation and which is within the project area on the Chowchilla River, shall be acquired in such manner as to allow the continued use thereof by such public agency for the purpose theretofore devoted if such continued use is possible under the flood control criteria. Such acquisition shall be made by the State Reclamation Board by agreement, or failing agreement, by condemnation, if such is allowed by law, from such other public agency; provided that if such easements or rights-of-way are acquired by joint use agreements, such agreements, to the extent that they affect the maintenance or operation of the flood control facilities, shall be subject to the approval of the Agency prior to execution.

2. (a) The Board and the Agency hereby accept the plans and specifications prepared by the Corps of Engineers for the local project.

(b) The Board and the Agency will neither accept nor initiate changes in said plans without the consent of the other, insofar as each has such jurisdiction with regard to such changes.

(c) Changes to the plans and specifications made by the Corps of Engineers subsequent to this agreement shall be part of the accepted plans and specifications.

(d) Upon notification to the Board by the Corps of Engineers that construction of the local project is about to be completed, an inspection of the local project is to be made. The Board shall invite the Agency to participate in such inspection and shall give prompt written notice thereof.

(e) Upon completion of the project in accordance with the plans and specifications, the Board and the Agency shall accept the project for operation and maintenance by the Agency.

3. (a) The Agency shall maintain and operate the local project or any unit thereof upon completion of the project substantially in accordance with the plans and specifications therefor and the acceptance by the Board and the Agency of the local project.

(b) Said operation and maintenance shall be in full and complete compliance with the regulations prescribed by the Secretary of the Army, including but not limited to those prescribed in the Code of Federal Regulations and the Corps of Engineers Standard Operation and Maintenance Manual; copies and amendments thereto shall be lodged with the Clerk for the County of Madera by the Board.

4. The Agency shall operate and maintain the channel of the Chowchilla River from Buchanan Dam to the local project in such manner as to provide in said channel the capacity thereof prevailing in 1959. In the event the present capacity of the Chowchilla River channel from Buchanan Dam downstream to the local project is less than that prevailing in 1959, the Agency shall restore the capacity to that prevailing in 1959.

5. Upon completion the Agency shall hold and save the United States, the State of California, and the Reclamation Board of the State of California, their successors or assigns, free and harmless from:

(a) Any and all claims arising out of or in connection with the aforesaid obligations assumed and agreed upon by the Agency with regard to the local project.

(b) From damage due to the construction works as shown on the plans for the local project and as actually constructed and due to the operation and maintenance of said works and the local project from and after the awarding of any contract by the Corps of Engineers for construction pursuant to the plans or any portion of said plan.

(c) The Agency shall defend the State of California and the Board in all proceedings upon claims for such damage on the written request of the Board.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first hereinabove mentioned.

THE RECLAMATION BOARD OF THE
STATE OF CALIFORNIA

By ALFRED A. SOUZA Vice Pres.

By RONALD R. HARRINGTON
Sect'y

MADERA COUNTY FLOOD CONTROL AND
WATER CONSERVATION AGENCY

By HAROLD BALMAT
Chairman
Board of Directors

ATTEST:

EVELYN C. BRANSTETTER (SEAL)
~~Acting~~ Clerk, Board of Directors

By UARDA PEZALLA
Deputy Clerk

EXTRACT FROM MINUTES OF MEETING OF
THE RECLAMATION BOARD
May 8, 1970

GENERAL

- b. Assurance Agreement with Madera County Flood Control and Water Conservation Agency on the Buchanan Reservoir Project on the Chowchilla River.

Upon motion by Mr. Harrington, seconded by Mr. Hamatani, and carried unanimously, the Assurance Agreement was approved and accepted, and the Vice President and Secretary were authorized to execute the same on behalf of the Board.

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.
Office of The Reclamation Board)

I, JOHN V. PAYNE, Assistant Secretary of The Reclamation Board, do hereby certify that the above is a true and correct extract from the Minutes of the meeting of said Board held on May 8, 1970.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of The Reclamation Board this 11th day of May, 1970.

(SEAL)



JOHN V. PAYNE
Assistant Secretary
The Reclamation Board

SRB 016

ORIGINAL
RETURN TO
BOARD

MADERA COUNTY CONTRACT NO. _____

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THIS AGREEMENT made by and between the MADERA COUNTY FLOOD CONTROL AND WATER CONSERVATION AGENCY, hereinafter called "AGENCY", and the CHOWCHILLA WATER DISTRICT, hereinafter called "DISTRICT", as follows:

W I T N E S S E T H :

WHEREAS, prior hereto AGENCY on the 7th day of April, 1970, entered into an agreement with the Reclamation Board of the State of California, relative to flood control on the Chowchilla River and its distributaries, Ash and Berenda Sloughs, and

WHEREAS, at the time of execution of said agreement the bifurcation structure hereinafter described was not a part of the project to be constructed by the United States Corps of Engineers, and

WHEREAS, the Chowchilla Water District owns a structure at the point of bifurcation of Ash Slough and Berenda Slough, which said structure is used by District to regulate the flows, other than flood flows, passing down Ash Slough and Berenda Slough, and

WHEREAS, the Corps of Engineers determined that the structure did not meet the flood control criteria proposed for the Chowchilla River System, and determined to construct a new bifurcation structure to replace the one owned by the District, and

WHEREAS, after construction of said structure by the Corps of Engineers, title thereto will be transferred to the Reclamation Board of the State of California, and upon approval of said structure by AGENCY pursuant to said agreement dated the 7th day of April, 1970, title to said structure will be transferred from the Reclamation Board to AGENCY, and

WHEREAS, it is the desire of the parties that title to said structure shall be transferred from AGENCY to DISTRICT pursuant to the terms of this agreement, and

1 WHEREAS, it is the mutual desire of the parties to
2 provide for certain services by DISTRICT to AGENCY in connection
3 with flood control on the Chowchilla River System, and to provide
4 for maintenance, repair and reconstruction of the new bifurcation
5 structure.

6 NOW, THEREFORE, in consideration of the terms, covenants
7 and agreements hereinafter set forth, IT IS AGREED by and between
8 the parties hereto as follows:

9 1) Title to Bifurcation Structure:

10 At such time as AGENCY has approved and accepted title to
11 the bifurcation structure from the Reclamation Board, AGENCY
12 agrees to immediately transfer title thereto to DISTRICT. At
13 such time as AGENCY has approved and accepted the new bifurcation
14 structure constructed by the Corps of Engineers, title thereto
15 shall immediately pass from AGENCY to DISTRICT and this document
16 shall constitute a grant of such title.

17 2) Operation of Bifurcation Structure:

18 DISTRICT hereby agrees to operate the bifurcation
19 structure for irrigation purposes in such manner as shall be
20 determined by DISTRICT and to operate the bifurcation structure
21 for flood control purposes in accordance with the Corps of
22 Engineers' operation and maintenance manual. The cost of
23 operation for both irrigation and flood control purposes insofar
24 as the furnishing of labor is concerned shall be borne solely
25 by the District.

26 3) Maintenance, Repair and Replacement:

27 DISTRICT shall perform the necessary work for maintenance,
28 repair and replacement of such structure, but the cost thereof
29 shall be borne by AGENCY, except as to any maintenance, repair
30 or replacement caused by the misoperation, negligence or neglect
31 of DISTRICT. DISTRICT shall not perform any unreasonable
32 maintenance or repair work and before any replacement of the

1 entire structure, if such replacement is required by DISTRICT,
2 shall submit plans and specifications to AGENCY for its approval
3 thereof, which said approval shall not be unreasonably withheld.

4 Upon performance by DISTRICT of repair or replacement
5 work, it shall bill AGENCY therefor, which said bill shall be
6 promptly paid by AGENCY, provided that the work was reasonably
7 and necessarily required for the maintenance, repair or recon-
8 struction of said structure.

9 4) Patrolling During Floods:

10 Within the boundaries of DISTRICT, DISTRICT agrees
11 that it will provide, at its cost and expense, a reasonable
12 number of persons to patrol the Chowchilla River System for
13 the purpose of ascertaining breaks in levees or dikes, and further
14 agrees that to the extent it has equipment and personnel available
15 to make emergency small repairs to strengthen or repair flood
16 control banks or dikes. All of the foregoing to be performed at
17 DISTRICT's cost and expense. DISTRICT further agrees to notify
18 AGENCY of any breaks or weaknesses which the DISTRICT does not
19 have facilities to repair, and to cooperate with AGENCY on
20 emergency replacement or repair thereof.

21 Nothing herein contained shall require DISTRICT to
22 assist AGENCY in long term maintenance, repair or replacement of
23 any portion of the Chowchilla River Flood Control System, but
24 the obligations of DISTRICT herein set forth shall apply only
25 to emergency situations during flood periods. Except as herein
26 modified by emergency repairs, AGENCY's obligations under the
27 agreement with the Reclamation Board dated the 7th day of April,
28 1970, shall remain in full force and effect.

29 5) Hold Harmless:

30 It is agreed between the parties hereto that DISTRICT
31 shall hold AGENCY harmless from any claims, obligations, or
32 damages which are the sole, direct and proximate result of

1 DISTRICT's failure to operate the bifurcation structure in
2 accordance with the operation manual therefor established by
3 the Corps of Engineers. DISTRICT, however, shall not hold
4 AGENCY harmless for failure to perform any other provision of
5 this agreement expressly, but not limited to DISTRICT's failure
6 or inability to perform emergency repairs in dikes or levees.

7 6) General Provisions:

8 This agreement shall be binding upon and inure to the
9 benefit of the successors and assigns of the parties hereto.

10 In the event that either party to this agreement commences
11 or maintains or defends any action for a breach of this agreement
12 or to enforce the terms hereof, the prevailing party in such
13 action shall be entitled to reasonable attorney's fees and costs
14 as determined by the Court therein.

15 IN WITNESS WHEREOF the parties hereto have hereunto
16 set their hands this 6th day of December, 1977.

17 CHOWCHILLA WATER DISTRICT

18 By [Signature]
19 [Signature]
20 "DISTRICT"

21 MADERA COUNTY FLOOD CONTROL AND
22 WATER CONSERVATION AGENCY

23 By [Signature]
24 Chairman
25 Board of Directors
"AGENCY"

26 ATTEST:

27 EVELYN C. BRANSTETTER

28 By [Signature]
29 Deputy Clerk
30
31
32

THE RECLAMATION BOARD

331 Hill Camino Ave., Rm. LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0653 FAX: (916) 574-0682



Date: April 4, 2007
To: Federal Flood Control Project Maintaining Agencies
Subject: Compliance with U.S. Army Corps of Engineers Flood Control Project Maintenance Policy Guidance

On September 26, 2006, the U.S. Army Corps of Engineers (Corps) released a policy guidance memorandum stating that any project component which had been found to have one or more maintenance deficiencies rated by the Corps as "unacceptable" would no longer be eligible for Public Law 84-99 rehabilitation assistance. The memo also indicated that such a finding may lead to a determination by FEMA that the project no longer provides base (1-percent-annual-chance) flood protection.

The Corps' Sacramento District notified the Reclamation Board and DWR that it had created a list of 36 State of California sponsored projects, each with at least one maintenance deficiency resulting in an "unacceptable" rating. A public workshop was held in Sacramento on December 20, 2006 to discuss this information with all Local Maintaining Agencies (LMAs) and other interested parties. Since then, the Corps and DWR have performed verification inspections for 10 of the LMAs with the least serious deficiencies and determined that 8 districts should be removed from the list. Please refer to the attached letter from the Corps to determine if your district is on the list.

More recent Corps policy guidance (attached) states that each LMA rated as "unacceptable" due to poor maintenance, will remain active and retain rehabilitation assistance for one year from the date of the Corps' notification letter if a correction plan is submitted within three months. If your district has been rated "unacceptable" due to poor maintenance, then your district is identified on the attached Corps list, and you must submit a correction plan to the Reclamation Board by May 15, 2007 in accordance with the guidelines below:

1. Each correction plan must include:
 - a. A schedule for correcting the noted deficiencies within the one year period,
 - b. A summary of the interim actions, which include an evacuation plan that will be implemented to reduce the flood risk created by the deficiencies,
 - c. An outreach plan to notify the public of the deficiencies and planned correction process.
2. If the correction plan is approved by the Corps District Commander, the project shall maintain an "active" status in the Rehabilitation and Inspection Program during the one year period.

3. If the correction plan is not received within the three month period, the District Commander determines the work cannot reasonably be completed within one year, or at any time the plan is not fully implemented as approved, the project status will be declared "inactive" and immediately become ineligible for PL 84-99 rehabilitation assistance.

After correction of all deficiencies, your office should contact DWR to request a joint inspection of the project for re-evaluation of your rating. If the project is found to be "acceptable" or "minimally acceptable" after re-inspection, the project will retain its "active" status. In the event that the project enters into "inactive" status, all deficiencies will need to be corrected and the project must receive at least a "minimally acceptable" inspection rating before the projects' status can be changed to "active". Correcting the maintenance deficiencies within the one year period does not imply that the levee meets certification requirements for FEMA's National Flood Insurance Program or meets eligibility for FEMA's Provisionally Accredited Levee Program. LMAs are encouraged to continue to partner with FEMA throughout the notification process. Corps emergency flood fighting assistance will continue to be available to all LMAs regardless of eligibility status.

The Corps of Engineers' Sacramento District will continue conducting inspections to verify the quality of maintenance being performed by LMAs throughout the system. Those found by the Corps to have deficient maintenance will be included on subsequent maintenance deficiency lists. Correspondence from Corps Headquarters indicates that the one-year grace period will not be available and that loss of PL 84-99 rehabilitation coverage will occur immediately with the release of each future list.

Each LMA has been given a copy of its Corps inspection report identifying its deficiencies. If your LMA is on the list and you do not have this information, please contact Mr. Robert Trang at (916) 574-0314 or rtrang@water.ca.gov immediately. To allow for processing time, please submit complete correction plans for your project component by May 15, 2007 to the Reclamation Board at the following address:

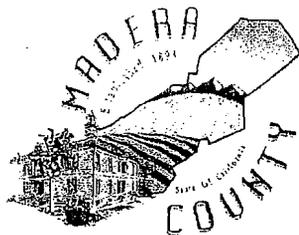
THE RECLAMATION BOARD
3310 El Camino Ave., Rm. LL40
SACRAMENTO, CA 95821

If you have any questions regarding this matter, please contact Jim Eckman at jeckman@water.ca.gov or (916) 574-2020.

Sincerely,

Dean S. Punia
v S. Punia for

Attachments



RESOURCE MANAGEMENT AGENCY
DEPARTMENT OF ENGINEERING
AND GENERAL SERVICES
S. Greg Farley PE, County Engineer

2037 W. Cleveland Avenue
Madera, CA 93637-8720
(559) 661-6333
FAX (559) 675-7639
Greg.farley@madera-county.com

DATE: July 11, 2007

TO: Board of Supervisors

THROUGH: S. Greg Farley PE, County Engineer *OA for [signature]*

FROM: Kevin S. Ham PE, Assistant County Engineer *OA for RAH*

SUBJECT Status Report Regarding Madera County Compliance with US Army Corps of Engineers Flood Control Project Maintenance Policy Guidance.

RECOMMENDATION

The purpose of this report is informational only. No action by your Board is required.

DISCUSSION

Your Resource Management Agency, Department of Engineering and General Services staff is preparing a correction plan as a part of our response to a letter dated April 4, 2007, from the State of California Reclamation Board (see attached). Per their correspondence, the Chowchilla River, Ash, and Berenda Slough waterways have been found to have one or more maintenance deficiencies. These deficiencies have been rate by the US Army Corps of Engineers (Corps) as unacceptable. An unacceptable rating of this type means the facility would no longer be eligible for Public Law 84-99 rehabilitation assistance. Such a finding may lead to a determination by the Federal Emergency Management Agency (FEMA) that the Corps Project related facility no longer provides base (1-percent-annual-chance) flood protection. We must submit a correction plan to the Reclamation Board by May 15, 2007 and implement it within one year. On May 7, 2007 our Madera County Office of Emergency Services requested a 90-day extension to submit the correction plan. The Reclamation Board has acknowledged our extension request and granted it in a letter dated June 29, 2007, to the Corps.

Our correction plan must be in accordance with the following guidelines:

1. Each correction plan must include:
 - A schedule for correcting the noted deficiencies within the one year period.
 - A summary of the interim actions, which include an evacuation plan that will be implemented to reduce the flood risk created by the deficiencies.
 - An outreach plan to notify the public of the deficiencies and planned correction process.

2. If the correction plan is approved by the Corps' District Commander, the Corps Project shall maintain in "active" status in the Rehabilitation and Inspection Program during the one year period.

3. If the correction plan is not received within the three month period, the District Commander determines the work cannot reasonably be completed within one year, or at any time the plan is not fully implemented as approved, the Corp Project status will be declared "inactive" and immediately become ineligible for Public Law 84-89 rehabilitation assistance.

In the event that Corps Projects enter into the "inactive" status, all deficiencies will need to be corrected and receive a "minimally acceptable" inspection rating before the Corps Projects' status can be changed to "active". Regardless of our eligibility to receive rehabilitation assistance, we will remain eligible to receive flood fighting assistance to protect life and property in the event State and local resources are overwhelmed during times of emergencies.

At a minimum our correction plan will require vegetation management, sedimentation removal, and levee profile maintenance. Additional work will include mitigating encroachments to these facilities. Some of the levee profile maintenance will require correction of encroachments before the work may begin. The first order of work for these waterways includes vegetation management and sedimentation removal. The second order of work will include levee profile maintenance and removal of un-permitted encroachments.

The estimated unit costs for the first order of work are as follows:

- Vegetation management is \$50,000 per mile of waterway and is a combination of both chemical and mechanical methods.
- Sedimentation removal is \$171,000 per mile of waterway and is an average depth of six inches per major storm event. We may be able to have large amounts removed by our Madera County Road Department and Caltrans for use in their construction projects.

The estimated unit costs for the second order of work are as follows:

- Correction of encroachments costs will be born entirely by the responsible party. This would be implemented through a citation process.
- Levee profile maintenance is \$300 per mile of waterway.

The estimated unit cost for vegetation management, sedimentation removal, and levee profile maintenance is \$221,000 per mile.

If the correction plan was for the entire length of these three waterways, the estimated costs for vegetation management, sedimentation removal, and levee profile maintenance would be as follows:

- Ash Slough at approximately 24 miles in length, the estimated cost is \$5,304,000.
- Berenda Slough at approximately 19.5 miles in length, the estimated cost is \$4,309,500.
- Chowchilla River at approximately 28 miles in length, the estimated cost is \$6,188,000.

The total estimated costs for the entire length of these waterways would be \$15,801,500.

If the correction plan was limited to address only the Corps Project length of these three waterways, the costs would be as follows:

- Ash Slough at approximately 14.2 miles, the estimated cost is \$3,138,200.
- Berenda Slough at approximately 8.9 miles, the estimated cost is \$1,966,900.
- Chowchilla River at approximately 0 miles, the estimated cost is \$0.

The total estimated costs for the Corps Project length of these waterways would be \$5,105,100.

At the time of generating this Board Letter, it was not clear if Madera County needs to provide a correction plan for the entire length or just the Corps Project related portions of these waterways. We have inquired of The Reclamation Board regarding this parameter, and our response to them with our correction plan will be pending their reply.

BACKGROUND

There were levees in place prior to the 1970's Corps Project. The waterways improvements were constructed in the early 1970's as Corps Projects. The new levees were put in place along with the irrigation facilities. The jointly used flood control and irrigation facilities in these three waterways are operated by the Chowchilla Water District. Due to these flood control facilities used also to convey irrigation water by some of the local water entities, the period between November and the following April are the only time available for vegetation management and sedimentation removal.

The Chowchilla River is also in our boundary with Merced County and they also are required to provide a similar correction plan. We are in the process of contacting Merced County to discuss coordinating the project related work.

Staff has assembled a team to respond to this matter which includes various county departments and local agencies.

FISCAL IMPACTS

We will require more than what is currently available in our Flood Control Funds (01350) for these efforts. Additional grant funds are being investigated and may require matching funds. Your Board's approval will be solicited for the formal pursuit of outside funding.

ATTACHMENTS

- April 4, 2007 letter from The Reclamation Board



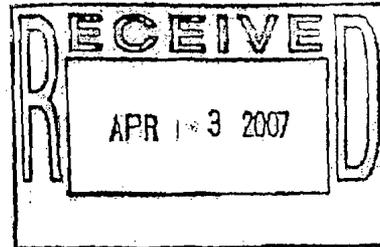
REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

March 30, 2007

Executive Office

Mr. Jay Punia, General Manager
The Reclamation Board
State of California
3310 El Camino Ave., Rm. LL40
Sacramento, California 95821



Dear Mr. Punia:

The U.S. Army Corps of Engineers has initiated a national levee inventory and assessment program to identify risks to public safety associated with levee systems across the nation. The project's inspection rating is one piece of information that will be recorded in this national database.

Concurrent with the Corps' inventory and assessment initiative, the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has embarked on a nationwide flood plain mapping program – the Map Modernization (MapMod) Program. FEMA is responsible for administering the National Flood Insurance Program (NFIP), and develops Flood Insurance Rate Maps (FIRMs) to identify areas at risk of flooding, to determine flood insurance rates, and for flood plain management activities. Through the MapMod Program, FEMA will provide the nation with digital flood hazard data and maps that are more reliable, easy to use, and readily available. As part of this process, FEMA is working with other Federal, state, and local agencies to ensure that the most up-to-date information possible is incorporated into this new digital product.

FEMA recognizes that many levees may have changed considerably or deteriorated since the current effective maps were published. As part of the remapping process, FEMA is verifying that all levees recognized as providing protection from the base flood meet the requirements outlined in Title 44 of the Code of Federal Regulations, Section 65.10 (44CFR 65.10). Deficiencies noted in the Corps' inspection could prevent these levees from meeting the operation and maintenance requirements of CFR 65.10 for certification under the NFIP.

Both agencies are working hand-in-hand throughout the inventory/assessment and MapMod initiatives to ensure all relevant information regarding levee conditions is shared among the levee maintaining agency, FEMA, and USACE.

I have attached a list of State of California sponsored projects in the Sacramento and San Joaquin Valley that have been rated as "unacceptable" due to poor maintenance (atch 1). The past periodic inspection and the latest re-inspection of these projects resulted in a project condition rating of "unacceptable". As the project sponsor, you will

be given a one year maintenance deficiency correction period. You will have one year from the date of this letter to correct the deficiencies noted in the inspection report or this project will be declared "inactive" and become ineligible to receive rehabilitation assistance under PL 84-99 (Rehabilitation and Inspection Program). A summary of the deficiencies can be found in the attached forms (atch 2).

Please submit a plan for the correction of the deficiencies within three months of the date of this letter. The plan must include: a schedule for correcting the noted deficiencies within the one year period; a summary of the interim actions, including an evacuation plan that will be implemented to reduce the flood risk created by the deficiencies; and an outreach plan to notify the public of the deficiencies and planned correction process. If the correction plan is approved by the District Commander, the project shall maintain an "active" status in the Rehabilitation and Inspection Program (RIP) for one year from the date of this letter. If the correction plan is not received within the three month period, the District Commander determines the work cannot reasonably be completed within one year, or at any time the plan is not fully implemented as approved, the project status will be changed to "inactive" and immediately become ineligible for PL 84-99 rehabilitation assistance. After correction of all deficiencies, your office should request a joint inspection of the project for re-evaluation of your ratings. If projects are found to be "acceptable" or "minimally acceptable" after re-inspection, the project will retain its "active" status.

In the event that projects enter into "inactive" status, all deficiencies will need to be corrected and the projects receive at least a "minimally acceptable" inspection rating before the projects' status can be changed to "active". We are providing a copy of this letter to the State of California, congressional members, and FEMA Region 9 as required by our regulations (ER 1130-2-530, paragraph 3-3.g). Regardless of your eligibility to receive rehabilitation assistance, you will remain eligible to receive flood fighting assistance to protect life and property in the event State and local resources are overwhelmed during times of emergency.

The Corps is available to work with you to develop your path forward. Please contact Ms. Meegan Nagy, Acting Chief, Operations-Technical Section at (916) 557-7257 for any questions or concerns.

Sincerely,



Ronald N. Light
Colonel, U.S. Army
District Engineer

Attachments

2007-2008
Madera County Grand Jury
Final Report on
GREAT WALL OF COARSEGOLD

Introduction:

Nestled in a small valley on Highway 41 at an elevation of 2,200 ft, some 30 miles north of Fresno lay the small community of Coarsegold with a total population of 7,501. Coarsegold is viewed as a quiet and pleasant place to stop and shop on ones way to Oakhurst or Yosemite. Life would appear tranquil and peaceful; however, much is abuzz about an imposing brown retaining wall that presents itself as you enter this historic mountain community.

Winding down Hwy. 41 into Coarsegold, from the South, the first thing that is noticed is what's now referred to as "The Great Wall of Coarsegold." It is a massive retaining wall that measures some 144 feet in length and stands 47 feet tall. It's an intimidating sight and little wonder it was given that nickname as in reference to the one built in China. However, any similarity to China's Great Wall is in name only.

The "Great Wall of Coarsegold" construction began in 2003 and since then has evolved into a distracting eyesore. In addition the wall has begun to erode and threaten the safety of anything that lies below it. Citizen complaints are numerous and the concern is so great that all public safety agencies in the area have developed contingency plans should the wall fail. Attempts to repair and patch have proven unsuccessful. Cracks in the structure continue to appear and if winter brings heavy rains there are fears of its collapse.

Unfortunately however, "The Wall" is only part of the story.

Findings:

As with most new building projects, no one started out with the idea of creating a problem. The Owner/Builder saw a need for a mini-storage unit in the community and proceeded to build one. At the time of its inception, construction was allowed to be, "built by right", meaning, because the builder operator was the owner of the property, he could build what he wanted within the zoning regulations and with approval by County Resource Management Agency (RMA) of his plans. The County on October 27, 2003 did advise the owner that new permit rules for the building of mini-storage units was about to change significantly and if he wished to avoid these new rules he should act swiftly.

The Owner/Builder's construction plans first called for excavation of over 10,000 cubic yards of "cut and fill" to accommodate the storage facility. The fill section, which is behind the wall, is to have a "geo-grid" mesh fabric installed at every 18 inches of elevation and tied into the stone blocks to lock the wall into place. Geo-grid mesh, which is a 2-inch square pattern material made of composites that extend into the fill area to pre-determined lengths. The stone blocks act primarily as an erosion control shield. Additionally, adding creeping landscape plants will also help in the erosion control. This type of system is considered a "weeping wall" as excess

moisture can escape through the spaces within the stacked blocks. When correctly tied together, following the manufactures specifications, this is a proven system of wall construction.

During the course of any construction project, as one phase is completed, an inspection is done by the County building department a division of RMA. Upon investigation it seems that this is where the project “hit a brick wall.” The Owner/Builder did not take action on stop-work orders and “punch lists” generated by the County inspectors. Work progressed. After addition of the second tier of blocks was completed there was a significant failure of the surface of the wall.

The property owner below the wall thought that everything was being done to County specifications. He gave permission to access his property during the initial building phase. After it was determined that the lower portion of the wall was built on his property he requested resolution through his legal counsel. He ascertained through his insurance company that if the wall failed he would be held to a certain amount of the liability. It was determined through mediation that the Owner/Builder could repair the wall if the neighboring property owner approved the design of the “fix.” The adjoining property owner has yet to see any design changes, however, he found a contractor working on the wall during a three-day weekend, patching the damaged area with re-bar. The contractor told him that he had been assured no permits were required. The adjacent property owner called the County Inspectors who immediately sent out a “stop work order.”

The Owner/Builder attempted to repair the failure on his own without benefit of engineering and a County approved permit. A blowout of stone blocks is evident at the base of the first tier. Heavy-duty steel re-bar was added to this area, which is not a normal repair for this type of system. Furthermore, the Owner/Builder hired a concrete pumping company, again without benefit of engineering and a County approved permit, and proceeded to pour thinned concrete slurry down the backside of the stone block structure. This is an area of major concern. What was designed, as a “weeping wall” no longer has that capability. Hydrostatic pressure caused by water behind the wall will have nowhere to go, defeating the purpose of this design concept.

Within the local engineering community, those interviewed have varied opinions as to proper repair solutions. Some engineers believe the wall will fail in different areas over an extended period of time and others believe a total collapse is possible. Some engineers feel that the geo-grid may have been compromised during initial repairs. One thought in common is that this is a major engineering problem that needs to be solved.

Early in 2005, the Owner/Builder was issued a correction notice from the County of Madera for lack of erosion control. After a series of storms, the hillside eroded to the point where mud and debris floated across Highway 41 and into Coarsegold Creek. One of the correction items states that this is a “STOP WORK NOTICE.” This stop work notice will be lifted after you have called for and received an inspection of all SWPPP (Storm Water Pollution Prevention Plan) features and they have been found correct and in place.” It is unclear if the Owner/Builder has taken appropriate action to comply with requirements to prevent further erosion control.

It should be noted the RMA has experienced a number of key personnel turnover during this projects construction. The department’s Director, Building Official, and several Engineers have

been terminated, resigned or have relocated to private enterprises. Internal conflict was reported and a lack of communication, intentional or not, enabled much of the problems that are present to this day.

When the RMA was asked by the Grand Jury for documents such as building permits, inspection reports, follow-up notes, and stop work orders, only one was produced. This was the initial grading permit. It is evident the POSSE program, which is an automated computer tracking workflow management system within RMA, was not utilized to its capabilities; therefore the reporting, follow-up and action taken documents were not monitored on a regular basis.

On June 22, 2006 County directed a letter to the Owner/Builder concerning his request for occupancy of some of the buildings while he used a buttressing design to fix the retaining wall. He was told, that buttressing the retaining wall is an acceptable remedy; “a permit cannot be issued because the work would be done on the adjacent property, and further, the adjacent property owner had not approved the fix. Occupancies cannot be given to any structure for the project because they do not comply with code requirements of the County”. The letter pointed out “that for life and safety reasons, no member of the public should have access to the project until all corrective measures have been completed, including the retaining wall and code violation to the structures.”

On September 18, 2006 County Assistant Engineer and County Architect & Commercial Plan Checker from the RMA conducted a site visit to make a more thorough list of corrections needed on the project before a Final Inspection could be obtained. They found no less than fifty-two code violations that needed to be addressed before a final inspection could be given. This typed report was directed to the then RMA Director.

In a letter from County RMA director to the Owner/Builders attorney dated October 19, 2006, stated “concern that the attorney had circumvented the system by going directly to the Clerk of the Board and ask that this matter be brought before the Board of Supervisors.” He further stated, “He was not in a position of comfort to make any recommendations to the Board of Supervisors at this time or will be in a position to make any recommended action at their next Board meeting of October 24th.”

In a letter dated October 21, 2006 to the Owner/Builders attorney from the RMA director, some ten specific items concerning his review of the contract between the Owner/Builder and the County were addressed. Included in these items is this statement, “I am inclined to allow a Temporary Certificate of Occupancy (TCO) because the occupancy is conditioned on the resolve of the retaining wall. All code compliance issues have to be addressed and corrected before even the allowance of a TCO.” It is further noted that the Owner/Builder stated in a public meeting in April of 2005, “that he would have a resolve of the wall by October of the same year. Here it is, a year after that statement and the wall is no further along being addressed to everyone’s satisfaction than it was a year ago”.

After legal mitigation between the two parties, the neighbor was given final approval on any design that might take place to find a solution to the structural deficiencies of the retaining wall. As of this date the adjacent property owner has approved no design. However, the owner/builder

was given a TCO on the advice of County Counsel to the Board of Supervisors to allow them to conduct business in three of the four buildings on top of the structure. The County took the view that the owner-builder needed to be able to make money at his business in order to be able to pay to fix the problems caused by his business. The Grand Jury questions why the County would bend over backwards for a business when that business had not shown any good faith with the County building process.

As a way to mitigate this growing problem, County Counsel drafted a contractual agreement with the concurrence of the owner's attorney and the Board of Supervisors with all parties signing on October 31, 2006. It gave the Owner/Builder one year's time to find a solution, or eighteen months if the wall needed to be re-located. Further, in the body of the agreement it offered the owner a "conditional use permit" for buildings A-B & the office. A stipulation of this contractual agreement was for the owner to provide County with a \$200,000 letter of credit. Additionally, six months later the owner was to provide to the County a second letter of credit for \$200,000 for a grand total of \$400,000.

The first \$200,000 letter of credit was made available to the County through the owners insurance company on November 3, 2006, however, no one in any department within the County assumed or was given the responsibility to follow and track payment of the second letter of credit for \$200,000. Consequently, only the one letter of credit exists to this date for County to fall back on should County be forced to correct all the mistakes that exist at this site. One interesting aspect of the second letter of credit is, when discussing the matter with County Officials, no one was sure that the County had obtained even the first letter of credit.

To add additional confusion over this structure is the fact that it is built around an existing pioneer cemetery. The ancestors of those interred individuals came to Coarsegold in the spring of 2005 to visit the graves. "We were totally shocked to see the construction project in process and to see the impact it was having on the Krohn Cemetery." One of the ancestors stated, he "had not been contacted by the developer regarding plans for that site and you can imagine our surprise and disgust." "There were and are large boulders pushed up against the pipe fence, the fence is bent and broken in one area." Letters were exchanged with the Owner/Builder and the ancestors were given permission for all family members to have access to the cemetery but the boulders and fence issues were not assured. At this writing, the large boulders have not been relocated.

In a letter sent to the Owner/builder from the RMA in March 2007, it was reiterated that nothing had been done to remedy this issue of the cemetery, nor others, such as:

1. "Repair and reconstruction of the structural portion of the retaining wall showing signs of distress."
2. "Your wall must be constructed on property that you either hold in fee title or upon property that you have possession of an easement for this purpose. The refusal of any other party to grant to you an easement for location of your wall will not be accepted as a legitimate reason for delay or basis for a timed extension for work to your retaining wall."
3. "Completion of all storm water detention and storm water conveyance facilities associated with your proposed storage facility."

4. "Completion of all improvements related to the construction of your proposed storage facility to current building codes."

The Owner/Builder has established two additional facets to the business, a UPS packaging and shipping station and a U-Haul rental facility. One major issue is that the parking space is inadequate for these retail services along with the U-Haul trucks parked in a fire lane, blocking access. The second major issue is that a business license does not exist for either UPS or U-Haul. We believe these to be in violation of applicable laws as they would be separate taxable entities. Additionally, signage of business activities in the form of banners hanging from the wall is in direct violation of County ordinances.

Conclusion:

It is very obvious that little or no attempt has been made to correct any of the issues on the site. The wall structure remains un-repaired; the structures have not been brought up to current building codes of the American with Disabilities Act (ADA), including railings, approaches, landings and handicapped parking space requirements. Several other codes have been violated including, but not limited to, unfenced access to the walls' upper edge, and erosion control measures on a hill above the office area.

Our interviews with County officials revealed that the County is anticipating the Owner/Builder will go into foreclosure and/or file bankruptcy. In this scenario, the titleholder would be responsible for repairs of the wall and structures.

Unfortunately, for the citizens of Coarsegold and Madera County this has become a grand fiasco. What the Owner/Builder envisioned was a retaining wall of interconnecting blocks, covered in cascading green vines, something Coarsegold residents would be proud to see. In reality the Owner/Builder should have relied more on expertise from qualified engineers. The Grand Jury concludes that the County officials should have not tried to be overly accommodating to the Owner/Builder and held him to the same high standards that they require from all citizens of the County, such as not permitting a TCO to be issued in a non-compliant facility.

The goal of compliance or removal and re-structuring of this wall has yet to be achieved because the Owner/Builder has failed to comply in any way with the agreement reached on October 31, 2006 with the County. Additionally, all "County Notices of Violation" of the mini storage business have yet to be complied with while occupancy of buildings A- B & the Office remain actively in use. It appears to the Grand Jury that the Contractor ignored building code requirements due to the County failing to follow-up on Notices of Violation. Since there appears to be no teeth in the "Notices," why should any contractor care what County thinks? This is abundantly evident with the current results in this case.

The Citizenry of Madera County and especially Coarsegold have been waiting five years to see some results on this important issue and none have been forthcoming. RMA officials may not wish to appear draconian, arbitrary or impatient when it comes to enforcement of code regulations, however, those regulations and standards, established by law, must be monitored, enforced and not allowed to be violated beyond the required correction due date. Immediate

follow up action for all aspects of construction violations should be in place to force and compel a contractor to comply. Failure to do so can easily be interpreted by a contractor as a free pass.

This Grand Jury believes the recent appointment of the current RMA Director may bring about appropriate changes and guidance needed within this department.

Recommendations:

Violations at any project that does not conform to County building codes, be “red tagged” and enforced immediately if the “Notice to Comply” goes ignored.

Enforcement of penalties and fines for continued violation of building codes should be in place.

Levy additional charges against repeat violators for expenses incurred as a result of frequent inspections and administrative costs.

If permits expire, projects cannot go ignored without red flags being raised. A means to monitor on a regular basis must be in place to assure no further activity takes place on site until a resolution has been reached.

Require all activity; including violations and correspondence be reported on the POSSE program as a reference guide for any questions, which may arise.

In future, all County building inspectors and personnel of the RMA should be required to continually review POSSE changes and upgrades as it relates to any given project.

County must put in place a follow-up system that will insure contractual stipulations such as additional letters of credit are complied with. In this case, none existed, resulting in the failure to monitor and obtain the second letter of credit for \$200,000. Had this been closely monitored, immediate action could have been taken resulting in either payment or canceling the contractual agreement.

Responses:

Madera County Board of Supervisors
200 West 4th St. Madera 93637

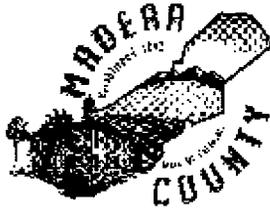
Madera County Resource Management Agency
2037 W. Cleveland Ave 93637

Office of Emergency Services
3650 Schriever, Ave Mather 95655

California Department of Rehabilitation (ADA)
Calif. Dept. of Insurance
300 Capitol Mall, Ste. 1600
Sacramento 98514

Calfire
1416 9th St. or P.O. Box 944246
Sacramento 04244-2460

Storm Water Division of California
Central Valley Regional Water Board
11020 Sun Center Drive #200
Rancho Cordova 95670



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-1700 / FAX (559) 673-3302 / TDD: (559) 675-8970

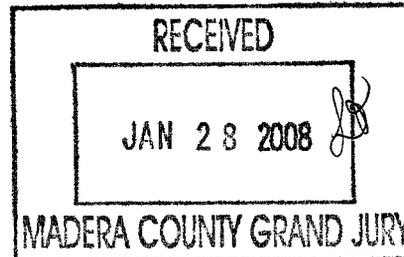
MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WITTEBER

cc: Madera County Committee

Taura Boyd, Clerk of the Board

January 22, 2008



The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2007-08 Grand Jury Final Report on the
"Great Wall of Coarsegold."**

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The Grand Jury has requested a response to Recommendations in the 2007-08 Madera County Grand Jury Final Report on the "Great Wall of Coarsegold." (See Attachment #1).

The following are the Grand Jury's recommendations within their Final Report, and the Board's response to each recommendation:

Grand Jury Recommendation #1

Violations at any project that do not conform to County building codes, be "red tagged" and enforced immediately if the "Notice to Comply" goes ignored.

Grand Jury Recommendation #2

Enforcement of penalties and fines for continued violation of building codes should be in place.

Grand Jury Recommendation #3

Levy additional charges against repeat violators for expenses incurred as a result of frequent inspections and administrative costs.

Grand Jury Recommendation #4

If permits expire, projects cannot go ignored without red flags being raised. A means to monitor on a regular basis must be in place to assure no further activity takes place on site until a resolution has been reached.

Grand Jury Recommendation #5

Require all activity, including violations and correspondence, be reported on the POSSE program as a reference guide for any questions, which may arise.

Grand Jury Recommendation #6

In the future, all County building inspectors and personnel of the RMA should be required to continually review POSSE changes and upgrades as it relates to any given project.

Grand Jury Recommendation #7

County must put in place a follow-up system that will insure contractual stipulations such as additional letters of credit are complied with. In this case, none existed, resulting in the failure to monitor and obtain the second letter of credit for \$200,000. Had this been closely monitored, immediate action could have been taken resulting in either payment or canceling the contractual agreement.

Board of Supervisors' Response to Grand Jury Recommendations

The responses of the Director of the Resource Management Agency Planning Department to the above

recommendations are considered appropriate and is submitted as the Board of Supervisors' response to these Recommendations. (See Attachment #2)

Sincerely,

Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments



RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

Rayburn Beach, Director

2037 W. Cleveland Avenue
Mail Stop G
Madera, CA
(559) 675-7821
FAX (559) 675-6573
TDD (559) 675-8970
rnc_planning@madera-county.com

DATE: December 19, 2007
TO: Stan Koehler
Assistant Administrative Officer
FROM: Ray Beach *RB*
RMA/Planning Director
SUBJECT: Grand Jury Report – "Great Wall of Coarsegold"

I have reviewed the 2007-08 Grand Jury final report concerning the "Great Wall of Coarsegold" and have the following response:

The 2007-08 Madera County Grand Jury Final Report – "Great Wall of Coarsegold"

Grand Jury Recommendation #1

Violations at any project that do not conform to County building codes, be "red tagged" and enforced immediately if the "Notice to Comply" goes ignored.

RMA Response to the Grand Jury #1

RMA's current procedures implement the Grand Jury's recommendations.

A policy is currently in place for Stop Work Orders and Violation Investigations. This is referred to as P&P #106. (See attached)

When a red tag is posted on the property, a red flag is entered into Posse. After 30 days a certified letter is sent to the property owner concerning the red tag. If the property owner does not contact RMA within another 30 days, the red tag is forwarded to code enforcement for action.

Grand Jury Recommendation #2

Enforcement of penalties and fines for continued violation of building codes should be in place.

RMA Response to the Grand Jury #2

The RMA currently enforces penalties and fines for continued violation of building codes.

Currently, investigative fees are in place for projects started without permits. This is also known as double fees. Basically, we double the permit fees before the approved plans are issued. See P&P # 106. Code Enforcement has a policy based on Madera County Code chapter 8.01 which stipulates the administrative citations and penalties which are currently enforced. See attached.

Grand Jury Recommendation #3

Levy additional charges against repeat violators for expenses incurred as a result of frequent inspections and administrative costs.

RMA Response to the Grand Jury #3

RMA currently has processes for implementing the Grand Jury's recommendation.

Code Enforcement has a policy based on Madera County Code chapter 8.01 which stipulates the administrative citations and penalties which are currently enforced. See attached. Planning Department also enforces penalty fees for projects done without proper approvals being in place.

Grand Jury Recommendation #4

If permits expire, projects cannot go ignored without red flags being raised. A means to monitor on a regular basis must be in place to assure no further activity takes place on site until a resolution has been reached.

RMA Response to the Grand Jury #4

RMA is currently in the process of monitoring project permits, on a regular basis, to halt on-site activity until a resolution has been reached.

A policy is currently in place for Expired Permits. This is referred to as P&P # 108. See attached.

The Posse program currently has a report process that will print out all permits that have exceeded their processing time limits (expired permits).

Grand Jury Recommendation #5

Require all activity, including violations and correspondence, be reported on the POSSE program as a reference guide for any questions, which may arise.

RMA Response to the Grand Jury #5

RMA currently includes violations, correspondence and reports in POSSE as a reference guide to any questions which may arise.

Department procedures are currently in place under P&P's #106 and #108. Also, any correspondence with customers is entered into POSSE as a permanent record.

Grand Jury Recommendation #6

In the future, all County building inspectors and personnel of the RMA should be required to continually review POSSE changes and upgrades as it relates to any given project.

RMA Response to the Grand Jury #6

RMA agrees with the recommendation and all County building inspectors and other appropriate RMA personnel will be required to continually review project-related revisions as maintained in the POSSE database. The Planning Department staff, as a part of the approval of any entitlement (zoning or building), reviews Posse for all other projects (entitlements and violations) thru the Posse system and prior GIS computer mapping systems to assure compliance with County codes and standards.

Grand Jury Recommendation #7

County must put in place a follow-up system that will insure contractual stipulations such as additional letters of credit are complied with. In this case, none existed, resulting in the failure to monitor and obtain the second letter of credit for \$200,000. Had this been closely monitored, immediate action could have been taken resulting in either payment or canceling the contractual agreement.

RMA Response to the Grand Jury #7

RMA agrees with the recommendation and is in the process of implementation.

If you have any further questions, please feel free to contact me at 661-6333.



RESOURCE MANAGEMENT AGENCY Engineering and General Services

Building Division

Ray Bacon, Director
Greg S. Farley, P.E., County Engineer
Jeff Janes, C.B.O., County Building Official

• 2057 W. Cleveland Avenue
• Madera, CA 93637
• (559) 675-7917
• FAX (559) 675-7593
• engineering@madera-county.com

Boes Lake Office
• 4767 Road 274
• Boes Lake, CA 93604
• (559) 942-3203
• FAX (559) 936-6556

POLICY AND PROCEDURE

P & P: #106 (revised 10/25/07)

SUBJECT: Stop Work Orders and Violation Investigations

PURPOSE: To establish a policy for issuing Stop Work Orders and Violation Investigations.

REFERENCE: 2001 California Building Code 104.2.4
2007 California Building Code 105.5
Stop Work Notice Form - Attachment
Notice of Violation - 30 Day Notice - Attachment
Non-Compliance with S.W.O. Notice - Attachment

POLICY: Typically, field inspectors will investigate alleged violations by either:

1. Receiving a formal complaint from the office, or
2. Noticing a possible violation in the field while making routine inspections. When encountering a possible violation in the field, the inspector is to check with the office to determine whether permits have been obtained.
3. The inspector may inquire if they can see the work in plain view from the public way. Do not trespass.

When it is established in the field that the violation does exist, the following steps are to be followed:

1. Complete Madera County STOP WORK notice and post it in a conspicuous location without trespassing as well as, a correction notice listing the violations giving the property owner 10 days to come into our office. Also note that an investigative fee (double fees) will apply.
2. Photograph the STOP WORK notice once placed on the property.
3. If the violation is a mobile home, show the license plate number, whether the mobile home is occupied, and what utilities are connected, if any.
4. If the violation is connected to an electrical or gas meter, obtain the meter number and show the source of utilities, such as residence, barn, TPP.
5. Take pictures of the violation when possible.

6. Upon returning to the office with the completed report, scan the report into POSSE under the address or APN with a Stop Work Order so everyone knows there is a violation on the property. POSSE will flag your "To Do List" after the 10 days is up if no corrective action was taken by the property owner.
7. Provide a copy of the report along with the photos to the County Building Official.

At this point, one of two things happen:

1. The applicant complies by:
 - A. Obtaining the necessary permits and paying the investigative fee (double fees) added into POSSE. Only applicable building, mechanical, plumbing and electrical fees are doubled.

Or;

2. If after 30 days the applicant does not respond, an investigative fee (double fees) shall be added into POSSE. Only applicable building, mechanical, plumbing and electrical fees are doubled. Then, the building inspector shall complete the "Non-Compliance with S.W.O. Notice" form, and forward to Code Enforcement for follow-up. The building inspector shall also scan the "Non-Compliance with S.W.O. Notice" and note the day it was forwarded to Code Enforcement in POSSE.

If an alleged violation is reported through the office, and it is in a remote area of Madera County the County Building Official will determine if the initial contact will be through Code Enforcement.



Jeff Jones, C.B.O. Date
County Building Official

10/25/07

Distribution List:

- Director
- County Engineer
- Building Inspectors
- Plan Checkers
- Permit Technicians
- Code Enforcement
- Planning

County of Madera

Division of Building and Safety

2037 West Cleveland Avenue
Madera, CA 93637
(559) 675-7817

40601 Road 274
Bass Lake, CA 93604
(559) 642-3203

NOTICE STOP WORK

Job Address _____ Location _____

I have this day inspected this structure and have found the following violations of County and/or State Laws governing Same:

1. Work in progress requires Plans, Permits, and Inspection. _____

2. Work in progress does not conform to applicable code requirements. _____

3. Work in progress does not conform with approved plans, permits, and specifications. _____

This notice is posted in compliance with Section 104.2.4 of the California Building Code.

All parties are hereby informed and notified that no further work shall be done on this structure or site until approved by the Building Official. All corrective actions must be approved by the Building Official prior to resumption of any work.

Inspector _____ Date _____

DO NOT REMOVE THIS NOTICE



RESOURCE MANAGEMENT AGENCY
Engineering and General Services

Division of Building and Safety

- 2037 W. Cleveland Avenue
- Madera, CA 93637
- (559) 875-7677
- FAX (559) 675-7639
- engineering@madera-county.com

- Flora Lake Office**
- 41801 Road 274
 - Flora Lake, CA 93604
 - (559) 642-3200
 - FAX (559) 688-0379

Notice of Violation – Expired Permit

DATE: _____ APN: _____
TO: _____ Permit No. _____
_____ Issue Date: _____
_____ Last Approved Inspection: _____

SUBJECT: {Be Specific}

Dear Applicant:

Based on a review of our permits on file in our office the following notice is given on your expired permit. This letter is to advise you that the construction activity taking place on this parcel, more specifically **{physical address on permit}**, is in violation of the Madera County Ordinances and California Codes. This violation may result in the issuance of any one or all of the following: The recording of a **Notice of Violation** with the County Recorders Office; A Citation to Appear before the appropriate Court or Code Enforcement Board or a citation with a civil penalty.

As the property owner it is your responsibility to insure that the necessary building and or construction permits are obtained from our office and kept current until the completion and final inspection of your project. As allowed by the California Building Code, building permits are valid for 180 days from the date of issuance or the date of last valid inspection as noted on the inspection card.

You are requested to **STOP ALL WORK** until the required permits are obtained. The permits shall be applied for **WITHIN THIRTY (30) DAYS** of receiving this notice. Any work completed to date or since the last valid inspection, is at your own-risk, and is subject to the penalties listed above. There are no assurances or guarantees that a permit for this continued activity can be issued until the permit application is reviewed by all appropriate County Departments and all requirements are complied with.

Your timely acquisition of the required permits is both expected and appreciated. If you have any further questions, please call me at the phone number listed above.

Madera County Building Inspector



RESOURCE MANAGEMENT AGENCY
Engineering Department/Building Inspections

NON-COMPLIANCE WITH S.W.O. NOTICE
Interoffice Document not for public use

DATE: _____

TO: _____

FROM: _____

S.W.O.# _____

Building Permit: YES or NO If Yes, Permit # _____

Location: _____

A.P.N.#: _____

Details:

FOR CODE ENFORCEMENT USE ONLY:

10-Day Notice Sent By CODE ENFORCEMENT: YES or NO

Administrative Citation Sent By C. E. Officer On: _____

Code Enforcement Officer: _____

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON
GRANT WRITING PROCESS**

INTRODUCTION:

In the fall of 2007, the Grand Jury of Madera County completed a report on the new Madera County Water Advisory Commission appointed by Madera County Board of Supervisors. Following the writing of this report the Grand Jury turned its attention to the progress of the Integrated Regional Water Management Plan (IRWMP), a focus of the previous report. Of particular concern were the delays of community town hall meeting dates as set forth by the guidelines within the Grant and its final recommendations. As an addendum to this previous report, it was decided that the Grand Jury should continue to study the IRWMP and interview its authors and the major players. During the course of these interviews and the ensuing investigation, it became apparent to us that there was a bigger ‘elephant’ in the room than the IRWMP Grant. Due to the complexity of procuring and administering grants, the Grand Jury believed that the citizens of Madera County would benefit from an investigation that focused on a better understanding of the entire grant process.

FINDINGS:

When we began this investigation our perceptions on the steps taken by a grant were:

- 1 The necessity for a grant is established
- 2 The research to locate the grant is initiated
- 3 The grant is written and submitted
- 4 The grant is accepted or denied
- 5 The grant is put into effect

It wasn’t long before we were disabused of this idea. During the course of the investigation the Grand Jury soon learned there are three different types of Grants:

- 1 Study grants
- 2 Planning grants
- 3 Implementation grants

We learned that the IRWMP, is only a Study Grant, currently being reviewed by the County, and is just the first step in the process. We thought it was unusual for those involved; grant writer, grant director, Resource Management Agency (RMA) to keep referring to the IRWMP as just a ‘good planning document’. It seemed to us that this was the end all and be all for the water issue in Madera County. We learned that after the study grant is vetted and approved there will be a need to write another grant, an “IRWMP Implementation Grant.” To further complicate the issue, even if the Implementation Grant is approved by the Board of Supervisors, nothing further will be done until the ‘money’ is released by the granting agency. The entire grant writing process can take years and even then there are no guarantees for success.

To illustrate the lengthy process is the proposed Madera Paleontology Museum Grant that was applied for in 2001. This Grant, totaling \$750, 000, was designed to construct a paleontology museum to feature the Fairmead Fossils. To date, there have been three Implementation Grants written on the same subject with a combined total of approximately \$2,500,000. However, none of the money has seen the light of day. The original grant called for the Museum to be built on the site of the Fairmead Landfill, currently still in use. However, since the original Grant was proposed in 2001 the National Environmental Protection Act changed the parameters of the requirements for building on a Monolithic Capped archeological site. The major rule of any grant is that “what you say you will do with the funds in the grant is what must be done”. In the case of the paleontology museum, the location changed and put the entire project in limbo.

A summary of grants requested by a contracted County Grant Writer from 2001 through 2007 is as follows:

1. 2001 – \$2,481,397
2. 2002 - \$1,229,047
3. 2003 - \$2,183,363
4. 2004 - \$6,851,732
5. 2005 - \$1,258,305
6. 2006 - \$3,582,835
7. 2007 - \$1,862,463
8. Total - \$19,449,142

The above summary does not include other grants requested internally by County staff; however, it does reflect a protracted process and substantial investment by which the County acquires funding through various State and Federal agencies. The aforementioned IRWMP and the paleontology museum fall under this process.

Coupled with this and to insure that all County grants meet and follow specific guidelines within the grant process are Madera County’s Comprehensive Annual Financial Report (CAFR) and the “Federal Single Audit Act” (FSAA).

The FSAA signed into law on July 5, 1996 establishing uniform audit requirements of States, Local Governments, and Non-Profit Organizations. Its intended purpose is to:

1. Promote sound financial management, including effective internal controls
2. Establish uniform control requirements for audits
3. Promote the efficient and effective use of audit resources
4. Reduce the burdens on State and Local Governments
5. Ensure that Federal departments and agencies, to the maximum extent practicable, rely on and use audit work done pursuant to chapter 75 of title 31, United States Code.

The Auditor Controller of Madera County is charged with the responsibility of complying with FSAA guidelines as well as preparing the CAFR on an annual basis. Herein lays a very serious

concern for the County of Madera. The Auditor Controller has delayed the process with late audit submissions; the consequence of this could result in the loss of millions of dollars in current and future grants.

The due date for CFAR and FSAA reports is nine months after the close of the fiscal year or March 31 following the June 30 closing date. Missed deadlines for audit submission impacts Madera County staff forcing them to be reactive and improvise hurried methods to qualify and secure requested grants, even to the point of hand delivering documents to the State Capitol on their due dates in order to meet deadlines. The aforementioned delay, in some cases two to three years, often requires County staff to scramble, filing eleventh hour extensions for audits and grants.

The RMA should be commended for recently establishing a *clearing house committee* that meets monthly to review the status of current grants on the table.

CONCLUSION:

Although the grant writing process is challenging, complex, expensive and labor intensive, it is absolutely essential for satisfying the monetary needs of Madera County. Without the benefit of grant funds, the County of Madera would not be able to attend to the many special issues and projects essential to the County.

RECOMMENDATIONS:

Madera County departments that are not already doing so, should follow the lead of RMA in establishing their own “clearing house committees” to review grants under their purview.

As many California counties have done, Madera County should consider establishing a grant-writing department that reports directly to the County Administrator for the sole purpose of being more proactive in securing and monitoring County grants.

The Auditor Controller should adhere to the due dates as specified by CFAR and FSAA with regard to all County grants.

RESPONSES:

Madera County Board of Supervisors
200 West 4th St
Madera CA 93637

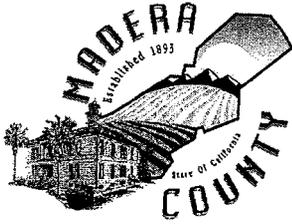
County of Madera Resource Management Agency
2037 W. Cleveland Ave.
Madera, CA 93637

County of Madera Resource Management Agency
Planning Department

2037 W. Cleveland Ave.
Madera, CA 93637

Madera County Chief Administrative Officer
200 West 4th St
Madera, CA 93637

Madera County Auditor Controller
200 West 4th St
Madera, CA 93637



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970
agendas available: www.madera-county.com/supervisors

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 08161

Date: June 10, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008
GRAND JURY FINAL REPORT ENTITLED "GRANT WRITING PROCESS",
ADMINISTRATION DEPARTMENT.

Upon motion of Supervisor Wheeler, seconded by Supervisor Moss, it
is ordered that the attached be and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

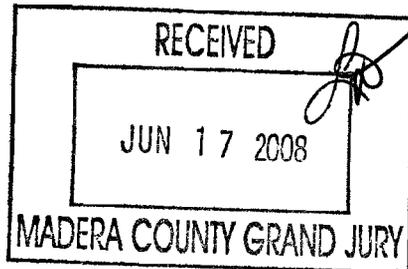
AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

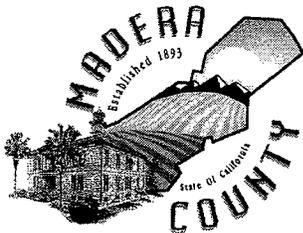
Auditor
CAO
✓ Grand Jury
Judge John DeGroot
Resource Management Agency
Granicus

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Tanna G. Boyd*
Deputy Clerk



SA



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

June 10, 2008

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2007-08 Grand Jury Final Report
entitled "Grant Writing Process."**

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The Grand Jury has requested a response to Recommendations in the 2007-08 Madera County Grand Jury Final Report entitled "Grant Writing Process." (See Attachment #1).

The following are the Grand Jury's recommendations within their Final Report and the Board's response to each recommendation:

Grand Jury Recommendation

"Madera County departments that are not already doing so, should follow the lead of RMA in establishing their own "clearing house committees" to review grants under their purview."

Board of Supervisors' Response to Grand Jury Recommendation #2

The recommendation will not be implemented because it is not warranted. The Resource Management Agency (RMA) is comprised of six (6) departments with a broad

spectrum of activities ranging from land development and permitting, to road construction/repair, building maintenance, flood control, and special district services. It is the role of RMA Administration to assure that there is a coordination of efforts and goals in determining the type of grants to be sought out by any of the departments and divisions of the RMA. The balance of County Departments, although in some cases large with multiple programs, do not have the diversification of the RMA.

Grand Jury Recommendation

``As many California counties have done, Madera County should consider establishing a grant-writing department that reports directly to the County Administrator for the sole purpose of being more proactive in securing and monitoring County grants.''

Board of Supervisors' Response to Grand Jury Recommendation

The recommendation will not be implemented as it is not reasonable in light of the fact that the majority of grant applications are for programs within the RMA. The County currently uses a contracted Grant Writer and is only required to be compensated when developing a grant application. To establish a department with ongoing fixed costs for salaries and benefits and operational costs solely for grant writing is not cost effective for this County.

Sincerely,



Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachment



P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

April 21, 2008

Madera County Chief Administrative Officer
200 West 4th St
Madera, CA 93637

Gentlemen:

Enclosed is a copy of the 2007-2008 Madera County Grand Jury report entitled **GRANT WRITING PROCESS**.

Pursuant to California Penal Code Section 933.05(f), a copy of the report is being provided to you two working days prior to the report's public release. The public release of this report is scheduled for April 25, 2007. Please note that under Penal Code section 933.05 (f), "[no] officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report".

In accordance with California Penal Code Section 933.05(a) and (b), please respond to the findings and recommendations in this report that address subjects under your control.

According to Penal Code Section 933(c), you have 90 days to submit your responses to the recommendations contained in this report. Accordingly, the date on which the responses must be submitted is July 21, 2008.

Please send your responses to:

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

Thank you,

A handwritten signature in black ink, appearing to read "Linda R. Dominguez".

Linda R. Dominguez
Foreperson,
2007-2008 Madera County Grand Jury

2007-2008
Madera County Grand Jury
Final Report

RESOURCE MANAGEMENT AGENCY
ENVIRONMENTAL HEALTH DEPARTMENT

Introduction:

Hazardous waste! Not a subject that average citizens get too excited about, that is until there is a problem. It is a subject that has ramifications to all people living in Madera County. Whether you are talking about used oil or corrosives acids, it is all hazardous materials. All businesses within Madera County that create hazardous waste must be inspected by the Environmental Health Department (EHD). Inspecting these businesses is no small task and sometimes locating them is even more difficult.

Everyone should know that changing oil in one's own vehicle is often done at home and dumping onto the ground or down the storm drain will lead to contamination of our groundwater. Unrecognized businesses that may not be following disposal guidelines are capable of contributing to this sensitive environmental issue.

Mechanisms are in place to inform the County of new businesses within the unincorporated areas of Madera County. However, when a new business is established within the City limits of Madera this information has not been forthcoming. Many businesses that handle hazardous material or produce hazardous waste are not being regulated by the EHD.

Findings:

The State of California has a mandated program for all counties to administer the Certified Unified Program Agency (CUPA) relating to the safe handling of hazardous materials and hazardous waste. These programs include the Underground Storage Tank Program, Hazardous Waste Generator Program, Hazardous Materials Business Plan Program, and California Accidental Release Program.

Madera County Environmental Health Department (EHD) is charged with the responsibility of complying with California Legislature, Article I, Chapter 6.95 of the Health and Safety Code that requires any business handling or storing a hazardous material to establish a business plan for emergency response to a release or threatened release of a hazardous material. This includes an annual inventory of all hazardous materials handled by the business. The information obtained from the completed Business Plans will be provided to emergency rescue personnel.

This will allow emergency responders to be better prepared in the event of an emergency due to the release or the threatened release of a hazardous material and/or waste.

The Grand Jury compiled a list of typical businesses that have hazardous materials and waste throughout the unincorporated county area and included the cities of Madera and Chowchilla. The Grand Jury contacted the director of the Environmental Health Agency to set up an appointment to meet with the director, supervisor, and two staff members that do the inspecting, educating and reporting.

The County staff was asked to pull the inspection records on the identified businesses for review. Of the businesses identified within the City of Madera, only two of the 20 in question were in the CUPA program. The businesses within the City of Chowchilla had a higher rate of participation with 18 of 20 in the program. The unincorporated areas within the county had approximately 50% participation. In many cases within the county, there were also no business licenses on record.

The EHD relies much on the reporting of new and current business licenses from the cities and the County Resource Management Agency (RMA) to determine which businesses are probable candidates for the CUPA Program. The results varied greatly by the entities. Best in reporting activity was the City of Chowchilla with a quarterly report on new business license applications. RMA has a plan in place for the unincorporated areas of Madera County that relies on new business licenses applications to alert the EHD. At the time, the Grand Jury began their investigation the City of Madera had no plan in place to report new business that might fall under the CUPA Program.

One of the major concerns in not alerting EHD of new businesses is the risk of not having a completed Business Plan that is shared with contracted emergency personnel allowing first responders to be better prepared in the event of a dangerous incident involving hazardous materials. During a Grand Jury visit to a city fire station it was found that they did not have a current log of specific materials found in each business location. When asked, if called out on an emergency, how would they know if a hazardous material is involved they answered they "would assess each location upon arrival."

Following an interview with the Madera Revenue Services Manager, the Grand Jury learned that the City of Madera has recently upgraded its computer program capabilities. The program in use is called the Municipal Administration Information Service (MAIS). The updated program will have the ability to inform the EHD of new business licenses within the city boundaries through a simple spreadsheet form, much as the City of Chowchilla currently uses. The upgrade and use of this program will

improve the communication between EHD and City of Madera, as it relates to this specific issue.

It appears the field personnel of the EHD, although on top of issues such as food services, sanitation, methamphetamine lab cleanup do not fully identify perspective program related business while on routine inspections. The Grand Jury, on a field trip, identified and discovered over twenty five business that would fall under the CUPA program, yet the County was unaware of their existence. With the cooperation of the City of Madera, through their updated MAIS program, it may increase the need for additional EHD staff to properly administer the CUPA program.

Conclusion:

An issue as important as identifying hazardous materials and waste and the consequences to the population of Madera County have far reaching effects. Recently in an adjoining county, fire fighters responded to a recycling business where there were several hundred gallons of acids and oxidizers that were leaking from plastic containers. The resulting fumes produced an acrid odor in the air that sent ten workers to the hospital for treatment. City officials have shut the business down until they obtain a proper business license and permits to store chemicals. This is a clear example of the importance of having a proactive and involved EHD staff to monitor, provide, and communicate the locations of the businesses with hazardous materials to the various agencies within the county.

Recommendations:

1. The City of Madera should continue with its plan to report business license activity to the Environmental Health Department.
2. The staff of the Environmental Health Department needs to be more proactive and observant in identifying new or old business that fall within the CUPA guidelines.
3. The Environmental Health Department and the Cities of Madera and Chowchilla would be advised to report the existence of hazardous materials on each identified property to all emergency responders within their jurisdiction.
4. Encourage by way of billing notices, businesses within the county to be proactive in reporting suspected non-CUPA participants to the Environmental Health Department.
5. Continue to hold public educational meetings and seminars to first responder agencies, businesses, service clubs, and trade groups.

Responses:

Madera County Environmental Health Department
2037 West Cleveland
Madera CA 93637

Madera County Resource Management Department
2037 West Cleveland, Madera CA. 93637

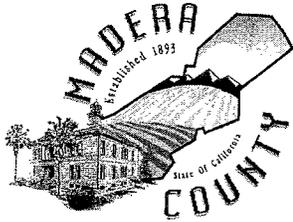
City Manager, City of Madera
205 W.4th St., Madera, CA. 93637

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

City of Madera Revenue Service Manager
205 W. 4th St, Madera, CA. 93637

Madera County/ City Fire Department
14225 Rd 28, Madera, CA. 93638

City of Chowchilla
145 W. Robertson Blvd. Chowchilla, CA. 93610



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
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(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

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VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 08161

Date: February 19, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008
GRAND JURY FINAL REPORT ON THE "RESOURCE MANAGEMENT
AGENCY ENVIRONMENTAL HEALTH DEPARTMENT", ADMINISTRATION
DEPARTMENT.

Upon motion of Supervisor Bigelow, seconded by Supervisor Wheeler, it is
ordered that the attached be and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

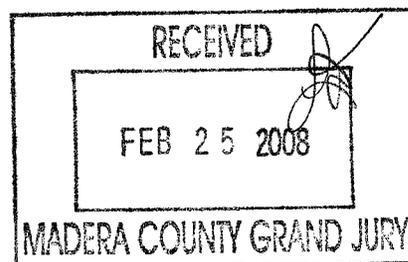
AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

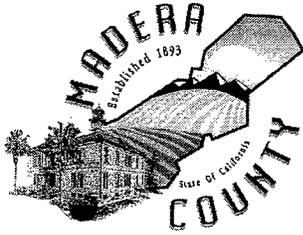
Distribution:

CAO
Environmental Health
Fire
Resource Management Agency
✓ Grand Jury
Superior Court - Honorable John DeGroot
City of Madera
City of Chowchilla

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Nancy Shuren*
Deputy Clerk





BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

February 19, 2008

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2007-08 Grand Jury Final Report on the
"Resource Management Agency Environmental Health
Department."**

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The Grand Jury has requested a response to Recommendations in the 2007-08 Madera County Grand Jury Final Report on the Resource Management Agency Environmental Health Department.'" (See Attachment #1).

The following are the Grand Jury's recommendations within their Final Report and the Board's response to each recommendation:

Grand Jury Recommendation

"The staff of the Environmental Health Department needs to be more proactive and observant in identifying new or old business that fall within the CUPA guidelines."

Board of Supervisors' Response to Recommendation

The response of the RMA Environmental Health Director, representing the RMA in this matter, is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Department Response - Attachment #2)

Page -1-

Grand Jury Recommendation

``The Environmental Health Department and the Cities of Madera and Chowchilla would be advised to report the existence of hazardous materials on each identified property to all emergency responders within heir jurisdiction.''

Board of Supervisors' Response to Recommendation

The response of the RMA Environmental Health Director representing the RMA in this matter and the County Fire Chief is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Department Response - Attachment #2 and Attachment #3)

Grand Jury Recommendation

``Continue to hold public educational meetings and seminars to first responder agencies, businesses, service clubs, and trade groups.''

Board of Supervisors' Response to Recommendation

The response of the RMA Environmental Health Director, representing the RMA in this matter, is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Department Response - Attachment #2)

Sincerely,



Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments



P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946

November 27, 2007

Madera County/ City Fire Department
14225 Rd 28
Madera, CA. 93638

Gentlemen:

Enclosed is a copy of the 2007-2008 Madera County Grand Jury report entitled
"RESOURCE MANAGEMENT AGENCY ENVIRONMENTAL HEALTH DEPARTMENT"

Pursuant to California Penal Code Section 933.05(f), a copy of the report is being provided to you two working days prior to the report's public release. The public release of this report is scheduled for November 30, 2007. Please note that under Penal Code section 933.05 (f),"[no] officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report".

In accordance with California Penal Code Section 933.05(a) and (b), please respond to the findings and recommendations in this report that address subjects under your control.

According to Penal Code Section 933(c), you have 90 days to submit your responses to the recommendations contained in this report. Accordingly, the date on which the responses must be submitted is February 27, 2008.

Please send your responses to:

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

Thank you,


Linda R. Dominguez
Foreperson,
2007-2008 Madera County Grand Jury

2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
ENVIRONMENTAL HEALTH SERVICES

INTRODUCTION:

This investigation was conducted pursuant to a verbal complaint to the Grand Jury. The focus of this inquiry is primarily on food protection, training, and personnel turnover in the Department. Several former employees, the Supervisor and Director of Madera County Environmental Health Services (EHS) and the Director of the Resource Management Agency (RMA) were interviewed.

FINDINGS:

There are 18 employees in the EHS Department consisting of the Director, a Supervisor, 5 Registered Environmental Health Specialists, 7 EHS trainees and 4 support staff. The former employees all stated they resigned from the department due to the Supervisor and Director. Their complaints were poor management, preferential treatment, or favoritism, unreliable Director, inadequate supervision and training and a hostile work environment. Salary was mentioned as a reason for leaving by only one former employee. The Director stated she had 4 people leave within a 30 day period, the Supervisor stated 5-6 people had left during his 3 years in his current position. Another former employee stated 6-8 people had left during his 2 ½ years with the Department and another stated about 17 had left during her 5 years with the Department. The Supervisor wanted us to know that 4 of those that left were in “non-compliance or were not up to par”. The former employees complained of inadequate guidance, supervision and no structured training program in place. Advanced trainees often train new trainees instead of training being done by a REHS or Supervisor. Most training is on the job training.

There are currently 3 trainees assigned to the food protection program. Their inspections are not assigned by the Supervisor so the trainee selects the inspections he/she believes need to be done. It is then incumbent upon the inspector to input that inspection into the Envision Computer Program. It is the belief of the former inspectors that food inspections should be done twice a year. Nothing in writing could be found to substantiate this claim. The Supervisor has the responsibility to oversee the food program. The Director and Supervisor stated they try to inspect facilities at least once a year as policy and there was no directive to inspect more often but there are some inspections made more often. The EHS Envision Program list has 687 locations with an ID number. There is a column “Last Actual Inspection”. We counted 424 locations that, according to this list, had not been inspected since 2005. A reason for this can be that the facility has gone out of business or it has been inspected but not brought up to date on the list or has not been inspected. An account can also remain open for a time because the

business may still owe money but is no longer operating. The Director states things are much improved now after some personnel have resigned. She did admit inspections have gotten behind especially several years ago when there was not enough staff to do food inspections. The Resource Management Agency (RMA) Director oversees the EHS and evaluates the EHS Director. He stated that Department is not yet proactive but is moving in that direction. He stated there have been personnel issues which he was aware of and that six people, who were good, smart people but were difficult to supervise, have gone elsewhere

CONCLUSIONS:

The Food Facilities Inspection Program has clearly not been a priority and suffered as a result. The Food Facilities Inspection List appears to be in disarray. It has been allowed to get in this condition due to poor supervision and oversight. The inspectors are not bringing the list up to date when an inspection is made. A call was made to a restaurant by the Grand Jury, which the list states was last inspected in 2004, but the owner stated it was inspected within the last year. There are some facilities on the list that state the last actual inspection was made as far back as 1997.

The EHS Director and RMA Director agree that the personnel turnover rate has been high in the recent past but personnel issues have been resolved and current personnel are adequate to do the job.

Training for EHS trainees was addressed and most of their training is on the job training each and every day. Training for EHS trainees has not been well structured and supervised. There is some training done by senior trainees instead of a Registered Environmental Health Specialist.

RECOMMENDATIONS:

The Supervisor should make inspection assignments to the food facility inspectors on a daily or at least weekly basis to insure a timely and uniform food inspection program. The Director should monitor, more closely, the operation of her Department which includes getting the food facilities inspection list in order.

A qualified REHS should perform the initial training for each area in which a new trainee is trained

The 2008/2009 Grand Jury should consider a revisit to EHS to check the progress of the food inspection program again next year.

RESPONSES:

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

RMA Director
2037 W. Cleveland Ave.
Madera, Ca. 93637

EHS Director
2037 W. Cleveland Ave.
Madera, Ca. 93637

California Department of Public Health
MS 500
P. O. Box 997377
Sacramento, Ca. 95899-7377

**2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT
OAKHURST INCORPORATION**

INTRODUCTION:

Upon receiving a ‘Citizen Complaint,’ regarding the legality of the pending Incorporation to create the Town of Oakhurst in Eastern Madera County, the Grand Jury began an investigation to determine the legality and validity of the process. The complaint itself was well written and well documented presenting in minute detail each and every facet of this proposed incorporation, from it’s beginning in 2001, to present day. The task ahead appeared daunting and challenging as the findings would either appease or disappoint the complainants.

FINDINGS:

In the recent history of Madera County, there has never been an incorporation process. During the Grand Jury’s research of this issue, we determined that no county department has ever been involved in an incorporation. Our research led us to the one place that any request of this nature would fall, LAFCO (Local Agency Formation Commission).

City limits and district boundaries shape California’s future. Drawing these lines controls who gets to develop land, who pays which taxes, and who receives public services. The State Legislature created LAFCO in 1963 as a watchdog over the boundaries of cities and special districts. The Legislature authorizes a LAFCO in each County to determine the boundaries in that County. They are an independent regulatory commission. They are bound by “The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.” The CKH Act directs LAFCOs to achieve two main purposes:

- Discourage sprawl
- Encourage orderly government

LAFCO is not a County agency. In Madera County it is a five-member commission, including two members of the Board of Supervisors, one member each from the Madera and Chowchilla City Councils, and one public member at large. In addition LAFCO has its own Executive Officer and staff to research and create reports. Each sector (county, cities, and special districts) pay one-third of the LAFCO budget.

It is LAFCO’s goal to prevent premature or illogically planned development and to see that services are provided efficiently and economically while agriculture and open-spaced lands are protected.

Procedure for LAFCO to follow in any change of organization or reorganization requires four, sometimes five steps:

- Initiation
- LAFCO Review (3 stages)
- Conducting Authority Actions
- Possible Election
- Completion

Initiation by petition occurs when either registered voters or landowners in the affected territory request a boundary change. Registered voters sign a petition circulated in an inhabited area. Before LAFCO reviews an incorporation proposal, the petitioners must have at least *25% of the voter signatures within the proposed incorporated area*.

When LAFCO reviews proposed city incorporation, it must look at the fiscal effect on the county government. If LAFCO determines an incorporation would substantially cut a county's tax base, LAFCO must deny the proposal and the city cannot incorporate. However, LAFCO can approve city incorporation if it determines that incorporation is revenue neutral, meaning a county would not substantially suffer from revenue losses, the incorporation may proceed. The LAFCO review process has three definite stages:

- Staff report and recommendation
- One public hearing
- Final decision by the LAFCO Commission

Before the LAFCO commission hearing, the executive officer prepares a written report and recommendation for the commission. The report goes to all LAFCO commissioners, all affected local agencies, and other persons named in the application to receive a report.

The Commission has three choices:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

LAFCO's staff must give public notice at least 15 days before the public hearing.

The petition process began in 2001 when local citizens formed an Action Committee to Incorporate Oakhurst Now (ACTION). The ACTION Committee submitted a draft petition to Madera LAFCO, for approval. In January of 2002 the ACTION Committee began gathering citizens signatures on petitions for submission and validation by the Madera County Elections Office.

On September 13, 2002 the County Clerk - Recorder and Registrar of Voters received the Clerk's Certificate to Petition to Incorporate the Town of Oakhurst. See *attachment*. At the time the petitions were gathered, there were 2273 voters within the proposed boundaries and on September 24, 2002 validation of the proponents petition was as follows:

- Number of Signatures submitted on Petition: 1,080
- Number of Signatures verified: 1,080
- Number of valid Signatures on Petition: 819
- Number of Signatures disqualified: 261
- Number of duplicate Signatures: 59

Based on these numbers, the petition to Incorporate was granted by LAFCO, with State of California conditions as follows:

- Comprehensive Fiscal Analysis (CFA)
 1. Determines the fiscal feasibility of the incorporation, and to review related potential impacts upon the county and other agencies presently providing services to Oakhurst.
- Revenue Neutrality Agreement
 1. A proposed incorporation must be financially liable and able to support itself and that the proposed town limits reflect a logical set of boundaries.

There was much discussion and confusion over the boundaries for the incorporated area. In an effort to create the Revenue Neutrality agreement and not allow 'island' development to occur within the town limits the boundaries were drawn and redrawn over the time between 2002 and 2007. LAFCO is also charged with creating a planning document that shows a town's *sphere of influence*. The sphere of influence is that area surrounding a town or city which LAFCO thinks will be the basis for future growth.

The process to create the CFA and determined Revenue Neutrality took place between the years of 2002 and the one required Public Hearing on September 25, 2007. During these years the boundaries changed many times, in order to achieve Revenue Neutrality. In accordance with State Law governing LAFCO, it placed notices of the Public Hearing on August 30, 2007.

In the Public Hearing held September 25, 2007, resulting testimony and public comment modified the boundaries once again. The LAFCO Commissions' decision to allow modifications of the boundaries required revisions to the map, legal descriptions, and to the Revenue Neutrality agreement. The amended Revenue Neutrality agreement increases the amount due to the County over the required 10 year period. The Town will transfer to the county the sum of \$1,000,000 annually, with the first payment commencing no later than one year after conclusion of the transaction year. In addition the Town will pay the County up to a combined total of \$986,041 annually together with any unpaid amount from prior years.

On September 26, 2007 LAFCO requested by memo to the County Administrative Officer assistance in obtaining the Board of Supervisors to call for an election to incorporate the proposed Town of Oakhurst on it's October 2 agenda.

On October 2, 2007, the Board of Supervisors having approved by a four to zero vote, with one Supervisor absent, instructed the County Clerk and Registrar of Voters to place this initiative on the ballot for consideration by the voters residing within the proposed boundaries for the new proposed Town of Oakhurst.

CONCLUSION:

In reviewing and researching the LAFCO process, the Grand Jury concludes that the incorporation process followed the letter of the law.

The ACTION committee was under no obligation to follow open meeting rules, however, LAFCO staff encouraged them to keep the public informed during the process. We have no way of knowing if this was done, but there are newspaper records of many meetings over the six-year interval.

It is now time for the voters within the proposed boundaries to decide at the polls whether they wish to become the Town of Oakhurst, or remain an unincorporated area of Madera County. This is an historic opportunity for self-determination by Madera County voters.

RECOMMENDATIONS:

There are no recommendations at this time.

RESPONSES:

LAFCO
2037 W. Cleveland
Madera, CA 93637

LAFCO Staff
2037 W. Cleveland
Madera, CA 93637

Board of Supervisors
200 West 4th St
Madera, CA 93637

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA CITY FIRE DEPARTMENT**

INTRODUCTION:

On November 9, 2007, the Madera County Grand Jury conducted an investigation of Chowchilla City Fire Department at 240 North 1st Street, Chowchilla, California.

FINDINGS:

The City of Chowchilla was incorporated in 1923 and began operating its volunteer fire department in November 1926. Today the Chowchilla City Fire Department has a staff of one full time Fire Chief and sixteen volunteer firefighters. The Fire Chief is professional, friendly, and informative. The fire department is responsible for providing emergency fire services to approximately 17,000 residents within the 7.1 square miles of city limits with an average response time of 6 to 7 minutes. In addition, they provide mutual aid to Madera County. While the Grand Jury was visiting this fire station, they had an emergency call. It took less than two minutes for the fire engine to leave the station. This is because a few of the volunteer firefighters work at the business next door. The Chief indicated it would be beneficial to have four to six full time firefighters to cover the station twenty-four hours a day seven days a week.

The Insurance Services Office (ISO) rating is 5. This rating is used to help determine insurance rates. ISO ratings are from 1 to 10. Class 1 meaning exemplary public protection and Class 10 indicates that the area does not meet the ISO's minimum requirement. Most cities have a class 4 ISO rating based on an average response time of 4 minutes or less. ISO provides this information through the Public Protection Classification.

As a comparison, The Grand Jury chose the City of Sanger, California.

- The City of Sanger was incorporated in 1888 and formed its first volunteer fire department in 1911. This city has 4.7 square miles with an approximate population of twenty five thousand in 2007. In 1956, the city hired their first paid firefighters and today has a fully staffed city fire department. This city's ISO rating is 4.

The Chowchilla Fire Department responded to 143 calls in 2006 and as of this interview, they had responded to 239 calls year-to-date 2007. This fire department has a written mutual aid agreement with Madera County Fire Department and participates in the state's Master Mutual Aid Agreement in the event of a large-scale local disaster. They do not handle medical calls. When there is a medical emergency, the Chowchilla Police Department and the local ambulance company are dispatched.

The City of Chowchilla has let the fire department fall behind. The facility is in need of many repairs.

Most of the equipment is old:

1. 2006 Type 1 Pumper
2. Engine #6 is a 1992 Type 1 Pumper
3. Two Back-up reserve engines were built in 1968
4. Engine #2 (1936 first new engine owned by the City & is now used for special events)

With the new construction of hotels, corporate offices, homes and schools the fire department and community is in need of a ladder truck. As of now, any new construction must pay a fire impact fee, which is \$1,600 per unit. As an example, a single home is one unit, duplex are two units, hotel units are calculated by the number of guest rooms. These impact fees go into a fund to purchase proper equipment needed for fire protection.

As of now the station has one thermal imaging camera but it would be a benefit to have one more. The thermal imaging camera can see through smoke. The fire will show red and a person will show up black and white making a rescue easier, safer, and faster. This camera will also find fire through a wall.

This Department receives its money from the general fund, donations from its local citizens and grants. The City of Chowchilla gives this station \$375 per month to use as needed. Recently they were able to purchase new Self Contained Breathing Apparatus (SCBA).

The Assistance to Firefighters Grant provides funds for fire prevention programs. The Department was able to purchase Sparky (a Dalmatian costume) and Patches & Pumper, (a remote control fire engine, photos attached) to take to local schools and community events. With these same grant monies they were also able to purchase a lap-top computer with power point and projector, and 1300 smoke detectors to hand out to city residents who cannot afford one.

The Chief voiced concerns about the 60-plus trains that go through town daily. An overpass to avoid delays getting to fire calls would be beneficial. He did say in the near future, less than five years, there are plans to build a substation for police and fire on the east side of the city. This would help alleviate delays caused by passing trains.

CONCLUSIONS:

The Chowchilla City Fire Department does not have adequate equipment or staffing to render current fire technology emergency services to the residents of this growing community.

The Grand Jury wants to recognize the dedication and professionalism of the volunteer firefighters who have managed to keep the citizens of Chowchilla protected with the limited resources, funds and equipment allotted to them.

RECOMMENDATIONS:

An evaluation should be made for current equipment including a ladder truck.

Based on the recent population growth, The City of Chowchilla should look into an increased budget, full time staffing and an additional station on the east side of the railroad tracks.

RESPONSES:

Chowchilla City Fire Chief
240 North 1st Street
Chowchilla, CA 93610

Cal Fire
State Fire Marshall
P O Box 944246
Sacramento, CA 94244-2460

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

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

**2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA CITY FIRE DEPARTMENT, STATION #6**

INTRODUCTION:

On October 5, 2007 the Madera County Grand Jury conducted an interview of Madera City Fire Department, Station #6 at 317 North Lake Street, Madera, California. The Grand Jury found the Cal Fire Employees who staff this station to be friendly, informative, and professional.

FINDINGS:

The City of Madera has contracted with the State of California's Cal Fire for the staffing of Station #6 with two (2) Engineers and one (1) Captain twenty-four hours a day seven days a week. This station is responsible for providing emergency services to approximately 30,000 people in the eastern portion of the city, with approximately 2,000 calls per year. They respond to medical aids, house, and vehicle and grass fires and assist Cal Fire with wildland fires. Occasionally they'll have to use Pay Call Firefighters (PCF). They stated it would be advantageous to have another firefighter on duty.

This station was built more that forty (40) years ago and is in desperate need of repairs, improvements, and new furnishings. The staff, who are required to sleep at the station, have poor living and sleeping conditions with little to no privacy. They sleep on small beds next to each other, while other stations have private sleeping rooms for each of their personnel. The station's kitchen was found to have old worn out appliances and peg board for cabinet doors. Most of the furniture in the station is old and worn. When asked when the station may receive improvements, The Grand Jury was told this is all they were given and the personnel on duty do most of their own minor repairs (plumbing, wiring, etc.).

Even with the poor condition of the furnishings and out dated kitchen this station was very clean and well organized.

The Grand Jury found the Hazardous Material (Haz Mat) van had been moved from this station and placed at another station outside the city limits. The Haz Mat van carries the following:

- Protective gear which includes Level A chemical protection suits which are reusable and Level B chemical suits which are disposable.
- Radiation detection meter
- Chemical test kits
- Spill absorbents (which do not react with chemicals)
- Four air gas monitors (which monitor the air)
- Special soap and wipes

It was also learned that all but one of the assigned personnel that work at Station #6 are certified in the use of Haz Mat equipment. Currently this equipment is stored at a station with only one assigned firefighter that cannot respond to an incident with this life saving equipment if needed because he/she is not certified. It was learned if this equipment was stored at Station #6 the personnel could respond with this van within minutes. The Fire Chief clarified that this Haz Mat equipment does not belong to the City of Madera but is the property of Madera County.

With the high cost of repairs and maintenance The Grand Jury also found a need to update the fire engines. The Fire Chief stated with the new budget they will be receiving a new fire engine and possibly a new staff position.

The immaculate apparatus room is where they store their aging equipment. The big fire engine weighs 36,000 pounds and 42,000 to 45,000 pounds fully loaded. This carries:

- 500 Gallons of water
- chain saws
- circular saw
- Jaws of Life
- cutters
- air bags
- hydraulic rams to lift dash boards
- large compressor
- small compressor
- multiple hoses, various sizes
- portable exhaust fans (Positive Pressure Ventilation - PPV)
- Preconnected hydraulic system
- Generators
- Protective gear
- Breathing apparatus (mask & air cylinder)
- Defibrillator
- Self contained breathing apparatus (SCBA)
- Thermal imaging camera

The thermal imaging camera can see through smoke. The fire will show red and a person will show up black and white making a rescue easier, safer, and faster. This camera will also find fire through a wall.

The staff stated they like the small engine. It is a four wheel drive and can maneuver into small areas to put out grass fires and assist the mountain communities with wildland fires.

CONCLUSIONS:

Madera City Fire Department, Station #6 is in need of additional personnel along with updated and dependable equipment to keep up with Madera's increasing population and today's technology. Fire station living and sleeping improvements are needed.

ATTACHMENTS:

Photos

RECOMMENDATIONS:

City of Madera look into purchasing new Fire Engines which are more dependable and current with today's technology.

Evaluate the placement of the Haz Mat van to better serve our community with certified trained fire department personnel that could respond when needed with this life saving equipment.

City of Madera consider an increase to the overall annual budget to the Fire Department for additional staffing and station maintenance.

RESPONSES:

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

Madera City Fire Chief
14225 Road 28
Madera, CA 93738

Cal Fire
State Fire Marshall
P O Box 944246
Sacramento, CA 94244-2460

Madera City Council
205 West Fourth Street
Madera, CA 93637

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY FIRE DEPARTMENT, STATION #8**

INTRODUCTION:

On October 26, 2007 the Madera County Grand Jury conducted an investigation of the Madera County Fire Department, Station #8. This was the first for this facility as this is a new Fire Station located at 47050 Road 417 Coarsegold, California. The Grand Jury found the Cal Fire employees who staff this station to be professional and informative.

FINDINGS:

Madera County has contracted with the State of California's Cal Fire for the staffing of this new Fire Station. Station #8 is staffed with two Fire Department personnel (one Engineer or Captain and one Firefighter) at all times working three days with four days off. Their primary response area consists of Indian Lakes, Coarsegold, Yosemite Lakes Park, and Chukchansi Casino. This station is responsible for providing emergency services to approximately 15,000 people, responding to structure, vehicle, and wild land fires along with medical aids. They stated the average response time is 3 to 5 minutes.

This station was built in 2007 and has many improvements that the other Madera County Fire Stations do not have. The overall structure was nicely done and has new furniture for living, dining, sleeping, & office areas. The public entrance is located in the office area, and there needs to be a counter separating the two. The kitchen is very large with ample room to cook along with a walk-in pantry for food storage. The sleeping area consists of 4 private rooms. Each person has their own room with a bed, night stand and soon lockers will be added. Across the hall there are two private bathrooms with showers.

The Grand Jury found that this station, although new, has been equipped with an old and outdated fire truck & engine. Engine #8 is an old Coca Cola delivery truck that has a history of being damaged. The Grand Jury was also informed that this truck has been repaired so often, the county could have "paid for a new fire engine".

Ladder Truck #8 is now 16 years old, with an odometer reading of over 90,000 miles. Its ladder extends 75 feet but needs to extend to a minimum of 110 feet. This truck is not capable of extending its ladder to most areas of the casino.

When the fire personnel are dispatched to an emergency, the on duty staff must decide which truck is the best one to respond. As the Fire Fighters have not seen the emergency, this is a guess on their part as to what equipment to take. They cannot take both pieces of equipment because only Captains and Engineers are licensed to drive the large equipment. It is clear that there is an immediate need to have at least three personnel on duty to operate the equipment. This would allow for a much wider access to equipment in this remote area of the County.

The apparatus room was clean and orderly as was all the equipment. It was pointed out to the Grand Jury that there is no heating in the apparatus room. An exhaust system needs to be installed to ventilate the apparatus room as the equipment is required to be operated periodically for testing.

CONCLUSION:

This new station was long overdue and is a good improvement for Madera County, but does not have adequate staffing or equipment to render proper emergency services.

RECOMMENDATIONS:

The Grand Jury recommends an evaluation be made concerning the need for additional on duty staffing.

Madera County purchase new ladder trucks and fire engines that are more dependable and current with today's technology.

Look into installing heating and exhaust systems in the apparatus room.

Madera County consider an increase to the overall annual budget to the County Fire Departments to maintain adequate staffing.

Install a counter between the entrance and the office areas.

RESPONSES:

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

Madera County Fire
14225 Road 28
Madera, CA 93638

State of California Cal-Fire
P. O. Box 944246
Sacramento, CA 94244

**2007/2008
Madera County Grand Jury
Final Report
Chowchilla City Police Department and Jail**

INTRODUCTION:

On November 9, 2007, the Madera County Grand Jury conducted a tour of Chowchilla City Police Department at 122 Trinity Avenue, Chowchilla, California, pursuant to section 919 (a) and 919(b) of the Penal Code. The Grand Jury found the Police Department employees to be friendly and informative.

FINDINGS:

The Chief of Police in Chowchilla has a staff of 19 full time sworn officers. Among them are sergeants, patrol officers, one animal control officer, and five dispatchers. The officers are organized to staff the Police Department, jail and patrol the city 24 hours a day 7 days a week, working 3 twelve hour shifts plus 1 eight hour shift every other week. In addition, there is one part time records person and sex offender registrar. Twelve reserve officer slots are also available, of which two are currently filled, and five are in the process of being filled.

Due to the growing population of Chowchilla, approximately 17,000, the Department stated they could use at least four new patrol officers and their two K-9 vehicles are getting old. The types of calls they respond to are robbery, home invasion, homicide, traffic, disturbing the peace and any call for help. In 2007, they responded to 21,491 calls. The department sometimes will assist the Sheriff and California Highway Patrol (CHP).

The Chowchilla Jail, which is located in the same facility, is for temporary holding. The jail performs preliminary booking then cites and releases the inmate or transfers them to Madera County. The two holding rooms (cells) have locked heavy gage steel doors, with video surveillance and all lights are motion censored.

The Grand Jury was pleased to find the department installed a LiveScan fingerprint system, which was recommended by the 2004 Madera County Grand Jury.

The command center is all computerized and can be switched over to the Sheriff Department when there is no power.

This facility has the following rooms:

- Interview room with audio and video
- Report writing room
- Investigation office
- Sergeant's office
- Lunchroom/kitchen

- Conference room
- Class room that seats 15
- Evidence room with a vault
- Dispatch room (command center)
- Training room to study w/ kennels for dogs
- Detective room with two desks and breathing apparatus on the wall
- Men's and Women's locker rooms with showers

The many halls of this department were very narrow and some rooms very small. They hope to move into the vacated Government Center next door soon. This would alleviate the crowding.

CONCLUSIONS:

The Madera County Grand Jury found this facility to be organized, clean, and professional. They have an open door policy that they call "The best Chief ever".

In this time of security awareness, Chowchilla has taken advantage of current technology with the installation of the LiveScan finger print system.

RECOMMENDATIONS:

1. Move into the vacated Government Center next door to alleviate crowding.
2. Increase patrol officers by four (4) due to the growing population.
3. Proceed with the acquisition of two (2) new K-9 vehicles.

RESPONSES:

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

Chowchilla City Police Chief
 122 Trinity Avenue
 Chowchilla, CA 93610

Chowchilla City Council
 Civic Center Plaza
 130 South Second Street
 Chowchilla, CA 93610



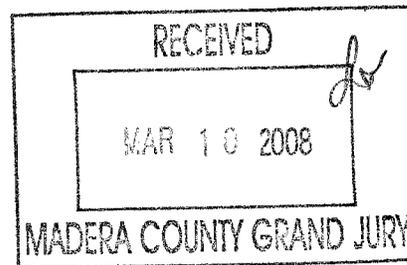
Chowchilla Police Department

Jay A. Varney, Chief of Police
122 Trinity Avenue, Chowchilla, California 93610



March 3, 2008

Madera County Grand Jury
Linda R. Dominguez, Foreperson
P. O. Box 534
Madera CA 93639



Re: Grand Jury Final Report, Chowchilla Police Department and Temporary Holding Facility

Thank you for the recent review and report regarding the Chowchilla Police Department. Listed below are responses to the recommendations listed in the Final Report:

Move into the vacated Government Center next door to alleviate crowding-

The City of Chowchilla and the County of Madera have had a number of amicable conversations about the City's desire to purchase the portion of the Government Center that was vacated when the Traffic Division of the Madera Superior Court moved to Madera. The next meeting to discuss this purchase is scheduled for the second week of March. When an agreement is reached, the City believes that this will provide adequate centrally located space for the Police Department, consistent with the Police Department's 25 year plan.

Increase their patrol officers by four (4) due to the growing population-

The City and the Chowchilla Police Officers Association have verbally agreed that the goal for patrol staffing will be 14 sworn personnel assigned to uniform patrol. Currently there are 13 sworn personnel assigned to uniform patrol, with one open police officer position. The Department is actively seeking to fill this open position.

Look into acquiring two (2) new K-9 vehicles-

The replacement of the current K9 vehicles will be addressed as soon as city budget allocations allow. The City has set aside some funds from previous K9

Service & Safety

Office (559) 665-8600 Fax (559) 665-7416
www.ci.chowchilla.ca.us/citydirectory/policedir.htm



Chowchilla Police Department

Jay A. Varney, Chief of Police
122 Trinity Avenue, Chowchilla, California 93610



unit donations to be used towards the purchase of a replacement vehicle for the K9 unit. Current fund accumulations are not adequate to cover the entire purchase/outfitting cost of a replacement K9 vehicle.

I hope that you find these answers responsive to your recommendations. If you have any further questions, or if there is anything else I can help you with, do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Jay Varney", with a long, sweeping flourish extending to the right.

Jay Varney
Chief of Police

Cc Chowchilla City Council, City Administrator Red

Service & Safety

Office (559) 665-8600 Fax (559) 665-7416
www.ci.chowchilla.ca.us/citydirectory/policedir.htm

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
CENTRAL CALIFORNIA WOMEN'S FACILITY**

INTRODUCTION:

Subsequent to the Madera Grand Jury's yearly investigation of the Valley State Prison for Women in the fall of 2007, the Grand Jury received a complaint concerning the combined housing of Level One through Four female prisoners. Initially, the Grand Jury discussed the merit of the complaint, and after review decided it would make an interesting basis for an investigation of the Central California Women's Facility (CCWF) mandated by section 919B of the California Penal Code. On February 14, 2008 a committee of the Grand Jury met at the CCWF and was given as much time and access as needed to answer questions generated by the complaint. In addition, the complaint requested an investigation of the medical facility. In addition, the Grand Jury followed up on reviewing the 2006-2007 Grand Jury report recommendations of the central kitchen scullery area.

FINDINGS:

Currently female prisoners are evaluated by prison staff and categorized into four groups based on severity of the crime, attitude, and compliance. These are labeled Level One for the least severe through Level Four, the most problematic. At this time, female prisoners are housed without regard to their status. The complaint alleges intimidation and safety issues with this method of incarceration.

During discussion, it was learned that the male prison populations are separated by categories Level one through four because of safety reasons. Additionally, they are separated by ethnicity, gang affiliation, and violent activity. Through direct observation and discussion with several officers and staff, safety issues did not appear to be a problem at the CCWF facility. We observed co-mingling of ethnicity and age groups and were told female prisoners tend to create family type groups. There was no obvious display of gang activity. We further learned the prison authorities are constantly reviewing the current housing policy for possible future modifications.

The Committee visited an eight bed cell located within the Honor Housing Unit. The area was orderly and clean. We observed a glass mirror affixed to the wall that was cracked and had a sharp edge. This was brought to the attention of a correctional officer, who was to fill out a repair work order.

Each housing pod has its own medical clinic with dental facilities. In addition there is a main medical facility called the Skilled Nursing Facility (SNF). The SNF has 39 beds,

10 of which are occupied by long term chronic care patients, the oldest of which is 78 years. The rest of the beds are utilized for surgery recovery, isolation illnesses, and mental crises patients. The SNF is a self-contained facility with its own dietary kitchen. Two registered nurses and two security guards are on duty at all times. A physician is on staff five days a week and on call nights and weekends. There are also specialists on a contract basis. Surgery patients are transported to local hospitals for contracted care. No major surgeries are performed at the SNF. The facility appeared to have adequate equipment; however we were told the nurses call system is not always operational.

The committee observed the Prison Industry Authority (PIA) fabric workshop, where various statewide prison uniforms, firefighter camp shirts, and all flags for state facilities including the American, California State and California Highway Patrol flags of all sizes are fabricated. Escorting the committee was a young well spoken inmate that had been elevated to a supervisor position. She was very enthusiastic and proud of the products being produced. She had been in this position for over five years of her ten years of incarceration. When asked the term of her sentence, she responded "I'm a lifer".

The last portion of the visit included the Central Kitchen facility previously visited by the 2006-2007 Madera County Grand Jury. The main focus was to review last year's recommendations concerning the B Yard scullery. The scullery is an area where dishes are scraped, washed, inspected, and rewashed, if necessary. It was noted in the previous report, a temperature and pressure gauge were missing, to be repaired or replaced. During our visit, we noticed that one of the four gauges was again broken. Additionally there was noticeable black discoloration on the ceiling, possibly due to the lack of adequate ventilation, and the hot steamy nature of the environment.

CONCLUSIONS:

The Administrative Assistant, Correctional Officers, Medical Staff, and the PIA inmate supervisor were very courteous, informative and focused on their duties. They are to be commended for their attention to detail. The grounds and facilities are well maintained and have the atmosphere of a well organized community.

RECOMMENDATIONS:

- The CCWF continue to review the level one through four housing policies as it relates to female inmate safety.
- The CCWF evaluate and upgrade as necessary the nurses calling station in the SNF.
- The CCWF kitchen ventilation system should be upgraded to accommodate the harsh environment of the scullery.
- Pressure gauges be shielded to prevent further continual damage.

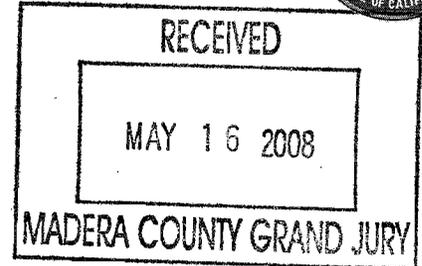
RESPONSES:

Central California Women's Facility- Warden's Office

State of California Department of Corrections and Rehabilitation

Madera County Board of Supervisors

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



May 9, 2008

Linda R. Dominguez
Foreperson
Madera County Grand Jury
PO Box 534
Madera, CA 93639

Dear Ms. Dominguez:

This is in response to your letter dated April 9, 2008, regarding the 2007-2008 Madera County Grand Jury Report on Central California Women's Facility (CCWF).

This report contained four recommendations that are addressed in the enclosed Corrective Action Plan. The input that CCWF received in this report is an important tool, which CCWF will use to help ensure that CCWF continues to provide a safe and secure environment for the staff and inmates.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah L. Patrick".

DEBORAH L. PATRICK
Warden

Enclosure

c: Wendy Still, Associate Director, Division of Adult Institutions

**CENTRAL CALIFORNIA WOMEN'S FACILITY
CORRECTIVE ACTION PLAN**

**MADERA COUNTY GRAND JURY TOUR OF CENTRAL CALIFORNIA WOMEN'S FACILITY – FEBRUARY 14, 2008
FINDINGS**

By: **S. K. Pennywell**
Associate Warden, Business Services

Page 1 of 1
Date: May 6, 2008

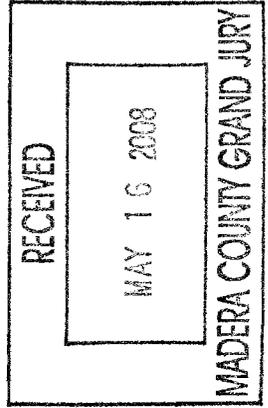
ITEM	CORRECTIVE ACTION REQUIRED	BY WHOM	PROPOSED ACTION PLAN	DATE TO BE COMPLETED
1.	The Central California Women's Facility (CCWF) continue to review the level one through four housing policies as it relates to female inmate safety.		CCWF will continue to monitor and evaluate the current housing policy as it relates to inmate safety. California Penal Code, Section 3430, requires the California Department of Corrections and Rehabilitation to create policies and operational practices that are designed to ensure a safe and productive institutional environment for female offenders.	Ongoing
2.	The CCWF evaluate and upgrade as necessary the nurses calling station in the Skilled Nursing Facility.	B. Hubble, Correctional Plant Manager I	CCWF has submitted a Special Repair Project Request to the Facility Management Division (FMD). The project has been approved. The project has been submitted for design, but has not yet been funded. Upon funding of the project by FMD, Inmate Ward Labor will replace the nurse call system.	July 1, 2009
3.	The CCWF kitchen ventilation system should be upgraded to accommodate the harsh environment of the scullery.	L. Cook, Correctional Food Manager (CFMI)	Work Orders have been submitted to evaluate the ventilation problems in the sculleries.	The evaluation is to be completed by June 1, 2008.
4.	Pressure gauges be shielded to prevent further continual damage.	CFMI	Work orders have been submitted to install protective covers over the temperature and pressure gauges on the scullery machines.	Work to be completed by June 1, 2008



S. K. PENNYWELL
Associate Warden, Business Services



DEBORAH L. PATRICK
Warden
Central California Women's Facility



5/6/08
DATE

5/9/08
DATE

DATE

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY SHERIFF'S DEPARTMENT
CORONER'S OFFICE**

INTRODUCTION:

The Madera County Sheriff's Department Coroner's Office has not been visited by the Grand Jury in approximately 18 years. The Sheriff/Coroner of Madera County along with the Chief Deputy Coroner were interviewed for this report. The Chief Deputy Coroner is assigned to and oversees the daily operation of the Coroner's office.

FINDINGS:

The Sheriff/Coroner is an elected position. The Chief Deputy Coroner is selected and appointed to his position by the Sheriff/Coroner. In this case the Chief Deputy Coroner is also a detective.

In Madera County, all Sheriff's deputies are deputy coroners and may investigate cause of death as necessary and pronounce death as required.

California Government code 27491 states the "Duty of the Coroner is to inquire into specific types of deaths." Types of situations the coroner's office needs to investigate include but are not limited to: Suspected suicide, suspected homicide, suspected sudden infant death syndrome, an unidentified person, cases where a physician cannot state cause of death, or a patient dies while not fully recovered from anesthesia. Natural cause deaths are normally investigated only if a person has not seen their physician within twenty days or no history of illness is present. Families of the deceased cannot refuse to have an autopsy performed if deemed necessary by the Coroner's Office. They can, however, request that an autopsy be performed. In that case the family would be responsible for costs incurred. There are between 100 and 125 autopsies performed each year within the County.

The following is a breakdown of total deaths in the county in 2006 and 2007:

<u>2006</u>	<u>2007 (through 12/20/07)</u>
Natural – 413	Natural – 357
Undetermined – 5	Undetermined – 27 *
Outside Jurisdiction – 9	Outside Jurisdiction – 12
Accidental – 35	Accidental – 24
Homicide – 4	Homicide – 4
Suicide – 14	Suicide – 20
Motor Vehicle – 52	Motor Vehicle – 48
TOTAL – 532	TOTAL – 492

*Of these 13 are pending, 2 are undetermined, and 12 have been closed and reassigned.

Autopsies are performed by one of two forensic pathologists, one provided by Pathology Associates in Fresno and one retired physician that performs autopsies for the County. If neither of these doctors is available a pathologist furnished by Pathology Associates would perform the autopsy. Central Valley Toxicology performs the forensics tests and Diagnostic Labs performs X-Rays as necessary.

Autopsy services and facilities are contracted and awarded to the lowest bidder. Smith Manor is the current contract holder and is in the second year of a three-year contract. They supply the mortuary facility, body pickup and storage, and autopsy supplies. The Coroner's office owns no facilities or equipment of its own. The contract also includes security of the bodies and disposal of all bio- waste materials. An autopsy costs between \$900 and \$2,000. Since by law an ambulance cannot transport a deceased person, various mortuaries are contracted with to pick up the deceased and deliver to Smith Manor.

Access to the autopsy/refrigeration room is restricted. Only the owner of the mortuary and the Chief Deputy Coroner has keys. The mortuary has multiple locked doors and alarms. All mortuary employees sign confidentiality agreements. The Chief Deputy Coroner has complete control of the deceased. No outsiders, even the family, can view the body until OK'd by the Chief Deputy Coroner.

In homicide cases, evidence and personal effects are removed by the pathologist in the presence of a detective and stored in the Sheriff's Department evidence room (not at the mortuary).

The mortuary has routine, no-notice inspections by both CAL-OSHA and The Cemetery and Funeral Bureau. During the Grand Jury visit the facilities appeared very adequate for the county needs and were clean and well ventilated.

The Coroner's Office budget is part of the overall Sheriff's Department budget. According to the Sheriff/Coroner, Madera County's method of using contracted services for the Coroner's Office is in line with other counties of like size. At present, the current death investigation numbers do not warrant a county medical examiner and morgue. The county's death investigations would have to at least double to warrant the expense of these facilities.

CONCLUSIONS:

The Coroner's Office and contracted facilities at Smith Manor are well staffed and organized. Contracted facilities are very adequate for the number of death investigations incurred by Madera County.

RECOMMENDATIONS:

No recommendations.

RESPONSES:

Madera County Sheriff's Department
Sheriff/Coroner John Anderson
14142 Road 28
Madera, CA 93638

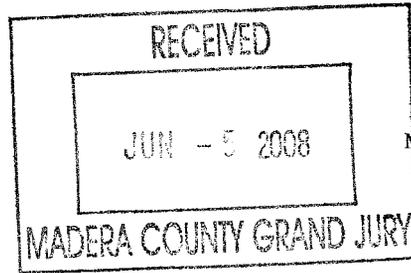
Madera County Board of Supervisors
200 W. 4th Street
Madera, CA 93637



SHERIFF'S DEPARTMENT

Madera County

John P. Anderson
Sheriff-Coroner



4143 Road 28
Madera, CA 93638
(559) 675-7770

May 28, 2008

Ms. Linda R. Dominguez
Foreperson
Madera County Grand Jury
PO Box 534
Madera, CA 93639

Dear Ms. Dominguez,

I want to thank the Grand Jury for inviting us to again make a presentation outlining the responsibilities and operations of our Department.

Members of the Jury inspected our Coroner function and investigated a complaint regarding preferential treatment. We appreciate the quality and depth of the examination of our Coroner operation and the favorable comments made. The exoneration of the complaint allegations are also appreciated.

As there were no recommendations made concerning our Department, I will conclude by again thanking members of the Grand Jury for their voluntary service, and efforts in improving the performance of government.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Anderson".

John P. Anderson
Sheriff

Cc. Madera County Board of Supervisors
Madera County Administrator

SERVING SINCE 1893



**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON
MADERA CEMETERY DISTRICT**

INTRODUCTION:

The Grand Jury investigated the Madera Cemetery District. The District has not been investigated since the 2005-2006 Grand Jury. There are five public cemeteries within the District. Madera has two local cemeteries, Arbor Vitae and Calvary. The District has three other cemeteries in Eastern Madera County: Oakhill Cemetery in Oakhurst, North Fork Cemetery, and Raymond Cemetery.

FINDINGS:

Madera Cemetery District is a member of The California Association of Public Cemeteries. All public cemetery districts are under the State Health and Safety Code 7000-8653. There are 253 cemeteries within this association, from Merced to Porterville.

The Madera Cemetery District has an Office Manager in charge of all five cemeteries. She has held this position for sixteen years and reports to the five member Cemetery District Board of Trustees (Board). The Grand Jury found the manager to be very helpful and cooperative by providing us with requested information. The information includes the yearly budget for 2007-2008, agenda and minutes of the last Board meeting and approval of expenditures, and a comparison chart with other cemetery districts (see attachments). The Manager also showed the Grand Jury copies of many thank you letters from families. Following the interview, the Office Manager took the Grand Jury on a tour of the Arbor Vitae and Calvary Cemeteries.

The Maintenance & Operations (M&O) Manager works in conjunction with the Office Manager. He has held this position for sixteen of his thirty-five year tenure working with the District. The M&O reports to the Board monthly. He took the Grand Jury on a tour of the cemeteries in the mountains. He was open and informative on the operation of each cemetery.

There are a total of eighteen employees for the five cemeteries. Oakhill, Raymond, and North Fork have a total of three employees. Calvary has four employees. Arbor Vitae has eleven employees, which includes three office personnel and one gatekeeper. All the maintenance employees have been employed by the District for twenty years or more. They maintain the grounds, repair the equipment, and take care of plots before and after each burial.

The Board is comprised of three members from the City of Madera, one member from North Fork and one member from Coarsegold. The Board and the two Managers review the total cemetery budget monthly. The monthly budget includes a breakdown for all five

cemeteries, including salaries, benefits, insurance, and services. There is an independent auditor who presents the audit annually to the Board with a copy to the County. The income for the budget is generated by Madera County property tax and sales and service.

All public cemeteries have an Endowment Care Fund, according to the State Health and Safety Code. The monies from this trust fund come from sales of plots and niches. This trust fund is required for the Districts protection to continue the maintenance of the cemeteries after they are full and have no more sales. These monies go into a special fund which is governed by the Board and a financial advisor. Only the interest on the fund is used, the principal remains intact. The Fund continues to grow because of current sales income.

The cemeteries have no in-house security, and no cameras. There have been thirty decorative bronze flower urns stolen from various mausoleums in the past few years. At the Arbor Vitae Cemetery there is a gatekeeper on weekends. After hours the turnstiles allow foot traffic only. During the weekend of March 15, 2008, five large monuments were toppled at Arbor Vitae Cemetery. If the people who desecrate monuments are caught, they will be charged with a felony. The police do patrol this cemetery, and have a gate key to use if necessary.

The office for all five cemeteries is located at the Arbor Vitae Cemetery. At this office there are computerized maps of all locations of every plot. These maps are drawn by the M&O Manager then stored in a fire proof vault. These maps are checked quarterly to update changes for each cemetery.

All the cemeteries, except for Raymond, have a section reserved for the cremated remains of Madera County indigents and unidentified people. In all other cases it is required to be a resident, or a family member of a resident of Madera County to be buried in any of the five cemeteries. The gravesites at all the cemeteries are perpetual, meaning they are never moved or re-used.

The acreage for each cemetery varies. Arbor Vitae have thirty-five acres, with an average of 242 burials a year since 1996. There is a mausoleum internment area for those not wishing a burial. The niche internment area is for cremations. Also, there is an ossuary, for the co-mingled cremation remains. There is a covered area for the family and friends to gather for services. After the services, the family can go to the burial site with the casket. This service area was installed for safety purposes, because the burial site is sometimes not on level ground, and some people are uncomfortable walking or standing on burial sites. Near one of the entrances is the large interred Veterans area. On the east side of the cemetery, inside a fenced area, there are large equipment garages, a casket liner storage area, and an office for the maintenance crew.

Calvary has twenty-nine acres, with thirty additional acres available in a vineyard behind the cemetery. There is an average of 125 burials a year since 1996. There is a mausoleum, a niche area, and an ossuary. The new internment chapel is under construction. Again, there is a large equipment garage, a casket liner storage area, and an office for the

maintenance crew.

Oakhill Cemetery in Oakhurst has seven and one half acres, and will close due to lack of space in approximately seven years. The Board is working with the Local Agency Formation Commission (LAFCO), to increase the sphere of influence in Oakhurst. There has been an average of sixty-eight burials a year since 1996. At the entrance is a historical chapel, The Little Church on the Hill, which holds a small amount of people for any type of service (picture attached). On a hill, overlooking most of the cemetery is a small niche area for cremation remains. There is an equipment garage, casket liner storage area and a small office for the maintenance crew.

North Fork has twenty-two and one half acres, with a small office, an equipment garage and casket liner storage area. There has been an average of seventeen burials a year since 1996. Plans are in the process to build an ossuary.

Raymond is a small five acre cemetery. It is a fenced area that is all dirt due to lack of water. The grounds are sprayed once a year to eliminate weeds. The Madera Cemetery District took over the cemetery in 1955. There are seven new graves since 1996. The cemetery is a reminder of the old boot hill type of cemetery (picture attached).

CONCLUSIONS:

The Madera Cemetery District appears to be operating well in servicing the needs of Madera County citizens. All the cemeteries are well maintained by loyal District employees.

RECOMMENDATIONS:

The Grand Jury recommends the Board of Trustees and LAFCO work together with Madera County to expand the Oakhill Cemetery due to the inadequate size of the cemetery and the population growth in Oakhurst.

The Grand Jury recommends the Board of Trustees request additional security from law enforcement patrols or private security and the installation of security sensor lights to prevent theft and vandalism at the cemeteries.

RESPONSES:

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

Madera Cemetery District, Board of Trustees
1301 Roberts Ave.
Madera, Ca. 93637

California Association of Public Cemeteries
2640 Glen Ridge Road
Escondido, Ca. 92027





Madera Cemetery District

BUDGET YEAR 2007-2008

2.5 % Increase

Goal: 66%

Budget

Balance

February 29, 2008

Final Budget

Spent to Date

Percentage

Left

Salaries:

Full-Time Salaries	841,190.00	551,574.00	65.57%	289,616.00
Overtime Wages	4,200.00	2,045.00	48.69%	2,155.00
Part-Time Wages	13,000.00	5,912.00	45.48%	7,088.00
Sick Leave Payoff	4,500.00	2,646.00	58.80%	1,854.00
Total of Salaries	862,890.00	562,177.00	65.15%	300,713.00

Retirement Payoff	0.00	0.00	0.00%	0.00
PERS Retirement	162,423.00	107,176.00	65.99%	55,247.00
Dist. Share of SS	66,007.00	43,007.00	65.16%	23,000.00
Temporary Services	40,000.00	21,308.00	53.27%	18,692.00
Total of related Salaries:	268,430.00	171,491.00	63.89%	96,939.00

Benefits:

Health,Dental,Vision,Life	127,221.00	81,036.00	63.70%	46,185.00
Trustee Benefits	5,337.00	2,294.00	42.98%	3,043.00
Total Benefits for District	132,558.00	83,330.00	62.86%	49,228.00

Insurances:

Liability Insurance	29,000.00	27,152.00	93.63%	1,848.00
Worker's Comp. Insurance	39,500.00	36,356.00	92.04%	3,144.00
Total of Insurances:	68,500.00	63,508.00	92.71%	4,992.00

Services:

Safety Training	8,000.00	7,562.00	94.53%	438.00
Uniforms	5,500.00	3,394.00	61.71%	2,106.00
Telephones & Communication	6,900.00	4,207.00	60.97%	2,693.00
Household Expenses	2,800.00	2,713.00	96.89%	87.00
Maint. Of Equipment	26,000.00	14,907.00	57.33%	11,093.00
Maint. Of Buildings	19,200.00	14,713.00	76.63%	4,487.00
Maint. Of Grounds	30,800.00	11,414.00	37.06%	19,386.00
Fuel & Lubricants	23,000.00	14,209.00	61.78%	8,791.00
Membership/Permits	1,800.00	2,030.00	112.78%	-230.00
Miscellaneous Expenses	700.00	0.00	0.00%	700.00
Office Supplies	8,000.00	4,609.00	57.61%	3,391.00
Professional Services	6,500.00	4,625.00	71.15%	1,875.00
Publications/Resources	1,500.00	69.00	4.60%	1,431.00
Equipment Rented	3,800.00	477.00	12.55%	3,323.00
Trustee Expense for Meetings	8,000.00	3,600.00	45.00%	4,400.00
Small Tools Purchased*	8,500.00	5,924.00	69.69%	2,576.00
Conferences & Travel	9,000.00	6,078.00	67.53%	2,922.00
Utilities	52,000.00	40,356.00	77.61%	11,644.00
Property Tax Admin. Fee	28,000.00	0.00	0.00%	28,000.00
Taxes on Leased Property	2,000.00	1,130.00	56.50%	870.00
Cost of goods/liners/vases	65,000.00	67,445.00	103.76%	-2,445.00
Refunds	3,500.00	9,450.00	270.00%	-5,950.00
Total of above Expenditures:	320,500.00	218,912.00	68.30%	101,588.00

1,652,878.00

1,099,418.00

66.52%

553,460.00

FROM E.C. FUND				
Equipment Purchases	8,700.00	7,381.00	84.84%	1,319.00
Structures & Improvements	59,100.00	53,310.00	90.20%	5,790.00
	67,800.00		0.00%	67,800.00
Road Sealing Maintenance	90,450.00	<u>89,039.00</u>	98.44%	1,411.00
Total of Fixed Assets:	90,450.00	149,730.00	165.54%	7,109.00

Funds from Reserves for

Development of Cemeteries:

Gravel for North Fork		2,348.00	
10 acre Master Plan		5,100.00	
Chapel Area at Calvary	497,000.00		
10 % overage	49,700.00		
Septic Tanks	6500	5,698.00	
	<u>10,000.00</u>	Power to Area	
Total of Chapel Area	563,200.00		

TOTAL: 1,262,294.00

APPROVAL OF EXPENDITURES: Feb. 08

Checks written for the month of Feb. 08

WARRANTS FOR:	Feb. 08		
		\$69,298.74	2/8/2008
		\$35,939.59	2/8/2008
	TOTAL:	<u>\$ 105,238.33</u>	

Sick Leave Payroll		
Payroll for	Feb. 15th	\$ 24,865.90
Halloween Payroll		
Payroll for	Feb. 29th	\$ 24,683.04
Saturday O.T.		
Payroll for	Trustees	\$ 500.00
Payroll Depository for	Feb. 15th	\$8,726.55
Payroll for Memorial Day		
Payroll Depository for	Feb. 29th	\$ 8,726.55
TOTAL EXPENDITURES:	February	\$ 172,740.37

TOTAL REVENUE FOR MONTH	\$ 53,948.38
NEW CONTRACTS FOR MONTH	\$ 11,179.22
ENDOWMENT CARE INTEREST TO COUNTY	
QUARTERLY TRANSFER FROM PRE-NEED FUND	
TRANSFER FROM E.C. FOR EQUIPMENT	
MONTHLY TOTAL OF SERVICES	35
ARBOR VITAE	20
CALVARY	10
OAKHILL	4
NORTH FORK	1
RAYMOND	<u>0</u>
TOTAL:	35

MADERA CEMETERY DISTRICT

TOTAL BURIALS

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
ARBOR VITAE	265	206	238	263	239	278	244	250	233	220	227	242
CALVARY	137	96	118	126	135	128	127	120	124	126	150	124
OAKHILL	63	56	80	73	73	68	68	69	81	62	77	56
NORTH FORK	18	10	11	20	26	14	18	20	22	22	17	16
RAYMOND	0	0	0	1	1	0	1	0	2	0	1	1
TOTAL:	483	368	447	483	474	488	458	459	462	430	472	439

Cremation Burials	63	67	74	74	79	87	88	92	102	93	117	99
MAUS	24	17	21	29	21	18	16	21	16	29	22	25

Cremations at all sites

Arbor Vitae	67	27% of Arbor Vitae burials
Calvary	14	11% of Calvary burials
North Fork	1	6% of North Fork burials
Oakhill	17	30% of Oakhill burials
	<u>99</u>	Total of 22% of burials

Comparison Prices on Sales & Services:

<u>Cemetery</u>	2006 # of <u>Burials</u>	<u>Plots</u>	<u>E.C.</u>	<u>Liner</u>	<u>Handling</u>	<u>Opening & Closing</u>	<u>Marker Setting</u>	<u>TOTAL</u>
MADERA	462	440	160	310	134	470	242	\$1,756.00
CLOVIS	500	525	150	360	305	610	200	\$2,150.00
ALTA-DINUBA	275	450	145	320	250	400	125	\$1,690.00
KERN COUNTY (TIM UNRUH)	280	500	200	350	135	400	75	\$1,660.00
LEMOORE	257	700	250	468	250	500	200	\$2,368.00
HANFORD	250	1,000	200	445	200	550	115	\$2,760.00
LINDSAY / STRATHMORE	145	400	100	352	200	300	60	\$1,412.00
MERCED	285	600	250	350	300	500	100	\$2,100.00
PORTERVILLE	400	762	159	516	175	508	*	\$2,520.00
SANGER	250	655	245	620	*	655	160	\$2,335.00
SELMA	184	600	150	436	300	600	150	\$2,236.00
TULARE	384	700	200	250	200	450	150	\$1,950.00
VISALIA	580	714	253	370	276	751	182	\$2,546.00
WINTON	200	400	125	312	125	450	125	\$1,537.00
REEDLEY	200	350	150	400	50	475	200	\$1,825.00

* A star means no charges for that item



A-G-E-N-D-A

Tuesday, March 25, 2008
5:30 P.M. ARBOR VITAE CEMETERY

◆ **WE WILL START MEETING AT CALVARY TO VIEW INTERMENT AREA**

CALL TO ORDER:

1. ROLL CALL.
2. AGENDA REVIEW.
3. TIME FOR PUBLIC COMMENT. (5 MINUTE LIMIT)

CONSENT CALENDAR:

1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 26, 2008 AND THE PLANNING MEETING OF MARCH 8, 2008.
2. APPROVAL OF THE EXPENDITURES FOR FEBRUARY IN THE AMOUNT OF \$105,238.33.
3. THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, APRIL 22, 2008 IN THE ARBOR VITAE OFFICE.

DISCUSSION/ACTION:

- A. CLOSED SESSION WITH MANAGERS TO DISCUSS PERSONNEL ISSUES FOLLOWED BY THE ANNUAL EMPLOYEE EVALUATION OF A CEMETERY SPECIALIST.
- B. MEET WITH JOHN COURTNEY OF RJM DESIGN GROUP CONCERNING THE FINALIZATION OF THE 10- ACRE MASTER PLAN AT ARBOR VITAE.
- C. CONFLICT OF INTEREST FORMS SIGNED.
- D. DECISIONS ON INVESTMENT OF FUNDS FOR ENDOWMENT CARE AND PRE-NEED FUNDS IF NEEDED.
- E. DISCUSSION/PROGRESS ON CALVARY CEMETERY INTERMENT CHAPEL FOLLOWED BY DISCUSSION ON FOUNTAINS FOR AREA, APPROVAL OF LANDSCAPING BID AND OTHER ITEMS OF DISCUSSION.
- F. DISCUSSION OF PROPERTY IN THE MOUNTAIN/RIO MESA AREAS & PROGRESS ON ANNEXATION. DISCUSSION ON MISSION STATEMENT FOR THE ANNEXATION.
- G. REPORT ON VISIT FROM GRAND JURY MEMBERS.
- H. SET BUDGET COMMITTEE MEETING FOR THE FIRST PART OF APRIL.
- I. DISCUSSION ON PLANNED RIBBON CUTTING CEMEMONY FOR LITTLE CHURCH WINDOWS WILL BE ON MAY 31,2008 AT 9 A.M. AT LITTLE CHURCH.
- J. ADJOURNMENT.

MINUTES OF THE MEETING OF FEBRUARY 26, 2008

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE MADERA CEMETERY DISTRICT HELD, TUESDAY, FEBRUARY 26, 2008 AT 5:30 P.M. IN THE OFFICE OF THE ARBOR VITAE CEMETERY, MADERA, CALIFORNIA.

TRUSTEE'S PRESENT:

JIM HARPER
Chairperson
LOIS BETTY
MAURICE CAPPELLUTI
CANDY TALLEY
AL VEATER

PUBLIC/EMPLOYEE'S PRESENT:

BARBARA MANFREDO-OFFICE MGR.
ERIK FERGUSON- OPERATIONS MANAGER
BELVA BARE- OFFICE TECHNICIAN
BALDEMAR AVILES- EMPLOYEE

CALL TO ORDER:

The meeting was called to order by Chairperson Jim Harper at 5:30 PM. All trustees were present.

AGENDA REVIEW:

No additions or changes were made to the agenda.

TIME FOR PUBLIC COMMENT:

No public comment was heard.

CONSENT CALENDAR:

Chairperson Jim Harper asked for the approval of the consent calendar. Trustee Maurice Cappelluti made a motion to accept the minutes of the Regular Meeting of January 22, 2008. It was seconded by Trustee Lois Betty and was unanimously approved.

A motion was made by Trustee Candy Talley to approve the expenditures for the month of January in the amount of \$ 67,191.29. It was seconded by Trustee Lois Betty and unanimously approved.

The next regular board meeting will be held on Tuesday, March 25, 2008 at 5:30 P.M.

CLOSED SESSION:

Chairperson Jim Harper asked for a closed session for the evaluations of a Groundsmen II and Office Technician. The meeting was reopened with no action taken.

**PUBLIC CEMETERY ALLIANCE REPORT ON RECENT CONFERENCE
HOSTED BY MADERA:**

The northern group of public cemeteries, The Public Cemetery Alliance recently held a conference at the Piccadilly Inn in Fresno on Feb. 15th & 16th. The Board was pleased with the hospitality event on Friday night stating that our staff did a good job hosting the event. The meeting was informative and the group was very friendly. The staff was thanked for the extra time spent on the

gift bags representing Madera businesses that were given out to each attendee. Barbara stated that she received good feedback on the event and the group would like to return to our area possibly Bass Lake in the future.

The Board reviewed cemeteries increasing their Endowment Care prices to be consistent with the future costs to maintain the cemeteries when they are full. Some of the northern cemeteries were charging as much for their E.C. as they were for the plot. Legislation to increase the minimum allowed at the State level is being pursued. A discussion followed on a presentation directed to Trustees at a CAPC meeting that included projected prices for care and maintenance versus what would be available in their E.C. fund.

The State funeral home director's presentation was also very informative.

FORMATION OF A BUDGET COMMITTEE FOR THE 2008-2009 FISCAL YEAR:

After a review of previous budget committee members, Trustee Lois Betty recommended Candy Talley and Al Veater as the 2008-2009 committee representatives. Trustee Candy Talley asked about the process. Chairperson Jim Harper stated he would be happy to help on the committee if needed. It was decided that three trustees would be considered a quorum.

DISCUSSION ON S.W.O.T.T. FOR THE FUTURE:

Office Manager Barbara Manfredo stated that she would like to take the suggestion of a recent speaker at the CAPC conference to survey people who work with us and analyze our services. She stated that it would involve going out into the community to find out our strengths and weaknesses. SWOTT mean the analysis of our strengths, weaknesses, defining our opportunities, threats and trends. The survey would give us an indication of how we could improve. Trustee Jim Harper stated that it is healthy for an agency to do some self-improvement. Barbara stated she would be working on the survey.

APPROVAL TO USE OUTSIDE LAWYER ON PERSONNEL ISSUES CONCERNING THE DISTRICT:

Barbara explained that she would like to have available to the District a lawyer, Bob Hunt for personnel issues. Mr. Hunt updated our personnel handbook. Mr. Hunt is also very knowledgeable in cemetery law. Since county counsel takes so long I would be able to get information in a more timely manner. After a short discussion a motion was made by Trustee Lois Betty, seconded by Trustee Candy Talley for approval to contact Mr. Hunt when necessary and to leave it at Office Managers Barbara Manfredo's discretion on the cost and limit thereof for the information. It was unanimously approved. Barbara stated if the district did get into a situation they would have prior knowledge and the Trustees would make that monetary call. This approval is for **small** informative issues with money available in the budget under professional services .

DECISION ON INVESTMENT OF FUNDS FOR ENDOWMENT CARE AND PRE-NEED FUNDS AS PER SANDRA WHEELER OF WACHOVIA:

Barbara stated that a decision to invest an amount of \$150,000 of Endowment Care funds and \$100,000 of Pre-Need funds needs to be done . The Board reviewed several recommendations from Sandra Wheeler of Wachovia/A.G. Edwards. Another review of how many funds for each year was also discussed.

After a short discussion a motion was made by Trustee Lois Betty to invest \$100,000 of pre-need funds and \$100,000 of E. C. funds into the FNMA with a YTM of 4% maturing on 3/15/2013. The remaining \$50,000 will stay in the money market account. It was seconded by Trustee Al Veater and unanimously approved.

DISCUSSION ON THE ATTENDANCE TO THE CAPC CONFERENCE IN APRIL:

The California Association of Public Cemeteries is having their 50th annual conference on April 3rd-April 5th in Sacramento. Trustee Lois Betty and Barbara Manfredo stated they would attend. Trustee Candy Talley will be attending the Friday sessions. Trustees Jim Harper, Maurice Cappelluti and Al Veater and Operations Manager Erik Ferguson will let the office staff know before the deadline.

PROGRESS ON THE INTERMENT AREA AT CALVARY CEMETERY:

Operations Manager Erik Ferguson brought pictures of the construction progress on the Calvary Interment Chapel. The bathroom is up and the structure is under construction with the underneath part of the chapel completed. The roof will now be a clay tile instead of the proposed simulated tile. Berry Construction Manager Larry Moore thought it would look better and it still fit into the budget price. Trustee Maurice Cappelutti asked about a time frame for the project. Barbara was told about 4 months from the start so that leaves about three months left on the project.

DISCUSSION ON PROPERTY IN THE MOUNTAINS AND RIO MESA AREA:

Barbara reviewed information gathered from the assessor's office on the annexation of property and the report listed the other districts servicing this area. Madera Cemetery was named as one of the Districts. More will be discussed at the planning meeting to be held in March.

ADJOURNMENT:

Chairperson Jim Harper adjourned the meeting at 7:10 PM. A planning meeting will be held on Saturday, March 8, 2008 at Ducey's Pohoma room at 8 AM. The next regular meeting will be held on Tuesday, March 25, 2008 at 5:30 PM at the Arbor Vitae office.

MINUTES OF THE PLANNING MEETING OF MARCH 8, 2008

MINUTES OF THE PLANNING MEETING OF THE BOARD OF TRUSTEES OF THE MADERA CEMETERY DISTRICT HELD, SATURDAY, MARCH 8, 2008 AT 8 A.M. IN THE POHOMA ROOM OF DUCEYS, BASS LAKE, MADERA COUNTY.

TRUSTEE'S PRESENT:

JIM HARPER
Chairperson
LOIS BETTY
MAURICE CAPPELLUTI
CANDY TALLEY
AL VEATER

PUBLIC/EMPLOYEE'S PRESENT:

BARBARA MANFREDO-OFFICE MGR.
ERIK FERGUSON- OPERATIONS MANAGER
BELVA BARE- OFFICE TECHNICIAN

CALL TO ORDER:

The meeting was called to order by Chairperson Jim Harper at 8 AM. All trustees were present.

AGENDA REVIEW:

No additions or changes were made to the agenda.

TIME FOR PUBLIC COMMENT:

No public comment was heard.

CLOSED SESSION:

Chairperson Jim Harper asked for a closed session for the personnel issues. The meeting was reopened with no action taken.

DISCUSSION ON THE PAST YEARS ACCOMPLISHMENTS OF THE DISTRICT:

Office Manager Barbara Manfredo began the discussion listing the accomplishments of the District. A backhoe, new equipment, radios, weed eaters, lawnmowers and a PA system were part of the list. Having a new trustee, niche feature, completed road sealing at North Fork, the District office renovation, master plan of the 10 acres in progress and a new interment area at Calvary were just a few of the accomplishments. Publicity for the District and the first time Municipal Service Review was also completed. The employees received a 2.5% increase in salaries and final year compensation on their PERS retirement. New policies on graves opened and found occupied and a new updated policy on animals in the cemetery were also added to the list.

A discussion followed on a correction – Barbara had spoken to the Rotary group and a discussion followed on the purchase of a mule for the District.

REVIEW OF DISTRICT FINANCES:

Barbara explained the cash available as of Jan. 31, 2008. She also listed the taxes, interest, revenues, and crop income as of the above date.

Fund balances were accounted for in the following categories General fund at County, E.C. at County, E.C. at A.G. Edwards, the Pre-Need fund, Pre-Need funds with A. G. Edwards and the accounts receivable balance. The designated reserves were also listed.

A discussion followed on how the property tax revenue has increased. Barbara did state that we could be hit with a 10% loss due to the deficit State Budget problems. All in all the District is in good shape financially. Our investments are doing well. A discussion followed on how the Endowment Care monies are deposited and the interest comes back to the county fund. The principal can never be used only the interest off of this account can be used for maintenance.

REVIEW OF PLOT AVAILABILITY AT ALL THE CEMETERIES:

Barbara showed a spreadsheet of the burial counts at each cemetery since 1996. Cremation burials and Mausoleum usage was also tracked. For the 2007 year the cremation usage at each site was given in percentages of the total burial count. It was noted that 22% of all burials are now cremation. Barbara gave a report on each cemetery and the available plots in each block.

At Calvary and Arbor Vitae the new areas are where the most plots are available. There are very few in the older established areas of the cemeteries. Oakhill has approximately 555 burials left still leaving 8 to 9 years of use. North Fork has quite a few plots with more land for development. Raymond is adequate with the amount of burials being very few during the year.

REVIEW OF DISTRICT EQUIPMENT AND VEHICLES:

Operations manager Erik Ferguson referred to the sheets concerning equipment and the condition of each item. Erik stated that there was not allot of change. The 1986 Dodge will be continued in service. The 1995 Chevy truck had to be repaired 4 times with transmission problems costing the District about \$8500.00. The mountain vehicles have allot of miles on them but are still in good working condition. We are still unable to replace the sweeper with a unit as workable as what we have. The 1994 tractor I would like to send to Calvary and buy a new one for Arbor Vitae.

Rocky would like to buy a used hearst for about \$3000.00 for transport of caskets from the interment area to the gravesite. Barbara stated she would rather see a utility van instead. Trustee Jim Harper asked about families wishing to go with the body to the gravesite. Erik stated they can they just have to keep a distance from the large equipment. Higher fuel costs were questioned and Erik stated it had not been a problem. He has not seen the most recent bills though.

Erik stated the vehicle rotation would be to sell the 1995 truck with transmission problems and replace it. Trustee Jim Harper asked about maintenance of the vehicles. Erik stated we do the small maintenance ourselves, everything else goes to Madera Auto Center.

REVIEW OF ROAD SEALING ROTATION FOR ALL CEMETERIES:

Road sealing will be done for North Fork and Calvary for the 2008-2009 fiscal year budget stated Erik. Calvary does not need alot of repair work.

A discussion followed on inventory totals. District pumps and wells were also discussed. The water table has dropped about one foot. The city water patrol tried to site us regarding our watering schedule. Erik stated he informed them that we are on our own wells. At one time we were known as a County island.

Barbara asked about the Oakhurst well and if we would ever be able to use them again. Erik stated they would not let us do that. Erik stated that most people understand why there are water restrictions in Oakhurst. Erik stated that this year should be better with more wells being drilled and opened.

DISCUSSION ON PLANNING REVIEW AND SET UP OF GOALS:

Immediate Plans: Immediate goals were reviewed from last year's list. An ossuary would be done when more niche features are placed at Oakhill. The flagpoles still need to be completed. Trustee Maurice Cappelluti stated that he would like lights so that we could leave the flags up at all times. These poles are to be put on either side of the niche feature across from the interment area.

Barbara stated that she would like to see added to the immediate plans a proposal for landscaping around the new interment area. This was not figured into the overall price of the chapel area. With the chapel completion date so close to May it would be difficult to have our staff work on this project. A dedication will be planned soon after it is completed and it would be nice to have it all done. It was stated to get a bid from Larry Moore of Berry Construction for the landscaping around the interment area. Fountains in the area were also discussed. Larry stated to Barbara that he would put them in if the District would purchase them. Barbara stated that a concern of Rocky is that people will sit on the edges or walk in them. They need to not be accessible for small children. A discussion on the wind spraying the water and the fountain noise near the chapel was heard.

Trustee Maurice Cappelluti stated he would like to see a permanent PA system with speakers used in the area. He wanted one so that music could be played before and during a service. Maurice stated preparation for the unit needs to be made now during the building stages. Trustee Jim Harper asked for bids on this item as well.

The middle designs in brick were revisited. They will include several squares of brick design down the middle area of the covered interment area.

Trustee Al Veater asked about the tree removal at Arbor Vitae. Al stated to make sure that once they are removed that a replacement is made.

It was decided to start the March meeting at Calvary to view the progress of the interment area.

Trustee Maurice Cappelluti asked that the estate/family areas at Calvary be moved from the 2-yr plan to immediate plans. We will also have the finalization of the Master plan for the 10-acres at Arbor Vitae in the immediate plans.

2-Year Plan:

A purchase of mountain property would be included in this category. All agreed the annexation needs to take place first. There is prime property in the O'Neals area and it is centrally located for the District to service Rio Mesa, Coarsegold and Oakhurst families. Barbara will check with Christine Grider

concerning the annexation moving forward. Property at the corner of Highway 41 and Road 200 was discussed. A family cemetery near Spring Valley School was also mentioned.

5-year Plan:

Beginning stages of the master plan at Arbor Vitae and continued development of a cemetery in the Rio Mesa area.

PROGRESS ON THE ANNEXATION OF PROPERTY:

Barbara stated that we need to go into this annexation for the property. She did not ask the assessors office if we are already funded by this area. We need to set aside at least \$50,000 to be safe on the price for this procedure. We need to cover the costs of engineering and surveying the area along with the mailings to parcel owners.

A discussion followed on having a mission statement on this annexation process. It should be discussed at the next meeting.

DISCUSSION ON SECURITY IN CEMETERY AS PER TORRES FAMILY:

Barbara stated that the Torres family had given us information on having cameras at the cemeteries at the last board meeting. I wanted to bring up this subject again. A suggestion was made to put up fake cameras to help with vandalism. We need to express a thank you to the Torres family for their diligence on this matter but we do not feel a need for this at this time. We need to continue to monitor this situation but at this time no action needs to take place. We will take action as needed.

A discussion followed on having all of our rules and regulations reviewed and adopted again. Our conflict of interest forms also need to be in place and will be prepared for the next meeting.

DISCUSSION ON ORGANIZATIONAL CHART OF POSITIONS AND EMPLOYEES AT THE CEMETERY DISTRICT:

Barbara discussed where all the employees were on the organizational chart. Positions were discussed. Trustee Lois Betty asked about employees that could possibly be retiring. A discussion followed on future positions at the cemetery.

DISCUSSION ON ANY NEW ITEMS OF INTEREST:

Trustee Al Veater began the discussion with a decision to continue to move forward with the annexation. Barbara stated she would get in contact with Christine Grider concerning the status of the annexation.

A budget meeting will be planned for the first part of April. Ethics training was discussed for managers and trustees. Barbara is going to check with the county or city to see if we can coincide with their group to have the training done.

ADJOURNMENT:

Chairperson Jim Harper adjourned the meeting at 11:15 A.M. The next regular meeting will be held on Tuesday, March 25, 2008 at 5:30 PM at the

Arbor Vitae office. The meeting will start at Calvary cemetery to view the construction in progress on the interment area.

MADERA CEMETERY DISTRICT-PAYABLES
1301 ROBERTS AVE.
MADERA, CA 93637

Date : 03/11/2008
Time : 4:12 PM

CHECK REGISTER REPORT

From: 02/01/08 To: 02/29/08

* Not Posted

Bank Account	Check Number	Code	Name	Tran. Number	Tran. Reference	Check Date	Check Amount	Tran. Status	Tran. Source
11021	00015675	AT & T	AT & T	0000017947	MC070064	02/27/08	286.53	O	CH
11021	00015676	ATTITUDE	ATTITUDE ON LINE	0000017944	MC070064	02/27/08	20.00	O	CH
11021	00015677	BASS & SON	BASS & SONS	0000017951	MC070064	02/27/08	5698.00	O	CH
11021	00015678	C.A. JOSEPH	C.A. JOSEPH CO., INC.	0000017955	MC070064	02/27/08	1723.80	O	CH
11021	00015679	CALPERS	CALIFORNIA PUBLIC EMPLOYEES RETIREMENT	0000017953	MC070064	02/27/08	9883.42	O	CH
11021	00015680	CITY	CITIBUSINESS CARD	0000017954	MC070064	02/27/08	1230.97	O	CH
11021	00015681	CITY OF MA	CITY OF MADERA	0000017952	MC070064	02/27/08	169.14	O	CH
11021	00015682	EATON BROS	EATON BROTHERS CORPORATION	0000017959	MC070064	02/27/08	270.76	O	CH
11021	00015683	EDD	STATE OF CALIFORNIA, EMPLOYMENT DEVELOPMENT	0000017957	MC070064	02/27/08	1150.13	O	CH
11021	00015684	EDD	EDDIE'S MOBILE GLASS	0000017957	MC070064	02/27/08	200.57	O	CH
11021	00015685	EWING	EWING IRRIGATION	0000017958	MC070064	02/27/08	391.82	O	CH
11021	00015686	GEORGES AU	GEORGES AUTO SUPPLY	0000017956	MC070064	02/27/08	18.85	O	CH
11021	00015687	HILLVIEW	HILLVIEW WATER COMPANY, INC	0000017943	MC070064	02/27/08	35.46	O	CH
11021	00015688	M.R.G.'S	M.R.G.'S JANITORIAL	0000017961	MC070064	02/27/08	350.00	O	CH
11021	00015689	MARKER FUN	JAN ALPSON	0000017972	MC070064	02/27/08	11.36	O	CH
11021	00015690	MARKER FUN	MORRIS DAVIS	0000017973	MC070064	02/27/08	71.36	O	CH
11021	00015691	MARKER FUN	KERMIT W. BRYAN	0000017974	MC070064	02/27/08	61.36	O	CH
11021	00015692	MARKER FUN	ROSA ELENA CASTANEDA	0000017975	MC070064	02/27/08	98.00	O	CH
11021	00015693	MARKER FUN	JUAN CERVANTES	0000017976	MC070064	02/27/08	58.44	O	CH
11021	00015694	MARKER FUN	JAMES CURTIS	0000017977	MC070064	02/27/08	40.68	O	CH
11021	00015695	MARKER FUN	EUGENE DELLAVALLE	0000017978	MC070064	02/27/08	98.00	O	CH
11021	00015696	MARKER FUN	CINDY EUBANKS	0000017979	MC070064	02/27/08	74.00	O	CH
11021	00015697	MARKER FUN	GUADALUPE HERRERA	0000017980	MC070064	02/27/08	71.36	O	CH
11021	00015698	MARKER FUN	KIM IVERSON	0000017981	MC070064	02/27/08	61.35	O	CH
11021	00015699	MARKER FUN	EDITH COLE	0000017982	MC070064	02/27/08	8.00	O	CH
11021	00015700	MARKER FUN	MARY MOBLEY	0000017983	MC070064	02/27/08	48.00	O	CH
11021	00015701	MARKER FUN	SYLVIA KUTZNER	0000017984	MC070064	02/27/08	90.00	O	CH
11021	00015702	MARKER FUN	YVONNE SILVEIRA	0000017985	MC070064	02/27/08	98.00	O	CH
11021	00015703	MATTHEWS	MATTHEWS BRONZE KINGWOOD	0000017988	MC070064	02/27/08	367.10	O	CH
11021	00015704	OAKHURST O	OAKHURST OFFICE SUPPLY	0000017962	MC070064	02/27/08	165.31	O	CH
11021	00015705	OTHER	BELVA BARE	0000017987	MC070064	02/27/08	162.71	O	CH
11021	00015706	PERS-RETIR	P.E.R.S. - RETIREMENT	0000017940	MC070064	02/27/08	6446.54	O	CH
11021	00015707	PETTY CASH	BELVA BARE - PETTY CASH	0000017986	MC070064	02/27/08	221.53	O	CH
11021	00015708	SCHOETTLER	SCHOETTLER TIRE	0000017963	MC070064	02/27/08	209.62	O	CH
11021	00015709	SUBURBAN	SUBURBAN PROPANE	0000017964	MC070064	02/27/08	266.71	O	CH
11021	00015710	TESEI PETR	TESEI PETROLEUM	0000017965	MC070064	02/27/08	1074.92	O	CH
11021	00015711	THE GOLDEN	THE GOLDEN I CREDIT UNION	0000017941	MC070064	02/27/08	198.00	O	CH
11021	00015712	THE LINCOL	THE LINCOLN NATIONAL LIFE	0000017960	MC070064	02/27/08	438.96	O	CH
11021	00015713	UNITED REN	UNITED RENTALS	0000017966	MC070064	02/27/08	119.82	O	CH
11021	00015714	VERIZON	VERIZON WIRELESS SERVICES	0000017969	MC070064	02/27/08	112.53	O	CH
11021	00015715	VETERANS	DEPT OF VETERAN AFFAIRS	0000017946	MC070064	02/27/08	122.44	O	CH
11021	00015716	VISION SER	VISION SERVICE PLAN	0000017968	MC070064	02/27/08	251.76	O	CH
11021	00015717	WILBUR-ELL	WILBUR-ELLIS	0000017967	MC070064	02/27/08	532.12	O	CH
11021	00015718	YOSEMITE W	YOSEMITE WATER	0000017971	MC070064	02/27/08	98.45	O	CH
11021	00015719	ZOOM	ZOOM IMAGING SOLUTIONS	0000017970	MC070064	02/27/08	44.80	O	CH

Total number of register entries: 98

Total amount: ~~107419.69~~
109238.53

VOIDED CHECKS 2,175.36

UNIT ASSOCIATION
P.O. BOX 477
MADERA, CA 93639

TRIAL BALANCE

From: 02/01/08 To : 02/29/08

Account	Account Name	BEG. BALANCE		THIS PERIOD		CURRENT BAL.	
		Debit	Credit	Debit	Credit	Debit	Credit
1101	Petty Cash	701.10		0.00		701.10	
11021	County Treasurer	2,886,780.03			120,967.35	2,765,812.68	
11021-A	OUTSTANDING CHECKS	6,446.23		0.00		6,446.23	
11022	Endowment Care-Interest	1,116,548.45		0.00		1,116,548.45	
11041	A. G. EDWARDS & SONS/E.C.	1,908,674.83		3,340.00		1,912,014.83	
11061	Deferred Payments	1,849,644.63		22,000.02		1,871,644.65	
11062	Contracts Receivable	334,712.83			10,820.80	323,892.03	
11063	Property Taxes Rec.		22,504.83	0.00			22,504.83
11064	Other Receivable-Refunds		135,779.17	0.00			135,779.17
11066	PRE-NEED FUNDS A.G. EDWAR	1,267,163.70		0.00		1,267,163.70	
11080	ENDOWMENT CARE-ACCT.REC.	3,463.00		0.00		3,463.00	
1110	CASH-LITTLE CHURCH	8,677.80		0.00		8,677.80	
1112	Cash- Oakhill	50.00		0.00		50.00	
1204	Machinery & Equipment	904,963.69		0.00		904,963.69	
1205	Building	3,509,105.55		0.00		3,509,105.55	
1208	Fixed Asset - Prior	539,157.11		0.00		539,157.11	
1299	ACCUMULATED DEPRECIATION		2,009,700.00	0.00			2,009,700.00
2102	Marker Fund Deposits		46,832.48				46,832.48
2103	Accounts Payable - Prior		19,614.50	395.32			19,614.50
210412	Fica W/H Employee		0.10	0.00			0.10
210413	Fica W/H Employer		0.10	0.00			0.10
210420	457 EMPLOYEE PLAN		0.00	0.00			0.00
21043	Sales Tax Payable		203.41	769.82			973.23
21047	Other Tax Payable		679.78	0.00		679.78	
2150	Compensated Absences		119,365.45	0.00			119,365.45
2301	Unearned Deferred Income		3,404,840.35		11,179.22		3,416,019.57
31	Reserve/Future Development		150,000.00	0.00			150,000.00
316	Reserve/ Land Acquisition		500,000.00	0.00			500,000.00
317	Future Interment Chapel		200,000.00	0.00			200,000.00
33	Unappropriated Reserve		241,659.96	0.00			241,659.96
335	Future Beautification		250,000.00	0.00			250,000.00
3375	Development/Estate Area		40,000.00	0.00			40,000.00
34	Fixed Asset Fund Balance		2,943,526.35	0.00			2,943,526.35
361	Donations		304.90	508.82		203.92	
37	Equipment Replacement		180,000.00	0.00			180,000.00
38	Endowment Care Fund		1,220,690.71		5,373.00		1,226,063.71
39	Endowment Care / Dean W.		2,723,974.06	0.00			2,723,974.06
4101	P.Taxes-Current Secured		752,432.82	0.00			752,432.82
4102	P.Taxes-Current Unsecured		21,286.19	0.00			21,286.19
4108	H.O. Property Tax		10,074.32	0.00			10,074.32
4112	Pass Thru Property Taxes		62,397.51	0.00			62,397.51
4202	Liners & Garden Crypts		51,968.00	7,236.00			59,204.00
4203	Urns		3,580.00	984.00			4,564.00
4204	Vases		14,064.48	1,762.91			15,827.39
4207	Wood & Dirt		624.50	0.00			624.50
4301	Plots		67,418.00	13,950.00			81,368.00
4302	Crypts - Mausoleum		36,800.00	545.00			37,345.00
4303	Marker Setting		34,682.75	4,407.38			39,090.13
4304	Marker Removal		926.36	0.00			926.36
4305	Non-resident Fee		13,480.00	1,110.00			14,590.00
4306	Deed Transfer		556.00	0.00			556.00
4307	Opening and Closing		85,598.00	11,484.00			97,082.00
4308	County Area Maintenance		4,410.00	630.00			5,040.00
4310	Handling Charge		20,547.00	3,108.00			23,655.00
4312	Disinterment		2,840.00	0.00			2,840.00
4313	Saturday Overtime Charge		1,780.00	885.00			2,665.00
4314	Bad Check Account		0.00	10.00			10.00

MADERA CEMETERY DISTRICT-PAYABLES
1301 ROBERTS AVE.
MADERA, CA 93637

CHECK REGISTER REPORT

From: 02/01/08 To: 02/29/08

* Not Posted

Date : 03/11/2008
Time : 4:12 PM

Bank Account	Check Number	Code	Name	Tran. Number	Tran. Reference	Check Date	Check Amount	Tran. Status	Tran. Source
11021	00015621	457	CITISTREET	0000017937	MC070059	02/07/08	465.00	0	CH
11021	00015622		ATTITUDE ON LINE	0000017890	MC070059	02/06/08	20.00	0	CH
11021	00015623		BARBARA MANFREDO	0000017910	MC070059	02/07/08	23.31	0	CH
11021	00015624		CHASE'S FOOTHILL PETROLEUM	0000017894	MC070059	02/06/08	87.98	0	CH
11021	00015625		CITIBUSINESS CARD	0000017895	MC070059	02/06/08	1470.12	0	CH
11021	00015626		CORDEIRO VAULT CO.	0000017896	MC070059	02/07/08	3927.00	0	CH
11021	00015627		E. G. BABCOCK CO.	0000017901	MC070059	02/07/08	535.57	0	CH
11021	00015628	EDD	STATE OF CALIFORNIA, EMPLOYMENT DEVELOPMENT	0000017935	MC070059	02/07/08	1150.13	0	CH
11021	00015629	EMADCO	EMADCO DISPOSAL SERVICE	0000017900	MC070059	02/07/08	77.75	0	CH
11021	00015630	ENDOWMENT	A.G. EDWARDS & SONS, INC./ENDOWMENT	0000017891	MC070059	02/06/08	3340.00	0	CH
11021	00015631	GATEWAY	GATEWAY MEMORIALS	0000017898	MC070059	02/07/08	505.00	0	CH
11021	00015632	GBS	GENERAL BUILDERS SUPPLY CO.	0000017899	MC070059	02/07/08	251.39	0	CH
11021	00015633	GEORGES AU	GEORGES AUTO SUPPLY	0000017897	MC070059	02/07/08	68.36	0	CH
11021	00015634	HILLVIEW	HILLVIEW WATER COMPANY, INC	0000017903	MC070059	02/07/08	15.46	0	CH
11021	00015635	HOPSON	HOPSON CONSTRUCTION	0000017902	MC070059	02/07/08	37668.75	0	CH
11021	00015636	J.M.	J. M. EQUIPMENT	0000017904	MC070059	02/07/08	56.72	0	CH
11021	00015637	KERTEL	KERTEL	0000017905	MC070059	02/07/08	109.85	0	CH
11021	00015638	LEE'S CONC	LEE'S CONCRETE MATERIALS	0000017906	MC070059	02/07/08	294.17	0	CH
11021	00015639	LITTLE CHU	MADERA COUNTY CEMETERY LITTLE CHURCH	0000017892	MC070059	02/06/08	433.82	0	CH
11021	00015640	LITTLE CHU	MADERA COUNTY CEMETERY LITTLE CHURCH	0000017893	MC070059	02/06/08	75.00	0	CH
11021	00015641	M.R.G.'S	M.R.G.'S JANITORIAL	0000017908	MC070059	02/07/08	350.00	0	CH
11021	00015642	MAD.DISPOS	MADERA DISPOSAL SYSTEMS	0000017918	MC070059	02/07/08	30.81	0	CH
11021	00015643	MADERA DIS	MADERA DISPOSAL	0000017907	MC070059	02/07/08	106.09	0	CH
11021	00015644	MARKER FUN	ALMIDA DANA	0000017922	MC070059	02/07/08	61.36	0	CH
11021	00015645	MARKER FUN	MIGUEL FLORES	0000017923	MC070059	02/07/08	98.00	0	CH
11021	00015646	MARKER FUN	EUGENE FARIAS	0000017924	MC070059	02/07/08	155.00	0	CH
11021	00015647	MARKER FUN	GEORGIA FULLER	0000017925	MC070059	02/07/08	18.00	0	CH
11021	00015648	MARKER FUN	SHANTELL AYALA	0000017926	MC070059	02/07/08	3.68	0	CH
11021	00015649	MARKER FUN	CARLA FARIAS MILLAR	0000017927	MC070059	02/07/08	155.00	0	CH
11021	00015650	MARKER FUN	JIM MORAN	0000017928	MC070059	02/07/08	15.00	0	CH
11021	00015651	MARKER FUN	PEDRO RICO	0000017929	MC070059	02/07/08	98.00	0	CH
11021	00015652	MARKER FUN	BERTHA DELGADO	0000017930	MC070059	02/07/08	61.36	0	CH
11021	00015653	MARKER FUN	DAVID TANNER POA	0000017931	MC070059	02/07/08	90.00	0	CH
11021	00015654	MARKER FUN	ELAINE THOMAS	0000017932	MC070059	02/07/08	98.00	0	CH
11021	00015655	MARKER FUN	JAVIER TORRES	0000017933	MC070059	02/07/08	85.00	0	CH
11021	00015656	MARKER FUN	SALLIE WEST	0000017934	MC070059	02/07/08	110.00	0	CH
11021	00015657	MATTHEWS	MATTHEWS BRONZE KINGWOOD	0000017938	MC070059	02/07/08	3040.81	0	CH
11021	00015658	OFFICE DEP	OFFICE DEPOT CREDIT PLAN	0000017909	MC070059	02/07/08	179.06	0	CH
11021	00015659	PERS-RETIR	P.E.R.S. - RETIREMENT	0000017920	MC070059	02/07/08	6446.54	0	CH
11021	00015660	PERS-RETIR	P.E.R.S. - RETIREMENT	0000017921	MC070059	02/07/08	6446.54	0	CH
11021	00015661	PETTY CASH	BELVA BARE - PETTY CASH	0000017919	MC070059	02/07/08	78.32	0	CH
11021	00015662	PG&E	P G & E	0000017912	MC070059	02/07/08	1424.18	0	CH
11021	00015663	PONDEROSA	THE PONDEROSA TELEPHONE CO.	0000017911	MC070059	02/07/08	55.59	0	CH
11021	00015664	SAFETY WOR	SAFETY WORLD, INC	0000017915	MC070059	02/07/08	1325.00	0	CH
11021	00015665	SIERRA TEL	SIERRA TELEPHONE	0000017914	MC070059	02/07/08	99.48	0	CH
11021	00015666	THE GOLDEN	THE GOLDEN 1 CREDIT UNION	0000017936	MC070059	02/07/08	61.00	0	CH
11021	00015667	WILBUR-ELL	WILBUR-ELLIS	0000017916	MC070059	02/07/08	200.00	0	CH
11021	00015668	ZOOM	ZOOM IMAGING SOLUTIONS	0000017917	MC070059	02/07/08	6.90	0	CH
11021	00015670	457	CITISTREET	0000017942	MC070064	02/27/08	465.00	0	CH
11021	00015671	A & E	A & E BEARING	0000017945	MC070064	02/27/08	34.48	0	CH
11021	00015672	ACCENT	ACCENT MONUMENTS	0000017948	MC070064	02/27/08	308.99	0	CH
11021	00015673	AMERIPRIDE	AMERIPRIDE	0000017950	MC070064	02/27/08	441.20	0	CH
11021	00015674	AMERITUS	AMERITAS LIFE INS.	0000017949	MC070064	02/27/08	1537.24	0	CH

FULL ACCOUNT STATEMENT
 P.O. BOX 477
 MADERA, CA 93639

TRIAL BALANCE

From: 02/01/08 To : 02/29/08

Account	BEG. BALANCE		THIS PERIOD		CURRENT BAL.	
	Debit	Credit	Debit	Credit	Debit	Credit
4401 Interest		28,507.59		0.00		28,507.59
4402 Finance & Service Charges		10.00		0.00		10.00
4501 Flower Stands		311.25		0.00		311.25
4503 Miscellaneous		2,971.25		0.00		2,971.25
4504 Donations		255.03		91.00		346.03
4505 CROP INCOME		3,539.18		0.00		3,539.18
5101 Vaults	2,905.58		0.00		2,905.58	
5102 Liners	38,614.72		3,927.00		42,541.72	
5104 Vases/Co. Markers/Other	17,382.29		4,615.10		21,997.39	
520111 Salaries	484,804.55		66,769.68		551,574.23	
520112 Hourly	5,537.00		375.00		5,912.00	
520115 Overtime Wages	2,045.32		0.00		2,045.32	
520116 TEMPORARY EMPLOY.SERVICES	21,308.33		0.00		21,308.33	
520117 Sick Pay Compensation	2,645.95		0.00		2,645.95	
520121 Health/Dental/Vision	67,949.63		9,582.71		77,532.34	
520125 PERS	87,836.64		19,339.62		107,176.26	
520126 Life Insurance	3,096.00		408.00		3,504.00	
520131 Fica Employer	37,870.01		5,136.58		43,006.59	
52021 Maint. of Autos & Trucks	4,638.85		209.62		4,848.47	
52023 Maint.of Office Equipment	887.60		266.11		1,153.71	
52024 Maint.ofMachinery & Equip	7,988.34		916.62		8,904.96	
52025 Maint. of Buildings	10,314.50		2,900.11		13,214.61	
52026 Maint. of Grounds	8,025.44		1,149.10		9,174.54	
52042 Structures & Improvements	5,885.00		0.00		5,885.00	
52043 Equipment Purchases	7,380.88		0.00		7,380.88	
52044 Construction in Progress	12,104.61		43,366.75		55,471.36	
52045 Construction Architect	5,099.65		0.00		5,099.65	
52047 ROAD SEAL/ROAD REPAIR	89,039.00		0.00		89,039.00	
52053 Office Equipment	305.90		51.70		357.60	
52054 Machinery & Equip.	0.00		119.82		119.82	
52062 Commercial Business Pkg	20,491.50		0.00		20,491.50	
52063 Comm. Exec Liability	3,298.00		0.00		3,298.00	
52064 Commercial Umbrella	3,362.00		0.00		3,362.00	
52067 Workers' Compensation	36,356.01		0.00		36,356.01	
52071 Lodging	2,935.43		1,350.48		4,285.91	
52072 Transportation	764.65		0.00		764.65	
52073 Meals	665.60		361.79		1,027.39	
52074 Trustee Benefits	2,022.57		271.43		2,294.00	
52094 Other Taxes	1,129.93		0.00		1,129.93	
52102 Publications/Resources	69.00		0.00		69.00	
52103 Board Member (Meetings)	3,100.00		500.00		3,600.00	
52104 Other Professional Serv.	4,625.00		0.00		4,625.00	
5211 Office Supplies	3,453.96		483.31		3,937.27	
5212 Household Supplies	2,713.09		9.89		2,722.98	
5213 Mail/Postage	600.10		71.38		671.48	
52141 Telephone	3,694.93		512.13		4,207.06	
52142 Gas & Electric	26,083.55		1,424.18		27,507.73	
52143 Sewer/Trash	2,676.10		383.79		3,059.89	
52144 Water	9,456.24		50.92		9,507.16	
52145 Propane	15.00		266.71		281.71	
5215 Alarms	1,346.45		151.85		1,498.30	
5216 Uniforms/Clothing	2,953.03		441.20		3,394.23	
5217 Licenses/Permits	680.00		10.00		690.00	
5218 Memberships/Dues	1,340.00		0.00		1,340.00	
5219 Training/Seminars	0.00		458.00		458.00	
5220 Safety Equip/Training	5,765.29		1,339.02		7,104.31	
52201 Gasoline	12,984.37		1,162.90		14,147.27	

P.O. BOX 477
 MADERA, CA 93639

TRIAL BALANCE
 From: 02/01/08 To : 02/29/08

Account	Account Name	BEG. BALANCE		THIS PERIOD		CURRENT BAL.	
		Debit	Credit	Debit	Credit	Debit	Credit
52222	Diesel	5.08		0.00		5.08	
52223	Oil/Lube	56.55		0.00		56.55	
5224	Small Tools	5,554.87		369.34		5,924.21	
5225	Cement, Sand, & Gravel	1,945.76		294.17		2,239.93	
5404	Refunds, Overpayments, etc	9,426.96		23.31		9,450.27	
5990	Miscellaneous	51.06		0.00		51.06	
		<u>15,430,056.60</u>	<u>15,430,056.60</u>	<u>195,313.48</u>	<u>195,313.48</u>	<u>15,492,881.71</u>	<u>15,492,881.71</u>



Madera Cemetery District

A Public Cemetery / Endowment Care Cemetery

1301 Roberts Ave.
P.O. Box 477
Madera, CA 93639
Phone (559) 674-8826
FAX (559) 674-3237
E-mail: madcem@yahoo.com
Website: www.maderacemetery.com

JIM HARPER
Chairperson

MAURICE CAPPELLUTI
Vice Chairperson

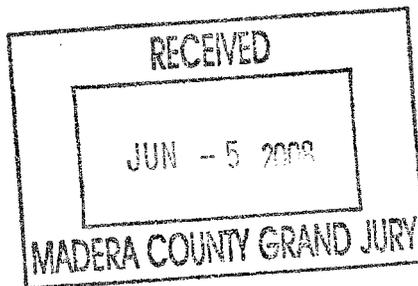
LOIS BETTY
Trustee

CANDY TALLEY
Trustee

AL VEATER
Trustee

ERIK FERGUSON
Operations Manager

BARBARA MANFREDO
Office Manager



May 27, 2008

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

Dear Members of the Grand Jury,

This letter is in accordance to Penal Code Section 933 in which we have 90 days to respond to recommendations of the 2007-2008 Grand Jury Report concerning the **Madera Cemetery District** dated April 21, 2008.

Written recommendations from Grand Jury:

- 1. The Grand Jury recommends the Board of Trustees and LAFCO work together with Madera County to expand the Oakhill Cemetery due to the inadequate size of the cemetery and the population growth in Oakhurst.***

The Oakhill Cemetery has 7 to 8 years of projected burial capacity. The Madera Cemetery District Board of Trustee's has been actively discussing and searching for property in the area with proof being a monthly agenda item for the last four years. The Oakhill Cemetery is landlocked. We have spoken to the landowners adjacent to the current cemetery concerning purchasing additional land with no headway. At one point the Church that owned the property stated they would sell it to us but the price was not feasible for our purposes. On two other occasions we have physically looked at property only to find the cost of doing business is not proportionate to the expense of the land. At one point we put an add in the Sierra Star for property and still no interest from any landowners.

The dilemma has been that we own an additional 20 acres of undeveloped property adjacent to the North Fork Cemetery. This property can be developed. According to the sentiment of the residents of Oakhurst they would not choose North Fork for burial.

With reports of population increases in the Rio Mesa area of Madera County we are diligently looking for reasonably priced property in the 41 Corridor. It needs to be accessible for funeral processions,

ARBOR VITAE CEMETERY
1301 Roberts Ave., Madera, CA 93637

CALVARY CEMETERY
28447 Avenue 14, Madera, CA 93638

RAYMOND CEMETERY
Road 607, Raymond, CA 93653

NORTH FORK CEMETERY
32823 Road 228, North Fork, CA 93643

OAKHILL CEMETERY
40188 Hwy. 41, Oakhurst, CA 93644

"MEMBER CALIFORNIA ASSOCIATION PUBLIC CEMETERIES"

suitable for burial (not too much granite) and affordable for our needs while meeting all the rules and regulations associated with the environment.

We have through LAFCO enlarged our “sphere of influence” to incorporate an unserved area in the county (O’Neals) with no additional property tax revenue. With this move we could possibly find a more economical purchase of a 20- acre parcel that would service the heightened growth area. But with this decision there is a monetary outlay of an additional facility that requires personnel, large equipment, shop buildings etc.

The Madera Cemetery District Board of Trustees has been diligent in researching our objective of a possible land purchase in the Rio Mesa/41 Corridor as land in Oakhurst has not been available, is not conducive for burial or is not financially feasible for our entity.

We have written letters to the Madera County Board of Supervisors explaining our plight and asking for their assistance in the procurement of property with developers for cemetery use. (see April 23, 2007 letter attached)

2. *The Grand Jury recommends the Board of Trustee request additional security from law enforcement patrols or private security and the installation of security sensor lights to prevent theft and vandalism at the cemeteries.*

The Madera Cemetery District currently maintains 5 cemeteries and 85 acres of developed land with 30,000 burials with headstones and the two required vases. Do we have a chronic theft problem? **On occasion** families do report to us that artificial flowers have been removed from their family’s graves. We have actually had family members catch people taking flowers and they have called the police.

To provide weekend and after hour “summer night” security duty for all cemeteries would be approximately \$ 63,000 per year. (A hefty price for a \$10.00 artificial bouquet.) Plus are we willing to have a security guard asking every person changing flowers on a grave “who they are” and “do they have the right to be changing those flowers”? The concept is not feasible. It is disturbing to us that some people will steal flowers from a cemetery or move them from one grave to another. That’s a pretty low act and it is according to the Health & Safety Code a felony to do so.

The cemetery gates are locked when employees leave but turnstile access is available to those that want to walk into the grounds. All shop and office areas are alarmed; a camera is in place for vandalism in the shop areas. Security light sensors are stationed at each office/shop facility. Access to electricity on or near graves is costly. For instance at Arbor Vitae we have 25 acres of property. To have this cemetery a well

lighted area would prove costly and inefficient for us. Pulling power through pre-existing graves is not acceptable.

Vandalism has been minimal at every location considering how long the cemetery has been in the District (63 years). In January of this year 22 bronze vases were stolen from crypt fronts. The thieves are selling them for scrape metal. We have asked the police and sheriffs departments to write reports on the weekends inside the grounds to hopefully discourage this practice. (see attached letters)

It is our hope that these responses to your recommendations fulfill justification for our stance on the above issues. Our utmost goal is to serve the constituents of Madera County and their families with the best service that we can provide while still carrying out the fiduciary responsibilities that we as trustees need to uphold.

If you have any further comments or questions, please feel free to contact us at 674-8826.

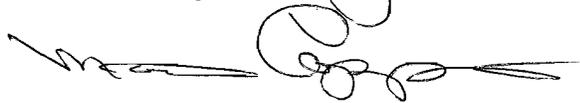
Sincerely;



Jim Harper- Chairperson



Lois Betty



Maurice Cappelluti



Candy Talley



Al Veater



Madera Cemetery District

A Public Cemetery / Endowment Care Cemetery

1301 Roberts Ave.
P.O. Box 477
Madera, CA 93639
Phone (559) 674-8826
FAX (559) 674-3237
E-mail: madcem@yahoo.com
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Chairperson

MAURICE CAPPELLUTI
Vice Chairperson

LOIS BETTY
Trustee

CANDY TALLEY
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AL VEATER
Trustee

ERIK FERGUSON
Operations Manager

BARBARA MANFREDO
Office Manager

April 23, 2007

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

Dear Board of Supervisors,

The Madera Cemetery District Board of Trustees has continually focused on the cemetery needs of the constituents of Madera County and their families. Our mission statement includes "to provide for the future growth" of our area.

Knowing that current cemetery property at Oakhill Cemetery in Oakhurst will be at capacity in several years, we have researched several properties, finding that the cost of doing business is not proportionate to the purchase of the land. We will continue to search in the Oakhurst and Coarsegold areas. We are also aware that as the Rio Mesa area of Madera County is developed, cemetery needs will exist there as well.

We are asking the Board of Supervisors to be informed of our plight. As the essential governmental services are being considered for our growing county, cemetery needs should not be forgotten. Therefore, during the ongoing dialogue between county officials and developers regarding land utilization, the Madera Cemetery District would like a cemetery to be considered for one of these areas. We are in need of approximately 15 acres of gently rolling to flat property, with little rock outcropping.

If there is anything that you can do to help us in our plight, it would be greatly appreciated.

Sincerely,

Jim Harper
Chairperson
Madera Cemetery District

ARBOR VITAE CEMETERY
1301 Roberts Ave., Madera, CA 93637

CALVARY CEMETERY
28447 Avenue 14, Madera, CA 93638

RAYMOND CEMETERY

NORTH FORK CEMETERY

OAKHILL CEMETERY



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AL VEATER
Trustee

ERIK FERGUSON
Operations Manager

BARBARA MANFREDO
Office Manager

February 20, 2008

Madera Police Department
330 South C Street
Madera, CA 93638

To Whom It May Concern:

This letter is coming from the Madera Cemetery District with the hopes that you will help us with future thefts and vandalism. Families complain that flowers and precious items are taken off of their loved ones graves during the weekends when no MCD staff is present.

It is very difficult to apprehend the culprits on these minor thefts. Having police officers do their paperwork inside the cemetery grounds was suggested.

We wanted to extend our grounds to those officers who wish to use our facilities for such purposes. We welcome your presence as a deterrent to those who might think twice about taking what does not belong to them.

Thank you for taking the time to listen. If you have any further questions, please do not hesitate to contact me at 674-8826.

Sincerely,

Barbara Manfredo
Office Manager
Madera Cemetery District

ARBOR VITAE CEMETERY
1301 Roberts Ave., Madera, CA 93637

CALVARY CEMETERY
28447 Avenue 14, Madera, CA 93638

RAYMOND CEMETERY
Road 607 Raymond, CA 93653

NORTH FORK CEMETERY
32823 Road 228 North Fork, CA 93643

OAKHILL CEMETERY
40188 Hwy. 41 Oakhurst, CA 93644



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AL VEATER
Trustee

ERIK FERGUSON
Operations Manager

BARBARA MANFREDO
Office Manager

February 20, 2008

Madera County Sheriff Department
14143 Road 28
Madera, CA 93638

To Whom It May Concern:

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Thank you for taking the time to listen. If you have any further questions, please do not hesitate to contact me at 674-8826.

Sincerely,

Barbara Manfredi
Office Manager
Madera Cemetery District

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40188 Hwy. 41, Oakhurst, CA 93644

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
MADERA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**

INTRODUCTION:

On November 16, 2007 the Madera County Grand Jury did a routine inquiry into the Madera County Mosquito and Vector Control District, located at 900 Gateway Drive, Madera CA. Mosquitoes are well known. Vector, in this case, is any insect that can cause harm to humans or their property. This District identifies and controls the vectors in the city of Madera, Chowchilla, Ranchos subdivisions, and other unincorporated communities within Madera County on the valley floor, as well as the agricultural areas. This District was founded in 1947 with the first facility located on Howard Road in the city of Madera. They moved to their current location in 1973. In California, Mosquito and Vector Control Districts were started as early as 1927, when Western Equine Encephalitis, St. Louis Encephalitis, and Malaria were high rated deaths.

FINDINGS:

This is an independent special District. Money to run this department is financed through County Property Taxes.

The primary vector in this District is the mosquito. There are twenty-seven species in California, five of which are predominate in Madera County. These mosquitoes fall into two basic categories: Culex (standing water), and Aedes (floodwater), all mosquitoes require standing water. Mosquitoes spread disease among the human and animal populations.

Surveillance of the vectors is done in several ways, including reports of dead birds and testing of those birds for West Nile Virus. Traps are hung to collect mosquitoes, mosquito pools (adult live mosquitoes), and chicken flocks on which blood tests are done every other week to check for anti-bodies. After testing is completed, the amount of positive test results determines if a disease is under control or if efforts need to be increased.

The area covered by this District in 2007 was around 18,000 acres. Only two cases of West Nile Virus in humans were found in Madera and both people survived. The area is broken into zones, (see attachment). These zones are scheduled for coverage every day from April until November, May to September being most important. New proposed housing developments, for example Rio Mesa, will increase the coverage area and change the type of coverage. Populated areas require different measures than agricultural areas. The price for current coverage is now approximately \$8.00 to \$10.00 per acre.

There are nine fulltime employees, and ten to eleven seasonal workers who man the Madera County Mosquito and Vector Control District. All employees are certified through the California Department of Public Health with continued education and re-certification every two years. This District works in concert with the Department of Public Health and the County Agricultural Commissioner to identify vectors, track disease and pesticide use.

The Madera County Mosquito and Vector Control District operates their own maintenance center for their twenty-three vehicles. These vehicles are housed at their facility, where there is a secured garage for vehicles, locked storage for chemicals, lockers, and showers for employees, a boardroom and an employee break room.

The Board of Trustees appointed by the Madera County Board of Supervisors, oversees all operations of this District, including budget approval. The 2007-2008 approved Budget, for this District is \$1,147,000.00 with all money coming from property taxes.

CONCLUSIONS:

The Madera County Mosquito and Vector Control District is adequately staffed and equipped for the area covered at this time. However, with new proposed housing developments being created outside the current coverage area, staffing and equipment will need to be increased to meet the needs of our growing community. The employees are dedicated to protecting our health and are knowledgeable and experienced in identification and control of vectors.

The preventive measures taken by this District continue to be successful in reducing the mosquito and vector population and infestation in our community. This District, in the days since its creation, has improved the collective health of the people who live here.

RECOMMENDATIONS:

- The Madera County Mosquito and Vector Control District continue with their successful surveillance and eradication methods.
- The Madera County Mosquito and Vector Control District continue to exchange and coordinate information with the Department of Public Health and the County Agricultural Commissioner.
- The Madera County Mosquito and Vector Control District and The Madera County Board of Supervisors consider the impact new community developments will have on this District, and plan applicable fees to meet these needs.

RESPONSES:

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

Madera County Mosquito and Vector Control District
900 Gateway Drive
Madera, CA 93637

Madera County Agricultural Commissioner
332 Madera Ave.
Madera, CA 93638

Madera County Department of Public Health
14215 Road 28
Madera, CA 93638

Madera County Department of Environment Health
2307 W. Cleveland
Madera, CA 93637

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
CHAWANAKEE ACADEMY**

INTRODUCTION:

On November 19, 2007, the Madera County Grand Jury visited the Chawanakee Academy located in O'Neals, California for the purpose of observing the facilities, interviewing personnel and to conduct an investigation pursuant to section 925 of the California Penal Code. The Academy is located on the Spring Valley School Campus.

FINDINGS:

The Chawanakee Academy is a K-12 Independent Study Program that serves 315 students who for a variety of reasons (expulsion, working full time, etc.) do not attend regular school. These students arrive and depart the school at various times during the school day. They meet with their teachers for approximately 1 hour per visit. It is served by 17 full time teachers, one principal and 3 part time teachers. The school scored 716 on the Academic Performance Index (API) last school year out of a State recommended 800.

All staff and visitors must wear identification badges during school hours at all times. All students provide their own transportation to and from school.

School rule procedure manuals and staff training in school safety are coordinated with Spring Valley School as well as fire/emergency drills and a plan for major disasters.

At any given time, including lunchtime, there are 12-15 students present. During inclement weather, all students eat lunch in a classroom.

The school has worked with some expelled students and each case is looked at individually. There have been no known problems with either gangs or the use of drugs. The principal is responsible for all supervision on the campus.

CONCLUSION:

Based on the API scores the Academy appears to be a good training ground for independent study students to progress towards the State mandated educational goals.

RECOMMENDATION:

None

RESPONSES:

Chawanakee Unified School District
46655 Road 200
O'Neals, CA 93648

Madera County Office of Education
28123 Avenue 14
Madera, CA 93638

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

**2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT
JAMES MONROE ELEMENTARY SCHOOL**

INTRODUCTION:

A citizen's complaint was made about the traffic conditions as it relates to child safety at James Monroe Elementary School at 1819 N. Lake Street, Madera, California.

FINDINGS:

On February 6, 2008 the Madera County Grand Jury conducted a visual inspection at the time school was dismissed, and found a narrow two lane road in front of the school. The school had no parking, no traffic control, no crossing guards and cars were parked in the middle of the road. We found parents escorting students across the busy road while teachers were present.

These visual inspections led to an interview with the principal on February 15, 2008.

James Monroe Elementary School is a Kindergarten through Sixth Grade with a student population of approximately 800 students. They have 40 full time teachers with additional part time support staff and teachers aides.

Most of the students live nearby and walk to and from school. Parents would like to volunteer as crossing guards, but they must pay \$60.00 out of their pocket for Live-Scan fingerprinting which is required by law.

The principal is fully aware of the traffic problem in front of his school.

The principal said it would be nice to have a reliable set of hand held two way radios for the teachers in case of an emergency. As of now they have no way of communicating with the office when outside.

It was learned that the Madera Redevelopment Agency and California Department of Transportation (Caltrans) were in the process of correcting the traffic problem. The principal was positive about the problem being resolved. This observation and interview led to an interview with the Madera Redevelopment Agency.

The Madera Redevelopment Agency have prepared plans and major construction is approved for new wider streets, street lights, crosswalks, curbs, gutters, sidewalks and parking in front of James Monroe Elementary School. The proposed starting date is September 2008, however, it may be delayed by a National Environmental Protection Act report (NEPA). The NEPA report is now required because of possible vernal pools

which were found during a routine fly over after a heavy rain. When a fly over is conducted they take aerial photos of the project site and these are used as a planning tool.

The contractor will supply the traffic control during construction. The estimated construction time of this project is 90 days.

This 2.5 million dollar construction project is funded by a grant from Caltrans.

CONCLUSIONS:

The Grand Jury found that the traffic congestion and safety problem is being addressed by Madera Redevelopment Agency and Caltrans. This project is scheduled to be completed by 2009.

RECOMMENDATIONS:

Establish a volunteer core of parents to be crossing guards.

Madera Unified School District (MUSD) pay for Live Scan fingerprinting so parents can volunteer to be crossing guards.

Look into purchasing a reliable set of hand held two way radios.

2008/2009 Madera County Grand Jury revisit James Monroe Elementary School, Madera Redevelopment Agency and Caltrans to evaluate the progress of this major construction project which is to start in September, 2008.

RESPONSES:

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

Madera County Superintendent of Schools
28123 Avenue 14
Madera, CA 93638

Madera Redevelopment Agency
5 East Yosemite Ave.
Madera, CA 93638

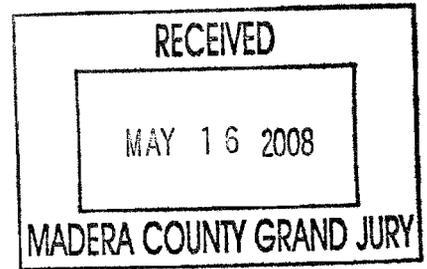
James Monroe Elementary School
1819 N. Lake Street
Madera, CA 93638

Madera Unified School District
1902 Howard Road
Madera, CA 93637

California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93750



MEMORANDUM



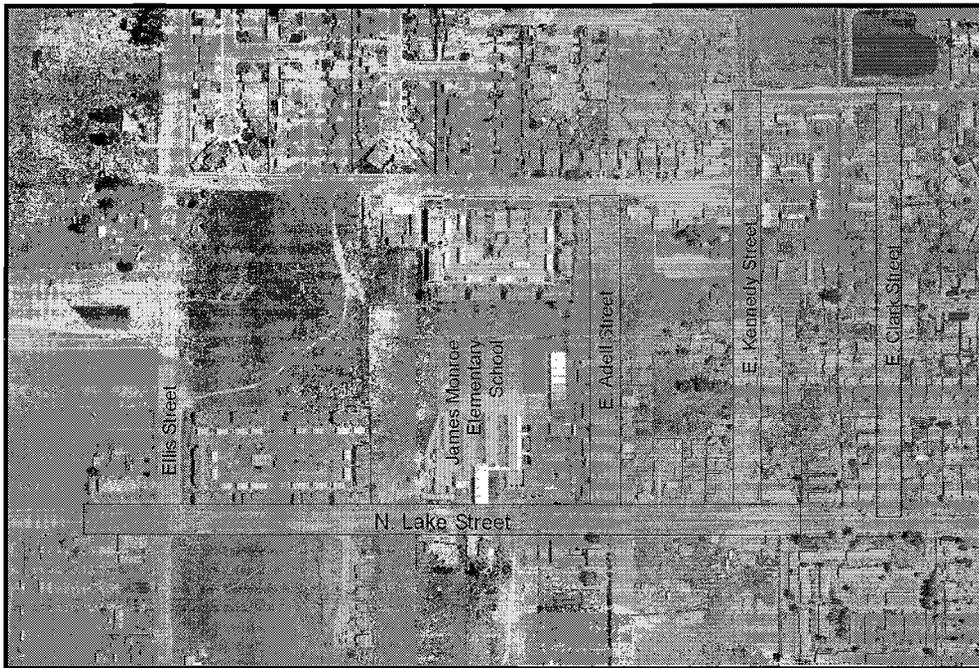
To: Members of the Madera County Grand Jury

From: James E. Taubert, Executive Director
Madera Redevelopment Agency

Date: May 14, 2008

Subject: Traffic Conditions – James Monroe Elementary School

The report on safety conditions at James Monroe Elementary School accurately describes the problem. In regards to the timing of construction, right-of-way acquisition will commence upon approval of the NEPA study. From a design standpoint, the project is bid-ready, pending completion of the environmental review process. The entire project is visually illustrated below.



The Madera Redevelopment Agency is funding \$2.5 million with the remainder of the funding provided by a "Safe Route to Schools" grant and Measure "A" funds. Please contact me at (559) 661-5110 if you require additional information regarding this project.

JET/sb

**DEPARTMENT OF TRANSPORTATION
DISTRICT 6**

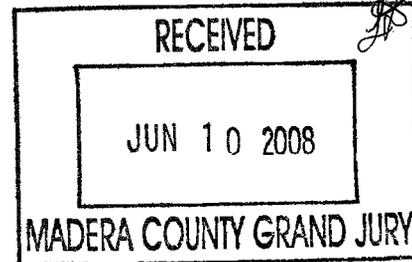
855 M STREET, SUITE 200
FRESNO, CA 93721-2716
PHONE (559) 445-5417
FAX (559) 445-5425
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

June 5, 2008

MADERA COUNTY GRAND JURY
P.O. BOX 534
Madera, CA 93639



Attention: Linda R. Dominguez

Dear Ms Linda R. Dominguez:

Enclosed is the response from the Department of Transportation, office of Local Assistance to the Madera County Grand Jury regarding the report entitled: James Monroe Elementary School dated April 16, 2008.

If you have any questions, or need additional information, please contact Jim Perrault, at (559) 445-5417.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Perrault".

JIM PERRAULT, Chief, Office of Local Assistance
Transportation Planning Division
DEPARTMENT OF TRANSPORTATION

RESPONSE

From: **DEPARTMENT OF TRANSPORTATION (CALTRANS)**
District 6 - Office of Local Assistance
855 M. Street, Suite 200
Fresno, CA 93721

To: **MADERA COUNTY GRAND JURY**

Regarding: Report entitled **JAMES MONROE ELEMENTARY SCHOOL.**

Date: June 4, 2008

The Department of Transportation fully supports of the City of Madera's SRTS project scheduled and programmed for the improvements at James Monroe Elementary school.

The Department's Office of Local Assistance has been delegated by FHWA to manage the Federal Authorization process for the \$709,000 Federal SRTS funds for this project. Once the Federal Authorization package has been received by the Office of Local Assistance, this process will be conducted in a timely manner as not to jeopardize the projects' schedule. Please be aware that the City of Madera is fully responsible for delivering the project components, adhering to the schedule and administering construction. The Department's office of Local Assistance is only involved in the processing of the Federal funds for this project.

This project is identified by the City as the "Lake/Adell Neighborhood Improvement Project". Construction is scheduled for May 2009. The Draft NEPA Environmental Document (ED) should be completed next month. Project design is 95% complete and R/W acquisition will begin this summer after approval of the ED. The current construction cost estimate is \$2.2 million and the R/W acquisition cost estimate is \$700,000. The project scope and description (SRTS-Phase 1), as provided by the City of Madera, is below:

CITY OF MADERA

SRTS - James Monroe Elementary School

Redevelopment Agency-Lake/Adell Neighborhood Project

1.0 PROJECT OVERVIEW

1.1 Introduction

The Safe Routes To School Project (SRTS) will improve pedestrian, cyclist and vehicular traffic in the area surrounding the James Monroe Elementary School. This project is also known as the Lake/Adell Neighborhood Improvement Project. The project will consist of widening Lake Street between 125's/o Kennedy Street and 250' n/o Ellis Street to provide for a four lane street with landscaped median. The pedestrian and cyclists improvements on Lake Street will include curb & gutter, bike lanes,

sidewalks, pedestrian crossings and street lights. The SRTS project also includes Clark Street and Kennedy Street between Lake Street and Tulare Street and Adell Street between Lake Street and Merced Street. The pedestrian and cyclist improvements on these three streets will include curb & gutter, sidewalks and street lights. A missing section of Adell Street will be constructed that will provide safe access for pedestrians and students.

The Madera Redevelopment Agency (RDA) will fund the travel lane and median improvements on Lake Street between 125' s/o Kennedy Street and 250' n/o Ellis Street and the missing section of Adell Street. SRTS funds will be used to fund all of the pedestrian and cyclist improvements on Lake, Clark, Kennedy and Adell Streets. The proposed construction date is June 2008.

The City of Madera is currently in the design phase of a project to widen Lake Street between 325' n/o Cleveland Avenue and 125' s/o Kennedy Street. This project will extend the street and pedestrians and cyclist improvements included in the SRTS project. This phase of the project will be funded with local Measure "A" and Measure "T" funds and LTF, Transportation Development Act funds. The proposed construction date is June 2009.

The streets are classified in the Circulation Element of the General Plan as follows:

- Lake Street – Arterial with a 100' R/W
- Clark Street – Local with a 50' to 60' R/W
- Kennedy Street – Collector with an 80' R/W
- Adell Street, w/o Lake Street – Collector with an 80' R/W
- Adell Street, e/o Lake Street – Local with a 60' R/W

1.2 SRTS Project Description (Phase 1)

Lake Street Widening, 125' s/o Kennedy Street to 250' n/o Ellis Street

Reconstruction and widening will occur within a proposed 100' right of way between 125' s/o Kennedy Street and 270' n/o Adell Street. The existing right of way between these limits is 60 feet. The acquisition of the 40' width of land, from 4 parcels along the west side only, for street right of way will include the two dwellings, one just south of Kennedy Street and one just n/o Kennedy Street. This proposed right of way will allow for the construction of a 14'-16' raised landscaped median, 4-12' travel lanes, a 10' school zone loading lane on the east side and a 6' bike lane on the west side. The existing curb and gutter on the east side will remain in place except it will be move 4' in front of the school to provide a loading lane. Sidewalks and street lights will be installed on both sides of the street consistent with City and ADA standards. The street widening between 270' n/o of Adell Street and Ellis Street will require right of way acquisition of a 20' width of land from 4 parcels along the west side only. The work within these limits will consist of constructing a travel lane and bike lane on the west side of a raised median and a pavement overlay will be placed on the existing pavement (two north bound lanes and a bike lane). The work will also include the reconstruction of the travel lanes on Adell Street for distance of 130' w/o Lake Street. Storm water flows in the existing curb and gutter and in the Sherwood Way storm drain pipeline to the retention basin at Sherwood Way and 'D' Street. The right of way acquisition is scheduled to be completed by June 2008.

Clark Street and Kennedy Streets, Lake Street to Tulare Street

The improvements proposed for Clark and Kennedy Street consist of installing sidewalks and street lights consistent with City and ADA standards. The work will be performed within the existing right of way with the exception of acquiring a 5' width from 3 parcels on Clark Street and a 10' width from 3 parcels on Kennedy Street. The right of way acquisition is scheduled to be completed by June 2008. The existing dwellings and buildings will conform to the set back requirements after the acquisition of the right of way. The installation of the sidewalks will be contiguous with the existing curb and gutter but most of the existing driveways will be reconstructed to meet ADA minimum slope requirements. Street drainage is provided by the existing curb and gutter that flows to Lake Street and in the Sherwood Way storm water pipeline and eventually flow to the existing retention basin at Sherwood Way and 'D' Street.

Adell Street, Lake Street to Merced Street

The improvements proposed for Adell Street consist of installing sidewalks and street lights consistent with City and ADA standards and a pavement overlay for the west half of the street and construction of a new street for the east half. The west half of Adell Street is paved and has curb and gutter on a 60' right of way. The east half of Adell Street is vacant land with a 60' Easement Deed to the City of Madera for sewer, water and drainage facilities. The right of way acquisition from the two parcels will consist of acquiring the 60' easement by Grant Deed for the construction of street improvements. The right of way acquisition is scheduled to be completed by June 2008. A storm drain pipeline will be constructed in the street to collect all of the drainage in Adell Street. This pipeline will connect to Lake Street and eventually connect to the Sherwood Way storm water pipeline and flow to the existing retention basin at Sherwood way and 'D' Street.

1.3 City Project Description (Phase 2)

Lake Street Widening, 315' n/o Cleveland Street and 125' s/o Kennedy Street

Reconstruction and widening will be accomplished within the existing 100' right of way. The existing curb and gutter on the east side will remain in place. The existing curb and gutter on the west side will be removed and new curb and gutter will be constructed at a location 12' from the existing right of way line. This will widen the existing street by 12' to allow for the construction of a 14' raised landscaped median, 4-12' travel lanes, an 8' parking lane on the east side and a 6' bike lane on the west side. Sidewalks and street lights will be added to both sides of the street consistent with City and ADA standards. The street widening on the west side will consist of new construction and a pavement overlay will be placed on the existing pavement. The widening will require the removal of five mature Raymond Ash trees located in the street planter strip adjacent to the Pan American Park. Storm water flows in the existing curb and gutter and the Sherwood Way storm drain pipeline to the retention basin at Sherwood Way and 'D' Street. A new water main will be installed between Cleveland Avenue and Kennedy Street. The existing sewer main will be replaced between Sherwood Way and Kennedy Street.

**2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT
NORTH FORK ELEMENTARY SCHOOL**

INTRODUCTION:

On November 19, 2007, the Madera County Grand Jury visited the North Fork Elementary School for the purpose of observing the facilities, interviewing personnel and to conduct an investigation pursuant to Section 925 of the California Penal Code.

FINDINGS:

The North Fork Elementary School is located approximately 15 miles east of Highway 41 at 33087 Road 228, in the community of North Fork, California. It is a mountain community in Eastern Madera County. The school teaches kindergarten through 8th grade. There are 280 students, 15 teachers plus aides and 3 support staff. This is a good ratio of teachers to students. The school receives additional State and Federal aid because the student body is made up of approximately 30% Native Americans.

The school is configured in such a way that the staff has a view of all vehicles and foot traffic that enter the parking lot and premises. All students are bussed or delivered by parents or guardian. The playground is in the rear of the six major buildings and is almost completely secured by a 6 foot chain link fence. There is a portion of the fence that is only 4 feet high at the back of the property. It borders private property, the owners dwelling, and a cemetery and is used as a fire road. It appears the risk to the children at play is minimal as the teachers are present when the children congregate. In addition, there is a very steep incline that helps secure about 1/3 of the west exterior property line. The school has 9 video cameras that monitor most of the campus, especially the sensitive areas such as the entrances to the restrooms, halls, lockers and upper rear areas of the campus. However, the video tapes are not regularly reviewed by certificated employees, but by the custodian as an investigative tool for vandalism, graffiti or other misdeeds on the premises. All employees are required to wear identification badges and all visitors must sign in and out. The principal and support staff is equipped with radios for instant communication. They conduct monthly fire drills and two annual lockdowns.

The school day starts with all students and staff assembled in the school cafeteria. After announcements, the students are escorted to the classrooms by the teachers

After an interview with the principal, he escorted the Grand Jury on a tour of the campus. It was noted that outside the classrooms, on the sidewalks, were prominent squares and circles, painted in various colors. This is a timeout area, for those students who were being punished for minor infractions. It was also noted that the students treated the staff with great respect. The Academic Performance Index (API) score has increased from the 2006/2007 school year base of 753 to 761 for the 2007 /2008 school year. The school also has a Head Start Program and a Student Truancy Program. When the children are on the playground, the teacher's slogan is "when they are out we are out".

CONCLUSIONS:

The location, attire, and congeniality prevalent in this school convince this Grand Jury it is an excellent training ground for students to achieve their higher educational goals.

RECOMMENDATIONS:

None.

RESPONSE:

Chawanakee Unified School District
P.O. Box 400
North Fork, Ca. 93643

Madera County Office of Education
28123 Avenue 12
Madera, Ca. 93638

Madera County Board of Education Trustees
28123 Avenue 12
Madera, Ca. 93638

Madera County Board of Supervisors
2100 West 4th St
Madera, Ca. 93637

**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
SPRING VALLEY SCHOOL**

INTRODUCTION:

On November 19, 2007, the Madera County Grand Jury conducted an investigation of the Spring Valley School for the purpose of observing the facilities, interviewing personnel and to conduct an investigation pursuant to Section 925 of the California Penal Code. The school is located at 46655 Road 200 in O'Neals, California 93648 and it shares the campus with the Chawanakee Academy which is covered in a separate report.

FINDINGS:

Spring Valley School is a K-8 school with a student population of 101 students. There are five regular teachers, one principal, a reading specialist, a music specialist, and several instructional aides.

The school scored 766 out of a state recommended 800 on the Academic Performance Index (API) last school year.

All school personnel and visitors are required to wear identification badges at all times on campus. All visitors are required to sign in and out of the main office. All students are either bussed or transported by their parents/guardians to and from school. No students walk to school.

The school provides each parent a crisis response plan and publishes a weekly newsletter. There is a plan in place in case of a major disaster such as an earthquake. Teacher/staff training on school safety is provided and lock down drills/fire drills are practiced on a regular basis.

The principal and two aides supervise the outside playgrounds starting at 7:00 a.m. Restrooms are also monitored. An outside door housing a faculty lounge and two classrooms facing Road 200 is not locked during school hours and could allow access of unauthorized personnel.

There are 7-8 security cameras in place on campus. There has been occasional drug activity but no known gang activity. Two-way radios are used by the principal and aides but are unreliable and need to be replaced. The Citizens on Patrol and the Madera County Sheriff's Office do help supervise the outside of the campus.

CONCLUSION:

The Madera County Grand Jury found that the Spring Valley School is a well managed

elementary school, and appears to be a safe school, providing an excellent climate for learning to take place.

RECOMMENDATIONS:

The Grand Jury recommends new two-way radios be purchased for security purposes.

The Grand Jury recommends the door facing the front of the school be secured by an external keypad and panic bar.

RESPONSES:

Chawanakee Unified School District
46655 Road 200
O'Neals, CA 93648

Madera County Office of Education
28123 Avenue 14
Madera, CA 93638

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

2007/2008
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
CITIZEN COMPLAINT

INTRODUCTION:

This investigation was initiated pursuant to a complaint filed with the Grand Jury. Complainant was going through a divorce and had been given temporary, exclusive use, possession, and control of the main house. Her husband had control of the guest house on the property. The purpose of this investigation is to ascertain if the Madera County Sheriff and District Attorney performed their duties without any undue influence due to the fact the husband in this case is a Madera County Public Official.

FINDINGS:

On April 23, 2007 complainant alleged that she tried to unlock her back door and found the back door lock had been changed. The lock change had occurred sometime between April 1st and April 23rd. She called the Madera County Sheriff and was given a self reporting form to complete. That form was forwarded to the Madera County District Attorney's office with the recommendation that a charge of 166(a)(4) of the California Penal Code be charged against her husband. That section is a misdemeanor for willful disobedience of the terms of a court order lawfully issued by any court, including orders pending trial. The D.A. rejected the recommendation due to insufficient evidence. Nobody saw her husband enter the house or change the lock. She stated her husband locked her out of their vacation home in August 2006. The vacation home key fit the new door lock.

A second incident occurred at the main house on August 25, 2007 and the Sheriff's Department was again dispatched. The complainant's daughter was home alone when her father came to the house. She alleges she refused him entry but he forced his way passed her injuring her shoulder and leg. He removed some guns from the house. The court order states the husband can retrieve property from the house if both parties agree on a date and time. She said no arrangement had been made. He said he talked with his wife and she said he could come by and pick up his things. The deputy checked the daughter's allegation of injury but found none. An incident report was completed and forwarded to the D.A. A violation of 166(a)(4) P.C. was again recommended along with the charge of 242 P.C. which is battery, described as any willful and unlawful use of force or violence upon the person of another. Since there was no evidence of injury to support the 242 P.C. charge, the D.A. rejected it and the 166(a)(4) P.C. as being civil in nature and stated the "victims remedy is family court".

CONCLUSION:

The Grand Jury finds that the Sheriff's office followed their normal procedure in making their recommendations based on the self reporting form. There is very little, if any, investigation on the 166 P.C. As in all cases, the D.A. makes the final decision and he declined to file any of the charges.

It appears these type of things happen frequently in divorce cases and that is why the Sheriff instituted a self reporting form instead of time consuming investigations. The D.A. would prefer to keep this in the civil arena preferring not to file any criminal charges. No undue influence was apparent in this case.

RECOMMENDATION:

Seven months have elapsed since the last incident and the complainant should take this up with her attorney if she has not already done so.

RESPONSE:

Madera County Sheriff
14143 Road 28
Madera, Ca. 93638

Madera County District Attorney
209 W. Yosemite Avenue
Madera, Ca. 93637

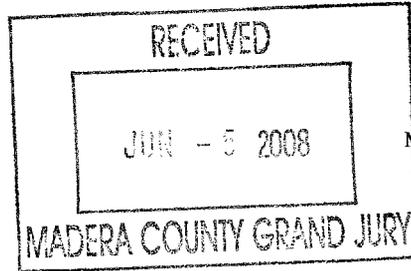
Madera County Board of Supervisors
2100 West 4th St
Madera, Ca. 93637



SHERIFF'S DEPARTMENT

Madera County

John P. Anderson
Sheriff-Coroner



4143 Road 28
Madera, CA 93638
(559) 675-7770

May 28, 2008

Ms. Linda R. Dominguez
Foreperson
Madera County Grand Jury
PO Box 534
Madera, CA 93639

Dear Ms. Dominguez,

I want to thank the Grand Jury for inviting us to again make a presentation outlining the responsibilities and operations of our Department.

Members of the Jury inspected our Coroner function and investigated a complaint regarding preferential treatment. We appreciate the quality and depth of the examination of our Coroner operation and the favorable comments made. The exoneration of the complaint allegations are also appreciated.

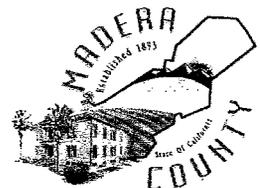
As there were no recommendations made concerning our Department, I will conclude by again thanking members of the Grand Jury for their voluntary service, and efforts in improving the performance of government.

Sincerely,


John P. Anderson
Sheriff

Cc. Madera County Board of Supervisors
Madera County Administrator

SERVING SINCE 1893



2006-2007

MADERA COUNTY GRAND JURY
REPORT ON: MADERA RANCH INC.

FILED

OCT 14 2007
MADERA COUNTY BOARD
OF SUPERVISORSIntroduction

On January 24, 2007, the Madera County Grand Jury created an Ad Hoc committee to investigate citizen complaints regarding a proposed rock and asphalt quarry to be located within the County. While the initial focus of our research and investigation was on the complainant's issues, the Committee identified significant and troubling elements within the final agreement.

Findings

Through our investigation, we found that "Madera Ranch Inc., a California corporation" acquired title to Assessor's Parcel Number (APN) 050-082-007 on October 24, 2002 and APN 050-082-006 and 051-017-003 on March 14, 2003. We learned that in recorded escrow documentation related to those purchase escrow transactions, a deed of trust was executed on behalf of "Madera Ranch, Inc, a California corporation."

Madera Ranch Inc. applied for a Conditional Use Permit (CUP) #2002-020 for a hard rock quarry-mining permit on the APN 050-082-007, upon which application the draft and final Environmental Impact Reports (EIRs) were based.

As a part of the approval process and during the Planning Commission hearing entitled "Madera Ranch, Inc." on February 22, 2006, sworn testimony was presented by "the owner of Madera Ranching and the applicant of the Madera Ranch Quarry".

During the May 25, 2006 Planning Commission hearing, also entitled "Madera Ranch, Inc.", the Planning Commission accepted testimony from the quarry developers referred to as "Madera Ranch Inc.", and moved to accept the project of the quarry, accept and certify the Draft EIR, forwarding the project on to the Board of Supervisors with a recommendation to move forward with the quarry.

On September 11, 2006, the Board of Supervisors entertained a motion to accept the application as rezone ordinance 525-643. Further, approval was granted for the CUP 2002-020 (hard rock quarry mining permit) and CUP 2006-001 (hot mix asphalt batch plant), with the condition that if the water supply of local residents become affected by the quarry operation, the Board of Supervisors will hold hearings and determine what the applicant, Madera Ranch Inc.,

must do to rectify the situation. At this same meeting, the Board of Supervisors also approved the cancellation of the Williamson Act Contract on 52.29 acres of property owned by Madera Ranch Inc. The Draft EIR was certified on September 11, 2006, and a notice of determination was filed with the County Clerk's office.

The Grand Jury found that during the entire approval process, including the draft and final EIRs, minutes of the Planning Commission and subsequent Board of Supervisors meetings, the applicant and quarry owners refer to themselves as Madera Ranch Inc., P. O. Box 994248, Redding, CA 96099-4248

The Grand Jury also found that, according to the California Secretary of State, Madera Ranch Inc. was voided as a valid California corporation as of March 29, 2006, when a new California corporation number C2470463 entitled "Madera Quarry, Inc." was formed. The formation of this corporation was prior to Planning Commission hearings and Board of Supervisors meetings, yet the valid corporate name was not used, and no one was aware that the entire quarry project was approved under an invalid corporate name.

On January 2, 2007, the applicant submitted a name change amendment to Madera County Contract No. 7395-C-C-2003, changing the applicant name from Madera Ranch Inc. to Madera Quarry Inc., approved by the Board of Supervisors.

While conducting our research, the Grand Jury identified the potential benefits to the County of such a project. As Madera County continues to grow, the materials from the quarry will be greatly needed. Improvements to Road 209 will benefit residents in the area. In addition, Madera County will see significant revenue from this project in both fees and taxes.

The Grand Jury also identified that some of these potential benefits may be regarded as disadvantages. The area will experience a substantial increase of truck traffic in the area of the quarry, resulting in increased dust in the air and noise from blasting and general quarry operations. The water issue was of great concern to us as stated earlier in the findings, as was the disruption of any wildlife in the area. Perhaps our largest concern, and one on which we did not see any "print or comment", was the issue of de-valuation of property rights of near-by homeowners.

Conclusions

The Grand Jury found that 'Madera Ranch Inc.' represented itself as a bona fide California corporation to the Madera County Planning Commission and Board of Supervisors

when, in fact, the corporate entity had become invalid. With misinformation, the Planning Commission and Board of Supervisors entered into an agreement with the owners of 'Madera Ranch, Inc.', allowing it to commence operation of a rock quarry.

The corporate entity originally known as 'Madera Ranch Inc.' was changed to 'Madera Quarry, Inc.' on March 29, 2006, yet the applicant did not disclose this to the Planning Commission, Board of Supervisors, EIR agencies or citizens of Madera County until after approval of the application. This approval by the Planning Commission, the resolution adopted by the Board of Supervisors and all documentation required to approve this project remained in the name of an entity that did not exist until January 2, 2007, at which time a name change was approved in the form of a contract amendment.

The entire process from application to certification was completed in the name of a corporation that did not exist.

Recommendations

Nowhere in the Resource Management Agency (RMA) application process, Planning Commission hearings, Board of Supervisor meetings, or Environmental Impact Report (EIR) investigation is there a means to determine that the applicant is a true and legitimate Corporation or business entity.

It is our recommendation that a new task be added to the POSSE program used by the RMA office. A simple and logical step, easily implemented through the POSSE program, is to require the applicant to provide proof that their business entity is valid. For example, any Corporation entering into a contract with the County must provide a certified copy of their Articles of Incorporation in their initial application. Other entities, (partnerships, limited liability companies, etc.) must also provide entity verification. Pending this critical information, the application is 'red flagged' until such time as the proper evidence is provided. By taking this additional step, any obfuscation of the process, from application to certification, will be eliminated. Further, this step will remove the possibility of the County entering into an agreement or contract with an invalid entity, one lacking the authority to make or fulfill the obligations set forth in an agreement or contract.

As stated in the findings, the Grand Jury did not consider the local water issues, specifically related to supply and quality, to be thoroughly vetted. Therefore, we recommend prior to commencement of construction and operation, local resident's well-water quality and

yield be measured and recorded. Further, during the course of construction and operation, we recommend quarterly water quality samples and yield tests be completed to ensure nearby property owners' concerns regarding water contamination and well yield are mitigated. We recommend the County, under the direction of the RMA, select a private water quality and yield agency to conduct quarterly tests, and recommend the County require the quarry owners to subsidize this testing and reporting, with reports provided to local residents, Development Review Committee and RMA on a quarterly basis.

Responses

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

Madera County Planning Commission
2037 W. Cleveland Ave. M.S. G
Madera, CA 93637

Madera County Resource Management Agency
200 West 4th Street
Madera, CA 93637

Madera County Development Review Committee
2037 W. Cleveland Ave M.S. G
Madera, CA 93637

Madera County Planning Department
2037 W. Cleveland Ave M.S. G
Madera, CA 93637



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 07161

Date: December 4, 2007

In the Matter of CONSIDERATION OF APPROVAL OF THE RESPONSES TO THE 2006-2007
FINAL REPORT OF THE GRAND JURY, ADMINISTRATION DEPARTMENT.

Upon motion of Supervisor Dominici, seconded by Supervisor Bigelow, it is
ordered that the attached be and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

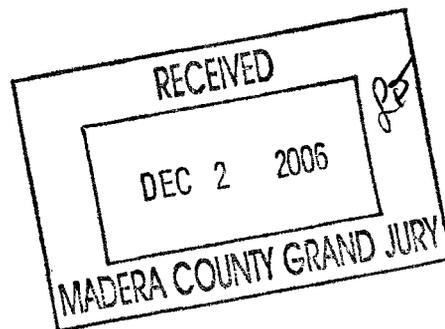
AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez, and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

CAO
Grand Jury
Superior Court-Judge DeGroot
Resource Management Agency
Water Advisory Commission

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Tanna Gonzales*
Deputy Clerk





BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

December 4, 2007

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Responses to the 2006-07 Final Report of the Grand Jury

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

1. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the "Madera Ranch, Inc." (See Attachment #1).

Grand Jury Recommendations

"Nowhere in the Resource Management Agency (RMA) application process, Planning Commission hearings, Board of Supervisor meetings, or Environmental Impact Report (EIR) investigation is there a means to determine that the applicant is a true and legitimate Corporation or business entity.

It is our recommendation that a new task be added to the POSSE program used by the RMA office. A simple and logical step, easily implemented through the POSSE program, is to require the applicant to provide proof that their business entity is valued. For example, any Corporation entering into a contract with the County must provide a certified copy of their Articles of Incorporation in their initial application. Other entities, (partnerships, limited liability companies, etc. (must also provide entity verification. Pending this critical information, the application is red

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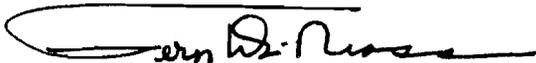
flagged' until such time as the proper evidence is provided. By taking this additional step, any obfuscation of the process, from application to certification, will be eliminated. Further, this step will remove the possibility of the County entering into an agreement or contract with an invalid entity, one lacking the authority to make or fulfill the obligations set forth in an agreement or contract.

As stated in the findings, the Grand Jury did not consider the local water issues, specifically related to supply and quality, to be thoroughly vetted. Therefore, we recommend prior to commencement of construction and operation, local resident's well-water quality and yield be measured and recorded. Further, during the course of construction and operation, we recommend quarterly water quality samples and yield tests be completed to ensure nearby property owners' concerns regarding water contamination and well yield are mitigated. We recommend the County, under the direction of the RMA, select a private water quality and yield agency to conduct quarterly tests, and recommend the County require the quarry owners to subsidize this testing and reporting, with reports provided to local residents, Development Review Committee and RMA on a quarterly basis."

Board of Supervisors' Response to Grand Jury

The response of the RMA Planning Director to this recommendation is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Attachment #2)

Sincerely,



Vern Moss
Chairman
Madera County Board of Supervisors

Attachments



**RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT**

Rayburn Beach, Director

21 ATTACHMENT # 2
Madera, CA
(559) 875-7821
FAX (559) 675-6573
TDD (559) 675-8970
mc_planning@madera-county.com

DATE: November 9, 2007
TO: Stan Koehler
Assistant Administrative Officer
FROM: Ray Beach
RMA/Planning Director
SUBJECT: Grand Jury Report – Madera Ranch Inc.

I have reviewed the 2007-08 Grand Jury report concerning Madera Ranch Inc. and have the following response:

The 2007-08 Madera County Grand Jury Report on the Madera Ranch Inc.

Grand Jury Recommendation

It is recommended that a new task be added to Posse requiring a function to confirm property ownership while processing zoning entitlements. It was also recommended, prior to commencement of construction and operation, local residents well water quality and yield be measured and recorded.

Response to the Grand Jury

While there would appear to be an issue with the contract title ownership, a conditional use permit approval "runs with the land", not the applicant. Therefore, whoever owns the land, owns the conditional use permit and may use it, but only subject to all conditions of approval.

As to the submitting of applications, the Planning Department accepts the applications for entitlements based on the signature of the owner at the time of submittal. Properties do change hands and the department may not know of the change in ownership unless the owner/applicant informs the department during the processing of their entitlements. The Board has recognized this in previous policy decisions, directing that staff simply insure the applicability of all conditions to present and future owners.

The Recommendation is being implemented.

The recommendation being implemented is that the Planning staff will review it's procedures for assuring that all applications are submitted and signed by the property owners.

Please refer to the attached memorandum from Ken Schmidt, a certified hydro geologist, on the proposed well monitoring program for the Madera Quarry operation. The project is required under, mitigation measure 3.9-1A, to monitor water levels of adjacent wells throughout the life of the project.

If you have any further questions, please feel free to contact me at 661-6333.

MEMO

To: Jack Baker, Madera Ranch, Inc.
From: Ken Schmidt
Date: May 1, 2007
Topic: Proposed Groundwater Monitoring
Program-Madera Ranch Quarry

The private wells most likely to possibly be influenced by groundwater pumping for the project are as follows:

Graham West
Crandell
Dibble
Harris
Pfoutz.

In addition, there are some private wells that are farther distant from the proposed quarry that could be influenced by pumping for the project. These wells are located near linear surface features that extend westerly from the proposed quarry. Included are:

Marcks
Egland
Carter
Carter
Allen
Robnett.

Project Well Pumpage and Dewatering

Monitoring of project well pumpage and Ranch well water levels would provide very useful information. Totalizing flowmeters would be used to measure well and quarry pumpage and pumping rates. Measurements would be made on a monthly basis during November-April and on a weekly basis during May-October.

Lake Evaporation

Once Quarry dewatering stops, the area of the lake would be

determined on a monthly basis. Records of pan evaporation would then be used to estimate evaporation on a monthly basis. These measurements would be done for several years, until representative evaporation under varying climatic conditions is determined.

Water-Level Monitoring

Transducers would be installed in Ranch Wells No. 1, 5, 6, and 7 to provide continuous records of depth to water. Water levels in all Ranch wells would be measured on a monthly basis during May-October and every other month during November-April.

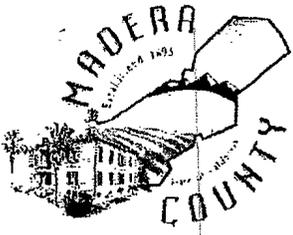
Private Wells

With the approval of the well owners, the five private wells discussed previously would be equipped with totalizing flowmeters. Water levels in these wells would be manually measured monthly. Flowmeters would be read on a monthly basis during May-October and every other month during November-April. For the more distant private wells (if owners agree), water levels would be measured twice a year, once near the end of the precipitation season (normally in April), and once near the end of the dry period (normally October).

Reporting

Groundwater monitoring results would be submitted to Madera County on a quarterly basis. On an annual basis, a monitoring report would be prepared by a certified hydrogeologist, including pumpage tabulations, water-level elevation maps, and water-level hydrographs. The drawdowns due to project operation would be determined. In addition, the hydrogeologist would recommend adding or deleting wells in the program based on sound hydrologic evidence.

***ADDENDUM TO
2007-2008 GRAND JURY FINAL REPORT BOOK***



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

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TOM WHEELER

BONNIE HOLIDAY, Clerk of the Board

File No: 07161

Date: February 27, 2007

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSES TO THE 2006-2007
FINAL REPORT OF THE GRAND JURY, ADMINISTRATION
DEPARTMENT.

Upon motion of Supervisor Bigelow, seconded by Supervisor Rodriguez, it is
ordered that the attached be, and it is hereby adopted as shown

I hereby certify that the above order was adopted by the following vote, to wit:

AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

CAO
Grand Jury
The Honorable John DeGroot
County Clerk-Recorder-Elections
Fire
Human Resources
Madera County Library
Ranchos Library
North Fork Library
Oakhurst Library
Chowchilla Library
Central CA Women's Facility (CCWF)

ATTEST: BONNIE HOLIDAY, CLERK
BOARD OF SUPERVISORS

By *Nancy X. [Signature]*
Deputy Clerk



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VERN MOSS
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TOM WHEELER

BONNIE HOLIDAY, Clerk of the Board

February 27, 2007

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Responses to the 2006-07 Final Report of the Grand Jury

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

1. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Madera County Clerk-Recorder (See Attachment #1).

Grand Jury Recommendation

“That the Madera County Human Resources Department continue to monitor Madera County employees salaries, and to work towards wage and benefit parity.”

Board of Supervisors' Response to Grand Jury

This Recommendation has, and will continue to be implemented. The Director of Human Resources has the responsibility to keep the Board of Supervisors fully informed on issues of wages, salary and working conditions, and will bring forward to the Board equity issues for consideration and action.

2. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Central California Women's Facility Fire Department (See Attachment #2).

Grand Jury Recommendation:

"Madera County is well serviced by this Emergency Reaction Team as evidenced by the numerous and varied responses provided. Because this service is available at no expense to the County, every effort should be made to enhance their capability whenever an opportunity presents itself."

"Each fire truck has a 6-inch binder, weighing at least 10 pounds, which includes every street, found in Madera County. This binder takes up considerable space in the crew cab is awkward, heavy and cumbersome to work with and if not held onto can turn into a guided missile while in route to an emergency."

"Consideration should be given to purchasing a reasonable priced GPS (Global Positioning System) device for the four response vehicles. At a minimum, two should be made available for the heavy-duty trucks, which carry the large binders. These small handheld devices, which can be mounted within a vehicle, would expedite finding a given emergency location while eliminating to a back-up role for the large and cumbersome binders."

Board of Supervisors' Response to Grand Jury

The Recommendation will not be implemented as the equipment provided is the responsibility of the Central California Women's Facility.

3. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Central California Women's Facility (CCWF)(See Attachment #3).

Grand Jury Recommendation

"In dining area "B" we found the following;

The water heater valve was very old with obvious surface rust. It appeared to be leaking, as there was a considerable amount of water directly under it on the floor, this should be repaired or replaced.

One pressure valve in the "Scull," a commercial dishwashing system, had its dial removed preventing anyone from determining if there was a danger there, the pressure gage should be replaced.

A steam line in the "Scully" also had its dial removed leading to the same concern it to should be replaced.

Large dark cobwebs were present on the overhead, high-beamed ceiling which need to be removed.

Numerous food stains and food particles were evident on the ceiling this needs to be cleaned.

Bug lights at entrances were inoperative and, need to be repaired or replaced.

Dining area "A" had similar issues, however, dials were in place and the water heater was in reasonable condition."

Board of Supervisors' Response to Grand Jury

The Recommendation will not be implemented as the report pertains to the Central California Women's Facility and is not within the Board of Supervisors' operational authority.

4. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Madera County Libraries (See Attachment #4).

Grand Jury Recommendations

Budget:

"We recommend the Head Librarian solicit budget input from each branch manager in an in-person budget management meeting, while also placing a greater emphasis on developing and sharing the more strategic elements of the budget planning process. With participation from each branch manager, the

branches will have an opportunity to collaborate on resources, expectations, and visions for the future.

We recommend the budget distribution more closely reflect the annual circulation statistics of each branch.

Create a "Library Plan" document including a roadmap of proposed priorities and actions for the next four to five years that will help the Madera County Library System deliver the County's vision to residents.

Distribute accurate monthly reports of performance-to-budget meetings for Branch Managers and Head Librarian to solicit input, build teamwork, develop, and implement any course corrections required.

We recommend quarterly, in-person performance-to-budget meetings for Branch Managers and Head Librarian to solicit input, build teamwork, develop, and implement any course corrections required.

Madera County Libraries are challenged to meet and increasing demand for service with limited staff and budget, and this demand-budget challenge can be managed by making use of several elements common to most libraries. We recommend each library branch develop an individualized branch management plan, including staffing, budget, technology, etc., taking consideration the basic elements of experienced staff, new hires, volunteers, and creative supervisory practices.

Staffing

Additional positions have been approved for staffing; we recommend action be taken to fill these positions quickly. We recommend staffing levels be reviewed based upon the annual circulation in each branch.

Growth and Development

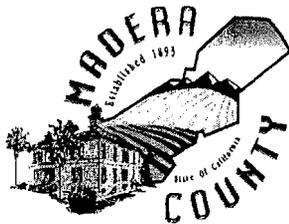
To meet the challenges ahead, we recommend immediate improvement to the current level of professional and leadership skills. Knowledge sharing, open discussion and flexibility are critical to growth and success. Enhancements to both professional and behavioral competencies will improve the collaboration, team leadership, and communication between all staff."

Staffing:

This recommendation has been implemented. The Librarian and Human resources has reviewed and interviewed over 15 applicants for vacant and new positions, with the result of placement in Oakhurst, Madera, Rancho and Chowchilla. This activity still continues as an ongoing part of management. The Libraries were greatly impacted by the recent hiring freeze imposed upon County departments due to fiscal concerns. The Libraries lost over \$160,000.00 of staff budget due to retirement and allowing positions to remain unfilled. Those places most impacted were Madera, Rancho and Oakhurst.

Growth and Development:

This recommendation has been implemented. Staff will attend quarterly meetings, all applicable training within a reasonable travel radius and in service training sessions.



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200 WEST FOURTH STREET/MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No: 07161

Date: July 10, 2007

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSES TO THE 2006-2007
FINAL REPORT OF THE GRAND JURY, ADMINISTRATION
DEPARTMENT.

Upon motion of Supervisor Wheeler, seconded by Supervisor Dominici, it is
ordered that the attached be, and it is hereby adopted as shown.

I hereby certify that the above order was adopted by the following vote, to wit:

AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Briana Parra*
Deputy Clerk

- Auditor
- CAO
- Grand Jury
- Engineering
- Planning
- Planning-Pam Smart
- Resource Management Agency
- Information Technology
- The Honorable John DeGroot
- Valley State Prison for Women (VSPW)
- Oakhurst Water Treatment Facility
- Pending (Chairman Signature)



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MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

July 10, 2007

The Honorable John DeGroot
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Responses to the 2006-07 Final Report of the Grand Jury

Dear Honorable Judge DeGroot:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

1. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Valley State Prison for Women (See Attachment #1).

Grand Jury Recommendations

"Update warning symptoms for heart attacks in women."

"The Vocational Cosmetology School at VSPW should double their efforts to have the State Cosmetology Licensing Board conduct tests on site."

"All vocational schools should continue their efforts to seek employment opportunities for inmates after their release."

Board of Supervisors' Response to Grand Jury

The Recommendation will not be implemented as the report pertains to the Valley State Women's Facility and is not within the Board of Supervisors' operational authority.

Page -1-

2. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Oakhurst Water Treatment Facility (Attachment #2).

Grand Jury Recommendation #1:

"The 2006-2007 Madera County Grand Jury recommends that every effort be made to implement some new employees as soon as possible, including a state certified lab tech.

Board of Supervisors' Response to Grand Jury Recommendation #1

The response of the Special Districts Manager to this recommendation is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Department Response - RMA Special District Services)

Grand Jury Recommendation #2

"That there be a maintenance schedule made and followed to insure that all equipment and machinery is running effectively and efficiently at all times.

Board of Supervisors' Response to Grand Jury Recommendation #2

The response of the Special Districts Manager to this recommendation is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation. (See Department Response - Special District Services)

3. The Grand Jury has requested responses to Recommendations in the 2006-07 Madera County Grand Jury Final Report on the Resource Management Agency POSSE Round UP (Attachment #2).

Grand Jury Recommendation #1

" A thorough investigation and report by the IT Director and RMA Director be made to the Board of Supervisors identifying any deficiencies of use and how they will be resolved."

Board of Supervisors' Response to Grand Jury Recommendation #1

The responses of the RMA Director/Planning Director and the Director of Information Technology to this recommendation is considered appropriate and is submitted as the Board of

Supervisors' response to this Recommendation.
(See Department Response - RMA Planning and
Information Technology)

Grand Jury Recommendation #2

"IT should hold scheduled training sessions to keep employees current in use to assure effective utilization of the POSSE program."

Board of Supervisors' Response to Grand Jury Recommendation #2

The responses of the RMA Director/Planning Director and the Director of Information Technology to this recommendation is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation.
(See Department Response - RMA Planning and Information Technology)

Grand Jury Recommendation #3

"RMA Department Heads, IT Analyst set in place monthly meetings to communicate current and future issues of concern and how to resolve."

Board of Supervisors' Response to Grand Jury Recommendation #3

The responses of the RMA Director/Planning Director and the Director of Information Technology to this recommendation is considered appropriate and is submitted as the Board of Supervisors' response to this Recommendation.
(See Department Response - RMA Planning and Information Technology)

Grand Jury Recommendation #4

"RMA Director take a firm stand requiring each Department Head held accountable for delays in utilizing electronic tools, which directly aid in improved workflow."

**Board of Supervisors' Response to Grand Jury
Recommendation #4**

Please see response to Grand Jury Recommendation
#5

Grand Jury Recommendation #5

"At this writing, a search is underway for a new RMA
Director. We urge the Board of Supervisors to find a
strong leader capable of bringing all department heads
into the 21st Century."

**Board of Supervisors Response to Grand Jury
Recommendation #5**

This recommendation has been implemented.
Effective June 1, 2007, the Board of Supervisors
appointed Rayburn Beach as Resource Management
Agency Director. We have every expectation that
Mr. Beach will be a strong and effective leader
for the Resource Management Agency and will have
the RMA Department Heads utilize to the fullest
existing electronic tools which aid in creating an
improved workflow throughout the agency.

Sincerely,



Vern Moss
Chairman
Madera County Board of Supervisors

Attachments

2006-2007
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
VALLEY STATE PRISON FOR WOMEN

INTRODUCTION:

In accordance with Penal Code Section 919B, members of the Madera County Grand Jury toured the Valley State Prison for Women (VSPW) facility on November 16, 2006. The focus of the inspection was the medical facilities and how the available care impacted the inmates. We also did an inspection of a satellite kitchen and dining hall. The tour ended with a visit to three vocational classes.

FINDINGS:

The Grand Jury interviewed the Assistant Director of Medicine.

- Q. What facilities are there to provide medical coverage to the inmates?
A. There are clinics in each of the four housing yards, which are staffed with a Doctor, Nurse Practitioner, and an R.N. The main clinic is staffed with Doctors, Dentists, Psychiatrists, Psychologists, Opticians, R.N.'s and Aides.

The main clinic has twenty beds, of which ten are negative-pressure isolation rooms, and ten are standard hospital rooms. Three cells are covered with rubberized padding.

- Q. Are the medical facilities here inspected, and if so, by whom?
A. The State Department of Health Services inspects the facilities annually.
- Q. What is the procedure for an inmate to see a specialist?
A. All requests are discussed with staff and a recommendation is sent out to the appropriate specialist in the community.
- Q. Are these specialists brought into the prison or are the inmates transported to the community clinic or hospital?
A. Both, whichever is the most expedient and efficient.
- Q. How are mental health issues handled? Are there trained professionals on site?
A. There are trained psychologists and psychiatrists on site who are prepared to handle most mental health problems.
- Q. If surgery is necessary, where is it performed?
A. Off-site at the local hospital.

- Q. Are there any contingency plans in place for an outbreak such as influenza or hepatitis?
- A. There are Operational Procedures in place for such problems, and additional staff will be brought in to handle such emergencies, if necessary.
- Q. How are prescription medications handled?
- A. All prescriptions are entered into a computer; medications are sent to the clinic on the yard where the inmate is housed. The inmate then goes to the med window with her ID, which is verified by both an Officer and a nurse. The inmate is given the medications and is watched by both the Officer and the nurse to ensure that they are taken properly.
- Q. What is the average number of inmates who report to sick call per day?
- A. Each doctor in the clinics sees 20-30 patients per day. Nurse practitioners see 20-25 patients per day. This is in addition to those who have appointments at the main clinic for dental, optical, special medical, and psychological services. This adds up to about 400 per day, or 10% of the population.
- Q. Are there fire and emergency drills, and when are they performed?
- A. Yes, once a month.
- Q. What is the procedure, which an inmate must follow to access medical care?
- A. The inmate sees the Correctional Officer on her housing unit and states her needs. She is issued a chit and reports to sick call. These chits are in a locked box, and a nurse removes the chits and sorts them according to medical, dental, or psychological problems, and the inmate is then seen by the appropriate professional. The exception is when any inmate reports chest pains, in which case she will be seen immediately.

In addition to the medical facilities, the Jury visited the Cosmetology School and the Welding School. We also toured a new school facility soon to open, which will teach Electronics, Computer Cabling and Networking. This new facility will teach inmates how to assemble cables from telephones to fiber optics, since these are new-world standards. Upon release, inmates will have the skills to enter these fields.

The Beauty and Cosmetology School has programs teaching all forms of cosmetology and beauty. At this time they are negotiating with the State Licensing Board to conduct testing at the institution. This will allow inmates upon release or parole to land a job with their license in hand. This program is 1600 hours in length, and is certified by the California Department of Consumer Affairs.

The Welding School has a program in place with a Welders Union to allow inmates with two certifications to be placed in an apprentice program at \$17/hour after their release. Within four years of entering the apprenticeship, a student may graduate to a Journeyman card with a starting wage of \$34/hour.

The Grand Jury also toured a satellite kitchen and dining room. These were found to be in good order, and very clean, with all dials, gauges and accessories in good working order.

CONCLUSIONS:

We found that the medical, dental, and psychological treatment at VSPW is adequate for the inmates. The staff members were courteous and considerate to the patients, and very professional in general.

RECOMMENDATIONS:

Update warning symptoms for heart attacks in women.

The Vocational Cosmetology School at VSPW should double their efforts to have the State Cosmetology Licensing Board conduct tests on site.

All vocational schools should continue their efforts to seek employment opportunities for inmates after their release.

RESPONSES:

Valley State Prison for Women Warden
Madera County Board of Supervisors

2006-2007
MADERA COUNTY GRAND JURY
FINAL REPORT ON:
OAKHURST WATER TREATMENT FACILITY

INTRODUCTION:

The 2006-2007 Madera County Grand Jury toured the Oakhurst Water facility on October 31, 2006. This was not because there had been any complaints, but because this facility had not been seen in the past, and had very recently completed a 13 million dollar renovation project.

FINDINGS:

This facility has been in operation since October 2005, the renovation project was completed in February of this year. The project at the Oakhurst site was funded with money from bond measures through Madera County.

The staff consists of only four employees, who have the task of operating the main site in Oakhurst, other sites/systems. Of these 48 sites/systems, 8 of them are "lift stations" or self-contained stations.

The entire operation covers approximately 400 acres. The Oakhurst site houses the new fully automated system for the lift stations.

Since it's completion the new facility has been able to increase the daily flow rate from 275,000 gallons per day to 550,000 gallons per day and has included a growth projection to the year 2020.

This facility is regionally mandated, and incorporates all County water systems from Coarsegold, Ahwahnee, and Goldside to name a few. The facility has its own laboratory but as of this date is non-operational and non-certified due to a lack of personnel.

Since the facility does not have an on-site lab tech, all of the daily samples must be sent to an outside lab in Fresno, at additional cost(s).

Presently the Oakhurst facility does not accept "outside waste" but will be doing so by the end of this year. The trucks coming into the facility will be charged a fee for dumping. Fees collected will go directly back into the facility, to be used for new hires.

THE PROCESS:

- Waste comes into the facility at 341,000 gallons per day flow rate, and is put through a screen to separate out solids.
- It is then pumped through a *collection splitter* to further separate the solids.
- From the splitter it goes into *sludge pools* and into the *in-tank aerators*.
- From the aerators it goes to the *digesters*.
- It is then pumped from the digesters to a belt filter press to compact the sludge so that it can be stored more easily. This sludge is hauled away at the facility's expense to the Fairmead Landfill where it can be dumped for free. The rate is approximately 32 tons per day.
- Fluids left from the press are then pumped up into a holding pond, gravity fed down and chlorinated.
- The chlorinated water is then once again pumped uphill about 1 mile away and is used to irrigate some 80 acres for grazing land.

There are also 2 ponding basins at the Oakhurst site; one at 100 acre feet, and one at 49 acre feet. These basins are there to handle any overages or extra waste that may come in.

The Grand Jury also toured the Goldside lift station. It has been operational since the year 2000. The Homeowners Association for the area that they service governs this lift station and the other lift stations. The "final decisions" must also pass through the Madera County Board of Directors and the Board of Supervisors.

These lift stations have their own facility for the number of homes they service and the flow rate of approximately 20,000 gallons per day based on 120 homes.

These sites are run on generator power and have an automatic call-out system at each site should any problems occur.

The process is much the same at all of the lift stations, and the Grand Jury learned that the water after it is chlorinated at the Goldside location is sprayed onto the golf course that is located within it's community.

CONCLUSION:

The Oakhurst Water Treatment Facility is merely the "home" for a total of 48 different and individual facilities. The Grand Jury learned there is far too much work for the four individuals who are employed there. In fact, the Grand Jury found that unless more staff is incorporated the newly built Oakhurst facility will begin to deteriorate rather quickly as there are not enough personnel to keep up the maintenance of the new equipment.

The four employees do an outstanding job and with a few more employees they can do nothing more than excel. The people that they serve should be very proud of these four individuals!

RECOMMENDATIONS:

- The 2006-2007 Madera County Grand Jury recommends that every effort be made to implement some new employees as soon as possible, including a state certified lab tech.
- That there be a maintenance schedule made and followed to insure that all equipment and machinery is running effectively and efficiently at all times.
- That future Grand Jury members visit the facilities to insure that these recommendations have been carried out.

RESPONSES:

Oakhurst Water Treatment Facility
Madera County Board of Supervisors

2006-2007
MADERA COUNTY GRAND JURY
FINAL REPORT
RESOURCE MANAGEMENT AGENCY
POSSE ROUND UP

INTRODUCTION:

The 2006-2007 Madera County Grand Jury visited the Planning Department of the Resource Management Agency (RMA) on November 28, 2006, January 29 and March 14, 2007 to evaluate and gain information on the POSSE system.

The Director and staff appear to be well qualified and experienced in the details associated with the magnitude, duties and responsibilities of the computer program.

The Director personally briefed the Grand Jury on the POSSE program that was designed as a workflow management system intended to provide a one-stop-shop work management tool.

FINDINGS:

POSSE (Public One-Stop-Shop) is a workflow management system, unique in that it may be applied to every department within RMA and many of the daily activities carried out in those various departments. It has the ability to centralize information and make it available to those departments that need it, while at the same time safeguarding the information from unauthorized use.

Recognizing the necessity for an automated computer tracking system to process associated departmental activities, an investigation of various other automated systems was conducted. This review found the POSSE system when used correctly, covered and satisfied all departmental parameters and in addition, allowed for improved management control, cost saving benefits, employee efficiency and improved customer service.

Although Madera County is the only current user of the POSSE system in California, it is being used in Dallas, Texas, and various cities in the Mid-West, Florida and exclusively in the State of Hawaii. As a result of its success, the City of Clovis is looking to implement this same program by years end.

Initial cost of the POSSE system was \$421,000 and was purchased from the Canadian Company, Computronix. Computronix as part of its contractual obligation provided the training and system implementation support. Since it's initiation in 2002, it has generated a significant cost avoidance on new hires and is meeting the demands of County growth.

County departments that benefit from this program are Planning, Building, Road, Fire and Environmental Health as they are all intertwined in the building or land use permits application.

Intertwined further within these various departments it allows the monitoring of the following:

Plot plans – Site plans – Blue prints – Flood zones – Maps – Tribal Issues – Environmental – Archeological – Wildlife – Inspections – Licensing and other zoning issues.

Additionally, it includes automatic “red-flags” for any items or conditions that are not in compliance or questionable. As well as applicant and Code Enforcement notes either from the field or through an office visit.

POSSE has capability to dramatically reduce waiting time for building permits. This is important since Madera County expects the number to grow from 500 permits per year to 5000 permits per year in the near future.

POSSE is a very powerful and flexible system that can allow many County departments to interact, transferring and sharing information. If used correctly the POSSE system allows for one business tracking system enabling all departments to work more efficiently and provide better service to the public.

CONCLUSIONS:

The Planning Department is responsible for reviewing, processing and monitoring the growth and development of Madera County. The implementation and use of an automated computer system such as POSSE affords a modern management system allowing faster service without increasing staff to accommodate the ever-expanding growth and developmental needs of Madera County.

It would appear, however, the system is currently underutilized. In our interviews, we were disturbed to find that when asked if there were any concerns regarding the POSSE system, we were told that there were several. Namely, they no longer have access or the ability to run current budget accounting items or software application adjustments as a result of Information Technology (I.T.) taking over system control. Simple straightforward departmental modifications can be made within minutes to accommodate enhancements; however, it now takes several weeks because any change requires sending a formal “change request” to I.T.

The Planning Department is utilizing the system to its fullest, however, one or more departments within RMA is not. For example, building inspectors in the field who may find an irregularity, record work on a separate paper file upon returning from the field. That note and separate file is counterproductive to the POSSE system. It is our understanding inspectors in the field have access to, but do not use laptop computers that

connect to the POSSE system. If used properly any notes relative to a job could be so noted into the system and made immediately available to other interested departments. It would virtually eliminate the use of a separate note file and in-house information delays.

Posse is a tremendous time saving tool, assisting employees to quickly determine the current status of a job by any given RMA department as well as responding immediately to any and all inquires by a contractor, builder and/or owner. With the anticipated growth in Madera County, every opportunity to improve expeditious means of administering workflow should be placed on the front burner. Not the back!

Reluctance to adopt an efficient program such as POSSE in this day and age of rapid population growth has to be dealt with swiftly by removing all impediments to progress. That comes through responsible management and training. Without strong management, effective use of electronic tools and programs will leave old and comfortable methods in place allowing growth to overwhelm and overburden.

This POSSE System cost the County of Madera, near a half million dollars. The taxpayers deserve to see their money well spent and it is the Board of Supervisors responsibility to see that it is.

RECOMMENDATIONS:

A thorough investigation and report by the I.T. Director and RMA Director be made to the Board of Supervisors identifying any deficiencies of use and how they will be resolved.

I.T. should hold scheduled training sessions to keep employees current in use to assure effective utilization of the POSSE program.

RMA Department Heads, I.T. Analyst set in place monthly meetings to communicate current and future issues of concern and how to resolve.

RMA Director take a firm stand requiring each Department Head held accountable for delays in utilizing electronic tools, which directly aid in improved workflow.

At this writing, a search is underway for a new RMA Director. We urge the Board of Supervisors to find a strong leader capable of bringing all department heads into the 21st Century.

RESPONSES:

Madera County Board of Supervisors
Madera County Resource Management Agency
Madera County Information Technology Department



RESOURCE MANAGEMENT AGENCY
ADMINISTRATION
Ray Beach, Interim RMA Director

2037 W. Cleveland Avenue
Madera, CA 93637-8720
(559) 661-6333
FAX (559) 675-7639
rbeach@madera-county.com

MEMORANDUM

May 10, 2007

To: Stan Koehler
Chief Assistant Administrative Officer

From: Brett Richards
Special Districts Manager

Subject: Special District's response to Grand Jury 2006-07 Final Report/Oakhurst

With respect to Grand Jury recommendation number 1:

Most of the recommendation has been implemented. Special Districts has hired several new employees, and three of them were placed at the Oakhurst facility. While Special Districts does believe that additional staff is still necessary to meet optimal performance goals, the addition of the three new employees represent a 50% increase in total work force at this location.

With respect to the recommendation of adding a state certified lab tech, Special Districts would first need to certify the lab, and then fill the position. It is Special District's belief that certifying the lab is cost prohibitive because of the fees and testing costs associated with certification. The cost outweighs the benefit at this point in time. No lab tech is necessary.

With respect to Grand Jury recommendation number 2:

The recommendation has not yet been implemented, but will be implemented in the future. Special Districts is in the process of complete district evaluation, and among other priorities, preventative maintenance plans are being developed. It is expected that it will take most of the next eighteen months to complete preventative maintenance plans for all forty-four special districts.

With respect to Grand Jury recommendation number 3:

The recommendation requires further analysis. Unless Special District's staff is misunderstanding the stated intent, recommendation number 3 appears to be a matter of Grand Jury procedures, not subordinate to Special District's purview.

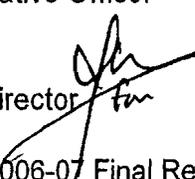
Cc: Ray Beach, Interim RMA Director
Greg Farley, County Engineer



RESOURCE MANAGEMENT AGENCY
Planning Department

Rayburn Beach, Planning Director

• 2037 W. Cleveland Avenue
• Madera, CA 93637
• (559) 675-7821
• FAX (559) 675-6573
• TDD (559) 675-8970
• mc_planning@madera-county.com

DATE: May 21, 2007
TO: Stanley Koehler
Chief Assistant Administrative Officer
FROM: Rayburn Beach
RMA Director/Planning Director 
RE: Response to Grand Jury 2006-07 Final Report - DRAFT

Grand Jury Recommendation # 1

"A thorough investigation and report by the I.T. Director and RMA Director be made to the Board of Supervisors identifying any deficiencies of use and how they will be resolved."

This recommendation had already been implemented. The Resource Management Agency and Information Technology submitted a joint report to the Board of Supervisors detailing the analysis and findings. Ongoing evaluation of POSSE functions, as it pertains to RMA business functions and constituent requirements, will continue indefinitely. Written reports to the Board of Supervisors will be submitted as needed.

Grand Jury Recommendation # 2

"I.T. should hold scheduled training sessions to keep employees current in use to assure effective utilization of the POSSE program."

This recommendation has been implemented. Training on POSSE began April 2007, and will continue on a regular basis.

Grand Jury Recommendation # 3

"RMA Department Heads, I.T. Analyst set in place monthly meetings to communicate current and future issues of concern and how to resolve."

This recommendation has already been implemented and is ongoing.



INFORMATION TECHNOLOGY DEPARTMENT

200 W. 4TH STREET
MADERA, CALIFORNIA 93637-3548

PHONE (559) 661-5267
FAX (559) 675-4965

MEMORANDUM

DATE: Monday, April 30, 2007

TO: Stanley Koehler
Chief Assistant Administrative Officer

FROM: Robert Connal 
Director of Information Technology Department

RE: Response to Grand Jury 2006-07 Final Report

Included in this Grand Jury report are responses to recommendations 1-3.

Grand Jury Recommendation # 1

"A thorough investigation and report by the I.T. Director and RMA Director be made to the Board of Supervisors identifying any deficiencies of use and how they will be resolved."

This recommendation has been implemented.

Subsequent to the implementation of POSSE in the Resource Management Agency, and prior to the recommendation of the Grand Juries final report, a comprehensive analysis into the POSSE implementation was commissioned by the Board of Supervisors. At that time the Board of Supervisors directed the Information Technology Department and Resource Management Agency to perform the analysis and report findings to the Board of Supervisors once complete.

A joint report was presented to the Board of Supervisors on January 10th 2006. In addition, a joint follow up report was made to the Board of Supervisors on October 31st, 2006. This report outlined deficiencies of use with recommendations on how to resolve the issues identified.

Grand Jury Recommendation # 2

"I.T. should hold scheduled training sessions to keep employees current in use to assure effective utilization of the POSSE program."

This recommendation has been implemented.

The Information Technology Department in conjunction with the Resource Management Agency began formulating informal training requirements in June, 2006. In December 2006 formal training coordination began, with the first training session occurring in April 2007.

The training program has and will be comprised of two broad areas of concern. The first is training relating to specific permit work flow enhancements and changes which will be conducted on an as needed basis.

The second is training for new Resource Management Agency employees, and will be conducted on an as needed basis. This training will incorporate basic as well as advanced user training.

Both training categories are designed specifically to keep employees current, and to assure effective utilization of the POSSE program.

Grand Jury Recommendation # 3

"RMA Department Heads, I.T. Analyst set in place monthly meetings to communicate current and future issues of concern and how to resolve."

This recommendation has been implemented.

Representatives from the Resource Management Agency, and Information Technology began meeting jointly in March, 2004 and were on-going until approximately Mid-2007 when the two groups jointly agreed to cease the meetings. On December 8th 2006 the meetings were re-started and have been on-going since that date. These meetings are designed to communicate current and future issues of concern and include information on how to resolve those concerns.