

MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
AUDITOR/CONTROLLER
ACCUSATION
Investigated by the Grand Jury



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
AUDITOR/CONTROLLER ACCUSATION**

INTRODUCTION:

In July of 2007, the 2007-2008 Madera County Grand Jury received a complaint regarding the Auditor/Controller of Madera County (County). The complaint stated that the elected official in the Auditor/Controller's office had repeatedly failed to fulfill his obligations and responsibilities.

FINDINGS:

An investigation was conducted by the 2007-2008 Grand Jury, and the information gathered indicated that an Accusation was merited. The Grand Jury is empowered by Government Code 3060 to conduct a civil proceeding to remove a public official by a Grand Jury Accusation.

California Penal Code section 919c states: "The Grand Jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county."

The information gathered was turned over to the District Attorney's office. It is the duty of the District Attorney to prepare the Accusation and present it to the Grand Jury. In an Accusation, if the evidence presented to the Grand Jury by the District Attorney is found to be true, all findings are turned over to the Superior Court for trial. If the accused is found guilty, the only action is removal from office.

An Accusation had never been used in the County prior to this incident. The District Attorney conducted an investigation into, not only the possible charges against the Auditor/Controller, but also how to present said charges in an Accusation to the Grand Jury. Only one other county in the State of California has used the Accusation process. The District Attorney contacted that county and conferred with them on how to proceed.

During this period of time, the 2007-2008 Grand Jury was succeeded by the 2008-2009 Grand Jury.

In November of 2008 the District Attorney requested that the Grand Jury convene to hear an Accusation against the Auditor/Controller of the County. The Grand Jury was presented four days of testimony and evidence, which involved 22 counts of misconduct in office. The counts ranged from failure to file prompt budgets with the Board of Supervisors and the State of California to

malfeasance, misfeasance, and nonfeasance. Of the 22 counts, the Grand Jury found 21 to be true. By law, there shall be at least 12 members of the Grand Jury present when the Accusation is presented as evidence. During all proceedings the same 16 members of the 2008-2009 Grand Jury were present.

The information was presented to a Superior Court Judge. The Auditor/Controller, who had been in office for many years, chose to resign his position rather than face a trial where the only punishment would have been his removal from office.

CONCLUSION:

From the time the Grand Jury received the original complaint to the time the Auditor/Controller resigned his position, was extremely lengthy. This was due to the lack of familiarity with the Accusation process. This process can be shortened by the simple fact that the County has conducted an Accusation from start to finish with the desired results achieved. The tools needed to remove an elected or appointed official are there to be used, and now can be used in a more timely and efficient manner. An Accusation is not a course to be taken lightly, but is available when needed. The citizens of the County are responsible for electing people to office and removing them when necessary by the election process. The Accusation process should be used when the election process fails.

RECOMMENDATIONS:

Elected and appointed officials should be held accountable by their peers. It is the duty of government employees at all levels to inform the general public and their peers when someone is neglecting the duties of their office to the detriment of the County. It is recommended that the current process of electing the Auditor/Controller remain in place. This elected official can continue to provide an important check and balance to county government.

RESPONDENTS:

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

Madera County District Attorney's Office
209 West Yosemite Avenue
Madera, CA 93637

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
AL VIEW-DAIRYLAND SCHOOL
DISTRICT

Investigated by the Schools Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008/2009
MADERA COUNTY GRAND JURY
FINAL REPORT
ALVIEW-DAIRYLAND SCHOOL DISTRICT**

INTRODUCTION:

The Madera County Grand Jury visited the Alview-Dairyland School District which is comprised of Alview School located at 20513 Road 4, Chowchilla, CA and Dairyland School located at 12861 Avenue 18 ½, Chowchilla, CA. This visit was under the authority of California Penal Code section 925.

FINDINGS:

The Superintendent of Alview-Dairyland School District is also the principal of both schools. The school district is governed by a five-person school board.

On January 20, 2009 the Grand Jury conducted an onsite visit of Dairyland School. The school is comprised of 212 students from fourth through eighth grades.

There are sixteen regular education teachers and one special education teacher that is a Resource Specialist. The campus consists of ten acres and is completely fenced. There are two entrances to the campus, one is through the office and the second is in full view of the office staff.

The school scored a commendable 805 on the Academic Performance Index (API) for school year 2007/2008. The school received the Title 1 Achievement Award for their outstanding academic performance. Title 1 is part of the federal "No Child Left Behind Act of 2001" and is the single largest federal education program for K through twelve public education. Of the more than 9,000 schools in California, more than 6,000 participate in the Title 1 program. Dairyland School was one of two hundred schools in the state that received this prestigious award.

The school recently received a grant from Picayune Rancheria of the Chukchansi Indians along with monies from the Lions Club and Parent Teachers Club to remodel their outdated playground.

On January 23, 2009, the Grand Jury conducted an onsite visit of the Alview School. The school is comprised of 150 students from grades K through third. There are eight teachers and one Resource Specialist. The campus consists of fifteen acres and is completely fenced. The front door is the only public entrance to the school, which is in full view of the office staff.

The school scored 774 on the Academic Performance Index (API) last school year. This is a 49 point improvement from the previous year.

At both schools, all personnel and visitors are required to wear identification badges while on campus. All visitors are required to sign in and out of the main office. Students are either bussed or transported by their parents/guardians to and from school. Students are always escorted to and from the bus/pickup site by teachers or principal. All busses have radio communication for safety.

The school has a plan in place in case of a major disaster. Teacher/staff training on school safety is provided annually. Fire Drills are practiced monthly. Lock down drills is practiced twice a year. Each classroom has internal locks and first aid kits. In addition, each classroom has emergency supply packs for extended lock down.

CONCLUSION:

This Grand Jury is impressed with the academic achievements of this school district. Alview-Dairyland School District should be commended on its success, as it has set a standard that should serve as an example to other school districts.

The citizens of this district should take notice of the achievement of teachers, staff, students and parents.

RECOMMENDATIONS:

Keep up the good work!

RESPONDENTS:

Alview-Dairyland School District
12861 Avenue 18 ½
Chowchilla, CA 93610

Madera County Office of Education
Attn: Superintendent
28123 Avenue 14
Madera, CA 93638

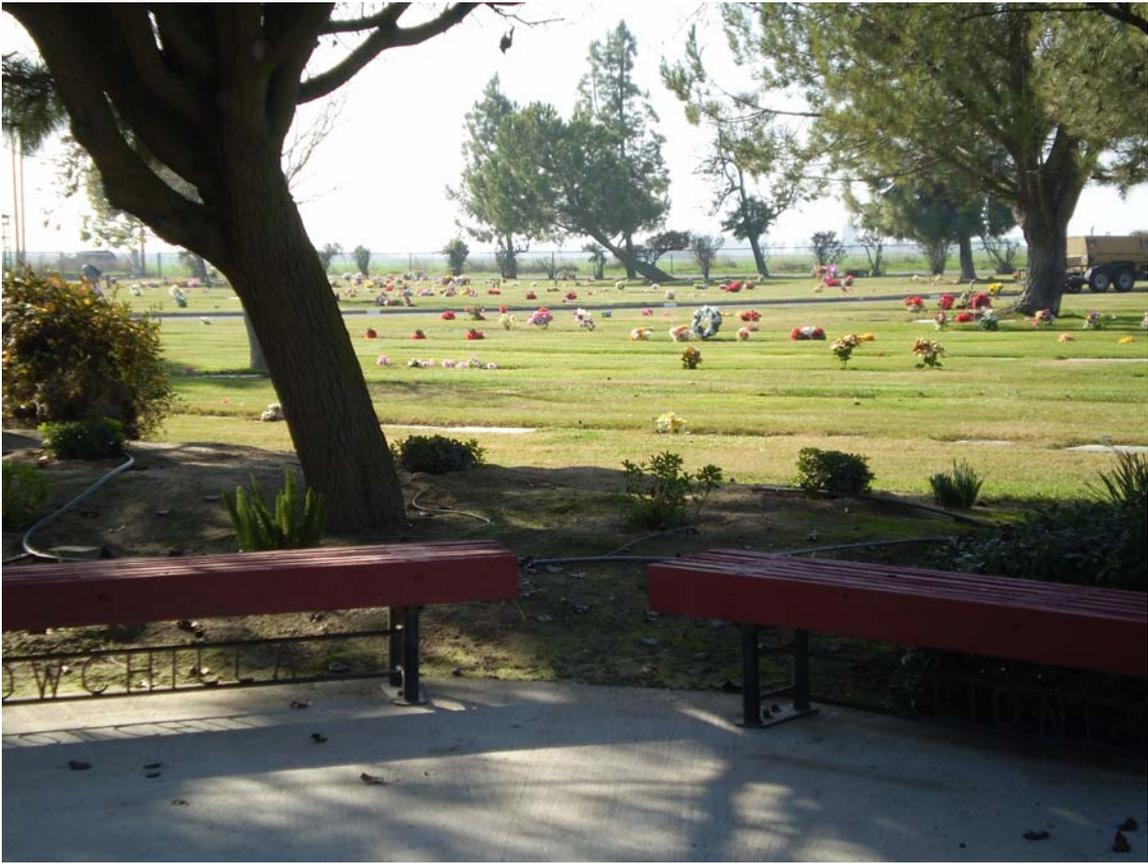
INFORMATION: *(Response not required)*

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

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CHOWCHILLA CEMETERY DISTRICT
Investigated by the Special Issues Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA CEMETERY DISTRICT**

INTRODUCTION:

The Grand Jury investigated the Chowchilla Cemetery District (the District). The District has not been investigated for nine years. The interview with the cemetery Superintendent was held in his office on the cemetery grounds. He also provided a tour of the cemetery and mausoleum area.

FINDINGS:

As the Grand Jury approached the District we noticed the contrast between the dry brown surrounding landscape and the serene setting of green grass, trees and manicured grave sites.

The Superintendent appeared to be personable and cooperative, even though it took several attempts to communicate with him to set up an interview. He has been with the District since 1980 and became the Superintendent in 1990. The Superintendent manages the office, the maintenance of the equipment and helps the two employees take care of the grounds.

There is a Board of Directors (BOD) with three members; the President, a Secretary and a Trustee. The Superintendent reports on the budget to the BOD the 2nd Monday of every month. There is an auditor who handles the annual budget report. He sends informational copies of the report to the Board of Supervisors and to the State Controller annually.

The District is run according to State of California regulations. In 1946 the citizens of Chowchilla voted to establish their own District, and allow only residents and blood relatives of those who live in the District to have their final resting place at the cemetery.

The money to operate comes from Madera County property taxes and revenue from Sales & Services. The District has an Endowment Fund to be used to take care of the grounds after the cemetery ceases to accept interments.

The Grand Jury investigated the Chowchilla Cemetery District (the District). The District has not been investigated for nine years. The interview with the cemetery Superintendent was held in his office on the cemetery grounds. He also provided a tour of the cemetery and mausoleum area.

FINDINGS:

As the Grand Jury approached the District we noticed the contrast between the dry brown surrounding landscape and the serene setting of green grass, trees and manicured grave sites.

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There is a Board of Directors (BOD) with three members; the President, a Secretary and a Trustee. The Superintendent reports on the budget to the BOD the 2nd Monday of every month. There is an auditor who handles the annual budget report. He sends informational copies of the report to the Board of Supervisors and to the State Controller annually.

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The money to operate comes from Madera County property taxes and revenue from Sales & Services. The District has an Endowment Fund to be used to take care of the grounds after the cemetery ceases to accept interments.

The cemetery has twenty acres with thirteen acres in use. The seven remaining acres are reserved for future use. There is a mausoleum area called the Hillside Chamber with the niche area for cremated remains adjacent on the north side of this hill. There is a proposed plan to build a small chapel on the south side of the Hillside Chamber. The entrance has electric gates that lock down at night. A pedestrian walk through gate is located adjacent to the main gate that is open for foot traffic access to the cemetery at all hours. There are approximately 100 burials a year, which include cremations, the mausoleum, and in ground interment.

The District office was constructed in 1946. It is small, semi-functional, and has a very dated heating and ventilation system. The maintenance garage and the casket liner area are in an unfenced area on the backside of the cemetery, visible to mourners and visitors. There is a sensor alarm system on the office, garage and gas tank for security purposes.

CONCLUSIONS:

We did find the office to be small and outdated with an insufficient heating and ventilation system and lacking a sufficient communication system. We also found the lack of a fence around the maintenance garage and casket liner area to be unsightly.

RECOMMENDATIONS:

The Grand Jury recommends the following:

- The need of a better system for communication, for emergency and incoming calls to the cemetery superintendent and staff.
- An upgrade or replacement of the existing office, to meet current Madera County building standards and codes.
- A fence, aesthetically pleasing to the eye, should be constructed around the entire maintenance and storage area to visually separate the area from the interment grounds.

RESPONSES REQUIRED:

Chowchilla Cemetery District
Board of Directors
23359 Road 14 ½
Chowchilla, Ca. 93610

INFORMATION *(No Response Required)*

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

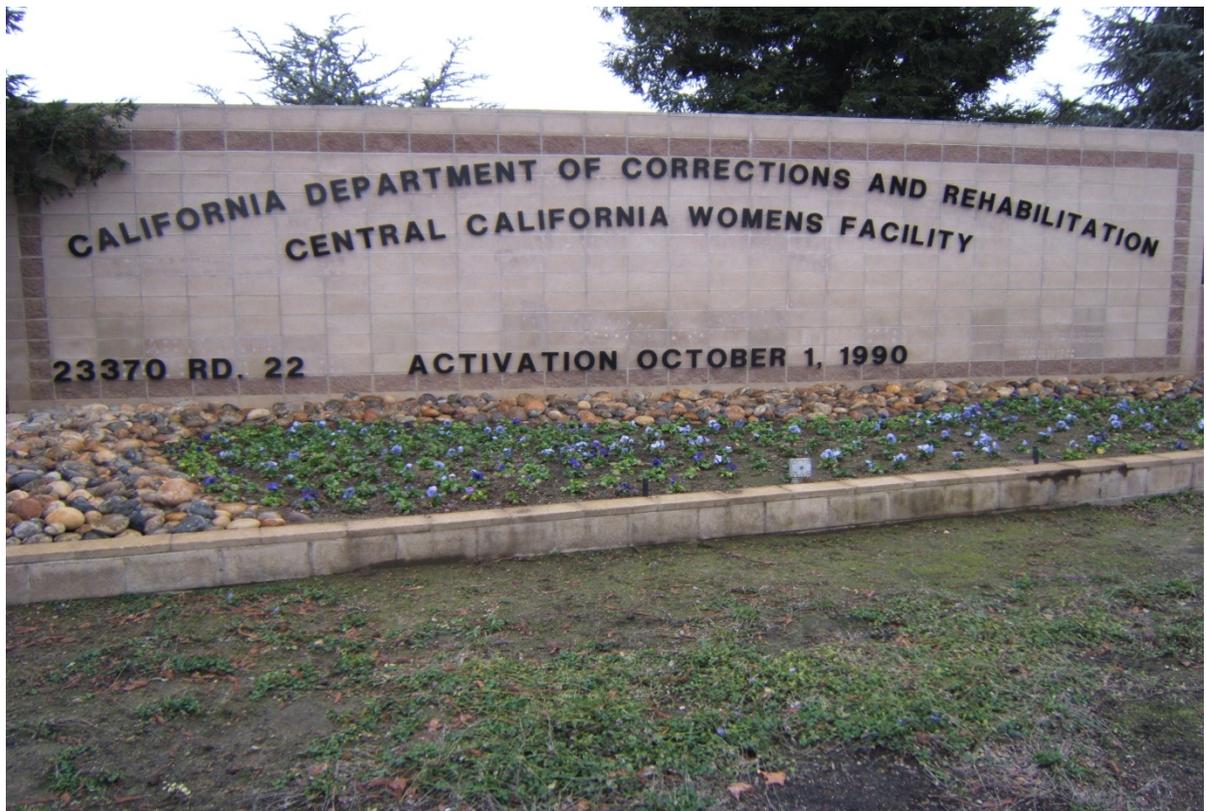
California Association of Public Cemeteries
2640 Glen Ridge Road
Escondido, Ca. 92027

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CENTRAL CALIFORNIA
WOMEN'S FACILITY

Investigated by the Public Safety & Welfare Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT ON
CENTRAL CALIFORNIA WOMEN'S FACILITY**

INTRODUCTION:

On September 18, 2008, pursuant to California Penal Code 919b, the Grand Jury conducted an investigation of the Central California Women's Facility (CCWF) in Chowchilla, California.

The Grand Jury was greeted by the Litigation Coordinator who supervised the visit of the prison. Prior to the walk through, the Grand Jury was able to meet the Acting Chief Warden who has 26 years of corrections experience. The Chief Warden position is appointed by the Governor with the approval of the legislature.

FINDINGS:

The CCWF prison population is currently 4,108 and there is staff of 1,200, including medical personnel. The prison was originally built to house 1,900 prisoners.

There are three women's prisons in the state. Two are located in Chowchilla, California: CCWF and Valley State Prison for Women (VSPW). The third is in Frontera, California. CCWF uses four levels in their processing of inmates based on different levels of offenses; level one being lesser offenders and level four being the most violent offenders. Sixty-six percent of the CCWF population is level one, which are primarily drug-related offenders. Seventy-eight percent of those are repeat offenders.

Building #504 houses 15 condemned inmates. These inmates are given 10 hours a week in their own exercise yard away from the general population. Building #504 also houses violent and mental health prisoners. The staff in this unit are required to wear protective vests and face guards when interacting with certain inmates. Due to a high increase in population, the gymnasium is being used to house approximately 200 inmates. These inmates are carefully screened and are within six months of their release dates. Building #517 is the receiving and release building. Total processing of an inmate takes approximately four to five hours. This area is also for staff to inspect incoming inmate mail.

Inmates are identified by the color of their clothing. The general population wears blue shirts and jeans. New inmates are initially given gowns, then orange jumpsuits, until they are integrated into the general population.

There are three family units to facilitate family visitation. Lower level inmates with special privileges are permitted to make a collect phone call once a day with a limit of 15 minutes. Upper level inmates have less access to phone use depending on their circumstances. Phone privileges can be limited contingent on inmate behavior.

There is one captain with four lieutenants per eight hour shift. Officers check on inmates five times a day and lights are out at 11:00 p.m.

Contraband, including drugs and cigarettes, continues to be a problem. It has been known that a cigarette could sell for as high as \$60.

The Grand Jury was able to observe a U-turn Program in progress. This is a program geared toward at-risk teenage girls and simulates what it would be like to be processed and incarcerated.

The Grand Jury met with the Fire Chief. He is in charge of Fire Station #5, which is on prison grounds. He was very grateful for a 2007/2008 Grand Jury recommendation which allowed their department to receive a new GPS system. His staff consists of State authorized personnel: One chief, six fire captains, and one Haz-Mat specialist. The Grand Jury also met with 10 inmates who consist of nine firefighters and one dispatcher/cook, who is also a trained firefighter. The Grand Jury was given a tour of the fire station and living quarters. Every area was very organized and spotless. The inmates also do all the yard maintenance at the station. They receive a salary of 32 cents per hour.

Inmates must volunteer and apply to be a firefighter candidate. They are then nominated, reviewed and recommended by the inmate's Unit Classification Committee. In addition, they must be approved by the Institutional Classification Committee and the warden, then interviewed and accepted by the fire department. Once accepted, the inmate must fulfill and complete all requirements to become a firefighter. They respond and provide emergency services seven days a week, 24 hours a day. The Fire Chief did state that there is 40% recidivism rate in the unit.

Station #5 dispatches to fires and rescues and gives medical aid to an area which encompasses approximately 150 square miles of northern Madera County. It receives 300-400 calls a year. Other services provided include fire suppression, hazardous materials response and decontamination, code enforcement and public education. In addition, the unit inspects and certifies fire

extinguishers, provides safety and environmental management, and handles hazardous material compliance within CCWF.

The fire station has three fire trucks and the Fire Chief was proud to relate to the Grand Jury that they had acquired an automatic external defibrillator that was donated by Pistoresi Ambulance Company. The Fire Chief expressed a need for an additional jaws of life to facilitate their response to multiple casualty incidents. The Fire Chief presented the Grand Jury with a CD and portfolio of CCWF and VSPW's Fire Department, Madera County Fire Station #5.

The Litigation Coordinator was contacted regarding recommendations made by the 2007-2008 Grand Jury report on the CCWF prison. These recommendations included:

- a. The CCWF evaluate and upgrade the nurses calling station in the Skilled Nursing Facility. CCWF has submitted a Special Repair Project Request to the Facility Management Division. The project has been approved and submitted for design and is due to be completed on July 1, 2009.
- b. The CCWF Kitchen ventilation system should be upgraded to accommodate the harsh environment of the scullery. As of January 20, 2009, CCWF has repaired the kitchen ventilation system to the manufacturer's specifications.
- c. Pressure gauges be shielded to prevent continual damage. The project has not been completed due to back order parts and once the state budget is signed, the work will be completed.

See the attached CCWF's Corrective Action Plan.

CONCLUSIONS:

The Acting Chief Warden, the Fire Chief, Correctional Officers, and the entire staff were courteous and very informative. The prison staff presentation was done exceptionally well and was very interesting and eye-opening. The grounds and facilities are well maintained. The Grand Jury observed the inmates co-mingling easily without regard to ethnicity or age. They were well behaved and responded positively. The main complaint seemed to be the amount of food given at meals.

RECOMMENDATIONS:

- Purchase of additional Jaws of Life for Fire Station #5.
- Continue to monitor funding by the Facility Management Division which will replace the nurse call system.
- Continue to monitor the progression of the kitchen ventilation system upgrade.
- Continue to monitor the purchase and installation of protective covers for the temperature and pressure gauges on the scullery machines.

RESPONDENTS:

Central California Women's Facility
Chief Warden's Office
23370 Road 22
Chowchilla, CA 93610-1501

State of California Department of Corrections and Rehabilitation
1515 S Street, Room 400S
Sacramento, CA 95811

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

STATE OF CALIFORNIA-DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, Governor

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



Tina Napier
Grand Jury member
Madera, CA.

Dear Ms. Napier:

This letter is in response to your phone request concerning the Corrective Action Plan (CAP) initiated from the Madera County Grand Jury Tour on February 14, 2008.

Item #1 on the CAP is an ongoing monitoring and evaluation situation. Item # 2 on the CAP is due to be completed on July 1, 2009. Item #3 on the CAP has been completed. Item #4 has not been completed because the parts are on back order and once the state budget is signed the work will be completed.

Sincerely,


BART FORTNER
Litigation Coordinator

**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 I (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

RECEIVED
MAY 16 2008
MADERA COUNTY GRAND JURY

5/6/08
DATE

5/9/08
DATE

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



March 4, 2009

James Haze
Foreperson
Madera County Grand Jury
PO Box 534
Madera, CA. 93639

Dear Mr. Haze:

This letter is in response to your letter dated January 26, 2009, regarding the 2008-2009 Madera County Grand Jury Report on Central California Women's Facility (CCWF).

This report contains four recommendations that are addressed in the enclosed Corrective Action Plan. The input CCWF received on this report is an important tool, which will be used 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 Bart Fortner, Administrative Assistant/Public Information Officer, at (559) 665-5531, extension 5012.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Lattimore', written over a horizontal line.

MARY LATTIMORE
Warden (A)

Enclosure

c: Tina Hornbeak, Associate Director, Division of Adult Institutions

**CENTRAL CALIFORNIA WOMEN'S FACILITY
CORRECTIVE ACTION PLAN
MADERA COUNTY GRAND JURY TOUR OF SEPTEMBER 18, 2008
FINDINGS**

Page 1 of 1
Date: 2/23/09

By: B. Fortner, Litigation Coordinator
Central California Women's Facility

ITEM #	ACTION REQUIRED	STAFF RESPONSIBLE	PROPOSED IMPLEMENTATION PLAN	DATE TO BE COMPLETED
1.	Purchase additional Jaws of Life for Fire Station #5.	Fire Chief	CCWF has received a loaner pair of Jaws of Life from the Madera County Fire Department. Will purchase new pair pending budget approval.	Completed 10/15/08
2.	CCWF to continue to monitor funding by the Facility Management Division which will replace the nurse call system in the Skilled Nursing Facility.	Correctional Plant Manager	The project has been designed but has not been funded by the Facility Management Division (FMD). Upon funding of the project by FMD, Inmate Ward Labor will replace the nurse call system.	9/1/09
3.	CCWF to continue to monitor the progress of the kitchen ventilation system upgrade.	Correctional Plant Manager	Kitchen ventilation system improvements have been completed.	Completed 7/1/08
4.	CCWF to continue to monitor the purchase and installation of protective covers for the temperature and pressure gauges on the scullery machines.	Correctional Plant Manager	Protective covers for temperature and pressure gauges work has been completed.	Completed 10/06/08


MARY LATIMORE
 Warden (A)
 Central California Women's Facility

3-4-09
DATE

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MADERA COUNTY GRAND JURY

2008-2009

FINAL REPORT *CITY OF CHOWCHILLA* *MUNICIPAL AIRPORT*

Investigated by the Special Issues Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA MUNICIPAL AIRPORT

INTRODUCTION:

On September 19, 2008 the Grand Jury investigated the Chowchilla Municipal Airport (Airport). The Airport has not been investigated by the Grand Jury for five years. We contacted the Airport Manager approximately three weeks prior to the meeting and were invited to meet with the manager and staff at The Chowchilla Government Center. Present at the meeting were the Airport Manager, the Public Services Director, and The Public Services Project Analyst. After the interview we were given a tour of the Airport by the Project Analyst.

FINDINGS:

The operation of the Airport is governed by the Chowchilla City Council, The Federal Aviation Administration (FAA), and the State of California Department of Transportation Aeronautical Division (DOTAD). The Airport Manager and staff run the day to day operation of the Airport. An Airport Advisory Committee consisting of seven volunteer members advise the City Council and the Airport Manager on everything pertaining to airport operations, budget, maintenance, and improvements. Also any buildings that are proposed to be built within the sphere of influence of the Airport are reviewed by the Advisory Committee. Their report on whether the construction would adversely affect airport operations would go to the Airport Land Use Commission which is part of the Madera County Department of Transportation. A yearly inspection of the Airport is conducted by the DOTAD.

Advisory Committee members are chosen by the City Council from a group of volunteers. The volunteers must have an interest in aviation or redevelopment or both. The committee members are chosen for a four year term and can be assigned for additional four year terms. The Advisory Committee members are not compensated for their efforts unless they are required to attend meetings out of town and then they receive per diem travel expenses. The Airport Advisory Committee meets on the third Monday of every other month at 4:00 PM at the Chowchilla Government Center Council Chambers. This meeting is open to the public.

The Airport is funded by an Enterprise Account. An Enterprise Account insures that revenues are adequate to meet all necessary expenses for the entity it was created for. The account is separate from and not associated with the Chowchilla City's General Fund Account. Grants are available from the DOTAD and the FAA. A yearly California

State grant of \$10,000.00 comes from aviation gasoline tax revenues. Even though this grant is available every year, it must be applied for. FAA funds are also available on a yearly basis for use in airport operations, but these grants must also be applied for annually. Additional funding also comes from The Chowchilla City General Fund. These funds are placed into the Enterprise Account.

The City of Chowchilla has in place a five year General Plan for capital improvements. There are federal grants available for these proposed capital improvements, but as always they must be applied for and are subject to funds available at the federal level. Normally, projects of a minor nature and general maintenance are handled by city employees. Major projects are sent to contractors for competitive bids. Any future improvement or development must fit within the constraints of the City General Fund.

The Chowchilla Municipal Airport is an uncontrolled airport. This means that it has no flight control tower or ground control. The Airport runway is 3250 feet in length with a 300 foot overrun on each end. The Airport averages 129 aircraft operations per week. There are no aircraft maintenance facilities at the airport as well as no fueling services. The Airport is completely enclosed with a six foot chain link fence. The main drive-thru gate is controlled by key pad entry. In addition, there is a walk-thru gate that is currently unsecured and will allow anyone to walk onto the airport grounds. This gate is scheduled to have a key pad entry system installed in the near future. In 1996 the runway was resurfaced with rubberized asphalt. This type of asphalt has shredded vehicle tire material added to it during the cooking process which in turn makes a much more durable surface. A special asphalt plant had to be brought on site to blend this product because the heat must be much higher to correctly blend this asphalt verses the asphalt used on highways.

The Chowchilla Volunteer City Fire Department is within four to five minutes response time to the Airport for any emergency. An ambulance service, with a paramedic, can also respond within five minutes.

Currently there are two Fixed Base Operators at the Airport. Both are in the agricultural spraying business. There are currently 15 privately owned aircraft based at the Airport. They are all kept in hangers. There are 11 T-hangers (a type of hanger construction) and two portable hangers which are City owned and leased or rented to aircraft owners. There is also one privately owned hanger. The Airport is also equipped with 15 tie-down spaces. These are designated spaces where aircraft are tethered to anchors in the ground to prevent them from being shifted around by winds. These tie-downs can be used by permanently based aircraft that are on a hanger waiting list or by those not wanting to incur the cost of renting a hanger. They are also used for transient aircraft using the Airport. The tie-down area isn't marked very well.

The Airport has a visual approach aid called a Visual Approach Slope Indicator (VASI) that has been inoperable for over a year. The FAA has indicated that it doesn't require the City to repair it and can be removed if the City chooses to do so.

CONCLUSIONS:

The Chowchilla Municipal Airport appears to be very well managed and maintained. The staff associated with the operation and maintenance of the airport is very well informed and knowledgeable and were extremely accessible to answering follow up inquires. The most recent airport inspection was completed by DOTAD on August 26, 2008. The DOTAD inspector found only three very minor maintenance items to correct.

RECOMMENDATIONS:

- There should be a sign at the back of the tie down area by the fence indicating the tie-down area. There should also be at least one sign pointing to the tie-down area at the taxi-way lighted sign. It would also help to position aircraft in the tie-down area by painting the tie-down anchor points. This would assist an aircraft in taxiing to a correct tie-down position.
- Repair or remove Visual Approach Slope Indicator system.
- Install key pad control to the walk-in gate.

RESPONDENTS:

City of Chowchilla Airport Manager
130 So. 2nd St.
Chowchilla, CA 93610

The Chowchilla City Council
130 So. 2nd Street
Chowchilla, CA 93610

INFORMATION: *(Response not required)*

Department of Transportation
Division of Aeronautics MS #40
1120 N Street Room 3300
P.O. Box 942874
Sacramento, CA 94274-0001

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

Federal Aviation Administration
Attn: Mr. Peter Hong
831 Mitten Rd. Room 210
Burlingame, CA 94010

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CHOWCHILLA UNION
HIGH SCHOOL

Investigated by the Schools Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008/2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA UNION HIGH SCHOOL**

INTRODUCTION:

On September 30, 2008 the Madera County Grand Jury, pursuant to the provisions of the California Penal Code section 925, interviewed the principal of Chowchilla Union High School at 805 Humboldt Avenue, Chowchilla, California.

FINDINGS:

Chowchilla Union High School is the only school in its district. Established in 1917 and last accredited in 2004, the school has approximately 937 students in grades 9 through 12. In the 2007/2008 school year the Academic Performance Index (API) was 674. The school has implemented new programs to increase the API score to the State of California desired level of 800. The next accreditation will occur during the 2010/2011 school year.

The school has an aggressive building and remodeling program which include a new green house, tennis courts, practice football field, baseball diamond and agriculture building. An additional 23 acres has been donated by a community member for future needs.

With safety a concern, the campus was clean of liter and graffiti. A dress code prohibits crop tops, body piercing and gang attire. Students are allowed to use cell phones outside, on breaks only.

While there are no security officers on campus, the campus is completely fenced. However, due to the high volume of construction traffic not all of the gates are locked during school hours.

The school has an emergency safety plan which is given to all employees at the beginning of each school year. They are trained on its contents and then further conditioned by unannounced fire, earthquake and lockdown drills conducted bi-annually.

Identification badges are not required for all personnel at this time; however, the school's principal recognizes the necessity as the school population increases.

A \$75,000.00 security camera system allows an administrative team to view most of the campus. An additional feed, with even more capability, allows the Superintendent of Schools, blocks away, to also access the system.

CONCLUSIONS:

The school appears clean and organized. With all of the ongoing construction, the school seems to be running smoothly.

RECOMMENDATIONS:

- Due to the open gates and high volume of traffic, additional security measures should be taken.
- All school personnel should be required to wear identification badges.

RESPONDENTS:

Chowchilla Union High School District
805 Humboldt Ave.
Chowchilla, CA 93610

Madera County Office of Education
28123 Ave. 14
Madera, CA 93638

INFORMATION: *(Response not required)*

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

Chowchilla Union High School Principal
805 Humboldt Avenue
Chowchilla, CA 93610

Chowchilla City Council
130 S Second Street
Chowchilla, CA 93610

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CHOWCHILLA PARKS AND
RECREATION

Investigated by the City Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008 - 2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA PARKS and RECREATION**

INTRODUCTION:

On March 12, 2009, members of the Madera County Grand Jury interviewed the Chowchilla City Administrator and the Chowchilla Director of Parks and Recreation. The Chowchilla Parks and Recreation Department had not been investigated since 1999.

FINDINGS:

The Director has served in this position since November, 2007. His previous experience includes 30 years with the Parks and Recreation Departments in the states of Michigan and Colorado. The City Administrator has held her position since 1995 with the City of Chowchilla and prior experience has included serving as Director of Parks and Recreation.

Facilities within the Department's jurisdiction include Veteran's Memorial Park which offers a well maintained playground area, a pavilion to accommodate group functions, lawn picnic areas and restroom facilities. Monuments to honor veterans of war are located within the park. Other park facilities include the softball diamonds and little league park located across from the City Administration Building.

Programs that the Parks and Recreation Department are involved with include Dower Aquatic, Kiddie Kollege Pre-School, the Senior Citizen Center, Berenda Reservoir and the Chowchilla Area Transit Express (CATX).

Dower Aquatic pool is located on the Chowchilla Union High School campus. Through joint powers, the Parks and Recreation Department has responsibility for managing and operating the programs during the summer months while the high school takes the responsibility during the school year. The sports gym located on the grounds of Wilson Middle School is leased by the City of Chowchilla and is owned by the school district. Parks and Recreation assists with various programs and community activities located in the gym.

The Senior Citizen Center building is owned by the City of Chowchilla, and the programs are funded mainly by grants. Seniors aged 60 and older, with no residency requirements, may participate in the calendar events at the center.

Berenda Reservoir has been used for drag boat racing and other water recreational activities. Due to drought conditions and poor economy, the Berenda Reservoir may not be utilized this year for special events. Maintenance of Berenda Reservoir is still

required and is provided by the Chowchilla Parks and Recreation Department. Service clubs of Chowchilla have been key partners to successful events planned with the Chowchilla Parks and Recreation Department at Berenda Reservoir.

The CATX transportation system is replacing the two utilized buses from diesel to gasoline. The buses are currently being retrofitted for proper emissions compliance. One transportation van is being retrofitted at this time for introduction into service, which will also serve as an economic alternative to the buses.

The Director expressed a strong desire to have the Department focus on activities for entire family participation. Future planning includes the City of Chowchilla purchasing the old library and opening a youth center there. As budget cuts may be necessary, it was expressed that public safety is always a priority and no budget cuts are anticipated.

CONCLUSIONS:

Grand Jury members found the Chowchilla City Administrator and the Chowchilla Director of Parks and Recreation to be very focused and positive in these difficult economic times. Future goals are being reviewed, and cost analysis is a consideration for achieving these goals. There is an optimistic but realistic atmosphere present within the department to help secure a positive quality of family life in Chowchilla.

RECOMMENDATIONS:

None

RESPONSES:

Chowchilla Parks and Recreation Department - Director
130 South Second Street
Chowchilla, Ca. 93610

City of Chowchilla - City Administrator
130 South Second Street
Chowchilla, Ca. 93610

INFORMATION: *(No response required)*

Madera County Board of Supervisors
200 W. 4th Street
Madera, Ca. 93610

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CHOWCHILLA-MADERA COUNTY FAIR
Investigated by the Special Issues Committee



P.O. BOX 534 MADERA,CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CHOWCHILLA-MADERA COUNTY FAIR**

INTRODUCTION:

The Grand Jury investigated the Chowchilla-Madera County Fair (the Fair) located in Chowchilla, California. The Fair has not been investigated by the Grand Jury since 1999. The CEO/Manager (Manager) was interviewed and a tour of the fairgrounds was conducted by the Manager.

FINDINGS:

The Fair is a member of the California Fairs Network. This network includes 78 fair organizations listed below:

- 52 District Agricultural Associations (DAA) – A State Government entity.
- 23 County Fairs – County Government or not for profit organizations.
- 2 Citrus Fairs which are not for profit organizations.
- The California Exposition and State Fair (Cal Expo) – A State entity.

California Fairs generate revenues from several sources including but not limited to:

- Spending by Fair Organizations (AG Associations, 4H Clubs, and miscellaneous rentals).
- Fair attendance.
- State and local taxes generated from Fair revenues.
- Employment created by Fair events.

The California Fair Services Authority (CFSA) is the insurer for the Fair providing insurance for liability, property damage, and injury. The Fair offers through CFSA the ability for the Fair event participants, renters, event organizers, and vendors to purchase insurance as a rider to the main policy at a reduced cost. Fair participants can take advantage of this offering or provide their own insurance at equal coverage levels of the CFSA coverage. In either case, insurance must be in force or obtained in order to participate as a vendor or event organizer.

This Fair is one of the 23 County Fairs held in California. The Fair is subject to State Regulations, oversight by Fairs and Expositions, and a locally appointed Board of Directors (the Board). An informational copy of the annual budget is sent to the State after being approved and signed by the Madera County Board of Supervisors (BOS). The Fair's income is further enhanced by sales and service fees from vendors and the

rental of the racetrack. These funds are used for capital improvements and administration expenses.

The Manager of the Fair has held the position for six months as of April, 2008. The Manager has three full time employees and can employ up to 40 employees during Fair time. This number is also increased by dozens of volunteers who are directed by the Manager and permanent staff as needed. These volunteers include local high school students who volunteer time to receive credits towards scholarships and graduation. In addition, the Spring Festival Committee provides a volunteer group. Approximately twenty schools, forty 4H organizations, and six to eight Future Farmers of America groups from Madera County participate in Fair projects.

The Manager reports directly to the Fair Board of Directors. The Board is currently composed of eight members as of this interview. The Board can have as many as eleven directors and is currently attempting to fill the vacancies. The members of The Board are appointed for life.

The Manager took the Grand Jury on a tour of the fairgrounds. We were shown the livestock area, the Arena Pavilion, and the Clark Auditorium. The Arena Pavilion was funded by donations from the Ag Boosters Association and was completed eight years ago. The Clark Auditorium has outdated lighting, poor heating and cooling, and needs painting and a new floor. We also toured the Floral Building, the Stampede Saloon, the Deep Pit BBQ area, the Race Track Grandstands, and the RV parking area. The race track was completed over five years ago and is funded by the new racing promoters from whom the Fair gets a percentage of the gate fees.

The fairground property is owned by Madera County and is leased to the Fair. The fairgrounds cover an area of approximately 75 acres. The fairgrounds are open every day except for legal holidays and two weeks at Christmas.

A new event created for the 2008 Fair is called "E-cycle". This event allows people to bring old computers, monitors, and associated electronics to be turned in for recycling at no cost to the owner. Anything with a screen will be accepted. All the electronic items collected are sold to recyclers and the proceeds are donated to Children's Hospital Central Valley.

CONCLUSIONS:

The Grand Jury observed that everyone was familiar with their duties and the Fair appears to be operating smoothly. It is our understanding that the volunteers enjoy working at the Fair. The Fair is a very popular event and draws people from outside the Chowchilla and Madera County area. The fairgrounds are an asset for all types of events throughout the year.

RECOMMENDATIONS:

- The Fair Manager and the CFSA need to develop a working relationship to devise a plan of action to completely refurbish or rebuild the old Clark Auditorium.
- Continue the “E-cycle” program at all future Fairs.

RESPONSES REQUIRED:

Chowchilla-Madera County Fair
CEO/Manager
1000 So. 3rd Street
Chowchilla, CA 93610

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

FOR INFORMATION ONLY – NO RESPONSE REQUIRED

California Fairs & Expositions
1010 Hurley Way
Suite 200
Sacramento, CA 96825

Chowchilla-Madera County Fair
Board of Directors
1000 So. 3rd Street
Chowchilla, CA 93610

California Fair Services Authority
P.O. Box 15518
Sacramento, CA 95852-0518



CHOWCHILLA-MADERA COUNTY FAIR

P.O. Box 597, Chowchilla, CA 93610 • (559) 665-3728

www.chowchillafair.org • FAX (559) 665-3720



October 22, 2008

James Haze, Foreman
Madera County Grand Jury
PO Box 534
Madera, CA 93639

Dear Mr. Haze:

This is in response to your letter dated October 3, 2008, wherein you have requested a written response regarding the 2008-2009 Madera County Grand Jury report on Chowchilla-Madera County Fair.

The Madera County Grand Jury toured various areas of the fairgrounds during their visit on April 15, 2008. It is apparent by the amount of detail contained in their report that they did a thorough and complete assessment of the facilities at the Chowchilla-Madera County Fair. One of the areas addressed is our ever aging building, Clarke Auditorium. The building is old and in dire need of repair and renovation. The Board of Directors is very aware of the Clarke's status and is the Board's first priority to start long term plans with renovation.

The Fair will also be continuing with the E-Cycle program on a bi-annual basis. We have realized the necessity our community has for a place to unload old, broken and unused electronics.

On behalf of the Board of Directors, staff and I, we would like to thank the Madera County Grand Jury for visiting our facilities and taking an interest in what we provide for not only the community, but Madera County. If you have questions, please don't hesitate to contact me at 559.665.3728.

Sincerely,

Carrie Mitchell (Shasky)
Chief Executive Officer

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2008 – 2009
MADERA COUNTY GRAND JURY

FINAL REPORT
CITIZEN
VS.
CHOWCHILLA POLICE DEPARTMENT
Investigated by the City Committee



P.O. Box 534 Madera, CA 93639 559-662-0964

**2008 – 2009
MADERA COUNTY GRAND JURY
AMMENDED
FINAL REPORT
CITIZEN VS. CHOWCHILLA POLICE DEPARTMENT**

INTRODUCTION:

A citizen complaint was received by the Madera County Grand Jury alleging misconduct and an unlawful search of his home by the Chowchilla Police Department. Shortly after the incident, the complainant went to the police station to speak with the Police Chief about the search, and claims officers attacked him and he sustained an injury to his face while in the lobby of the station. For reference purposes in this report, there is the father, who is the complainant, son # 1, who was present at the home and police station, and son # 2 who was the subject of the search. Son #2 was not present during any of the events presented in this report.

FINDINGS:

Members of the Madera County Grand Jury met with the Chowchilla Chief of Police on September 5, 2008 where an interview was conducted. On January 31, 2008, Chowchilla police officers had information to believe that son #2, the subject, was residing at his father's residence. Police arrived at the complainant's home where officers attempted to locate him. He was wanted for outstanding felony and misdemeanor warrants. He was on probation at the time. Son # 1, the offender's brother, answered the door and was presented with an arrest warrant for son # 2. When he answered the door, he stepped back and the officers entered at that time. He was then 'patted down'. He never mentioned to the officers "do not search". His father was not home at the time this happened. When the father returned home, he was told by son #1 of an alleged unlawful search by the Chowchilla Police Department. A short while later, the father arrived at the police station and demanded to see the Chief of Police. Son # 1 followed his father to the station a short time later.

When the father entered the police station, he was irate and demanded that he speak to the Chief of Police. He was informed that he needed an appointment to see the Chief. Son # 1 entered the station at that time and began threatening and swearing at the officers. The incident escalated when a Sergeant opened a door to the lobby to address the son's disorderly conduct and the father stepped between them. The officer felt threatened when the father put his arms up and they bumped chest to chest. At that time an altercation ensued and the father suffered injuries to his face and broke his eyeglasses.

After the altercation at the police station, paramedics were called to check the father's face for the cut sustained. It was determined he was not seriously

injured and was transported to Madera County Jail for booking. He was originally charged with a felony for battery of a peace officer and it was later reduced to a misdemeanor charge. The charges against Son #1 for misconduct and swearing in public were dropped at the Chowchilla Police Station prior to transporting the father to Madera.

The Chowchilla Police Department hired an outside investigative firm from Fullerton, California to do an internal investigation. This firm was hired due to insufficient staffing required to do this internally. The investigation involved allegations of both illegal search and police misconduct. The independent investigation determined that, in their opinion, the search of the home was done legally. A letter was sent to the complainant, from the investigative firm, stating the officer's actions were exonerated. It was noted that son # 1 never showed up for the interviewing process and that numerous attempts were made to contact him by the investigative firm.

During the interviewing process, the Chief of Police informed the Grand Jury that the complainant spoke about suing the City of Chowchilla in a civil lawsuit. The Police Chief said there is a six-month limit from the time of the incident for filing a claim against the City. That six month period had already passed and no claim had been filed.

On September 29, 2008, the Madera County Grand Jury met with both the father and Son # 1 and conducted separate interviews. The father stated that Son #2 (the subject of the warrant) had not lived in the trailer behind his home for three months prior to the time of this incident. However, son # 2 does currently reside there. The father stated he was aware that son # 2 was on probation at the time of the incident. The father stated he had attempted to hire an attorney to file a civil lawsuit against the City of Chowchilla, but no attorney would take his case.

During the interview with the Son #1, he told the Madera County Grand Jury that the Sheriff's Department had visited the residence three previous times and that they were quite considerate to the family. Son #1 alleges that the Chowchilla police officers shoved him back into the home after he answered the door and roughly put his arm behind his back and proceeded to 'pat' him down. When the police asked if they could search the home, the son said, "Knock yourself out". He admitted he knew there was an arrest warrant for his brother. He claims that a search warrant was never produced. He mentioned that he has had previous arrests, and has served three years in prison for armed robbery and petty theft in 1996. He has been off parole since 2004. He claims he has no knowledge of the investigative firm, hired by the Chowchilla Police Department, wanting to interview him.

The investigative firm found that the allegations of unlawfully entering and searching the residence without a search warrant were found to have insufficient evidence to sustain the complaint. The investigative firm found that the allegations of unnecessary and excessive force in the police lobby were found to have insufficient evidence to sustain the complaint.

CONCLUSIONS:

In regard to the citizen's complaint of unlawful entry and search of the complainant's residence, the Madera County Grand Jury finds that there was due cause for search and entry based on information given to the police department regarding son #2 and the history of the brothers. Son # 1, home at the time, implied consent for officers to enter the home by stepping back after they knocked on the door to search the residence.

The actions of the police officers, regarding the altercation, were found to be within the guide lines provided by law.

RECOMMENDATIONS:

The Madera County Grand Jury recommends that the Chowchilla Police Department continue to strive for community service that is diligent in keeping situations from escalating to a point of violence. However, reasonable force is understandable when officers are threatened and verbally abused to ensure the safety of law enforcement and the citizens of the community.

RESPONDENTS:

Chowchilla Chief of Police
122 Trinity Avenue
Chowchilla, California 93610

Chowchilla City Council
130 So. Second – Civic Center Plaza
Chowchilla, California 93610

City Administrator
130 So. Second – Civic Center Plaza
Chowchilla, CA 93610

INFORMATION: *(Response not required)*

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



Chowchilla Police Department

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



January 12, 2009

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

Dear Mr. Haze;

Thank you for your correspondence dated October 17, 2008 regarding Citizen vs. Chowchilla Police Department.

I have reviewed the letter and agree with the recommendations included in the letter and will continue to be diligent in monitoring use of force by the Chowchilla Police Department.

In the Conclusion portion of the letter, I did note that son #2 was referred to as a parolee at large. I do not believe that son #2 was a parolee at large at the time of this contact, nor is he a parolee at large now. The letter does correctly reflect son #1's previous parole status.

Thank you for this opportunity to respond and regret that it took so long for me to forward my response to you.

Jay Varney
Chief of Police

Service & Safety

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

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
CITY OF MADERA
COMMUNITY POLICE FACILITY
Investigated by the City Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
CITY OF MADERA COMMUNITY POLICE FACILITY**

Introduction:

The new Madera Community Police Facility completed in January 2007 was, pursuant to section 925a of the penal code, visited by the Grand Jury on September 25, 2008. This facility has never been reported on by the Grand Jury. The Madera Police Chief was interviewed along with other members of his staff. The Chief was our host on a complete inspection of the facility.

Findings:

Members of the Grand Jury found the Police Chief to be welcoming, considerate and exceptionally well qualified. He has been with the Police Department for six years after serving 34 years with the Sacramento Police Department.

The Madera Community Police Facility began operations in January of 2007. It was noted by the Chief that the facility was very important to him and that he encourages his department to strive for community service as the name indicates. He desires to have an open door policy with both staff and the community. The facility is housed within a 17,500 square foot state of the art building. There are no holding cells for suspects. After booking, the suspects are transported to the Madera County Jail.

The department responds to a fifteen square mile area with a population of approximately 58,200, according to the January 2007 census. There is approximately a 4.5% growth rate annually in the city of Madera. The Chief estimates the current population to be 62,000. The transient resident population is estimated to be 6,000.

The department has a total of eighty five personnel within the facility. There are sixty one Officers, eight Sergeants, two Commanders, five Motor Officers (one is in Iraq), four motorcycles, two training motorcycles and 3 K-9 units. Operations are conducted in twelve hour shifts with four patrol teams, including six Officers and one Sergeant per team that work ten hours each with overlapping shifts. Fatigue is the biggest issue with the personnel. The department has fourteen volunteer workers that assist with filing, parking control, records, and as needed. Background checks are done on all volunteer workers. It was noted that the department is responsible for animal control and has three authorized positions of which only two are currently filled. The County oversees the holding facilities for animal control.

The State's generally accepted formula for each 1,000 in population is two Officers. The City of Madera falls below that desired ratio with one Officer per 1,000. Due to this

low ratio, any injury or illness to any employee can severely impact service. There are ten authorized dispatcher positions and only 8 are currently filled. Dispatching is a high stress job with a low retention rate. There are five dispatch stations in the command center. Currently for every twelve hour shift, there are only two dispatchers on duty. Incoming calls amount to 70,000 annually and are increasing yearly. The majority of calls are due to domestic disturbances. Average response time is 3 minutes from dispatch for the officers to be in route and arrival on the scene is an additional 3 minutes. A main area of concern for the Chief is having dispatch prioritize the calls in a timely manner. Calls can stack up due to lack of dispatch personnel. Critical calls always take priority. It is estimated that 50% of all calls are non-emergency related. Dispatchers are sent to Academy training for one month.

There are seventeen fully equipped patrol cars in inventory at an average cost of \$42,000.00 each. Patrol cars are replaced at three year intervals or when they reach 85,000 miles, whichever occurs first.

Patrol dogs vary from free to a cost of \$7,500.00 each. Each dog has various stages of training when they arrive at the department. With the cost of pairing the dog to an officer, the total expense ranges from \$15,000.00 to \$20,000.00 per K-9 unit (Officer and dog). The average length of service per dog is 7 to 8 years. The K-9 units are an invaluable resource and are trained in building search and rescue, field search, narcotics and explosives detection.

The property and evidence room is highly secured with one-way lockers for evidence stored. Once the officer books a property in the locker, only the property controller can remove the property due to the one-way lockers.

Recently, patrol car cameras are capable of instant downloading as part of the 24 hour 'Information Technology'. This saves numerous hours that it has taken to daily manually download the car's discs in the past. All electronics are linked directly to the Police Department.

A standardized emergency system is in place, in case of a national disaster. The Chief has taken two additional courses in preparation of a national emergency. The facility is designed to serve as an emergency operation center for the city and county if need be. An 800 gallon diesel generator is located on the police grounds, which at full throttle, will last three to four days and run the building without interruption. It is tested once monthly. The Administrative Technician has been trained with Homeland Security and has state of the art equipment and security on the premises.

The department has the 'Explorer Program' for students interested in law enforcement. California grants help expand the 'Gang Resistance Program'.

Conclusions:

The Grand Jury found the Madera Community Police Facility to be a very impressive and well thought out structure. All of the law enforcement needs of the citizens of the City of Madera are very well satisfied by this facility. The citizens of the City of Madera can be proud of the Madera Police Department and those who staff it. The Chief proudly represents his department and it reflects a community spirit that should be reassuring to the citizens of the City of Madera.

Recommendations:

- Staffing should be increased. The community would benefit by increasing the dispatchers to a minimum of three per shift instead of the current two. Response time would be decreased due to additional dispatchers assisting with incoming calls.
- There needs to be an increase in the number of Officers to keep up with the growing population of Madera.
- Fatigue is an issue that needs to be investigated internally. An evaluation of shifts and the hours scheduled for Officers needs to be addressed to prevent personnel from being overworked. This could affect the safety of both the Officers and the community.

Respondents:

Madera Police Chief
City of Madera Community Police Facility
330 South C Street
Madera, California 93637

City Council
City of Madera
205 W. 4th Street
Madera, California 93637

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
MADERA COUNTY DEPARTMENT
OF CORRECTIONS

Investigated by the Special Issues Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY DEPARTMENT OF CORRECTIONS**

INTRODUCTION:

On February 24, 2009, members of the Grand Jury conducted an investigation and visit of the Madera County Department of Corrections (MCDC). The MCDC had not been investigated since March 17, 2005. A tour of the facility was conducted by the Operations Commander, the Training Sergeant, and the Program Assistant. On March 17, 2009, members of the Grand Jury interviewed a representative of the Madera County Corrections Officer Association (MCCOA).

FINDINGS:

The Grand Jury members were greeted by several members of the MCDC including the Director. We were given a 30 minute overview of the facility and their plans for future expansion. The MCDC is managed by a Director who is appointed by the Madera County Board of Supervisors (BOS). The Director serves in this capacity at the pleasure of the BOS. The Sheriff of the County of Madera has nothing to do with operation of the MCDC. The MCDC is one of three County Correctional Facilities in the State of California that is managed and operated in this manner. All other County Correctional Departments are run solely by the County Sheriff's Office or jointly by the County Sheriff's office and an appointed Director. Currently, the MCDC staffing consists of the Director, three Lieutenants, seven Sergeants, ten Corporals and seventy- eight officers. There are currently two vacant officer positions which when filled would bring the facility to 100% staffing.

It was relayed to the Grand Jury through discussions with correctional officers and the MCCOA representative that the pay scale of Madera County Correctional Officers is 14% below the average of the adjacent six counties. New officers are required to attend and pass a six week Correctional Officers course conducted in Fresno prior to being assigned to MCDC. All officers are required to get a minimum of 24 hours of continuing education or training throughout the year as mandated by "Standards Training for Corrections", a State of California requirement. The Madera County Correctional Training Sergeant conducts in house training programs for junior officers. They also have a group of training officers that conduct training seminars at County Correctional Facilities statewide.

The MCDC opened in December of 1988. The capacity rating for this facility is 419 inmates. On the day of the Grand Jury visit, the inmate population was 430. At present, the MCDC is very near to beginning construction on a new 144 bed housing unit expansion. This expansion will also enlarge and modernize the kitchen and administration building. According to staff, this expansion cannot proceed until an acceptable and reasonable agreement has been reached with the City of Madera for

sewage and water service hook ups. In the future, the State of California plans to build a Re-entry Facility on property just north of the MCDC. This is a new state program that is geared toward transitioning inmates from state prisons back into their communities. These inmates are from Madera and Fresno Counties and have a year or less to complete their sentence. This facility will afford inmates with a variety of job skills and training to facilitate their re-entry back into the community. This facility will be run by the State Department of Corrections. The MCDC handles all people taken into physical custody in Madera County no matter what the crime may be. Those in custody and awaiting trial are housed at this facility.

The MCDC has a video/audio arraignment room that feeds directly into the judge's court room. This room allows inmates to be arraigned on charges without physically traveling to the Court. The MCDC has a ten person transportation division that handles all prisoner transport within the County and State. These officers are the only officers who are armed during their work shift. The Grand Jury observed that officers in direct contact with potentially violent inmates had no body protection and are at risk for serious injury. Stabbing incidents at California Correctional Facilities are not an infrequent occurrence. Two Correctional Officers were seriously injured at the California Correctional Institute at Tehachapi in April 2008. An officer at the U.S. Penitentiary in Atwater, California was stabbed to death in June 2008. Inmate/officer stabbings are a serious problem at California Correctional Facilities. The MCCOA and the MCDC have been unable to agree on the purchase and wearing of protective vests.

The MCDC takes extraordinary measures to classify incoming inmates and house them in the appropriate housing unit to insure their safety. Inmates wear different colored clothing to distinguish their classification. Inmates that demonstrate violent tendencies and are considered to be a threat to the staff and other prisoners are locked down 23 hours a day with one hour allowed in the common area alone. Inmates with gang affiliation are separated into different housing units to prevent violence between rival gang members.

The MCDC has a small but adequate medical facility that is staffed by contract medical personnel led by a Nurse Practitioner. The medical staff can handle most minor injuries. Anything more serious is sent to Madera Community Hospital for treatment. All inmates are accompanied to and from the hospital by the MCDC officers. The MCDC has a contract with a private security company to provide security personnel if an inmate needs to be kept in the hospital for any length of time. This security person can be armed or unarmed depending on the risk factor with the inmate. At the MCDC medical facility, all inmates are screened for tuberculosis within three hours of being incarcerated. There are four rooms for inmate patients that are locked when occupied. Two of the rooms have high efficiency particulate air filters that can be activated if an inmate with a suspected contagious disease is admitted for treatment or observation. The medical staff distributes prescribed medications to the inmates on a daily basis. Complete records are kept on each inmate receiving medication including if they refuse to take the medication. A local dentist, under contract, makes two four hour visits a

week to perform fillings and extractions. A local medical doctor is under contract to be on call if a medical problem arises that requires that level of expertise.

All food is prepared on site by a contracted food service vendor. This vendor supervises inmate labor that assist in preparing and serving the meals. All meals are delivered to the housing units and distributed to the inmates. Inmates with special dietary needs or food allergies are accommodated with an alternative meal.

CONCLUSION:

The MCDC is a solidly run facility of which the citizens of Madera County can be proud. The officers and staff that conducted the visit let the Grand Jury members see every facet of their operation. One observation made was the officers and staffs loyalty to the MCDC and how well they enjoy their jobs even though the MCDC is at the lower end of the pay scale compared with surrounding counties. Officer safety is of the utmost concern to the Grand Jury. This safety issue could be improved markedly with the addition of protective vests. For a facility that is going on 21 years of operation it is extremely well maintained.

RECOMMENDATIONS:

- Correctional Officers at the MCDC who are in direct contact or transporting inmates should be provided protective vests for their safety. The Grand Jury encourages the Madera County Department of Corrections and the Madera County Correctional Officer Association to find common ground on this critical safety issue.
- When County finances allow, wages should be readdressed and increased to mirror the correctional departments in adjacent counties.

RESPONDENTS:

Madera County Department of Corrections
Attn: Director
14191 Road 28
Madera, CA 93638

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

The Madera County Correctional Officers Association
14191 Road 28
Madera, CA 93637

INFORMATION: *(Response not required)*

Madera County Sheriff's Office
14143 Road 28
Madera, CA 93638

City of Madera
Attn: City Council
205 W 4th St.
Madera, CA 93637

City of Chowchilla
Attn: City Council
130 South Second St.
Civic Center Plaza
Chowchilla, CA 93610

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
**MADERA COUNTY FLOOD CONTROL
RESPONSIBILITIES**
Investigated by the Water Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008 – 2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY FLOOD CONTROL RESPONSIBILITIES**

INTRODUCTION:

The 2008-2009 Grand Jury has chosen to add information and further support for the 2007-2008 Grand Jury Final Report titled: MAINTENANCE MONEY AND ACCOUNTABILITY REGARDING FLOOD CONTROL.

Our report continues to address Madera County's (County) struggle to meet its obligation for flood control in the Target Area (See attachment #1). This Target Area is part of the Chowchilla River, Ash and Berenda Sloughs (Waterways). A July 26, 2007, letter from the Madera County Department of Engineering (DOE) to the Madera County Board of Supervisors (BOS) declares this Target Area to be "...those stretches of the channels that pose the most risk of flooding the more densely populated areas." We will focus on Madera County's responsibility for channel maintenance.

FINDINGS:

The California State Legislature (Legislature) established the Madera County Flood Control and Water Conservation Agency (Agency) in 1969. Four key provisions of the Legislature's findings and intentions are:

1. "Water and drainage problems in Madera County required countywide water resources, control of drainage, storm flood and other waters."
2. "It is necessary to have a political entity co-extensive with the geographical limits of the entire County."
3. "Madera County's water situation is unique and general law cannot be made applicable to it."
4. "The Act of creating the Agency is necessary for the conservation, development and control of Madera County water for public good and protection of life and property."

The Legislature recognized that the newly created Agency's Board of Directors are the same individuals also serving as members of the BOS. Although the Legislature intended that the Agency and the BOS be separate governing bodies with different powers, the BOS is expressly authorized by the Legislature to:

“Adopt reasonable rules and regulations to facilitate the exercise of the broad powers given to the Agency.”

In 2005, Madera County Counsel (Counsel) prepared a report titled: STATE OF THE AGENCY. In this report Counsel offers an opinion that the Grand Jury shares:

“Statutory powers given to the Agency are police powers protecting public health and welfare by helping to ensure a steady water supply for land owners and residents while protecting against floods.” And further that these powers: “cannot be forfeited, waived, bartered or contracted away to others, including Water Agencies within the County.” Counsel’s report disclosed that the Agency has been “dormant” and that the BOS has “chosen” not to exercise the broad powers given them under the enabling legislation.

Three agreements have been made which further define the County’s and/or Agency’s responsibility for maintaining the Target Area Waterways:

1. The 1963 Contract which provided for the County’s “...cleaning of sloughs in the Chowchilla Water District (CWD) for the purpose of protecting county roads, rights of way and easements.”

2. The 1970 Agreement with the California Reclamation Board. This agreement activated the Agency as it accepted responsibility for maintaining the Chowchilla River Channel from Buchanan Dam to the Bifurcation Structure owned and operated by CWD. This agreement also included the Agency’s acceptance for maintaining the waterways from the Bifurcation Structure to the Eastside-Bypass located in Western Madera County.

3. The 1977 Agreement says, CWD owns, operates and agrees to do minor maintenance on the newly built Bifurcation Structure. This is to be accomplished using personnel and equipment they normally have available. The Agency agrees to the long term maintenance including “cleaning of the waterways” consistent with maintenance responsibilities for those waterways above and below the Bifurcation Structure.

As a result of the lack of maintenance of these Waterways, and the new Federal Emergency Management Agency (FEMA) flood maps taking affect soon, many county residents are about to find themselves living in a designated flood plain for the first time.

In a letter dated April 4, 2007, the former California Reclamation Board and now the Central Valley Flood Protection Board (CVFPB) sent a letter to the County recognizing the Agency as the Local Maintenance Authority for the Chowchilla

River, Ash and Berenda Slough Project Channels. The letter stated the Army Corps of Engineers (USACE) inspected the Target Area Waterways and rated them "UNACCEPTABLE". This was an interim designation during which time the County had until August 15, 2007, to produce a "CORRECTIVE ACTION PLAN." The County had until March 28, 2008 to implement it. This did not happen! USACE consequently declared the Target Waterways "INACTIVE". This new Waterway designation means they no longer qualify for FEMA assistance under Public Law 84-99.

While FEMA would still be expected to provide some emergency assistance during a declared emergency, a letter dated July 27, 2007, from DOE to the BOS regarding Public Law 84-99 assistance stated:

"...this FEMA assistance includes disaster preparedness, advance measures, emergency operations (disaster response and post flood response) rehabilitation of flood control works threatened or destroyed by flood, emergency dredging and flood related rescue operations. In addition, the flood hazard area adjacent to the levees may be rezoned by FEMA to a higher risk category."

A letter dated February 11, 2009, from the DOE to the Agency's Water Advisory Commission stated:

"The CVFPB sent a letter to the Agency formally notifying it that the Target Waterways have been placed in "INACTIVE" status by USACE. These waterways are no longer eligible for Public Law 84-99 assistance. We are still waiting for the additional ramifications such as changes in the flood mapping."

CONCLUSION:

The Grand Jury concludes the BOS should take immediate and aggressive action in directing the Agency to recognize their responsibilities to the provisions as outlined by the Legislature.

This investigation continues the belief of past Grand Jury reports that flood control efforts have been wasteful and generally lacking. However, interviews with Madera County officials, statements made by the Madera County Water Advisory Commission and phone conversations with the Supervising Engineer for the CVFPB have us believing the County is taking their responsibility for this area and these waterways more seriously.

We especially appreciate our candid conversation with the Resource Management Agency Director and his positive attitude. We believe the continued development of the County's Workflow Management System (2007-2008 Grand Jury Report on POSSE) can possibly have the Target Area Waterways "REACTIVATED" in the future.

RECOMMENDATIONS:

- The BOS direct the responsible Agency to have the channels cleared in the Target Area as soon as possible.
- Investigate all labor options including outside workforces to assist in clearing the waterway channels.
- The Grand Jury recommends the Agency contact outside entities, such as Cal-Fire Department, and offer the Target Area Waterways as training ground for equipment operators to assist in the removal of vegetation (See attached pictures).

RESPONSES:

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

Madera Water Advisory Commission
200 West 4th St.
Madera, CA 93637

Madera County RMA, Engineering
2037 West Cleveland Ave.
Madera, CA 93636

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

INFORMATION: *(No response required)*

Central Valley Flood Protection Board
Attn: Board President
P.O. Box 942836
Sacramento, CA 94236

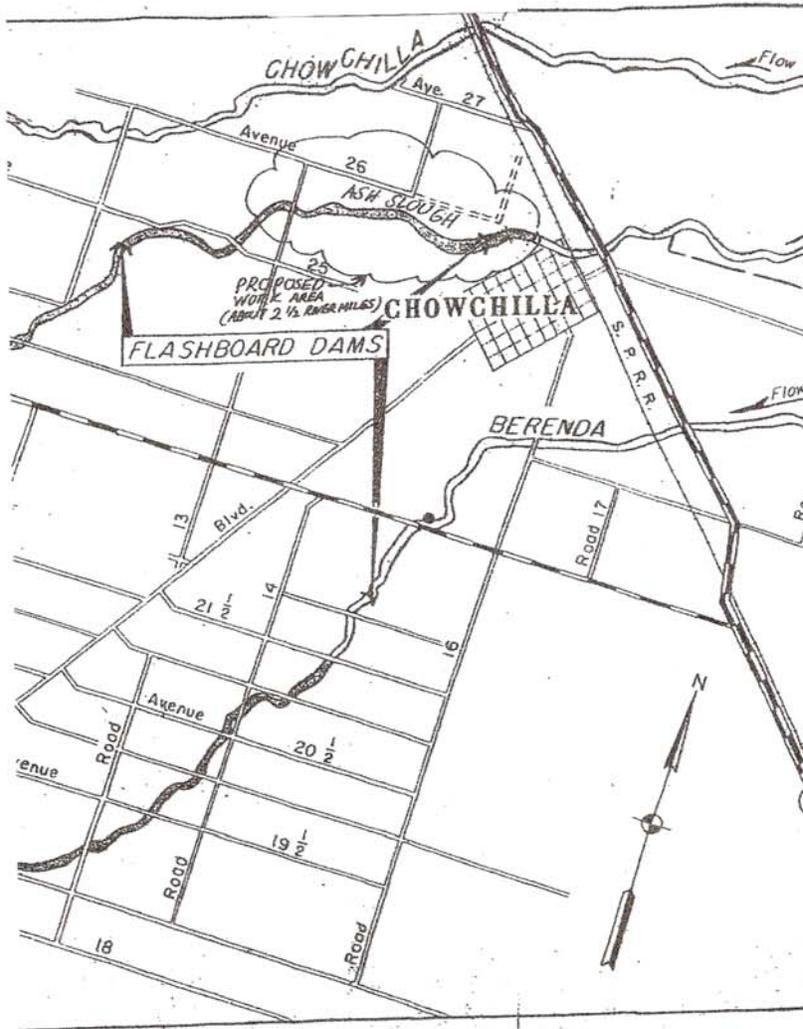


Typical vegetation clogged
waterway located at the
Berenda Slough



“*Arundo donax L*” (Giant Cane) at the Ash Slough. A type of perennial cane classified as an invasive weed by the University of California at Davis.

Vicinity Map



Attachment #1

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
THE MADERA COUNTY
LIBRARY SYSTEM

Investigated by the Special Issues Committee



P.O. Box 534 Madera, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY LIBRARY SYSTEM**

INTRODUCTION:

The Madera County Grand Jury visited the five Madera County Libraries as a follow up to the 2006-2007 Grand Jury investigation and final report. The focus of our investigation was to evaluate the following areas of concern: Security, Safety, Growth, Staffing, Training, and Budget. We interviewed the librarians of the County Branch Libraries in North Fork, Oakhurst, Chowchilla, and The Ranchos. We also interviewed the Head Librarian of the Madera Main Library. It should be noted that the four Branch Librarians report directly to the Head Librarian.

FINDINGS:

THE RANCHOS BRANCH LIBRARY:

- On the issue of security the Library recently had a security system installed. The purpose of this system is to curtail the losses of Library property due to theft. The security system consists of a magnetic screening device at the main entrance. The entire Library inventory has a magnetic security chip that will set the alarm off if someone tries to remove it from the premise without permission. On a quarterly basis the past losses were estimated to be between \$1,700.00 and \$3,000.00.
- According to the Branch Librarian the safety concerns expressed include the graffiti on the library building and thefts at local businesses in the immediate area of the library.
- Staffing issues have been addressed. There are now two employees on duty at all times during business hours.
- Growth in the Ranchos area seems to be of concern to the Library. The area that the Library serves is one of the fastest growing communities in the County. The Library desires to expand its floor space. The Library has increased its book inventory by 10,000 volumes a year for the past 3 years. There is interest in building a new facility on donated land but unfortunately this proposal seems to be stalled. According to the Branch Librarian the person donating the land wants the land to accommodate a Community Center along with the Library. Currently this piece of property could be adversely affected by the County's plans to turn Avenue 12 into a 4 lane expressway. The property owner doesn't want to commit to the donation until all pending issues that may impact the proposed donated land are resolved.
- Training is held at a workshop called Info People at the Woodward Park Library in Fresno. This workshop is sponsored by the San Joaquin Valley Library System and is a State wide training seminar. There is also training held one day a week over a twelve week period at the Madera Main Library.

- The total budget for the Madera County Libraries is 1% of the County budget. Of this 1%, The Ranchos Library receives 10%. Volunteer organizations and grants are an additional source of potential funding.

THE OAKHURST BRANCH LIBRARY:

- This Branch Library also has a magnetic screening device that only allows Library inventory to be removed from the premise after an employee has demagnetized the chip attached to the item. This system is similar to the one at the Ranchos Branch Library. The back door is equipped with an alarm that will sound if anyone exits the building while the alarm is activated. This door alarm can be turned off. The building has no intrusion alarm.
- Concerns are mainly from graffiti, occasional broken windows and indigents. Increased Sheriff Patrols have abated this situation.
- Staffing, according to the Librarian, has two people at the counter at all times and one other person on the Library floor.
- Growth and space issues are also a concern voiced by the Branch Librarian. The Library has plans to expand into the fire station adjacent to the Library building when the fire unit vacates to their new proposed building. The time frame they are looking at is about 3 years. The Librarian and The Friends of the Library (a volunteer organization) are working independently and with the County to address this problem.
- Training is held at a workshop called Info People at the Woodward Park Library in Fresno. This workshop is sponsored by the San Joaquin Valley Library System. There is also training held one day a week over a twelve week period at the Madera Main Library.
- The total budget for the Madera County Libraries is 1% of the County Budget. Of this 1%, the Oakhurst Branch Library receives 20%. Volunteer organizations and grants are an additional source of potential funding.

THE NORTH FORK BRANCH LIBRARY:

- The North Fork Branch Library has no electronic security system to control possible theft or unauthorized use of their inventory. The security is handled by the Branch Librarian and staff. The building has no intrusion alarm and the Branch Librarian doesn't feel one is needed at this time.
- The road or driveway that leads from Road 200 to the library parking lot becomes a real safety issue in the winter months. It is a steep incline and gets slippery when wet and nearly impassable when covered with snow and ice. Unfortunately, this road is not maintained by County Road crews.
- The Library is staffed by two people at all times during business hours. There is one full time employee, the Branch Librarian, and three part time employees.
- The North Fork Branch Library is currently waiting on approval to use the Fire Station spaces below the library for their expansion. There has been a proposal to build a new Fire Station at the old Mill Site.

- Training is held at a workshop called Info People at the Woodward Park Library in Fresno. There is also training held one day a week over a twelve week period at the Madera Main Library.
- The total budget for the Madera County Libraries is 1% of the County Budget. Of this 1%, the North Fork Branch Library receives 10%. Volunteer organizations and grants are an additional source of potential funding.

THE CHOWCHILLA BRANCH LIBRARY:

- The Chowchilla Branch Library is a fairly new building. They have a magnetic screening system that only allows library inventory to be removed from the premise once library personnel have demagnetized the chip attached to the item.
- There are no safety concerns at this time.
- The library is staffed by at least two people during business hours.
- Growth is not currently an issue since this is a new building and there is abundant room for inventory display and storage plus activities within the library itself.
- Training is held at a workshop called Info People at the Woodward Park Library in Fresno. There is also training held one day a week over a twelve week period at the Madera Main Library.
- The total budget for the Madera County Libraries is 1% of the County Budget. Of this 1%, the Chowchilla Branch Library receives 10%. Volunteer organizations and grants are an additional source of potential funding.

THE MADERA COUNTY MAIN LIBRARY:

- The main Library is also equipped with a magnetic screening system that doesn't allow unauthorized inventory to be removed from the library. Any item checked out must have the chip attached to it demagnetized. If it isn't an alarm will sound when the item is taken past the sensing device.
- The Head Librarian would like to have a building security system that reports directly to law enforcement to protect the building from intrusion and fire. Manual operation of the security system should be included in case a threat situation arises. The Head Librarian would like to have this system installed in all the libraries.
- The Head Librarian's office is located at the main library. A staff of 8 full time personnel, including the Head Librarian and an assistant, and four part time employees work at the library.
- The Main Library has growth issues. There are plans to remodel the children's room and add a glass observation wall. Plans have been drawn and submitted for approval. They also have plans to upgrade the outside area to a covered patio with a seating area for storytelling and plays. Acquiring the old library basement for use as an archive and storage area is being looked into by the library management staff.

- Training is held one day a week over a twelve week period at the Main Library for library personnel and the public if interested. These classes are conducted by the Adult Education School. A workshop called Info People is held at the Woodward Park Library in Fresno. This workshop is sponsored by the San Joaquin Valley Library System. The Head Librarian in Madera is available to the Branch Librarians via E-mail or telephone. The Head Librarian visits each Branch Library monthly to meet with the Branch Library staff. They discuss any concerns or needs they may have and are kept up to date on issues that would be of concern to Library operations.
- The total budget for the Madera County Libraries is 1% of the County Budget. The Main Library receives 50% of this budget. Branch Managers submit lists of desired books, publications, and equipment to the Head Librarian. They are allotted what their budget will accommodate.
- A total of 29 people are employed throughout the Madera County Library System. There are also volunteers throughout the County that contribute approximately 600 hours of volunteer time to the library system.

CONCLUSIONS:

- The Head Librarian has implemented most of the recommendations of the 2006-2007 Grand Jury Report. One recommendation not implemented was having the Branch Librarians come for monthly or periodic meetings at the Madera Main Library. The 2007-2008 Library Budget did not include mileage funds for the Branch Librarians. The Grand Jury concludes that these meetings would be of value since it would bring all the Branch Librarians to one meeting and discussions would be held with everyone present. It should be noted that the Head Librarian is the only person authorized to set the budgets and order books and equipment for the entire library system.

RECOMMENDATIONS:

- All the library buildings should be alarmed to notify of a break-in or fire. The system should be allowed to be activated manually in case of a threat incident such as a bomb threat. This system should report directly to law enforcement.
- The County should make a determination as to the availability of the old library basement for storage use for the Main Library.
- The County should do everything within reason to secure the offer of free land for the use of the Branch Library/Community Center at the Ranchos. The offer of free land offsets the added expense of building a larger building to accommodate a Community Center.
- According to the Head Librarian, the North Fork Library/Fire Station building and the land it sits on is County property. The County Road Maintenance District that maintains that area should be directed to provide snow plowing services in the winter months and maintain the road over all.

- Due to vandals and the indigent, the Oakhurst Branch requires heightened security measures. A few more drive-bys by the on duty Sheriff's Deputy would probably go a long way curbing this activity around the library building. The library is also in need of more floor space for storage. The fire station building next door to the library should be made available to the library as soon as it is vacated by the current tenant. The Friends of the Library in Oakhurst are willing to help the County financially toward upgrades for a larger library facility. The County should take advantage of this generous offer.
- The North Fork Branch Library should have installed the same kind of security system that the other Branch Libraries have to control their inventory. If and when the fire station moves to its new proposed facility, this space should be made available to the library for its use.
- A travel allowance should be included in future library budgets to allow the Branch Librarians to travel to The Madera Main Library for periodic meetings with the Head Librarian.

RESPONSES REQUIRED:

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

The Madera County Administrator
200 W. 4th Street
Madera, CA 93637

Madera Main Library
Attn: Head Librarian
121 N. G Street
Madera, CA 93637

Madera County Sheriff's Office
Attn: Sheriff
14143 Road 28
Madera, CA 93638

FOR INFORMATION ONLY - NO RESPONSE REQUIRED:

Madera Ranchos Branch Library
Attn: Branch Librarian
37167 Ave. 12
Madera, CA 93637

Chowchilla Branch Library
Attn: Branch Librarian
300 King Ave.
Chowchilla, CA 93610

Oakhurst Branch Library
Attn: Branch Librarian
49044 Civic Circle
Oakhurst, CA 93644

North Fork Branch Library
Attn: Branch Librarian
32908 Road 200
North Fork, CA 93643

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
MADERA COUNTY
OFFICE OF EDUCATION
FUNDING SHORTAGE

Investigated by the Schools Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008/2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY OFFICE OF EDUCATION
FUNDING SHORTAGE**

INTRODUCTION:

The Madera County Grand Jury conducted an investigation as part of a continuing investigation of the Madera County Office of Education and the County of Madera, Office of Treasurer/Tax Collector. The 1999/2000 Madera County Grand Jury started the initial investigation regarding a potential funding shortage of \$230,000.00 going back to the early 1990's.

FINDINGS:

In 1976, the California State Legislature transferred financial duties and functions from supervision by the County Board of Supervisors to the County Board of Education. In Madera County, the Madera County Tax Collector was made responsible for transfer of funds in and out of the County Board of Education bank account based on authorization by the County Superintendent of Schools. A problem developed in 1995 and 1996 when local banks handling County Board of Education funds were changed. Reconciliation of bank accounts were discontinued in 1992 when a key County employee retired and no one was tasked with completion of the reconciliation. Lack of account reconciliation contributed to a problem at closing of the account at the bank handling County Board of Education accounts payable. A list of 203 checks considered to be outstanding by the bank was presented which exceeded the balance of funds on hand at the bank when the account was closed. Funds were therefore, advanced by the Madera County Treasurer to the Board of Education to cover the discrepancy pending determination as to the status of these checks. It was found that they consisted primarily of checks cancelled, but funds of which were not reversed from the bank account back to the Madera County Treasurer by the Madera County Board of Education.

In November 2007, the Madera County Superintendent of Schools and the County of Madera, Office of the Treasurer/Tax Collector, by letter, provided the Madera County Grand Jury with information on the resolution of the bank discrepancy. The Madera County Grand Jury obtained from the Madera County Recorder's Office, verification that this matter has been resolved by arbitration between the parties in the amount of \$91,322.62. This award was transferred to the Madera County Board of Education. No further action will be taken.

CONCLUSIONS:

The Madera County Grand Jury finds it is unacceptable that unresolved issues between two or more departments of the Madera County Government cannot be resolved within a reasonable time. In this particular case, seven plus years is not a reasonable time.

RECOMMENDATIONS:

The County of Madera will follow their manual of Policy and Procedures, and take the proper action to resolve issues between departments within a reasonable time.

The County of Madera will follow their manual of Policy and Procedures, to insure that if and when an employee leaves, that an exit plan is in place whereas the replacement has adequate knowledge of the position so as to carry on without interruption.

The Madera County Board of Education will continue to follow the Policy and Procedure Manual for all financial activities.

ATTACHMENTS:

Copy of letter from: County of Madera, Office of the Treasurer/Tax Collector
Copy of letter from: Madera County of Education
Copy of recording of arbitration finding: Madera County Hall of Records

RESPONSE REQUIRED:

Madera County Auditor/Controller
200 W, 4th Street Madera, CA 93637

Madera County Superintendent of Schools
28123 Avenue 14 Madera, CA 93638

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

FOR INFORMATION ONLY – NO RESPONSE REQUIRED

Madera County Council
200 W. 4th Street Madera, CA 93637

Madera County Board of Education, Trustees
28123 Avenue 14 Madera, CA 93638

Madera County Administrator
200 W. 4th Street Madera, CA 93637

WILD, CARTER & TIPTON
246 West Shaw Avenue
P. O. Box 16339
Fresno, California 93755-6339

1 John W. Phillips (SBN 147117)
2 **WILD, CARTER & TIPTON**
3 A Professional Corporation
4 246 West Shaw Avenue
5 Fresno, California 93704
6 Telephone: (559) 224-2131
7 Direct Fax: (559) 229-7295

8 Attorneys for Plaintiff
9 Madera County Office of
10 Superintendent of Schools

11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF MADERA**

13 MADERA COUNTY OFFICE OF
14 SUPERINTENDENT OF SCHOOLS,

15 Plaintiff,

16 v.

17 MADERA COUNTY OFFICE OF THE
18 TREASURER-TAX COLLECTOR;
19 MADERA COUNTY OFFICE OF THE
20 AUDITOR-CONTROLLER; and DOES 1-
21 50, INCLUSIVE,

22 Defendants.

Case Number CV 17246

JUDGMENT

23 Pursuant to the October 7, 2005 Order Confirming Arbitration Award executed by
24 the Honorable Judge James E. Oakley, which provides that "judgment is hereby entered in favor
25 of Plaintiff Madera County Office of Education . . . for a total judgment of \$91,322.62,"
26 judgment is hereby entered in said amount, with interest thereon, from October 7, 2005, at the
27 statutory rate.

28 FOR GOOD CAUSE APPEARING, SO ORDERED.

Dated: 10-25-, 2005


HONORABLE JAMES E. OAKLEY

JUDGMENT

FILED
MADERA SUPERIOR COURT

OCT 25 2005

HAROLD E. NABORS

CLERK

IRENE FLORES

DEPUTY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)
 Mail recording return to
 John W. Phillips (SBN 147117)
 WILD, CARTER & TIPTON, APC
 246 West Shaw Avenue
 Fresno, CA 93704

TELEPHONE NO: (559) 224-2131
 FAX NO (Optional): (559) 229-7295
 E-MAIL ADDRESS (Optional): jphillips@wctlaw.com
 ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera
 STREET ADDRESS 209 W. Yosemite Avenue
 MAILING ADDRESS Madera, CA 93637 *Same as*
 CITY AND ZIP CODE Madera CA 93637
 BRANCH NAME *Civil Division*

FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY

PLAINTIFF: MADERA COUNTY OFFICE OF SUPERINTENDENT OF SCHOOLS
 DEFENDANT: MADERA COUNTY OFFICE OF THE TREASURER-TAX COLLECTOR, ET AL.

CASE NUMBER
 CV 17246

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT
 FULL PARTIAL MATURED INSTALLMENT

FOR COURT USE ONLY

FILED
 MADERA SUPERIOR COURT
 JUN 28 2006
 HAROLD E. NABORS, CLERK
 ROCIO MONTEON, DEPUTY

1. Satisfaction of the judgment is acknowledged as follows:
 - a. Full satisfaction
 - (1) Judgment is satisfied in full.
 - (2) The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.
 - b. Partial satisfaction
 The amount received in partial satisfaction of the judgment is \$
 - c. Matured installment
 All matured installments under the installment judgment have been satisfied as of (date):
2. Full name and address of judgment creditor:* Madera County Office of Superintendent of Schools
3. Full name and address of assignee of record, if any: n/a
4. Full name and address of judgment debtor being fully or partially released:* Madera County Office of the Treasurer-Tax Collector; Madera County Office of the Auditor-Controller
5. a. Judgment entered on (date): 10/25/05
 b. Renewal entered on (date):
6. An abstract of judgment certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER
--------	-------------------	-------------------

7. A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):

NOTICE TO JUDGMENT DEBTOR: If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.

Date: June 22, 2006

Wild, Carter & Tipton

 (SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY)**
 Page 1 of 1

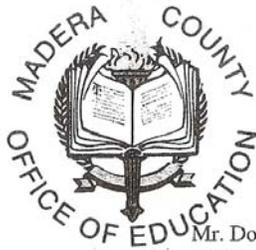
State of California)
) ss
County of Fresno)

On June 22, 2006, before me, Patricia Spencer, a Notary Public, personally appeared JOHN W. PHILLIPS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Patricia Spencer





SALLY L. FRAZIER, Ed.D.
Superintendent

July 6, 2006

Mr. Douglas Kleist, Foreman
Madera County Grand Jury
PO Box 534
Madera, CA 93639-0946

RE: Resolution of the Funding Shortage of the Madera County Office of Education
And the Madera County Treasurer/Tax Collector (First Interstate Bank)
Grand Jury Final Report of December, 2002

Dear Mr. Kleist:

It is with great pleasure that we are able to advise that the above-referenced matter has been settled. As you may recall, we had been in litigation in regard to the FIB account, and the disputed balance of \$167,657.41. This had precluded us from providing detailed information regarding progress on that topic.

Since that time, a thorough accounting of the activity regarding the funding of the First Interstate Bank Account has been completed. Both parties agreed to the process of binding arbitration in lieu of a costly court battle. The arbitration was concluded at minimal cost in just one day. Following the arbitration award, the judgment was satisfied and the Satisfaction of Judgment was submitted for recording on June 22, 2006. We consider the matter to be concluded and have closed our file. Staff in both our agencies continues to enjoy a mutually cooperative working relationship.

In regard to the reconciliation of the Bank of America accounts, the Payroll account has been brought current and is reconciled each month. Over 625 old outstanding and exception items have been cleared. The reconciliation of the Accounts Payable account is current through the June, 2003 year. We are working together to resolve some small discrepancies in funding for a few months in the 2003-2004 year. Once the funding issues are resolved, it will not take much time to complete bringing this account current.

Please don't hesitate to contact me if you have questions regarding this update.

Sincerely,

Geri Kendall Cox
Chief Business & Administrative Services Officer

JUL - 6 2006

cc: Sally L. Frazier, Ed.D.
Tracy Kennedy Desmond

28123 Avenue 14 • Madera, CA 93638 • (559) 673-6051 • FAX (559) 673-5569
www.maderacoe.k12.ca.us



COUNTY OF MADERA
OFFICE OF THE TREASURER/TAX COLLECTOR
TRACY KENNEDY DESMOND

200 W. 4th Street, 2nd Floor, Madera, CA 93637
Telephone: (559) 675-7713 Fax: (559) 673-0262
e-mail: treasurer@madera-county.com

November 16, 2007

Mr. Barry Crow, Grand Jury Foreman
204 Sassafras Dr.
Madera, CA 93637

Dear Mr. Crow;

The following is brief summary regarding the case between the Madera County Office of Superintendent of Schools and the Madera County Treasurer/Tax Collector's office.

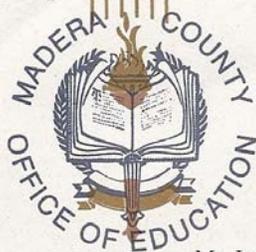
On September 3, 2004 both the Treasurer/Tax Collector and the Madera County Office of Superintendent of Schools entered into binding arbitration. The case was brought to a close on May 16, 2005. The ruling of James F. Thaxter, Arbitrator, was in favor of the schools. There will be no further action taken.

If you have any questions please do not hesitate to call me at (559) 675-7713.

Respectfully,


Dan Garcia
Administrative Analyst

c. Stell Manfredi, CAO



SALLY L. FRAZIER, Ed.D.
Superintendent

October 6, 2008

Mr. James Haze, Foreman
Madera County Grand Jury
PO Box 534
Madera, CA 93639

RE: Resolution of the "Funding Shortage" of the Madera County Office of Education
And the Madera County Treasurer/Tax Collector (First Interstate Bank)
Grand Jury Final Report of 2008/09

Dear Mr. Haze:

We were astonished to receive your correspondence regarding the above matter; we had advised you on July 6, 2006 that this matter had been settled on June 22, 2006. A copy of that report to the Grand Jury from our office is enclosed here for your review.

We consider the matter to be concluded and have closed our file. Staff in both our agencies continues to enjoy a mutually cooperative working relationship.

The Madera County Board of Education, Madera County Superintendent of Schools and the Madera County Office of Education have always consistently followed all policies and procedures for all financial activities.

Please don't hesitate to contact me if you have questions regarding this update.

Sincerely,

A handwritten signature in blue ink that reads "Geri Kendall Cox".

Geri Kendall Cox
Chief Business & Administrative Services Officer

cc: Sally L. Frazier, Ed.D.
Tracy Kennedy Desmond, Treasurer Tax-Collector
Madera County Auditor/Controller
Madera County Board of Supervisors
Madera County Administrator
Madera County Counsel

28123 Avenue 14 • Madera, CA 93638 • (559) 673-6051 • FAX (559) 673-5569
www.maderacoe.k12.ca.us



ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
200 WEST 4th STREET/MADERA, CALIFORNIA 93637
(559) 675-7707 / FAX (559) 661-3006 / TDD (559) 675-8970

October 7, 2008

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

Re: Response of the County Auditor-Controller to the 2008-09 Madera County Grand Jury report entitled; Madera County Office of Education Funding Shortage.

Education Code Section 42649.5 states that, in a county in which the board of supervisors has transferred educational functions to the county board of education, the duties of the county auditor specified in that article shall be performed by the county superintendent of schools. The educational functions referred to in this section were transferred to the Madera County Board of Education by Resolution 76-381 adopted by the Madera County Board of Supervisors in 1976.

My only other comment is that I concur with the conclusions and recommendations in the subject report.

Sincerely,

A handwritten signature in cursive script that reads "Robert F. DeWall".

Robert F. DeWall, CPA
Auditor-Controller

Cc:
Clerk to the Board of Supervisors
County Administrative Officer

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
MADERA COUNTY LIBRARIES'
CHILD PORNOGRAPHY POLICY
Investigated by the Special Issues Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY LIBRARY
CHILD PORNOGRAPHY POLICY**

INTRODUCTION:

There was an incident regarding viewing of child pornography, encountered by a member of the library staff, on the Tulare County Library computer system. As a result of the incident, the Grand Jury initiated an investigation into the Madera County Library policy regarding child pornography.

FINDINGS:

The Grand Jury found all the Madera County Librarians have a copy of the federal law policy entitled *Child Internet Protection Act*, (see attached), which is available for the public to review at all Madera County Libraries. We also found the Madera County Librarians have verbal instructions to call 911 when it concerns child pornography. However, there is no written policy at this time. All the libraries utilize the filter software of "St. Bernard Security System" which blocks child pornography. When a child pornography site is accessed, the security system immediately shuts down the computer. The animated St. Bernard dog appears on the screen notifying the user the site accessed is in violation of the child pornography policy.

CONCLUSIONS:

The Librarians are following the federal law and verbal instructions given to each Librarian. There is no written policy for notifying law enforcement of child pornography.

RECOMMENDATIONS:

The Grand Jury recommends the Madera County Head Librarian issue a written policy for notifying law enforcement of child pornography incidents.

RESPONSES REQUIRED:

Head Librarian
Madera County Main Library
121 N. 'G' Street
Madera, Ca. 93637

Madera County Board of Supervisors
200 W. 4th Street
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: 08161

Date: October 21, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2008-2009
GRAND JURY FINAL REPORT ON THE "MADERA COUNTY LIBRARY
CHILD PORNOGRAPHY POLICY", 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:

CAO
Honorable John DeGroot
Madera County Library
 Grand Jury
Granicus

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By *Bruce Lane*
Deputy Clerk

BP



**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

September 26, 2008

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

**Subject: Response to the 2008-09 Grand Jury Final Report on the
"Madera County Library Child Pornography Policy."**

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 2008-09 Madera County Grand Jury Final Report on the "Madera County Library Child Pornography Policy." See Attachment #1.

The following is the Grand Jury's recommendation in their Final Report, and the Board's response to the recommendation:

Grand Jury Recommendations

"The Grand Jury recommends the Madera County Head Librarian issue a written policy for notifying law enforcement of child pornography incidents."

Board of Supervisors' Response to Grand Jury Recommendation

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

Page 1

Sincerely,



Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments

2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
MADERA COUNTY LIBRARY
CHILD PORNOGRAPHY POLICY

INTRODUCTION:

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The Grand Jury found all the Madera County Librarians have a copy of the federal law policy entitled *Child Internet Protection Act*; (see attached), which is available for the public to review at all Madera County Libraries. We also found the Madera County Librarians have verbal instructions to call 911 when it concerns child pornography. However, there is no written policy at this time. All the libraries utilize the filter software of "St. Bernard Security System" which blocks child pornography. When a child pornography site is accessed, the security system immediately shuts down the computer. The animated St. Bernard dog appears on the screen notifying the user the site accessed is in violation of the child pornography policy.

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RESPONSES REQUIRED:

Head Librarian
Madera County Main Library
121 N. 'G' Street
Madera, Ca. 93637

RECEIVED

SEP 10 2008

ADMINISTRATIVE OFFICE

MANU
BD
LEAD



ATTACHMENT #2

MADERA COUNTY LIBRARY

LINDA SITTERDING
County Librarian

121 North 'G' Street
Madera, California 93637
Phone: (559) 675-7871
Fax: (559) 675-7998

September 22, 2008

To: Stanley Koehler
Administrative Management

From: Linda Sitterding
County Librarian

Subject: Response to the Grand Jury 2008-09 – Madera County Library Child
Pornography Policy

The 2008-09 Madera County Grand Jury has issued a Final Report entitled "Madera County Library Child Pornography Policy." The Final Report is recommending the following:

"The Grand Jury recommends the Madera County Head Librarian issue a written policy for notifying law enforcement of child pornography incidents."

The Department Response is as follows:

The recommendation has been implemented. The written policy on child pornography is included with the 'Instructions to Staff Regarding Criminal Activity and the Internet', which is attached. Staff had previously been verbally advised to report to law enforcement any child pornography displayed on the Internet.

"Library



a word to the wise."

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
PINE HILL LANE – NORTH FORK
Investigated by the County Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
PINE HILL LANE – NORTH FORK**

INTRODUCTION:

A citizens' complaint was received by the Madera County Grand Jury which alleged that the Madera County Resource Management Agency (RMA) acted unethically and illegally regarding the use, maintenance and safety of a fire easement road referred to as Pine Hill Lane. The fire easement road is located in the Teaford Meadows Ranch development in North Fork (see attachment A). The complaint further alleged that both the Madera County Counsel's office and a member of the Madera County Board of Supervisors had acted improperly and perhaps illegally in regard to issues pertaining to the fire access road. The Grand Jury undertook a full investigation of all of the citizens' allegations.

The complaint also specifically accuses Madera County of granting a Fire Release (State Form 850) for a residential treatment facility on a road (Pine Hill Lane) that does not meet the minimum safety standards of Public Resource Code (PRC) 4290 (see attachments B and C).

During its investigation, the Grand Jury visited the site in question and interviewed staff members of several county agencies. In addition, the Grand Jury examined the actions of the Madera County Counsel's office and a member of the Madera County Board of Supervisors who was named in the complaint. A paramount issue addressed by the Grand Jury was whether or not Madera County is responsible for the fire easement road referred to as Pine Hill Lane.

FINDINGS:

In 1989, Madera County approved a subdivision map that showed numerous lots with addresses on a street named Ridge Top Drive. However, due to the hilly topography of the lots, they were inaccessible from that street. As a result, the owners of those lots were permitted to use the fire access road for access to and from their properties.

In 1998, Madera County approved a property owner's application for a road name for the fire access easement. The name approved was Pine Hill Lane. The County's approval of the road name did not alter the status of the roadway, but provided a mechanism for issuing addresses in compliance with 911 emergency services.

In 2007, a Pine Hill Lane property owner leased his residence to a company to be used as a drug rehabilitation care facility. Under Madera County Health and

Safety Code 1566, and particularly Health and Safety Code section 1566.3 (see attachment D), residential care facilities are to be treated as residential uses for all intents and purposes by the County. Thus, the drug rehabilitation care facility is generally exempt from county regulations other than those applying to all other residential dwellings located on Pine Hill Lane.

The Grand Jury recognizes that Pine Hill Lane does not meet PRC 4290 requirements and is not required to do so because it was developed prior to the adoption of that code by Madera County.

Nevertheless, as it exists, Pine Hill Lane is potentially unsafe and dangerous due to the following conditions:

- A. It does not meet road standards for fire equipment access.
- B. It does not meet vegetation management guidelines for wild fire prevention.
- C. It does not meet road width, turnouts or turnaround requirements.
- D. Gates and chains are installed on it that prevent through access.

Since June of 2008, the complainants and/or their attorney have made voluminous requests of the RMA and/or the Madera County Counsel's office to look into various issues regarding the fire access road now known as Pine Hill Lane. All of those requests and the county's responses or lack thereof, were well documented in the formal complaint that the Grand Jury received. The Grand Jury's investigation revealed no evidence of inappropriate, unethical or illegal activity by the RMA, Madera County Counsel's office or any other county agencies or officials.

CONCLUSIONS:

1. Pine Hill Lane is unsafe in its present condition.
2. PRC 4290 does not apply.
3. All county departments and officials named in the complaint acted appropriately and properly.
4. In the context of this investigation, Madera County has no responsibility for Pine Hill Lane other than issuance and enforcement of State Form 850.
5. In accordance with Health and Safety Code 1566.3, the drug and rehabilitation facility must be treated the same as any other residential unit as long as it meets the requirements of all applicable state and county regulations.

6. In 1989, the county should not have approved the Teaford Meadows subdivision map submitted by the developer because there was no access to certain properties except via a fire access road.
7. Current county staff appears to have made a concerted effort to assist the residents of Pine Hill Lane in addressing the problems resulting from the improper use and designation of the fire access road since the subdivision map was approved in 1989. The county's actions included permitting residents to use the fire access road for access to and from their properties beginning in 1989. Additionally, in 1998, the county approved the road name application submitted by a resident which provided a name (Pine Hill Lane) for the road and enabled a Pine Hill Lane address to be issued for the lots which are accessible only from the fire easement road. The street address of the lots was originally on a different street (Ridge Top Drive).
8. The Fire Release Form which the county issued for the drug rehabilitation facility located on Pine Hill Lane provides a list of minimum conditions that the road must meet in order to be deemed sufficiently safe for a residential care facility to be located on it. It did not nor was it intended for it to address the ills of Pine Hill Lane that have existed since the original subdivision map was approved.

RECOMMENDATIONS:

- Madera County should work with the State of California to establish more stringent safety requirements for residential care facilities in wild fire areas than currently exist for single family residences.
- Pine Hill Lane is a fire road easement. Fire fighting equipment should have access to and from properties on Pine Hill Lane from either direction. All non Cal-Fire approved gates and chains on the fire easement road should be removed in accordance with the fire release (State Form 850).
- Madera County should conduct an annual inspection to insure that conditions specified in State Form 850 are met.
- All residents of Pine Hill Lane should have an emergency evacuation plan in place.

RESPONDENTS:

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

Madera County Fire Marshal's Office
2037 W. Cleveland Ave
Madera, CA 93637

Madera County Counsel
200 W. 4th Street
Madera, CA 93637

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

FIRE SAFETY INSPECTION REQUEST

See instructions on reverse.

STO. 850 (REV. 10-94)

AGENCY CONTACT'S NAME Loren French	TELEPHONE NUMBER (559) 248-1548	REQUEST DATE 10/01/2008	PROGRAM
EVALUATOR'S NAME	REQUESTING AGENCY FACILITY NUMBER	REQUEST CODE 1A	

LICENSING AGENCY NAME AND ADDRESS Department of Alcohol and Drug Programs Residential and Outpatient Programs 1700 K Street Sacramento, CA 95814	CODES 1. ORIGINAL A. FIRE CLEARANCE 2. RENEWAL B. LIFE SAFETY 3. CAPACITY CHANGE 4. OWNERSHIP CHANGE 5. ADDRESS CHANGE 6. NAME CHANGE 7. OTHER
---	--

AMBULATORY		NONAMBULATORY		BEDRIDDEN		TOTAL CAPACITY
CAPACITY	PREVIOUS CAPACITY	CAPACITY	PREVIOUS CAPACITY	CAPACITY	PREVIOUS CAPACITY	
7						7

FACILITY NAME Yosemite Connections Rehabilitation Program	LICENSE CATEGORY Non Medical Residential
STREET ADDRESS (Actual Location) 53022 Pine Hill Lane	NUMBER OF BUILDINGS 1
CITY North Fork CA 93643	RESTRAINT No
FACILITY CONTACT PERSON'S NAME Kenneth Moody, CADC II	HOURS 24+
SPECIAL CONDITIONS None	

TO BE COMPLETED BY INSPECTING AUTHORITY

FIRE AUTHORITY NAME AND ADDRESS	CLEARANCE/DENIAL CODE 1

INSPECTOR'S NAME (Typed or Printed) <i>Patti Cline</i>	TELEPHONE NUMBER 659.6661-5190	CFIRS NUMBER	OCCUPANCY CLASS R4
INSPECTION DATE 20 OCT 08	INSPECTOR'S SIGNATURE <i>Patti Cline</i>	EXPLAIN DENIAL OR LIST SPECIAL CONDITIONS	

see back side for all conditions of approval →

Attachment "B-2"

CONDITIONS OF APPROVAL:

1. All smoke detectors shall sound when one is activated. Maintain smoke detectors.
2. No dead bolts of any kind are permitted on exit doors.
3. Maintain exit signs above exit doors.
4. Maintain roadway clear of snow and ice;
5. Turnouts must be maintained at current conditions, no degradation of length, width or overhead clearance allowed.
6. Roadway must remain open and passable, any degradation of the surface or roadbed must be repaired in a timely manner.
7. Maintain required pool fence.
8. Fire extinguishers shall be tagged and serviced to date, SFM approved
9. Annual fire inspection required.

Attachment "C-1"

National Database of State and Local Wildfire Hazard Mitigation Programs



[Home](#) | [Search the Database](#) | [Display Index](#) | [Contact Us](#)

The national database of state and local wildfire hazard mitigation programs serves as a clearinghouse of information about nonfederal policies and programs that seek to reduce the risk of loss of life and property through the reduction of hazardous fuels on private lands. If you would like to submit a program to the national wildfire programs database, please complete the following [form](#) (MS Word).

[Return to your search results](#) or [Perform a new search](#)

Title: California Public Resources Code (PRC) 4290
Type: Regulatory
Jurisdiction: State
State: California
Program Description: California Public Resources Code (PRC) 4290 sets the requirements for the creation and maintenance of defensible space and other vegetation management guidelines for wildfire prevention and risk reduction on State Responsibility Area (SRA) lands. The statute is presented below and may be viewed at the website listed below.

4290. (a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

1. Road standards for fire equipment access.
2. Standards for signs identifying streets, roads, and buildings.
3. Minimum private water supply reserves for emergency fire use.
4. Fuel breaks and greenbelts.

(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

More information can be obtained from the following website,

Attachment "C-2"

Public Resources Code (PRC) 4290

Contact Information

For more information, contact Frank Goddard, via email, at
frank.goddard@fire.ca.gov.

Sponsored by the USDA Forest Service / Southern Research Station

(Database Login)

HEALTH AND SAFETY CODE
SECTION 1566-1566.8

1566. The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development of sufficient numbers and types of residential care facilities as are commensurate with local need.

The provisions of this article shall apply equally to any chartered city, general law city, county, city and county, district, and any other local public entity.

For the purposes of this article, "six or fewer persons" does not include the licensee or members of the licensee's family or persons employed as facility staff.

1566.1. Any person licensed under the provisions of this chapter who operates, or proposes to operate a residential facility, the department or other public agency authorized to license such a facility, or any public or private agency which uses or may use the services of the facility to place its clients, may invoke the provisions of this article.

This section shall not be construed to prohibit any interested party from bringing suit to invoke the provisions of this article.

1566.2. A residential facility, which serves six or fewer persons shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this section shall be construed to forbid the imposition of local property taxes, fees for water service and garbage collection, fees for inspections not prohibited by Section 1566.3, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to residential facilities which serve six or fewer persons.

For the purposes of this section, "family dwellings," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

1566.25. If a county of residence agrees to pay a placement county the costs of providing services to a minor pursuant to subdivision (a) of Section 740 of the Welfare and Institutions Code, all of the following shall apply:

(a) The county of residence shall agree to pay the placement county the actual costs of providing services to a child placed in a community care facility outside his or her county of residence by a placement agency, as defined in Section 1536.1, that are incurred by the probation department, social services department, health department, or mental health department of the placement county for

which the placement county is not otherwise reimbursed.

(b) Claims made by the county of placement to the county of residency pursuant to subdivision (a) shall include documentation and shall be paid within 30 days of submission of these claims.

(c) For the purposes of this section, the county from where the child was placed in the community care facility shall be considered the county of residency.

1566.3. (a) Whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.

(b) For the purpose of all local ordinances, a residential facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

(c) This section shall not be construed to prohibit any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a residential facility which serves six or fewer persons as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.

(d) This section shall not be construed to prohibit the application to a residential care facility of any local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity if the ordinance does not distinguish residential care facilities which serve six or fewer persons from other family dwellings of the same type in the same zone and if the ordinance does not distinguish residents of the residential care facilities from persons who reside in other family dwellings of the same type in the same zone. Nothing in this section shall be construed to limit the ability of a local public entity to fully enforce a local ordinance, including, but not limited to, the imposition of fines and other penalties associated with violations of local ordinances covered by this section.

(e) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

(f) Use of a family dwelling for purposes of a residential facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent such sections are applicable to residential facilities providing care for six or fewer residents.

(g) For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

1566.4. No fire inspection clearance or other permit, license, clearance, or similar authorization shall be denied to a residential facility because of a failure to comply with local ordinances from which such facilities are exempt under Section 1566.3, provided that the applicant otherwise qualifies for such fire clearance, license, permit, or similar authorization.

1566.45. (a) (1) For purposes of this section, "bedridden" means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed, except in facilities with appropriate and sufficient care staff, mechanical devices if necessary, and safety precautions, as determined by the director in regulations.

(2) In developing the regulations for child residential facilities, the department shall take into consideration the size and weight of the child.

(3) For purposes of this section, the status of being bedridden shall not include having any illness that persists for 14 days or less.

(4) The determination of the bedridden status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative, after consulting the resident's individual safety plan. The determination of the bedridden status of all other persons with disabilities who are not developmentally disabled shall be made by the Director of Social Services, or his or her designated representative.

(b) Bedridden persons may be admitted to, and remain in, residential facilities that secure and maintain an appropriate fire clearance. A fire clearance shall be issued to a facility in which a bedridden person resides if either of the following conditions are met:

(1) The fire safety requirements are met.

(2) Alternative methods of protection are approved.

(c) (1) The department and the Office of the State Fire Marshal, in consultation with the State Department of Developmental Services, shall each promulgate regulations that meet all of the following conditions:

(A) Are consistent with subdivision (a).

(B) Are applicable to facilities regulated under this chapter, consistent with the regulatory requirements of the California Building Standards Code for fire and life safety for the respective occupancy classifications into which the State Department of Social Services' community care licensing classifications fall.

(C) Permit residents to remain in home-like settings.

(2) At a minimum, these regulations shall do both of the following with regard to a residential care facility that provides care for six or fewer residents, at least one of whom is bedridden:

(A) Clarify the fire and life safety requirements for a fire clearance for the facility.

(B) Identify procedures for requesting the approval of alternative means of providing equivalent levels of fire and life safety protection. Either the facility, the resident or resident's representative, or local fire official may request from the Office of the State Fire Marshal a written opinion concerning the interpretation of the regulations promulgated by the State Fire Marshal pursuant to this section for a particular factual dispute. The State Fire Marshall shall issue the written opinion within 45 days following the request.

(d) For facilities that care for six or fewer clients, a local

fire official shall not impose fire safety requirements stricter than the fire safety regulations promulgated for the particular type of facility by the Office of the State Fire Marshal or the local fire safety requirements imposed on any other single family dwelling, whichever is more strict.

(e) This section and any regulations promulgated thereunder shall be interpreted in a manner that provides flexibility to allow bedridden persons to avoid institutionalization and be admitted to, and safely remain in, community-based residential care facilities.

1566.5. For the purposes of any contract, deed, or covenant for the transfer of real property executed on or after January 1, 1979, a residential facility which serves six or fewer persons shall be considered a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

1566.6. The department shall annually prepare, with a quarterly update commencing July 1, 1979, specifying newly licensed facilities, a list or lists of all licensed community care facilities in the state, other than foster family homes, which shall include the information required by Section 1536 and shall additionally specify as to each such facility the licensed capacity of the facility and whether it is licensed by the state department or by another public agency pursuant to Section 1511. Compliance with this section shall also constitute compliance with Section 1536.

1566.7. The department shall notify affected placement agencies and the Office of the State Long-Term Care Ombudsman, as defined in subdivision (c) of Section 9701 of the Health and Safety Code, whenever the department substantiates that a violation has occurred which poses a serious threat to the health and safety of any resident when the violation results in the assessment of any penalty or causes an accusation to be filed for the revocation of a license. If the violation is appealed by the facility within 10 days, the department shall only notify placement agencies of the violation when the appeal has been exhausted. If the appeal process has not been completed within 60 days, the placement agency shall be notified with a notation which indicates that the case is still under appeal.

The notice to each placement agency shall be updated monthly for the following 24-month period and shall include the name and location of the facility, the amount of the fine, the nature of the violation, the corrective action taken, the status of the revocation, and the resolution of the complaint. At any time during which a facility is found to have one or more of the following serious deficiencies, the director shall provide an immediate notice of not to exceed five working days to the placement agency:

(a) Discovery that an employee of the facility has a criminal record which would affect the facility's compliance with Section 1522.

(b) Discovery that a serious incident which resulted in physical or emotional trauma of a resident has occurred in a facility.

1566.75. (a) By January 1, 2006, the department's Community Care Licensing Division shall enter into memoranda of understanding with

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=01001-02000&file=15...> 4/29/2009

up to 10 local mental health departments that volunteer to participate. Each memorandum of understanding shall outline a formal protocol to address shared responsibilities, monitoring responsibilities, facility closures, training, and a process for mediation of disputes between the local mental health authority and the department's local licensing office relating to adult residential facilities and social rehabilitation facilities.

(b) On or before January 31, 2006, the department shall transmit a copy of each memorandum of understanding that has been signed to the Legislature.

1566.8. Notwithstanding any other provision of law, if according to the rules and regulations of a mobilehome park, the park is designated as a family park or a section of a mixed mobilehome park is designated as a family section, no rule, regulation, rental agreement, or any other provision in existence on the effective date of this section shall, directly or indirectly, prohibit a person from operating in any mobilehome in a family park or designated family section, a licensed foster family home.

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
RONALD REAGAN
ELEMENTARY SCHOOL
Investigated by the Schools Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008/2009
MADERA COUNTY GRAND JURY
FINAL REPORT
RONALD REAGAN ELEMENTARY SCHOOL**

INTRODUCTION:

On September 30, 2008, the Madera County Grand Jury visited the campus of the Ronald Reagan Elementary School located at 2200 S. Lake Tahoe Drive, Chowchilla, California to observe the facilities, interview the principal and conduct an investigation pursuant to the provisions of Section 925 of the California Penal Code.

As the Grand Jury entered the premises we were greeted by an office assistant, and were requested to sign in and received a red visitor's pass. A few moments later, we were greeted by the principal and were escorted into the library for our interview.

FINDINGS:

Chowchilla's newest school, Ronald Reagan Elementary School opened on August 21, 2007.

The schools staff consists of a principal, twenty-two teachers and twenty classified personnel. At this time 420 third and fourth grade students are enrolled. In the future, other grades will be accommodated.

All visitors must enter from the parking lot through one gate that guides them to the school office for signing in where they receive a red visitors pass that must be worn at all times during their visit. At the end of the visit, the badges must be returned and the individual must sign out before they leave the campus.

Students are bussed to school or are brought by their parents or guardian. At the end of the school day a staff member walks the children to a dismissal site for pickup by bus, parent or guardian. If a student needs to leave the campus early, they too will be accompanied to the pickup site.

The campus consists of fifteen acres and there is sufficient room to expand. The school is located approximately one-quarter mile north of Robertson Blvd., a main artery in the area. The school has been designed with full awareness for students and faculty safety. Large windows in the principal's office as well as the school office offer a one hundred eighty degree view of the entire fenced in campus. An elaborate computer operated camera system records all activities and can be operated manually for observation of a particular area of the campus. A new building is presently under construction to accommodate special education students.

The Grand Jury learned that books have been purchased for the library using a grant from the Chukchansi Casino in the amount of \$63,000.00.

Safety is a priority. Safety instructions are given to staff members and students in an ongoing basis from a constantly revised safety manual. Fire drills are held on a regular basis as per Fire Safety Site Plan and Manuals and response time is recorded for each drill.

A Community Resources Officer is assigned to the school from the Chowchilla Police Department. Response time for the police department is checked on a regular basis. Teachers and students are shown site locations that afford safety in emergencies.

CONCLUSION:

The Grand Jury has concluded that the Ronald Reagan Elementary School is a great model for future Madera County Schools, as well as school modifications and up-grades.

RECOMMENDATIONS:

None

RESPONDENTS:

Chowchilla School District
P O Box 910
Chowchilla, CA 93610

Madera County Office of Education
28123 Ave. 14
Madera, CA 93638

Ronald Reagan Elementary School
2200 S. Lake Tahoe Dr.
Chowchilla, CA 93610

INFORMATION: *(Response not required)*

Madera County Board of Education, Trustees
28123 Ave. 14
Madera, CA 93638

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

Chowchilla City Council
130 So. 2nd Street
Chowchilla, CA 93610

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
VALLEY STATE PRISON FOR WOMEN

Investigated by the Public Safety and Welfare Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008 - 2009
Madera County Grand Jury
Final Report
Valley State Prison for Women**

INTRODUCTION:

On February 5, 2009 pursuant to California Penal Code 919(b), the Madera County Grand Jury visited the Valley State Prison for Women (VSPW) located southeast of the City of Chowchilla. The tour was given by the Litigation Coordinator and the Investigative Service Officer.

FINDINGS:

VSPW opened in April of 1995. The facility is five years newer than its sister facility, Central California Women's Facility (CCWF), which is located just south of VSPW. VSPW has grown to be one of the largest women's prisons in the world now housing 4,051 inmates and covers approximately 640 acres. VSPW was originally built to accommodate 1,980 inmates. Some of the overpopulation of lower risk inmates is housed in the gymnasium. These inmates are due for release within a short time. The prison has four units available for conjugal visits. These visits are available to deserving inmates on Friday, Saturday and Sunday.

One of the primary differences between CCWF and VSPW is that VSPW has the only Secure Housing Unit (SHU) for women in California. The SHU houses inmates who display a higher level of security needs. This is the maximum custody location within the prison. The unit is considered to be the prison within a prison. The SHU unit and its accompanying Administrative Segregation Unit (ASU) can accommodate 176 inmates and the current population is 132 with a maximum of two inmates per cell. Inmates are allowed ten hours per week of yard time. They are allowed showers every other day. There are five mental health professionals on staff that work with the inmates weekly. Grand Jury members were requested to wear protective vests while touring the SHU/ASU block, as are required for the prison staff. On Wednesdays, inmates meet with the Institutional Classification Committee (ICC) to discuss any problems or concerns.

Members of the Grand Jury visited the Central Kitchen Facility. The kitchen workers prepare the meals two to three days in advance and the meals are flash frozen. These meals are transported to the satellite kitchens when required and reheated to be served there. Meal guidelines for nutrition are mandated by the State nutritionists. All bakery items, except sliced bread, are produced on site. Constant supervision is provided in all areas of the kitchen. Food preparation is done by the inmates and overseen by contracted cooks from outside the facility. Inmates work in six hour shifts and earn .30 to .90 cents per hour.

Inmate rehabilitation programs include landscaping, welding, janitorial, graphic arts, optical, and cosmetology. The facility also has a farm producing almonds and alfalfa operated by the Prison Industry Authority (PIA). Adjacent to VSPW is a Veterans Administration Chapter to assist service veterans in counseling and training for the future. They also advise as to benefits available to incarcerated veterans.

Two new modules are due for completion in late February 2009 for expanded substance abuse programs. Drug related offenses along with property crimes, forgery, theft and prostitution are the primary reasons for incarceration of inmates.

The Director of Nurses for the medical facility was interviewed. The medical facility has twenty beds and three safety cells for higher risk inmates. In addition, it has ten negative pressure rooms for inmates that have communicable diseases. A negative pressure room works on a principal that when a door to the room is opened air is drawn into the room and passed through a unique filtration system. Medical staffs enter the room through an anti-room where they are able to dress in protective clothing before entering the patient's room. VSPW receives communicable disease inmates from CCWF and California Institute for Women. Every April, all inmates are tested for tuberculosis. Twelve doctors and four nurse practitioners, employed by the State, are on staff Monday through Friday until 5:00 P.M. These health professionals are on call at all other times and must be able to respond within one hour. VSPW is the facility that houses pregnant inmates, as CCWF does not. Pregnant inmates are transported to Madera Community Hospital for delivery. Every Thursday a County Social Worker visits the expectant Mother to pre-screen for the child's welfare after the birth. The children born within the prison system must be placed with family members or Child Protective Services within three days of birth.

A prison van provides transportation for routine medical appointments outside the facility. Accommodations have been made for those medical emergencies requiring land or air ambulance. All prison staff are trained in first aid and CPR.

While touring the medical facility, an alarm sounded and the area was quickly secured. The alarm was confined to the area in which the incident happened and was handled quickly and efficiently by staff.

CONCLUSIONS:

The Madera County Grand Jury concluded the prison to be well run with a qualified and efficient staff. The correctional officers in the prison demonstrated exceptional control of the inmate population.

RECOMMENDATIONS:

None

RESPONDENTS:

Valley State Prison for Women
Chief Warden's Office
21633 Avenue 24
P.O. Box 99
Chowchilla, CA 93610-0099

State of California Department of Corrections and Rehabilitation
1515 S Street Room 400S
Sacramento, CA 95811

INFORMATION: *(Response not required)*

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

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
YOSEMITE SIERRA VISITORS
BUREAU

Investigated by the Ad Hoc Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008-2009
MADERA COUNTY GRAND JURY
FINAL REPORT
YOSEMITE SIERRA VISITORS BUREAU**

INTRODUCTION:

The Yosemite Sierra Visitors Bureau (the Bureau) was investigated by the Madera County Grand Jury pursuant to a citizen complaint concerning the operation and effectiveness of the Bureau. The Bureau is a private nonprofit mutual benefit membership 501c6 Corporation that is located on the outskirts of Oakhurst on the route to Yosemite National Park. The Bureau's primary function is to promote the tourism attributes and opportunities in Madera County. They receive approximately 70% of their budget from the Madera County General Fund. The Grand Jury interviewed the Executive Director and procured pertinent documents as to the Bureau's operations. The Grand Jury also attended the Bureau's January Board of Directors meeting held in Oakhurst.

FINDINGS:

The Bureau is governed by a board of twelve directors, seven of whom are voting members and five are non-voting. Each director serves a two year term. The five non-voting members are appointed, one each, by the following entities:

- Madera County Board of Supervisors
- Madera City
- Chowchilla City
- USDA Forest Service
- National Parks Service

Four voting members are elected from the general membership to represent the following four areas:

- Hotel/motel industry (more than 20 rooms)
- Food and wine industry (table service establishment for food)
- Tourism attractions (activities or transportation)
- Cultural arts (visual or performing)

The remaining three voting members are elected at large from the general membership.

Bureau membership is open to any business, organization or individual who supports the purpose of the Bureau. The annual membership fee is set at four different levels (depending on premiums) and makes up a small portion of the Bureau's annual budget. Currently there are 135 members of the Bureau. The

total budget for the Bureau is approximately \$350,000.00 and is composed of membership fees, grants, and Madera County General Fund monies. Compared to other similar counties this is not an abundant amount of funding. For example, the Mariposa County Tourism Bureau budget approximates 1.5 million dollars and Placer Valley's budget is \$650,000.00 dollars.

The Bureau's staffing of three full time employees and the costs for operations and administration are in line with other similar counties with similar budgets.

The Bureau markets Madera County tourism opportunities through a comprehensive website, various trade shows, magazine advertising, visitor guide, newsletter, and tourism alliances with other chambers and organizations. The current director, who started on August 1, 2008, was very knowledgeable and experienced in the tourism business. He has started many improvements including updating the website and exploring the development of a Business Improvement District (BID) to increase the revenue to the Bureau. A BID is a popular funding mechanism used by many other tourism bureaus to provide a dependable revenue stream for tourism marketing.

CONCLUSION:

The Grand Jury found the Yosemite Sierra Visitors Bureau to be doing a commendable job with the limited resources they have available to them. The Visitor's Center itself, although small, was a very pleasant place and well equipped with tourist and visitors information. The new Executive Director has made strides in operational improvements.

The Grand Jury concludes that fiscal oversight by the County is adequate but could be improved by the County and City Board members having voting status on the Board of Directors.

Having compared other bureau budgets, the Grand Jury concludes that whenever possible an increase in the Bureau's budget could prove to return many fold an increase in tourism and income to the General Fund through the Transient Occupancy Tax. There is great potential for increased tourism in Madera County but the County has to be marketed in order to realize these potential increases.

RECOMMENDATIONS:

- The Bureau's Board of Directors should explore and evaluate the benefits of extending voting status to all 12 members of the Board of Directors or at least those representing Madera County, the City of Madera, and the City of Chowchilla.
- The Board and the Executive Director should continue to explore the benefits of a Business Improvement District and initiate as soon as feasible steps to form a BID.
- The Madera County Board of Supervisors should increase their budget allocation to the Bureau when feasible. These additional funds should be available if and when an increase in Madera County's Transient Occupancy Tax is approved.

RESPONDENTS:

Yosemite Sierra Visitor's Bureau
Executive Director
41969 Highway 41
Oakhurst, CA 93644

Yosemite Sierra Visitor's Bureau
Board of Directors
41969 Highway 41
Oakhurst, CA 93644

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

City of Chowchilla
Attn: City Council
130 So Second – Civic Center Plaza
Chowchilla, CA 93610

City of Madera
Attn: City Council
205 West 4th Street
Madera, CA 93637

YOSEMITE
Sierra
VISITORS BUREAU

41969 Highway 41 Oakhurst CA 93644
Phone: 559-683-4636 / Fax: 559-683-5697
www.YosemiteThisYear.com ~ ysvb@YosemiteThisYear.com

April 6, 2009

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

Re: Response to the 2008-2009 Madera County Grand Jury report titled Yosemite Sierra Visitors Bureau.

Madera County Grand Jury:

We received your report on February 25, 2009 and this is our response.

We greatly appreciated the highly professional and courteous manner in which members of the Grand Jury conducted their investigation.

After reading the details of the report we concur with all findings and recommendations. We are taking the following actions:

We are in the process of the formation of a Business Improvement District; hopefully it will be completed by July.

Our Board of Directors is in the process of amending our by-laws to add voting rights to members from the Cities of Madera and Chowchilla and to our member for the County.

We certainly hope the County will continue to support our efforts in promoting tourism internationally and domestically. We represent Madera County and continued economic development.

Again, thank you to the member of the Grand Jury, please be assured they will always be welcomed at the Yosemite Sierra Visitors Bureau.

Sincerely,



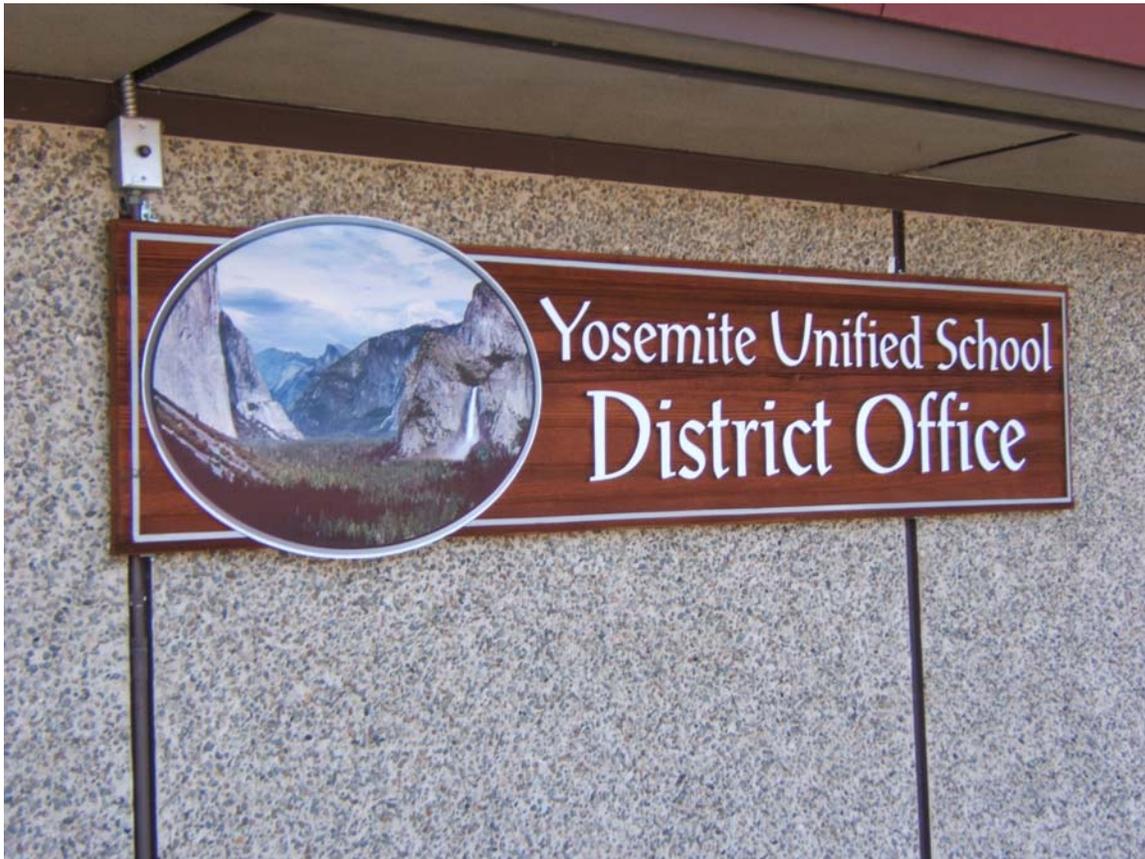
Dannion Cuning
CEO

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MADERA COUNTY GRAND JURY
2008-2009

FINAL REPORT
YOSEMITE UNIFIED SCHOOL
DISTRICT

Investigated by the Schools Committee



P.O. BOX 534 MADERA, CA 93639 559-662-0964

**2008/2009
MADERA COUNTY GRAND JURY
FINAL REPORT
Yosemite Unified School District**

INTRODUCTION:

A complaint was received by the Madera County Grand Jury regarding numerous actions and policies of the Superintendent of Yosemite Unified School District (YUSD). As the investigation progressed, additional complaints were brought to the Grand Jury's attention.

FINDINGS:

It was found that the Superintendent of YUSD had an attendance problem at Foothill High, a school under his jurisdiction. To remedy the loss of funding based on average daily attendance (ADA) at Foothill High, he instructed staff to move 10 students from Evergreen School to Foothill High School. The ADA funding at Foothill High School is significantly higher than at Evergreen School. This move was done on paper only, falsifying attendance records. None of the students transferred ever physically attended Foothill High School. The parents of these students were asked to approve this action, and they were informed that a physical move was not required. Two of the students involved in the transfer would have lost eligibility for Federal PELL grants if they had been transferred. These two students were left at Evergreen, and two other students were transferred in their place. These students were also moved on paper only.

The teachers who questioned this action, and spoke up for the rights of the students involved, were themselves transferred to Foothill High School against their wishes. This action proved to be the standard method of operation for the Superintendent of YUSD.

February 6, 2007, the YUSD Board of Trustees approved the purchase of property located in Coarsegold. The purchase price was listed at \$329,000.00 with the seller donating back \$30,000.00 making the approximate purchase cost \$299,000.00. (See exhibits #1) This property became known as Yosemite Falls Education Center. The YUSD had to pay an extra \$3,630.00 to have the septic system brought up to code. There was adequate space for these approximately 10 students in existing facilities at YUSD. Sworn testimony led the Grand Jury to conclude that this property was purchased solely for the purpose of providing the Superintendent's wife a place to serve as Principal.

An additional complaint was the use of cameras with audio capabilities. Those complaining about the cameras were concerned about the audio. When the Superintendent began receiving complaints about the cameras, he had individuals using the rooms where cameras were installed sign a document

acknowledging the installation of the cameras and instructed them to back date their signatures to a date prior to the installation.

The YUSD and the California State Employees Association (CSEA) held their union negotiation meetings in a room that was covered by one of these cameras. This allowed the Superintendent or anyone he designated to view or listen in on live meetings from school or home. On or about September 19, 2008, in a document attached to the Unfair Practice Charge of the State of California Public Employees Relations Board, the Superintendent admitted that he had installed audio and video recording devices without giving CSEA any notice. In this same document, he further admitted that he had secretly recorded CSEA union meetings and other individuals at these sites. The YUSD CSEA filed a formal complaint with a local CSEA representative who submitted it to the State CSEA representative. Penal Code section 632 states that no one can record someone else without permission (See exhibit #2).

Sworn testimony and numerous complaints by staff at YUSD indicated a hostile work environment. The Superintendent used almost any means necessary to achieve his goals. It was not uncommon for the Superintendent to use inappropriate language, belittle subordinates, bully staff, and threaten their jobs. At least 2 employees retired early due to the hostile environment created by the Superintendent. These employees could have worked numerous more years, improving their retirement benefits.

In the Superintendent's contract the YUSD Board of Trustees agreed to reimburse him for costs of tuition and materials for his pursuit of a doctorate in education. The contract further stated that, "This contract contains the entire contract, and understanding between the parties. There are no oral understandings, terms, or conditions..." The Superintendent used a school employee to type all of his doctorate papers. This was done over a three year period. It is unknown how much typing was done during business hours or how much was overtime. The contract did not specify that the Superintendent could use a school employee to type his doctorate papers. The Superintendent used school district employees to shuttle his children to and from medical appointments in Fresno. This was done on numerous occasions.

Nepotism had to be addressed by the YUSD Board of Trustees because of complaints by staff that the Superintendent was doing all he could to create an administrative position for his wife. An administrator testified that he/she felt compelled, due to harassment, to retire early. This created an opening that was coincidentally filled by the Superintendent's wife.

YUSD had taken over a program previously administered by the Madera County Office of Education. The Superintendent of YUSD had long sought to control the program and the funds represented. He stated that he could run the program more efficiently. This program involved Special Education. There are state requirements for children with special needs which dictate that each Special Education class must have one Special Education teacher and

two aides. A program is developed for each child with special needs, known as the Individualized Education Plan (IEP). This plan may include a variety of services depending on the needs of the child, and when finished is agreed upon by the child's parents, the teacher, and an administrator. Once signed this plan cannot be altered without the written consent of all parties.

In order to save money, the Superintendent of YUSD staffed this Special Education class with a half time teacher and one aide, violating the State requirement of one full time teacher and two aides. The Superintendent placed a special education student into a full-time regular education program without providing that student with a special education program, violating the requirements of the student's IEP. This action created the possibility of legal action by the parents of the Special Education students and other school districts.

Other school districts, whose students participated in this program at YUSD required the Superintendent to sign a "Hold-Harmless" document thereby relieving them of possible punitive action brought by parents. In signing this document, the Superintendent accepted the legal and possible financial liability of his actions, which is ultimately the responsibility of the YUSD Board of Trustees.

On October 15, 2008, numerous complaints regarding the Superintendent were submitted to and accepted by the YUSD Board of Trustees. There was no open discussion by the Board of Trustees regarding the complaints. They chose to go into closed session. From that time on until February 24, 2009, all action regarding the investigation of the Superintendent was held during closed session. The complaints were turned over to the School District's attorneys with a request that they hire an investigator with no local ties to the community. The Board of Trustees set no parameters regarding the length of time or cost for the investigation. Sworn testimony provided to the Grand Jury indicates that the cost of the investigation exceeds \$80,000.00 to date.

On February 24, 2009, a "Resignation Agreement and General Release" was signed by the YUSD Board of Trustees and the Superintendent. This document is in favor of the Superintendent, as he lost no wages between the time he was placed on administrative leave and the end of the 2008-2009 school years. No negative information regarding the Superintendent was listed in this document. The Board of Trustees approved a three page list of the Superintendent's accomplishments during his tenure with the YUSD. The Grand Jury acknowledges that not all of the actions by the Superintendent were detrimental to the schools or the students of the YUSD. However, none of the complaints filed on October 15, 2008 were addressed or even acknowledged. The agreement was only in favor of the Superintendent.

CONCLUSIONS:

After reading the “Resignation Agreement and General Release”, the Grand Jury came to the conclusion that the YUSD Board of Trustees failed to do the job they were elected to do which is to protect the assets of the school district. They did not protect or acknowledge any employee of the school district other than the now former superintendent. The injustices done to the employees were not addressed in this document. It is questioned why the investigation took so long and was so costly.

The Board of Trustees did not use good judgment when they turned the investigation over to their attorneys without any stipulations or guidelines. The Board of Trustees needs to explain to their constituents why they took the actions they did, and why it took so long to do it.

The Superintendent used for his personal gain the time of a school employee to type documents for his doctorate.

The Superintendent knowingly and illegally set up cameras with audio capabilities in various buildings disregarding Penal Code Section 632.

The YUSD Board of Trustees failed to do a proper job of overseeing the Superintendent and the school district. As Trustees of the school district it is their responsibility to be aware of school district failings and to promptly have those corrected instead of merely rubberstamping the Superintendent’s recommendations. It is difficult to believe that in a small community, Board of Trustees were not aware of or did not hear about the district’s problems.

RECOMMENDATIONS:

- Madera County Office of Education should look into the activities of the Superintendent of YUSD regarding the transfer of students on paper to gain ADA for one of his schools.
- Madera County District Attorney should investigate the possibility that the Superintendent violated Penal Code Section 632 (recording others without their consent).
- Madera County District Attorney should investigate the possible misuse of public funds and/or property.
- YUSD Board of Trustees should to investigate the matters listed above, as they are the guardians of taxpayer dollars.
- YUSD Board of Trustees should inform the taxpayers of the district why they did not monitor more closely the actions and decisions of the Superintendent.

RESPONDENTS:

Madera County Office of Education
Office of the Superintendent
28123 Avenue 14
Madera, CA 93638

Yosemite Unified School District
Office of the Board of Trustees
50200 Road 427
Oakhurst, CA 93644

Yosemite Unified School District
Office of the Superintendent
50200 Road 427
Oakhurst, CA 93644

Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637

INFORMATION: *(No response required)*

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

California Department of Education
Office of the Superintendent
1430 H Street
Sacramento, CA 95814

California Teachers Association
Office of the President
P.O. Box 921
1705 Murchison Dr.
Burlingame, CA 94011-0921

Exhibit # 1



Chicago Title Company

40312 Junction Drive, Oakhurst, CA 93644
559 683-5675 • FAX 559 683-4688

DATE: January 30, 2007
ESCROW NO.: 07-50101393-GR
LOCATE NO.: CACTI7720-7720-4501-0050101393
ESCROW OFFICER: Gerri Russell

TIME: 1:07 PM

CLOSING DATE: February 23, 2007

BUYER ESTIMATED CLOSING STATEMENT

SELLER: John M. Heltebrake
BUYER: Yosemite Unified School District
PROPERTY: 35572 Highway 41, Coarsegold, CA 93614

	\$ DEBITS	\$ CREDITS
FINANCIAL:		
Total Consideration	329,000.00	
PRORATIONS/ADJUSTMENTS:		
Prepaid County Taxes at \$1,068.37 Semi-Annual from 2/23/2007 to 7/1/2007	759.73	
Seller's Donation		30,000.00
TITLE CHARGES:		
Recording Deed	10.00	
MISCELLANEOUS:		
Refundable Reserve for Refundable Reserve	200.00	
<hr/>		
ESTIMATED BALANCE DUE ESCROW		\$299,969.73
ESTIMATED TOTALS	\$329,969.73	\$329,969.73

The Undersigned hereby instruct and authorize Escrow Holder to disburse proceeds/refund as follows:

- TRANSFER All Net Proceeds/Refund, or \$ _____
- TO: _____
- ATTN: _____
- ESCROW NO: _____
- HOLD check for PICK UP
- CALL when check is ready for PICK UP, PHONE NUMBER _____
- WIRE funds to (Bank Name) _____
- Address _____
- Routing No. _____
- Account No. _____
- MAIL FEDERAL EXPRESS check to _____

Exhibit # 1

Date Printed: 02/21/2007
Time Printed: 11:57 AM

Chicago Title Company
CTI Madera – Oakhurst
RECEIPT FOR FUNDS

Cost Center 7720	Profit Center 4501	Escrow No. 0050101393	Title No. 0050101393	Date 2/21/2007	Instrument No. 0101001466
Bank Code 0001	Bank Name Bank of America, N.A.				

Amount \$ 299,969.73
Received From: Yosemite Unified School District
Property Address: 35572 Highway 41 Coarsegold, CA 93614
for the account of: Buyer/Borrower [X] Selling Broker [] Listing Broker [] Seller []
Insert Name: Yosemite Unified School District

Cashiers Check [X] Draft [] Inter Company Draft [] Money Order [] Personal Check []
** CASH []

Maker of Check: Yosemite Unified School District	Check #: 446199	Date of Check: 2/21/2007
Bank Drawn on: Bank of America NT & SA	ABA# 121000358	

to be applied in accordance with instructions of: BUYER/BORROWER [X] SELLER [] LENDER []
OTHER []

Received the above funds: ** CASH DEPOSIT VERIFIED
Date: 2-21-07 By: SU By: _____

WARNING: This check is printed on chemical reactive paper which contains a watermark.

Bank of America NT & SA
Fresno Commercial Banking #1482
1011 Van Ness • Fresno, CA 93721

50101393 08

11-35 / 1210
YOSEMITE UNIFIED SCHOOL DIST
SCHOOL DISTRICT
WARRANT NO.

THIS WARRANT IS VOID SIX MONTHS AFTER ISSUE DATE

****299,969 DOLLARS AND 73/100

ISSUE DATE: 02/16/07

WARRANT AMOUNT: ****299,969.73*

WILL PAY TO OR ORDER OF: CHICAGO TITLE
40312 JUNCTION DRIVE
OAKHURST CA 93644

Sally L. Frazer
SALLY L. FRAZER
COUNTY SUPT. OF SCHOOLS

56

⑈446199⑈ ⑆121000358⑆ 14823⑈01678⑈

Exhibit #2

632. (a) Every person who, intentionally and without the consent of all parties to a confidential communication, by means of any electronic amplifying or recording device, eavesdrops upon or records the confidential communication, whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio, shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. If the person has previously been convicted of a violation of this section or Section 631, **632.5**, **632.6**, **632.7**, or 636, the person shall be punished by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

(b) The term "person" includes an individual, business association, partnership, corporation, limited liability company, or other legal entity, and an individual acting or purporting to act for or on behalf of any government or subdivision thereof, whether federal, state, or local, but excludes an individual known by all parties to a confidential communication to be overhearing or recording the communication.

(c) The term "confidential communication" includes any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

(d) Except as proof in an action or prosecution for violation of this section, no evidence obtained as a result of eavesdropping upon or recording a confidential communication in violation of this section shall be admissible in any judicial, administrative, legislative, or other proceeding.

(e) This section does not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited by this section are for the purpose of construction, maintenance, conduct or operation of the services and facilities of the public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

Yosemite Unified School District

50200 Road 427
Oakhurst, California 93644

Phone (559) 683-8801
Fax (559) 683-7534
www.yosemiteusd.com

May 5, 2009

Mr. James Haze, Foreperson
Madera County Grand Jury
P.O. Box 534
Madera, CA 93639

Re: 2008-2009 Report Regarding Yosemite Unified School District

Dear Mr. Haze:

The Yosemite Unified School District ("District") received the 2008-2009 Grand Jury Report ("Report") entitled "Yosemite Unified School District." Please accept this letter as the Board of Trustee's ("Board") response to the Report pursuant to Penal Code section 933.05. We make the following general response, followed by specific responses to the items listed, then the District's statement of its proposed action in response to Grand Jury recommendations:

General Response:

The nature of any Grand Jury report is a collection of concerns regarding an entity or individual. Irrespective of merit, said entity or individual is always presumed to be innocent of all of these concerns.

The Grand Jury's conclusion that this Board did not protect the District by entering into the Resignation Agreement and General Release ("Resignation Agreement") with the former Superintendent reflects a misunderstanding of the facts in this case and the law concerning the potential termination of a Superintendent who has achieved permanent status as a teacher within a school district.

The Grand Jury's conclusion that this Board did not use good judgment by referring the investigation to outside counsel without limitations lacks foundation and reflects a misunderstanding of the facts concerning this case.

The Grand Jury's conclusion that this Board did not provide adequate oversight of the Superintendent is not supported by the evidence or relevant law and overlooks several key facts, including the following:

(1) Many of the items within the Report occurred prior to unification on July 1, 2006 and predate this Board's existence. Therefore, this Board had no oversight responsibilities over those items;

(2) District employees, as evidenced by the Grand Jury's own Report, may have had a concern with retaliation by the former Superintendent and therefore, might have been reluctant to bring issues related to their job to the attention of the Board; and

(3) Despite the Grand Jury's disagreement with the process in which the Board obtained the former Superintendent's resignation, the former Superintendent has, nevertheless, tendered his resignation and will not be employed by the District in any capacity as of June 30, 2009.

In summary, the Board protected the District, its employees and students by:

(1) Creating a safe environment for District employees so they could bring their concerns to the attention of the Board;

(2) Directing legal counsel to retain an independent investigator to perform an objective and unbiased investigation, thereby insuring that the investigation could withstand a legal challenge by the former Superintendent;

(3) Evaluating all employment options regarding the former Superintendent, including the potential time, cost and disruption to the District regarding each option as well as the likely outcome of each option, prior to entering into the Resignation Agreement with the former Superintendent;

(4) Entering into the Resignation Agreement with the former Superintendent, which not only terminates his employment relationship with the District as a Superintendent, but which also terminates his employment relationship with the District as a permanent teacher.

As explained further in the District's Specific Response, the District has already addressed many of the Grand Jury's concerns. To the extent that any remaining concerns have not already been addressed, the District is in the process of addressing those concerns.

Specific Responses:

1. Grand Jury Statement: "From October 15, 2008 until February 24, 2009, all action regarding the investigation of the Superintendent was held during closed session." (Page 3; paragraph 3.)

Response: Grand Jury Statement number one reflects either a misunderstanding or lack of knowledge regarding what a public entity may or may not disclose regarding a pending personnel matter.

Article 1, Section 1 of the California Constitution provides several inalienable rights to the citizens of California, including the right of privacy. The right of privacy applies to personnel matters. Consistent with those rights, Government Code section 54957 provides a public entity the right to hear specific complaints or charges against a public employee in closed session, provided that written notice of the closed session item is provided to the employee at issue. Unless the employee requests the item be heard in open session, the item is heard in closed session.

Because the former Superintendent did not request the matter to be heard in open session, the Board addressed the former Superintendent's personnel issue in closed session, in accordance with law. However, the Board shared as much information as it could with the public, within the bounds of the law, when it took "reportable" action. For example, on October 15, 2008, after returning from closed session to open session, the Board reported that it had placed the former Superintendent on leave, that it had directed counsel to obtain an investigator and that it was appointing two Co-Acting Interim Superintendents to operate the District in the Superintendent's absence. On February 26, 2009, after returning from closed session to open session, the Board reported that it had entered into a Resignation Agreement with the former Superintendent. Consistent with applicable law, copies of the Resignation Agreement were available to members of the public who attended the Board meeting on February 26, 2009, and thereafter.

If the Board had discussed the former Superintendent's personnel matter in open session, such discussions may have impaired the investigation and settlement process, caused substantial disruption to the District and subjected the District to potential liability for any complaints that were not substantiated, as a mere "complaint" is not proof of actual wrongdoing. Not only did the Board act in accordance with the law when discussing the former Superintendent's personnel matter in closed session, it exercised prudence and good judgment in doing so, thereby protecting the assets of the District.

2. Grand Jury Statement: "The Board set no parameters regarding the length of time or cost for the investigation." (Page 3; paragraph 3.)

Response: Grand Jury Statement number two is not supported by the evidence. The investigation of the former Superintendent proceeded as expeditiously and cost-effectively as possible, considering the nature of the allegations involved.

In summary, the Board directed counsel to retain an investigator on October 15, 2008. The District's school calendar reflects that the District was closed between October 20-24, 2008, November 26-28, 2008 and from December 22, 2008 to January 5, 2009.¹ Therefore, District employees were not available to interview on those dates. Nevertheless, the District's investigation was essentially concluded by approximately January 7, 2009, at which time an oral summary of the investigation status was provided to the Board. Thereafter, the investigation was put on hold and the parties engaged in negotiations that culminated with the Board ratifying the Resignation Agreement on February 26, 2009, approximately seven weeks after the investigation had concluded.²

Considering the inability of counsel to retain a local investigator due to conflicts of interest between the former Superintendent and local investigators, the need to obtain and evaluate forensic evidence

¹ Thus, even though there were twelve calendar weeks between October 15, 2008 and January 7, 2009, four weeks were lost due to school closure and the corresponding unavailability of witnesses.

² The Board respectfully notes that the Grand Jury's own Report post-dates the Board's ratification of the Resignation Agreement by approximately two months, yet the Grand Jury only had to formulate its Report. It did not have to take any employment action, such as negotiating a Resignation Agreement, as occurred here, or hypothetically terminate an employee in the absence of a non-litigated resolution.

prior to witness interviews, the reluctance of some witnesses to come forward for interviews,³ the number of witnesses interviewed (in excess of thirty), the complicated nature of the allegations,⁴ and the length of time over which the allegations occurred, the length and cost of the investigation was appropriate. Based on the facts of this case, the District's expenditure of approximately \$30,000 on investigator fees and approximately \$50,000 on attorney's fees, while expensive, was necessary under these circumstances. If the District only had to investigate one or two allegations of misconduct, the Board might concur with Grand Jury's concern regarding the length and cost of the investigation. However, the Board did not choose the allegations or facts of this case. Nevertheless, the Board is mindful of all costs associated with operating a school district and has sought and will continue to seek to reduce and eliminate unnecessary expenses in all facets of its operation, to the extent possible.

3. Grand Jury Statement: "This [Resignation Agreement] is in favor of the Superintendent, as he lost no wages between the time he was placed on administrative leave and the end of the 2008-2009 school years." (Page 3; paragraph 4.)

Response: The Resignation Agreement does not favor the former Superintendent, it favors the District. Grand Jury Statement number three does not address the former Superintendent's employment rights *as a permanent teacher* with the District, which the District was required to address, as a matter of law, when ending the former Superintendent's entire employment relationship with the District.

The Potential Termination of a Superintendent Does Not End An Employment Relationship Where a Superintendent Previously Has Achieved Permanence As a Teacher.

The former Superintendent began working for the District as a teacher at the beginning of the 1980-1981 school year. He taught for approximately eight years, then became a principal, an Assistant Superintendent, and eventually, the Superintendent. Education Code section 44929.21, subdivision (b) provides in relevant part that:

Every employee of a school district . . . who, after having been employed by the district for two complete consecutive school years in a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.⁵

Thus, after a two year probationary period, the former Superintendent obtained permanent status *as a teacher* pursuant to statute, *regardless* of whether he was serving as a teacher or in some other capacity, such as a principal, assistant superintendent or superintendent. In order to terminate a

³ The Grand Jury's own Report found that, "It was not uncommon for the Superintendent to use inappropriate language, belittle subordinates, bully staff and threaten their jobs." In light of this finding, the Grand Jury undoubtedly understands the reluctance of some witnesses to come forward and share information with the District's investigator, particularly when no assurances could be given regarding the outcome of the investigation, as in this case. Yet, the Report does not acknowledge the relationship between the reluctance of some witnesses to share information and the length of time necessary to complete the investigation.

⁴ The Grand Jury's own Report reflects that alternative education, special education, attendance accounting, allegations of inappropriate audio and videotaping, property transactions and personnel issues were the subject of inquiry.

⁵ All statutory references are to the California Education Code, unless otherwise specified.

teacher with permanent status in California, a school district must comply with the following elaborate statutory process.

Section 44934 requires a school district to give a teacher notice of its intention to dismiss the teacher and of the charges against the teacher, and allows the teacher to request a hearing. The hearing must commence within sixty days. (Section 44944(a).) The district must file an accusation with the Office of Administrative Hearings in Sacramento, again setting forth the charges. (Gov. Code § 11503.) The teacher's pre-hearing discovery rights are not limited, but are equal to the rights of litigants in civil actions. (Section 44944(a).)

A commission on professional competence is formed to hear the case and is comprised of an administrative law judge, a member selected by the teacher and a member selected by the school district. (Section 44944(b).) The panel members selected by the district and the teacher must hold a currently valid teaching credential and have at least five years experience within the last ten years in the teacher's discipline. (Id.)

If the commission on professional competence determines that no dismissal or suspension is warranted, the district must pay all the expenses of the hearing, including: the cost of the administrative law judge; travel, meal and lodging expenses of the other two commission members; the cost of any substitute teachers; and reasonable attorney's fees of the teacher. (Section 44944(e).) A suspended teacher is entitled to back-pay and benefits if the district does not prevail at hearing. (Section 44946.)

The decision of the commission on professional competence is subject to review by the local superior court by means of a petition for writ of mandamus, where the trial court must exercise its independent judgment on the evidence. (Section 44945.)

Thus, hypothetically, if the District had not been able to enter into an agreement with the former Superintendent that conclusively ended his *entire* employment relationship with the District, the District would have been forced to proceed to two termination hearings: the first, to end his employment as Superintendent with the District and the second, to end his employment as a permanent teacher with the District.⁶ Depending on the outcome of these termination hearings, hypothetically, the District could have been forced to reassign the former Superintendent to a classroom teaching position, thus displacing a current teacher with less overall seniority with the District.

Even the California Supreme Court has recognized that school districts may incur the substantial costs of a dismissal hearing, attorney's fees and lost wages if a district is unsuccessful at such hearing. (*Fontana Unified School District v. Burman* (1988) 45 Cal.3d 208, 223, fn. 16.)

Therefore, because the Resignation Agreement provides for the former Superintendent's "irrevocable and unconditional resignation *from the District*," not just his resignation *as*

⁶ Like all litigation, there are no guarantees that any hypothetical termination proceedings would have been completely successful.

Superintendent, the Resignation Agreement favors the District, under any reasonable cost/benefit analysis.⁷

Payment of Salary While On Leave

The Report contends that the former Superintendent should not have been paid while on administrative leave and implies that the District should have quit paying him during that time period. If the District had done as the Report suggests, it reasonably could have expected the former Superintendent to file suit to prevent such action. A public employee has a constitutionally protected property interest in his/her continued employment that cannot be taken without due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 206-207; *Cleveland Bd. Of Education v. Loudermill* (1985) 470 U.S. 532, 542-537.) Thus, if the District had deprived the former Superintendent of his salary while the investigation was pending, without near conclusive evidence of wrongdoing which showed he was an imminent danger to employees or students, the District, may have been sued and may have incurred needless legal expenses. Thus, by placing the former Superintendent on administrative leave with pay, it acted prudently, complied with the law and saved needless legal expenses.

4. Grand Jury Statement: “The YUSD and the California State Employees Association (CSEA) held their union negotiation meetings in a room that was covered by one of these [surveillance] cameras. This allowed the Superintendent . . . to view or listen in on live meetings . . .” (Page 2; paragraph 1.)

Response: The Board does not approve and has never approved of any alleged employee use of audio and video equipment to listen to or observe other employees in a manner contrary to law. Nevertheless, the Grand Jury’s reliance on allegations within CSEA’s Unfair Practice Charge, in order to reach the conclusion that the former Superintendent acted inappropriately, is misplaced for several reasons. First, the Unfair Practice Charge is only an allegation; it is not proof. Second, the allegation was not verified by the witness making the allegation, meaning that the Unfair Practice Charge was not signed under penalty of perjury by that person. Third, the Unfair Practice Charge was subsequently withdrawn and so the truth or falsity of the allegation has not been determined. Fourth, the Grand Jury never interviewed the former Superintendent regarding this or any other allegation. As recently as April 24, 2009, in the Fresno Bee, and on April 30, 2009, in the Sierra Star, those newspapers reported that the former Superintendent denied these and other allegations.

Again, while the Board does not approve of any unlawful use of audio/video equipment, and while the Board would appropriately discipline any employee for the unlawful use of audio/video equipment if brought to the Board’s attention, the Board disagrees with the Grand Jury’s use of the

⁷Taking into account all the procedures that are mandated by the Education Code regarding a teacher termination, a school district can reasonably expect to pay approximately \$100,000 to \$125,000 in costs and attorney’s fees in a case with complicated facts and subject matter, such as this case. If a school district does not prevail in a teacher termination hearing, it must pay the costs and attorney’s fees of the teacher, which can easily exceed \$100,000. Thus, if a District does not prevail in a teacher termination proceeding, the estimated costs will be in excess of \$200,000.00, and the teacher is still retained, leading to a potentially difficult working relationship between the parties. For example, if a District disciplined a teacher after the termination hearing, even for legitimate reasons, the teacher could claim retaliation, and file suit based on such claim.

Unfair Practice Charge to substantiate its conclusion regarding the alleged unlawful use of audio/video equipment by the former Superintendent.

5. Grand Jury Statement: "To remedy the loss of funding based on average daily attendance (ADA) at Foothill High, he [the former Superintendent] instructed staff to move 10 students from Evergreen School to Foothill High School. . . . This move was done on paper only, falsifying attendance records." (Page 1; paragraph 1.)

Response: The Board has been made aware of attendance accounting issues at Foothill High and Evergreen School. The cause of those attendance accounting issues remains unclear. However, the District did not receive extra funds as a result of this attendance accounting issue. The District previously filed corrected attendance reports with the Madera County Office of Education on July 1, 2008. The District continues to work with the Madera County Office of Education regarding these attendance issues.

6. Grand Jury Statement: "In order to save money, the Superintendent of YUSD staffed a Special Education class with a half time teacher and one aide, violating the State requirement of one full time teacher and two aides. . . . In signing [a hold harmless document], the Superintendent accepted the legal and possible financial liability of his actions, which is ultimately the responsibility of the YUSD Board of Trustees." (Page 3; paragraphs 1, 2.)

Response: The Board was unaware of this issue prior to the issuance of the Report. The Report does not indicate the date of these allegations. However, according to District research, the alleged misconduct apparently occurred in the 2005-2006 school year, prior to unification. Yosemite Unified School District was created pursuant to unification on July 1, 2006. Thus, this Board is not responsible for any alleged misconduct regarding the former Superintendent that predates unification and the election of this Board.

7. Grand Jury Statement: ". . . This property [Yosemite Falls Education Center] was purchased solely for the purpose of providing the Superintendent's wife a place to serve as Principal." (Page 1; paragraph 4.)

Response: This conclusion is contrary to existing enrollment data and is not supported by the facts. Using ADA data from "P-2," the table below reflects that the District's enrollment was steady or increasing for the two years prior to the purchase of the Yosemite Falls Education Center in January of 2007:

<u>Year</u>	<u>H.S.</u>	<u>Elem.</u>	<u>Total</u>
04-05	1398	1050	2448
05-06	1329	1086	2416
06-07	1371	1102	2473

The District's enrollment started to decline in the 2007-08 school year and declined in the 2008-09 school year:

<u>Year</u>	<u>H.S.</u>	<u>Elem.</u>	<u>Total</u>
07-08	1286	1100	2386
08-09	1273	1036	2309

However, at the time the property was purchased in January of 2007, District enrollment was growing. Thus, based on the enrollment data prior to the time of purchase, the District's acquisition of this property was reasonable.

Notwithstanding the objective enrollment data, and in an effort to avoid even the appearance of nepotism within the District, on October 15, 2008, the Board amended its Employee Complaint Policy (AR 1312.1) and adopted an Alternative Complaint Policy (AR 1312.1.1.) which allowed employees to bypass the former Superintendent if they had a concern about the former Superintendent's spouse. The Board also adopted new anti-nepotism policies (BP 4112.8/4212.8/4312.8) which took into account the familial relationship between the former Superintendent and his spouse.

8. **Grand Jury Statement:** "Nepotism had to be addressed by the YUSD Board of Trustees because of complaints by staff that the Superintendent was doing all he could to create an administrative position for his wife." (Page 2, paragraph 4.)

Response: The Board has already addressed this issue. On October 15, 2008, the Board amended its Employee Complaint Policy (AR 1312.1) and adopted an Alternative Complaint Policy (AR 1312.1.1.) which allowed employees to bypass the former Superintendent if they had a concern about the former Superintendent's spouse. The Board also adopted new anti-nepotism policies (BP 4112.8/4212.8/4312.8) which took into account the familial relationship between the former Superintendent and his spouse. These policies were developed during the time the former Superintendent was on site and working at the District.

9. **Grand Jury Statement:** "The Superintendent used school district employees to shuttle his children to and from medical appointments to Fresno." (Page 2, paragraph 3.)

Response: According to District research, based on the age of the former Superintendent's children, this alleged misconduct apparently occurred prior to unification on July 1, 2006. Thus, this Board is not responsible for alleged misconduct regarding the former Superintendent that predates unification and the election of this Board.

Response to Recommendations:

1. After P-2 was submitted on April 22, 2008, the District discovered the inaccuracy through its own internal audit. On discovering this inaccuracy, the District took immediate action to correct the attendance accounting issues regarding Foothill High and Evergreen School. The correction occurred on July 2, 2008. In addition, the external auditors audited and certified the corrected attendance and no audit findings were reported by the auditors. The District will continue to work cooperatively with the Madera County Office of Education regarding those issues.

2. This Board does not approve and has never approved of any unlawful use of audio or video recording equipment. If this Board discovers such unlawful use, it will discipline any employee for such use, up to and including termination. As the Madera County District Attorney's Office is an independent agency, this Board will defer to its decision on whether to initiate or not initiate an

investigation regarding the former Superintendent. This Board and the District will of course cooperate with any such investigation, to the extent possible.

3. This Board is mindful of employee use of District funds and property. To the extent that the Board discovers any misuse of District funds or property, it will discipline any employee for the misuse of District funds and property, up to and including termination.

4. The District has already investigated many of the matters set forth in the Report. To the extent the Report raised new issues, previously unknown to the Board, the Board has directed its new Interim Superintendent to investigate these new issues.

5. For the reasons stated above, this Board denies that it failed to monitor the actions of the former Superintendent or oversee the District. Once this Board learned of employee concerns, it acted prudently and appropriately, in a timely manner, in the best interest of the students, staff and taxpayers of the District and ultimately entered into a Resignation Agreement with the former Superintendent, whose employment relationship with the District will end on June 30, 2009.

Thank you for the opportunity to offer these corrections and comments.

Very truly yours,



Monika Moulin
President, Board of Trustees
Yosemite Unified School District

cc: Members, Board of Trustees
Interim Superintendent
Madera County Superintendent of Schools
Madera County School Board
Madera County Board of Supervisors
Mr. Greg L. McCoy, Esq.

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MADERA COUNTY GRAND JURY
2008-2009

*ADDENDUM TO THE 2008-2009
FINAL REPORT*

*This Addendum is a record of responses to the 2007-2008 Grand Jury
Final Reports that did not get published in the 2007-2008 Final Report*



P.O. BOX 534 MADERA, CA 93639 559-662-0964



P.O. Box 400
North Fork, CA 93643
(559) 877 - 6209
www.chawanakee.k12.ca.us

Stephen M. Foster, Ed. D.
Superintendent

Beverly Hinaman,
Business Manager

Kelly Marshall,
Human Resources Director

Mark Logee,
Director of Maintenance,
Operations and Transportation

North Fork

Cedar Continuation
High School

Cougar Springs
Community Day School

Manzanita Community
Day School

Mt. Oaks High School

North Fork Elementary

O'Neals

Chawanakee Academy

Spring Valley Elementary

Minarets High School
Opening 2009

Board of Trustees

Barbara Bigelow
Claudia Box
Jessie Hutchens
Jim McDougald
Larry Myers

SPRING VALLEY SCHOOL

P.O. Box 9, O'Neals, CA 93645
Telephone: (559) 868-3343 FAX: (559) 868-3407

June 25, 2008

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

Dear Members of the Grand Jury:

Thank you for visiting Spring Valley Elementary School! We are committed to the goal of academic excellence. We believe that the skills of reading, math, and language are the highest priority in the education of our students. We have created a safe and supportive environment that enhances the joy of learning for our students. We are pleased to have you visit and recognize the great job we are doing.

You made two recommendations for Spring Valley School. The first recommendation was to purchase new two-way radios for security purposes. We will have new radios in place before school starts in August. Your second recommendation was to secure the door facing the front of the school with an external keypad and panic bar. We keep that door locked now and it does have a panic bar. The door was part of our modernization project in 2004.

Thank you for your support of Spring Valley School. Please call me if you have any questions.

Sincerely,

Loretta Pesetski
Principal

**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.

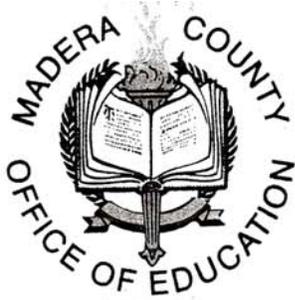
RESPONSES:

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

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SALLY L. FRAZIER, Ed.D.
Superintendent

June 19, 2008

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

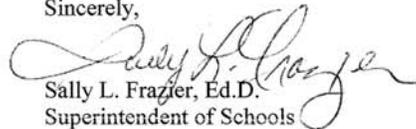
Dear Ms. Dominguez:

Thank you for providing the Madera County Superintendent of School's Office with a copy of the 2007-2008 Grand Jury Reports on James Monroe Elementary School, North Fork Elementary School and Chawanakee Academy.

While my office is not required to provide a response to your findings, I appreciate the opportunity to review the reports. I admire the time and commitment the Grand Jury devotes to our community and welcome your support.

Once again, thank you for your consideration in providing me with the reports and I look forward to our continued association.

Sincerely,


Sally L. Frazier, Ed.D.
Superintendent of Schools

SLF/nlb

**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

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SALLY L. FRAZIER, Ed.D.
Superintendent

June 19, 2008

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

Dear Ms. Dominguez:

Thank you for providing the Madera County Superintendent of School's Office with a copy of the 2007-2008 Grand Jury Reports on James Monroe Elementary School, North Fork Elementary School and Chawanakee Academy.

While my office is not required to provide a response to your findings, I appreciate the opportunity to review the reports. I admire the time and commitment the Grand Jury devotes to our community and welcome your support.

Once again, thank you for your consideration in providing me with the reports and I look forward to our continued association.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sally L. Frazier".

Sally L. Frazier, Ed.D.
Superintendent of Schools

SLF/nlb

**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

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SALLY L. FRAZIER, Ed.D.
Superintendent

June 19, 2008

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

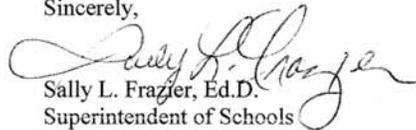
Dear Ms. Dominguez:

Thank you for providing the Madera County Superintendent of School's Office with a copy of the 2007-2008 Grand Jury Reports on James Monroe Elementary School, North Fork Elementary School and Chawanakee Academy.

While my office is not required to provide a response to your findings, I appreciate the opportunity to review the reports. I admire the time and commitment the Grand Jury devotes to our community and welcome your support.

Once again, thank you for your consideration in providing me with the reports and I look forward to our continued association.

Sincerely,


Sally L. Frazier, Ed.D.
Superintendent of Schools

SLF/nlb

**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

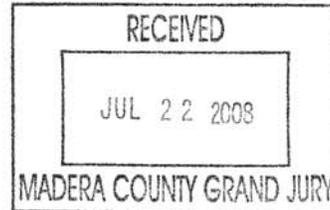
Madera County Office of Education
28123 Avenue 14
Madera, CA 93638

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

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ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
200 WEST 4th STREET/MADERA, CALIFORNIA 93637
(559) 675-7707 / FAX (559) 661-3006 / TDD (559) 675-8970



July 18, 2008

The Honorable Edward P. Moffat
Grand Jury Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Response to the 2007-2008 Grand Jury Final Report entitled Grant Writing Process.

The following recommendation related to the Auditor-Controller's Office appears in the subject report. "The Auditor Controller should adhere to the due dates as specified by CFAR and FSAA with regard to all County grants."

I agree with this recommendation. 2002 was the first year that the County's Comprehensive Annual Financial Report (CAFR) was required to be prepared under the provision of Governmental Accounting Standards Board (GASB) Statement Number 34. Due to the extraordinary circumstances that occurred in my office and the magnitude of the work required to comply with GASB 34, my office fell behind schedule in the preparation and submission of the CAFR and the accompanying Federal Single Audit Act Compliance Report (FSAACR). The attached memo from me to the Board of Supervisors dated March 17, 2008 explains the circumstances of this situation. While I am aware that the potential for the loss of grant funds due to the late submission of the subject reports does exist, from 2002 to now only one grant was actually lost. That was in January of 2008 and was a grant that the Fire Department applied for in the amount of \$ 110,000. At that time the County had an approved extension for the due date of the submission of the 2005-06 CAFR and FSAACR from its Cognizant Agency, the U. S. Department of Agriculture. This extension was not recognized by the granting agency.

It has always been my goal to file the subject reports by the due date. However, the circumstances described in the attached report have prevented that from being possible the last several years. In February of 2006, I was able to get back on schedule with the completion of the CAFR and FSAACR for 2004-05 by February of 2006. However, immediately after completion of that report, my long-time Assistant Auditor-Controller

and the person who had learned all the GASB 34 requirements and supervised the preparation of the reports, died suddenly. It has taken another two years to overcome this setback and get back on schedule.

Presently, my office is completing the last steps in the preparation of the 2006-07 CAFR and FSAACR. In June of 2008, the County was notified by its independent auditor, Quady and Leal, that, due to the loss of the one person on their staff experienced in performing governmental audits, the firm would not be able to perform the 2006-07 audit as contracted. Since that time my office has located a replacement firm whose contract for the 06-07 audit is on the Board of Supervisor's agenda for July 22, 2008. The firm is scheduled to begin field work that same week. The principal owner of the firm, Mr. Gary Caporicci has committed to do whatever he can to complete the audit by August 15, 2008. Additionally, I have recently filled the newly established position of Deputy Auditor-Controller and it is my intent to have this new person learn all that is necessary to prepare and submit the annual CAFR and FSAACR before the required due date. It is my belief that the 2007-08 reports will be done by the March 31, 2009 deadline.

Sincerely,



Robert F. DeWall, CPA
Auditor-Controller

Cc:
County Grand Jury
Clerk to the Board of Supervisors
County Administrative Officer
County Resource Management Agency

**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

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**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: July 8, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008
GRAND JURY FINAL REPORT ENTITLED "MAINTENANCE, MONEY &
ACCOUNTABILITY REGARDING FLOOD CONTROL", 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 Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Bigelow.

Distribution:

Auditor
CAO
Honorable John DeGroot
Reclamation Board State of California
US Army Engineer District Sacramento
Resource Management Agency
Engineering
Grand Jury
Granicus

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By 
Assistant Clerk

MJG



**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 27, 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, Money & Accountability Regarding Flood
Control."**

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, Money & Accountability Regarding Flood Control." 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 BOS lives up to the agreements established between the BOS, the Army Corps of Engineers and the Bureau of Reclamation in 1970."

Board of Supervisors' Response to Grand Jury Recommendation

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

Grand Jury Recommendations

"The Grand Jury recommends that the County maintains proper maintenance expenditure records."

Board of Supervisors' Response to Grand Jury Recommendation

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

Grand Jury Recommendations

"The Grand Jury recommends that the County establishes a high priority of repaying diverted loans from the Flood Control Trust Funds."

Board of Supervisors' Response to Grand Jury Recommendation

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

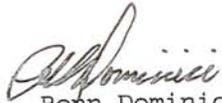
Grand Jury Recommendations

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

Board of Supervisors' Response to Grand Jury
Recommendation

The response of County Engineer 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
APR 18 2008
MADERA COUNTY BOARD
OF SUPERVISORS

April 16, 2008

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

Gentlemen:

Enclosed is a copy of the 2007-2008 Madera County Grand Jury report entitled **MAINTENANCE, MONEY & ACCOUNTABILITY REGARDING FLOOD CONTROL.**

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 18, 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 July 16, 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

FILED

APR 18 2008

MADERA COUNTY BOA
OF SUPERVISORS

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



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: June 27, 2008
TO: Stan Koehler, Assistant County Administrative Officer
County Administration Office
FROM: S. Greg Farley PE, County Engineer 
Department of Engineering and General Services
SUBJECT: Response to April 16, 2008 Grand Jury Report, Regarding Flood Control.

We received a letter dated April 16, 2008 from the Grand Jury with findings, conclusions, and recommendations. The purpose of this memorandum is to respond to the April 16, 2008 Grand Jury Report entitled MAINTENANCE, MONEY & ACCOUNTABILITY REGARDING FLOOD CONTROL.

GRAND JURY RECOMMENDATIONS:

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

The RMA-Flood Control Services has implemented a proactive approach to flood control management supported by tax assessments, cooperative agreements with a variety of local water agencies, and county resources. That program has been affected by a number of State initiatives including Proposition 13 and Proposition 218, which have limited funding options. Nevertheless, the County continues to dedicate available resources into flood control management, augmenting them where possible through Memorandum of Understandings (MOU's) with both the Madera Irrigation District (MID) and Chowchilla Water District (CWD).

2. The Grand Jury recommends that the County maintains proper maintenance expenditure records.

The recommendation has been implemented.

The RMA-Flood Control Services budget is under the budgetary control of the Resource Management Agency (RMA). Created in 1984-85, the Flood Control budget reflected the County's participation in flood control work for the Flood Control and Water Conservation Agency. Until 2004-05, funding of the Flood Control Services budget was reimbursed 100 percent by the Flood Control and Water Conservation Agency. Beginning in 2004-05, the

Flood Control and Water Conservation Agency revenue could no longer fully support the staff assigned to the RMA Flood Control Services budget, and it was necessary to augment this budget with local discretionary funds.

3. The Grand Jury recommends that the County establishes a high priority of repaying diverted loans from the Flood Control Trust Funds.

We are not aware of any loans.

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

RMA continues to be pro-active and will continue to take a proactive approach.

We disagree with the findings contained in the second paragraph on the second page, "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." The statement that "...residents would not be eligible for flood insurance," is incorrect. There are different reserves of money that are reviewed by different entities, and disaster funds are given based on the cause of the disaster.

Flood Insurance funds come from the National Flood Insurance program. This is not related to Public Law 84-99.

The National Flood Insurance Program (NFIP), however, does play a role in the levee situation. The NFIP pays flood insurance money to residents whose property is damaged by the 100 year, or 1% probability, flood event, as determined and reviewed by the Federal Emergency Management Agency (FEMA). To gain an extension on the decertification deadline, the USACE is requiring a hydrologic and hydraulic (H&H) modeling study for the 100 year flood event through the County's levee system in its current conditions. The results of the study are to verify whether or not the 100 year flood event will be contained within the levees, as shown on the Flood Insurance Rate Maps (FIRMs). If the study shows that the 100 year event cannot be contained within the levees, the floodzone boundaries will cover an even larger area than shown on the maps, and an even larger population of residents will need to purchase flood insurance coverage. The H&H study results are to be submitted to the NFIP for their review and records.

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



June 24, 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 MONEY & ACCOUNTABILITY REGARDING FLOOD CONTROL."

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.

In a spirit of cooperation, the Central Valley Flood Protection Board responded to the findings and recommendations in the Grand Jury's earlier report of January 2008 which pertained to the Board. However, most of the findings in the current report are internal to Madera County and do not pertain to the Board. The Board does respond that the Agreement of April 7, 1970, between the Reclamation Board of the State of California and the Madera County Flood Control and Water Conservation Agency, the Letter of April 4, 2007 from the Reclamation Board, and the Letter of March 30, 2007 from the U.S. Army Corps of Engineers to the

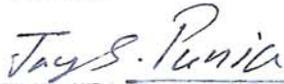
Madera County Grand Jury
June 24, 2008
Page 2

Reclamation Board, all attached to the Grand Jury report, are true copies of documents in the Board's files.

The Conclusions and Recommendations in the report pertain to matters regarding Madera County and the Board has no comment on them.

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

Sincerely,



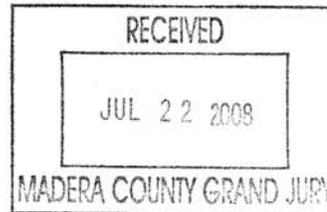
Jay S. Punia
Executive Officer



ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
200 WEST 4th STREET/MADERA, CALIFORNIA 93637
(559) 675-7707 / FAX (559) 661-3006 / TDD (559) 675-8970

July 14, 2008

The Honorable Edward P. Moffat
Grand Jury Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637



Subject: Response to the 2007-2008 Grand Jury Final Report entitled Maintenance, Money and Accountability Regarding Flood Control.

Following are my comments on the subject report.

History and Background.

The report states “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 Flood Control and Water Conservation District Fund is a Special Revenue Fund rather than a Trust Fund. These are two different types on accounting entities in governmental accounting. A Trust Fund is one established under the provision of a legal trust while a Special Revenue Fund is one established to account for certain revenues that must be accounted for separately from other types of revenue. The Flood Control and Water Conservation District Fund was established to account for revenues received for that special purpose. There is no trust or legal document involved so it should not be referred to as a “Trust” Fund.

The District was created prior to the implementation of Proposition 13 and levied its own property tax rate annually as approved and adopted by its Board of Directors, the County Board of Supervisors. Proposition 13, approved by the voters statewide in 1978 or 1979, eliminated all individual agency general property tax rates and replaced them with a 1% or \$ 1.00 per \$100 of assessed value, property tax rate. In order to distribute the dollars generated county-wide by this 1% rate, the state legislature devised a calculation method entitled the “AB-8” formula. Annually, each County Auditor-Controller uses this formula to determine what share each tax-receiving agency will get

of the total dollars collected by the levy of the 1%, Proposition 13, general property tax. For fiscal year 2007-2008, the Flood Control and Water Conservation District received .00160499 % of those property taxes resulting in estimated current property tax revenue of approximately \$ 150,000.

The Board of Supervisors does not divert money from the Flood Control District Fund. Flood Control activities are expensed in either the Flood Control Fund or the County General Fund. If the expenditures are done directly from the Flood Control Fund, Flood Control revenues are used to pay them and they are recorded as that Fund's expenditures. Some flood control activities are recorded as General Fund expenditures in the cost center entitled Resource Management Agency-Engineering Department-Flood Control Division. These are the Salaries and Benefits of the County employees who do flood control activities, the Services and Supplies expended to support their activities and any equipment specifically purchased for their use. These expenditures are annually reimbursed to the General Fund from the Flood Control District Fund. Each year my staff does an analysis of the General Fund flood control direct and indirect expenses and transfers that amount from the Flood Control Fund to the General Fund as reimbursement. In other words, General Fund cash is used to pay the expenses initially and Flood Control District Fund cash is transferred in to reimburse those advances. At no time were these reimbursements ever considered loans.

After the implementation of Proposition 13, which limited the levy of general property taxes, officials at the state and local level were concerned that this limitation would severely limit the revenue of certain special districts whose only source of revenue was property taxes. The state legislature responded by establishing the Special District Augmentation Fund (SDAF). This legislation allowed local boards of supervisors to redirect some, or all, of the property tax share earmarked for special districts into a special fund, the SDAF. The board was then required to hold an annual public hearing during which they would decide how much of the money in the SDAF would be distributed to which special districts. This process was in existence from the implementation of Proposition 13 until the early 1990's when the state legislature revoked it in order to solve state budget shortfalls. In Madera County, Boards of Supervisors historically distributed an amount of property taxes from the SDAF to the Flood Control District that exceeded the amount the District had contributed to that Fund. This resulted in the build up significant cash balances in the Flood Control Fund. After the state legislature revoked the SDAF process, the Board of Supervisors could no longer augment the revenues of the Flood Control Fund and the cash balance was reduced by the normal reimbursements to the General Fund for its flood control activities.

In fiscal year 1998-99 this reduction in the Flood Control Fund's cash balance and its impact on the Fund's ability to support future flood control activities was recognized by the County Engineer and County Administration. That year a proposal was made by the County Engineer for the General Fund to return some of the money it received from the Flood Control Fund in years prior as reimbursement for costs incurred by the General Fund for state-mandated water monitoring programs at the County landfill.

Enclosed is a copy of a page from the 1999-2000 proposed/recommended budget for the General Fund-Engineering Department-Flood Control Services Division that explains this return of Flood Control reimbursements to the General Fund in the amount of \$184,750 per year during the four year period 1998-99 through 2001-02. At the time these payments were made from the Flood Control Fund to the General Fund they were reimbursement for flood control expenditures made from the General Fund. The term loan was never used until this payback situation was proposed and approved. All four payments of \$184,750 were made to the Flood Control Fund in the specified time frame.

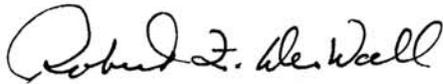
As I explained previously, annually a member of my staff analyses the direct and indirect expenses from the County General Fund for flood control activities and transfers cash from the Flood Control Fund to the General Fund as reimbursement to the General Fund. I believe that adequate records do exist to support these transfers. However, in its report the Grand Jury stated that "Currently, approximately \$ 700,000 cannot be accounted for." Without further detail, I can only speculate that the Grand Jury is referring to a lack of information on the part of the County Engineering Department-Flood Control Division to be able to track the expenditures recorded in that cost center, that were reimbursed by the Flood Control Fund, to specific flood control projects for specific amounts. If my supposition is correct and this is the condition to which the Grand Jury's comment relates, then only the County Engineering Department can comment on and take correction on, that situation.

The following are my responses to the two recommendations that specifically apply to the County Auditor-Controller that are contained in the subject report of the 2007-08 Grand Jury.

1. "The County maintain proper waterway maintenance expenditure records." As I explained, I believe that proper expenditure records are maintained in the Auditor-Controller's Office to support the calculation of the amount of reimbursement made annually from the Flood Control and Water Conservation District Fund to the General Fund for the cost of total flood control activities. I believe this comment applies to the Engineering Department and refers to subsidiary records that should be maintained by that Department to be able to show the specific projects accomplished and their costs and that these amounts should be comparable to the General Ledger amounts maintained in the Auditor-Controller's Office.

2. "That the County establish a high priority of repaying diverted loans from the Flood Control Trust Fund." As explained above, there currently are no outstanding loan amounts owed by any fund, including the County General Fund, to the Flood Control and Water Conservation District Fund so no action is required on this recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Robert F. DeWall".

Robert F. DeWall, CPA
Auditor-Controller

Cc:
County Grand Jury
Clerk to the Board of Supervisors
County Administrative Office
County Engineering Department

COMMENTS

The budget reflects the County's direct participation in flood control work for the Flood Control and Water Conservation District. Funding of the Flood Control Services budget is reimbursed by the Flood Conservation and Water District.

REVENUE

As of 7/1/98, the Flood Control and Water Conservation District had a fund balance of \$176,080. Based on the 1998-99 projected of \$256,915, there would not be adequate funds to maintain the Flood Control Services budget. Based on a proposal submitted by County Engineer during the 1998-99 Special District hearings, the Board of Supervisors agreed to repay the Flood Control and Conservation District for funds which were transferred out to assist in State-mandated water monitoring programs at the Madera Landfill. Four (4) annual payments of \$184,750 will be re-paid to the District over four (4) years, starting in 1998-99. The payment was made in December, 1998.

Since its inception, the Flood Control and Water District has received revenue from property tax. This revenue has an approximately \$70,000 a year.

	<u>1998-99</u>	<u>1999-00</u>
Repayment of Loan from Landfill to Flood Control & Water Conservation District	\$184,750	\$184,750
Estimated Property Tax to Flood Control & Water Conservation District	<u>70,000</u>	<u>70,000</u>
REVENUE	\$254,750	\$254,750
Less: Flood Control Services Budget	<u>240,500 (est)</u>	<u>262,267</u>
Estimated Funds to be retained in Flood Control Trust	\$ 14,250	(\$ 7,517)

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**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: June 24, 2008

In the Matter of CONSIDERATION OF APPROVAL OF RESPONSE TO THE 2007-2008
GRAND JURY FINAL REPORT ENTITLED "ENVIRONMENTAL HEALTH
SERVICES", 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:

ATTEST:

TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

~~LAO~~
~~Environmental Health~~
~~Resource Management Agency~~
~~Grand Jury~~
~~Honorable John DeGroot~~
~~Granicus~~

By *Nancy Shinn*
Deputy Clerk

ns



**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 24, 2008

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

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL
2007-08 Grand Jury Final Report
ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.

ATTEST:
TANNA G. BOYD
CLERK OF THE BOARD OF SUPERVISORS
IN AND FOR THE COUNTY OF MADERA, STATE OF CALIFORNIA
BY Nancy Shinn DATE 6/24/08
(DEPUTY)

**Subject: Response to the 2007-08 Grand Jury Final Report entitled
"Environmental Health Services."**

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 "environmental Health Services." (See Attachment #1).

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

Grand Jury Conclusion

"The Food Facilities Inspection Program has clearly not been a priority and suffered as a result."

Grand Jury Recommendation

"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."

Grand Jury Recommendation

"The Director should monitor, more closely, the operation of her Department which includes getting the food facilities inspection list in order."

Grand Jury Recommendation

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

Board of Supervisors' Response to Grand Jury Recommendation

The responses of the Director of Environmental Health to the above conclusion and recommendations are considered appropriate and are submitted as the Board of Supervisors' response to these Recommendations. (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

APR 14 2008

MADERA COUNTY BOARD
OF SUPERVISORS

April 9, 2008

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

Gentlemen:

Enclosed is a copy of the 2007-2008 Madera County Grand Jury report entitled Environmental Health Services.

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 11, 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 9, 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

RECEIVED

APR 14 2008

ADMINISTRATIVE OFFICE

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, as a reason for leaving, was mentioned 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. Reasons 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:

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

Madera County
RMA Director
2037 W. Cleveland Ave.

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

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



**RESOURCE MANAGEMENT
AGENCY**

ENVIRONMENTAL HEALTH
Jill Yaeger, Director

2037 W. Cleveland Avenue
Madera, CA 93637-3693
(559) 675-7823
FAX (559) 675-7919
TDD (559) 675-8970
envhealth@madera-county.com

May 23, 2008

TO: Stan Koehler, Chief Assistant Administrative Officer
FROM: Jill Yaeger, Environmental Health Director *Jill Yaeger*
SUBJECT: Draft Response to Grand Jury 2007-08 Final Report - Resource Management Agency Environmental Health Services, dated April 9, 2008.

Grand Jury Conclusions:

"The Food Facilities Inspection Program has clearly not been a priority and suffered as a result."

Department Response:

The Food Facilities Inspection Program is a core environmental health program and a basic public health and safety service and therefore is considered by the Environmental Health Director to be of utmost importance. However, it is just one of many programs implemented by the Environmental Health Department and may not necessarily be on the overall Resource Management Agency's immediate list for attention. This past year, the Food Program staff has increased their presence at outdoor events and stepped up their enforcement of illegal food vendors working closely with City and County Code Enforcement in this endeavor.

Grand Jury 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."

Department Response:

This recommendation has been implemented. The Supervisor has evaluated the food facility inventory and established a minimum inspection frequency of 30 inspections each month to obtain a minimum of one inspection per facility per year. The food facility inspectors were provided a list of inventoried facilities showing last inspection dates and were instructed to perform a

minimum of 30 inspections (15 each). A total of 70 food facility inspections were conducted from March 15, 2008 to April 15, 2008 more than twice the number required. This reflects two (2) full-time inspection staff since February 2008 (a third food program inspector is currently on maternity leave) and proper training of a newly hired staff person in February. Additionally, the Department will implement plans to upgrade the current computer program that will provide the inspector(s) an automatic To Do List at various frequencies in the 2008-09 fiscal year. The upgraded version will also provide enhanced management tools for tracking activities and monitoring inspections. The Department will also implement a field inspection system in the 2008-09 fiscal year that will improve efficiency of data entry (the system will automatically record the field activity) and reduce the amount of time currently needed for inspectors to manually enter the data.

Grand Jury Recommendation:

"The Director should monitor, more closely, the operation of her Department which includes getting the food facilities inspection list in order."

Department Response:

This recommendation has been implemented. The Director will run a monthly report to monitor the number of food facility inspections performed. The Director will also monitor the current status of these facilities to ensure proper action is taken, e.g., facility needs inspection, facility is closed and removed from the inventory, facility is under enforcement action, etc. Additionally, training on data entry and facility inspection tracking for all inspectors will be provided by June 30, 2008.

Grand Jury Recommendation:

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

Department Response:

This recommendation has been implemented. This is already being done through many different REHS classifications, including the Director, Supervising, Senior REHS program managers, and other journey level REHS I/II personnel. The Grand Jury report implies an inadequate training program. However, turnover of staff can be attributed to adjacent higher paying counties intentionally recruiting Madera County EHS inspectors because of their knowledge and training. All unregistered EHS staff is properly certified in meeting the minimum required hours of both direct (REHS) and indirect (other trained EHS) training. The use of trained non-registered EHS staff that has experience in a specific area to assist in the training of just hired new staff is not uncommon to jurisdictions that face challenges in recruiting at a higher classification level. It also facilitates the training of newer staff so that

program inspection goals are met. Given the Department's staffing allocation and workload demands of all environmental health programs, this training program is compliant. However, the Department endeavors to always strive for improvement.

The Environmental Health Department looks forward to a revisit to EHS to check the progress of the food inspection program again next year.

C: Ray Beach, RMA Director
John Weiser, Deputy RMA Director
Phil Hudecek, Supervising EHS

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**BOARD OF SUPERVISORS
COUNTY OF MADERA**

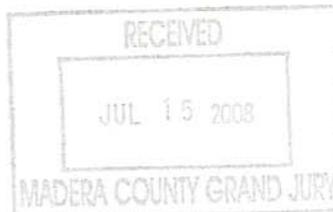
MADERA COUNTY GOVERNMENT CENTER
200 4TH STREET, MADERA, CALIFORNIA 93637
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

Tanna Boyd, Clerk of the Board

July 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
entitled "Maintenance District 95."**

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 "Maintenance District 95." (See Attachment #1).

The attached responses to the Findings and Recommendations by the County Engineer and the Special District Manager (See Attachment #2), and the Director of Environmental Health (See Attachment #3) is submitted as the Board of Supervisors' response.

Sincerely,

Ronn Dominici
Chairman
Madera County Board of Supervisors

Attachments

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

FILED
APR 18 2008
MADERA COUNTY BOARD
OF SUPERVISORS

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. deep. A 40 horsepower submersible pump was installed at 399 feet (ft.). During the initial 5-day pump 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 the same as the 2002 report. However, once again the North well was reported in standby and not backfilled with concrete by the driller to 550 ft. "Concerns of Arsenic, Iron, and Manganese may 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 years 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 counter productive.

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:

- Presentation by CWSC representative, first
- Proposed rate increase which was rejected by MD 95 residents, second.
- 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:

- 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.
- 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



RESOURCE MANAGEMENT AGENCY

S. Greg Farley P. E.
Madera County Engineer

SPECIAL DISTRICTS DIVISION

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

May 14, 2008

To: Stan Kohler
Madera County Assistant CAO

Through: S. Greg Farley PE
Madera County Engineer

From: Brett Richards
Special Districts Manager

SUBJECT: MD95 - GRAND JURY REPORT RESPONSE.

This MD95/Grand Jury response is the result of direction from County Administrative Office memo dated April 23, 2008. This cover memo states, "Normally, we request that the department submit to this Office their draft responses only to the Recommendations section of the report. However, in the case of this report, you may wish to discuss with County Counsel as to whether it would also be appropriate to comment on their Findings and Conclusion." As a result of this recommendation, and in consideration of the issues currently ongoing with MD95, the County Engineer and Special Districts manager met with County Counsel on May 13, 2008. Direction to staff was to go beyond just the "Recommendations" responses and prepare comments on any issue(s) contained in the report that could use clarification.

Response of the Department of Engineering & General Services to 2007-2008 Madera County Grand Jury Final Report-Maintenance District 95

FINDINGS. Pursuant to Penal Code Section 933.05(a), the Department of Engineering & General Services responds to the Findings set forth in the 2007-2008 Grand Jury Report as follows:

Finding at paragraph 3, page 1:

The Department of Engineering & General Services agrees with this statement

Finding at paragraph 4, page 1:

The Department of Engineering & General Services has not reviewed the referenced document and on such basis neither agrees nor disagrees with this statement.

Findings at paragraph 5, page 1:

The Department of Engineering & General Services has not reviewed the referenced document and on such basis neither agrees nor disagrees with this statement.

Finding at paragraph 6, page 1:

The Department of Engineering & General Services did not provide this information, and disagrees with these statements. The system is supplied by three (3) wells, designated by this Department as the North, South and East wells. Meters are installed on all three wells, residential meters, installed at each parcel, are not required by State law.

Finding at paragraph 1, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 2, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 3, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 4, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department, and the Department is unfamiliar with the information and with the context in which the information was provided.

Finding at paragraph 5, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department, and the Department is unfamiliar with the information and with the context in which the information was provided.

Finding at paragraph 6, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department, and the Department is unfamiliar with the information and with the context in which the information was provided.

Finding at paragraph 7, page 2:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 1, page 3:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 2, page 3:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 3, page 3:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph as the information forming the basis for the statements was not provided by this Department.

Finding at paragraph 4, page 3:

The Department of Engineering & General Services neither agrees nor disagrees with the statements set forth in this paragraph that reference "EHD" (Environmental Health Department), as the information forming the basis for the statements was not provided by this responding Department.

With respect to "how much it would cost to inspect and confirm, who would pay for the inspection" and that "[a]t this writing nothing has been done...", the Department of Engineering & General Services disagrees with the finding in that: The costs were estimated, as of Summer 2007, to be a minimum of \$3,000.00 to \$7, 000.00, possibly more. These issues were answered and discussed with the property owners, and discussed before the Board of Supervisors. The Board of Supervisors stated that the County general fund would not pay the costs of such work; rather the property owners within the District would have to bear the costs. Property owners within the District rejected the proposed rate increases that could have funded the referenced investigation.

Finding at paragraph 5, page 3:

The Department of Engineering & General Services agrees with the statement set forth in this paragraph in that: The Department has conflicting information as to whether or not the North well has not been backfilled.

Finding at paragraph 6, page 3:

The Department of Engineering & General Services disagrees with the statements set forth in this paragraph in that: The East well is not in stand-by; the term "stand-by" is a special designation under regulations of the California Department of Public Health limiting the use of wells so designated. The North well is presently in stand-by status. None of the District's wells pumps into any other of the District's wells; rather, each well pumps into a common feed line which delivers water into the storage tank.

Finding at paragraph 7, page 3:

The Department of Engineering & General Services agrees with the statement that "[t]he County is charged with maintaining the water system and is overseen by the Board of Supervisors when acting as the Board of Directors for MD 95". The Department neither agrees nor disagrees with the remainder of this paragraph as no finding is made therein.

By way of further information, the East well has previously supplemented the water supply of the District, although not providing similar quantities to that provided by the South well. District residents have requested of County staff that the East well be utilized to supplement District water supply, and staff has acceded to the residents' requests. For these reasons the well was not "shut down".

Finding at paragraph 8, page 3:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein. By way of further information, a booster pump failed due to age, and wear and tear from usage; it did not "run dry". There has never been an unbiased determination made that it is a "bad system"; rather, District infrastructure is adequate for the ordinary demands of a similarly sized district. The District faces funding challenges that the property owners within the District have repeatedly refused to address.

Finding at paragraph 1, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 2, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 3, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 4, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 5, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 6, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 7, page 4:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

Finding at paragraph 1, page 5:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no finding is made therein.

CONCLUSIONS. Conclusions at paragraph 2, page 5, through paragraph 2, page 6, inclusive:
The Department of Engineering & General Services neither agrees nor disagrees with these paragraphs as no findings or recommendations are made therein, and Penal Code Section 933.05 contains no requirement to respond to Grand Jury "Conclusions". On such basis, the Department makes no response to "Conclusions".

RECOMMENDATIONS. Pursuant to Penal Code Section 933.05(b), the Department of Engineering & General Services responds to the Recommendations set forth in the 2007-2008 Grand Jury Report as follows:

Recommendation at paragraph 3, page 6:

The Department of Engineering & General Services neither agrees nor disagrees with this paragraph as no recommendation is made therein.

Recommendation at paragraph 4, page 6, first sub-part:

The recommendation to take immediate action to inspect the North well will not be implemented by the Department of Engineering & General Services as this well is seldom utilized and District budgetary constraints do not permit expenditure of the costs associated with such inspection.

Recommendation at paragraph 4, page 6, second sub-part:

The recommendation to determine why the East well functions as described will not be implemented by the Department of Engineering & General Services as District budgetary constraints do not permit expenditure of the costs associated with making such a determination. By way of further information, both the North and East wells are in off-line status; the North well, only, is in standby status, the term standby being a special designation by the California Department of Public Health.

Recommendation at paragraph 5, page 6:

This recommendation will not be implemented by the Department of Engineering & General Services; the Department has no control over the operations of the Office of the Auditor-Controller.

Recommendation at paragraph 6, page 6:

This recommendation will not be implemented by the Department of Engineering & General Services; the Department has no control over the operations of the Environmental Health Department.



RESOURCE MANAGEMENT AGENCY

ENVIRONMENTAL HEALTH
Jill Yaeger, Director

ATTACHMENT #3

2037 W. Cleveland Avenue
Madera, CA 93637-3593
(559) 675-7823
FAX (559) 675-7819
TDD (559) 675-8970
envhealth@madera-county.com

June 6, 2008

TO: Ray Beach, Resource Management Agency Director
FROM: Jill Yaeger, Environmental Health Director *Jill Yaeger*
SUBJECT: Response to Grand Jury 2007-08 Final Report - Maintenance District 95

Grand Jury Recommendations:

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

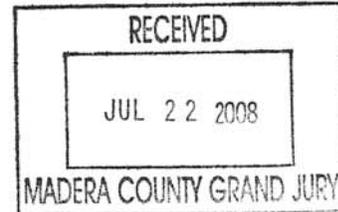
Department Response:

This recommendation has been implemented. Water program staff has been directed to review the previous inspection report and to note all corrections needed prior to conducting a new inspection to ensure that the Water System has complied with all corrections. In addition, inspection violations and comply by dates are entered in a computer software program that generates a list of corrections needed for each water system and their corresponding compliance date. This list is reviewed in 30 day increments by water system program staff and management so that follow up on all corrective actions is completed by the specified compliance date. This To Do List can be viewed on a daily basis as well.

C: John Weiser, Deputy RMA Director
Phil Hudecek, Supervising EHS



ROBERT F. DE WALL
AUDITOR-CONTROLLER COUNTY OF MADERA
200 WEST 4th STREET/MADERA, CALIFORNIA 93637
(559) 675-7707 / FAX (559) 661-3006 / TDD (559) 675-8970



July 15, 2008

The Honorable Edward P. Moffat
Grand Jury Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Response to the 2007-2008 Grand Jury Final Report entitled Maintenance District 95

The following are my comments on the subject report.

In the "Introduction" paragraph the statement is made that the Grand Jury was asked to investigate allegations of misappropriation of funds. I do not see any comments or findings in the report concerning that allegation.

Paragraph 3 on page 4 contains the statement, "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."

There have been times since February of 2006 that utility bills were mailed late. During that period, utility billing was accomplished on a computer system not specifically designed to perform that function. The process was based on a series of "use files" and was very complex and confusing. Only two employees in the office were completely familiar with this system. Karen Brough, the former Assistant Auditor-Controller died suddenly from a heart attack in February, 2006 and Peggy McGraw, the utility billing clerk, went on an extended medical leave in January of 2007 and never returned to work. It was during that time that the late billings occurred and this happened only in those billing periods following rate changes that were approved by the Board of Supervisors. Other employees in my office had to investigate how to effect the rate changes into the system and this held up the distribution of the bills. The statement that bills would often arrive just days before the penalty phase was ready to go into effect is incorrect because the bill form in use during that time contained the statement that payment was not due until 15 days after receipt of the bill. Therefore, the customer had this 15 day period regardless of when they received the bill. Also, under

the old system, there was no provision for the addition of penalties or interest on past due balances.

Two statements appear in the "Conclusions" paragraph on page 5. The first is "When the residents were asking for accounting figures and budgets, why were they not forthcoming?" and the second is "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."

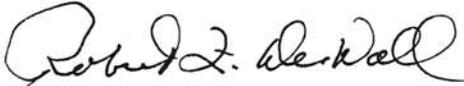
A separate fund is maintained to keep track of the revenues and expenditures for the operation and maintenance of the MD 95 water system. Annually, the Board of Supervisors approves a budget for all special districts, including MD 95. That budget is input to the accounting system computer and appears on a monthly report entitled "Changes in Cash Balance". This report for the MD 95 Fund shows all the individual revenue and expenditure accounts used and shows the budget and actual activity in each account. A copy of that report for the MD 95 Fund for the 2007-2008 fiscal year through the month of May, 2008 is attached as an example. This report is always provided to any resident of any district when requested. In the case of MD 95, in the last few years I have met with two different residents and have explained the components of this report. I am not aware of any instance where employees of my office did not respond to any request for accounting information. In addition to providing copies of the Changes in Cash Balance reports upon request, I know that my staff has also provided information about the individual vendor invoices that, upon payment, are recorded as expenditures in the MD 95 Operation and Maintenance Fund and I am aware of times that information has been provided to MD 95 residents on the individual PG&E invoices recorded as expenditures in the Gas and Electricity account.

There is only one situation I know of where my office could not provide detailed information when requested. One of the expenditure accounts used in the MD 95 Fund is entitled "Direct MAINT EXP-DEGS". This title stands for Direct Maintenance Expense-Department of Engineering and General Services. The invoices paid and posted to this account are from the Engineering Department, Division of Special District Services and represent the charges for the labor and supplies performed and expended by that cost center when working on the various sewer and water systems operated by the County, including MD 95. The invoices received by my office do not show the detail behind the charges, the number of hours worked by which maintenance workers and other costs involved. This detail is only available in the Special District Services Office. I know that there have been times when residents have requested detail on the expenditures posted to the Maintenance Expense account and, after being shown the invoices on file in my office, have asked for more information. In those instances, my staff has explained to the resident that the additional information must be obtained from the Engineering Department. All of the accounting and budgeting information pertaining to any and all special districts available in my office has always been provided when requested. I know of no instance in my 23 years with the County that any requested information as described in the Grand Jury's report has not been provided if it is available in this office.

The statement appears in the "Recommendations" section of the report, "Because of its continued mismanagement the Grand Jury recommends that the Auditor Controller's Office of Madera County resolve it's internal deficiencies and strive to provide accurate and timely billing to all Special Districts within the County."

I strongly disagree with the general tone of this recommendation. While there have been times in the past two years when utility billings have been mailed late, this was due to extraordinary circumstances that occurred in the office and has never resulted in a penalty to any customer. No member of the Grand Jury interviewed any employee of this Department during the investigation of this issue and, had they done so, I believe the facts would show that the subject complaint was greatly exaggerated. As of July 1, 2008, my office began using a new computer system for utility billing that was designed specifically for this purpose. Also, in the 2008-09 budget I have asked for an additional staff position to replace Peggy McGraw as the full-time utility billing clerk. In my opinion the use of the term "continued mismanagement" is totally inappropriate. The unusual problems that have occurred in my office have been addressed and solutions are being implemented.

Sincerely,



Robert F. DeWall, CPA
Auditor-Controller

Cc:
County Grand Jury
Clerk to the Board of Supervisors
County Administrative Office
County Resource Management Agency
County Engineering Department

COUNTY OF MADERA
 CHANGES IN CASH BALANCE
 AS OF 05/31/08
 Page 213

	ADJUSTED BUDGET + CASH BAL	Y T D ACTUAL	ENCUMB EXPEND	ACTUAL + ENCUMB	UNDER (OVER) BUDGET
MD 95 - WTR 25001					
640101 INTEREST ON CASH	110.00	(57.12)	0.00	(57.12)	167.12
660212 SVC CHG - WTR/SWR	27850.00	23,360.00	0.00	23,360.00	4,490.00
MD 95 - WTR REVENUE	\$27960.00	\$23,302.88	0.00	\$23,302.88	\$4,657.12
720300 COMMUNICATION SVCS	0.00	255.12	0.00	255.12	(255.12)
720600 INSURANCE EXPENSE	408.00	460.14	0.00	460.14	(52.14)
720601 GENERAL INSURANCE	200.00	200.00	0.00	200.00	0.00
720907 MAINT - WATER SYS	756.00	1,154.75	0.00	1,154.75	(398.75)
720913 DIRECT MAINT EXP-DEGS	5360.00	4,700.46	0.00	4,700.46	659.54
720916 WATER/SEWER TESTING	3500.00	782.50	0.00	782.50	2,717.50
721100 MEMBERSHIPS	150.00	150.00	0.00	150.00	0.00
721300 OFFICE EXPENSE	0.00	23.28	0.00	23.28	(23.28)
721403 AUDIT/ACCTG SVCS	235.00	0.00	0.00	0.00	235.00
721500 ADVRTS/PUBL & LEGAL NOTICES	0.00	297.58	0.00	297.58	(297.58)
722101 GAS & ELECTRICITY	20150.00	17,817.17	0.00	17,817.17	2,332.83
MD 95 - WTR EXPENDITURES	\$30759.00	\$25,841.00	0.00	\$25,841.00	\$4,918.00
MD 95 - WTR REV - EXPEND	\$ (2799.00)	\$ (2,538.12)	0.00	\$ (2,538.12)	\$ (260.88)
MD 95 FUND ADMIN 92500					
101100 CLAIM ON CASH	286.24	286.24	0.00	286.24	0.00
491100 F/B UNRES UNDES	2824.36	2,824.36	0.00	2,824.36	0.00
MD 95 FUND ADMIN REV - EXPEND	\$0.00	\$0.00	0.00	\$0.00	\$0.00
MD 95 RANCHOS WEST TOTAL REVENUE	\$27960.00	\$23,302.88	0.00	\$23,302.88	\$4,657.12
MD 95 RANCHOS WEST TOTAL EXPENDITURES	\$30759.00	\$25,841.00	0.00	\$25,841.00	\$4,918.00
MD 95 RANCHOS WEST REVENUE - EXPENDITURES	\$ (2799.00)	\$ (2,538.12)	0.00	\$ (2,538.12)	\$ (260.88)
MD 95 RANCHOS WEST BEGINNING CASH BALANCE	\$2824.36	\$2,824.36	0.00	\$2,824.36	\$0.00
MD 95 RANCHOS WEST ENDING CASH BALANCE	\$25.36	\$286.24	0.00	\$286.24	\$ (260.88)

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Office of the State Fire Marshal

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov



May 30 2008



Ms. Linda R. Dominguez, Foreperson
Madera County Grand Jury
P.O. Box 543
Madera California 93639

Dear Ms. Dominguez:

Thank for sending us a copy of the 2007-2008 Madera County Grand Jury Final Report of your review of the Chowchilla City Fire Department. Your review seemed thorough and comprehensive. We appreciate your attention to the safety of the citizens of Chowchilla and the County of Madera.

Although we appreciate your support of the Chowchilla City Fire Department and do not find fault with either your conclusions or recommendations, we have no jurisdiction over the City of Chowchilla as to how they staff, equip or fund their fire department. We support the City of Chowchilla, the Fire Chief and the County of Madera in any attempts to improve the level of service of the Chowchilla City Fire Department. We also encourage the continued use, and the potential expansion, of any Mutual Aid agreements that directly benefit the citizens. Mutual Aid agreements are cost beneficial and operationally sound.

Thank you again for your concern and attention to the fire protection services in your community.

Sincerely,

KATE DARGAN
State Fire Marshal

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PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

**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

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