

**2010-2011
Madera County Grand Jury**



Final Report

July 1, 2010 through June 30, 2011

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2010 – 2011
Madera County Grand Jury Final Report
Book

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2010-2011 Madera County Grand Jury Final Report

With signatures below, this document becomes

The Final report of

The 2010-2011 Madera County Grand Jury

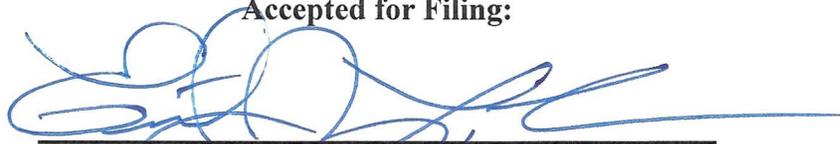
July 1, 2010 through June 30, 2011

Approved by the Grand Jury



**Lawrence A. Haugen, Foreperson
2010-2011 Madera County Grand Jury**

Accepted for Filing:



**Hon. Ernest J. Licalsi, Supervising Judge
Superior Court of California**



MADERA SUPERIOR COURT

209 West Yosemite Ave
Madera, CA 93610

Phone: 559-675-7944
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby
Assistant Presiding Judge: D. Lynn Jones

May 23, 2011

RE: 2010-2011 Grand Jury

To: Residents of Madera County

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

The 2010-2011 Grand Jurors served from July 2010 through June 2011. During their tenure in office, the Grand Jury conducted numerous investigations and inquiries into the operation of the state and local government. The 2010-2011 Grand Jury worked diligently, effectively and efficiently in addressing concerns presented to them.

In January of this year, I was assigned the position of Supervising Judge of the Madera County Grand Jury, succeeding Judge Mitchell C. Rigby, who became our Presiding Judge. I thank Judge Rigby for his dedicated work in this position during the first half of this Grand Jury's term. I feel extremely fortunate to work with such a dedicated group of Madera County citizens who have been so generous with their time. With the outstanding leadership of Foreperson Lawrence Haugen, this Grand Jury accomplished its goal of providing service to Madera County and upholding each member's solemn duty to do their utmost in being conscientious, complete and accurate. I look forward to working with the 2011-2012 Grand Jury. As citizens of Madera County, you should be proud of this Grand Jury's accomplishments, as evidenced by the numerous reports contained in this final report.

I want to personally thank each member of the 2010-2011 Madera County Grand Jury for their selfless dedication to duties as Grand Jurors. Congratulations on a job well done.

Ernest J. LiCalsi
Supervising Judge
2010-2011 Madera County Grand Jury



Madera County Grand Jury

June 30, 2011

Hon. Ernest J. LiCalsi
Supervising Judge of the Superior Court
State of California, County of Madera

Dear Judge LiCalsi:

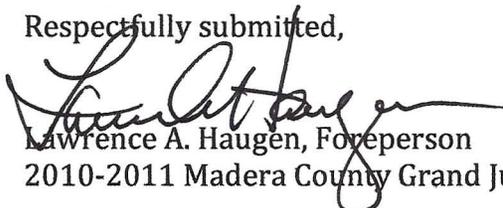
On behalf of the 2010-2011 Madera County Grand Jury it is my pleasure and privilege to present you with our Final Report as required by California Penal Code, Section 933. This report is a compilation of the final reports issued and the associated responses received through the Grand Jury term of July 1, 2010 through June 30, 2011.

The members of the Grand Jury wish to extend to you our deepest appreciation for your support and guidance during the year. We would be remiss if we did not also acknowledge with gratitude the support and courtesy we received from the Hon. Mitchell C. Rigby while he served as our supervising judge through December 31, 2010. It has indeed been an honor and privilege for the panel to have worked with such fine jurists on behalf of the residents of Madera County.

The 2010-2011 Grand Jury has accomplished a great deal, and this heavy workload would not have been possible without the full support and participation of all members. While some members initially took up their duties with trepidation, the diligence and integrity of all members are evident in every report. Our reports have highlighted not only areas in need of improvement within the county, but also have demonstrated that the citizens of the county generally are well served by the many dedicated, industrious public employees within Madera County.

The role of any Grand Jury as a watchdog for the county's residents is fixed at only one year. However the ongoing efforts of preceding and successive Grand Juries insures that the residents of the county have an independent voice for oversight of those elected and appointed to serve us all. It has been my great privilege and honor to serve with my fellow panel members in upholding this tradition.

Respectfully submitted,


Lawrence A. Haugen, Foreperson
2010-2011 Madera County Grand Jury

Madera County Grand Jury
2010 - 2011
Supervising Judges

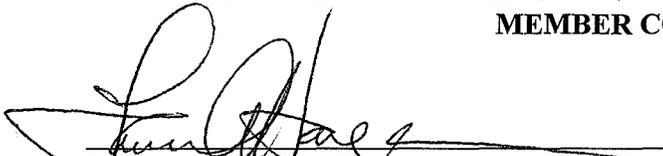


The Honorable
Mitchell C. Rigby
Presiding Judge of the
Superior Court
Supervising Judge, Grand Jury
July 1, 2010
to December 31, 2011



The Honorable
Ernest J. LiCalsi
Supervising Judge, Grand Jury
January 1, 2011
to June 23, 2011

2010 – 2011 MADERA COUNTY GRAND JURY MEMBERS
MEMBER COMMITTEE ASSIGNMENTS

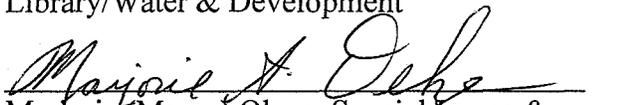

Lawrence Haugen: Foreman


Ben R. Kelly: Reports Chair/Ad Hoc


Marion Kerswell: City/County/Schools/Public Safety & Welfare

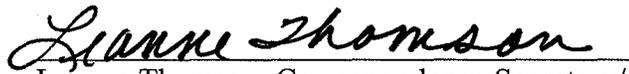

Joseph LaRoche: County/Schools

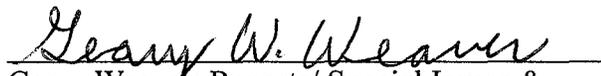

James Manos: Sergeant at Arms/Public Safety & Welfare Chair/Reports/Special Issues & Library/Water & Development


Marjorie (Marny) Oleze: Special Issues & Library Chair/Public Safety & Welfare/Reports

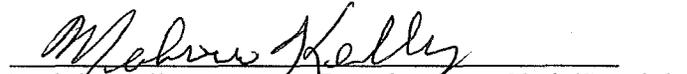

Patricia Scrivner: County/Water & Development


Debbie Smith: Treasurer/City/County/Reports Schools


Leanne Thomson: Correspondence Secretary/City Chair/Reports

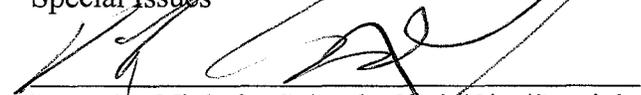

Geary Weaver: Reports/ Special Issues & Library/Water & Development

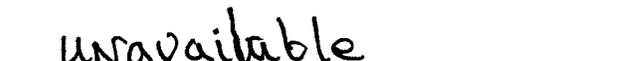

Ralph Capone: Pro Tem/Ad Hoc Chair/Public Safety & Welfare/Schools


Melvin Kelly: Water & Development Chair/Special Issues & Library

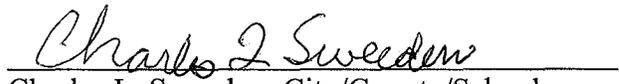

George Kinkade, Sr: City/Schools/Water & Development


Carol Lee: Recording Secretary/County/Library/Special Issues


Bruce McNichols: Schools Chair/City/Special Issues & Library


Alan Patchell: Schools/Public Safety Welfare/Water & Development


James Sims: Public Safety & Welfare/Special Issues & Library


Charles L. Sweeden: City/County/Schools


Jeanie Turpenen: City/County Chair/Reports

2010- 2011 Madera County Grand Jury



Members

**First Row: Lawrence Haugen (Foreperson), Debbie Smith (Treasurer),
Jeannie Turpenen, Ben R. Kelly, George Kinkade, Sr.**

**Second Row: Bruce McNichols, Marion Kerswell, Marjorie (Marny)
Oelze, James Manos, Melvin Kelly**

**Third Row: Joseph LaRoche, Jr., Carol Lee (Recording Secretary),
Leanne Thomson (Corresponding Secretary)**

**Back Row: Charles L. Sweeden, Ralph Capone (Foreperson Pro Tem),
Patricia Scrivner**

No Picture Available: Alan Patchell, James Sims, Geary Weaver

2010 – 2011 Madera County Grand Jury

The 2010 – 2011 Madera County Grand Jury

*Wishes to Thank
The following*

*The Honorable Mitchell C. Rigby
Presiding Judge of the Superior Court
Supervising Judge for the Grand Jury
July 1, 2010 to December 31, 2010*

*The Honorable Ernest J. LiCalsi
Supervising Judge for the Grand Jury
January 1, 2011 to June 30, 2011*

*Ms Lynda Pierini
Court Supervisor, Jury Division*

*Mr. Michael Keitz
District Attorney, Madera County*

*Madera County Administrative Staff
Information Technology Staff*

*The dedicated employees of the cities and the county of Madera
who unselfishly serve the residents of the county in so many
ways, especially in the time of natural disasters such as the
storms of the past winter.*

The History of the Grand Juries

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

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

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

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

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

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

Some Grand Jury investigations are triggered by public concern. These complaints may be brought to the Grand Jury by way of letters, phone calls, or emails. These issues and concerns are brought before the Grand Jury panel in order to determine if an investigation is warranted. All Grand Jury business is conducted in secret, and all information and discussions are considered highly confidential. This secrecy is required in order to:

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

Contact Information

2010 – 2011

Madera County Grand Jury



PO Box 534

Madera, CA 93637

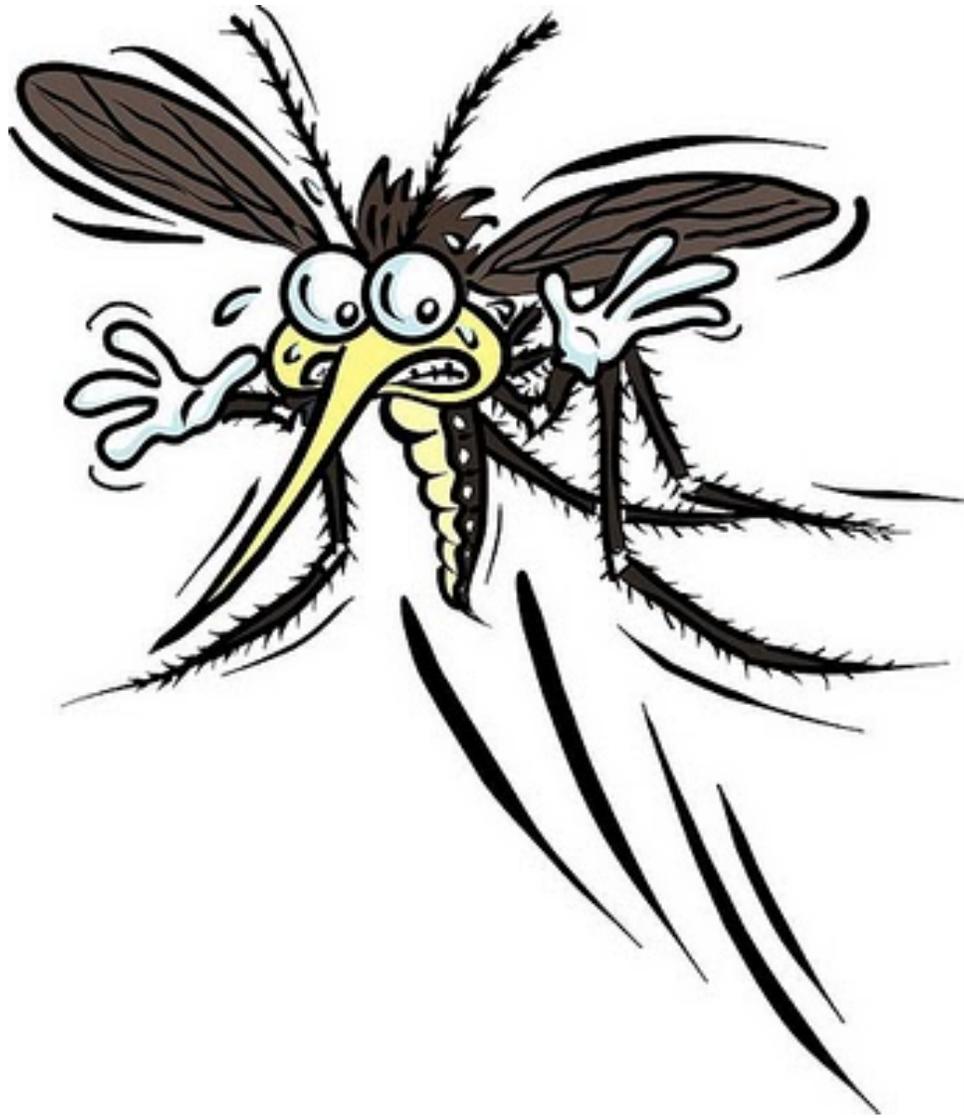
www.MaderaGrandJury.org

e-mail

info@maderagrandjury.org

complaints@maderagrandjury.org

foreman@maderagrandjury.org



**2010-2011
Madera County Grand Jury
Final Report
Madera County Mosquito and Vector Control
District**

**2010-2011
Madera County Grand Jury
Final Report
Madera County Mosquito and Vector Control District**

INTRODUCTION:

On September 16, 2010 the Madera County Grand Jury visited the Madera County Mosquito and Vector Control District, located at 900 North Gateway Drive, Madera, CA, for a routine inquiry. The Grand Jury met with the manager of the District who was promoted to this position two years ago after working in the department for ten years. The Grand Jury also met with the biologist responsible for the testing and then toured the garage where the equipment and trucks are stored.

FINDINGS:

This is an independent special district funded by county property taxes. The Board of Trustees, appointed by the Madera County Board of Supervisors, oversees all operations of this District, including budget approval. The approved budget with all monies coming from property taxes was \$1.6 million in 2009 and \$1.4 million for 2010.

The District covers 710 square miles of Madera County. This area is divided into 12 zones and two cities, Madera and Chowchilla. Some areas of the county are not included.

This District was founded in 1947 with the main purpose of controlling mosquitoes within the District boundaries. In 1991 the mission of the District was changed to include other vectors, such as flies, bed bugs, ticks, etc. At the present time due to budget and manpower restrictions the District only gives advice on controlling and monitoring these vectors. The District protects the health, safety and comfort of the population within district boundaries by the abatement of mosquito-borne diseases which affect humans and animals. This is accomplished by monitoring, biological control, chemical control, and community education.

West Nile fever is one of the most common diseases spread by mosquitoes in Madera County. Other viruses that mosquitoes spread are Western Equine, Eastern Equine and Saint Louis Encephalitis. In 2010 there were four cases with symptoms of West Nile fever and another six cases were discovered during blood donations. All infected people survived.

Dead birds can be the first indicator that West Nile is active in the community. The District publishes information in the newspaper and distributes brochures at various presentations throughout the county to raise public awareness. The public is asked to notify the District if a dead bird or squirrel is found. Once notified, a technician will be dispatched to pick up the animal for testing.

There are two basic categories of mosquitoes: Culex and Aedes. All mosquitoes require standing water to breed. Mosquitoes breed in three to four days. They lay their eggs on the standing water where the eggs turn into larvae. The larvae can be found in a variety of standing water locations.

Surveillance and monitoring of the mosquitoes is done by placing mosquito traps in strategic places to collect samples for analysis. Eradication is accomplished by placing mosquito fish and natural bacteria into small and large bodies of water. Other eradication procedures may include spraying an EPA approved, oil-based chemical which is almost exclusively toxic to mosquitoes on water surfaces like abandoned swimming pools to suffocate young mosquitoes before they mature. Other methods include placing mosquito fish in troughs and green pools and providing these fish to the public for their ponds and animal watering containers upon request.

An annual fly-over is done to detect green pools. The foreclosure of homes has caused an additional work load for the District. Eleven hundred dirty pools were detected last year. The District must obtain authorization to enter private property, causing lengthy delays in treating infestations. The banks and realtors are not responding to the District notices on foreclosed homes. The District has held discussions with the code enforcement division of the Redevelopment Agency (RDA) to issue code violation citations so penalties can be accessed.

Ten chickens are purchased yearly and placed randomly throughout the county in areas of suspected mosquito activity. Blood samples are drawn from these birds every two weeks by the district and sent for testing to the UC Davis Lab to detect the presence of any mosquito-borne viruses in the area. The annual testing costs approximately \$9,160. An analysis done by the biologist suggests a \$3,000 yearly savings and a quicker turn-around time if the District had its own lab.

Water troughs are a problem. The District is unable to locate them unless notified of their existence. The District does not have enough manpower to search out and treat them.

There are ten employees including the manager who work full-time at the District. These permanent employees are certified through the California Department of Public Health, attend ten courses twice a year and must be re-certified every two years. They work along with the Department of Public Health and the County Agricultural Commissioner to perform surveillance, identify vectors, track diseases, and assure proper pesticide use. Fourteen seasonal employees are hired to supplement the full-time staff each year. These seasonal employees are supervised by the full-time certified technicians. They provide extra coverage from April until November with July and August being the most important months because of the higher temperatures.

The period between November and April is used to address administrative tasks, update the maps, maintain equipment, attend classes and conferences, and re-certify staff.

The District operates and performs the maintenance on twenty-five vehicles which are equipped with GPS systems. This allows the District to track both the vehicle and associated data. The District facility where the vehicles are housed includes a secured garage, a locked storage area for chemicals, employee showers and lockers, a boardroom, and an employee break room.

The District, acknowledging the importance of community participation, has put in place a publicity program. District employees attended the most recent Madera Fair for the first time in twenty-two years, handing out brochures containing information about mosquitoes and other vectors. The District placed notices and information in the media and made free presentations at schools and other public forums, advising the public on how to reduce the risk of mosquito-borne illnesses.

CONCLUSIONS:

The Grand Jury found the District has an outstanding, knowledgeable staff. Their concern for the safety and comfort of the public goes beyond just doing a good job. The facility is clean, equipment well-maintained, and safety measures are taken to assure chemicals are properly stored. Due to the additional workload caused by foreclosed homes, continued expansion of the population, and the need to locate and treat standing water, the District does not have a sufficient number of staff.

The Grand Jury concludes that the District has been successful, given existing staffing, in reducing the mosquito and vector infestation in its area of responsibility.

RECOMMENDATIONS:

The Grand Jury recommends that the County Board of Supervisors consider the possibility of establishing a local lab to reduce the costs of testing and expedite the results.

The Grand Jury recommends that the RDA issue citations for noncompliant, contaminated pools and assess appropriate penalties.

The Grand Jury recommends that additional staff be hired to locate and monitor standing water.

The Grand Jury recommends that the District continue with the successful surveillance, testing, eradication, and publicity programs being used.

Respondents: Written response required pursuant to PC933(c)

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

Madera County Mosquito and Vector Control District
900 North Gateway Drive
Madera, CA 93637

Respondents (Response Optional):

Madera County Agricultural Commissioner
332 Madera Ave.
Madera, CA 93637

Madera County Department of Public Health
14215 Road 28
Madera, CA 93638

Madera Redevelopment Agency

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**2010-2011
Madera County Grand Jury
Final Report
Solid Waste Management and Recycling**

2010 – 2011
Madera County Grand Jury
Final Report
Madera County Solid Waste Management and Recycling

Introduction:

The Madera County Grand Jury finds that the operation of an integrated waste management system for residents of the county is a necessary function of government. Further, such a system, because of the changing nature of environmental laws and practices, can be a complex undertaking involving millions of dollars. Pursuant to California Penal Code section 925, the Madera County Grand Jury authorized an investigation of the solid waste management and recycling in Madera County.

Findings:

1. After extensive review of Madera County's solid waste management contracts and related materials, numerous interviews and analysis, the Grand Jury found the arrangements pursued by the County over the past thirty or more years have not been consistent with sound government practices, especially in the areas of contracting, oversight, and fiduciary responsibility.
2. Madera County's Division of Solid Waste Management has two employees, a Manager and his assistant. The Solid Waste Manager reports to the County Engineer and through him to the Director, Resource Management Agency (RMA). The RMA Director coordinates with the County Administrative Officer (CAO) and reports directly to the Board of Supervisors (BoS). The duties of the Division of Solid Waste Management are outlined in a Memorandum from the County Engineer to the CAO dated September 5, 2007.
3. Solid waste management in Madera County involves multimillions of dollars a year and requires adequate oversight. Trash collection is mandatory within the cities of Madera and Chowchilla. Collection is by subscription (residents elect to have trash collection and pay a monthly fee for that service) in the rest of the county.
4. The cities have mandatory curbside recycling. The unincorporated areas of Madera County do not.
5. Madera County contracts with several entities including two private contractors (A and B) to manage solid waste in the county. The cities of Madera and Chowchilla also contract for waste disposal. The County contracts with contractor A for the operation of the Fairmead Landfill (landfill) and the Materials Recovery Facility (MRF). The cities contract with the County for the use of the landfill. The contracts with the private contractors are for services required by the County and could be awarded to a bidder based on a request for proposal and/or competitive bidding process. The County operated the landfill in the early 1970's; after that, contractor B

operated the landfill for a brief period. Contractor A, as an independent local company, operated the landfill under contract (Contract No. 3293-C-81) from 1981. In 1997, contractor A was purchased and is now a wholly-owned subsidiary of a multi-state corporation. The current contract (Contract No. 5363A-C-98) now extends to the year 2017.

- a. The Grand Jury examined the contract and found it was written without adequate specific requirements, such as, expected tonnage of trash to be handled, or a target tonnage as the basis of calculating contractor reimbursement. The contract does not address actual costs nor a negotiated reasonable profit for contractor A.
- b. The contract is deficient of contractor performance criteria and is without specific enforcement provisions to protect the interests of the County. The contract entitles the contractor to multiple renewals at the contractor's discretion.
- c. The contractor has initiated and benefited from all renewals. The renewals and extensions have been related to rate adjustments and expansions of facilities.
- d. The Grand Jury finds a serious lack of fiduciary responsibility and due diligence by elected and appointed County officials in initiating and managing such a series of contractual activities over the past thirty or more years. The Grand Jury finds, at best, an appearance of impropriety in the granting and management of the contract.

6. Contractor A received a no-bid contract (Contract No. 3293-C-81) from the BoS in 1981 to operate the landfill as a bale-fill landfill. In such a landfill, the contractor is required to compact and bale trash before it is placed in the landfill. The contract has been renewed and extended (Contract Nos. 5363-C-94, 5363A-C-98) several times without bid until the year 2017—resulting in a no-bid, contractual relationship in excess of thirty-six (36) years. BoS Resolution No. 94-237 justified a single consolidated provider of services as being in the best interest of Madera County and used that argument to grant contractor A a no-bid contract. The Grand Jury could find no objective evidence which would have supported such a sweeping finding that contractor A was the only or best company to accomplish such a service. Clearly many other companies could service consolidated operations. The argument that contractor A is a local company is no longer valid after their purchase by a multi-state corporation in 1997. The contractor clearly benefited from such a finding, not only by expected revenues but also by making the company more attractive for acquisition.

- a. The Grand Jury finds this history highly suggestive of unacceptable “expediency”, at best, and of cronyism and a lack of due diligence in contracting for the management of the landfill.
- b. The Grand Jury finds the existing contracts continue the appearance of impropriety.

- c. The Grand Jury finds that utilization of the competitive bidding process will likely result in lower costs of operations which can be passed on to county residents.
- d. The Grand Jury finds that the landfill fees are significantly higher than those of surrounding counties.
- e. The Grand Jury finds that the landfill is not being operated as a bale-fill landfill. Trash is dumped directly into the landfill and compacted there without baling because it saves the contractor time and money. The contractor stated that baling in the MRF did not compact the trash as well as compacting the trash at the landfill face. The Grand Jury finds that the contractor appears to disregard contract intent and provisions by adopting procedures that reduce the contractor's costs to a minimum thereby maximizing its profits with impunity.

7. The cities of Madera and Chowchilla contract separately with the County for the use of the landfill and the MRF. The cities renegotiated lower tipping fees effective in 2008. Tipping fees are the price per ton for waste disposed at the landfill. The cities currently pay no tipping fees on recyclable material at the landfill. Trash is charged at \$39.13/ton. The unincorporated areas of the County saw tipping fees increased to \$55.13/ton. Recently, the City of Madera gave the County notice that it will solicit bids for a landfill contract after 2012 claiming overcharges for landfill use. This would reduce MRF recycling and trash tonnage in the landfill significantly.

8. Contractor A was granted a no-bid contract (Contract No. 5266-C-93) to build and operate the MRF at the landfill. Contractor A contracted to construct the MRF at a cost of \$2,500,000 to be offset by an additional tipping fee of \$1.00/ton from January to July of 1994 and \$3.05/ton from July 1994 until the cost of constructing the facility was amortized. The County estimated the debt could be retired in 10 years. To retire the debt by 2004 would require an average of 20,253 tons per month. The debt was retired early. The early retirement of the debt suggests that the tonnage estimates were far too conservative; conversely, the fee to retire the debt may have been set at too high a level. The Grand Jury finds that the \$3.05/ton fee is still being collected by contractor A.

9. Contractor A collects a set fee for every ton of trash that crosses the scale at the landfill to pay for processing the trash through the MRF, except for the recyclable loads from the cities since the contract with the cities was renegotiated in 2007 to become effective in 2008. The MRF fee was originally negotiated at \$8.00/ton, was raised to \$8.81/ton for several years, and was reduced in 2008 to \$8.20/ ton. Expenses estimated in 1994 to operate the MRF were \$57,235 (at \$8.00 per ton that translates to 7,154 tons per month). Contractor A collected \$8.00/ton on over 20,253 tons per month from 1994 until 2004, a minimum of \$162,024 per month, or \$104,789 per month in profit from the \$8.00 plus tipping fee. The annual profit for the contractor to operate the MRF based on these figures is a minimum of \$1,000,000. Revenues in 2007, as reported by the contractor, from material recycling processing were \$1,397,980 with expenses of \$60,993 for a

profit of \$1,336,885. Revenues in 2008 in a depressed economy, as reported by the contractor were \$1,133,818.

The Grand Jury finds these overly excessive profits were not intended in the contract, and are not in the best interests of Madera County.

10. The MRF was designed and granted a state permit to recycle dirty trash, i.e., trash collected from the curb that has not been separated. Currently, the contractor operates the MRF between 8:00 a.m. and 5:00 p.m. and processes all recyclable loads from the cities and other recycling, then separates and bales the different types of recovered materials separately. The contractor representative stated that the MRF is now operated as a clean MRF. He also stated that most dirty trash is no longer baled, but is compacted more efficiently at the landfill face. The Grand Jury found that nearly all of the trash from the unincorporated areas is routed directly to the landfill bypassing the MRF. The contractor justifies this practice by saying the MRF will not handle the volume.

- a. The Grand Jury finds that the intent of the contract is that all dirty trash is to be processed through the MRF.
- b. The Grand Jury also finds that it is the intent of the contract that the contractor process the trash at a speed to effectively divert recyclable materials and to expand the facility as needed to process the volume of trash received.
- c. The Grand Jury learned that no additional MRF workers have been added and that, in fact, the work force has been reduced. No physical improvements or additions to the MRF have been made since it was originally constructed, other than the baler has been relined. The Grand Jury also finds that no additional shifts have been added. The Grand Jury finds that the contractor is in violation of the intent of the contract to operate the MRF and, as a result, has amassed excessive profits.

11. The Grand Jury finds that the County should not have allowed as profit the tipping fee dedicated to the operation of the MRF above 20,253 tons per month. While some adjustment to operational costs may be justified by wage increases, insurance, and other benefit packages, the Grand Jury finds that the County has been overcharged for the operation of the MRF by millions of dollars over a period of several years.

12. The language of the contract states that the County is to receive credit for 100% of the revenues derived from the sale of recyclables (less 10% profit for the contractor). In 2007, the contractor received \$679,606 from the sale of recyclables. Contractor A's representative stated that the County is "credited." Attempts to clarify what was meant by "credited" were not successful. Income reports provided by the County Auditor/Controller detailing income for several years from the contractor were requested and reviewed. The Grand Jury found no

evidence that the County has received payments or credits for the sale of recyclables, in 2007 or any other year, in direct violation of the terms of the contract.

- a. The Grand Jury finds the contractor in violation of the provision of the contract requiring the County to receive 100% from the sale of recyclables (less 10% profit for the contractor).
- b. The Grand Jury finds the County RMA lax in enforcing contract obligations.

13. Until 2007 the State requirement for recycling was 50% of total county trash to be recycled. From 2004 to 2007, the County recycled in excess of 50% and as high as 78%, exceeding State standards for recycling. The County appears to be on target to meet State requirements under current law which is based on per capita population. However, this goal is met by calculating total recycling throughout the county, not just from the MRF, and, as noted above, very little if any trash from the unincorporated portions of the county is recycled. There appears to be little clarity in the county's goal for recyclables. If the BoS is serious about the extent of such an effort, especially in the unincorporated areas of the county, a clear policy would permit the staff to develop options and a timetable to achieve such a goal.

14. For several years contractor A has retained a significant amount of revenue due to a dispute regarding the distribution of the 2007 adjustment in tipping fees. County officials have apparently made only limited attempts over the years to resolve this issue and recover monies owed the County.

The contractor has effective control of such funds, might well use the funds for purposes other than contractual obligations, and the County not only is unable to account for such monies but has failed to resolve the matter in a timely fashion.

15. The County entered into contracts with contractors A and B (Contract No. 5364A-C-2001 and Contract No. 6601(A)-C-2001) for collecting solid waste in the unincorporated areas of the county and hauling waste to the landfill. These contracts provide for contractors' service fees to increase automatically when contractors' requests for fee increases are not acted upon by the BoS. The requested fee increases are calculated using changes in the Southern California Consumer Price Index (CPI). Contractors' actual operating costs are not required to be considered in the calculations. The Grand Jury finds no reasonable correlation between changes in the Southern California CPI and the increases in services fees charged to residents in the unincorporated areas of Madera County.

16. The County entered into a no-bid contract for the construction and operation of a Household Hazardous Waste Facility (BOS File No. 0614). The Grand Jury did not investigate this portion of the solid waste management system. However, the Grand Jury did find improperly labeled, handled, and stored hazardous waste on September 27, 2010, when visiting the landfill.

17. The County in a no-bid process granted contractor A a contract (Contract No. 5365-C-94) for the operation of the North Fork Transfer Station as long as the landfill contract is valid. The contractor listed revenue for 2007 at \$569,440 and \$538,244 for 2006. The Grand Jury did not investigate the contractor operations at the North Fork Transfer Station.

18. The Grand Jury found the storage of numerous commercial portable toilets on County property. The Grand Jury asked to see a contract which authorizes contractor A to conduct other commercial activities on County property. Contractor A's representative provided the Solid Waste Manager of Madera County a contract (Contract No. 3297-C-81) that purported to allow businesses supported by contracts (Contract No. 1790-C-72, Contract No. 2944-C-79, and Contract No. 3293-C-81). That contract only allows for the storage of equipment from related business activities, and specifically does not include portable toilet storage.

- a. The Grand Jury finds that the contractor is taking improper advantage of its contract with the County by storing portable toilets on County property.
- b. The Grand Jury finds that the contractor is taking improper advantage of their contract with the County by operating businesses authorized for equipment storage only.
- c. The Grand Jury finds that county officials were aware that the contractor was storing equipment from a portable toilet business on County property at the landfill for some time. The Grand Jury finds the CAO, the RMA Director, and subordinate officials negligent for failure to take proper action in pursuing matters consistent with looking after County interests.

19. The Grand Jury observed staff at the landfill office fielding telephone calls relating to landfill operations, contract hauler operations, and portable toilet operations. Business cards of the staff listed all these businesses on the same card. Licenses and permits for such non-related businesses were posted in the landfill office.

The Grand Jury finds that there is an appearance of co-mingling of staff, resources, and facilities among the various businesses conducted by the contractor at the landfill. The contractor stated that a percentage of each employee's time is allocated to each business.

20. The Grand Jury observed improper labeling, handling, and storage of hazardous waste at the landfill. The Grand Jury found that the County Department of Environmental Health has issued no formal citations for violations concerning any operation at the landfill. While a portion of the fees collected is designated for the department's use, inspections are done only on a monthly basis; with limited staffing, such inspections may be cursory at best. Infractions, when found, were generally handled informally, with little documentation, and the contractor was given significant time to correct the problem. Moreover, tracking of recurring problems, i.e., trending, was apparently not done.

The Grand Jury finds that the Department of Environmental Health is lax in protecting the health and safety of the residents of Madera County regarding the various operations at the landfill for which they have responsibility. The Grand Jury finds the relationship between County inspectors and the contractor to be too informal for effective regulation.

21. The Grand Jury finds that the Division of Solid Waste Management, the Engineering Department, the RMA Director, and the CAO have not satisfactorily monitored or enforced the contract to operate the landfill, the MRF, or the Household Hazardous Waste Facility and, therefore, have not protected the interests of the residents of Madera County. Independent audits have not been routinely conducted; while an audit is now underway, the County historically has had no independent means to verify claimed expenses or revenues.

The Grand Jury finds the relationship between County overseers and the contractor is too informal for effective regulation.

Conclusions:

1. The Grand Jury concludes that it is essential that Madera County provide proper and adequate oversight of the solid waste management and recycling program, particularly because solid waste management involves multimillions of dollars each year.
2. The Grand Jury further concludes that the BoS, the RMA Director, County CAO, County Counsel, and the Department of Environment Health are not providing proper and adequate oversight of the solid waste contracts and management.
3. The Grand Jury concludes that the contractor for the landfill and the MRF is not in compliance with these contracts. Contracts for operation of the landfill and MRF require renegotiation. Contracts should be awarded by competitive bids. The Grand Jury further concludes that the contract language greatly benefits the contractor, resulting in exorbitant profits to the contractor and losses to the County of millions of dollars.
4. The Grand Jury concludes that the contractor is operating a clean MRF in violation of the contract and state permit, and is not recycling all tonnage as intended.
5. The Grand Jury concludes that money is owed to Madera County due to tipping fee overcharges by the landfill and MRF contractor. The Grand Jury further concludes that additional money is owed to the County from the sale of recyclable materials.
6. The Grand Jury concludes that hazardous waste is not being properly handled by the landfill contractor, and that the monitoring and enforcement of health and safety regulations by the Department of Environmental Health is lax, inadequate, and ineffective.
7. The Grand Jury concludes that the landfill contractor is operating other businesses on County property without authorization or appropriate compensation to the County.

Recommendations:

1. The Grand Jury recommends that the County should avoid the appearance of impropriety in the granting and management of contracts in the area of solid waste management as millions of dollars are involved.
2. The Grand Jury recommends that the RMA, subject to appropriate BoS guidance, give thirty days (30) notice to contractor A for contract non-compliance.
3. The Grand Jury recommends that the County renegotiate the contracts for the operation of the landfill and the MRF to better represent the interests of the residents of Madera County.
4. The Grand Jury recommends that, in the future, contracts for solid waste management should be awarded on the basis of competitive bid.
5. The Grand Jury recommends that the landfill revert to a County operation resulting in increased control, cost savings, and opportunities for substantial revenue from recycling.
6. If the BoS determines that it is in the best interests of county residents to continue contracting for solid waste management services, the Grand Jury agrees that, on the basis of BoS Resolution 94-237, the request for proposal should include hauling, managing the landfill and MRF, and managing the North Fork Transfer Station.
7. The Grand Jury recommends that the BoS take the necessary steps to amend the agreements with contractors A and B in regard to the process used to determine appropriate increases in service fees for collection of solid waste in the unincorporated areas of the county. The calculations of fee increases should be based upon legitimate changes in operating costs, e.g., fuel costs, and not upon changes in the Southern California CPI.
8. Until a new contract is negotiated, the Grand Jury recommends that the MRF should be operated as a dirty MRF as required by the contract and state permit.
9. The Grand Jury recommends that the County fund a method for separating recyclable materials in the unincorporated areas of the county to increase recycling.
10. In accordance with Penal Code section 932, the Grand Jury orders the District Attorney to recover funds and reasonable interest for the over-charges collected by the contractor for that portion of the tipping fee designated for operation of the MRF.
11. In accordance with Penal Code section 932, the Grand Jury orders the District Attorney to recover monies generated from the sale of recyclable materials as called for in the contract.
12. The Grand Jury recommends special attention be paid to insure that the contractor is not commingling expenses from the various businesses that it operates out of the landfill.

13. The Grand Jury recommends that the County complete a comprehensive, independent audit of the landfill and MRF operations every three years.

14. The Grand Jury recommends that the audit currently underway should be reviewed in detail by the BoS and a copy provided promptly to the Grand Jury. Deficiencies noted should result in a thirty (30) day notice of contract non-compliance and steps needed for the contractor to come into compliance.

15. The Grand Jury recommends that the BoS require that enforcement of the contract receive active and direct attention by the CAO, the RMA Director, County Counsel, and the Division of Solid Waste Management. The BoS should receive frequent, scheduled reports as to such activities from County agencies.

16. The Grand Jury recommends that the Department of Environmental Health develop stricter inspection and documentation procedures to insure that the proper handling and storage of household hazardous wastes is in compliance with health and safety regulations.

17. The Grand Jury recommends that the BoS pursue corrective action to insure that the contractor ceases and desists from operating unrelated businesses on County property, until such time as a negotiated agreement for the contractor to pay fair market value to do so is in effect.

18. The Grand Jury recommends that subsequent Grand Juries continue to monitor County solid waste management operations.

Respondents: Written response required pursuant to PC933(c)

Madera County Board of Supervisors
200 W. Fourth St.
Madera, California 93637

Respondents: (Response optional)

Manager, Division of Solid Waste
Resource Management Agency
Department of Engineering and General Services
2037 W. Cleveland Avenue
Madera, California 93637

Director
Resources Management Agency
2037 W. Cleveland Avenue
Madera, California 93637

County Administrative Officer
200 W. Fourth St.

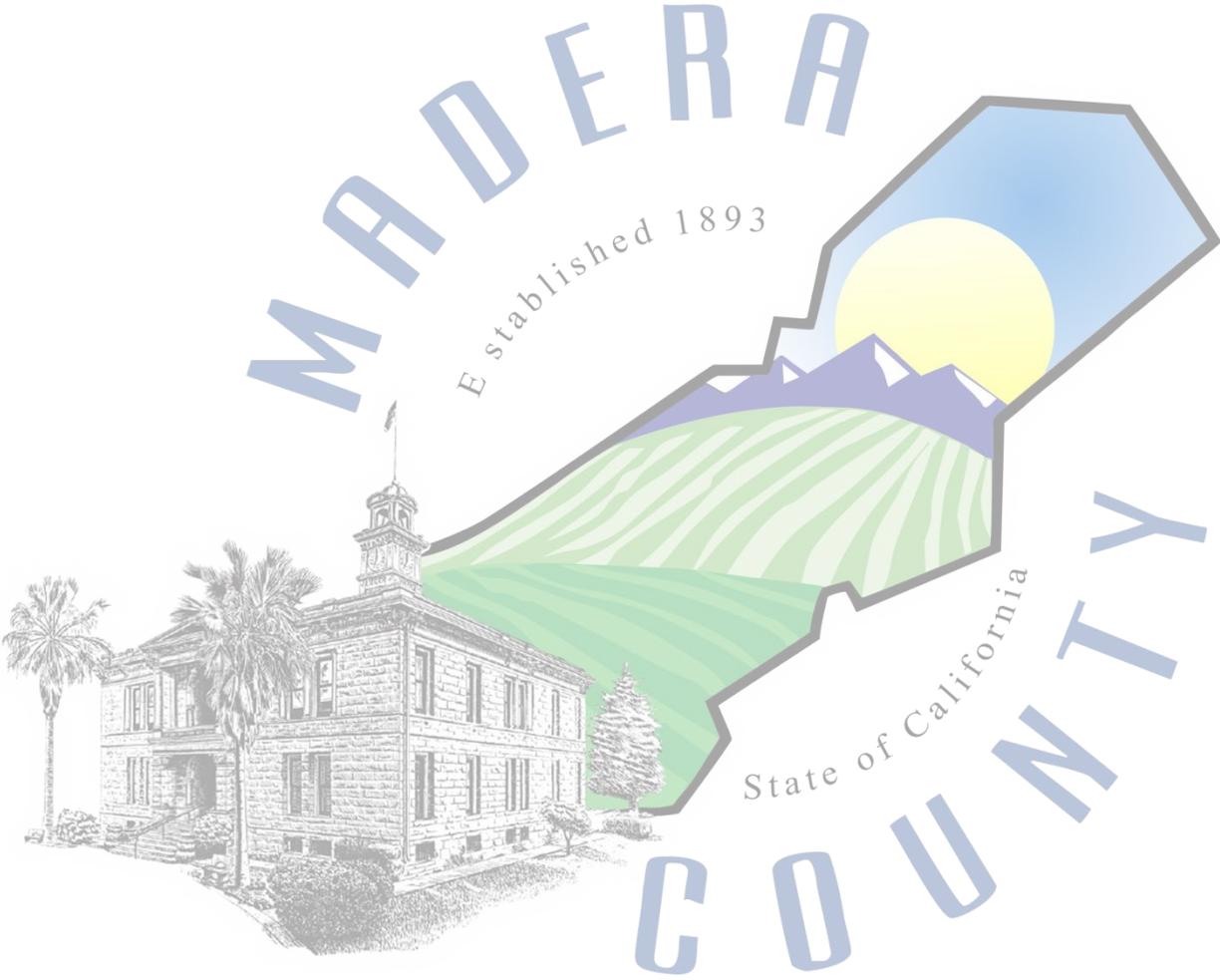
Madera, California 93637

Environmental Health Director
Department of Environmental Health
2037 W. Cleveland Avenue
Madera, California 93637

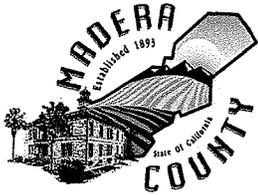
District Attorney
Madera County
209 West Yosemite Ave.
Madera, California 93637

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Madera County Grand Jury



Responses to Item



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

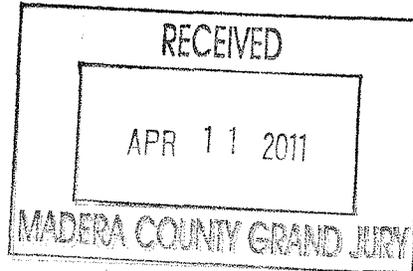
MEMBERS OF THE BOARD

FRANK BIGELOW
DAVID ROGERS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

March 29, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637



RECEIVED

APR 04 2011
JURY DIVISION
SUPERVISOR

Subject: **Response to the 2010-2011 Grand Jury Final Report on the "Madera County Solid Waste Management and Recycling"**

Dear Honorable Judge Rigby:

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 following are the Grand Jury's findings in their Final Report, and the Board of Supervisors' response to those findings:

Finding 1. County has not been consistent with sound government practices, especially in the areas of contracting, oversight, and fiduciary responsibility.

Response 1. During the past thirty years, the County has maintained an appropriate and acceptable level of oversight in monitoring the operations of the Solid Waste Management and Recycling operations. The County has met its fiduciary obligations in the areas of contracting for these services.

Finding 2. The County employs two personnel who report to the RMA Director who in turn coordinates with the CAO who reports directly to the Board of Supervisors.

Response 2. The Board of Supervisors agrees with this finding.

Finding 3. Solid waste collection involves multi millions of dollars yearly and requires adequate oversight. Trash collection in the cities of Madera and Chowchilla is mandatory. Trash collection in the unincorporated areas of the county is by subscription.

Response 3. The Board of Supervisors agrees with this finding.

Finding 4. The cities of Madera and Chowchilla have mandatory curbside recycling. The unincorporated areas of the county do not.

Response 4. The Board of Supervisors agrees with this finding.

Finding 5. The cities of Madera and Chowchilla along with the County of Madera contract with several vendors to collect solid waste. The County contracts with a vendor to operate the Fairmead Landfill and Material Recovery Facility.

The vendor who operates the landfill and MRF along with collections of solid waste in the unincorporated areas of the county below 1000' was sold to a national corporation.

Contract 5363-C-98 expires in 2017.

- a. Contracts 3293-C-81 and 5363A-C-98 were written without adequate specific requirements to include tonnage, actual operating costs, or a negotiated reasonable profit for contractor.
- b. Contracts 3293-C-81 and 5363-C-98 are deficient of performance criteria and enforcement provisions to protect County. Contract affords contractor multiple renewals at contractor's discretion.
- c. The contractor has initiated and benefited from all renewals that have been related to rate adjustments and expansion of facilities.
- d. There has been serious lack of fiduciary responsibility and due diligence by elected and appointed county officials in initiating and managing contracts over the past 30 years. There is an appearance at best of impropriety in the granting and managing of the contract.

Response 5. The Board of Supervisors agrees with paragraph 1. The Board of Supervisors agrees with paragraph 2. The Board of Supervisors agrees with paragraph 3.

- a. Contract 3293-C-81 was the initial contract with the current vendor operating the Fairmead Landfill. That contract was superseded by Contract 5363-C-94 as amended by 5363A-C-98. The Board of Supervisors holds that the terms and conditions agreed to in contract 5363-C-94, as amended by 5363A-C-98 (hereinafter referred to as the "Fairmead Contract"), were appropriate at the time of signing. Without limiting the foregoing, section 16 of the Fairmead Contract requires the vendor to file monthly reports with the County Engineering Department specifying total tonnage of refuse deposited at the Fairmead Landfill. The reports must break out from the total the tonnage received from the North Fork and Oakhurst Transfer stations, the County Engineering Department and the Road Department broken out separately. The vendor must provide with such report with an accounting of funds collected by the vendor. The tipping fees which are specified in the contract represent the vendor's only compensation for services provided under the contract. The amount of the tipping fees can only be changed on application to and approval by the County. The County, in this process, has the power to control the vendor's profit. The Fairmead contract is not a cost plus contract. The vendor must pay all of its expenses for operation of the Fairmead Landfill from its share of the tipping fees. If the fees charged by the vendor don't cover its costs, the contractor must bear the burden of that deficit unless and until the County agrees to an increase in fees that may be charged by the contractor. Finally, the vendor does not control the amount of tonnage deposited at the Fairmead Landfill. Rather, the amount of tonnage disposed of at the landfill is dependent on what is collected and delivered to it.
- b. The Board of Supervisors holds that the terms and conditions agreed to in contract 5363-C-98 were appropriate at the time of signing. Contract 3293-C-81 (which as discussed above is no longer in force) provided for a term commencing July 1, 1981, continuing through June 30, 1984. There was no optional or automatic extension of the term in the contract. The contract provided that on mutual

consent of both parties, the contract could be extended. Thus, neither the County nor the vendor had the right to extend the term of the contract. In fact, the contract was extended by Contract 3660-C-84, which superseded 3293-C-81, for a period to continue through December 31, 1994. In this contract, the County had the right to extend the contract an additional five years. The vendor did not have a similar right to extend the term. By contract 4422-C-89, which superseded 3660-C-84 neither party had a right to extend the term of the contract. The current Fairmead Landfill contract is contract 5363-C-94 as amended by 5363A-C-98. The contract will continue through November of 2012. The contractor has the right to extend this contract for one additional five-year period through November 2017. The reason for the extension and option was to provide time for the contractor to amortize and repay a private activity bond obtained to permit various construction activities, including installation of a gas extraction system, complete the liner system for Waste Management Unit 2, and to continue closure work on Fill Areas One. As to lack of performance standards the contract provides:

“All operations must be strictly in accordance with applicable federal, state, and local statutes and regulations; the vendor must accept all waste from sources within the County and is not to receive waste from any source outside the County without written authorization by the County;”

- c. The Board of Supervisors holds that only contract 5363-C-98 involved an extension of term and rate adjustments, which are all related to capital outlay by the contractor. See response to (b) above as well.
- d. The Board of Supervisors agrees with finding 5-d in as much as over 30 years, multiple boards, and administrators were responsible for contract management and administration, and that there may have been lapses in relation to appropriate oversight of the solid waste operations in Madera County. The Board of Supervisors **disagrees** with that portion of finding 5-d that infers impropriety in the granting and management of the contract.

Finding 6. Contract 3293-C-81 was awarded without bid. In contract 3293-C-81 contractor was required to operate the landfill as a bale fill operation. The contract to operate the landfill and MRF were extended several times without bid. Board Resolution 94-237 authorized no bid contracting for solid waste services.

- a. There is a history of unacceptable expediency and cronyism along with a lack of due diligence in contracting for management of the landfill.
- b. Appearance of impropriety in existing contracts.
- c. Competitive bidding will likely result in lower cost of operations that can be passed on to county residents.
- d. Current landfill fees are significantly higher than those of surrounding counties.
- e. Landfill not being operated as a bale fill operation. That the contractor saves money by not utilizing bale fill reducing costs and maximizing profit with impunity.

Response 6. Board of Supervisors holds that contract 3293-C-81 was awarded after the County solicited bids for the operation of the sanitary landfill. (See contract 3293-C-81 page 1, lines 10-11) Board of Supervisors finds no evidence that bale fill was mandatory and that over the term of the contract newer more

effective means of compaction were identified and put into practice. The Board agrees that the landfill and MRF agreements were extended without bid; however the Board of Supervisors holds that all appropriate policies and procedures, guidelines and regulations have been followed in issuing and extending current contracts.

- a. The Board of Supervisors holds that processes followed in awarding contracts and contract extensions followed all appropriate laws, guidelines, and practices in place at the time of signing. Public Resources Code Section 40059 specifically authorizes such contracts to be negotiated and entered into with or without competitive bidding.
- b. The Board of Supervisors holds no position in reference to appearances.
- c. The Board of Supervisors acknowledge that competitive bidding generally results in lower costs; however, in this specific case due to the specialized nature of some services this may not be the case.
- d. RMA has gathered information concerning fees of surrounding counties and find that a measurement of apples to apples shows Madera County fees to be appropriate.
- e. Analysis of bale fill vs. traditional compaction shows comparable cost and no significant savings to either method.

Finding 7. The Cities of Madera and Chowchilla contract with the County for use of the landfill and MRF. The Cities have negotiated a tipping fee lower than the unincorporated areas of the county. The Cities pay no tipping fee at the landfill for recyclable material. The City of Madera gave notice to the County that it would solicit bids for landfill service after 2012 claiming overcharges for landfill use. This would reduce MRF recycling and trash tonnage in the landfill significantly.

Response 7. The Board of Supervisors agrees with this finding.

Finding 8. A no-bid contract was issued to build and operate the Material Recovery Facility and landfill. A surcharge of \$3.05 was added to the tipping fee to recover the contractor's capital outlay. The estimate of 10 years to retire the debt was conservative and the tonnage estimate was low. The debt was retired early but the surcharge is still being assessed.

Response 8. Board of Supervisors holds that contract 3293-C-81 was awarded after the County solicited bids for the operation of the sanitary landfill. (See contract 3293-C-81 page 1, lines 10-11) It was by a separate contract, contract 5266-C-93 dated November 9, 1993, that the County contracted with the contractor to build and operate the Material Recovery Facility ("MRF") at the Fairmead landfill site. An RFP was issued by the County in April of 1992 (see lines 16 to 23 of page one of the contract). Ultimately, the County chose the current vendor to build and operate the MRF. Contract 5266-C-93 does provide and records show that a surcharge of \$3.05 was authorized and was assessed to recover the contractor's capital outlay for the construction of the MRF beginning in the 1995-96 fiscal year. This surcharge continued to be assessed through the 2005-06 fiscal year at which time the surcharge had been reduced to \$.96. Fiscal year 2005-06 was the last year the surcharge was assessed to the tipping fees.

Finding 9. The contractor is making overly excessive profits that were not intended in the contract.

Response 9. An audit is being conducted by an independent accounting firm. (See the draft report in Attachment "A".) The Board of Supervisors holds that contracts 5266-C-93 and 5266A-C-98 specify the profit to which the contractor is entitled. Contract 5266-C-93, Article II - Cost and Compensation, Section C, lines 17-

20 state, "It is further agreed that a ten percent (10%) profit shall be allowed to MDSI in the calculation of its operational costs for the MRF." The exact operational costs of the MRF are being analyzed by the independent accounting firm and will be reviewed by County Administrative staff. If it is found in the audit that more than 110% of operating costs are being retained by contractor, necessary steps will be taken to correct the issue and recover moneys owed the County, if appropriate.

Finding 10. The Materials Recovery Facility was designed and permitted to operate as a "dirty" MRF meaning that all trash is run through and recyclable commodities are removed prior to baling and burial of no recyclable refuse. It is contended that the MRF is now being operated as a "clean" MRF due to several factors which include but are not limited to, volume, commodity rich loads (cities with recycle programs) vs. commodity poor loads (all unincorporated county) and facility capacity. Contractor told the Grand Jury that most dirty trash is no longer baled but is compacted at the landfill face, which is more efficient.

- a. The intent of the contract is that all dirty trash is to be processed through the MRF.
- b. The intent of the contract is that the contractor process the trash to effectively divert recyclable materials and to expand the facility as needed to achieve this goal.
- c. The contractor has not added staff, expanded the facility nor has he increased hours of operation to increase the MRF to handle all dirty trash as intended in the contract.

Response 10. The Board of Supervisors accepts the statements as presented by the Grand Jury in the opening paragraph of this finding.

- a. The Board of Supervisors holds that the contract is silent to the operation of the MRF as "dirty" vs. "clean". Contract 5266-C-93, Article VII, Section E states, "All of the Exhibits attached hereto and referenced in this Agreement are hereby incorporated in the Agreement as if fully set forth." In attachment "A", MDSI Proposal dated June 1992, page 3, Materials Recovery Facility states, "MDSI proposes to construct and operate what is typically referred to as a 'Dirty MRF'. This facility would process all co-mingled solid waste collected from a dedicated waste stream within Madera County and currently delivered to the landfill for disposal. The MRF proposes to utilize a combination of human and mechanical sorting to process paper, glass, metals, plastics, and wood. The initial design processing capacity will be equal to the peak daily delivery of 125 tons per day and divert approximately 65 tons per day from landfill disposal." The Board of Supervisors holds that the intent of the contract is to meet the mandates set in AB 939 and that how the MRF is operated is subordinate to that goal. If the contractor is able to meet the AB 939 mandates as guaranteed in contract 5266-C-93, Article III - Performance and Environmental Guarantees, the operation of the MRF as "dirty" or "clean" is inconsequential.
- b. The Board of Supervisors holds that the contract is silent to speed of the MRF operation. We do agree with the finding, however, that the contractor is to effectively divert recyclable materials in compliance with AB 939 mandates.
- c. The Board of Supervisors accepts the statements as presented by the Grand Jury.

Finding 11. The County has been overcharged for the operation of the MRF by millions of dollars over several years.

Response 11. An audit is being conducted by an independent accounting firm. (See the draft report in Attachment "A".) The Board of Supervisors holds that contracts 5266-C-93 and 5266A-C-98 specify the profit to which the contractor is entitled. Contract 5266-C-93, Article II - Cost and Compensation, Section C, lines 17-20 state, "It is further agreed that a ten percent (10%) profit shall be allowed to MDSI in the calculation of its operational costs for the MRF." The exact operational costs of the MRF are being analyzed by the independent accounting firm and will be reviewed by County Administrative staff. If it is found in the audit that more than 110% of operating costs are being retained by contractor, necessary steps will be taken to correct the issue and recover moneys owed the County, if appropriate.

Finding 12. There seems to be no evidence that the County has received payments or credits for the sale of recyclables, in 2007 or any other year, in direct violation of the terms of the contract.

- a. Contractor in violation of the provision of the contract requiring the County to receive 100% from the sale of recyclables (less 10% profit for the contractor).
- b. County RMA is lax in enforcing contract obligations.

Response 12.

- a. Contract 5266-C-93, Article II - Cost and Compensation, Section C, lines 14-20 read, "In the review of the operational costs, County shall receive **credit** for one hundred percent (100%) of all revenues MDSI may receive from the sale of recovered/recycled materials from the MRF. It is further agreed that a ten percent (10%) profit shall be allowed to MDSI in the calculations of its operational costs for the MRF." The Board of Supervisors holds that the County is due revenue from the sale of recyclables after the contractor has paid all operating costs of the MRF plus 10% profit. The exact operational costs of the MRF are being analyzed by the independent accounting firm and will be reviewed by County Administrative staff. If it is found in the audit that more than 110% of operating costs are being retained by contractor, necessary steps will be taken to correct the issue and recover moneys owed the County, if appropriate.
- b. The Board of Supervisors agrees that to some extent RMA has done a marginal job of monitoring and enforcing the terms and conditions of the contract since 1993.

Finding 13. The Board of Supervisors should extend recycling to the unincorporated areas of the County and develop options and a timetable to achieve such a goal.

Response 13. The Board of Supervisors agrees.

Finding 14. Over several years, the contractor has retained a significant sum of revenue due to a dispute. County officials have apparently made only limited attempts to resolve this issue and recover monies owed the County.

Response 14. The Board of Supervisors agrees with the finding and will direct staff to settle this dispute immediately.

Finding 15. County contracts 5364A-C-2001 and 6601A-C-2001 provide the contractor's service fees to increase automatically when contractor's requests for fee increases are not acted upon by the Board of Supervisors. Calculations for fee increases are based on Southern California Consumer Price Index (CPI).

Response 15. Section E specifically says, "This Agreement provides for an automatic rate increase, the Board of Supervisors shall have the opportunity to provide for full public disclosure of the scheduled rate

increases at the regularly scheduled Board of Supervisors meeting.” The contractor presents the report to staff calculating the CPI factor and the County can agree or disagree with the report. However, the only thing the County could disagree with is the calculation, not the entitlement to the CPI increase.

Finding 16. County entered into a no bid contract 5266-C-93 to construct and operate a Household Hazardous Waste Facility. The Grand Jury found improperly labeled, handled, and stored hazardous waste on September 27, 2010, when visiting the landfill.

Response 16. The Board of Supervisors holds that contract 5266-C-93 was put out for bid. We find no evidence to dispute or concur with the finding of the Grand Jury of improperly labeled, handled, and stored hazardous waste on September 27, 2010 while visiting the landfill.

Finding 17. The County in a no-bid process granted contractor in contract 5365-C-94 for the operation of the North Fork Transfer Station as long as the landfill contract is valid.

Response 17. The Board of Supervisors holds that in contract 5365-C-94, page 2, item 6, lines 24 through 28 and on page 3, lines 1 through 3 attaches the term of this agreement to contract 5266-C-93 - the Materials Recovery Facility at Fairmead Landfill rather than contract 5363-C-94 - Operation of the Fairmead Landfill. This agreement is an extension of the original agreement 2944-C-79 which was a no-bid agreement.

Finding 18. There is storage of commercial toilets on County property.

- a. The contractor is taking improper advantage of its contract by storing portable toilets on the landfill.
- b. The contractor is taking improper advantage of its contract by operating a business on the landfill.
- c. The CAO, RMA Director, and subordinate office are negligent for failing to take proper action in pursuing matters to protect County interest.

Response 18. The Board of Supervisors concurs and will direct staff to take immediate action to look into the potential contract violation and take proper action to insure the Counties interest is protected.

Finding 19. There is an appearance of co-mingling of staff, resources, and facilities among the various businesses conducted by the contractor at the landfill.

Response 19. The Board of Supervisors concurs and will direct staff to take immediate action to look into the potential contract violation and take proper action to insure the Counties interest is protected.

Finding 20. The Department of Environmental Health is lax in protecting the health and safety of the residents of Madera County regarding the various operations at the landfill. The relationship between County inspectors and the contractor are too informal for effective regulation.

Response 20. The landfill and MRF/Transfer Station are inspected monthly by the Madera County Local Enforcement Agency (LEA), with reports submitted to the Department of Resources Recycling and Recovery (CalRecycle). The County and/or its operator have received both Areas of Concern and Notice of Violations from the LEA.

Finding 21. The relationship between County overseers and the contractor is too informal for effective regulation.

Response 21. The County, along with County's contractor, is regulated extensively by the Department of Resources Recycling and Recovery or CalRecycle (formerly the California Integrated Waste Management Board

CIWMB), Regional Water Quality Control Board (RWQCB), San Joaquin Valley Air Pollution Control District (SJVAPCD), Local Enforcement Agency (LEA), Certified Unified Program Agency (CUPA), Department of Toxic Substance Control (DTSC), and Madera County Environmental Health; all perform inspections to ensure that the County and contractor are operating in compliance with applicable Federal, State and local regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Bigelow". The signature is written in a cursive style with a large initial "F".

Frank Bigelow

Chairman

Madera County Board of Supervisors

Attachment

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING
AGREED-UPON PROCEDURES

To the Board of Supervisors
of the County of Madera
Madera, California

We have performed the agreed-upon procedures which the County of Madera (County) has specified, listed in the attached schedule, which were agreed to by the County with respect to the Fairmead Landfill (the Landfill). This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the County. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as noted in the attached schedule.

We were not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion on the Landfill financial records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the County of Madera, the City of Chowchilla and the City of Madera and is not intended to be and should not be used by anyone other than these specified parties.

February 25, 2011

**County of Madera Fairmead Landfill
Schedule of Agreed-Upon Procedures and Findings**

PROCEDURES WITH RESPECT TO THE LANDFILL OPERATOR

Procedure 1 – Establish the basis for compensation received by the landfill operator from all users.

We compared the surcharge rates stated on the Solid Waste Surcharge Report (the source report for the revenue calculation) to the County's established rates.

Finding

All users pay in accordance with the rates established by the County. A breakdown of the rates is found under Procedure 3 of this report.

Procedure 2 - Identify the revenues generated and the payments received from all users of all facilities located within Madera County.

Finding

Revenues generated by the Operator at the Fairmead landfill include:

- a. Cash and credit payments from all users
- b. Revenue generated from the North Fork station
- c. Revenue generated from the trash sorted from Madera Mammoth Recycling (MMR)

Revenues generated by the Operator at the Madera Mammoth Recycling (MMR) include:

- a. A processing charge to the Landfill for sorting recyclable materials out of trash loads
- b. Sales of recyclable materials

We selected a sample of receipts/revenues from the "cash log deposits report" and traced the transactions to the general ledger and income statement without exception.

Procedure 3 - Identify the components of all charges levied by the landfill operator for use of any facility.

The components of the tipping fees are identified in the schedule below:

	COUNTY/PUBLIC RATE			CITY RATE	
	\$55.13/ton			\$39.13/ton	
	Operator share	County share		Operator share	County share
	\$23.85/ton	\$31.28/ton		\$15.65/ton	\$23.48/ton
		[a]			[a]
Landfill		MMR *	Landfill		MMR *
\$15.65/ton		\$8.20/ton	\$15.65/ton		\$0/ton
* MMR = Madera Mammoth Recycling					
[a] Breakdown of the County share is shown below as a blended rate at \$24.96/ton.					

Based on the current rates of \$55.13/ton for the County/Public and \$39.13/ton for the City of Madera and Chowchilla residential, the actual and projected tonnages received, and the mid-year tipping fee reductions (\$53.39/ton for the County/Public, and \$37.39/ton for the City of Madera and Chowchilla), the County used the blended rate of **\$47.31** for development of the 2010-2011 budget. The calculation of the blended rate is shown below:

	Estimated Tonnage	County/Public Rate		Percentage	Estimated Revenue	% of Rate
County	16,750	\$55.13	current rate	15%	\$923,428	\$8.17
	50,250	\$53.39	mid-year tipping fee reductions [1]	44%	\$2,682,848	\$23.74
		<u>City Rate</u>				
City	11,500	\$39.13	current rate	10%	\$449,995	\$3.98
	34,500	\$37.39	mid-year tipping fee reductions [1]	31%	\$1,289,955	\$11.42
Total	113,000			100%	\$5,346,225	\$47.31

[1] Mid year tipping fee reductions related to the one time regulatory items/ costs from the 2009 tipping fee increase. The adjustment has not been made to the tipping fee.

The blended rate of \$47.31 consists of:

1. \$22.35/ton for the operational expenses (Operator):
 - a. \$15.65/ton pays for the contractual operator at the Landfill.
 - b. \$6.70/ton covers the cost of operating the Madera Mammoth Recycling (MMR).
2. \$24.96/ton for the County surcharges:
 - a. \$1.40/ton pays for the State surcharge for administrative costs.
 - b. \$0.44/ton covers the costs incurred by Environmental Health as the Local Enforcement Agency (LEA) related to the State mandated oversight of landfill operations.
 - c. \$1.06/ton covers the loan payments over an 18-year period to construct the gas extraction system, new liner, closure of old site, and two groundwater monitoring wells. This loan will be paid off in 2016.
 - d. \$0.78/ton covers services for monitoring of the monolithic cover, landfill gas, and hazard water disposal.
 - e. \$14.71/ton retained by the County of Madera for the costs associated with the operational costs of the Landfill and the indirect costs.
 - f. The remaining of \$6.57/ton pays for the Fairmead Liner Fund for future expansions, including permitting activities, acquisitions, design, and construction.

Procedure 4 - Identify all rate schedules and compare the fees charged to the cost for operating each facility.

We identified all rate schedules and compared the fees charged (revenues) to the cost for operating each facility. We also compared and analyzed the Landfill and the Madera Mammoth Recycling revenues and expenditures from July to October of 2010. We performed inquiries of County management and reviewed the agreement between the County and the Operator to determine if there was any profit limit for the Operator of the Landfill.

We identified the factors used in calculating the amount of the last rate increase that was implemented for any fee by obtaining the rate increase schedule. We reviewed, verified, and recalculated the rate increase schedule.

Findings

1. The Landfill's total net income/(loss) for the months from July to October 2010 was (\$61,503), \$54,968, \$31,337, \$55,498, respectively (See Exhibit A(1 & 2)).
2. The Madera Mammoth Recycling facility total net income/(loss) for the months from July to October 2010 was (\$12,444), (\$16,781), \$1,240, \$27,566 respectively (See Exhibit B(1 & 2)).
3. There is no limit on the profit the operator shall make with regard to the Landfill contract. However, there is a 10% limit on the profit the operator shall make with regard to the Madera Mammoth Recycling contract per agreement number: 5266-C-93, article II, item C.
4. The last rate increase occurred in October of 2009 and was based on the solid waste delivery agreements with the Cities of Madera and Chowchilla. The increase was based on the "Engineering News-Record Index" (6.7%), plus the addition of regulatory items. This increased the rates for the County and Self Haulers from \$50.00 per ton to \$55.13 per ton. The rates for each city increased from \$35.00 per ton to \$39.13 per ton. The operator has not received nor requested an increase in rates since fiscal year 2002-2003. The rate increases are supported by the calculation in Exhibit C.

Procedure 5 – Trace postings to reserves, replacement accounts or other accounts representing a component of the fee structure that is to be set aside for a future use. Determine if amounts set aside are timely and in the proper amount.

Findings

The Operator has no requirement to set aside any amounts for a future use. Reserve accounts are established at the County.

Procedure 6 - Identify all cost centers created by the Landfill operator and determine the revenues and costs assigned to each. Confirm whether revenues are properly matched to costs for the operation of each facility.

We reviewed the Operator's profit and loss statement for the months of July and August 2010 and selected the two largest expenditure categories: fuel and parts/materials. We verified those charges to the fuel log inventory report, invoices, and other supporting documents to determine the propriety of the charges.

Finding

Fuel charges agreed to the fuel inventory report. Parts and materials charges agreed to the invoices. During our testing for the month of August, we identified only one charge which was based on allocation. The method used for the allocation was based on the year-to-date purchases trend from January through June 2010. The basis used for the allocation of this cost appeared reasonable.

Procedure 7 - Examine the overhead cost allocation model used to distribute local office and corporate office overhead charges to each cost center and determine the appropriateness of the allocation to each.

We made inquiries of the Operator's District Controller and obtained the cost basis methodology for the overhead calculation.

Finding

According to the District Controller, the overhead charges are based on a corporate allocation formula which uses total corporate overhead costs and total corporate revenues. Prior to October 2010, the Operator used actual revenue numbers in the formula and subsequently used budgeted revenue numbers in calculating the overhead charges.

Corporate office overhead charges were calculated as follows:

4008-Landfill		August	September	October
Account 70149	Corporate overhead allocation per P&L	12,441	12,223	11,722
	Actual revenues per P&L	337,633	337,036	-
	Budgeted revenue per detailed monthly IC report	-	-	334,910
	Percentage *	3.68%	3.63%	3.50%
	Overhead allocation	12,425	12,223	11,722
4009-MRF				
Account 70149	Corporate overhead allocation per P&L	5,358	5,410	4,368
	Actual revenues per P&L	145,402	149,150	-
	Budgeted revenue per detailed monthly IC report	-	-	124,801
	Percentage *	3.68%	3.63%	3.50%
	Overhead allocation	5,351	5,414	4,368
* Based on overhead costs and total revenues for the regions. This percentage is provided by the Corporate Office based on management's decision.				

Procedure 8 – Confirm the staffing plan for each operation and determine whether the resulting allocation of salaries and benefits is appropriate.

We selected payroll expenditures and verified them against the payroll register report. We obtained the Operator's salary allocation schedule and determined whether or not the allocated payroll charges were in accordance with the schedule.

Finding

Payroll expenditures were supported by the payroll register and allocations were in accordance with the allocation schedule prepared by the District Manager.

Procedure 9 – Identify all sources of fixed and variable costs applicable to each cost center and determine that they are properly reflected.

We selected all Landfill variable costs for the months of May and August 2010 and traced the charges to invoices and/or other supporting documentation to verify the propriety of the charge.

Finding

Variable costs reported on the Landfill profit and loss statement for the months of May and August 2010 were properly supported by invoices and/or other supporting documentation and were allocated to the correct cost center.

We did not identify any fixed costs associated with the Landfill or the Madera Mammoth Recycling.

Procedure 10 - Identify the contractual requirements imposed on the landfill operator for processing recyclable material and confirm the revenues received from the handling/sale of recyclables.

We obtained a copy of the Madera Mammoth Recycling agreement between the County and the Operator. We compared revenues received by the County from the Operator for the sale of recyclable materials to the Solid Waste Surcharge Report.

We performed an analysis to determine whether the amount of recyclable materials received at the MMR reasonably agreed with the amount of recyclable materials sold for the period from July 2010 to October 2010.

Finding

The MMR agreement (5266-C-93, article II, item C) between the County and the Operator includes a 10% limit on the profit the operator shall make with regard to the Madera Mammoth Recycling contract. Further, the agreement states that in the review of operational costs, the County shall receive credit for 100% of all revenues the Operator may receive from the sale of recyclables. Therefore, the agreement does not require the Operator to pay the County for the sale of recyclables rather, the Operator should apply the sale proceeds to reduce MMR operating costs.

Our testing revealed that the amount of recyclable materials sold was greater than the amount of recyclable materials received at the facility. The reason for the difference is related to the amount of recyclable materials recovered from commingled trash. The Operator does not maintain an accounting of the amount of recyclable materials recovered from commingled trash and we were not able to determine whether the total amount of recyclable material received and recovered reasonably agreed with the amount of recyclable material sold.

Procedure 11 - Identify the contractual requirements imposed on the Landfill operator to make payments and/or apply credits to Madera County and the Cities of Madera and Chowchilla and determine whether all payments/credits are being made timely.

Finding

The Operator remits monthly payments to the County. These payments are made within 90 days of the last day of the month in which the collections were received. All payments tested were in accordance with the agreement between the County and the Operator, except for the commercial/roll off rate for the Cities of Madera and Chowchilla. The County contends that they should have received \$23.48/ton for the commercial/roll off for the Cities but the Operator has only remitted \$15.28/ton which left a discrepancy of \$8.20/ton. The total balance in question as of October 2010 was approximately \$500,000 according to County Solid Waste management.

The Operator does not make any payments or apply any credits to the City of Madera or the City of Chowchilla.

PROCEDURES WITH RESPECT TO THE COUNTY OF MADERA

Procedure 12 – Review the cost centers that have been established to track Landfill activity. Confirm that each cost center reflects the proper matching of revenues with expenses.

Finding

Revenues are initially posted to organization keys 01380(General), 11400 (Local Enforcement Agency), and 70510 (State Surcharge), and are recorded as gross revenues and expenses of the Landfill in the CAFR to arrive at a full accounting of all the activity of the Landfill in the CAFR. At year end, the excess of revenues over expenditures in General Fund will be transferred to the Fairmead Liner Fund after deduction of indirect cost.

Procedure 13 - Confirm that revenues and expenses related to refuse services provided to the unincorporated areas are segregated from all other activities as necessary.

Finding

The revenues and expenses related to refuse services provided to the unincorporated areas are not segregated. They are coded to organization key 01380 (RMA Refuse Disposal). According to the County Solid Waste Manager there is no contractual agreement to make this segregation.

Procedure 14 - Confirm that monies received from the Landfill operator are being deposited into the proper accounts for holding monies needed for future capital costs.

We selected the payments made by the Operator to the County for the months of May through August 2010. We recalculated the amounts related to reserve accounts (i.e. Fairmead Liner Fund, Local Enforcement Agency Fund and State Surcharge Fund) and we tested for proper posting in the County's accounting system.

Finding

The monies received from the Operator were properly deposited into the reserve accounts: Fairmead Liner Fund, Local Enforcement Agency Fund, and State Surcharge Fund.

Procedure 15 - Confirm that interest is properly allocated to each account that holds funds for a future capital use.

Finding

The interest is properly calculated and allocated to each account that holds funds for a future capital use. Interest is allocated by the County to the Fairmead Liner Fund and the Fairmead Closure Funds. The Treasurer's office is responsible for posting the interest earnings into the County accounting system. The interest earned is credited to the funds quarterly based on the daily cash balance for all funds in the County of Madera.

Procedure 16 - Confirm the process used for allocating indirect overhead charges to each landfill cost center and determine if the resulting charges are appropriate.

Finding

According to the County cost allocation plan, the indirect overhead charge for the year ended June 30, 2010 should have been \$210,176. The actual amount charged to the Landfill by the County was \$460,325, resulting in an overcharge of \$250,149.

The County uses only one fund to account for all Landfill activity. The County allocates indirect charges to the Landfill based on an indirect cost allocation plan. This cost allocation plan was prepared by a consultant and is based on actual expenses for the 2007/2008 fiscal year for use in the 2009/2010 fiscal year.

Procedure 17 - Review the process used for determining the amount of funds required for future capital outlay.

Finding

We identified two purposes which would require future capital outlays, the Fairmead Liner Fund and the Closure/Post-Closure Fund. The County has established a rate of \$6.57 per ton as the amount to be deposited to the Fairmead Liner Fund (refer to procedure 3 for breakdown).

In practice this established rate is not charged or used to determine the amount of the deposits to the Fairmead Liner Fund. Instead, the amount deposited to the Fairmead Liner Fund is the residual balance after deposits are made to the General, Local Enforcement Agency and the State Surcharge Funds.

The overage/(shortage) of the Liner fund is calculated below:

Period	Tonnages received	Required deposit amount @\$6.57	Amount deposited into Fairmead Liner Fund	Overage/ (Shortage)
July 1, 2008-June 30, 2009	114,721.70	\$753,721.57	\$753,214.77	(\$506.80)
July 1, 2009-June 30, 2010	110,391.26	\$725,270.58	\$746,668.29	\$21,397.71

The County does not currently make any deposits to the Closure/Post-Closure Fund. However, we did recalculate the calculation of the closure/post-closure liability prepared by the County and determined that the liability was fairly stated in accordance with GASB 18.

Procedure 18 - Identify the components of the current tip fee and determine whether the charges properly match the costs of operations at the landfill.

Finding

The County's net profit/loss statement for Landfill operations is attached as Exhibit D. As can be seen in Exhibit D, over the last four years, the Landfill has had net income and net losses. Please refer to Procedure 3 for the components of the tipping fees.

DRAFT

DRAFT

EXHIBITS

EXHIBIT A(1)

(LANDFILL)

Account # Revenues	July	August	September	October
36000 Landfill Revenue	\$ 146,831	\$ 144,287	\$ 139,026	\$ 150,952
36009 Landfill Revenue-MSW Intercompany	190,552	193,346	198,010	179,636
Landfill Revenue	337,383	337,633	337,036	330,588
43001 Taxed and Pass Thru Fees	213,249	172,935	185,919	183,406
Net Revenue	124,134	164,698	151,117	147,182
Primary Labor				
50020 Wages Regular	10,614	7,996	10,369	6,569
50025 Wages OT	4,521	4,091	4,503	2,153
50035 Safety Bonuses	467	1,000	934	(1,734)
50050 Payroll Taxes	1,175	1,116	1,051	662
50060 Group Insurance	728	592	2,487	501
50065 Vacation Pay	546	1,745	158	564
50070 Sick Pay	372	(3)	246	(93)
50086 Safety and Training	88	(88)	-	-
50015 Pension and Profit Sharing	86	51	59	-
Total Primary Labor	18,597	16,500	19,807	8,622
Truck Variable				
52010 Salaries	1,818	1,818	1,818	-
52020 Wages Regular	8,348	7,049	7,690	6,398
52025 Wages OT	3,294	3,554	2,702	3,071
52035 Safety Bonuses	67	400	134	(1,111)
52050 Payroll Taxes	867	799	746	791
52060 Group Insurance	1,568	1,275	(620)	1,438
52065 Vacation Pay	280	108	336	1,870
52070 Sick Pay	-	-	318	(151)
52086 Safety and Training	-	21	65	-
52090 Uniforms	-	137	181	139
52115 Pension and Profit Sharing	139	89	90	93
52120 Parts and Materials	14,388	1,537	2,852	2,800
52125 Operating Supplies	1,305	612	1,068	-
52140 Tires	852	1,375	11,560	1,707
52142 Fuel Expense	7,957	13,796	11,953	11,202
52146 Oil and Grease	674	585	749	1,446
52147 Outside Repairs	8,592	344	-	3,543
52149 Allocated Exp In Out-District	-	-	-	1,735
52150 Utilities	-	109	1,577	691
52165 Communications	-	92	91	204
52335 Miscellaneous	-	3	3	3
Total Truck Variable	50,149	33,703	43,313	35,869
Container Expense				
55065 Vacation Pay	-	-	14	8
Total Container Expense	-	-	14	8
Supervisory Expense				
56010 Salaries	10,570	5,896	4,485	4,281
56035 Safety Bonuses	-	-	200	-
56050 Payroll Taxes	747	451	357	327
56060 Group Insurance	-	176	-	-
56065 Vacation Pay	33	14	40	24
56115 Pension and Profit Sharing	153	102	102	102
56149 Allocated Exp In Out-District	-	-	1,677	2,022
56142 Fuel Expense	90	31	48	180
56165 Communications	220	-	-	30
Total Supervisory Expense	11,813	6,670	6,909	6,966
Other Operating				
57125 Operating Supplies	309	(24)	3,271	12
57147 Bldg & Property	-	2,048	98	(799)
57150 Utilities	69	55	190	356
57165 Communications	143	-	-	412
57275 Property Taxes	1,424	1,381	1,352	1,266
Total Other Operating	1,945	3,460	4,911	1,247
Insurance Expense				
59340 Self Insurance Premium	-	1,348	1,321	1,283
59343 WC-Current Year Claims	1,341	1,090	(4,180)	1,544
59400 Damages paid by District	-	-	-	(633)
Total Insurance Expense	1,341	2,438	(2,859)	2,194
Total Cost of Operations	83,845	62,771	72,095	54,906
Total Gross Profit	40,289	101,927	79,022	92,276

EXHIBIT A(2)

(LANDFILL)

Account #	General and Admin Expense	July	August	September	October
70010	Salaries	7,178	-	-	-
70020	Wages Regular	2,328	6,993	6,922	(2,175)
70025	Wages O.T	376	934	777	(214)
70030	Corp Allocated Bonus	-	(60)	-	-
70036	Other Bonus/Commission Non-Safety	-	-	20	(133)
70050	Payroll Taxes	251	1,144	871	(457)
70060	Group Insurance	-	1,125	1,026	174
70065	Vacation Pay	762	365	631	530
70070	Sick Pay	-	43	142	235
70095	Empl&Commun Activ	-	-	299	139
70105	Employee Relocation	-	233	233	233
70110	Contributions	-	-	-	48
70116	Pension and Profit Sharing	99	317	313	316
70147	Bldg & Property Maintenance	-	307	882	709
70148	Allocated Exp in -District	-	5,260	4,606	4,524
70165	Communications	158	1,565	1,228	1,430
70167	Cellular Telephone	-	203	218	165
70170	Real Estate Rentals	-	254	254	416
70175	Equip/Vehicle Rental	-	91	17	54
70185	Postage	-	58	211	346
70196	Club Dues	-	-	-	48
70200	Travel	-	-	109	10
70202	Excursions Meetings	-	107	-	-
70203	Lodging	-	-	576	37
70205	Travel-Auto	-	-	139	61
70206	Meals	-	60	159	42
70210	Office Supplies and Equip	-	1,068	690	1,212
70214	Credit Card Fees	-	565	624	793
70215	Bank Charges	-	461	231	231
70245	Payroll Processing Fees	-	133	133	133
70301	Computer Software	200	-	-	200
70302	Computer Supplies	-	-	217	91
70310	Bad Debt Provision	63,237	(8,434)	(3,607)	(1,290)
70320	Credit and Collection	-	-	12	-
70336	Coffee Bar	-	52	35	49
Total General and Admin		74,589	12,844	17,968	7,957
Total EBITDA b/ CO		(34,300)	89,083	61,054	84,319
Overhead Expense					
70149	Corporate Overhead Allocation	11,925	12,441	12,223	11,722
EBITDA		(46,225)	76,642	48,831	72,597
EBITDA w/o Ins		(44,884)	79,080	45,972	74,791
Depreciation					
Total Depreciation		15,278	15,277	15,278	15,277
EBIT (Earning Before Interest and Taxes) From Ops		(61,503)	61,365	33,553	57,320
Other Expenses					
80099	Interest Allocation	-	6,397	2,216	1,822
Total Other Expenses		-	6,397	2,216	1,822
EBIT (Earning Before Taxes) From Ops		(61,503)	54,968	31,337	55,498
Net Income/(Loss)		\$ (61,503)	\$ 54,968	\$ 31,337	\$ 55,498

EXHIBIT B(1)

(MADERA MAMMOTH RECYCLING)

Account # Revenues	July	August	September	October
35500 MRF Processing Charge	\$ 97,546	\$ 97,546	\$ 91,141	\$ 91,590
35510 Proceeds - OCC	15,026	15,852	18,835	22,651
35511 Proceeds - ONP	2,904	2,960	3,332	3,185
35512 Proceeds - Other Paper	4,610	2,454	6,223	5,688
35513 Proceeds - Aluminum	1,551	2,301	2,497	2,259
35514 Proceeds - Metal	8,814	7,517	8,686	9,373
35515 Proceeds - Glass	1,116	1,092	813	796
35516 Proceeds - Plastic	11,490	17,927	6,499	5,858
35517 Proceeds - Other Recyclables	14,595	(2,247)	11,124	5,707
Total Recycling Proceeds	60,106	47,856	58,009	55,517
Total Revenues	157,652	145,402	149,150	147,107
40109 Disposal Landfill Intercompany	8,899	11,392	13,183	-
40129 Disposal Other Intercompany	-	-	-	14,756
40861 Processing Fees MRF	16,328	11,220	1,550	1,015
43001 Taxes and Pass Thru Fees	57,150	55,959	49,918	50,813
44168 Cost of Materials - Other Recyclables	4,081	4,501	(961)	(6,149)
Total Revenue Reductions	86,458	83,072	63,690	60,435
Net Revenue	71,194	62,330	85,460	86,672
Primary Labor				
50010 Salaries	(22,178)	-	-	-
50020 Wages Regular	27,481	22,399	23,893	21,756
50025 Wages O.T.	2,557	3,335	3,238	3,638
50035 Safety Bonuses	1,000	3,200	2,000	(1,933)
50050 Payroll Taxes	2,628	2,560	2,087	2,047
50060 Group Insurance	728	512	912	497
50065 Vacation Pay	4,319	2,858	2,266	1,645
50070 Sick Pay	431	711	(161)	895
50086 Safety and Training	716	(558)	66	(440)
50090 Uniforms	1,559	1,127	1,526	1,051
50115 Pension and Profit Sharing	361	219	212	280
Total Primary Labor	19,602	36,363	36,039	29,436
Truck Variable				
52010 Salaries	1,212	1,212	1,212	-
52020 Wages Regular	1,455	4,194	2,430	3,886
52025 Wages O.T.	62	157	73	189
52035 Safety Bonuses	134	200	268	(430)
52050 Payroll Taxes	340	311	293	267
52060 Group Insurance	364	256	(144)	199
52065 Vacation Pay	3,443	29	(306)	718
52070 Sick Pay	-	-	1,626	(770)
52086 Safety and Training	-	10	33	-
52090 Uniforms	-	69	91	70
52115 Pension and Profit Sharing	135	89	92	89
52120 Parts and Materials	2,431	3,922	2,259	4,304
52125 Operating Supplies	664	306	534	-
52135 Equipment and Maint Repair	-	40	1,509	-
52142 Fuel Expense	1,358	2,231	1,915	1,680
52146 Oil and Grease	337	292	375	723
52147 Outside Repairs	1,469	-	-	805
52149 Allocated Exp In Out - District	-	-	-	1,157
52150 Utilities	-	73	1,051	461
52165 Communications	-	61	61	136
52335 Miscellaneous	-	1	1	1
Total Truck Variable	13,404	13,453	13,373	13,485
Container Expense				
55065 Vacation Pay	-	19	(13)	15
Supervisory Expense				
56010 Salaries	27,873	5,193	3,782	3,610
56035 Safety Bonuses	-	-	200	467
56050 Payroll Taxes	335	399	305	276
56060 Group Insurance	-	176	-	-
56065 Vacation Pay	53	55	(37)	45
56115 Pension and Profit Sharing	77	52	52	52
56142 Fuel Expense	-	52	-	-
56149 Allocated Exp In Out - District	-	-	838	1,011
56185 Communications	221	-	31	47
Total Supervisory Expense	28,559	5,927	5,171	5,508

EXHIBIT B(2)

(MADERA MAMMOTH RECYCLING)

Account # Other Operating				
57125 Operating Supplies	-	-	-	1,206
57150 Utilities	3,351	-	6,500	(6,449)
57275 Property Taxes	698	595	598	563
57353 Monitoring and Maintenance	-	45	45	45
Total Other Operating	4,049	640	7,143	(4,635)
Insurance Expense				
59340 Self Insurance Premium	-	580	584	571
59343 WC - Current Year Claims	657	(120)	8	751
Total Insurance Expense	657	460	592	1,322
Total Cost of Operations	66,271	56,862	62,305	45,131
Total Gross Profit	4,923	5,468	23,155	41,541
General and Admin Expense				
70010 Salaries	3,589	-	-	-
70020 Wages Regular	-	2,253	2,305	(2,305)
70025 Wages O.T.	-	275	246	(246)
70030 Corp Allocated Bonus	-	(30)	-	-
70036 Other Bonus/Commission - Non-Safety	-	-	10	-
70050 Payroll Taxes	-	443	333	(333)
70060 Group Insurance	-	562	513	(513)
70065 Vacation Pay	287	358	(20)	64
70070 Sick Pay	-	22	(12)	12
70095 Empl and Commun Activ	-	-	149	36
70105 Employee Relocation	-	117	117	117
70110 Contributions	-	-	-	24
70116 Pension and Profit Sharing	-	124	124	126
70147 Bldg & Property Maint	-	154	441	354
70148 Allocated Exp In - District	-	2,630	2,303	2,262
70165 Communications	79	684	552	751
70167 Cellular Telephone	-	102	109	82
70170 Real Estate Rentals	-	127	127	208
70175 Equip/Vehicle Rental	-	45	9	27
70196 Club Dues	-	-	-	24
70200 Travel	-	-	55	5
70202 Excursions Meetings	-	53	-	-
70203 Lodging	-	-	288	19
70205 Travel - Auto	-	-	69	31
70206 Meals	-	30	79	21
70210 Office Supplies and Equip	-	534	345	606
70245 Payroll Processing Fees	-	88	88	88
70302 Computer Supplies	-	-	109	45
70310 Bad Debt Provision	666	-	-	-
70320 Credit and Collection	-	-	5	-
70336 Coffe Bar	-	22	15	23
Total General and Admin	4,621	8,593	8,359	1,528
Total EBITDA b/ CO	302	(3,125)	14,796	40,013
Overhead Expense				
70149 Corporate Overhead Allocation	5,843	5,358	5,410	4,368
EBITDA	(5,541)	(8,483)	9,386	35,645
EBITDA w/o Ins	(4,884)	(8,023)	9,978	36,967
Depreciation				
Total Depreciation	6,903	6,903	6,903	6,903
EBIT (Earning Before Interest and Taxes) From Ops	(12,444)	(15,386)	2,483	28,742
Other Expenses				
80099 Interest Allocation	-	1,395	1,243	1,176
Total Other Expenses	-	1,395	1,243	1,176
EBIT (Earning Before Taxes) From Ops	(12,444)	(16,781)	1,240	27,566

EXHIBIT C

TIPPING FEE INCREASE

<u>Tipping Fee Increase</u>	Total	Cities*	Chowchilla*	Madera*	County
Current Tipping Fee (per ton)-Trash		\$35.00	\$35.00	\$35.00	\$50.00
<i>Tipping Fee Increase per Ton-Los Angeles Engineering News Record Construction Cost Index-February 2009</i>		\$2.35	\$2.35	\$2.35	\$3.35
<i>New Tipping Fee (per Ton) w/ ENR Index</i>		\$37.35	\$37.35	\$37.35	\$53.35
Regulatory Items					
Tonnage ³	113,000.00	54,240.00	13,017.60	41,222.40	58,760.00
Landfill Gas Compliance Regulations-Probe Plan & Installation ¹	\$125,430	\$60,206.40	\$14,449.54	\$45,756.86	\$65,223.60
Rate Increase per Ton	\$1.11	\$1.11	\$1.11	\$1.11	\$1.11
Air Board & EPA Title V Regulations ¹	\$71,190	\$34,171.20	\$8,201.09	\$25,970.11	\$37,018.80
Rate Increase per Ton	\$0.63	\$0.63	\$0.63	\$0.63	\$0.63
Sharps Ban in Landfills-Managed by HHW Facility ²	\$4,520	\$2,169.60	\$520.70	\$1,648.90	\$2,350.40
Rate Increase per Ton	\$0.04	\$0.04	\$0.04	\$0.04	\$0.04
<i>Subtotal of Regulatory Items</i>	\$201,140	\$96,547.20	\$23,171.33	\$73,375.87	\$104,592.80
<i>Tipping Fee Increase per Ton-Regulatory Items</i>	\$1.78	\$1.78	\$1.78	\$1.78	\$1.78
TOTAL-Tipping fee increase per ton		\$4.13	\$4.13	\$4.13	\$5.13
New Tipping Fee w/ the ENR Index and Regulatory Items (per Ton)		\$39.13	\$39.13	\$39.13	\$55.13
<small>¹one time costs; ²on-going costs; ³based on CIWMB Disposal Reports; *Gray Waste or Gray Can Waste-Trash. Absent a Blue Can or Curbside Recycling Program, the tipping fee rate or total disposal fee will default to the current Public Rates as adopted by the County Board of Supervisors.</small>					

EXHIBIT D**FAIRMEAD REVENUES AND EXPENSES**

	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>
Operating Revenues				
Charges for services	\$ 2,424,146	\$ 2,662,844	\$ 2,959,853	\$ 2,698,084
Other	-	-	10,880	-
Total operating revenues	<u>2,424,146</u>	<u>2,662,844</u>	<u>2,970,733</u>	<u>2,698,084</u>
Operating Expenses				
Refuse disposal	2,559,604	2,787,667	2,508,986	2,384,717
Depreciation	258,342	215,499	161,359	126,434
Total operating expenses	<u>2,817,946</u>	<u>3,003,166</u>	<u>2,670,345</u>	<u>2,511,151</u>
Operating Income (Loss)	<u>(393,800)</u>	<u>(340,322)</u>	<u>300,388</u>	<u>186,933</u>
Non-operating Revenues (Expenses)				
Revenue from use of money and property	187,903	310,556	434,280	151,460
Interest and fiscal charges	(14,358)	(41,190)	(47,819)	(50,750)
Total non-operating revenues (expenses)	<u>173,545</u>	<u>269,366</u>	<u>386,461</u>	<u>100,710</u>
Changes in net assets	(220,255)	(70,956)	686,849	287,643
Net Assets				
Beginning of year	3,608,066	3,679,022	2,992,173	2,704,529
End of year	<u>\$ 3,387,811</u>	<u>\$ 3,608,066</u>	<u>\$ 3,679,022</u>	<u>\$ 2,992,172</u>

The Financial Statements for the fiscal year ended June 30, 2006, were audited by Quady & Leal, LLP. The Financial Statements for the fiscal years ended June 30, 2007 through 2009, were audited by Caporicci and Larson.

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**2010-2011
Madera County Grand Jury
Final Report
Chowchilla City Fire Department**

**2010-2011
Madera County Grand Jury
Final Report**

Chowchilla City Fire Department

Introduction:

The Grand Jury felt it appropriate to review the Chowchilla City Fire Department. The last review was completed by the 2008-2009 Grand Jury. Consequently, on October 13, 2010, the Grand Jury visited the Chowchilla City Fire Department located at 240 North 1st Street, Chowchilla, California 93610, west of Highway 99.

Findings:

The Grand Jury reviewed the recommendations made in the 2007-2008 and the 2008-2009 Grand Jury Final Reports.

The Grand Jury met with the Fire Chief, who has been with the Department since November, 1998. His expertise and involvement with all facets of the Chowchilla City Fire Department were most evident.

There is no permanent full-time staff at the fire station. It is staffed by the Fire Chief and fourteen (14) Volunteers. The cost of operation is paid by the City of Chowchilla, Public Donations and Grants. Recent grants from Chukchansi in the amounts \$75,000 and \$48,849 were received and were used to purchase equipment in 2010.

It should also be noted that the Chowchilla City Fire Station is not staffed on a 24-hour basis. All fire calls go through the Chowchilla Police Department who, in turn, contacts the volunteers. This process appears cumbersome and cannot help but impact response time.

The group of volunteers receives \$400 per month, to do with as they choose. In the past, they have used these funds for the purchase of fire equipment, food for their meetings, a television set for the station, and annual Christmas and summer parties for their families.

The Chief stated that the Chowchilla fire station serves approximately 18,000 residents, including the Women's Prison population.

The Chief also noted the continuing fire-fighting concerns and constraints posed by the lack of an overpass, over the railroad tracks running through Chowchilla. He further stated that one compensating factor to this dilemma is the Fire Station at the Women's Prison helps with fire fighting coverage for the East side of the City.

The Chief also noted that they do not handle medical calls. Such calls are handled by the Chowchilla Police Department and local ambulance services. The station does not routinely respond to out-of-town fires. They do, however, cover other areas of Madera County if they are called upon to do so.

The Grand Jury found the existing station to be outdated, but adequate to maintain the status-quo. The Grand Jury questions if “status-quo” is in the best interest of the City of Chowchilla and its residents.

Conclusions:

The Grand Jury concludes that fire protection utilizing volunteer staff may not be adequate for a growing city.

The Grand Jury concludes that recommendations made in previous Grand Jury reports have not been addressed. Items such as the addition of a ladder truck, which the Chief indicated would greatly enhance the Fire Department’s fire-fighting capabilities, have not been procured.

The Grand Jury concludes that the need to build a fire station on the east side is an appropriate long-range goal.

Recommendations:

- The Grand Jury recommends that the practice of having a 100% volunteer force be reviewed. A combination of volunteers and full-time staff may be necessary to meet the realistic needs and demands of the community served.
- The Grand Jury recommends that funds be allocated for a new fire/police station with resident housing accommodations to be located on the east side of Highway 99.
- The Grand Jury recommends that the City strengthen its mutual aid relationship with other agencies within the County.
- The Grand Jury recommends that the County and the City of Chowchilla pursue the construction of an overpass of the railroad track running through the City of Chowchilla.
- The Grand Jury recommends that the City of Chowchilla continue to pursue grants and donations on behalf of its fire department.

Respondents: Written response required pursuant to PC933(c)

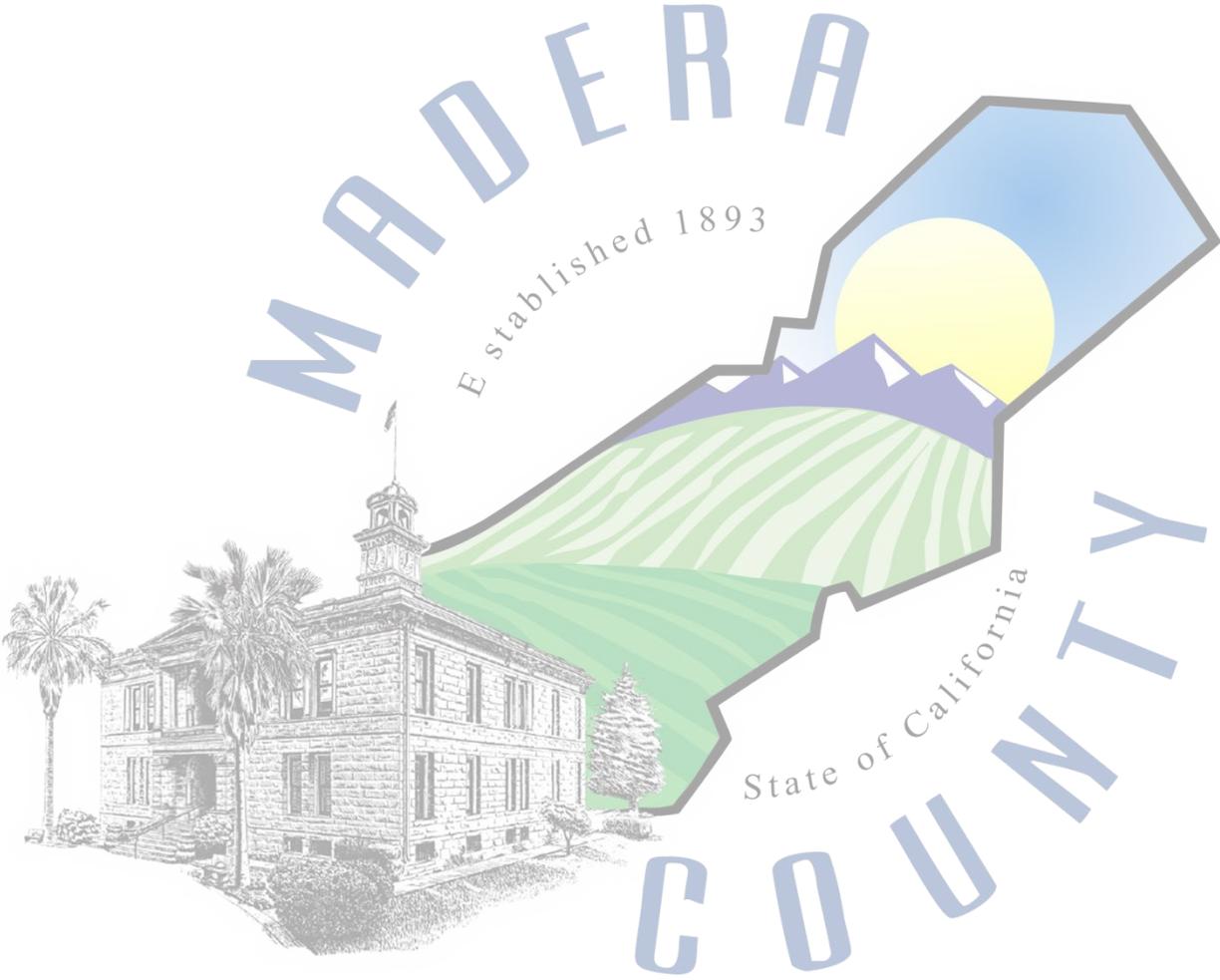
Chowchilla City Council
240 North First Street
Chowchilla, CA 93610

Responses Optional:

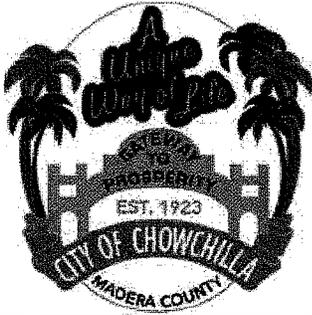
Fire Chief
City of Chowchilla
201 Second Street
Chowchilla, CA 93610

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

Madera County Grand Jury



Responses to Item

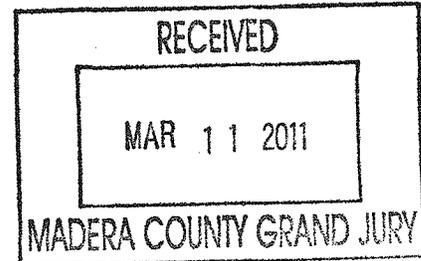


City Council City of Chowchilla

130 S Second Street
Civic Center Plaza
Chowchilla CA 93610
Ph: 559-665-8615 * Fax: 559-665-7418
www.ci.chowchilla.ca.us

March 3, 2011

Madera County Grand Jury
P.O. Box 534
Madera CA 93637



Re: Chowchilla City Fire Department

Dear Foreman Haugen,

This letter affirms the City of Chowchilla's receipt of your letter dated February 3, 2011 regarding the Chowchilla City Fire Department and attached report.

The Council would like to point out that the current method of dispatching fire is the current standard for dispatching a volunteer fire department nationwide. Calls come in to a 911 center and then are redirected via radio broadcast or pager broadcast to the firefighters for response. In regards to fire response to our local prison facilities, the primary responsibility falls with the fire station located at CCWF.

While Council acknowledges that the fire station is approaching 20 years old it does not appear to be outdated nor has the City received any feedback from the department or the community about this issue, prior to your letter.

The Council appreciates your recommendations for upgrades in staffing, facilities and construction of an overpass over the UPRR railroad tracks. Unfortunately no funding source exists to accomplish any of these recommendations at this time. The City will continue to engage in mutual aid responses through CalFire and other agencies as well as pursuing grant opportunities to improve fire service in our community.

If you have any further questions or comments regarding this letter, please contact me at (559) 313-0363.

Sincerely,

David Alexander
Mayor

Cc:
Jay Varney, City Administrator



**2010-2011
Madera County Grand Jury
Final Report
Citizen Complaint Regarding
Department of Social Services**

**2010-2011
MADERA COUNTY GRAND JURY
FINAL REPORT
CITIZEN COMPLAINT REGARDING
DEPARTMENT OF SOCIAL SERVICES**

Introduction:

On August 27, 2010, the Grand Jury received a Citizen Complaint setting forth a broad array of concerns involving the Madera County Department of Social Services (DSS), e.g., discrimination, aiding of “illegals” to reside in the United States, college tuition issues, and violation of immigration and sheltering laws.

The complaint alleged that:

- DSS discriminated by denying complainant admittance to the non-English speaking Medi-Cal orientation class;
- U.S. citizens are required to submit multiple forms of identification while non-U.S. citizens are exempted from all identification requirements;
- Civil laws are violated by providing food and housing, with “20 million illegals knowingly drawing from our social programs”;
- Illegals are receiving free college education in California.

The Grand Jury decided to do a preliminary investigation into the merits of the complaint.

Findings:

On September 17, 2010, the Grand Jury visited DSS and spoke to the Director concerning the allegations set forth in the complaint. The Grand Jury discussed the various aspects of the complaint with the Director.

The Director indicated awareness of the complainant and his concerns. She related that some of her staff who knew of the complainant felt that he was a threat. The Director concurred that something should be done to de-escalate the situation with the complainant. The Grand Jury found the Director cooperative and eager to assist. She agreed to have a very skilled DSS staff person contact the complainant to discuss his concerns. She indicated that she would report back to the Grand Jury.

After the meeting with DSS, the Grand Jury responded to the complainant in a letter dated September 17, 2010, acknowledging his complaint and informing him that the Grand Jury met with DSS on his behalf. The letter advised the complainant that he would be contacted by DSS to assist him.

On September 20, 2010, the Grand Jury received a telephone call from the DSS Director reporting that their contact with the complainant “did not go well.” She informed the Grand Jury

that the complainant was not interested in talking to DSS and that he had filed a lawsuit against the DSS Director. The Director stated that she advised Madera County Counsel of the possible lawsuit and was directed not to talk further with the complainant.

Subsequently, two separate recorded telephone messages were received, several weeks apart, from the complainant at the Grand Jury Office. Both recorded messages were liberally laced with profanity.

The Grand Jury finds that the complainant rejected offers of assistance.

Conclusion:

Because the complainant indicated that he has initiated litigation on this matter, the Grand Jury concludes no further action is appropriate at the present time.

Respondents: Response optional

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

Director
Madera County Department of Social Services
700 East Yosemite Avenue
Madera, California 93638

County Counsel
200 West Fourth Street
Madera, California 93637

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2010-2011
Madera County Grand Jury
Final Report
Madera County Hazardous Material Response Team

2010-2011
Madera County Grand Jury
Final Report
Madera County Hazardous Material Response Team

Introduction:

The Madera County Grand Jury visited Fire Station #19 located at 35141 Bonadelle Avenue on September 29, 2010, to conduct an investigation of the Hazardous Material Response Team (Hazmat) that has a special trailer on site.

The Grand Jury wanted to understand the operation and format of how the Hazmat Response Team responds to emergencies.

Findings:

Station #19 houses Madera County's Hazmat personnel and equipment that are called upon to respond, 24/7, to incidents involving the uncontrolled release of hazardous materials. The Grand Jury finds Station #19 is clean, well maintained, and staffed with exceptional people. The Hazmat truck and trailer were fully equipped with safety gear for the team, numerous educational devices, wireless internet, emergency guide book and a lab which was put on display for our inspection. The people who staff Station #19 are part of a group of Cal Fire employees from Madera, Mariposa, and Merced Counties who, along with staff from Environmental Health, form a team and through mutual aid agreements have established the Hazmat Response Plan for their areas. There is a similar group established in Merced County with specially trained personnel and equipment but no such group exists in Mariposa County.

The Grand Jury met with a group of six people: the Madera County Fire Chief, a Madera County Fire Captain, two Cal Fire Specialists, and two individuals from Environmental Health. Team members explained the process of dealing with a hazardous material spill and the role various agencies play in the process. A clear "Incident Command Authority/Responsibility" has been established for the area. The law enforcement agency with jurisdictional responsibility takes on the role of Incident Commander.

The Madera County Fire Department Hazmat Response Team provides the following services:

- Technical assistance and advice to the Incident Commander at incidents involving hazardous materials within Madera County and to others under mutual aid
- Personnel and specialized equipment at Hazmat incidents
- Sampling and assistance in the field identification of hazardous materials
- Tactical operations within the scope of the Hazmat Response Team capabilities and training to contain and mitigate Hazmat emergencies
- Assisting Environmental Health with the clean-up of minor spills
- Technical support for medical health considerations of first responders

A 911 call will normally initiate a response by the appropriate agency. When it has been determined that a release of hazardous material is involved, the Hazmat Response Team will be called. Appropriate personnel will be dispatched depending on the level of the incident.

When the incident involves an unknown substance classified as level 1, the Hazmat Response Team from Station #19 will be sent to the location. The spill is observed from a distance to determine its nature. Additional assistance is called as deemed appropriate.

In a Level 2 incident, which is considered a standard call, the station and the team members are paged to meet at the incident. A minimum of six Hazmat Response Team members are required if the team must enter an exclusion zone. An exclusion zone is the area around the spill for which protective gear is required. For complex operations, ten Hazmat Response Team members are required. The only exception to this policy is an immediate life threat.

The mission of the Hazmat Response Team is to control the spill and eliminate any imminent public hazard. The business or property owner is responsible for the clean-up and proper disposal of the hazardous material. Grant money is available to assist the responsible party in some circumstances. Responsible parties should consult with Environmental Health to determine if money is available when faced with a hazardous material clean-up.

The Grand Jury finds that county Hazmat incidents were low in 2010. During 2010 there were four chemical spills at gas stations, two chemical suicides, and a waste oil complaint. In 2003 there were 110 meth lab incidents which gave Madera County the dubious distinction of being the #1 county in the nation for this type of problem. Incidents involving meth labs have declined significantly. The Hazmat Response Team characterized their operation as low in number of incidents but high in public impact.

The staff of Station #19 require many hours of specialized training to achieve different levels of expertise. Training required to reach each level is expensive and funds are limited. Staff wishing to upgrade their skills by attending the required training are often required to pay for their training. Madera County has a small budget for training and there are also grants available to pay for some training opportunities. The cost of backfilling a position, however, makes many training opportunities cost prohibitive.

Different teams involved in Hazmat clean-up use different breathing apparatus. The cost of replacing the breathing equipment used by Station #19 would be around \$72,000, which would provide equipment that holds a larger supply of air and is interchangeable with that used by the Merced Hazmat team. Funds to replace this equipment are currently coming from uncertain Homeland Security grants. Safety suits cost about \$2,400 and expire after 5 years, used or not. These suits must also be replaced any time they fail to pass a required pressure test. The current tool budget for Station #19 is \$5,500. Twenty-seven hundred dollars is required to replace equipment that can no longer be used due to expiration.

The Grand Jury was supplied a Hazardous Material Area Plan and several draft copies of excerpts from what is to become the Madera-Mariposa-Merced Policy and Procedure Handbook. These excerpts deal with a variety of topics that guide critical components of the Hazmat Team's day-to-day operations. The Grand Jury finds that the Policy and Procedure Handbook in draft form indicates a lack of agreement and enforcement capability.

Conclusions:

The Grand Jury concludes that the highly motivated Hazmat Team is an asset to the community.

The Grand Jury concludes that training requirements to maintain the current level of expertise are extensive, and adequate staff to backfill for training is not being provided.

The Grand Jury concludes funding for Station #19 replacement of tools and equipment is uncertain.

The Grand Jury concludes that the policy and procedures handbook for Hazmat operations needs to be put in final form and distributed.

The Grand Jury concludes that Station #19 breathing equipment should be compatible with equipment used by other agencies.

Recommendations:

The Grand Jury recommends that the County establish and fund an additional position to relieve paid staff for training purposes.

The Grand Jury recommends that the County fully fund the cost of replacing equipment that expires.

The Grand Jury recommends that the County work with other mutual aid agencies to standardize the firefighter equipment.

The Grand Jury recommends the prompt completion, publication, and implementation of a policy and procedures handbook for the Madera-Mariposa-Merced Hazmat Response Team.

Respondent: Written response required pursuant to PC933 (c)

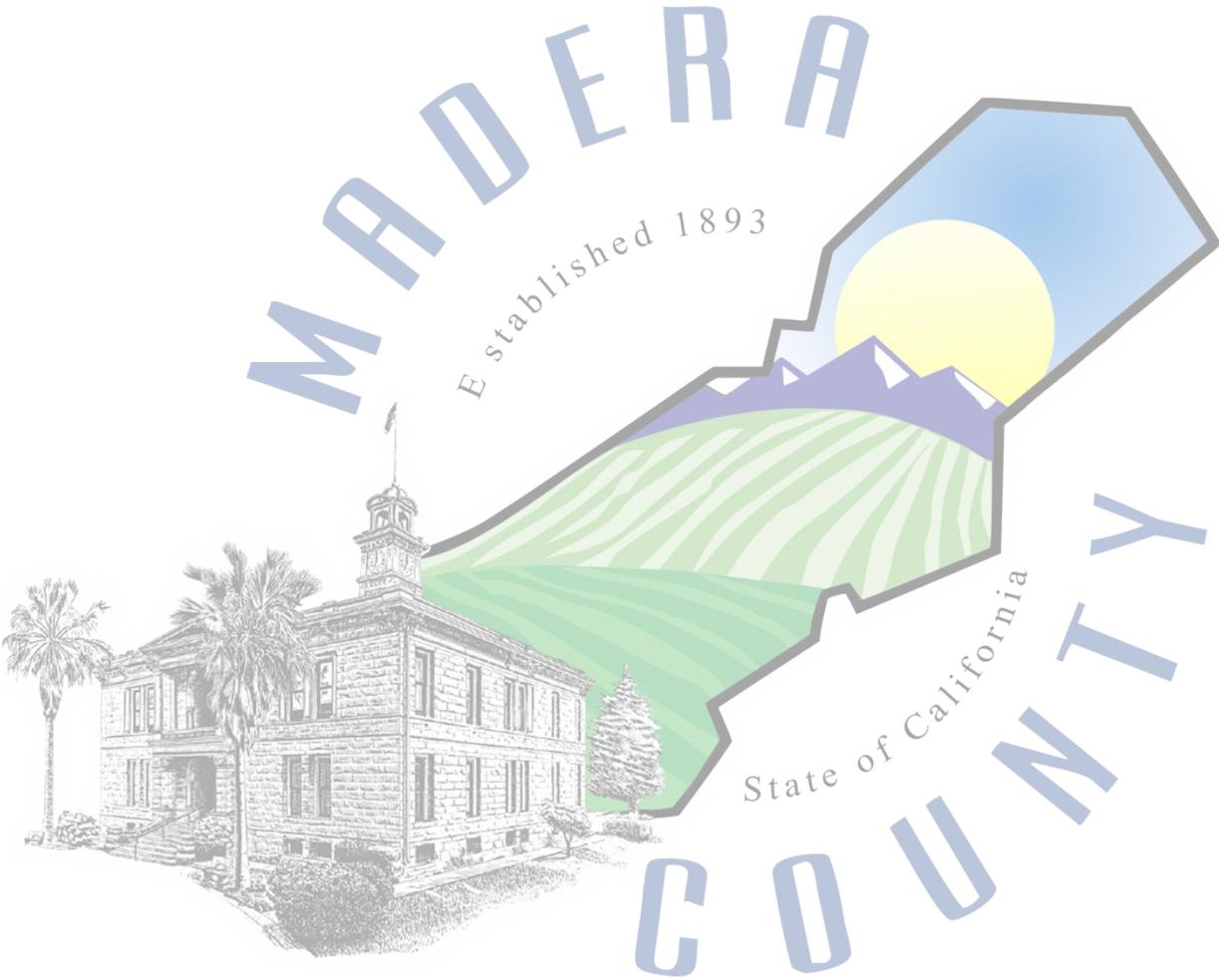
Madera County Board of Supervisors
200 West Fourth St.
Madera, CA 93637

Respondents: Response Optional

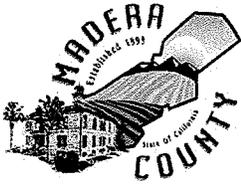
Madera County Fire Department
Chief, Station #19
35141 Bonadelle Ave
Madera, CA 93636

Environmental Health Director
Department of Environmental Health
2037 West Cleveland Avenue
Madera, CA 93637

Madera County Grand Jury



Responses to Item



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
DAVID ROGERS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: **Response to the 2010-2011 Grand Jury Final Report on the "Madera County Hazardous Material Response Team"**

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report entitled "Madera County Hazardous Material Response Team" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The Grand Jury recommends that the County establish and fund an additional position to relieve paid staff for training purposes.

Grand Jury Recommendation

The Grand Jury recommends that the County fully fund the cost of replacing equipment that expires.

Grand Jury Recommendation

The Grand Jury recommends that the County work with other mutual aid agencies to standardize the firefighter equipment.

Grand Jury Recommendation

The Grand Jury recommends the prompt completion, publication, and implementation of a policy and procedures handbook for the Madera-Mariposa-Merced Hazmat Response Team.

Board of Supervisors' Response to Grand Jury Recommendations

The response of the Acting Fire Chief to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors' response. (See Attachment #2.)

Sincerely,

A handwritten signature in cursive script that reads "Frank Bigelow".

Frank Bigelow
Chairman
Madera County Board of Supervisors

Attachment

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
CAL FIRE

14225 ROAD 28
MADERA, CALIFORNIA 93638-5715

OFFICE: (559) 675-7799
FAX: (559) 673-2085

ATTACHMENT 2

DATE: February 28, 2011

TO: Darin McCandless
Risk Management Analyst

FROM: Bill Hodson, Madera County Acting Fire Chief
By: David Irion, Madera County Fire Division Chief

RE: Response to Grand Jury Report entitled "Madera County
Hazardous Material Response Team"

The Grand Jury Report on Madera County Hazardous Material Response Team dated February 3, 2011 has four recommendations:

1. The Grand Jury recommends the County establish and fund an additional position to relieve paid staff for training purposes.
2. The Grand Jury recommends that the County fully fund the cost of replacing equipment that expires.
3. The Grand Jury recommends that the County work with other mutual aid agencies to standardize the firefighter equipment.
4. The Grand Jury recommends the prompt completion, publication, and implementation of a policy and procedures handbook for the Madera-Mariposa-Merced Hazmat Response Team.

The Fire Department is required to submit a written response per PC 933(c). Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency

or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore."

Recommendation 1: The Grand Jury recommends the County establish and fund an additional position to relieve paid staff for training purposes.

The Madera County Fire Department recognizes that staffing levels of the Fire Department limit many opportunities including training. The Fire Department would like to have increased staffing for training purposes as well as for general staffing throughout the County. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.

Recommendation 2: The Grand Jury recommends that the County fully fund the cost of replacing equipment that expires.

The Madera County Fire Department has an ever-limiting budget and an ever-expanding service need across the County. The Fire Department will continue to provide excellent service throughout the County to the best of its ability while utilizing the finest equipment available at the time. Fire Department funds will continue to be distributed, and redistributed as necessary, to maintain current equipment and supplies. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.

Recommendation 3: The Grand Jury recommends that the County work with other mutual aid agencies to standardize the firefighter equipment.

The Madera County Fire Department has a commitment to standardization. Self Contained Breathing Apparatus (SCBA) equipment is sold by many vendors. Agencies often choose breathing apparatus systems based on cost, reliability, and performance of the equipment, however knowledge of the brand and experience working with it can also be contributing factors. Currently the joint Madera-Merced County Hazmat Team, Merced County Fire Department and Madera County Fire Department use Survivair SCBA equipment. However, the joint Madera-Merced County Hazmat Team and Merced County Fire Department are in the process of getting MSA SCBA equipment. Once this occurs, the Madera County Fire Department would be the only agency in the area using Survivair SCBA equipment since the Madera City Fire Department and CAL FIRE currently use MSA SCBA equipment.

Due to the high cost of this equipment, this recommendation will continue to be analyzed and will be implemented when necessary factors associated with this decision have been fully determined.

Recommendation 4: The Grand Jury recommends the prompt completion, publication, and implementation of a policy and procedures handbook for the Madera-Mariposa-Merced Hazmat Response Team.

The Madera County Hazmat Team and the Merced County Hazmat Team are a joint team and Merced has established the current policy and procedures handbook for the hazmat team. This policy and procedures handbook is currently in draft form because it is awaiting approval by the CAL FIRE Acting Unit Chief of Madera-Merced-Mariposa Unit/Madera County Acting Fire Chief.

This recommendation has not been implemented, however it is likely it will be once the new CAL FIRE Unit Chief/Madera County Fire Chief is hired.



**2010-2011
Madera County Grand Jury
Final Report
Madera City Fire Department, Station #6**

**2010-2011
Madera County Grand Jury
Final Report
Madera City Fire Department, Station #6**

Introduction:

The Grand Jury visited Fire Station #6 located at 317 North Lake Street, Madera, California 93638, and met with the Battalion Chief, a Fire Captain and a Firefighter.

Findings:

The Grand Jury found CAL FIRE employees who staff this station are professional, highly motivated, and a very cohesive group who do what is necessary to get their work done. This was evidenced when two firefighters excused themselves to respond to a “call” during the Grand Jury interview. The station is manned 24-hours a day, seven days a week. There has been no change from the complement of personnel found by the 2007-2008 Grand Jury.

The Grand Jury found, when discussing the duties and responsibilities of staff with the Battalion Chief, that all personnel are overloaded. As an example, the Battalion Chief is responsible for the routine oversight, staffing, and paperwork for Stations #6 and #7. In addition, she is responsible for the majority of the payroll paperwork for six City and County Fire Stations. Station staff provides aid to those calling for emergency medical assistance, assists law enforcement when dealing with vehicle accidents, responds to structures fires, and assists with wild-land fires.

The Grand Jury found that this station is responsible for providing emergency services to a growing population of several thousand. The geographical area of coverage has increased due to population shifts. The Battalion Chief noted that there are a significant number of empty buildings/homes within Station #6 area of responsibility – empty buildings/homes are more of a fire hazard and a greater challenge should a fire occur.

The Grand Jury found that the common areas of Station #6 have been renovated, including a completely remodeled kitchen. The sleeping quarters provide limited privacy. A single bathroom serves all staff, both male and female.

The Grand Jury found that all mandated training is conducted in-house, which lessens the need for the backfilling of positions. Backfilling costs for off-site training can be over \$2,000 for each person per training session.

The Grand Jury found the Station’s inventory contained several turn-out kits, each costing over \$2,000. Because it can take an extended period of time to receive a turn-out kit for new personnel, it is necessary to maintain an inventory of additional kits in several sizes.

The Grand Jury found that breathing equipment used for City and County is not compatible.

The Grand Jury found the vehicles assigned to Station #6 are a 1991 reserve engine #206, a patrol (small pumper) which affords easy access behind homes, and a 2002 engine with 56,000 miles. The reserve engine needs replacement as it does not meet current diesel emission standards.

Conclusions:

The Grand Jury concludes that Station #6 has had some improvements since the Grand Jury visit of 2007-2008, although the sleeping quarters are still in need of an upgrade and an additional bathroom.

The Grand Jury concludes City and County breathing equipment needs to be standardized.

The Grand Jury concludes that Madera's population growth has placed added responsibilities on individuals manning and operating this fire station. While this has placed pressure on most personnel, the individuals involved are accepting the added responsibilities willingly.

The Grand Jury questions the cost effectiveness of high inventory turn-out kit levels at Station #6 and any other stations given the fact that hiring levels are low and the inventory may remain unused for extended periods.

Recommendations:

The Grand Jury recommends that training and upgrading the levels of expertise of those staffing Station #6 should continue.

The Grand Jury recommends the City of Madera add a second bathroom and remodel the sleeping quarters at Station #6.

The Grand Jury recommends Madera City Fire Department establish an inventory pool of equipment, i.e. turn-out kits.

The Grand Jury recommends the City of Madera standardize breathing apparatus, making it compatible with Madera County equipment.

Respondent: Written response required pursuant to PC933(c)

Madera City Council
205 West Fourth Street
Madera, CA 93637

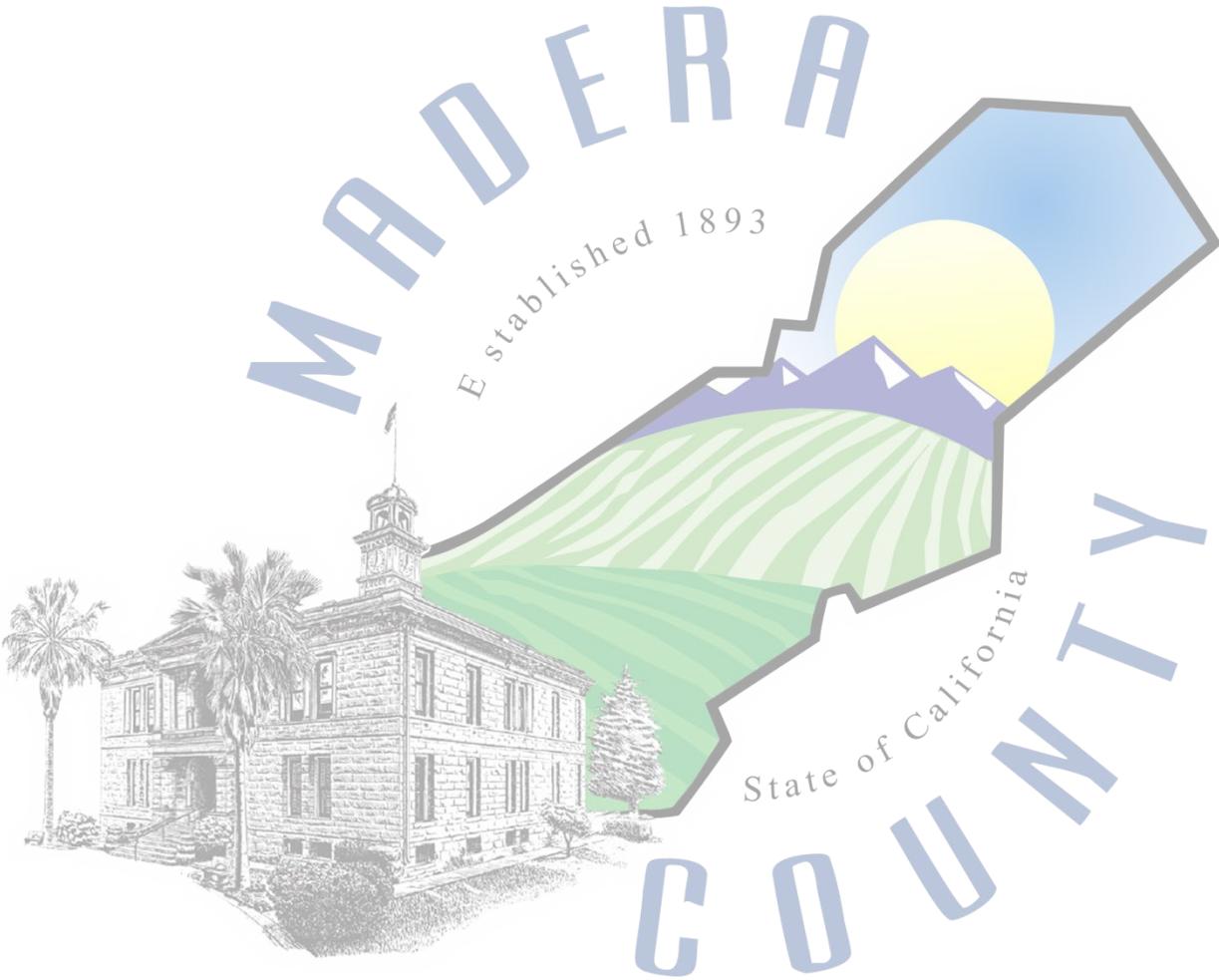
Respondents: Response Optional

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

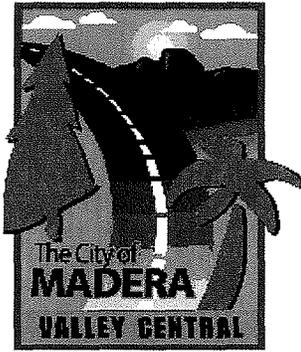
Madera City Fire Chief
14225 Road 28
Madera, CA 93638

CAL FIRE
State Fire Marshall
PO Box 944246
Sacramento, CA 94244-2460

Madera County Grand Jury



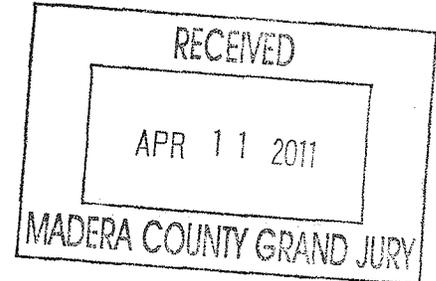
Responses to Item



RECEIVED

MAR 30 2011

JURY DIVISION
SUPERVISOR



March 21, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Response to the 2010-11 Grand Jury Final Report on "Madera City Fire Station #6."

Dear Honorable Judge Rigby:

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

The Grand Jury has requested a response to the Recommendations in the 2010-11 Madera County Grand Jury Report on the "Madera City Fire Station #6". See Attachment A.

The following are the Grand Jury's recommendations in their Final Report, and the Fire Department and Council's responses to the recommendations:

1. *The Grand Jury recommends that training and upgrading the levels of expertise of those staffing Station #6 should continue.*

Mandatory training of all emergency responders is one of the fire department's highest priorities. Currently, additional training classes are approved based on the availability of the classes and the allocated training budget. Each employee is limited to two additional classes per year.

2. *The Grand Jury recommends the City of Madera add a second bathroom and remodel the sleeping quarters at Station #6.*

Both of these projects are complex and would be very expensive improvements. The facility has cement floors and brick walls and is approximately 43 years old. This type of construction limits the ability to remodel and causes the project to be very expensive to complete. The Madera City Fire Department suggests these projects be completed in phases when funding becomes available. The remodeling of the bathroom is the highest priority since there is currently only one shower for both sexes. Lockers and partitions are being used between the beds to allow for some privacy in the sleeping quarters.

205 W. Fourth Street, Madera, CA 93637, TEL (559) 661-5400, FAX (559) 674-2972

3. *The Grand Jury recommends Madera City Fire Department establish an inventory pool of equipment, i.e. turnout kits.*

The Madera City Fire Department maintains an adequate supply of equipment available, including turnouts. The equipment that is readily available, i.e. items that can be received within a week from sales representatives, isn't kept in large supply. The high cost of turnouts and their ten year wear out cycle are two of the main factors for keeping a limited, but adequate, supply on hand. Madera City Fire Department has the ability to exchange its inventory of turnouts with Madera County Fire Department, Merced County Fire Department and CAL FIRE as needed to accommodate employees.

4. *The Grand Jury recommends the City of Madera standardize breathing apparatus, making it compatible with Madera County equipment.*

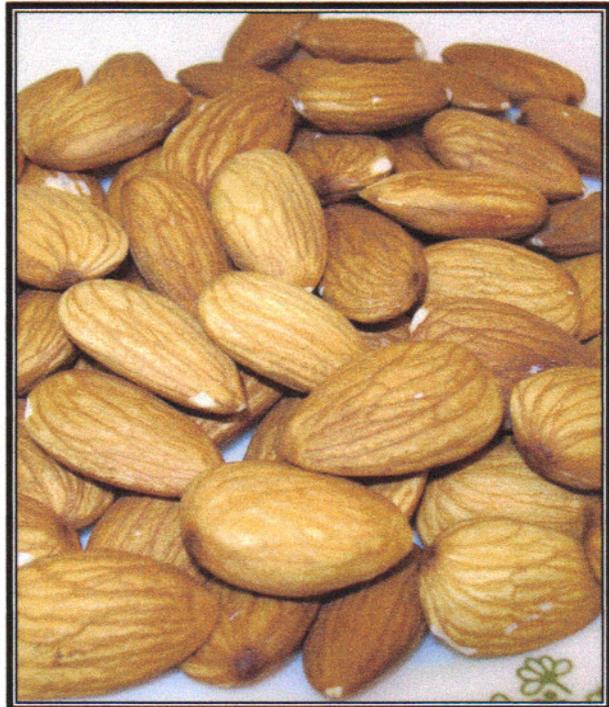
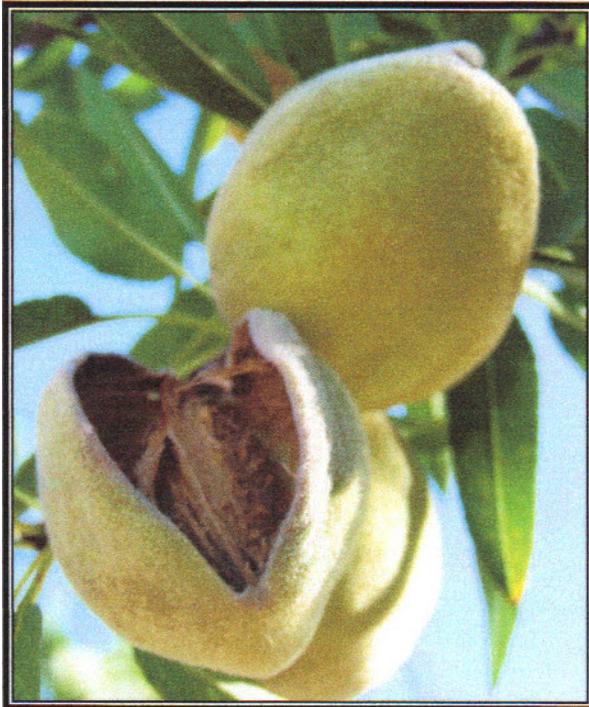
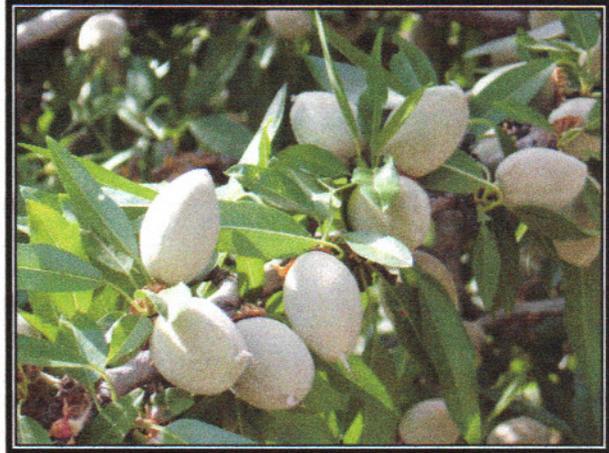
Currently Madera City Fire Department uses the same breathing apparatus system as CAL FIRE and Merced County Fire Department. Madera County Fire Department uses a separate system. There is nothing wrong with the current system and changing it to comply with the current Madera County Fire Department isn't a cost effective move at this time. Due to the large cost of this change, this purchase needs to be put on hold until both Madera City and Madera County Fire Departments are in agreement and are ready to purchase new breathing apparatus. Also, the joint Madera-Merced Hazardous Materials Team is in the process of purchasing new breathing apparatus which are not compatible with the current system being used by Madera County Fire Department.

Sincerely,



Robert L. Poythress, Mayor
City of Madera

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Credit 2009 Agricultural Crop Report

**2010 - 2011
Madera County Grand Jury
Final Report
Madera County Department of Agriculture/
Sealer of Weights and Measures**

2010 - 2011
Madera County Grand Jury
Final Report
**Madera County Department of Agriculture/
Sealer of Weights and Measures**

Introduction:

In its review of the operations of the Madera County Department of Agriculture/Sealer of Weights and Measures (Ag Dept.), the Grand Jury examined the department budget along with staffing levels, organization, and functions. Interviews were conducted with the Agricultural Commissioner, two agricultural inspectors, a local conventional farmer, two local organic farmers, and a local retail grocery store manager.

Findings:

The Ag Dept. works to promote and protect the agricultural industry of Madera County by protecting agriculture from the spread of destructive pests, promoting the safe and responsible use of pesticides to allow for the protection of crops, and protecting human health and the environment. Programs administered by the Ag Dept. include pesticide use enforcement; pest prevention; pest management; nursery and seed inspection; fruit, vegetable, and egg quality control; organic and certified producer programs; apiary inspection; and crop statistics. It also protects consumers and merchants through enforcement of weights and measures standards.

The Ag Dept. is responsible for issuing pesticide permits and overseeing both growers and agricultural pest control businesses. Specific functions are:

- Office staff administers periodic mandated tests to growers who apply to use pesticides.
- The department offers on-line access to its 55-page manual, The Answer Book 2003, which contains the basic regulatory requirements for pesticide use and ways to simplify compliance. This manual has not been updated since it was published. It is no longer available in hard copy.
- Growers may consult with department staff on the use and handling of regulated pesticide materials.
- Through random inspections, ag inspectors enforce the use of precautionary measures to be taken in the use of pesticides, including the wearing of specific articles of clothing and storage of chemical materials in their original containers with labels prominently displayed.

Pest prevention is pursued on three levels to prevent the spread of pests, including insects, weeds, plant diseases, and animals. These levels are:

- The pest exclusion program seeks to prevent the introduction of detrimental pests that are not common in the county. Annual inspections to ensure pest cleanliness are performed at all nursery locations. Incoming shipments of plant material are inspected for potentially harmful pests, and non-plant material shipments, such as beehives, may also be inspected.
- Insect traps and surveys are used in the pest detection program to discover foreign pests which may have eluded exclusion efforts. The program attempts to detect small, isolated areas of possible infestation so that these pests can be eradicated before they spread to other areas.
- The integrated pest control program strives to eradicate small infestations of new pests before they become widespread.

Control of pests already established in the county, including harmful insects, weeds, and rodents, is the goal of the pest management program. Control measures include:

- The vertebrate pest management program provides information and materials to growers and homeowners for the control of certain depredating vertebrate pests, such as gophers and moles. Gas cartridges for the control of ground squirrels are available for purchase at the Ag Dept. It no longer sells Diphacinone Grain bait. Fresno is now the closest location where growers can obtain this material.
- Natural parasites and predators are used to reduce populations of insects and weeds in the biological control program.
- The Glassy-Winged Sharpshooter program uses traps, surveys, and inspections of incoming shipments of plant materials to detect and control the pest. The sharpshooter is particularly threatening to county agriculture because it is a vector for Pierce's Disease, a potentially catastrophic disease of vineyards.

The intent of the nursery inspection program is to prevent the spread of injurious pests through infested nursery stock. The program aims to assure that consumers receive nursery stock which is reasonably free of common pests and in viable condition. Wholesale nurseries are inspected annually and more frequently when non-compliance issues are found.

The certified seed program seeks to assure purity, viability, and identity of agricultural and vegetable seed by:

- Ag inspectors check agricultural, vegetable, grass, and flower seed at retail and wholesale outlets throughout the county to ensure compliance with the California Seed Law. Seed must be labeled correctly as to purity, germination, percentage, kind or variety, and contaminants.

- Official samples of seed are submitted to the California Department of Food and Agriculture Seed Laboratory for analysis. The results are then compared to the label on the sampled seed container to verify that the labeling truly represents the commodity.
- Seed lots are inspected for possible insects of quarantine significance, noxious weeds, and noxious seeds.

The fruit and vegetable quality control program is responsible for assuring that fruits, nuts, and vegetables entering the marketplace meet minimum marking, container, and quality standards. The main crops tested in the county are apples, grapes, and pomegranates.

Enforcement of regulations pertaining to quality, weight, and marking requirements for shell eggs is provided through the egg quality control program. Eggs are inspected regularly throughout the county at various retail and wholesale establishments, or when there is reasonable suspicion of a violation, and upon receiving a consumer complaint.

Producers, handlers, and processors who wish to market their commodities as organic are required to register annually with the California Department of Food and Agriculture. The Ag Dept. makes available the annual registration packets. Records inspections are performed as well as investigations of complaints concerning non-compliances relating to the California Organic Foods Act.

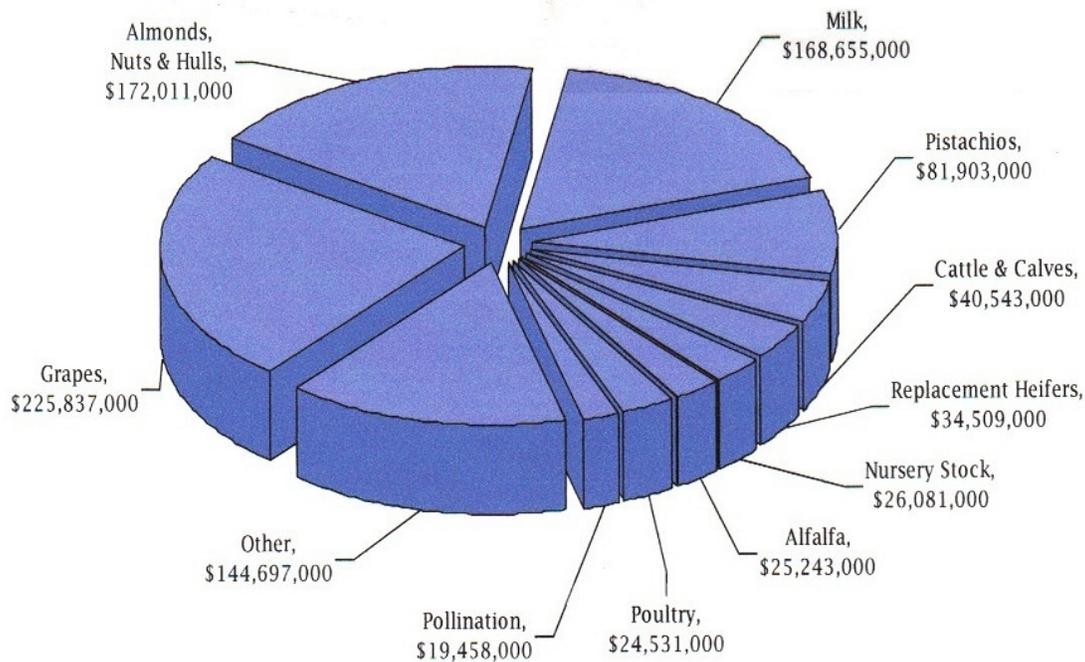
The certified producer program provides oversight of all growers who sell their crop directly to consumers at farmers' markets. The Ag Dept. registers certified producers and conducts inspections of the growing site to assure that the sellers produce the products they market.

Apiary services are provided through the bee protection and colony strength programs by two methods:

- Beekeepers may register their bees with the Ag Dept. to receive notification when bee toxic materials will be applied near their hives. To protect against large losses of bees due to pesticide use, growers must report any planned application of a bee kill material.
- Inspectors assess the colony strength by random sampling of the hives to determine the number of frames per hive the bees are actively using for the colony.

The Ag Dept. compiles and publishes the annual Agricultural Crop Report for the county. Crop yield information is collected by conducting surveys among the county's growers to generate a representation of Madera County agriculture. The most recent report available, for 2009, shows Madera County's agricultural production ranking twelfth among counties of California and twenty-first among counties of the United States. Nine of the county's commodities are exported to sixty-four countries around the world.

MADERA COUNTY 2009 TEN LEADING CROPS



Credit 2009 Agricultural Crop Report

The Ag Dept. staff has established visibility in the agricultural community through random patrolling and enforcement of regulations by issuance of citations when violations are found. Local growers and merchants have found the staff to be professional, efficient, competent, and timely in the provision of services.

Ag inspectors must be qualified, through training, testing, and State licensure, to work in each program to which they are assigned. Five of the current ag inspectors have attained the number of individual licenses required for classification as a Senior Agricultural Inspector. However, they tend to become specialists in their assigned program(s).

The Grand Jury found that, due to budget cuts, the permanent inspection staffing level has been reduced by four positions (from 14 to 10) in the past two years. Available staff has been reduced by two mandatory furlough days each month. Department staff is concerned that, with reduced staffing levels and less work time, they may not be able to provide timely services for time-sensitive operations, such as inspection and certification of crops to be exported, or to maintain a satisfactory level of enforcement of regulations.

Eight seasonal employees are hired for the months of April through November to perform insect trapping activities associated with State contracts. The County is fully reimbursed by the State for all expenditures incurred for these seasonal programs.

Department staff is concerned about the level of employee turnover. The reason for such turnover they believe is higher salaries offered by other counties and private industry. The Grand Jury found that the issue of comparable salaries for County employees generally has been addressed frequently in past Grand Jury reports.

Some non-mandated services are provided on a fee-for-service basis. The department reported that fees charged are outdated and do not cover the cost of providing the service. The Board of Supervisors has requested that each department review fee schedules for possible modification.

The Weights and Measures Division of the Ag Dept. is responsible for consumer and merchant protection through regulation of all weight or measuring devices used in commercial transactions, and inspection of packaged goods for proper labeling and accurate quantity. This is accomplished in two ways:

- Merchants' weight and measuring devices are subject to annual inspection by the Sealer of Weights and Measures. The Sealer's services also are required for inspection and certification of new or repaired devices. Common devices inspected include gas pumps, grocery store scales, jewelry scales, propane meters, water dispensers, taximeters, and timers.
- Routine inspections of packers, distributors, and retailers are conducted to audit the contents of packaged products. Sample packages are tested to see that the contents equal the amount stated on the label. Every type of packaged commodity is subject to quantity control inspection, including food, seed and garden products, bread and bakery items, cheese and dairy products, farm products and supplies, building materials and maintenance supplies, feed and grain, and automotive and industrial lubricants, chemicals, and cleaners.

Recently, the inspector who performed the Sealer of Weights and Measures duties left the department. The department reported that, although other inspectors are licensed for that program, on-the-job training is needed to perform the actual duties, and none of the other inspectors had received the requisite training.

Conclusions:

The Grand Jury concludes that consumers benefit from the services provided by the Ag Dept.

The county's agricultural production level is significant for the county, the state, the nation, and the world. The success of local agricultural enterprises is critical to the county's economy. The services provided by the Ag Dept. contribute significantly to the success of the agricultural community. A reduction in the level of critical services provided could have serious, possibly even disastrous, effects on agricultural production and the county's economy.

The positive reports by growers and merchants regarding the high quality and quantity of services received from the Ag Dept. indicate that their needs have been met by prior staffing levels. The reduction in the number of ag inspectors by 28.5% over the past two years could

result in insufficient levels of services available in critical areas and serious negative impacts on the local agricultural community in the future.

The Grand Jury concludes that the Ag Dept.'s ability to provide specific services is hindered when turnover occurs and the remaining staff members are unable to fill in, even on a temporary basis. Cross-training of staff to provide services in several program areas can lessen the disruptive effects of turnover.

The Grand Jury concludes that The Answer Book 2003 was published eight years ago and may contain information which is outdated, incomplete, or no longer valid. Growers may be relying on misinformation.

The Grand Jury concludes that the County may be foregoing a significant amount of revenue from recoverable costs by charging service fees which are out-of-date and do not cover the costs of providing the services.

The Grand Jury concludes that growers who have to obtain Diphacinone Grain bait from Fresno are inconvenienced.

Recommendations:

The Grand Jury recommends that the Ag Commissioner work closely with the Board of Supervisors to maintain a staffing level sufficient to provide services critical to the agricultural community.

The Grand Jury recommends that the Ag Commissioner develop a program to lessen the impact of staff vacancies or absences. Ag inspectors should receive on-the-job training to perform duties in one or more additional programs for which they have qualified through licensure. During periods in which there is less demand for services in their specialty program, they should be assigned to train in and provide support for the other program(s).

The Grand Jury recommends that, to improve staff retention, the department and the County should identify job-related values of employees, such as achievement recognition or promotional opportunities.

The Grand Jury recommends that the department revise and update The Answer Book 2003 regularly.

The Grand Jury recommends that the Ag Dept. promptly complete a review of the fees charged for services. The Board of Supervisors should approve a fee schedule which covers the actual cost of providing services.

The Grand Jury recommends that the local demand for Diphacinone Grain bait should be assessed. If warranted, a cost-effective means for making it available locally should be sought.

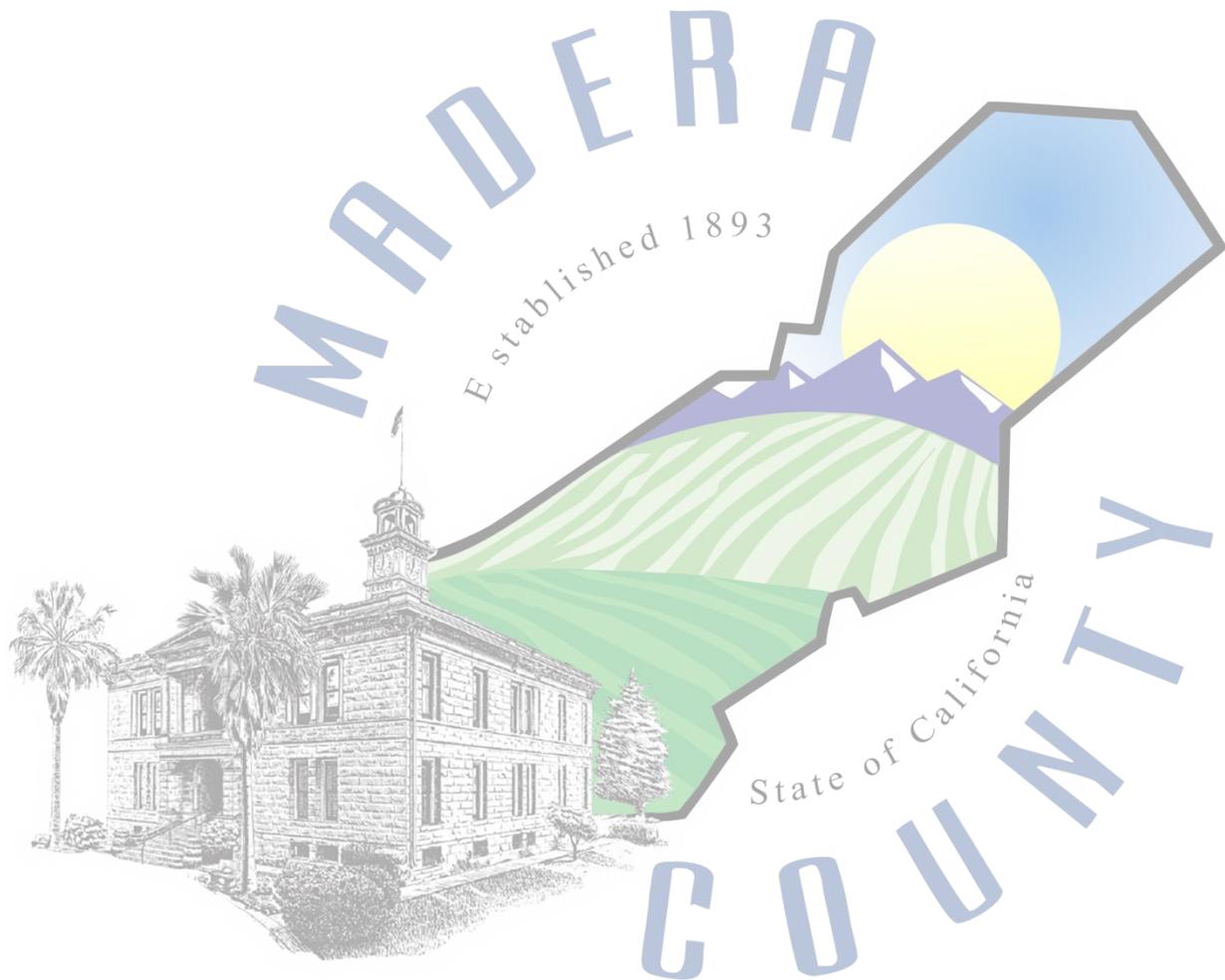
The Grand Jury recommends that the Ag Dept. staff be recognized and commended for their professionalism and proficiency in providing services across a broad range of programs that support the county's economy and affect the lives of its residents daily.

Respondents: Written response required pursuant to PC 933(c)

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

Madera County Agricultural Commissioner
332 Madera Avenue
Madera, CA 93637

Madera County Grand Jury



Responses to Item



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
DAVID ROGERS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: Response to the 2010-2011 Grand Jury Final Report entitled "Madera County Department of Agriculture/Sealer of Weights and Measures"

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Madera County Department of Agriculture/Sealer of Weights and Measures" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The Grand Jury recommends that the Ag Commissioner work closely with the Board of Supervisors to maintain a staffing level sufficient to provide services critical to the agricultural community.

Grand Jury Recommendation

The Grand Jury recommends that the Ag Commissioner develop a program to lessen the impact of staff vacancies or absences. Ag inspectors should receive on-the-job training to perform duties in one or more additional programs for which they have qualified by licensure. During periods in which there is less demand for services in their specialty program, they should be assigned to train in and provide support for the other program(s).

Grand Jury Recommendation

The Grand Jury recommends that, to improve retention, the department and the County should identify job-related values of employees, such as achievement recognition or promotional opportunities.

Grand Jury Recommendation

The Grand Jury recommends that the Ag Commissioner revise and update The Answer Book 2003 regularly.

Grand Jury Recommendation

The Grand Jury recommends that the department promptly complete a review of the fees charged for services. The Board of Supervisors should approve a fee schedule which covers the actual cost of providing services.

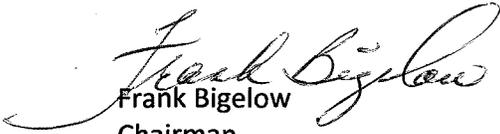
Grand Jury Recommendation

The Grand Jury recommends that the local demand for Diphacinone Grain bait should be assessed. If warranted, a cost-effective means for making it available locally should be sought.

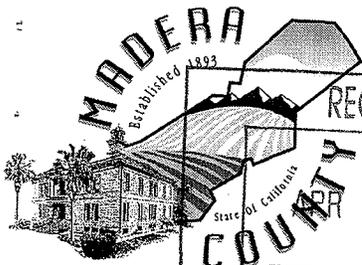
Board of Supervisors' Response to Grand Jury Recommendations

The response of the Commissioner of Agriculture to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors' response. (See Attachment #2.)

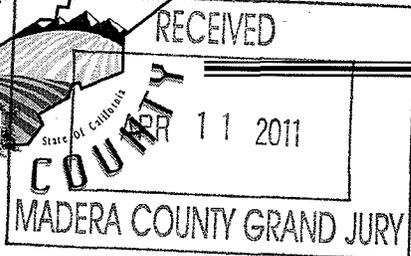
Sincerely,


Frank Bigelow
Chairman
Madera County Board of Supervisors

Attachment



Madera County Department of Agriculture Weights and Measures



RECEIVED

APR 05 2011

JURY DIVISION
SUPERVISOR

Robert J. Rolan, Agricultural Commissioner
Sealer of Weights and Measures

Jay Seslowe, Assistant Agricultural
Commissioner/Sealer

TO: Presiding Judge, Madera County Superior Court
Madera County Grand Jury

FROM: Robert Rolan, Agricultural Commissioner/Sealer of Weights and Measures

DATE: April 4, 2011

RE: Response to 2010/2011 Madera County Grand Jury Final Report entitled:
"Madera County Department of Agriculture/Sealer of Weights and Measures"

In order to ensure a correct understanding of the Department's environment and some of the variables by which decisions made are by management, background information has been included to clarify the Department's responses to the Grand Jury's recommendations.

Because Recommendations #1 and 3 are interrelated, they have been combined to provide a more accurate response.

Grand Jury Recommendations #1 & 3:

- *"The Grand Jury recommends that the Ag Commissioner work closely with the Board of Supervisors to maintain a staffing level sufficient to provide services critical to the agricultural community."*

"The Grand Jury recommends that, to improve retention, the department and the County should identify job-related values of employees, such as achievement recognition or promotional opportunities."

Background information:

Over the last thirty years, the department has had a high level of turnover, mainly due to low salaries, compared to other San Joaquin Valley counties. The typical scenario has been to fill vacant positions at the entry level because journey level salaries were too low to attract journey level candidates. After approximately two years of training a new Inspector and assisting him/her in obtaining required state licenses, the Inspector would resign and take a similar position in another county (usually Fresno) at a higher level of pay and usually with less of a commute.

The Agricultural Commissioner's office combined with the Madera County Department of Weights and Measures (Sealer) in 1986. At that time, the W & M department had a staff that included the Sealer, a secretary, and least two inspectors. Only one of those individuals, an Inspector, was retained by the County. While the Agricultural Commissioner had a license to legally oversee the program, no one else in the department had any experience or licenses in the weights and measures disciplines at that time. Within two years after the consolidation of offices, the sole experienced W & M Inspector resigned before others could become proficient in weights and measures activities. Not having a stable foundation upon which to integrate the weights and measures culture into the

Commissioner's department and the ongoing loss of trained individuals have created a continuous rebuilding cycle in that program since the consolidation occurred.

In 2007, the "Agricultural Technician" position was created. It was a position that did not require a college degree or specific program licenses and the department could fill up to two allocated Inspector positions at this level. The purpose of the Technicians was to assist Inspectors in activities where a license was not required. Further, it was presumed that there was a strong likelihood of retaining the Technicians – and retention of expertise – because there was no demand for their services from adjoining counties. This has proved to be a successful and cost-effective strategy.

Also in 2007, the Senior Agricultural and Standards class was created. This strategy enhanced the professional career ladder of Inspectors, allowing them to progress to another level and provided incentive to stay in Madera County. In conjunction with the Senior class, a salary survey was completed which aligned the compensation of the professional staff with other San Joaquin Valley counties thus, improving retention, recruitment, and departmental efficiency. Inspectors also received the additional benefit of reimbursement for state licensing exam fees.

These improvements provided a brief period of extraordinary stability within the department until December, 2009 when the furlough program was initiated. The salary reductions resulting from that policy directly influenced the resignation of three seasoned inspectors who left during the months of March, April, and September of 2010; this was identified in their exit interviews.

Page 4 of the Report indicates *"The Grand Jury found that, due to budget cuts, the permanent inspection staffing level has been reduced by four positions (from 14 to 10) in the past two years."* More correctly stated, the department's 2010/2011 budget allocated a total of nine (9) positions (two of which were filled by Agricultural Technicians), while the 2009/2010 budget allocated twelve (12) positions, two of which were frozen for salary savings.

Regardless of the number of allocated positions, the department has operated with a total of ten or less inspectors (or Technicians) every year since 2002. At present, the department's staffing level consists of seven permanent Inspectors and two Technicians. *(In addition, a retired annuitant has been retained to provide W&M training to staff; approximately 300 hours have been allocated to this expense for FY 2010/2011).*

Response to Recommendations #1 & 3:

Compensation and personnel strategies were promoted by the department and approved by the Board of Supervisors with the intention of reducing the loss of licensed professionals and technical expertise. This effort was thwarted due to the budgetary crisis which began in fiscal year 2009/10 and continuing to the present. Although vacant positions were swept or frozen, the department has avoided layoffs.

In response to the Grand Jury's recommendation to *"...identify job-related values of employees, such as achievement recognition or promotional opportunities..."* the Agricultural Commissioner/Sealer recommends the two following incentives for future consideration:

- The creation of an Agricultural Technician II classification. This is necessary to extend the career path of the Agricultural Technician class and increase the likelihood of retaining the two Agricultural Technicians currently on staff. In the relatively short amount of time since the positions were formed they have both served in multiple programs and helped to bridge the loss of expertise when a resignation has occurred.
- Provide additional compensation for holders of a Class A or B California Driver's License. At present, only one person on staff is qualified to operate the heavy capacity weight truck. This truck is used for testing vehicle scales, livestock scales, and other heavy capacity scales. Without the availability of a qualified driver, scales will not be checked and local industry will

be negatively affected. (Since 2005, the department has provided training and reimbursement to four Inspectors for the California Class B driver's license exam. All four of the Inspectors left county service within a year of obtaining the license).

Until additional funding becomes available to eliminate furloughs and reinstate necessary staffing levels, the Agricultural Commissioner/Sealer will continue to utilize available staff in a manner that reflects the highest priorities of the moment. Priorities are currently being determined by the potential for harm to Madera County's agricultural economy, the environment, and that of our neighboring counties. When those priorities are driven by exotic pests or other emergencies, routine customer services may be curtailed or negatively affected. Finally, revenue considerations are also a significant factor in the prioritization process. This will be explained in greater detail in the following response.

Grand Jury Recommendation #2:

- *"The Grand Jury Recommends that the Ag Commissioner develops a program to lessen the impact of staff vacancies or absences. Ag inspectors should receive on-the-job training to perform duties in one or more additional programs for which they have qualified by licensure. During periods in which there is less demand for services in their specialty program, they should be assigned to train in and provide support for the other program(s)."*

Background:

As specified in section 224 of the Food and Agricultural Code, the Agricultural Commissioner is reimbursed for net county expenditures in eleven specific agricultural programs. Those programs are itemized in the annual financial statement which is submitted to the California Department of Food and Agriculture. Within those eleven Ag programs, at least ten separate "specialties within a specialty" can be identified.

In the Weights and Measures program, an annual activity report is filed with the Division of Measurement Standards. In that report, five different programs, including "Devices" are specified. Within the Devices program alone, 20 different types of weighing or measuring devices are inspected in Madera County. Each of those types of devices has a specific procedure for testing as well as different testing equipment.

As stated on page 4 of the Grand Jury report: "...they [inspectors] tend to become specialists in their assigned program(s)." This is true due to the complexity of the department's activities. There are many specialized programs each having their own set of statutes, regulations, procedures, paperwork, and pieces of equipment. Realistically, it is impractical for any one person to become proficient in every inspection performed by this department. However, since at least 1986, it has been the policy of the department to cross train personnel in as many different disciplines as possible. In some instances, a modicum of proficiency is enough for an Inspector to assist with a seasonal activity, such as bee inspection. However, a potentially dangerous activity such as use of a liquefied petroleum gas prover or transference of 1,000 pound weights for scale testing requires a higher degree of familiarity obtained by more frequent participation in that program. Unfortunately, the opportunities to provide training become less available when operating with reduced staffing.

Meeting annual revenue projections is an ongoing factor in determining how personnel are utilized. As noted above, the department is reimbursed by the state for its participation in **agricultural activities**. This funding, unclaimed gas tax (UCGT) from the Motor Vehicle Fuel Account, represents a large portion of the department's annual revenue. The amount received is based upon the overall net county cost for those activities identified in F & A Code section 224 in proportion to the net county costs of other counties.

When person hours are reduced in agricultural programs due to attrition, furloughs, frozen positions, reassignment to weights and measures programs, etc., UCGT revenue is reduced. Person hours attributed to weights and measures programs are *not included* in the UCGT formula. Consequently, all additional W&M program costs used for cross training or additional staffing come directly out of the General Fund. (*In both the current and past fiscal year, the Board of Supervisors has declared a fiscal emergency in Madera County and departments have been directed to minimize General Fund expenditures and capture as much revenue as possible*).

Response to Recommendation #2:

The department has a long history of cross training staff in as many different program activities as is practicable. Besides providing primary and secondary individuals to the programs, it also allows professional staff to become versed in a wide array of regulatory activities. However, the continuity of this policy has been frequently compromised by insufficient staffing due to budgetary constraints or revenue considerations.

Grand Jury Recommendation #4:

- *"The Grand Jury recommends that the Ag Commissioner revise and update The Answer Book 2003 regularly."*

Background:

The Answer Book 2003 was prepared as a regulatory aid for growers. It was intended to be a handy field reference for the most common pesticide handler problems that the department observed during inspections. The content of the book was prepared by staff and it was produced in collaboration with Creative Copy, a local print shop that had assisted the department with layout and printing of the annual crop report. Subsequent to its printing, it was also placed on the department's website.

By 2007, regulatory changes occurred that necessitated an update to the Answer Book. However, the department's personnel had changed drastically during that period of time, including the primary individual responsible for production of the Book, who had left county service.

Management had an awareness of the need to update this reference but it was not pursued due to other departmental priorities. However, during the Commissioner's interview with the Grand Jury on September 23, 2010, a member who had viewed the Answer Book on the department's website mentioned that he thought it was a valuable resource that should be updated.

A few weeks later, management consulted with the IT department about the technical issues involved with performing the update. Due to the nature of the publication, specifically, the formatting which included numerous photos, boxes, and other content besides text, the IT department indicated that it would not be as simple as editing the text; every entry that was made would generate reformatting changes.

By mid-November a WORD format version of the document had been reviewed by staff and updated. However, no further progress was made during the period of November through February due to impact of pesticide permit renewals, licensee registrations, high risk bee inspections, and other activities.

Response to Recommendation #4:

The loss of staff expertise, departmental priorities, and technical requirements associated with the updating of The Answer Book 2003 delayed the revision of this document. However, the project was completed last month and the new version is now on the Department's website. Photocopied versions are also being made available to individuals upon request.

Grand Jury recommendation #5:

- *"The Grand Jury recommends that the department promptly complete a review of the fees charged for services. The Board of Supervisors should approve a fee schedule which covers the actual cost of providing services."*

Background:

One of the Grand Jury's conclusions was that "...the County may be foregoing a significant amount of revenue from recoverable costs by charging service fees which are out-of-date and do not cover the costs of providing the services." On page 5 of the Grand Jury report the following statement is made: "Some non-mandated services are provided on a fee-for-service basis. The department reported that fees charged are outdated and do not cover the cost of providing the service. The Board of Supervisors has requested that each department review fees schedules for possible modification." A portion of that statement is incorrect; the department's fees are not outdated. On February 9, 2010 the Board of Supervisors approved a new fee schedule for the department which is considered current.

In July, 2009, the department began a survey of fee schedules in all San Joaquin Valley counties as well as a number of other counties throughout the state. A representative from each identified county was interviewed for clarification of how the fees were calculated. In addition to differences in salary and benefit levels, a number of other variables were identified such as: county policies and procedures; how wages and benefits of inspection personnel were determined; differences in the commodities or sites inspected; distance of inspection sites from the main or branch office; and other factors used to determine the cost of a service.

An extensive in-house time analysis was also performed in which individual time accounting records, program monthly reports, and annual financial statements were reviewed. In some instances, time determinations for specific tasks were validated with field observations to determine appropriate fees. In December, 2009, the Auditor provided a weighted average hourly rate (WAHR) to the department which would serve as the benchmark fee for non-mandated services. The WAHR was set at \$71.61 which included all salaries, benefits, A-87 costs, vehicles and mileage.

Response to Recommendation #5:

Extensive research was done in the past fiscal year to validate the fees that the department charges for non-mandated services. The current fee schedule was approved by the Board of Supervisors in February, 2010 and went into effect one year ago. The department will continue to monitor the fee schedule on an annual basis as directed by the Board to ensure that fees for non-mandated services reflect the actual cost of performing those services.

Grand Jury recommendation #6:

- *"The Grand Jury recommends that the local demand for Diphacinone Grain bait should be assessed. If warranted, a cost-effective means for making it available locally should be sought."*

Background:

The department stopped producing rodenticides in 1995 due to outdated mixing facilities that did not meet the legal standards for health and safety. In order to continue to provide this service to the public, the department began purchasing anticoagulant bait from Kings County which was sold at cost. The department also continued the purchase of gas cartridges from USDA which provided an alternative squirrel control measure.

The sale of anti-coagulant baits was eventually curtailed in January, 2009 for several reasons. Customer demand for the baits had become very unpredictable and sales were substantially reduced. As a result, the bait inventory was stored much longer than anticipated and storage conditions were

not conducive to long term storage. Weevil infestations became a constant problem, causing damage to the product. This necessitated the hiring of a pest control operator to fumigate the bait.

Customers began to complain about the quality of the product and sales further declined. Finally, at least one customer who purchased large quantities of bait decided that it was more convenient to buy it directly from Kings County rather than from Madera County. After two or more years of inconsistent demand for the product, additional costs to provide the service, and with no viable storage facility that was capable of maintaining the integrity of the product, rodenticide sales were discontinued.

New regulations in California have now classified anti-coagulant rodenticides as restricted use pesticides. New label restrictions further limit how and where the baits can be used and new certification requirements for applicators have been imposed. Since these materials cannot be purchased without a valid permit, the regulatory changes will increase the number of permits issued by the department, certification exams for users, and other related paperwork *regardless* of where they choose to purchase the material.

Products for home and other non-agricultural uses require special packaging and are no longer available at county offices. These materials can only be purchased from neighborhood hardware or "big box stores" such as Lowe's and Home Depot. There are no permits or reporting requirements for those products.

Response to Recommendation # 6:

Prior to ending bait sales, a letter was sent to all customers to give them advance notice of the decision to curtail the service. Notice was also given at grower continuing education meetings in November, 2008 and a sign was posted at the front desk for walk-in customers. Information on where to purchase bait was also provided to customers. Initially, a few customers who were unaware of the policy change were inconvenienced. In past years, growers who had an interest in a particular service expressed that interest through the Madera County Farm Bureau. To date the Farm Bureau has not indicated any support from their members to reinstate bait sales by the department.

Every grower who uses a pesticide for the production of a crop – whether conventional or organic – is required to obtain a permit and file pesticide use reports with the department. Consequently, staff has physical contact with representatives of virtually every farm in Madera County at least once each year. Since bait sales were ended in 2009, there have been no complaints from growers that the department does not sell rodenticides or requests that we consider reinstating this service.

In summary, it is not advisable to reconsider the reinstatement of bait sales to the public at this time for the following reasons:

- The expense of providing a secure container or facility capable of storing treated grain;
- The expense of meeting the legal specifications to allow fumigation of the product;
- The lack of requests from the public to reinstate this service;
- The addition of another activity when the department is understaffed and under a schedule of two furlough days per month.

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**2010-2011
Madera County Grand Jury
Final Report
Madera County Fire Station #8 (Chukchansi)**

**2010-2011
Madera County Grand Jury
Final Report
Madera County Fire Station #8 (Chukchansi)**

Introduction:

On October 13, 2010, the Grand Jury visited Fire Station #8 located at 47050 Road 417, Coarsegold, California and met with the Battalion Chief and Fire Captain. This is a follow up visit to the one done by the 2009-2010 Grand Jury. Station #8 serves a populace of 15,000 in Madera County, covering a total area of 216 square miles. It also serves an expanded casino and a 404-room hotel. Staffing is provided by CAL FIRE under contract with the County.

Findings:

The Grand Jury found Station #8 to be clean, well maintained, and staffed by highly trained and professional individuals.

The Grand Jury found response time to the casino and hotel is three to five minutes. Response time to other areas is dependent upon location and terrain.

The Grand Jury found, as noted in the 2009-2010 Grand Jury Report, that funding for Fire Station #8 operations is determined by the 2004 Memorandum of Understanding (MOU) between the County and the Picayune Rancheria of the Chukchansi Indians (Tribe). Since the casino opened and the hotel was expanded, staffing levels of two on-duty positions have remained the same. CAL FIRE did prepare a presentation for the Tribe in 2009, setting forth the benefits and costs associated with three and four person on-site staffing. The Tribe thanked CAL FIRE for their effort stating, "... it was not a good time for them to fund any increased staffing." The 2009-2010 Grand Jury Report recommended, "The funding, staffing and equipment needs for the station should be reviewed. At the earliest opportunity, the Memorandum of Understanding with the Tribe should be amended to reflect the new personnel and equipment requirements resulting from Casino enlargement." There is no response to this recommendation to date.

The Battalion Chief and Fire Captain stated that in order to appropriately staff their current areas of responsibility, one of the following three options needs to be adopted and implemented:

- Add one Operator and one Firefighter to Station #8
- Add two On-Duty Firefighters to Station #8
- During the winter months, the County could staff the CAL FIRE Coarsegold station with two positions. This would directly help Station #8 due to the

proximity of CAL FIRE Coarsegold to the Casino. From May through October, CAL FIRE staffs both engines at Coarsegold at four person staffing levels.

The Fire Captain indicated that they do have support from several sources, specifically, volunteers from Yosemite Lakes Park Fire Station #10, Coarsegold Fire Station #13, and CAL FIRE Coarsegold located at 34555 Highway 41, Coarsegold, CA.

Winter responsibilities of Station #8 are expanded due to the Amador program, which designates station closure during non-fire season. Originally the Amador program affects four CAL FIRE stations in this area: Ahwahnee, Bass Lake, Rancheria, and Raymond. These designated stations close from November through April of each year.

Public evacuation drills at the Casino have been lax due to logistics and financial considerations. Staff evacuation drills are conducted on a yearly basis. The Casino takes the lead. Personnel from Station #8 are present. Written emergency preparedness/evacuation expectations were not available.

The Division Chief reported preventative pre-planning has been done to ensure the safety of patrons and personnel. Firefighting gear and equipment have been placed at various levels of the building, and state-of-the-art materials and construction methods have been incorporated.

Staff living quarters at Station #8 have not been connected to the existing emergency power supply. This issue was noted in the Grand Jury Final Report for 2009 – 2010. Connection costs are estimated to be less than \$2,000. There is no response to this recommendation to date.

In both fiscal years 2007-2008 and 2008-2009, CAL FIRE requested that the Board of Supervisors designate funding for a fire truck. Station #8 is the only full-time staffed fire station in the county that does not have an engine less than five years old.

Conclusions:

The Grand Jury concludes that staffing levels at Station #8 are at a minimum and significantly dependent on the services of volunteers.

The Grand Jury concludes that the living quarters at Station #8 lack emergency power which affects response time.

The Grand Jury concludes that a posted emergency preparedness/evacuation plan would enhance the safety and protection of patrons and personnel at the casino and hotel.

The Grand Jury concludes that the current fire truck at Station #8 is due for replacement.

Recommendations:

- The staff living quarters at Station #8 should be connected to the emergency power system. This is a repeat recommendation from the 2009-2010 Grand Jury Final Report, which to date has not been responded to by the Board of Supervisors as required by law.
- A clear emergency preparedness plan should be posted.
- The County should fund CAL FIRE Station located at 34555 Highway 41 to remain in operation on a year-round basis.
- The MOU between the County of Madera and the Tribe needs to be re-negotiated to reflect realistic staffing needs, vehicle replacement needs, and comprehensive emergency preparedness planning.

Respondent: Written response required pursuant to PC933(c)

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

Respondents: Response Optional

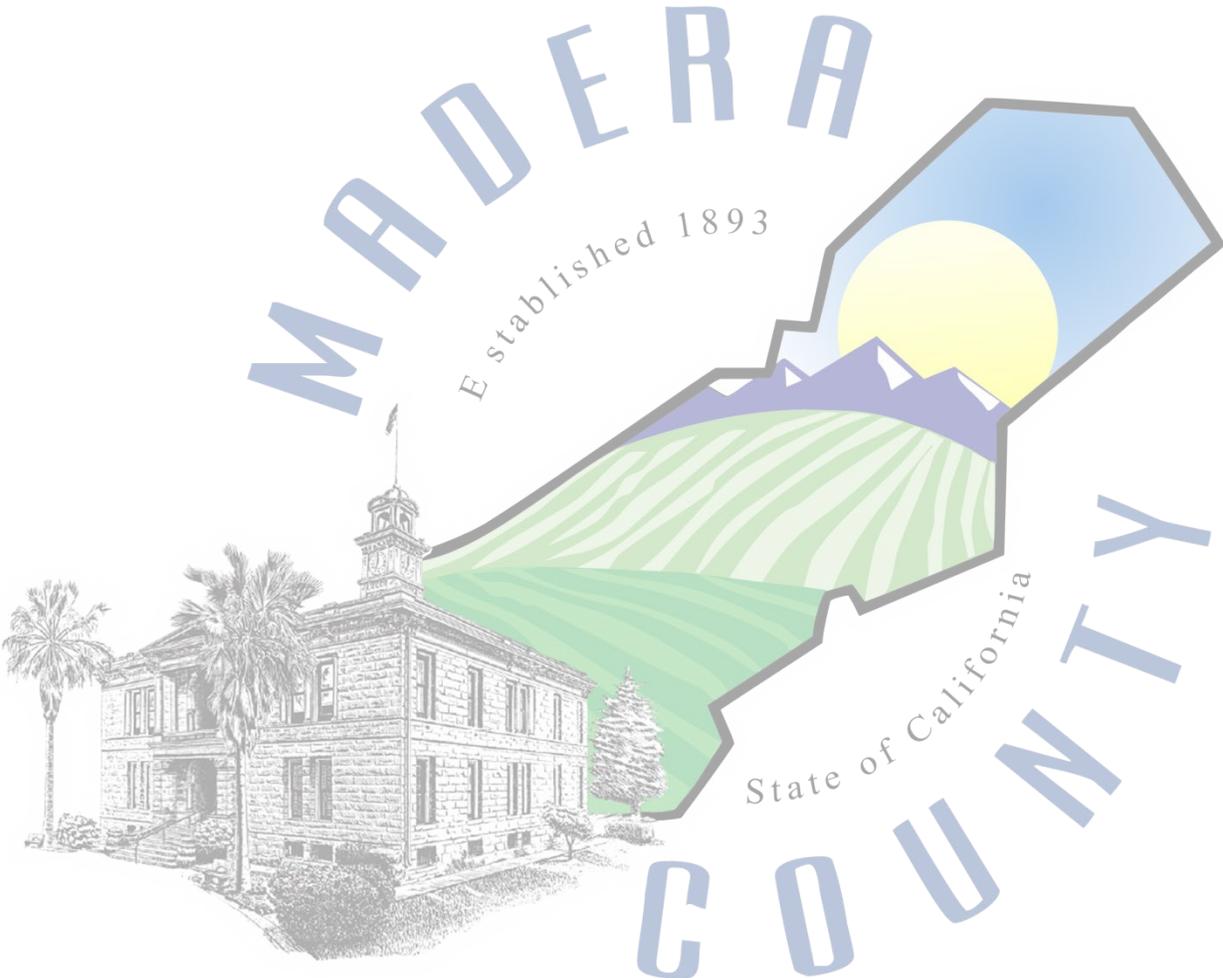
Picayune Rancheria of Chukchansi Indians
Chairperson
46575 Road 417
Coarsegold, CA 93614

Chukchansi Gold Resort and Casino
Manager
46575 Road 417
Coarsegold, CA 93614

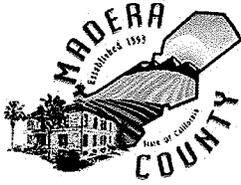
Madera County Fire Chief
14225 Road 28
Madera, CA 93638

CAL FIRE
State Fire Marshall
P.O. Box 944246
Sacramento, CA 94244-2460

Madera County Grand Jury



Responses to Item



BOARD OF SUPERVISORS COUNTY OF MADERA

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

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MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2010-11 Grand Jury Report entitled "Madera County Fire Station #8 (Chuckchansi)"

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Madera County Fire Station #8 (Chuckchansi)" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The staff living quarters at Station #8 should be connected to the emergency power system. This is a repeat recommendation from the 2009-2010 Grand Jury Final Report, which to date has not been responded to by the Board of Supervisors as required by law.

Grand Jury Recommendation

A clear emergency preparedness plan should be posted.

Grand Jury Recommendation

The County should fund CAL FIRE Station located at 34555 Highway 41 to remain in operation on a year-round basis.

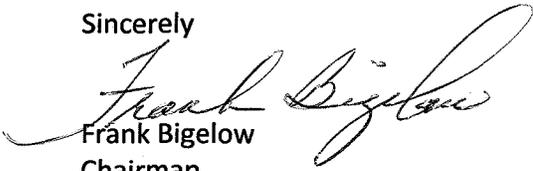
Grand Jury Recommendation

The MOU between the County of Madera and the Tribe needs to be re-negotiated to reflect realistic staffing needs, vehicle replacement needs, and comprehensive emergency preparedness.

Board of Supervisors' Response to Grand Jury Recommendations

The response of the Acting Fire Chief to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors response (See Attachment #2).

Sincerely



Frank Bigelow
Chairman

Madera County Board of Supervisors

Attachment

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
CAL FIRE

14225 ROAD 28
MADERA, CALIFORNIA 93638-5715

OFFICE: (559) 675-7799
FAX: (559) 673-2085

March 25, 2011

TO: Darin McCandless
Risk Management Analyst

FROM: Bill Hodson, Madera County Acting Fire Chief
By: David Irion, Madera County Fire Division Chief

RE: Response to Grand Jury Report entitled "Madera County
Fire Station #8 (Chuckchansi)"

The Grand Jury Report on Madera County Hazardous Fire Station #8 (Chukchansi) dated February 3, 2011 has four recommendations:

1. The staff living quarters at Station #8 should be connected to the emergency power system. This is a repeat recommendation from the 2009-2010 Grand Jury Final Report, which to date has not been responded to by the Board of Supervisors as required by law.
2. A clear emergency preparedness plan should be posted.
3. The County should fund CAL FIRE Station located at 34555 Highway 41 to remain in operation on a year-round basis.
4. The MOU between the County of Madera and the Tribe needs to be re-negotiated to reflect realistic staffing needs, vehicle replacement needs, and comprehensive emergency preparedness.

The Fire Department is required to submit a written response per PC 933(c). Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the

matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore.”

Recommendation 1: The staff living quarters at Station #8 should be connected to the emergency power system. This is a repeat recommendation from the 2009-2010 Grand Jury Final Report, which to date has not been responded to by the Board of Supervisors as required by law.

Currently the apparatus bay has a Guardian Quiet Source by Generac Power System, Inc backup generator (Model #0052430) mounted between the apparatus bay and the barracks. The generator capacity is 16,000 watts, 130/65 Amps and 120/240 AC. This system has the capacity to run both the apparatus bay and the barracks in the event of a power failure. Currently, there is a conduit in place that houses wires and runs between the two buildings. A county electrician has looked at the facility and said it would be a relatively simple and inexpensive job (\$2,500) to hook the barracks up to the backup generator system.

Because of the recent reduction to the Fire Department's operating budget, the funds to accomplish this don't exist at this time. If operating funds are available at the end of the FY and the BOS gives the Fire Department authorization to fund this expenditure, then this will be accomplished.

This recommendation will be analyzed at the end of the FY and will be accomplished when the funds are more readily available.

Recommendation 2: A clear emergency preparedness plan should be posted.

Fire personnel frequently train at the Casino to ensure all covering personnel know where to stage apparatus, gain access to the facility, how to proceed once inside, how to access pre-staged equipment and how to locate the control room. The Chukchansi Gold Resort & Casino staff annually participates in evacuation drills coordinated by the Fire Department. Even though the Fire Department and the Picayune Rancheria of the Chukchansi Indians have a good working relationship, the Fire Department is unable to force them to post an emergency preparedness plan.

The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore.

Recommendation 3: The County should fund CAL FIRE Station located at 34555 Highway 41 to remain in operation on a year-round basis.

The CAL FIRE station located at 34555 Highway 41 is the Coarsegold Fire Station. During the non-Amador period (non-winter period), CAL FIRE staffs this two-engine station (along with the other four CAL FIRE stations in Madera County) with a minimum of 3 persons per engine. Therefore, there are numerous engines available to assist Engine #8 Indian Lakes should a significant incident at the Chukchansi Gold Resort & Casino occur.

Madera County typically funds four CAL FIRE stations through CAL FIRE's Amador program during the winter period. This program allows counties and cities to only pay for operator OT, utilities and apparatus and equipment rental during that time period. They gain nearly free operators and ultimately a very affordable way to fill in their response gaps during the winter months when CAL FIRE has down-staffed these CAL FIRE stations. Due to the location of Madera County Fire Station #12 Oakhurst and Station #8 Indian Lakes, the other four CAL FIRE stations located in Madera County are Amador staffed and CAL FIRE Coarsegold Fire Station is not.

If the BOS were to approve an increase of \$130,000 to the Madera County Fire Department's budget, then the CAL FIRE Coarsegold Fire Station could also be Amador staffed during the winter. This would enable the CAL FIRE Coarsegold engine to provide assistance quickly along with Engine #8 should a significant incident occur at the Chukchansi Gold Resort & Casino. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.

Recommendation 4: The MOU between the County of Madera and the Tribe needs to be re-negotiated to reflect realistic staffing needs, vehicle replacement needs, and comprehensive emergency preparedness.

The latest MOU between the County of Madera and the Picayune Rancheria of the Chukchansi Indians (Tribe) took effect on February 14, 2007. The Fire Protection portion of the agreement states, "The Tribe agrees to reimburse the County for all actual costs of fire protection staffing under this Agreement incurred by the County, plus a 12% add-on for County general and administrative burden. This staffing compensation shall provide for two (2) qualified firefighters seven days a week, 24 hours a day."

When the Chukchansi Gold Resort & Casino facility was originally built, it was significantly smaller. The additional improvements include a second hotel wing, a multi-level parking structure and an outdoor tent structure. With the increase in size and complexity comes a need for increased staffing. In April 2009, the Fire Department approached the Tribal Council, with the Board's approval, to discuss increased staffing at Station #8 Indian Lakes. They were presented with 3 options. Those included: (1) converting to two seasonal Fire Fighter I positions to Fire Fighter II positions (staffing would stay at 2-person), (2) increase to 3-person staffing, and (3) increase to 4-person staffing. The Fire Department

discussed the advantages to all of the options and even showed a hose lay video that clearly showed the reduced task times with additional staffing. Several months later the Tribal Council responded to the Fire Department stating that it was not a good time to increase their funding at Station #8 Indian Lakes.

The Tribe purchased a 1992 fire truck (Truck #8) and a brand new (at the time), 2004 light engine (LE #8) for Station #8 Indian Lakes. Those two apparatus are still assigned to the station, and have 96,000 miles and 23,000 miles, respectively. Since Truck #8 has high mileage, it will need to be replaced relatively soon. The cost of a new or used fire truck is \$750,000+ or \$350,000+, respectively.

The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors should they decide to update and make changes to the current MOU.

This recommendation will continue to be analyzed and will be accomplished when there is agreement from the Madera County Administration Office as well as the Madera County Board of Supervisors regarding when a new MOU is necessary.

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**2010-2011
Madera County Grand Jury
Final Report
First 5 Madera County**

**2010-2011
Madera County Grand Jury
Final Report
First 5 Madera County**

Introduction:

The Grand Jury, in accordance with Penal Code Section 925, selected the First 5 Madera County agency for review. This agency has been in operation since October 2003 and had not been previously visited by the Grand Jury. The Executive Director of First 5 greeted the Grand Jury on their initial visit to the facility and gave them a presentation on the agency. On the second visit by the Grand Jury, the Executive Director greeted them, spoke with them regarding the site and programs, and directed them to tour the facility. At this visit, the Grand Jury spoke with various individuals working there and observed their operation. The Grand Jury reviewed First 5 publications, brochures, training materials, budgets, salaries, and audit reports provided by the agency. The Grand Jury visited two of the preschools partially funded by First 5. The Grand Jury interviewed both the Executive Director and the Operations Manager at a later date.

Findings:

The Grand Jury found that First 5 has a large, impressive, modern facility, located at 525 E. Yosemite Avenue, with an activity area that is at times rented out to other organizations.

The Grand Jury found there are nine administrative personnel at First 5, with a salary budget of \$514,961. In addition, there are nine AmeriCorps personnel funded by a government grant.

The Grand Jury found that First 5 has leased office space in the facility to other organizations. These organizations provide services and information to families with children and provide evaluations of their programs to the First 5 commissioners.

The Grand Jury found there are four programs for children aged 0 - 5 held at the site by First 5 employees: Story time, Playtime, Music/Movement, and Fitness, which are all limited to one hour weekly. There is a movie night held each Friday from 5:30 to 8:30 P.M.

The Grand Jury found one of the First 5 published goals is “All three and four year old children have access to high quality, content-rich, developmentally appropriate pre-kindergarten curricula and experiences.”

The Grand Jury found there are 110 eligible children who are on a waiting list for the preschool program, but there is no available space for them.

The Grand Jury found that First 5 partially funds 5 preschool locations with grants totaling \$323,509.

The Grand Jury found upon reviewing the Family Survey that First 5 conducted, that there were 556 children three and four years of age who meet the eligibility criteria for preschool; however there are only 112 registered in First 5 funded preschools.

The Grand Jury found that First 5 allocates grants to seven social service programs in the amount of \$778,525.

The Grand Jury found that in the First 5 June 30, 2010 statement of net assets and fund balances there is an unreserved fund balance of \$2,362,868.

The Grand Jury found the Operations Manager/Deputy Director was unable to answer the majority of questions asked even though she had been the Executive Secretary of the agency for eight years and in her new position for approximately four months. She continuously directed the Grand Jury to speak with the Executive Director as the one who would have the information requested.

Conclusions:

The Grand Jury concludes that there is sufficient space at the First 5 facility to conduct additional preschool programs.

The Grand Jury concludes there is sufficient funding available to place the 110 eligible children in preschool programs.

The Grand Jury concludes there are over 400 eligible children 3 and 4 years of age who are not receiving preschool services.

The Grand Jury concludes that First 5 Madera operates more as a resource center for the various county social services rather than following their vision statement, "All three and four year-old children in Madera County, will have access to a high quality Pre-Kindergarten experience."

The Grand Jury concludes that the Operations Manager/Deputy Director is not knowledgeable of First 5 operations.

Recommendations:

The Grand Jury recommends that First 5 provide additional activities and programs for preschool children at the First 5 facility.

The Grand Jury recommends that First 5 provide preschool for the 110 children who have applied and are eligible for preschool programs.

The Grand Jury recommends that First 5 more closely live up to their vision and statement goals by providing preschool programs for all children three and four years old in Madera County.

The Grand Jury recommends that First 5 be more pro-active in locating additional preschools for children that are not being served.

The Grand Jury recommends that First 5 keep a reasonable reserve fund which would free resources for additional preschool placements.

The Grand Jury recommends that First 5 provide additional training for staff and particularly for the Operations Manager/Deputy Director of the agency.

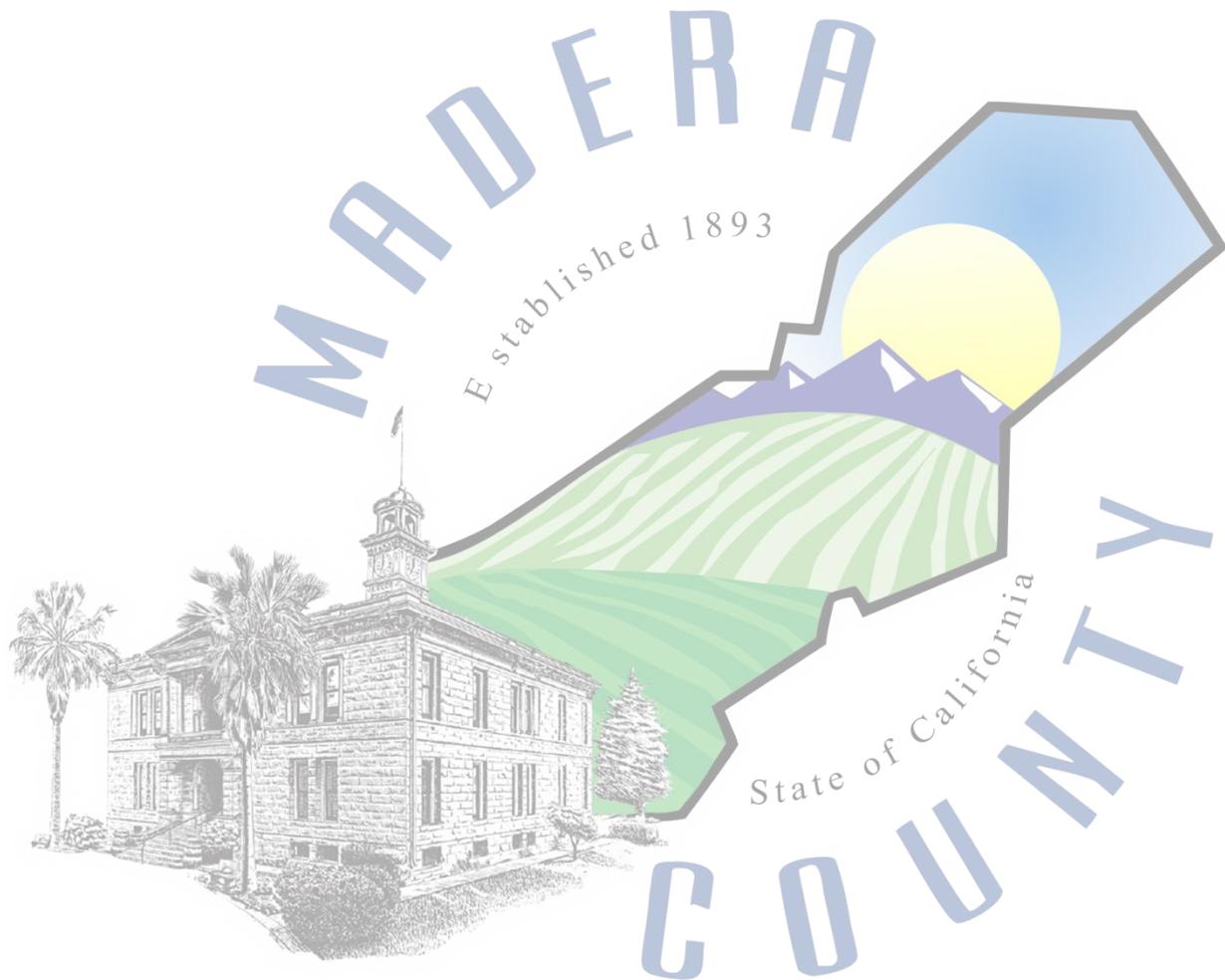
Respondents: Written Response required pursuant to PC933 (c)

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

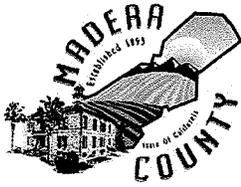
Chairman, First Five Commissioners
First 5 Madera County
525 East Yosemite Avenue
Madera, CA 93638

Executive Director
First 5 Madera County
525 East Yosemite Avenue
Madera, CA 93638

Madera County Grand Jury



Responses to Item



BOARD OF SUPERVISORS COUNTY OF MADERA

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

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TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2010-2011 Grand Jury Final Report entitled "First 5 Madera County"

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "First 5 Madera County" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The Grand Jury recommends that First 5 provide additional activities and programs for preschool children at the First 5 facility.

Grand Jury Recommendation

The Grand Jury recommends that First 5 provide preschool for the 110 children who have applied and are eligible for preschool programs.

Grand Jury Recommendation

The Grand Jury recommends that First 5 more closely live up to their vision and statement goals by providing preschool programs for all children three and four years old in Madera County.

Grand Jury Recommendation

The Grand Jury recommends that First 5 be more pro-active in locating additional preschools for

children that are not being served.

Grand Jury Recommendation

The Grand Jury recommends that First 5 keep a reasonable reserve fund which would free resources for additional preschool placements.

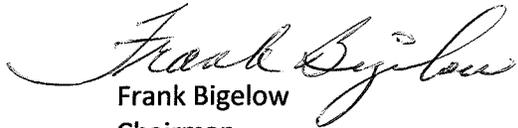
Grand Jury Recommendation

The Grand Jury recommends that First 5 provide additional training for staff and particularly for the Operations Manager/Deputy Director of the agency.

Board of Supervisors' response to Grand Jury Recommendations

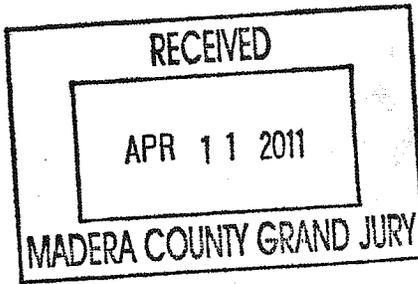
The response to of the Executive Director to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors response. (See Attachment #2)

Sincerely,



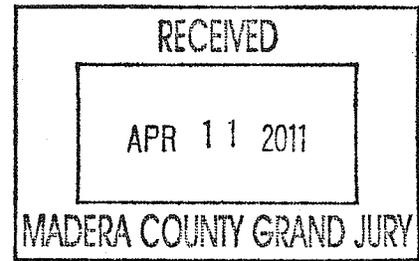
Frank Bigelow
Chairman
Madera County Board of Supervisors

Attachments



Administered by Madera County Children & Families Commission

April 6, 2011



Commission Chair
Ronn Dominici
Board of Supervisors

Board Members

Susan Arteaga
Social Services

Kenneth E. Bernstein, M.D., FAAFP
Community

Joanne L. Brazil, LCSW
Community

David Chavez, MPA
Community

Sally Frazier, Ed. D
Education

Aftab Naz, M.D.
Pediatrician

Van Do-Reynoso, MPH
Public Health

Sara Jane Wilkins
Community

Chinayera C. Black-Hardaman, MPA
Executive Director

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

Mr. Haugen:

First 5 Madera County has thoroughly reviewed your 2010-2011 Grand Jury report entitled "First 5 Madera County".

In our effort to craft a response, it became obvious that preschool is a recurring theme of your report which suggests a lack of understanding of our holistic approach to enhancing child development as presented by the legislative mandates of Proposition 10. First 5 Madera County recognize and agree that our state has much work to do in expanding access to publicly funded preschool. However, this report fails to recognize that First 5 is designed to support a broader continuum of services and supports that bolster early child development. Further, First 5 is designed to support existing systems of service, not build new ones. To that end, much of the content of the report (Findings, Recommendations and Conclusions) is inaccurate or lacks relevance to First 5 work and mandates.

Please accept the following narrative and Attachments as our most sincere efforts to offer a comprehensive response to your inquiries.



Sincerely,

Chinayera C. Black Hardaman, MPA

First 5 Family Resource Centers
Madera
Chowchilla
Mountain Area

525 E. Yosemite Avenue
Madera, CA 93638

Tel: 559-661-5155
Fax: 559-675-4950
www.first5madera.net

c Madera County Board of Supervisors



INTRODUCTIONS:

First 5 Madera County has been in operation since 1998 (not 2003) following Madera County Ordinance 571 adopted by the Madera County Board of Supervisors on December 14, 1998. Further, the Grand Jury visited only one of 5 preschools funded by First 5 Madera County (The second preschool visited was a Head Start facility located across the street from the First 5 funded preschool project.)

FINDINGS:

- **Paragraph 2 states that the Commission employs nine (9) administrative personnel with a salary budget of \$514,961.** In fact, there are only 2 FTE administrative staff persons (1FTE Executive Director, .5FTE Operations Manager and .5FTE Secretary) for a total salary of less than 3% of the annual budget. It should be noted that the remaining seven (7) staff work directly with First 5 programming, two (2) of which are funded by outside grant sources. See Attachment A for the Commission's organization structure.
- **Paragraph 3 states that co-locators provide the Commission with evaluations of their programs.** In an effort to ease access to services and generate revenue to support overhead costs, the Commission leases office and activity space to a variety of agencies. Though complementary to the Commission's mission and core Family Resource Center (FRC) services, these agencies operate independent of the Commission and do not provide evaluations or any other reporting to the Commission.
- **Paragraph 4 states that there are four programs provided on site by Commission employees: Story time, Play time, Music/Movement and Fitness.** First 5 Madera County FRC employees provide a broad continuum of programming for children and families that far exceed those programs listed in the Grand Jury Report. In addition to core programming for children, the FRC offers more comprehensive services for children and their families including case management, parenting classes, car seat safety checks, PreKinder University, etc. See Attachment B for a more comprehensive list.
- **Paragraph 5 states that one of the First 5 published goals is "All three and four year old children have access to high quality...pre-kindergarten curricula and experiences"** Though first 5 Madera County does promote and fund preschool programming, this is not a stated goal of First 5 Madera County. The Grand Jury found this goal in a document titled "Madera County Preschool Access Initiative Master Plan" crafted by the Preschool Access Planning Grant under the direction of the Madera County Office of Education (MCOE). This is a countywide effort to collaboratively establish a 10 year plan for Madera County to expand preschool access; hence the stated goal. See Attachment C for the First 5 Madera County Strategic Plan Hierarchy that outlines actual Commission Goals and Objectives.
- **Paragraph 6 states that there are "110 eligible children on a waiting list for the preschool program, but there is no available space for them".** This statement, as presented, offers no context and therefore misrepresents the scope and size of need in the county. When visiting the FRC, Grand Jury members spoke to the Madera Unified School District (MUSD) State Preschool Director who stated that MUSD State Preschool has a waiting list of 110 children. The Grand Jury's Report does not reflect shortages experienced by other State Preschool providers (in Madera, Chowchilla and the foothills), Head Start, Migrant Head Start and Private Preschool providers. In fact, shortages of preschool are estimated to be over 1,300. See Attachment D (page 13) for the "Madera County Preschool Access Initiative Master Plan" as prepared by MCOE for a more accurate representation of unmet preschool need in Madera County.
- **Paragraph 7 states that First 5 partially funds 5 preschool locations with grants totaling \$323,509.** This is inaccurate. First 5 Madera County fully funds 4 preschool programs with grant contracts totaling \$567,701 over two years. That accounts for over 25% of our annual allocation and will provide preschool for approximately 200 additional children.

- Paragraph 8 states that the First 5 Family Survey found that there were 556 children three and four years of age who meet the eligibility criteria for [publicly funded] preschools; however there are only 112 registered in First 5 funded preschools.** The “First 5 Family Survey” is one of many tools used to assist the Commission in better understanding community needs and to help inform funding investments. Typical of a survey, the “First 5 Family Survey” consists of responses from a random sample of families (n=772) in Madera County. To that end, the figure 556 does reflect roughly two-thirds of the population surveyed which reiterates the need for more preschool in the community. However, that figure (as derived from a random sample) should not be used as a hard number to define unmet need as the Grand Jury has done here. See Attachment D (page 13) for the “Madera County Preschool Access Initiative Master Plan” which provides a more accurate reflection of unmet preschool need in Madera County. Further, though First 5 would find great satisfaction in funding preschool for every eligible child in Madera County, First 5 resources alone simply cannot afford such an effort. That is why, First 5 continues to support MCOE in its ongoing Preschool Access Planning grant designed to coordinate the efforts of all preschool providers (State Preschool, Head Start/Migrant Head Start and Private Providers) to continue to seek added state and federal funding and strategically locate new preschools based upon need.
- Paragraph 9 states that First 5 allocates grants to seven social service programs in the amount of \$778,525.** This is an inaccurate representation of First 5 funding commitments. In addition to the 4 fully funded preschool programs, First 5 also funds 7 additional programs that cut across child health, family involvement and child development. For example, the Madera CARES program is not a “social service” program but instead a program designed to promote professional development among preschool providers through the provision of incentives to secure unit bearing coursework, Associate degrees and Bachelor degrees. See Attachment E for a brochure that summarizes First 5 investments for the 2010-2011 program year, totaling \$1,062,034.
- Paragraph 10 states that in the First 5 June 30, 2010 statement of net assets and fund balance there is an unreserved fund balance of \$2,362,868.** Without context, this statement as presented is very misleading. Since inception, First 5 Madera County committed to the development of a network of Family Resource Centers (FRC). The first was completed in Madera in 2003. The second was completed in Chowchilla in 2009. Each of these facilities are fully paid for and now belong to the families of Madera County. In anticipation of additional investments in Eastern Madera County and possibly the Madera Ranchos, First 5 has maintained some of the referenced fund balance for those purposes. Also, since inception, First 5 has anticipated reductions in annual revenue as people slow or stop smoking due to the added tobacco tax. The referenced fund balance is designed to off-set such reductions over time. Finally, as the State of California experiences unprecedented budget challenges, the wisdom of the Madera First 5 Commission to be prudent in its spending and saving practices is proving to be an asset to the community and local agencies that are experiencing drastic budget cuts from State and Federal funders while First 5 is able to offer stability by maintaining its funding commitments at 100% through 2011-2012. In short, First 5s calculated spending and saving practices are proving to be sound decisions as other funding sources “dry up” or are redirected.
- Paragraph 11 states that the Operations Manager was unable to answer the majority of questions asked even though she had been the Executive Secretary of the agency for eight years and in her new position for approximately 4 months.** This is a subjective finding of the Grand Jury that has no merit. As in any business or agency, the business office is not typically able (or expected) to answer detailed questions specific to programming. Moreover, the Grand Jury was introduced, and encouraged, to speak directly with First 5 Program Officers who manage the contracts of funded programs. Instead, the Grand Jury opted to speak with the Operations Manager who, when repeatedly questioned about program level detail, consistently redirected them to relevant staff.

CONCLUSIONS:

The Conclusion section of the Grand Jury Report is based mostly on the aforementioned Findings, all of which are inaccurate and/or taken out of context. To that end, the conclusions are incorrect and/or simply irrelevant. However, effort has been made to offer meaningful responses.

- **Paragraph 1 concludes that there is sufficient space at the First 5 facility to conduct additional preschool programs.** The FRC is not licensed to deploy preschool programs. However, the FRC does deploy a wide variety of age appropriate programming for children and their families. See Attachment B for a listing of general programming offered by First 5.
- **Paragraph 2 concludes that there is sufficient funding available to place the 110 eligible children in preschool program.** The provision of preschool is far more complex than that which is understood by the Grand Jury. Deploying additional preschool classrooms far exceed the cost of teachers and supplies. It requires licensed facilities, transportation, meal coordination, incorporation of children with special needs, etc. The FRC is not a licensed facility and therefore not an option for preschool expansion. Facilities are one of the biggest obstacles to preschool expansion. The preferred site to create additional preschools are elementary school campuses as they are in neighborhoods (reducing the need for transportation) and allow more ease with articulation and transitioning to kindergarten. However, such campuses are impacted and unable to dedicate facilities for these purposes. The Grand Jury is encouraged to thoroughly review Attachment D, the "Madera County Preschool Access Initiative Master Plan", to better understand the complexities that our community faces as we aim to expand preschool capacity.
- **Paragraph 3 concludes that there are over 400 eligible children 3 and 4 years of age who are not receiving preschool services.** This conclusion is inaccurate and a gross misrepresentation of the realities of unmet need of preschool in Madera County. The Grand Jury is encouraged to thoroughly review Attachment D, the "Madera County Preschool Access Initiative Master Plan", for a more accurate representation of unmet preschool need in Madera County.
- **Paragraph 4 concludes that First 5 operates more as a resource center for the various county social services rather than following their vision statement, "All three and four year-old children in Madera County will have access to high quality Pre-Kindergarten experience".** This is neither the Commission's vision nor mission statement. The First 5 Madera County vision statement is that "All Madera County children will thrive in supportive, nurturing and loving environments, enter school healthy and ready to learn in order to become productive well adjusted members of society", which is consistent with our operation as a comprehensive resource center. Preschool is only one of many strategies that are used to make progress towards this statement.
- **Paragraph 5 concludes that the Operations Manager is not knowledgeable of First 5 operations.** Again, this is a subjective finding of the Grand Jury that has no merit. The Operations Manager is quite competent in the scope of her assigned duties. The line of questioning by the Grand Jury was specific to funded programs and contracts, which is not consistent with her responsibilities. In the future, I urge the Grand Jury to be clear in their intent and select relevant staff for participation.

RECOMMENDATIONS:

The Recommendations section of the Grand Jury Report is based mostly on the aforementioned Findings and Conclusions, all of which are inaccurate and/or taken out of context. To that end, the recommendations are simply not viable or are non-related. However, effort has been made to offer meaningful responses.

- **Paragraph 1 recommends that First 5 provide additional activities and programs for preschool children at the First 5 facility.** First 5 staff offers a wide variety of programming for children and their families at the FRC. See Attachment B for a comprehensive list. The FRC is working very hard to

maintain operation at both the Madera and Chowchilla facilities with fewer resources. In this economic climate, expansion simply is not an option.

- **Paragraph 2 recommends that First 5 provide preschool for the 110 children who have applied and are eligible for preschool programs.** First 5 currently has 4 contracts worth over \$500,000 (25% of our annual budget) to facilitate the expansion of preschool for approximately 200 additional children throughout the county. Given the economic climate and threats to Proposition 10, further expansion as suggested by this recommendation is simply unreasonable. Additional resources would be necessary for such expansion; however, threats to Proposition 10 may compromise our capacity to even maintain existing contracts. Additional facilities would be necessary for such expansion; however, due to the budget crisis there is a freeze on licensure. Though First 5 fully supports and promotes access to preschool, this recommendation is simply not well thought out or realistic for implementation.

- **Paragraph 3 recommends that First 5 more closely live up to its vision and statement goals by providing preschool programs for all children three and four years old in Madera County.** The vision statement that the Grand Jury attributes to First 5 in this report is inaccurate. Moreover, it is not the First 5 Vision statement. The First 5 Madera County vision statement is that "All Madera County children will thrive in supportive, nurturing and loving environments, enter school healthy and ready to learn in order to become productive well adjusted members of society", which is consistent with our operations. Preschool seems to be a recurring theme of the Grand Jury Report suggesting a lack of understanding of the holistic approach to enhancing child development as presented by the legislative mandates of Proposition 10 and reflected in the First 5 Madera County vision statement.

- **Paragraph 4 recommends that First 5 be more proactive in locating additional preschools for children that are not being served.** First 5 maintains much rigor around expanding access to all services for children in Madera County, including preschool. In fact, in addition to funding 4 preschool projects, First 5 also continues to invest \$50,000 annually in the Preschool Access Implementation Grant which brings together State Preschool, Head Start/Migrant Head Start, Private Providers, Special Need Providers, etc. for ongoing coordination and strategizing around preschool expansion. This grant is in its fourth year of funding and has coordinated the addition of new preschool classes throughout the community.

- **Paragraph 5 recommends that First 5 keep a reasonable reserve fund which would free resources for additional preschool placement.** Given the Governor's threats to Proposition 10, much of First 5's reserve will be used to sustain existing contracts.

- **Paragraph 6 recommends that First 5 provide additional training for staff particularly for the Operations Manager of the agency.** No comment.



Administered by Madera County Children & Families Commission

Madera Superior Court
Civil Division

APR - 8 2011

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BY _____

April 6, 2011

Commission Chair
Ronn Dominici
Board of Supervisors

Board Members

Susan Arteaga
Social Services

Kenneth E. Bernstein, M.D., FAAFP
Community

Joanne L. Brazil, LCSW
Community

David Chavez, MPA
Community

Sally Frazier, Ed. D
Education

Aftab Naz, M.D.
Pediatrician

Van Do-Reynoso, MPH
Public Health

Sara Jane Wilkins
Community

Chinayera C. Black-Hardaman, MPA
Executive Director

Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, CA 93637

Your Honor:

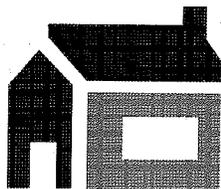
First 5 Madera County has thoroughly reviewed your 2010-2011 Grand Jury report entitled "First 5 Madera County".

In our effort to craft a response, it became obvious that preschool is a recurring theme of your report which suggests a lack of understanding of our holistic approach to enhancing child development as presented by the legislative mandates of Proposition 10. First 5 Madera County recognize and agree that our state has much work to do in expanding access to publicly funded preschool. However, this report fails to recognize that First 5 is designed to support a broader continuum of services and supports that bolster early child development. Further, First 5 is designed to support existing systems of service, not build new ones. To that end, much of the content of the report (Findings, Recommendations and Conclusions) is inaccurate or lacks relevance to First 5 work and mandates.

Please accept the following narrative and Attachments as our most sincere efforts to offer a comprehensive response to your inquiries.

Sincerely,

Chinayera C. Black Hardaman, MPA



First 5 Family Resource Centers

Madera

Chowchilla

Mountain Area

525 E. Yosemite Avenue
Madera, CA 93638

Tel: 559-661-5155

Fax: 559-675-4950

www.first5madera.net

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APR 25 2011

JURY DIVISION
SUPERVISOR



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**2010-2011
Madera County Grand Jury
Final Report
Fire Safety and Protection in Madera County
Fire Division Chief**

**2010-2011
Madera County Grand Jury
Final Report
Fire Safety and Protection in Madera County
Fire Division Chief**

Introduction:

The Grand Jury determined that the functions of the Fire Division Chief (Chief) are integral to fire safety and protection in Madera County.

The Chief has been in his current position for approximately 2 and 1/2 years. The Chief is a CAL FIRE state employee with authority over CAL FIRE facilities and personnel in three counties: Madera, Merced, and Mariposa. The Chief, in addition to his CAL FIRE duties, contracts CAL FIRE services to counties. For instance, CAL FIRE contracts with Madera County and City to staff fire stations. The City of Chowchilla does not contract with CAL FIRE. It maintains its own volunteer fire fighting force, and is not included under the jurisdiction of the Chief.

Findings:

The Grand Jury found that CAL FIRE, Madera County, and Madera City all own fire stations. CAL FIRE owns and staffs five stations during fire season. Outside of the fire season, November 1 through April 30, Madera County contracts with CAL FIRE to staff four of these stations. Madera County owns six fire stations staffed with CAL FIRE employees and 15 volunteer companies. Madera City owns two fire stations and staffs through CAL FIRE.

The Grand Jury found that there are 18 permanent staff assigned to the five CAL FIRE stations, and approximately 160 Madera County Paid Call volunteer Firefighters, all of whom are equipped and insured by the public entities being served. Training is done by CAL FIRE.

The Grand Jury found that the County funds its own year-round operations, staff, and volunteer firefighters. Volunteers are an integral component of the overall fire defense efforts. The County provides a station from which to operate, training, and equipment in the form of vehicles, firefighting gear, and radios. The County has funded a change from broad-band to narrow-band radios for full-time firefighters but not for volunteers. Broad-band and narrow-band radios are not compatible. Several fire stations are quite old and need upgrading and/or replacement; they include Stations #1, #3, and #9. Station #1 was constructed in the 1930's. The County has replaced seven fire engines over the past four to five years, at a cost of \$300,000 each. Firefighters have a sufficient amount of personal equipment and supplies available to them.

The Grand Jury found that on September 15, 2010, the Board of Supervisors cut \$520,000 from the fire budget. Two permanent positions have been lost as a result.

The Grand Jury found that operations for the Ahwahnee and Raymond stations were not fully funded, resulting in closure from November 1, 2010. However, the Board of Supervisors recently voted to restore funding beginning January 3, 2011, for both Raymond and Ahwahnee.

Conclusions:

The Grand Jury concludes that the Chief is well-qualified and motivated, yet realistic, given the current economic condition of the County and budget constraints.

The Grand Jury concludes that Stations #1, #3, and #9 do not meet the needs of firefighting personnel.

The Grand Jury concludes that the incompatibility of volunteer radios with full-time staff radios is a concern.

Recommendations:

The Grand Jury recommends adequate resources for fire protection and safety be provided.

The Grand Jury recommends that the County should begin feasibility studies for upgrading and/or replacement of Fire Stations #1, #3, and #9. Station #1 should be made a priority.

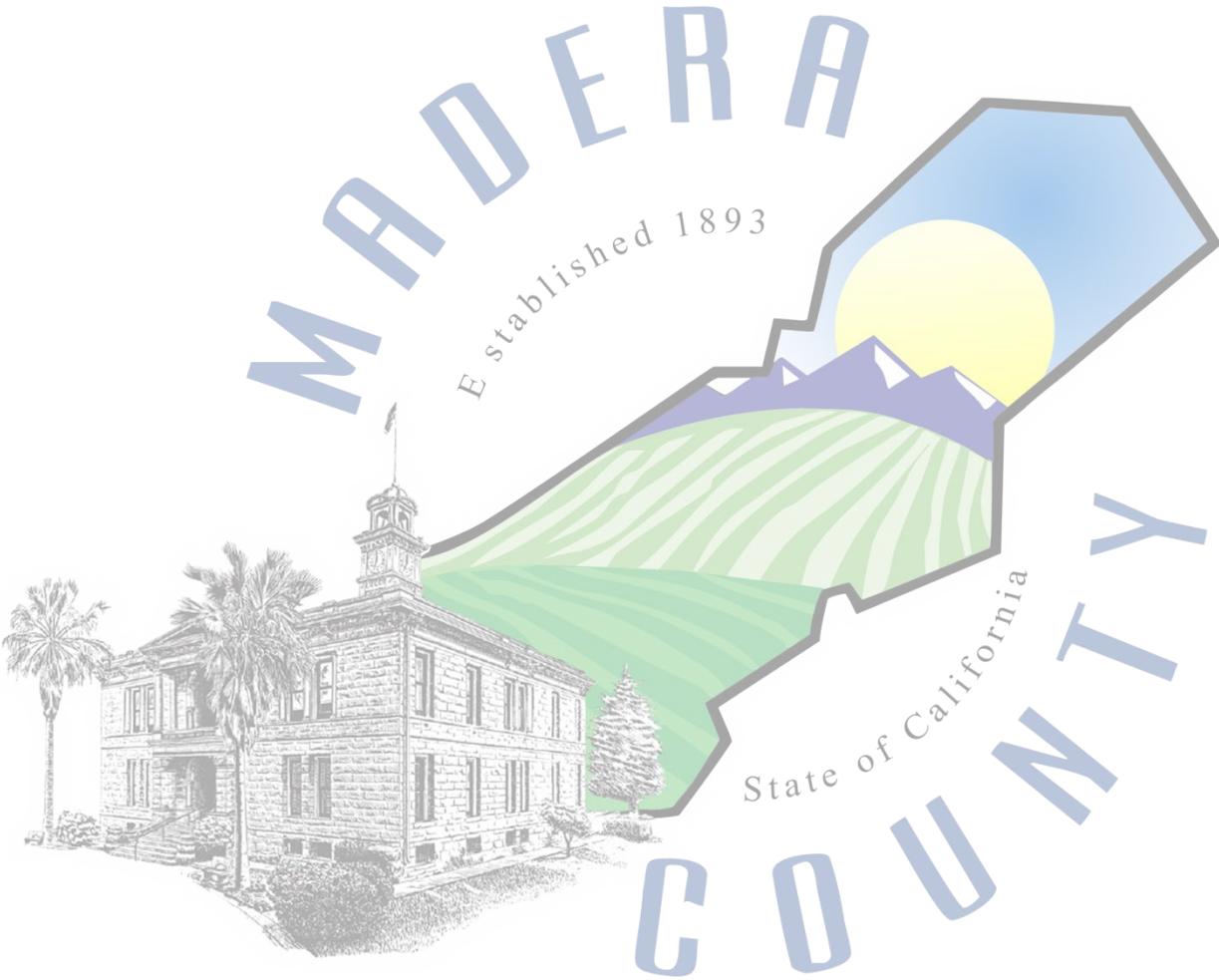
The Grand Jury recommends that volunteers be equipped with compatible radios.

Respondent: Written response required pursuant to PC933(c)

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

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Madera County Grand Jury



Responses to Item



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
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TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2010-11 Grand Jury Report entitled "Fire Safety and Protection in Madera County – Fire Division Chief".

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Fire Safety and Protection in Madera County – Fire Division Chief" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The Grand Jury recommends adequate resources for fire protection and safety be provided.

Grand Jury Recommendation

The Grand Jury recommends that the County should begin feasibility studies for upgrading and/or replacement of Fire Stations #1, #3, and #9. Station #1 should be made a priority.

Grand Jury Recommendation

The Grand Jury recommends that volunteers be equipped with compatible radios.

Board of Supervisors' response to Grand Jury Recommendations

The response to of the Acting Fire Chief to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors' response (See Attachment #2).

Sincerely

A handwritten signature in cursive script that reads "Frank Bigelow". The signature is written in black ink and is positioned above the printed name.

Frank Bigelow

Chairman

Madera County Board of Supervisors

Attachment

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
CAL FIRE

14225 ROAD 28
MADERA, CALIFORNIA 93638-5715

OFFICE: (559) 675-7799
FAX: (559) 673-2085

March 25, 2011

TO: Darin McCandless
Risk Management Analyst

FROM: Bill Hodson, Madera County Acting Fire Chief
By: David Irion, Madera County Fire Division Chief

SUBJECT: Response to Grand Jury Report entitled "Fire Safety and Protection in Madera County – Fire Division Chief"

The Grand Jury Report on Fire Safety and Protection in Madera County – Fire Division Chief dated February 3, 2011 has three recommendations:

1. The Grand Jury recommends adequate resources for fire protection and safety to be provided.
2. The Grand Jury recommends that the County should begin feasibility studies for upgrading and/or replacement of Fire Stations #1, #3, and #9. Station #1 should be made a priority.
3. The Grand Jury recommends that volunteers be equipped with compatible radios.

The Fire Department is required to submit a written response per PC 933(c). Penal Code Section 933.05 requires the following:

"...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) the recommendation has been implemented, with a summary regarding the implemented actions.
- (2) the recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, the time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore."

Recommendation 1: The Grand Jury recommends adequate resources for fire protection and safety be provided.

Madera County has six fire stations with full time staffing. Five of these stations have 1-person staffing and one station has 2-person staffing (Station #8 Indian Lakes). The Fire Department relies heavily on Paid Call Firefighters to assist full time personnel with calls, however this is not ideal. The Fire Department would like to see increased staffing at all of the County stations to improve firefighter safety, training and service delivery to our customers, the residents of and the people traveling through Madera County. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal. However, the Fire Department is aware of the fiscal situation that Madera County is currently experiencing.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.

Recommendation 2: The Grand Jury recommends that the County should begin feasibility studies for upgrading and/or replacement of Fire Stations #1, #3, and #9. Station #1 should be made a priority.

Madera County Fire Station #1 Madera, #3 Madera Acres and #9 Rolling Hills are all in need of improvements and relocation. Station #9 Rolling Hills is not ideally located, undersized and on too small of a lot. This station would better serve the community if it was situated on a main thoroughfare instead of the neighborhood it's located in. Station #3 Madera Acres is undersized, in sub-par condition, close to a creek and the Fire Department is currently renting the facility and property. In 1986, a local water company agreed to rent a 10" x 40" mobile home to the Fire Department. The mobile home needs improvement and during recent flooding the water level in the nearby creek came up to the back porch. Station #1 Madera is 75-80 years old, undersized and not ideally located. This station was built in the 1930's and is now one of the many departments located on the Madera County government compound. With County workers and the public frequenting the compound, this makes emergency response increasingly difficult. Pisotresi Ambulance also shares the facility with the Fire Department. Madera County is in the process of trying to relocate Station #1 Madera. The site currently being discussed is southwest of the Highway 99 and Avenue 12 intersection.

The Fire Department would like to see all of these facilities relocated if possible, however we realize the fiscal situation that Madera County is currently experiencing. We will continue to provide excellent service throughout the County to the best of our ability, regardless of the facility we reside in. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.

Recommendation 3: The Grand Jury recommends that volunteers be equipped with compatible radios

The Fire Department provides each Paid Call Firefighter (PCF) or volunteer with more than \$3,000 worth of firefighting equipment. Currently there are 175 PCFs in the Fire Department. A Minitor pager or Realm pager/handie talkie is provided to each PCF. This allows them to receive dispatches from the Emergency Command Center and those with the Realms can talk to each other on-scene. Each PCF engine has two Bendix King handie talkie radios allowing PCFs to talk to each other, on-scene Command staff and the Emergency Command Center. Ideally, the Fire Department would like to procure enough Bendix King handie talkie radios to be able to provide one for each PCF. These units, with extra battery packs and chargers, cost about \$1,000 each. All Fire Department radios are FCC approved and narrow-banded compliant.

The Fire Department has been successful at being awarded match grants in the past, however in recent years the Madera County Administration Office has not supported our requests for funds. The Fire Department has always had the option to go directly to the Board of Supervisors to request the match money, but hasn't done this considering the current fiscal climate. The Fire Department will continue to work with the Madera County Administration Office as well as the Madera County Board of Supervisors to accomplish this goal.

This recommendation will continue to be analyzed annually and will be accomplished when the funds are more readily available.



**2010-2011
Madera County Grand Jury
Final Report
Fire Safety and Protection in Madera County
Fire Marshall**

**2010-2011
Madera County Grand Jury
Final Report
Fire Safety and Protection in Madera County
Fire Marshall**

Introduction:

The Grand Jury determined the functions of the Madera County Fire Marshall (Marshall) are integral to fire safety and protection.

The Marshall has been in her current position for approximately one year. She is a Madera County employee responsible for fire prevention, safety, and related issues, including fire inspections. She works under the Resource Management Agency (RMA).

Findings:

The Grand Jury found the Marshall to be well qualified and motivated. The Marshall is an integral part of the overall county emergency/medical/health services and fire defense.

The Grand Jury found that the Marshall works closely with CAL FIRE Battalion chiefs and the Division Chief. In an effort to build a cohesive body they meet monthly.

The Grand Jury found that the Marshall's duties include annual school inspections. Currently, only two public schools are being inspected, in violation of State mandate. They are the schools situated within the Bonadelle Fire Station district. The Captain of this district has taken on the responsibility to conduct annual inspections; all other schools within the city and county are not being inspected.

The Grand Jury found that while permit tracking has increased, staffing decreased by 50% over the same period.

The Grand Jury found that inspections are not aggressive because of economic conditions and/or reduced staffing levels. Inspections are made in response to complaints.

The Grand Jury found that inspections are performed on a fee-for-service basis which fall 60-65% short of the actual costs of providing the service. Many of the services do not have an adopted fee, and as such the costs are not recovered.

The Grand Jury found that the most difficult challenges the Marshall has to deal with are budget and staffing needs. Under-staffing may delay response to telephone calls and/or messages and inspections. Budget cuts result in the Marshall personally conducting inspections. Inspections performed in eastern Madera County are scheduled on specific days to reduce travel time.

Conclusions:

The Grand Jury concludes that the State of California has developed and issued mandates for various levels of State, City, and County governments. While the Marshall is accomplishing the majority of such mandated inspections, the annual school inspections are not being carried out. Omission is placing the citizens and school children of the County at risk.

The Grand Jury concludes that current service fees are inadequate to cover the cost of the services.

Recommendations:

The Grand Jury recommends that the Board of Supervisors review the Marshall's current staffing needs.

The Grand Jury recommends that the Board of Supervisors review all current inspection service fees and adjust them to more accurately reflect actual costs.

The Grand Jury recommends that the Board of Supervisors ensures compliance with State mandates.

Respondent: Written response required pursuant to PC933(c)

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

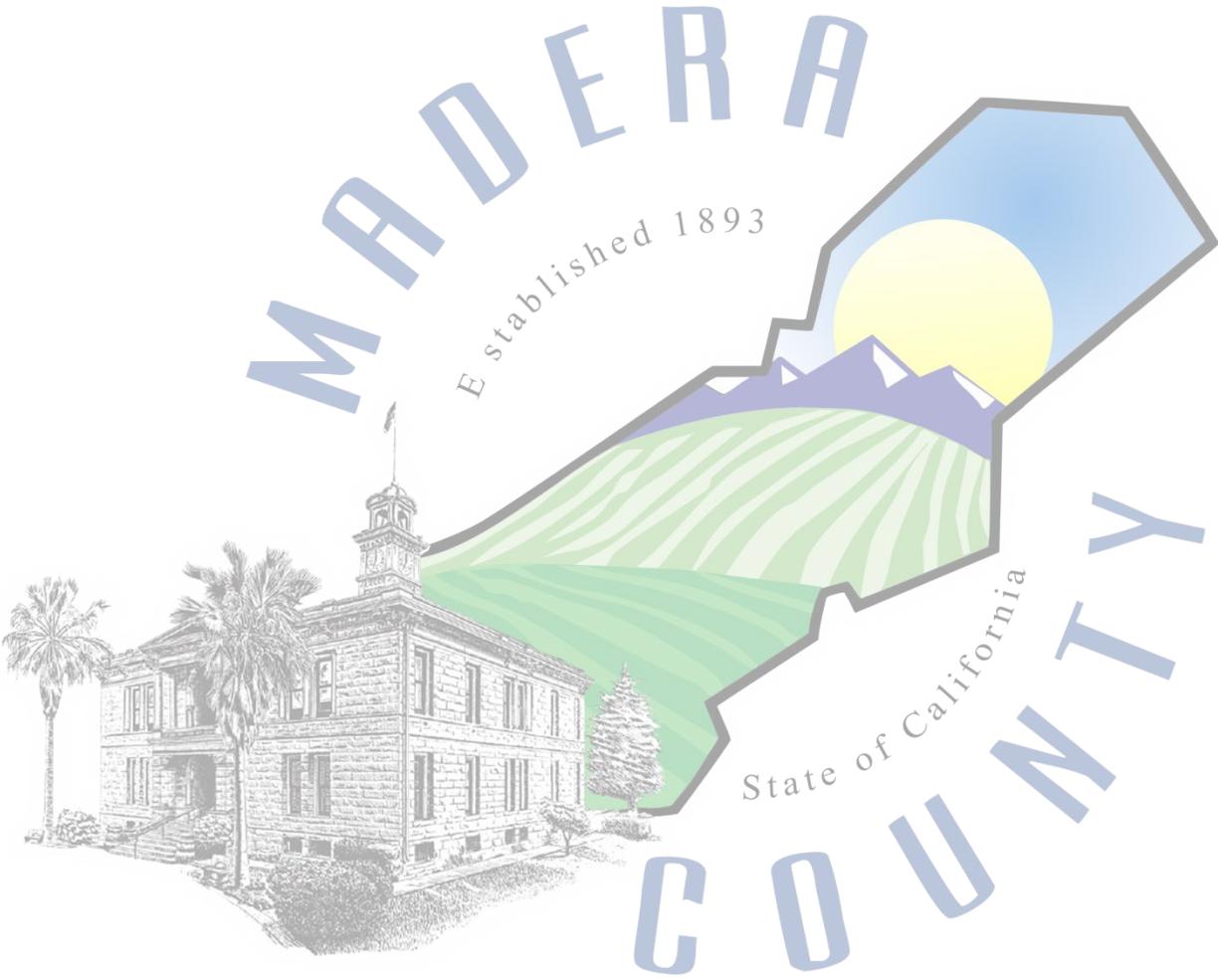
Respondents: Response Optional

Resource Management Agency
2037 West Cleveland Avenue
Madera, CA 93637

Madera County Fire Marshall
2037 West Cleveland Avenue
Madera, CA 93637

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Madera County Grand Jury



Responses to Item



BOARD OF SUPERVISORS COUNTY OF MADERA

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

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DAVID ROGERS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: **Response to the 2010-2011 Grand Jury Final Report entitled "Fire Safety and Protection in Madera County – Fire Marshall"**

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Recommendations in the 2010-11 Madera County Grand Jury Report on "Fire Safety and Protection in Madera County – Fire Marshall" (See Attachment #1).

The following are the Grand Jury's recommendations in their Report, and the Board of Supervisors' response to the recommendations:

Grand Jury Recommendation

The Grand Jury recommends that the Board of Supervisors review the Marshall's current staffing needs.

Grand Jury Recommendation

The Grand Jury recommends that the County Board of Supervisors review all current inspection service fees and adjust them to more accurately reflect actual costs.

Grand Jury Recommendation

The Grand Jury recommends that the Board of Supervisors ensures compliance with State mandates.

Board of Supervisors' Response to Grand Jury Recommendations

The response of the Interim RMA Director to the above Recommendations is considered appropriate and is submitted as the Board of Supervisors' response. (See Attachment #2.)

Sincerely,

A handwritten signature in cursive script that reads "Frank Bigelow". The signature is written in black ink and is positioned above the printed name and title.

Frank Bigelow
Chairman

Madera County Board of Supervisors

Attachment

April 8, 2011

The Honorable Mitchell C. Rigby
Presiding Judge

Madera County Superior Court

209 West Yosemite Avenue

Madera, California 93637

Subject: Response to the 2010-2011 Grand Jury Final Report on
the ``Fire Safety and Protection in Madera County - Fire
Marshall''

Your Honor

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 following are the Grand Jury's recommendations in their
Final Report, and the Board of Supervisors response to those
recommendations:

Recommendation 1. The Grand Jury recommends that the Board of
Supervisors review the Marshall's current staffing needs.

Response 1. The recommendation has not yet been implemented
but will be included in the Countywide Operational Review
currently in process. Staffing for the Fire Prevention for
Land Development Department, of which the Fire Marshal is
department head, is authorized at four positions: one Fire
Marshal, two Fire Prevention Officers, and one Program
Assistant. The Fire Marshal has been working with the
County's Human Resources Department to re-write the job
specification for the Fire Prevention Officer position to
ensure that the selected applicants have the required

Response to 2010-11 Grand Jury Report: Fire Safety and Protection in Madera County -
Fire Marshall

education and experience to competently perform their assignments.

Recommendation 2. The Grand jury recommends that the Board of Supervisors review all current inspection service fees and adjust them to more accurately reflect actual costs.

Response 2. The recommendation has not yet been implemented but will be included in the County's Fiscal Year 2011-12 Budget process, which will be completed by August 2011.

Recommendation 3. The Grand Jury recommends that the Board of Supervisors ensures compliance with State mandates.

Response 3. The recommendation has not yet been implemented but will be included in the Countywide Operational Review currently in process. Included in the Operational Review are analyses of mandated and non-mandated services provided by the County.

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**2010-2011
Madera County Grand Jury
Final Report
Handicapped Access to Government Facilities**

**2010-2011
Madera County Grand Jury
Final Report
Handicapped Access to Government Facilities**

Introduction:

During interviews with Madera City and County officials and the Chairman of the City of Madera Americans with Disabilities Act Advisory Council, the Grand Jury determined that there was an issue with handicapped accessibility to the courthouse, the Government Center, and parking structure. As a result, the Grand Jury decided to further investigate the situation.

Findings:

The Grand Jury found that the nearest handicapped parking to the courthouse is located approximately two blocks from the entrance.

The Grand Jury found that there are currently no handicapped parking spaces in front of the courthouse or on G Street. During the construction of the Government Center and parking structure, G Street was converted to a one-way street with diagonal parking and handicapped spaces. After construction, the handicapped parking spaces on G Street were removed.

The Grand Jury found that although there are handicapped parking spaces on Fifth Street, near the library, it would be necessary for a handicapped person to cross G Street and still continue for two blocks to the courthouse entrance.

The Grand Jury found that the County is responsible for providing parking spaces in the parking structure for use by the court, pursuant to Contract No. 8303-C-2007.

The Grand Jury found that in the Government Center parking structure only eight out of 400 parking spaces are designated as handicapped and all are located on level one. This ratio does not meet the standards established by Federal law. The remainder of level one spaces are reserved parking. There is no handicapped parking on levels two, three, and four.

The Grand Jury found that according to County officials, there is reluctance to provide handicapped parking spaces on levels two, three, and four due to the unreliability of the two elevators. Officials cited a number of mechanical failures coupled with the difficulty of obtaining elevator repair and maintenance.

The Grand Jury found that in the parking structure there is no safe passage from parking spaces to the elevators and structure exits. Pedestrians exiting their vehicles must navigate the traffic lanes.

The Grand Jury found that the north entrance to the courthouse has been fenced off by the court barring public access. The north entrance has ramps, is handicapped accessible, and close to the parking structure.

The Grand Jury was denied access to court personnel to discuss handicapped parking issues and accessibility to the courthouse.

Conclusions:

The Grand Jury concludes that handicapped access to the courthouse and Government Center is inadequate both in proximity and in the number of spaces provided.

The Grand Jury concludes that the Government Center parking structure is unsafe for users.

The Grand Jury concludes that the unreliability of the parking structure elevators creates a safety hazard for the public.

The Grand Jury concludes that there is no handicapped parking on streets adjacent to the Government Center and the courthouse.

The Grand Jury concludes that a handicapped person's access to the courthouse is hindered.

The Grand Jury concludes that it was unwise to fence off the north entrance to the courthouse which already provided handicapped accessibility, without providing alternate handicapped access.

Recommendations:

The Grand Jury recommends that additional spaces be designated as handicapped parking on level one of the Government Center parking structure.

The Grand Jury recommends that safety features, such as mirrors at the turns, be installed in the parking structure to assist drivers and pedestrians.

The Grand Jury recommends handicapped parking on G Street in close proximity to the courthouse entrance, until the new courthouse is completed.

The Grand Jury recommends that handicapped access to the courthouse be provided through the north entrance.

Respondents: Written response required pursuant to PC 933(c)

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

Madera City Council
205 West Fourth Street
Madera, CA 93637

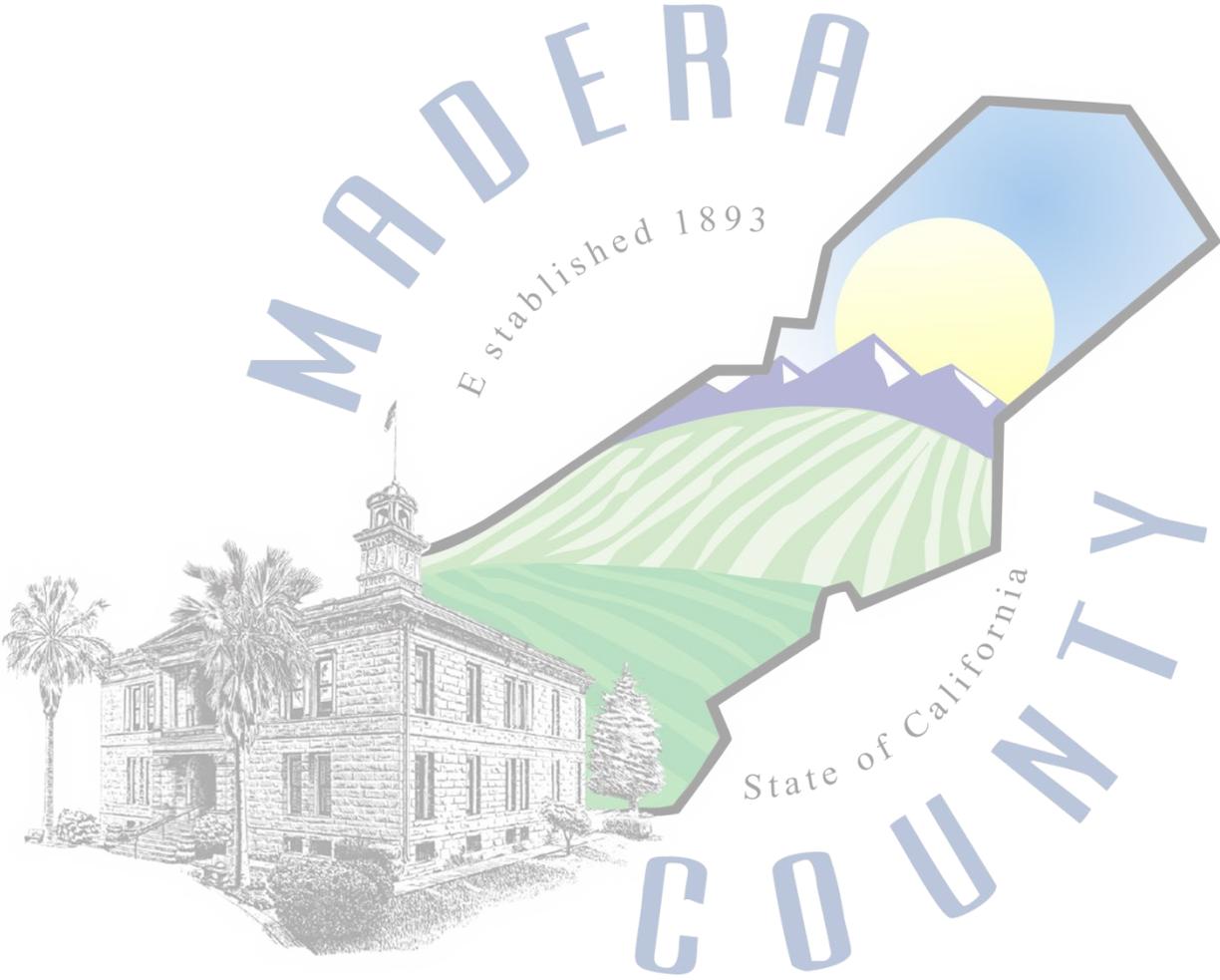
Information: Response Optional

Chairman, City ADA Advisory Council
205 West Fourth Street
Madera, CA 93637

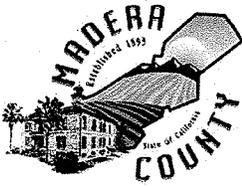
Resource Management Agency Director
2037 West Cleveland Avenue
Madera, CA 93637

Presiding Judge
Madera Superior Court
209 West Yosemite Avenue
Madera, CA 93637

Madera County Grand Jury



Responses to Item



BOARD OF SUPERVISORS COUNTY OF MADERA

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

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TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: **Response to the 2010-2011 Grand Jury Final Report on the "Handicapped Access to Government Facilities"**

Dear Honorable Judge Rigby:

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 following are the Grand Jury's findings in their Final Report, and the Board of Supervisors' response to those findings:

Finding 1. Nearest handicapped parking to courthouse is located approximately two blocks from the entrance.

Response 1. The Board of Supervisors agrees with this finding.

Finding 2. No handicapped parking spaces in front of the courthouse or on G Street.

Response 2. The Board of Supervisors agrees with this finding.

Finding 3. It would be necessary for someone parking in the handicapped spaces located on Fifth Street to have to cross G Street and continue for approximately two blocks to the courthouse entrance.

Response 3. The Board of Supervisors agrees with this finding.

Finding 4. The County is responsible for providing parking spaces in the parking structure for use by the court, pursuant to Contract No. 8303-C-2007.

Response 4. The Board of Supervisors agrees with this finding.

Finding 5. Eight out of four hundred parking spaces in the parking structure are designated as handicapped and are all located on the ground floor. This doesn't meet Federal Law. The remainder of

the spaces on level one are reserved. There are no handicapped spaces on levels two, three, and four.

Response 5. The Board of Supervisors agrees only eight of four hundred spaces are designated for handicapped parking and that all handicapped spaces are located on the first level of the parking structure. This ratio of 8/400 does meet Federal ADA standards (see attachment "A"); therefore, the Board of Supervisors disagrees with this part of the Grand Jury's finding in this matter. There are no handicapped spaces on levels two, three, and four and the Board of Supervisors agrees with this part of the finding.

Finding 6. According to County officials there is a reluctance to provide handicapped parking spaces on levels two, three, and four due to the unreliability of the two elevators in the structure.

Response 6. The Board of Supervisors agrees with this finding; however, the County Official who spoke with the Grand Jury provided a more extensive reason for not putting handicapped spaces on upper levels of a parking structure.

Finding 7. There is no safe passage from parking spaces to the elevators in the parking structure. Pedestrians must navigate the traffic lanes.

Response 7. The structure was built to all existing local, state and federal standards. This situation is typical of all parking structures.

Finding 8. The north entrance to the courthouse has been fenced off by the court barring public access. The north entrance has ramps, is handicapped accessible, and close to the parking structure.

Response 8. The Board of Supervisors agrees with this finding.

Finding 9. The Grand Jury was denied access to court personnel to discuss handicapped parking issues and accessibility to the courthouse.

Response 9. The Board of Supervisors has no knowledge of this finding and cannot support or dispute it.

Sincerely,



Frank Bigelow
Chairman
Madera County Board of Supervisors

Attachment



Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines

July 23, 2004

UNITED STATES ACCESS BOARD

A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

208 Parking Spaces

208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

EXCEPTION: Parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound shall not be required to comply with 208 provided that lots accessed by the public are provided with a passenger loading zone complying with 503.

208.2 Minimum Number. Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Table 208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

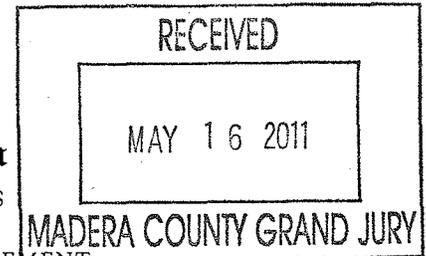
Advisory 208.2 Minimum Number. The term "parking facility" is used Section 208.2 instead of the term "parking lot" so that it is clear that both parking lots and parking structures are required to comply with this section. The number of parking spaces required to be accessible is to be calculated separately for each parking facility; the required number is not to be based on the total number of parking spaces provided in all of the parking facilities provided on the site.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

2860 Gateway Oaks Drive, Suite 400 • Sacramento, California 95833-4336
Telephone 916-643-8022 • Fax 916-263-2342



TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

LEE WILLOUGHBY
*Director, Office of Court
Construction and Management*

May 2, 2011

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

Re: Grand Jury Report on Handicapped Access to Government Facilities

Dear Foreman Lawrence A. Haugen and Members of the Grand Jury:

This response to the above-entitled report is submitted on behalf of the Superior Court for the County of Madera (the Court) by the Administrative Office of the Courts' (AOC) Office of Court Construction and Management (OCCM). As you may know, the current court facilities real property on West Yosemite Avenue in the City of Madera was transferred to the State of California by Madera County on April 24, 2007, pursuant to the Trial Court Facilities Act of 2002 (Gov. Code, § 70301 et seq.). The court facilities are managed by OCCM for the benefit of the Court and the public through a Joint Occupancy Agreement between the AOC and Madera County.

As the grand jury report correctly indicates, Madera County owns and operates the public parking garage at 200 G Street in Madera, the nearest public parking facility to the Court buildings. Although a limited number of parking spaces on the first floor of the garage are reserved for the Court's judges, some Court staff and jurors pursuant to the Joint Occupancy Agreement, the Court has no control over the county's designation of disabled parking spaces, but would expect the county to be following all state and federal laws in that regard. The Court does not have any arrangement with the City of Madera regarding on-street parking for disabled Court users but would similarly expect the city to designate disabled-only parking spaces as applicable laws require.

As to the report's comments on ingress and egress to the Court buildings, security and public safety reasons dictate that all Court users enter the Court facilities through a single entrance where everyone can be screened in the lobby area that can accommodate the x-ray and magnetometer machines as well as security staff. Wheelchair access to the Court facilities is located at this main entrance as well. The outside gated entrance to the Court facilities on the north side of the main Court building is simply not a practical place for an alternative public entrance with the expense it would entail to build and staff another screening station.

Finally, the Court is concerned with the misstatement contained in the report to the effect that the Court somehow denied access to Court staff when the grand jury was investigating the disabled parking issues discussed in the report. In fact, the Court's human resources manager received a telephone call from a member of the grand jury requesting that she appear and answer questions about parking issues. The human resources manager declined to make an in-person appearance given the vague nature of the request but answered all questions that were asked of her in a subsequent telephone call with a grand jury representative. The Court did not receive any other requests for information or access to the Court staff. Thus, the Court cooperated in providing information to the grand jury notwithstanding the fact that the California Attorney General's Office has opined that grand juries have no authority to investigate a court's administrative operations. (See 76 Ops.Cal.Atty.Gen. 70 (1993): "A county grand jury does not have the authority to investigate and report on the fiscal and administrative operations of the executive officer of a superior court." This is based on the conclusion that a court executive officer is not a county officer within the meaning of that term in Penal Code sections 925 and 928.)

In summary, the Court and the AOC share the grand jury's concerns regarding disabled parking access in proximity to the Madera County Court facilities and assure the grand jury that every effort is being made to minimize such issues in the pending construction of the new Court facilities in Madera. Meantime, the Court and OCCM would be pleased to work with the county and city to mitigate such issues at the current Court facility.

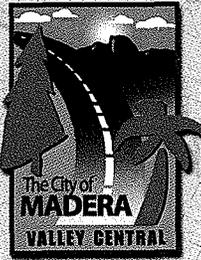
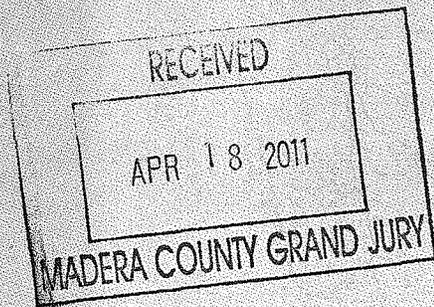
Sincerely,



Nick Turner

Regional Manager, Facility Management Unit
Office of Court Construction and Management
Administrative Office of the Courts

cc: Bonnie Thomas, Court Executive Officer, Superior Court of Madera County
Steven Crooks, Attorney, Office of General Counsel, Administrative Office of the Courts



RECEIVED
APR 18 2011
JURY DIVISION
SUPERVISOR

April 6, 2011

Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, CA 93637

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

RE: Response to the 2010-11 Madera County Grand Jury Final Report on
Handicapped Access to Government Facilities

Dear Presiding Judge and Members of the Grand Jury:

The City of Madera is familiar with the access issues addressed in the Grand Jury's report on access to government facilities, specifically the Madera County Courthouse. These issues have been brought to the attention of the Madera ADA Advisory Council (MADAAC) on multiple occasions. MADAAC has worked with City staff to identify alternative locations for accessible parking spaces that may be closer to the building entrance on Yosemite Avenue, but no feasible option within the City's control is available at this time.

As identified in the report, accessible parking spaces on G Street in close proximity to the courthouse main entrance would be more convenient for citizens than using the County garage. However, any accessible space must meet certain minimum criteria, including necessary striping, loading areas with specific slopes, access isle paths, etc. In order to provide accessible parking stalls on G Street, substantial improvements would be required, including removal of the curb, gutter and potentially the sidewalk to allow enough room to build accessible stalls to standard. This would intern cause additional access issues (removal of the sidewalk) and has been estimated to cost approximately \$20,000 for the first space plus \$3,000-\$5,000 for each additional space for what would be a temporary solution as the courthouse will be moving.

The report also includes the fact that during construction of the Madera County Government Center, G Street was temporarily converted to a one-way street with diagonal parking. While converting G Street to a permanent one-way street may

seem like an easy solution, the traffic studies and environmental impact reports prepared for both the construction of the government center and the future widening of Fourth Street projects have all included G Street as providing for two-way traffic. Conversion would require additional studies which may or may not support the change, re-striping of G Street, potential changes to left turn pockets in medians on either Fourth Street or Yosemite Avenue, and modifications to existing project designs well under way for the Fourth Street widening project. All these costs combined could easily approach or exceed \$50,000, once again for a solution that will be temporary at best.

While the City recognizes the importance of providing accessible parking that is convenient for citizens, it should be noted that accessibility was provided up until the point that the Courts determined they could not provide access directly from the County garage. This change in access to the courthouse was the action of a property owner. As such, this action, in the City's interpretation, should also have addressed accessibility concerns at the same time and made any changes necessary to ensure continued ADA accessibility/compliance. Typically, property owner changes do not initiate a response on the part of a public agency to rectify the shortcomings in the changes made; the responsibility lies with the property owner. Additionally, should the existing courthouse be reused by the County for another government purpose, the security concerns that led to the current accessibility concerns will likely be resolved.

The City thanks the Grand Jury for the opportunity to respond to the report as submitted.

Respectfully,



Robert L. Poythress
Mayor

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**2010-2011
Madera County Grand Jury
Final Report
Central California Women's Facility**

**2010-2011
Madera County Grand Jury
Final Report
Central California Women's Facility**

Introduction:

On November 2, 2010, in accordance with California Penal Code 919 (b) which states "... the Grand Jury shall inquire into the condition and management of the public prisons within the county...", the Grand Jury visited Central California Women's Facility (CCWF), located at 23370 Road 22, Chowchilla, CA. The Grand Jury met with the Acting Warden and a Correctional Counselor II who conducted the tour.

Findings:

The Grand Jury found that CCWF was opened in October, 1990. It covers 640 acres. CCWF was originally designed to house 1,900 to 2,000 inmates. As of November 2, 2010, the inmate population was 3,778.

The Grand Jury found that CCWF is the only women's prison facility in California that houses death row inmates. Currently there are a total of 19 death row inmates, who are segregated from the general prison population. Troublesome inmates and those with serious disciplinary issues are also segregated.

The Grand Jury found that receiving and release is the first processing stop for incoming inmates and the last processing stop for out-going/paroled inmates.

The Grand Jury found that the State mandates inmate processing and transition into the general prison population must be completed within 120 days of arrival.

The Grand Jury found that each new inmate is physically and mentally evaluated prior to placement within the CCWF. Health care services consist of emergency care, mental health treatment, dental, and outpatient care. Mental health issues constitute a large part of treatment needs. The number of health personnel has risen with the increase of prisoners and their needs.

The Grand Jury found that Medical Personnel staffing is 237, comprised of psychiatrists, psychologists, social workers, registered and licensed vocational nurses, site technicians, doctors, and dentists.

The Grand Jury found that nearly 1,000 health care appointments are made per day. Half of all visits are for mental health services; the remainder is split equally between dental and general medical services.

Approximately 22,000 drug prescriptions are issued per month, which equates to about six prescriptions per inmate monthly. No generic drugs are supplied.

The Grand Jury found that basic maternity and hospital after-care and pediatrics for inmates' newborns are provided on-site. Medical imaging is performed in a mobile van on-site, depending on the number needed at a single time. If only one or two are required, the procedure is performed off-site. Additional off-site services consist of dialysis and ICU care.

The Grand Jury found that all California State Prison hospitals have been placed under federal receivership as the result of a class-action lawsuit. The court has ordered that all inmates must be seen and/or treated within 24 hours of a complaint.

The Grand Jury found that CCWF and Prison Industries Authority offer inmates who meet the criteria the opportunity to work and earn wages. Inmates make prison jumpsuits and women's night gowns. They also make state and national flags, both standard and ceremonial versions, which are only sold to state agencies. Each flag is hand-made, including the silk-screening process. Only five to six flags per day are produced.

The Grand Jury found that the antiquated equipment and work procedures used to make these items lead to accidents and injuries. Many of the functions are performed by hand, thus exposing the inmates to potential injury.

The Grand Jury found that education/training is offered to qualified and motivated inmates. Courses are provided by volunteers from the general public and community college instructors. By participating in these programs an inmate can achieve an AA degree, high school diploma, or G.E.D. Vocational courses with certification in auto body/paint, automotive service, cosmetology, electronics, and office services I and II are offered. Graduation ceremonies are held twice a year. One hundred fifty-three inmates participated in the November graduation ceremonies. Eleven inmates earned AA degrees.

The Grand Jury found that the education department has a total of 27 personnel with seven academic programs and six vocational programs. Four additional specialized academic programs are funded by grants. There is a waiting list for all classes. The current education budget is \$3,342,326.

The Grand Jury found that there are 32 cells per housing unit. There are eight inmates per cell, for a total of 256 inmates in a unit. There are four sets of bunk beds in each cell and a locker for each inmate. Each cell has two sinks, one toilet, and one shower separate from the living quarters. The shower and toilet have a modesty screen instead of doors. There are no restrictions placed on water usage, showering time, or electric usage. Temperature control is a concern, as excessive heat can impact those inmates taking psychotropic medications. Cell blocks are cooled by evaporative coolers. The heating and cooling units on the roof of each building are original equipment, twenty plus years old.

The Grand Jury did not tour the kitchen area due to time constraints, but did meet with the Food Services manager. The Food Service annual budget is \$3,590,000. The budget to feed each inmate is \$2.57 per day, which includes breakfast, lunch, and dinner. There are daily diet standards which must be met. One of the state mandated guidelines is that inmates are to receive 3,300 calories per day.

The Grand Jury met with the Associate for Business Services, a Services Officer II, and the Correction Plant Manager. The allocated total budget for operating expenses for the prison is \$77,180,853, of which the medical budget is \$47,683,385. The Grand Jury found that the custody coverage cost per inmate, per annum is \$41,926.92, which includes costs related to the institutionalization, education, and medical expenses.

The Grand Jury found that the prison meets and well exceeds all recycling mandates imposed.

The Grand Jury found that the prison does not have water meters in all areas. Design Criteria Guidelines estimates a female inmate will utilize approximately 220 gallons of water per day. The prison uses 628,000 gallons of water per day. The water is utilized for daily operations which includes feeding, showers, restrooms, medical, maintenance, laundry, and irrigation.

The Grand Jury found that the following water conservation measures are in place: low flow shower heads and faucets, low flow valves in toilets, reduction of landscape sprinklers, and removal of vegetation and lawn areas.

Since January 2010 Prison Industries Authority has utilized approximately 4,043,000 gallons of treated wastewater to irrigate alfalfa fields located at CCWF and Valley State Prison for Women (VSPW).

The Grand Jury found that CCWF proposed, submitted, and had approved a solar energy system. It has not been constructed due to lack of funding.

The Grand Jury found that Fire Station #5 is located on the CCWF prison grounds and has been in operation since 1990. In 1993 the CCWF Fire Department entered into an agreement with Madera County for reciprocal fire services. In 1994 the CCWF Fire Department became a shared service with VSPW which is located adjacent to CCWF. The State Fire Marshall has authority over Station #5, which is staffed by one chief, five captains, one Hazmat specialist, and ten inmate firefighters, who work and reside at the station. Station #5 covers an area of 225 square miles and responds to approximately 400 calls per year. The station appeared to be well managed and maintained.

The Grand Jury toured Station #5 and was shown their recent acquisition, a breathing equipment air compressor, costing \$47,000 and obtained through a Homeland Security grant. Other equipment assigned to Station #5 is vintage, but in good working order.

The Grand Jury found that the 400,000 sq. ft. multi-use warehouse facility holds a 30 to 60 day supply of food and dry goods for the Prison.

Conclusions:

The Grand Jury concludes that CCWF is well managed and maintained by an organized, efficient, and dedicated staff.

The Grand Jury concludes that due to budget cuts the educational and vocational programs, which motivate an inmate's behavior in a positive manner, are suffering the most. The Station #5 inmate program is a prime example of what works. Eighty percent of the inmate participants do not return to prison. They leave the program well equipped to support themselves and their family and re-join society. The average recidivism rate is 70% for the general population.

The Grand Jury concludes that medical treatment is the largest CCWF operating budget expenditure. As long as medical treatment is under federal receivership, this will not change.

The Grand Jury concludes that energy/water management could be achieved by instituting prudent conservation measures.

Recommendations:

The Grand Jury recommends that in order to avoid additional strain on budgets in educational and vocational programs, additional volunteers be recruited.

The Grand Jury recommends that CCWF evaluate the need for an expansion of inmate programs similar to the one sponsored and supported by the Fire Department.

The Grand Jury recommends that each department/division of the prison seek cost cutting measures. Special emphasis should be made in the areas of recycling and energy/water conservation. While costs saving measures are in place, more should be done in the areas of recycling and energy/water conservation.

The Grand Jury recommends that the Prison Industries Authority review safety measures for production and manufacturing activities.

Respondents: Written response required pursuant to PC933(c)

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

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

Respondent: Response Optional

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



**2010 – 2011
Madera County Grand Jury
Final Report
Madera County Assessor’s Office**

2010 - 2011
Madera County Grand Jury
Final Report
Madera County Assessor's Office

Introduction:

The County Assessor is responsible for determining the assessed value of all taxable real and personal property located within the county. The California Constitution and the Revenue and Taxation Code charge the Assessor with four primary duties: 1) locate all taxable property within the county; 2) identify the person who owns, claims, possesses, or controls property on the lien date; 3) establish the assessed value of all taxable property; and 4) publish annual and supplemental assessment rolls. The Assessor does not establish tax rates, issue tax bills, collect or refund taxes, nor determine special assessment or maintenance district fees. The Assessor is an elected official whose office operates under the guidance of the State Board of Equalization.

In its review of the operations of the Assessor's Office, the Grand Jury examined the department's budget, staffing levels, organization, and functions. Interviews were conducted with the County Assessor, two residential appraisers, two assessment technicians, supervising cadastral drafting technician, assessment office manager, and the County Administrative Officer. The Grand Jury also toured the Assessor's office and viewed demonstrations of the department's automated systems.

Findings:

The assessment roll for the county includes approximately 55,000 real property parcels and 6,000 personal property items. The assessed value of each property is determined annually as of the lien date which is January 1 of each year, the day the taxes are deemed to be owed. Current total value of property in the county, after exemptions, is about \$10,000,000,000.

Proposition 13, passed by voters in 1978, generally requires the reappraisal of property at the time of change of ownership or completion of new construction. The reappraisal establishes the base year value, which may be increased a maximum of 2% per year. Revenue and Taxation Code section 51 requires the Assessor to annually enroll the lesser of a property's Prop 13 base year value factored for inflation (up to 2% per year) or its market value as of the lien date.

Property value may decline as a result of changes in the real estate market, the neighborhood, or the property itself. Under Proposition 8, if the current market value of a property as of the January 1 lien date is lower than its Prop 13 factored base year value, the assessed value can be reduced to reflect the decline. Prop 8 reductions in value are temporary. Once a Prop 8 value has been enrolled, a property's value must be reviewed each following January 1 to determine whether its market value is less than its Prop 13 factored value. Prop 8 values can change from year to year as the market fluctuates up and down. Once the market value of a Prop 8 property exceeds its Prop 13 factored base year value, the Prop 13 value is reinstated as the upper limit of taxable value.

A reappraisal of property due to change in ownership or new construction prompts a Notice of Supplemental Assessment which advises the property owner of the new valuation. The reappraisal may result in issuance of a supplemental tax bill if there is an increase in value or issuance of a refund check if there is a decrease in value.

Property owners who believe the assessed value of their property is greater than its market value may file an application for reappraisal. The assessed value is reduced only after the Assessor's Office conducts a review and determines that the market value is lower. A property owner who disagrees with the Assessor's determination may file an appeal with the Clerk of the Board of Supervisors, which must be considered and a determination issued by the Assessment Appeals Board within two years. If the appeal is not timely resolved, the value asserted by the property owner becomes the assessed value.

The Grand Jury found that the county's assessment roll values increased 28 percent between 2003 and 2006. The Assessor began performing Prop 8 reassessments in 2009. The reassessments of properties purchased between 2003 and 2008 totaled 15,600 and resulted in a decline of \$1,000,000,000 in total property value. This reduced property tax revenue for the County by \$1,500,000. The Assessor expects Prop 8 reassessments to increase to 20,000 this year and to include properties purchased since 2000. A further decline of \$800,000,000 in total property value is expected.

The Grand Jury found that 21,078 transfers of ownership were processed from 2003 to 2005, which were peak years for sales activity and purchasing prices in the housing market. Some transfers are eligible for exclusion from reappraisal, such as those between parent and child or grandparent and grandchild. During this period, 806 such transfers occurred. Other transfers, such as in and out of trusts, do not prompt a reappraisal.

The Grand Jury found the Assessor's office to be spacious, with a substantial amount of room for future growth. Staff work areas are organized according to functions performed, and large storage rooms and shelving areas provide easy access to files and record books. The large public counter, two small private rooms, and two computer workstations permit the public to meet with staff and access records in privacy and comfort. Parcel map books and informational brochures on various topics are readily available to the public in the lobby area.

The Grand Jury found that the staff utilizes a variety of automated systems to accomplish their work. Some of the systems are not integrated with the others. Automated systems used in the office are as follows:

- The property tax program *Megabyte* is used to maintain ownership, description, valuation, and tax data for all property within the county. Scanned images of deeds are imported into *Megabyte* from the County Recorder's system. This enables staff to do side by side comparison of the deed information with that contained in *Megabyte*, verify that ownership and description data are accurate, and update *Megabyte* with the new deed information. *Megabyte* is shared with the Auditor and Tax Collector for issuance of tax bills and collection of taxes. Updates and modifications to *Megabyte* have occurred over the past four years at a cost of \$224,000 to the County. The software lease cost for fiscal

year 2011-2012 will be about \$200,000 – an increase of \$50,000. The Assessor has determined that the cost to change to a different system would exceed \$1,000,000. *Megabyte* is used by 22 other counties in the state.

- Staff accesses the County Resource Management Agency’s permit tracking system to obtain data for reappraisals when new construction occurs.
- The appraisers utilize two programs developed in-house, using *Excel* and *ACCESS*, to perform appraisals and to determine the appropriate adjustment levels for Prop 8 reassessments. Programs developed by Madera appraisers are being used by assessors in other counties.
- *AutoCAD* is used by the cadastral drafting section in the preparation and modification of the set of maps which shows each parcel of property within the county.
- The County’s *Geographic Information System* (GIS) is maintained by the cadastral drafting section and shared with other County departments. Copies of GIS layers are available for purchase, including the base map containing parcel configuration and assessor’s parcel numbers, ownership layer, tax rate area layer, use code layer, and situs layer which shows the physical address of all parcels.
- The department utilizes a spreadsheet for tracking assessment appeals filed with the Clerk of the Board of Supervisors. There is no automated interface with the Board Clerk’s Office.

The Grand Jury found that staffing for the department includes the Assessor, a Chief Appraiser, 3 Auditor-Appraisers, 12 Appraisers, 2 Cadastral Drafting Technicians, 12 Assessment Technicians, and an Assessment Office Manager. Additional allocated positions which are unfunded due to budget cuts are 3 Appraisers, 1 Cadastral Drafting Technician, and 2 Office Assistants. Five of the Assessment Technician positions are budgeted and filled at the Office Assistant level. The appraisal staff is divided among four major areas: business property, agricultural, residential, and commercial/industrial. Each group has a position designated as supervisor, as has the drafting section.

The Grand Jury found that some of the current staff members are new to the department. Thirteen long-term, experienced staff, including the Assessment Office Manager, retired in April 2010 when the County offered retirement incentives. The Assessor was allowed to rehire retirees as temporary extra help to provide 400 hours of training for the remaining staff. The department has been allocated \$28,000 this year to employ temporary extra help to backfill vacancies during critical times when establishing the assessment roll.

The Grand Jury found the Assessor, appraisal staff, and cadastral drafting staff to be very knowledgeable about their assigned functions and the operation of the department. Current staff members in these sections have been able to manage their on-going workload. With temporary assistance in the residential appraisal section, the staff have been able to manage the increased workload in reassessing and reviewing Prop 8 properties from March to June.

The Grand Jury found that the Assessment Technicians are learning new tasks which were previously performed by the retirees and are simultaneously assisting and training the new Office Assistants. They have not been able to keep their workload current. In preparation for establishment of the 2011 assessment roll, the clerical staff focused on processing deeds which were several months backlogged. Deed processing for 2010 has been completed, and property ownership records are current. Other tasks, such as exemption application processing, were delayed pending completion of the deeds.

The Grand Jury found that the new Assessment Office Manager, hired in June 2010, has not been trained on and is not knowledgeable about *Megabyte*. She has requested a copy of the system manual from *Megabyte* and is seeking other training sources. She is experienced in and knowledgeable of the clerical functions of property assessment.

The Grand Jury found that available staff work time has been reduced by 2 days each month due to required furlough days. The furlough days do not follow a consistent schedule, causing the public to unexpectedly find offices closed when they attempt to access services.

The Grand Jury found that the State Board of Equalization conducts an audit of the Assessor's assessment practices every five years. Such audit was completed in February 2011, and a report of findings and recommendations will be issued within two years.

Conclusions:

The Grand Jury concludes that the Assessor's office is well organized and has more than adequate work and storage space.

The Grand Jury concludes that the appraisal and cadastral drafting staffing levels are adequate to handle the normal, on-going workload. An additional residential appraiser is needed annually to assist with the short-term increase in workload for reviewing and reassessing Prop 8 properties. The budget provides adequate funding for this temporary position.

The Grand Jury concludes that the Assessor, appraisal staff, and cadastral drafting staff are knowledgeable, proficient, and effective.

The Grand Jury concludes that the appraisal staff has shown initiative and progressive thinking through the in-house development of computer programs.

The Grand Jury concludes that the Assessor has been diligent in reassessing properties under Prop 8.

The Grand Jury concludes that the simultaneous retirement of several long-term clerical employees and the Assessment Office Manager substantially impacted the efficiency and effectiveness of the remaining clerical workforce. The Assessment Technicians were not prepared to assume the duties previously performed by the retirees, and newly hired Office Assistants require a great deal of training. The workload is expected to be accomplished by fewer staff and in less time due to furlough days.

The Grand Jury concludes that the new Assessment Office Manager needs to receive training in the *Megabyte* system.

The Grand Jury concludes that while maintenance costs for *Megabyte* continue to increase, it is the most cost-effective property tax program for the Assessor's Office at the present time.

The Grand Jury concludes that an automated system which interfaces with the Board Clerk's Office for tracking assessment appeals is needed.

The Grand Jury concludes that the public is adversely affected by the inconsistent scheduling of furlough days by the County.

Recommendations:

The Grand Jury recommends that the Assessor utilize a portion of the budget allocation for extra help to hire a temporary experienced residential appraiser to assist with Prop 8 reviews and reassessments.

The Grand Jury recommends that the Assessor and appraisers be recognized and commended for their initiative and proficiency in developing in-house computer programs which are sought after by other counties.

The Grand Jury recommends that, to the extent funding is available, the Assessor employ willing retirees to train current clerical staff.

The Grand Jury recommends that the Assessor make *Megabyte* training an immediate priority for the Assessment Office Manager.

The Grand Jury recommends that the County retain *Megabyte* as its property tax program so long as it is cost effective and meets the County's needs.

The Grand Jury recommends that the Assessor and the Board Clerk work together to obtain a cost effective and efficient automated system for tracking assessment appeals.

The Grand Jury recommends that the County consider the staggering of furlough days for employees, as is done in the County Recorder's Office and Information Technology Department, so that offices are consistently open and accessible to the public.

Respondent: Written response required pursuant to PC 933 (c)

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

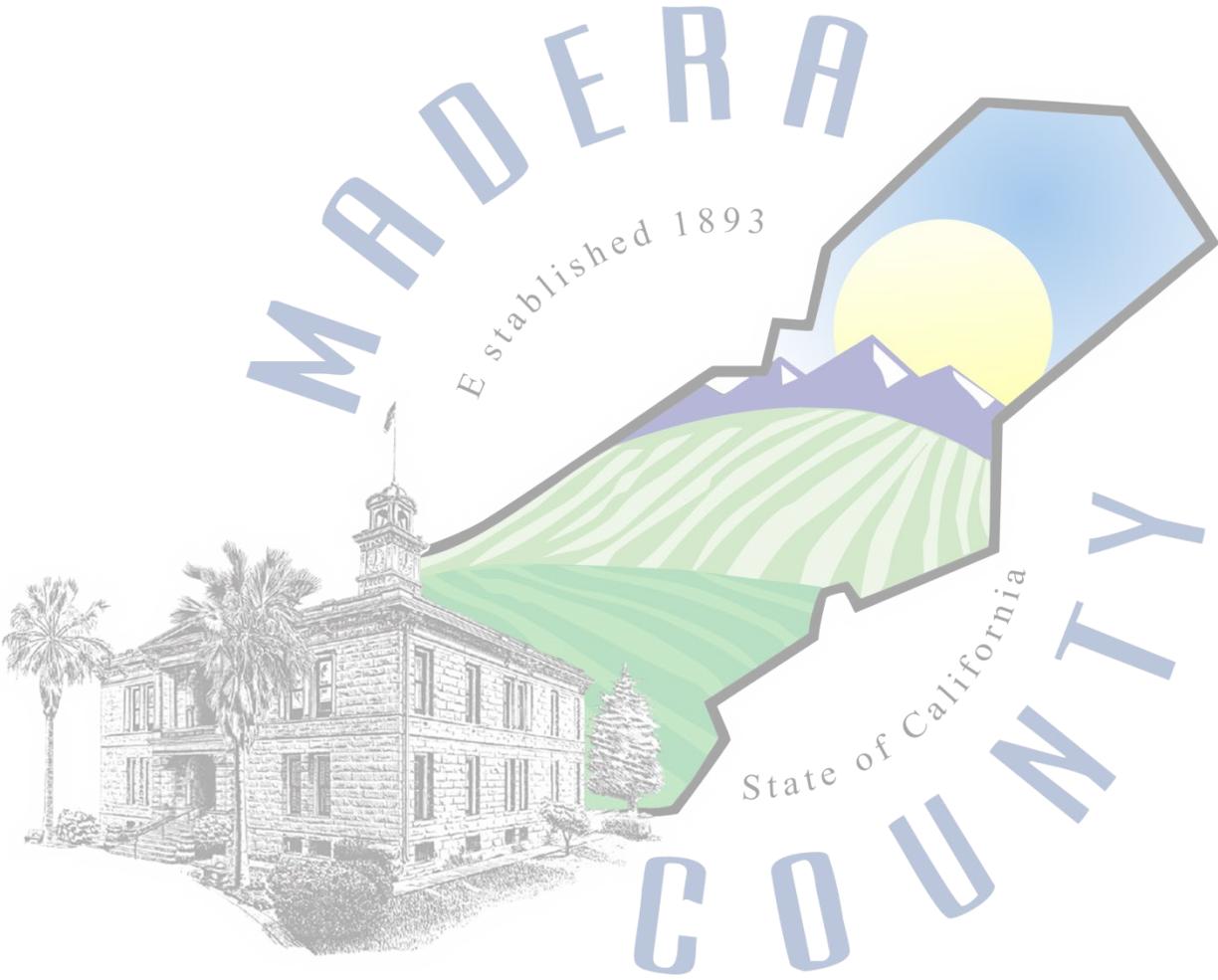
Respondents: Response optional

Madera County Assessor
200 West Fourth Street
Madera, CA 93637

County Administrative Officer
200 West Fourth Street
Madera, CA 93637

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Madera County Grand Jury



Responses to Item



COUNTY OF MADERA

ASSESSOR'S OFFICE

200 W. 4TH STREET, MADERA, CALIFORNIA 93637-3548

(559) 675-7710 FAX (559) 675-7654

E-mail assessor@madera-county.com

www.Madera-County.com/Assessor

Thomas P. Kidwell, Madera County Assessor

RECEIVED

MAY 11 2011

JURY DIVISION
SUPERVISOR

May 5, 2011

The Honorable Mitchell Rigby, Presiding Judge
Madera County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Dear Judge Rigby,

Please find enclosed my response to the 2010-2011 Madera County Grand Jury Final Report on the Madera County Assessor's Office.

I am grateful for the diligent efforts made by the Grand Jury on behalf of the citizens of Madera County and for their professionalism in the conduct of their review of my office, and I am pleased by their report.

The Grand Jury recognized the initiative that my staff has taken to develop computer applications beneficial in our work that other counties now also enjoy. They recognize that the office is "well organized," and that staff are "knowledgeable, proficient and effective." The Grand Jury also recognized the difficulties we faced upon the simultaneous retirement of many long-term staff, as the County tried to re-balance its budget mid-year when faced with a fiscal emergency not of its own making, and recommended measures to remedy the deficiencies they identified, many of which we had already implemented.

Please feel free to contact me should there be any questions in this regard.

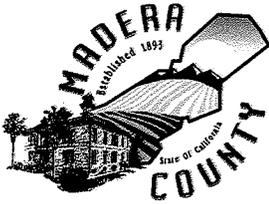
Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Kidwell", with a long horizontal line extending to the right.

Thomas P. Kidwell
Madera County Assessor

Enclosure: Assessor's Response to the 2010-2011 Madera County Grand Jury Final Report - Madera County Assessor's Office

cc: Lawrence A. Haugen, Foreman, 2010-2011 Madera County Grand Jury
Madera County Board of Supervisors
Madera County Administrative Officer



COUNTY OF MADERA

ASSESSOR'S OFFICE

200 W. 4TH STREET, MADERA, CALIFORNIA 93637-3548

(559) 675-7710 FAX (559) 675-7654

E-mail assessor@madera-county.com

www.Madera-County.com/Assessor

Thomas P. Kidwell, Madera County Assessor

Assessor's Response to the 2010-2011 Madera County Grand Jury Final Report Madera County Assessor's Office

May 5, 2011

Mindful that whatever money is spent in the current fiscal year will not be available to roll over into the County's budget for next fiscal year, and also mindful that many circumstances have changed since the Grand Jury members conducted their interviews of my staff and I concerning the office and its procedures, my response to the recommendations made by the 2010-2011 Madera County Grand Jury Final Report is as follows:

The Grand Jury recommends that the Assessor utilize a portion of the budget allocation for extra help to hire a temporary experienced residential appraiser to assist with Prop 8 reviews and reassessments.

The majority of the Proposition 8 (Decline in Value) reviews have already been completed without the need for extra help, so this recommendation will not be implemented this year.

The Grand Jury recommends that the Assessor and appraisers be recognized and commended for their initiative and proficiency in developing in-house computer programs which are sought after by other counties.

I am grateful that the Grand Jury recognizes the achievements of my staff, and I take every opportunity to remind my staff of the respect they've earned from their peers in other Counties for what they've accomplished and shared.

The Grand Jury recommends that, to the extent funding is available, the Assessor employ willing retirees to train current clerical staff.

I had implemented this recommendation, in advance of it being made, by asking the newly-retired Assessment Office Manager to return on a part-time, temporary basis to assist in training select staff, and she graciously consented to do so out of loyalty to the office and its need.

The Grand Jury recommends that the Assessor make Megabyte training an immediate priority for the Assessment Office Manager.

Training is a continuous requirement that we fulfill through a variety of methods for all staff. In addition to asking the previous Office Manager to return to assist in training, as noted above, both on-site and online training classes will be made available without additional charge by Megabyte under a proposed new contract amendment, and extensive manuals and reference books are maintained within the office for training purposes. Therefore, we have implemented this recommendation and will continue to do so as opportunities arise.

The Grand Jury recommends that the County retain Megabyte as its property tax program so long as it is cost effective and meets the County's needs.

I concur with this recommendation and have included this in my budget proposal to the Board of Supervisors for next fiscal year, as noted above.

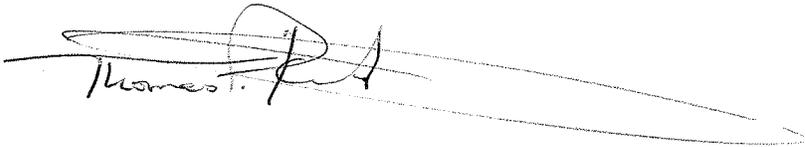
The Grand Jury recommends that the Assessor and the Board Clerk work together to obtain a cost effective and efficient automated system for tracking assessment appeals.

I concur with this recommendation. The Board Clerk's and my staff have been examining alternative systems that would achieve this goal, including a modification of our existing tracking system with the assistance of the Information Technology Department which shows great promise. Once we have determined which system would best meet our needs, we will recommend that system to the Board of Supervisors for their approval, as necessary.

The Grand Jury recommends that the County consider the staggering of furlough days for employees, as is done in the County Recorder's Office and Information Technology Department, so that offices are consistently open and accessible to the public.

The implementation of countywide employee furloughs was a measure implemented by the Board of Supervisors due to fiscal emergency. As my office is functionally related to the Auditor and Tax Collector Offices, we mutually try to maintain the same operating hours as well as conform to the hours of the majority of other departments within the County as the Board of Supervisors has directed. I believe that the Board of Supervisors will give this matter further consideration in the upcoming budget discussions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas P. Kidwell", is written over a long, thin horizontal line that spans across the page.

Thomas P. Kidwell
Madera County Assessor



**2010-2011
Madera County Grand Jury
Final Report
Raymond Volunteer Fire Station #15**

2010-2011
Madera County Grand Jury
Final Report
Raymond Volunteer Fire Station #15

Introduction:

On November 17, 2010 the Madera County Grand Jury visited Madera County Fire Station #15, located at 32604 Road 600, Raymond, Ca. The Grand Jury met with the Division Chief, the Battalion Chief, and a Paid Call Firefighter (PCF) Captain. The Captain has been with the Fire Department as a volunteer for over 24 years.

Findings:

The Grand Jury found that the building now housing Station #15 was built in the 1950's and used as a family residence for several years. Before 2008 it was leased and manned by CAL FIRE employees. In September 2007 Madera County purchased the property with parks and recreation monies at a cost of approximately \$100,000. *(The purchase price included a full-time resident named Homer. Homer has been heard but not seen. The Fresno Paranormal Society has investigated Homer's presence.)*

The number of volunteers throughout the County is 193. Station #15 is manned by the Captain and seven volunteers. It serves the Raymond area and other adjacent rural locations.

The Grand Jury found that each volunteer receives over 100 hours of training which includes basic firefighting operations and medical treatment. Volunteers work for the County and are supervised by CAL FIRE.

The Grand Jury found that the operational expenses for the Raymond Volunteer Fire Department are paid by the County Fire Department. Worker's compensation/liability insurance is also paid by the County.

The Grand Jury found that the County provides each volunteer with personal equipment at a cost of approximately \$4,000. Volunteers provide their own work boots at a cost of approximately \$300.

The Grand Jury found that Station #15 firefighters respond to public safety, fire, and medical calls. When calls are received by the Mariposa Command Center, the Center pages all PCF via the emergency radio system. Volunteers report directly to the scene of the incident. Confusion regarding the location of the incident may result from a lack of knowledge of the area by the dispatcher.

The Grand Jury found that CAL FIRE has a full cost recovery program. Madera County is reimbursed for responding to fire and traffic accidents only under this program. Eighty percent of Station #15's calls are for medical aid and therefore not reimbursed.

The Grand Jury found that the physical condition of Station #15 is in a progressive state of decay. There is evidence of dry-rot throughout. Sanitary conditions of the interior would not pass a Health Department inspection. Both the restroom and kitchen areas need to be renovated. The sleeping quarters are being used for storage of furniture. There is no designated entrance, office, or meeting area. The two acres surrounding Station #15 are maintained by volunteers and inmate work details from Mariposa County.

The Grand Jury found that the garage is too small. The two-bay garage houses a mobile emergency cooking center, miscellaneous pieces of equipment, and the 1981 fire engine. A 1978 reserve engine is parked in an uncovered area behind the station. The Grand Jury was told that a private citizen has donated a canopy for this engine. Each engine is kept in response mode – all peripheral equipment is on board.

The Grand Jury found that Station #15 does not have a jaws-of-life. A truck from another station with a jaws-of-life on board is dispatched to incidents involving traffic accidents.

The Grand Jury found that adequate water storage is a constant issue. Hill View Water District is Station #15's source of water. There is not enough pressure for water to be directly piped to Station #15. Water for Station #15's water tank is brought in by truck. This procedure increased the cost-of-operation at Station #15. The current water storage facility at Station #15 is barely adequate.

The Grand Jury found that a new CAL FIRE Station is located approximately one mile from Fire Station #15 and houses the personnel assigned to man Station #15.

Conclusions:

The Grand Jury concludes that volunteer firefighters are an integral part of the public safety of the County.

The Grand Jury concludes that Station #15 is unnecessary due to the proximity of the new Raymond CAL FIRE Station at 34951 Road 606.

Recommendation:

The Grand Jury recommends that the Board of Supervisors close Station #15 and transfer or sell all equipment and property.

Respondent: Written response required pursuant to PC 933(c)

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

Respondents: Response Optional

Madera County Fire Chief
14225 Road 28
Madera, CA 93638

CAL FIRE
State Fire Marshall
PO Box 944246
Sacramento, CA 94244-2460



**2010 – 2011
Madera County Grand Jury
Final Report
City of Madera
Community Development Department**

2010 - 2011
Madera County Grand Jury
Final Report
City of Madera
Community Development Department

Introduction:

The City of Madera has a population of 58,243, covers a total area of 12.3 square miles, and is the county seat. It is an incorporated general law city governed by a five-member council. The mayor is elected by the council from among its membership. City operations include four major departments: Administration, Community Development, Police, and Fire.

The Grand Jury reviewed the operation and functions of the City's Community Development Department. Interviews were conducted with the Mayor, City Administrator, Community Development Director, City Engineer, Public Works Director, Planning Director, Building Director, and the Streets Operations Manager.

Findings:

The Grand Jury found that the City's Community Development Department includes four major divisions: Planning, Engineering, Building, and Public Works. The functions of the divisions are overseen and coordinated by the Community Development Director, who reports to the City Administrator. Each major division is managed by a director.

The Grand Jury found that the Planning Division is responsible for land use review, long range planning, zoning, and review of building and development plans and applications for compliance with the City's general plan and building codes. Building industry activity has slowed significantly due to the depressed economy, resulting in revenue losses and operational challenges for the Planning Division. Some staff member assignments have been shifted to in-house studies and projects which previously would have been contracted out. Customer service requests are taking longer to process, and public counter service is slower. One focus of the Planning Division is to provide assistance which will encourage job-creating businesses to locate in Madera.

The Grand Jury found that the Engineering Division reviews new development designs, oversees capital improvement projects, and is responsible for construction related activities including public utilities inspections and hook-up specifications. Staff assignments have shifted from projects supported by general fund money to capital improvement projects which have designated funding from other sources. The ability to address safety issues and to respond to public service requests in a timely manner are on-going concerns.

The Grand Jury found that the Building Division reviews building plans, issues permits, administers building codes in conjunction with the Code Enforcement Division, performs commercial and residential inspections, and oversees the fire prevention program. Most current

service requests are for small jobs which require a short processing time. Because of the decline in workload, four Building Division employees have been transferred to other departments and assigned to funded projects.

The Grand Jury found that the Public Works Division is responsible for street maintenance, lighting, signage, and street sweeping; traffic signals, sewer and water utilities; wastewater treatment plant operation; solid waste management; recycling; and facility maintenance. Staffing assigned to street maintenance has decreased, and the maintenance and resurfacing of city streets has fallen several years behind. General fund money is not available for rejuvenation, chip sealing, and oil restoration projects. Some Measure T funds are available for street maintenance. The staffing level in solid waste management has increased, with emphasis placed on recycling.

The Grand Jury found that the City's budget is approximately \$150,000,000: \$70,000,000 for operating expenses and \$80,000,000 for capital projects. Budget funding has declined due to a 30% reduction in sales taxes over 3 years and a 10% drop in property taxes. The City Council and administrators anticipated the economic downturn and prepared for it over the past several years by building a four-month operating reserve.

The Grand Jury found that the City has taken actions to reduce expenditures, such as contracting for the operation of the municipal golf course for a savings of \$1,200,000 over four years. Non-mandatory curb painting, e.g., red for fire hydrants, is no longer done to avoid the on-going maintenance costs. Vacancies which have occurred through attrition are not filled. Some staff members have been reassigned to projects with dedicated funding from grants and other sources to reduce general fund expenses. The City expects to reduce its solid waste management costs by seeking bids for waste hauling and landfill use when the current contracts expire in 2012.

The Grand Jury found that a substantial infusion of revenue to the City will result if the casino, planned for the area north of Avenue 17 and west of Highway 99, is built and operated. The Memorandum of Understanding (MOU) between the City and the North Fork Rancheria of Mono Indians (Tribe) provides that the Tribe will pay the City approximately \$10,000,000 before and during the first three years of casino operation. These funds are designated to be used for law enforcement, roads, transportation, road maintenance, and other public functions. The MOU further provides that the Tribe will pay the City about \$2,000,000 annually to mitigate community impacts created by the casino's operation.

The Grand Jury found that the City has not had to lay off or furlough employees and that critical public service levels have not been reduced. However, some delays occur in response to requests for non-emergency services, and some service delivery methods have been changed. For example, a report on a burglarized residence may be taken by a community service officer rather than a police officer, or crime reports may be filed online.

The Grand Jury found that the City's administrative staff and the management staff of the Community Development Department have maintained a positive approach in dealing with the effects of current economic conditions on City activities and services. They seek cost-effective, service-oriented solutions to the issues and problems with which they are confronted.

Conclusions:

The Grand Jury concludes that the City has been able to maintain critical public service levels in its Community Development Department through effective financial planning and preparation by its administrative and management staff.

The Grand Jury concludes that the director of the Community Development Department and the division directors are committed to providing the highest level of public services possible within the constraints of available funding, and to working together to achieve this goal.

The Grand Jury concludes that the Community Development Department has been frugal with general fund money, using available funding from grants and other sources wherever possible.

The Grand Jury concludes that the Community Development Department has been able to maintain an experienced workforce, without layoffs or furloughs, by leaving vacancies unfilled and by transferring staff to higher workload assignments and projects for which non-general fund money is available.

The Grand Jury concludes that the experienced workforce which has been retained will be an important asset in bringing public services back to the desired level as the economy improves. Additional staff will be needed for the catch up efforts.

The Grand Jury concludes that maintenance and repair of the City's streets have been neglected, and road conditions continue to deteriorate.

The Grand Jury concludes that, should the casino be built, it is unknown if the revenue increases will offset the impacts to the community.

Recommendations:

The Grand Jury recommends that street maintenance and repair be made a high priority when funding becomes available. If casino-related revenue is received, the funds designated for roads should be utilized expeditiously.

The Grand Jury recommends that the City administrative staff and the management staff of the Community Development Department be recognized for their commitment to Madera residents.

Respondent: Written response required pursuant to PC 933(c)

Madera City Council
205 West Fourth Street
Madera, CA 93637

Respondents: Response optional

City Administrator
205 West Fourth Street
Madera, CA 93637

Community Development Director
205 West Fourth Street
Madera, CA 93637

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**2010-2011
Madera County Grand Jury
Final Report
Madera County Department of Corrections
Madera County Jail**

**2010-2011
Madera County Grand Jury
Final Report
Madera County Department of Corrections
Madera County Jail**

Introduction:

On January 31 and February 22, 2011, in accordance with California Penal Code section 919 (b) which states "...the Grand Jury shall inquire into the condition and management of the public prisons within the county," the Grand Jury visited the Madera County Department of Corrections (MCDC) located at 14191 Road 28, Madera, California 93638 and met with the Director, a Corporal and Sergeant from Administration/Training/Records, and an Officer from the Classification Services Unit. The Director gave the Grand Jury an overview of the current and future plans for operation of MCDC.

Findings:

The Grand Jury found that the Director is appointed and serves at the pleasure of the County Board of Supervisors (BoS). MCDC is one of three county correctional facilities in the state that is operated in this manner instead of being under the direction of the County Sheriff. There is duplication of effort between the Madera County penal system and the Sheriff's Department in several administrative areas. The Director is holding discussions with the Sheriff's Department to take over the warrants division. It is anticipated that this transfer will generate savings.

The Grand Jury found that MCDC staffing is 97 supervisory and correctional officers. Correctional officers are required to provide direct supervision by remaining on duty in the housing unit with the inmates. Employees are mandated to take two furlough days per month with minimum staffing levels of ten-to-one. Staffing levels are assigned per department, administration, county policy, state law, and Title XV of the California Code of Regulations. Officers receive 24 hours of training per year.

The Grand Jury found that the annual budget of MCDC is \$10,700,000, which includes \$30,000 for overtime. The budget was cut by \$1,300,000 for this fiscal year. Forty-three percent of the budget is spent to house prisoners. The average cost per prisoner is \$70 a day.

The Grand Jury found that the booking process at MCDC has been streamlined and can be completed within 30 to 45 minutes. Every prisoner is processed and in their assigned module within three hours of arrival and booking. Each prisoner is immediately tested for tuberculosis and evaluated for other illnesses. A wrist band is given to each inmate before moving on in the system, and the prisoner is placed in a holding cell awaiting a final classification and assignment.

The Grand Jury found that, in order to maintain safety and security in the gang unit, different gangs are housed separately. The housing and monitoring of gang members is a major issue and expense at MCDC.

The Grand Jury found that MCDC's centralized Records Department is currently automating all records pertaining to any inmate, converting from paper to digital. This process, now 80% completed, allows MCDC to communicate and work with Immigration, the Courts, and various other county and state entities.

The Grand Jury found that MCDC has a state-of-the-art on-site video screen room used for arraignments, which reduces the costs of court appearances significantly.

The Grand Jury found that plans have been approved to expand the capacity of MCDC by 144 beds at a cost of \$30,000,000. Funding for the project is pending. The tentative construction start date is July 1, 2011, with a 22-month completion schedule, i.e., May 2013.

The Grand Jury found that the inmate capacity rating of MCDC is 419. On January 31, 2011 they had 381 male and female inmates. As of February 22, the inmate population had expanded to 401. Throughout the jail, inmates wear different colored clothing to distinguish their classification level. Inmates who demonstrate violent tendencies and are considered a threat to the staff and other prisoners are in lock-down 23 hours a day with one hour a day allowed in the common area; they are alone during this period. The current length of incarceration at MCDC is one year or less with the exception of those inmates with mental health issues, who remain incarcerated for however long it takes to process their case through the courts. The Governor has proposed an Assembly Bill which would change the maximum length of incarceration of inmates in the county from 12 to 36 months. This Bill is of utmost interest and concern to MCDC administration. Inmates from the Chowchilla women's prisons, upon completion of sentence, are transferred to MCDC when they have outstanding warrants or pending court dates from other agencies until all legal issues are resolved.

The Grand Jury found that staying aware of inmate activities is a constant challenge for all prison personnel. The camera system throughout the jail is sophisticated, state-of-the-art, and a vital tool. It is monitored in several areas, including the Director's office. Two command posts, positioned in the Security Housing Unit (SHU), afford a view of all modules. Because of the number of physical moves inmates make each day, it is vital to keep track of them. Six actual counts of each inmate are made in a 24-hour time-frame. The new telephone system allows guards to listen to all incoming/outgoing telephone calls, with the exception of those calls that are confidential in nature, i.e., attorney/client and medical issues. MCDC has a contract with an outside security firm to secure and monitor inmates while outside the facility.

The Grand Jury found that the inmates provide the labor for the food services, working under the supervision of an outside contractor. Each shift includes 10 inmate workers. Inmates are served 2,800 calories per day. There are four different menus per week. Food is free to staff. The cost of food is approximately \$0.85 per meal. The outside contractor uses three main sources for food and supplies. All meals are delivered to the housing units and distributed to the inmates. Inmates with special dietary needs (medical or religious) are accommodated. The Grand Jury noted the kitchen is old but clean.

The Grand Jury found that inmates are responsible for cleaning their own common areas. On February 22, the condition of the general housing units was in stark contrast to the cleanliness of

the SHU housing units viewed on January 31. In general housing, the lower level offenders are housed in a dorm setting. It was dirty and had an odor. At 10:00 a.m. inmates remained in bed; some beds were made while some were not. Open containers of food were visible. Trash bags were piled up in shower and toilet areas. Although cleaning supplies are made available on a daily basis, there was no evidence of any routine regimen or cleaning efforts. The Grand Jury was told that administration is contemplating making cleaning supplies available every other day as a budgetary cutback measure.

The Grand Jury found that MCDC contracts for inmate medical services. The current outside medical service is the third group to serve MCDC in the past five years. They follow the guidelines of Title XV for services and costs. Full medical services are available 24/7. The medical staff can handle most minor injuries. They distribute prescribed medications to the inmates daily. Complete medical records are kept on each inmate including if he or she refuses to take the medications. Sick calls average 15 to 20 per day. A local dentist, under contract with the County, makes two four-hour visits a week to perform fillings and extractions. Pre-natal care, x-ray, and laboratory services are available. As of January 31 there were three pregnant inmates. At the six-month point of an inmate's pregnancy, she is evaluated, and usually moved to the medical area of MCDC until she gives birth. There are four treatment rooms 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 Grand Jury found that crisis workers are available to help inmates, and staff members have Interpersonal Skill training. Suicide attempts occur weekly. In 2010 there were 120 attempts. None have been successful in the last five years; only three were successful in the last ten years.

The Grand Jury found that Module B currently houses 88 to 91 inmates. Some cells have triple bunks. There is a general gathering area with secured visiting cubicles, telephone access, coffee pot, microwave, newspapers, and books available for the inmates. Inmates are allowed two 30-minute visits per week. All inmates have Canteen privileges once per week and can spend up to \$150 weekly. The source of funds is either from the inmate's personal funds or from family. There is a high mark-up on goods.

The Grand Jury found that, in addition to court-ordered welfare and social services programs, Module B offers non-mandated educational opportunities for inmates. They are able to obtain a GED if they so desire.

The Grand Jury found that the property storage area for housing of inmate personal items and clothing is streamlined, secure, and well managed.

The Grand Jury found that the emergency lighting system was not functional in all areas. The system is a series of lights which flash when there is a problem. Without emergency lighting, safety issues exist.

The Grand Jury found a lack of use of protective vests by officers and questioned why all officers did not wear them. The vests are being issued, but they are not required to be worn.

Conclusions:

The Grand Jury concludes that, while the existing MCDC facility is old and in need of repair and modernization, it is a solidly run institution. The officers and staff who conducted the tour of MCDC did not hesitate to let the Grand Jury members see every facet of the facility.

The Grand Jury concludes that areas of MCDC are in need of cleaning and sanitation.

The Grand Jury concludes that the officers and staff encountered were dedicated to their profession, the safety of the public, the MCDC population, and their fellow workers.

The Grand Jury concludes that all officers should be issued and required to wear protective vests.

The Grand Jury concludes that the emergency lighting system is not functional throughout the facility.

Recommendations:

The Grand Jury recommends that the County continue modernizing MCDC to enable it to expand its inmate capacity.

The Grand Jury recommends that the County identify and clarify functions and reduce or eliminate duplication between MCDC and the Sheriff's Department.

The Grand Jury recommends that MCDC acquire protective vests and require the officers to wear them.

The Grand Jury recommends that MCDC make functional the emergency lighting system immediately.

The Grand Jury recommends that daily cleaning of all general housing by inmates be mandated.

Respondent: Written response required pursuant to PC 933(c)

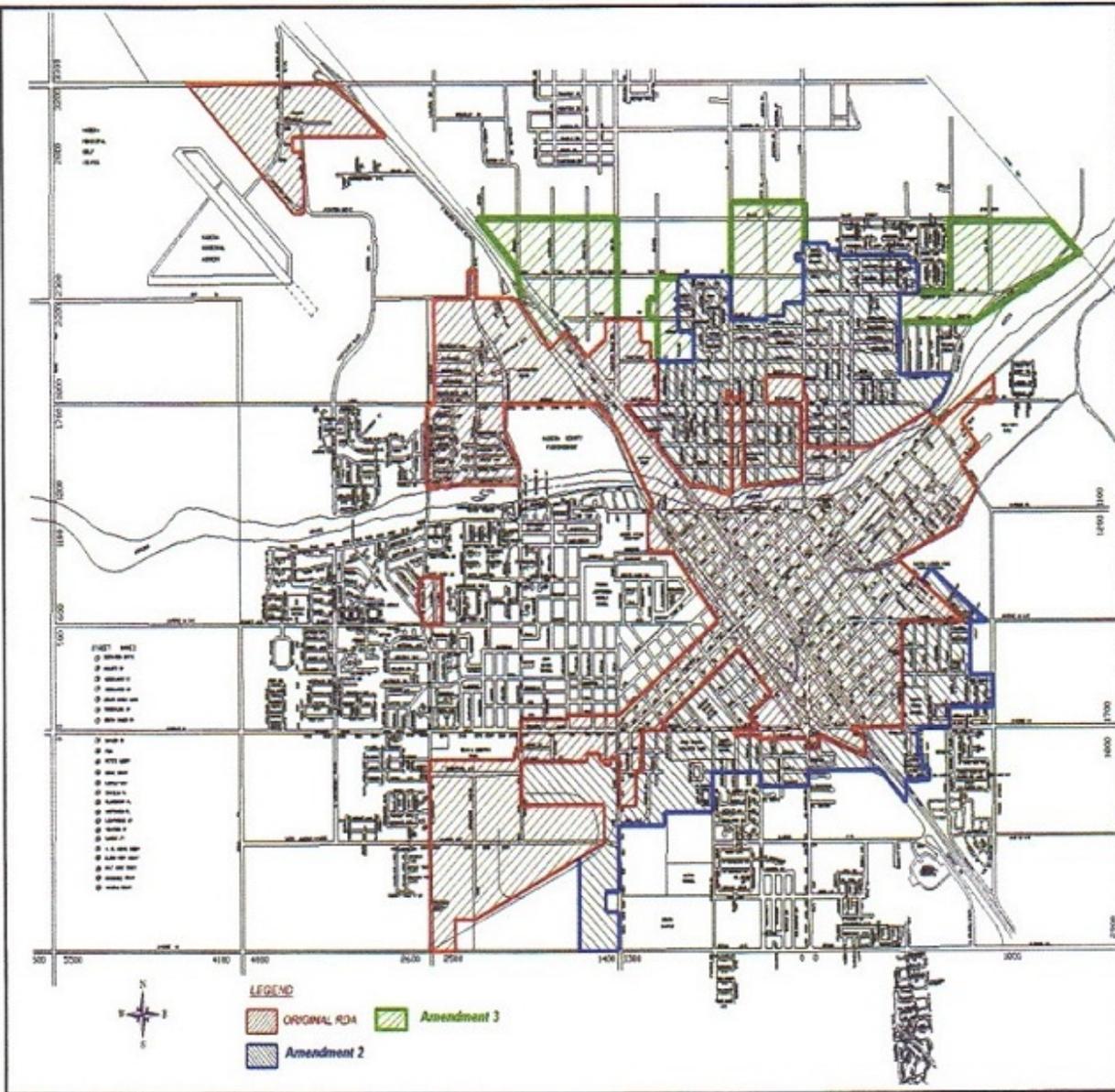
Madera County Board of Supervisors
200 West Fourth Street
Madera, CA 93637

Respondent: Response optional

Madera County Department of Corrections
14191 Road 28
Madera, CA 93638

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Project Area Map



2010 - 2011 Madera County Grand Jury Final Report Madera Redevelopment Agency

2010 - 2011
Madera County Grand Jury
Final Report
Madera Redevelopment Agency

Introduction:

During review of various City of Madera departments and agencies, the Grand Jury interviewed the Executive Director of the Redevelopment Agency (RDA), Mayor, City Administrator, City Engineer, Planning Director, Public Works Director, and Streets Operations Manager. The Grand Jury also toured the redevelopment projects in the City.

The goal of redevelopment is to rebuild and improve neighborhoods that already exist, rather than build new ones further away from the urban core. Through redevelopment, finances may become available to reverse deteriorating trends, create jobs, increase the availability of affordable housing, and encourage private investment that would not otherwise occur.

Redevelopment is primarily financed by tax increment. Tax increment comes from the increased assessed values of property, not from an increase in tax rate. Current California Redevelopment Law requires that 20% of new property taxes collected be set aside in a Housing Fund. These funds can only be used to increase and improve affordable housing opportunities for very low, low, and moderate income households.

The Madera RDA was established in 1991 to alleviate the following blight conditions:

- Buildings that are unsafe and/or unhealthy for persons to live or work in,
- Incompatible uses that prevent economic development,
- Irregular lot size,
- Depreciated or stagnant property values,
- High business vacancies, low lease rates, and abandoned buildings,
- Deficiencies in infrastructure including sidewalks, curbs, gutters, and handicapped ramps.

Findings:

The Grand Jury found that RDA has two major purposes, to eliminate blight and to develop affordable housing. These are particularly needed due to economic conditions in Madera. The unemployment rate is high and a large percentage of the population is on some form of public assistance.

The Grand Jury found that since the RDA was established, the acquisition, demolition, and redevelopment of substandard buildings or incompatible land uses has been an effective tool in the elimination of blight and the revitalization of some older neighborhoods. Community residents are becoming less tolerant of poor property maintenance standards and other conditions of blight.

The Grand Jury found that RDA funds and maintains a revolving loan fund to encourage construction of affordable single-family homes within the RDA Project Area which encompasses approximately 4,207 acres.

The Grand Jury found that the RDA Down Payment Assistance Program is funded with HOME funds (state) and redevelopment tax increment funds. It is designed to provide assistance to persons or families in the targeted income group.

The Grand Jury found that the City received grant funds from the federal government for the RDA Neighborhood Stabilization Program, which provided assistance to first-time homebuyers purchasing foreclosed homes. Eleven home purchases were funded. There are approximately 500 foreclosed residences within the City. The City passed an ordinance to deal with the increased number of houses left vacant for long periods of time and left in a condition that is in violation of multiple building, sanitation, and public nuisance codes. The City Foreclosure Ordinance requires all property owners of foreclosed homes to be registered with the City and to maintain the homes in a manner that does not negatively impact adjacent properties. The registration process gives City departments the means of contacting those responsible for the upkeep and maintenance of these properties and the tools needed to ensure the property is secured and maintained.

The Grand Jury found that public nuisances include the accumulation of junk, animals, noise, dangerous buildings, unsanitary conditions, and encroachments on the public right-of-way. Most of the complaints relate to poor property maintenance standards, which have a negative impact on adjacent property values. In a majority of cases, the property owner voluntarily addresses the violations; however, there are a number of cases where fines are issued in order to obtain compliance.

The Grand Jury found that through its Infill Housing Project, RDA acquires and demolishes substandard structures and under-utilized parcels in established residential neighborhoods. The improved lots are sold to private builders as part of a Disposition and Development Agreement to construct single-family homes. Purchase of these homes is restricted to persons or families in the targeted income group.

The Grand Jury found that to preserve historical housing stock, RDA provides rehabilitation loans to homeowners residing in a targeted area of the City. Five of these projects have been completed. The RDA provides \$12,000 in exterior home improvement funding for eligible families. The property owner must execute an affordability covenant for a period of 45 years if owner occupied and 55 years if tenant occupied. Eligible improvements include exterior paint, new roof, and driveway/sidewalk repairs. There were 36 projects completed in 2009-2010.

The Grand Jury found that in Madera, the RDA has spent over \$15,000,000 to improve blighted areas and neighborhoods around the schools. There is no state or local funding available to finance these activities.

The Grand Jury found that the RDA has supported various City projects. It worked with the Public Works Division to fund the installation of handicapped ramps in designated areas of the City. Public Works provided the labor and RDA funded materials. Over 100 ramps have been constructed. Five underground utility districts were created.

The Grand Jury found that the governor and some legislators have identified redevelopment agency funds as sources of revenue to balance the state's budget.

The Grand Jury found that the City Council has transferred RDA's assets to the City and taken over 16 infrastructure and housing projects to be completed with the money which was dedicated to those projects.

Conclusions:

The Grand Jury concludes that the RDA has been instrumental in providing affordable housing, creating jobs, and addressing the City's infrastructure deficiencies.

The Grand Jury concludes that RDA has played a vital role in improving economic, health, and aesthetic conditions for local residents. Absent redevelopment funding, it is unlikely any of the following projects would have been completed:

- Development of over 600 affordable housing units over half of which provide an ownership opportunity for first-time homebuyers
- New Madera Police Facility
- John Wells Community Center
- Acquisition and clearing of land in preparation for Crossroads Shopping Center
- Acquisition and clearing of land in preparation for Madera County Courthouse and related parking facilities.

The Grand Jury concludes that the elimination of the RDA will result in the loss of one of the few tools available to eliminate blight and address infrastructure deficiencies in the City.

Recommendations:

The Grand Jury recommends that the City Council continue to support the retention of redevelopment agencies.

The Grand Jury recommends that the City Council seek alternate funding to eliminate blight and address infrastructure deficiencies in Madera.

Respondent: Written response required pursuant to PC 933(c)

Madera City Council
205 West Fourth Street
Madera, CA 93637

Respondent: Response optional

Madera Redevelopment Agency
428 East Yosemite Avenue
Madera, CA 93638

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**2010-2011
Madera County Grand Jury
Final Report
State of California
Department of Corrections and Rehabilitation
Valley State Prison for Women**

**2010-2011
Madera County Grand Jury
Final Report
State of California
Department of Corrections and Rehabilitation
Valley State Prison for Women**

Introduction:

On March 10, 2011, in accordance with California Penal Code section 919(b) which states “...the Grand Jury shall inquire into the condition and management of the public prisons within the county”, the Madera County Grand Jury visited the Valley State Prison for Women (VSPW) located at 21633 Avenue 24, Chowchilla, California adjacent to the Central California Women’s Facility (CCWF).

VSPW began operation in May 1995 and currently has a staff of 1,078 which includes 450 custodial and 628 non-custodial employees. The budget is \$80,005,696, down \$50,000 from last year. This does not include the budgets for medical services and education, which are \$26,000,000 and \$2,816,293 respectively. The State contracts with Prison Industries Authority (PIA) to run self-supporting laundry and optical laboratory operations at VSPW. No state funding is received for these two operations.

The facility is situated on 640 acres. For security and safety, there are ground sensors around the perimeter fencing and two towers/gates, one for personnel to pass through and the other for vehicular traffic. Those inmates who cannot get along with other inmates are provided with small exercise yards with 10 feet high chain link fences topped with razor wire.

Findings:

The Grand Jury found that VSPW was originally designed to house 1,980 inmates. On March 10 the inmates totaled 3,327, ranging in age from 18 to 80. All have been convicted of felonies. Their sentences range from a minimum of one year to a maximum of life without parole.

The Grand Jury found that the Receiving and Release (R&R) section of VSPW is the first stop for incoming inmates and the last stop for those being transferred, paroled, or released. There are no cameras in the R&R area. Here inmates are given basic supplies and fingerprinted. Each one is given an identification card which she must keep on her person at all times. If she changes her appearance in any way, she must get a new picture for her ID card at a personal cost of \$7. All are dressed in orange jumpsuits. An inmate with a handicap or special medical need is given a colored vest which denotes her special need. Inmates are then placed in Unit A for 30 to 90 days, during which time medical and psychiatric evaluations are completed to determine proper housing placement. An inmate found to be in the later stages of HIV is moved to a facility next to CCWF.

The Grand Jury found that there are four yards with four housing units per yard, including two special dorms: D-1 and D-3. Placements in these two dorms are coveted and have rigid qualification criteria: must have less than three years of sentence remaining with exceptions for "Lifers", and no disciplinary issues for two years. An inmate who fails to meet these qualifications is removed and will not be eligible for reconsideration for two years. Currently there are 225 honor residents, 75% of whom are "Lifers" with or without parole. D-1, known as the Honor Dorm/Light House, has a common area which is large and clean with numerous live plants. Doors are unlocked from 6:00 a.m. until 4:00 p.m. Seven official counts are taken per 24-hour period. Qualified inmates age 55 or older may opt for D-3, known as the Senior Housing Complex/Silver Belles. Inmates in D-1 and D-3 receive special privileges not afforded to other inmates. They receive meals and commissary privileges ahead of other inmates, and they may choose their roommates. The Grand Jury questioned whether these privileges are in conflict with requirements for fair and impartial treatment of inmates.

The Grand Jury found that inmates with mental health or disciplinary issues are housed in the Administrative Segregation Unit, where mental health workers interact with and counsel them daily. The Security Housing Unit (SHU) is a jail within the prison which houses inmates who display more serious disciplinary issues. It has 44 cells with a maximum capacity for 124 inmates. Medical staff is on duty daily until 9:00 p.m.

The Grand Jury found that in the central kitchen and bakery areas, food preparation follows strict and rigid guidelines, and the medical and religious needs of inmates are met. Food is prepared three days in advance using the blast and chill method. When removed from the freezer, the food is sent to the satellite kitchens, reheated, and served. All areas of the food service operation were clean and efficient. The Assistant Food Manager noted that several State Inspectors had rated the VSPW kitchen as the cleanest in the state. The Grand Jury noted that the noise level in this area was very high.

The Grand Jury found that the daily caloric intake for each inmate is set at 2,300 calories. The same menus are served at all state prisons, with the standards and guidelines set by the official State Registered Dietitian. Inmates receive two hot meals and a box lunch daily. The cost of feeding each inmate is \$2.90 per day.

The Grand Jury found that inmates have immediate access to medical help 24 hours per day. The infirmary averages 800 to 1,000 medical appointments per day, which equates to approximately 4 to 5 appointments per inmate each month. VSPW houses 40 to 90 pregnant inmates at any given time.

The Grand Jury found that the medical staff consists of 12 to 15 doctors, 36 registered nurses, 4 nurse practitioners, 27 to 34 licensed vocational nurses, and 12 psychiatric technicians. Telemedicine capabilities also are available. Due to federal receivership, the medical staff and costs have increased five-fold. The medical Chief Executive Officer noted that by switching to generic medications, a savings of approximately \$60,000 per month over 2 to 3 months was realized.

The Grand Jury found that VSPW has an emergency room, x-ray and general laboratory, pharmacy, psychiatric, optometry, physical therapy, and dental offices on-site. The infirmary has three safety cells where inmates can be placed on suicide watch. The cells have padded walls, a mattress on the floor, a toilet (grate over a hole in the center of the cell), and a camera which is constantly monitored by medical staff. Inmates who are believed to have a communicable disease can be placed in one of ten negative pressure rooms with a unique filtration system. Medical staff is able to dress in protective clothing in an ante-room before entering the patient's room. Observation rooms are available for monitoring inmates on a one-to-one basis.

The Grand Jury found that the Optical Laboratory, operated by PIA's 10 non-custodial workers, employs 108 inmates with 100 on a waiting list. The pay scale is based on grade, step, and availability and ranges from \$0.30 to \$0.95 per hour. Upon graduation from the program and release from VSPW, 5 to 7 percent of inmates have been able to obtain employment in this field. The laboratory's production process extends from prescriptions through shipping of the finished product. It is competitive with private industry. An average of 1,400 pairs are made and shipped each day.

The Grand Jury found that the Laundry, also operated by PIA, serves the needs of three prisons, i.e., VSPW, CCWF, and Salinas. Costs are charged to the other facilities at \$0.30 to \$0.35 per pound. Most of the steps in sorting, washing, and ironing are automated, with only a few processes performed manually. The turn-around time is in by 7:30 a.m., out by 4:00 p.m. Inmates are trained in the mixing of chemicals per OSHA rules and given the opportunity to take certified Laundry Linen Management or Washroom Technician courses through on-line classes from the University of Kentucky. Some inmates have also received fork lift operator licenses. Five inmates have been able to obtain laundry management positions after their release.

The Grand Jury found that fifty percent of education classes and programs have been cut due to statewide budget reductions. Available program opportunities are General Education Diploma (GED), English as a Second Language (ESL), an Associate of Arts (AA) degree, Cosmetology testing and State licensure, Fiber Optics, Basic Computer, Office Services, Electronics, Automotive, and Welding certificates.

The Grand Jury found that upon release, a parolee is given \$200. She is transported to the nearest bus station by an officer who purchases her ticket and retains possession of it until departure time, maintains constant supervision and watches her board the bus, and remains at the bus station until the bus departs. The parolee is returned to the location where she was booked so that she can be registered and monitored while on parole. A parolee may be released to a family member who has been previously approved.

Conclusions:

The Grand Jury concludes that the Laundry and Optical Laboratory are well run, efficient operations that afford inmates the opportunity to gain knowledge and experience for job opportunities upon release.

The Grand Jury concludes that prolonged exposure to the high noise level in the central kitchen area may contribute to health issues.

The Grand Jury concludes that budget constraints have greatly reduced educational programs and opportunities for inmates.

The Grand Jury concludes that dispensing generic medications whenever possible could result in significant annual savings.

The Grand Jury concludes that the special treatment of inmates in housing units D-1 and D-3 may not follow requirements for fair and impartial treatment.

Recommendations:

The Grand Jury recommends that the noise levels in the central kitchen area be evaluated for possible safety hazards.

The Grand Jury recommends that generic medications be dispensed whenever possible.

The Grand Jury recommends that VSPW Administration evaluate whether the facility is in compliance with the requirements for fair and impartial treatment of inmates.

Respondent: Written response required pursuant to PC 933(c)

Valley State Prison for Women
Warden
P.O. Box 99
Chowchilla, CA 93610-0099

Respondents: Response optional

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

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

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**2010-2011
Madera County Grand Jury
Final Report
Madera High School**

**2010-2011
Madera County Grand Jury
Final Report
Madera High School**

Introduction:

Pursuant to California Penal Code section 925, on March 3, 2011, the Madera Grand Jury met with the Principal of the Madera High School (MHS), Madera Unified School District (MUSD). He discussed the school's mission, staffing, curriculum, operation, goals, and procedures. On March 22, 2011, the Grand Jury was given a tour of the school grounds and buildings by the Principal.

Findings:

MHS was founded in 1893. The original brick schoolhouse was destroyed by fire in the early 1900's. By 2000, the school's current layout had been completed. In 2004, the main office building was refurbished, and most of the school followed suit in 2006. The school's original colors were purple and white. In 1949, with the color purple becoming scarce after the events of World War II, it was changed to its current blue-and-white color scheme. Its mascot is the coyote. It is a closed campus school. All visitors to the school must sign in at Administration. Only seniors in good standing are allowed off campus during the designated lunch period. They must display their valid senior ID cards to exit and re-enter the campus.

The Grand Jury found the school is organized on a Career School concept with four distinct areas of interest: Human Services/Business; Health Sciences; Humanities; and Engineering & Technology. Each Career School has a vice principal, secretary, counselor(s), and office located in the same building.

The Grand Jury found the staff consists of 98 certified teachers and 77 classified employees. The current student population is 2,067.

The Grand Jury was informed by the principal that all students are required to speak English on campus. Non-English speaking students are given an English learner test and placed in either the one hour English Support or three hour English Development class depending on their need.

The Grand Jury found that there are four security guards on site. Security cameras located throughout the campus are monitored by a security officer located in a central security trailer on campus. This officer also operates as a dispatcher to all Madera schools should a security need arise.

The Grand Jury found that each classroom has a clipboard by the door with complete detailed instructions concerning evacuation plans and maps. A series of different bells and colored placards are used to alert the teachers of security concerns. The head of security reviews these procedures every year with all school personnel. Should an exterior lockdown become

necessary, a bell is sounded, and the teacher will immediately lock the classroom door. The teacher notifies security about any student that is not in the room. This student is then picked up by security and kept in a secure location until the episode is over. Drills are performed periodically during the extended second period.

The Grand Jury found that the hiring of the "Gang Interventor" has resulted in a large decrease in gang activity at MHS. Madera City Police conduct periodic drug searches with police dogs.

The Grand Jury found that there is a recently renovated full-size swimming pool, eight tennis courts, classrooms, and a gym on a very clean, pleasant campus.

The Grand Jury found that MHS has its own student government. The Associated Student Body class decides how things at school happen, such as rallies, dances, and other events.

The Grand Jury found that there are:

- Curricular Clubs: Academic Decathlon, Art, Drama, California Cadet, Coyote Drama Productions, California Scholarship Federation, Fashion, Future Business Leaders of America, Forensics, Health Occupation Students of America, Literary Magazine, Mock Trial, Robotics, Science, Sports Medicine, Teachers of Tomorrow, and Vocational Industrial Clubs of America;
- Special Interest Clubs: Asian-American, Bike, Black Student Union, Block "M", Blue Crew, Bowling, Chess, Folkloric, Hip Hop, Indo Pak, Impact, Madera Academic Youth Alliance, Mexican-American, and Teen Parent;
- Athletic Programs: Cross country, Football, Golf, Tennis, Volleyball, Water Polo, Basketball, Soccer, Wrestling, Baseball, Softball, Swimming, and Track;
- Co-Curricular activities: Band, Choir, Color Guard, "Maderan" (newspaper), Pep & Cheer, Student Government, and Yearbook;
- Foreign language classes: French, Spanish, and Chinese.

The Grand Jury found that:

- College eligible students are offered the opportunity to take college preparation classes and receive college credits at the Madera Community College;
- The Engineering & Technology Robotics team took 3rd place out of 54 schools in a recent competition. The team will be attending the national competition in St. Louis. This team also mentors robotics teams at Hoover, Madison, and Clovis High Schools;
- Students completing the Nursing course take the state Certified Nursing Assistant certification test and receive priority registration at Fresno City College to complete their studies to become an LVN or RN;

- The Information Technology course offers a computer repair course; software, hardware, and network computer applications; and training in customer service troubleshooting. Students build a complete computer and take an A+ Certification test upon completion of the course. The students have installed and maintain a complete wireless system throughout the campus;
- The culinary course kitchen is fully equipped with restaurant grade equipment with which the students must become proficient. The students learn table service and etiquette. Lunches that have been ordered and paid for by the teachers are prepared daily. Students receive a certificate of competency upon completing the course. Once a week a chef from the Vineyard Restaurant works with the students. The teacher of this course is trying to form a similar alliance with Chukchansi restaurants;
- The drama course offers acting classes, stage design, theatrical lighting, and production;
- The Criminal Justice course is the most frequently requested class. Students participate in a Mock Trial at the courthouse;
- The library is fully equipped with computer work stations for student use;
- The Madera High Marching Band & Colorguard has received many awards for its talent. In November 2009, the band placed 7th at the Western Band Association Grand Championships with a score of 83.95.

The Grand Jury found that pregnant students are encouraged to remain in school up to the time of delivery. They can then participate in the Home Instruction Service until they are able to return to school. MHS has a fully equipped nursery located on campus with qualified teachers that have a degree in child development. Students who enroll their babies in the nursery upon returning to school must take parenting classes.

The Grand Jury found that MHS has a variety of after school programs funded by Madera County Office of Education which include remedial classes and tutoring.

The Grand Jury found that MHS offers Short-Term Independent Study for students in good standing that have to leave school for family travel or community service. Both the parent and student sign an agreement that all assigned work will be completed and turned in to the counselor when they return to school.

The Grand Jury found that the Office of Student Services of MUSD provides Home Instruction Service to students whose illness or injuries make it necessary for them to be absent from school for periods longer than three weeks.

The Grand Jury found that MHS offers the Employability Card program. This is a joint effort between MUSD and the local Chamber of Commerce to pre-qualify students for employment. Standards have been developed by local businesses and the school district.

The Grand Jury found that MHS has a Mock Interview Graduation Requirement. Each Junior must create an employment portfolio consisting of a resume, employment application, and at least one letter of recommendation. The student must participate in a one-on-one interview with a local businessperson. Training is provided by the English Department and local business partners.

The Grand Jury found that many community business leaders are involved with MHS, including collaboration with the Career Schools' Advisory Committees, classroom participation, donations, and participation on the Business and Education Alliance. The Chamber of Commerce Education Committee provides support for the mock interview and portfolio process required for the Occupational Education II graduation performance standard.

The Grand Jury found that to graduate, a student must successfully complete 230 credits, pass the California High School Exit Examination, earn a 2.0 or above grade point average, and achieve a proficiency level score of 4 or higher on the Graduation Requirement for Occupational Education. Eighty-two percent of the 2010 class graduated. Students who do not pass the qualifications for graduation are given a certificate of completion and encouraged to take the California Exam course at Furman High. They have two years to complete this course to obtain a diploma.

The Grand Jury found MHS has improved its Academic Progress Index (API) score for seven years. MHS' score for 2010 was 716, which is below the state API goal of 800.

Conclusions:

The Grand Jury concludes that MHS is an efficient, well maintained school with many opportunities for students.

The Grand Jury concludes that the Principal and staff are highly motivated, knowledgeable, caring, and concerned about students and their success.

Recommendations:

The Grand Jury recommends that MHS continue its efforts to improve its API score to meet or exceed the state API goal.

The Grand Jury recommends that MHS strive to improve the graduation rate.

Respondent: Written response required pursuant to PC 933(c)

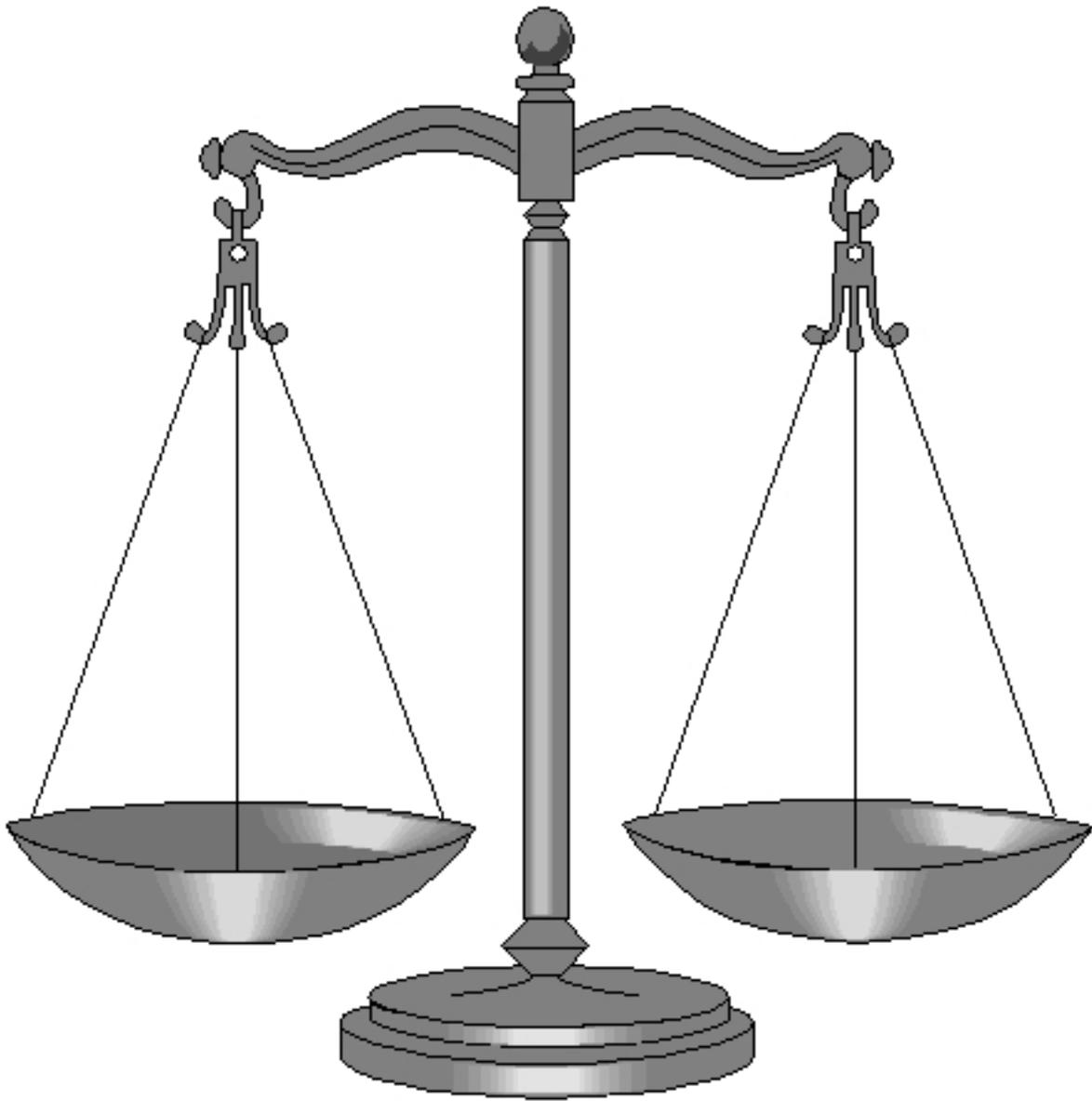
Madera Unified School District
Board of Directors
1902 Howard Road
Madera, CA 93637

Respondents: Response optional

Madera High School
Principal
200 South L Street
Madera, CA 93637

Madera Unified School District
Superintendent
1902 Howard Road
Madera, CA 93637

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



**2010-2011
Madera County Grand Jury
Final Report
Citizens Complaint Regarding District Attorney**

**2010-2011
Madera County Grand Jury
Final Report
Citizens Complaint Regarding District Attorney**

Introduction:

The Grand Jury received a Citizen's Complaint requesting an investigation into the alleged fraudulent behavior of the District Attorney and the dismissal of the Supervising Deputy District Attorney due to incompetence. Due to the serious nature of the allegations, the Grand Jury undertook an investigation into the issues raised by the complainant.

During the course of this investigation, the Grand Jury sought and received guidance and counsel from the Office of the Attorney General, State of California.

Findings:

The Grand Jury found that the District Attorney is an independently elected, constitutional officer not subject to the direction or supervision of the Madera County Board of Supervisors (BoS) although the BoS does exercise budgetary control. The provisions and procedures that the BoS has established for the Human Resources activities of the county apply to the employees within the DA's Office. Due to the current funding crises, the office of the DA has had budget reductions as have other offices within county government. The DA is limited in budget flexibility because he must seek BoS approval for reallocation of funds within the total budget allocated to his office.

The Grand Jury found that it has the authority to initiate action against a public official and seek his or her removal from office for willful or corrupt misconduct (Penal Code Section 9a9c). In order to bring this action, called an "Accusation", the Grand Jury must specify to the court, in writing, conduct which was nonfeasance (the failure to act or the willful neglect of duty), misfeasance (the improper doing of an act), or malfeasance (the doing of an act that is positively unlawful or wrong or a wrongful act that the person has no legal right to do). Short of such action, the Grand Jury has no power to seek the removal of a public official.

The Grand Jury found that the DA was initially appointed to the position by the BoS on January 6, 2009 upon the elevation of his predecessor to the bench. At the June 2010 election, he was elected, unopposed, to a full four year term. Some office members were publicly vocal in opposition to his election until the withdrawal, before filing, of their desired candidate. The management, leadership style of the DA is markedly different from that of his predecessor. His demeanor has been characterized as "stiff" and his approach to issues as one of "black and white". Some staff turbulence would be expected when a new supervisor is appointed, especially as other candidates within the office were not selected. At the same time, employees must adjust to changes in leadership and revisions of priorities and have no right to select or choose their supervisors in opposition to the wishes of the voters.

The Grand Jury found that the complainant made some allegations based on rumor and supposition, without documentation or proof. Furthermore, the primary areas of alleged supervisory misconduct covered by the complaint are made on behalf of another employee; such matters are now in litigation and not appropriate areas for Grand Jury comment. The Grand Jury did find that the county human resources department acknowledged receipt of some written and verbal complaints, but could not document when and from whom such complaints were received. Moreover, the failure to locate any records to that effect also meant that the department could not demonstrate any action taken in response to such complaints. It was suggested that the former HR Director handled the complaints personally; with his unexpected departure last year, the actions he took, if any, were lost.

The Grand Jury found that the complainant alleged incompetence of the Supervisory Deputy District Attorney (Deputy DA) and alleged that the individual was hired due to his friendship with the DA. The Grand Jury found that the hiring process was competitive and in conformance with county personnel policies. The assignment of duties and the assessment of successful completion of such duties are a management responsibility and not subject to peer or subordinate evaluation. In support of the allegation that the Deputy DA has slept on duty, the complainant included undated and unverifiable photographs, which make it impossible to determine when and if sleeping did occur. In any case, the individual has indicated his intention to retire; therefore the allegation and proposed remedy is moot.

The Grand Jury found that an employee is, as alleged in the complaint, on extended administrative leave with pay. The Grand Jury concurs that this is a confidential personnel matter not open to public disclosure. The appropriateness of the action, due to its confidentiality, could not be addressed other than noting that the employee did not contest the action. The DA was properly limited in what information could be revealed to staff members about this ongoing action.

The Grand Jury found that the complaint alleged lost case files and the failure to meet filing dates is indeed a serious issue. Review of cases entered into the "Damian" tracking system, however, demonstrated that only 6 of 7000 cases could not be refilled due to a missed deadline. Nevertheless, tracking and control of case files within the office of the DA may well be haphazard. It is unknown if some suspects were released and then the cases were later filed because the DA computer programs to aid in case management are seemingly inadequate. The investment in specialized software for the task is questionable, as the system is not performing as expected. The ability of the DA or his Deputy to identify cases to insure timely filings is very limited due to such systems issues.

The Grand Jury found that the complainant made specific allegations regarding the handling of sexual assault and child molestation cases to include the reassignment of an attorney who had previously handled the bulk of such cases and who was respected for her expertise. Moreover, the complaint alleges that the Deputy DA was incompetent in the handling of juvenile cases. Objective evaluation of how successful the DA was in accomplishing such managerial tasks is difficult. As noted above, 7000 total cases were handled in 2010 by the Office of the DA with only 6 mishandled so as to preclude refiling, perhaps for any number of reasons. To reiterate, however, the assignment of staff attorneys, the allocation of workload, and the evaluation of performance are clearly within the purview of the DA.

The Grand Jury found that the complainant included in his submission copies of documents relating to specific cases, including correspondence from a private attorney and identification of minors. Neither

the complainant nor the clerical staff member from who he obtained such documents may well have access rights to such documents, but it is unclear if either staff member would have authority to release such material to third parties. The complaint also included details of sensitive personnel actions. Inclusion of such information, even to the Grand Jury, raises questions of breach of victim and employee privacy especially as the authority of clerical staff to have access to and to release such sensitive materials is questionable.

The Grand Jury found that in some cases employee evaluations were not completed in a timely manner. The press of workload was given as a reason for some missed evaluations. Moreover, there appears to be no system by which such evaluations are initiated and monitored to insure completion. The DA and the county human resources department share responsibility for this deficiency.

The Grand Jury found that the complainant alleged that the County retained an outside attorney to conduct an lengthy and expensive investigation of the DA. While a review indeed was conducted, it was done on the basis of a retainer relationship already in place managed by the Director, Human Resources. As the then Director, Human Relations, is no longer available, the reasons for his request for an inquiry cannot be determined. The investigating attorney submitted his expense claim of slightly over \$3, 000 in May 2009, only four months after the DA assumed his duties. With an hourly charge of \$175, the actual investigation lasted, at most, 20 hours. This brief report is a matter of mystery nearly two years after its completion. Many persons acknowledge the existence, completion, and delivery of the report to the County Counsel rather than the Director, Human resources. The County Counsel, in an informal conversation, acknowledged the report but denied having read it in its entirety as did the CAO. Furthermore, the County Counsel indicated that members of the BoS have neither read nor been briefed on the reports contents. The Grand Jury, believing that it has a right to that report, made an informal request for the report. The County Counsel denied the request by citing client-attorney privilege. When it was suggested that a subpoena might be issued for the document, the County Counsel indicated that such an action would be contested. In the interest of time and the avoidance of litigation costs for the County, the Grand Jury decided not to pursue the matter further at this time.

The Grand Jury found that there is a lack of civility and courtesy, which is apparent in the conduct, and comments of county officials and members of the BoS regarding the DA. The existence of the report, noted above, is further indicative of the relationship between the BoS and the DA. A lack of civil discourse, to include comments in public and private by individual county officers and elected officials, are not supportive of the efforts of the DA and certainly could contribute to lower morale within the Office of the DA.

Conclusions:

The Grand Jury concludes that there is insufficient cause for the issuance of an “Accusation” for the removal of the DA.

The Grand Jury concludes that the DA’s leadership style and methods may contribute to morale issues within the office, especially in times of staffing shortages and heightened workload.

The Grand Jury concludes that accusations in the complaint regarding discriminatory personnel actions are the subject of litigation and not within the purview of the Grand Jury.

The Grand Jury concludes that complaints regarding the performance, work habits, or suitability of the Deputy DA for his position are not fully convincing and, in any case, action for his termination is moot with his announced retirement.

The Grand Jury concludes that there may be some justifiable concern regarding the timely filling and handling of some court cases. Some of the problems may be attributed to an inadequate system for suspending and controlling cases as they are processed from filling to resolution. Management decisions, to include prosecutorial discretion, also should be addressed.

The Grand Jury concludes that the release of documents relating to active cases involving minors is troubling and effective guidelines as to who has the authority to release such information must be strengthened.

The Grand Jury concludes that the report prepared by outside counsel for the county might address issues of concern to employees within the DA's Office and the general public. The suggestion that an investigation ordered by agents of the County has not been read in its entirety nor made available to the members of the BoS is not creditable. The DA should be permitted to read the report and submit a rebuttal or refutation of the findings, if any.

The Grand Jury concludes that rather than contest a subpoena, the public interest would be better served with an early release of the report prepared by outside counsel.

Recommendations:

The Grand Jury recommends that the DA review his leadership style and seek assistance in rebuilding staff morale and improving his communication of matters to his staff.

The Grand Jury recommends the BoS give due deference to a co-equal elected county official, encourage courtesy and collegiality, and consider granting increased budgetary discretion to the DA.

The Grand Jury recommends control and release authority for confidential documents, especially those dealing with minors, be reviewed and strengthened.

The Grand Jury recommends that the BoS address the county human resource function, to include proper staffing; file retention and control; initiation and tracking of timely personnel evaluations; and the promulgation of procedures regarding employee complaints.

The Grand Jury recommends that the BoS release in full or in part the investigative report now in the possession of the County Counsel. Such a release, even if redacted in part for privacy or privilege purposes, must be shown to the DA, and he should be permitted to offer materials in rebuttal or refutation before release to the general public.

Respondents: Written response required pursuant to PC 933(c)

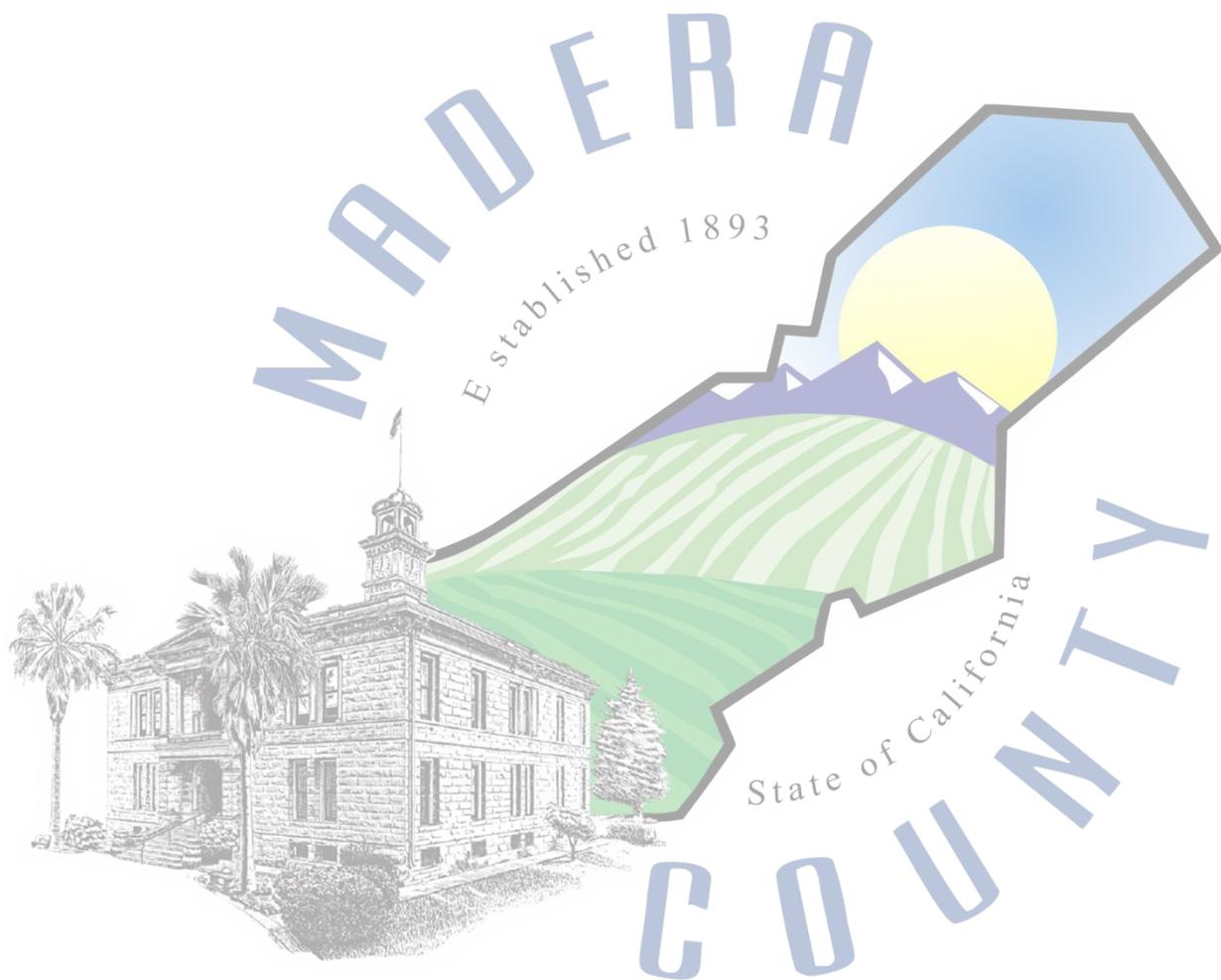
Madera County Board of Supervisors
200 West Fourth Street
Madera, CA 93637

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

Information: Response Optional

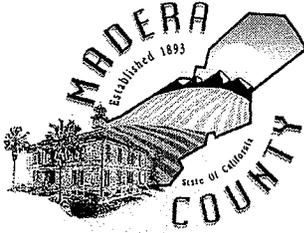
Interim Director, Human Resources
Madera County
200 West Fourth Street
Madera, CA 93637

Madera County Grand Jury



Responses to Items in 2009 – 2010 Report

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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

May 18, 2010

The Honorable James Oakley
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

**Subject: Response to the 2009-10 Grand Jury Final Report on the
"Madera County Disaster Planning"**

Dear Honorable Judge Oakley:

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 a Recommendation in the 2009-10 Madera County Grand Jury Report on the "Madera County Disaster Planning". See Attachment #1.

The Sheriff-Coroner has also responded to the Grand Jury report. See Attachment #2.

The following are the Grand Jury's recommendations in their Final Report, and the Board's response to those recommendations:

Recommendation 1:

"Planning and the exercising of the plans should continue and should receive the attention of all levels of county government."

Board of Supervisors' Response to Grand Jury Recommendation 1

The recommendation has been implemented, and is ongoing. The dam failure and flood preparation scheduled later this year will require participation from multiple departments including Roads, Planning, Engineering, Environmental Health, Health, Behavioral Health, Administration, County Counsel, and several others. All departments will be strongly advised to participate if invited.

Recommendation 2:

"Even in this era of critical budget shortages, emergency planning and training should be supported. Grants and other non-county sources of support should be explored."

Board of Supervisors' Response to Grand Jury Recommendation 2

The recommendation has been implemented and is ongoing. As noted by the Sheriff in his response, a great deal of our emergency operations depend upon, and are conducted with, volunteer personnel, so economics is not a factor. The department continually looks for grant opportunities for emergency planning and training.

Title III funding, as reauthorized in Public Law 110-343, has been used to offset search and rescue costs performed on federal lands, restoring those funds to the Sheriff's budget for other uses. This funding will be available through September, 2011.

Recommendation 3:

"Integration of all activities within the geographical boundaries of the County should be pursued."

Board of Supervisors' Response to Grand Jury Recommendation 3

This recommendation has been implemented and is ongoing. The Local Hazard Mitigation Plan, required by FEMA is currently being instituted, and requires close cooperation of all city, county, state and federal entities in order to receive emergency funding.

Failure to participate or meet the established goals will restrict the participating agencies ability to be reimbursed for disasters; this should facilitate integration of all activities within the geographical boundaries of the county.

Recommendation 4:

"Communications interoperability should remain a firm goal and should include all responders."

Board of Supervisors' Response to Grand Jury Recommendation 4

This recommendation has been implemented and is ongoing. The Sheriff's Department does have interoperability with all other police and fire responders, and will continue to maintain and improve interoperability at every opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Wheeler', written in a cursive style.

Tom Wheeler
Chairman
Madera County Board of Supervisors
Attachments



SHERIFF'S DEPARTMENT

Madera County

John P. Anderson
Sheriff-Coroner

14143 Road 28
 Madera, CA 93638
 (559) 675-7770
 E-mail: sheriff@madera-county.com
 File # 1.9916

April 3, 2010

Madera County Grand Jury
 PO Box 534
 Madera, CA 93639

Members of the Grand Jury,

We very much appreciated the examination that was made of the Emergency Services portion of our operation, and the favorable comments made in the final report. The members who conducted the visit were cordial and the questions asked were pertinent and in depth.

Following are our responses to the recommendations made:

- **RECOMMENDATION -** Planning and the exercising of the plans should continue and should receive the attention of all levels of county government.

RESPONSE – We have a planned exercise for the evacuation of large animals scheduled to take place on May 1st. Additionally, we will be conducting an exercise regarding a dam failure & flood preparation in the latter part of the year. This exercise will involve several county units, both in the planning and execution phase.

- **RECOMMENDATION –** Even in this era of critical budget shortages, emergency planning and training should be supported. Grants and other non-county sources of support should be explored.

SERVING SINCE 1893



RESPONSE – A great deal of our emergency operations depend upon and are conducted with volunteer personnel, so economics are not a big factor. The Business Service Office, within our department is continually on the lookout for grant opportunities. It is our intention to make application in the upcoming Chuchansi grant program to update our reverse 911 emergency notification system, which plays a large part in our disaster response.

- **RECOMMENDATION** - Integration of all activities within the geographical boundaries of the County should be pursued.

RESPONSE - As noted in the report, some entities are not as open in sharing operations plans as could be desired. But fortunately, on past occasions in actual emergency situations where inter agency cooperation has been necessary, due to our day to day normal working relationships, successful outcomes have resulted.

- **RECOMMENDATION** – Communication interoperability should remain a firm goal and should include all responders.

REPOSENSE – As noted in the report, the Sheriffs Department has communications interoperability with all other police and fire responders in the County. The ambulance companies are not included on the emergency net because they are private agencies. We do have unit to unit communications with them at emergency scenes, but it is not often used, as it is not often necessary for direct communications with ambulance personnel.

Again, we appreciate the time and effort spent by the Grand Jury in examining the Emergency Services function.

Sincerely,

John P. Anderson
Sheriff

C. Presiding Judge of the Madera County Superior Court
Madera County Board of Supervisors
County Administrative Officer ✓

Yosemite Unified School District

50200 Road 427
Oakhurst, California 93644

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

May 10, 2010

Madera County Grand Jury
209 West Yosemite Avenue
Madera, CA 93637

RE: Response Western Sierra Charter Schools

Dear Mr. Frost:

This letter is in response to the 2009-2010 Madera County Grand Jury Report regarding WESTERN SIERRA CHARTER SCHOOLS, INC. A copy of the report was sent to the Yosemite Unified School District as it was the local educational agency that initially granted the charter. Western Sierra Charter Schools operate as an independent charter organization. In the Grand Jury Report you acknowledge that "While the charters are granted by the Yosemite School District, the supervision and control of the schools reside in the Board of Directors of the Western Sierra Charter Schools, Inc. a non-profit corporation."

As the District really has no real authority over day-to-day operations of the charter schools, it lacks the ability to direct staff to comply with the recommendations of the grand jury. The District has, however, communicated with leadership of Western Sierra Charter Schools and has encouraged them to comply with the recommendations of the Madera County Grand Jury with respect to emergency procedures and fire drills. The District has also offered to serve as resource for Western Sierra Charter Schools with respect to any planning efforts pertaining to school safety.

This letter shall serve as the District's response to the 2009-2010 Madera County Grand Jury Report pursuant to California Penal Code Section 933 (c).

Sincerely



Steve Raupp
Superintendent
Yosemite Unified School District

cc Madera County Superintendent of Schools