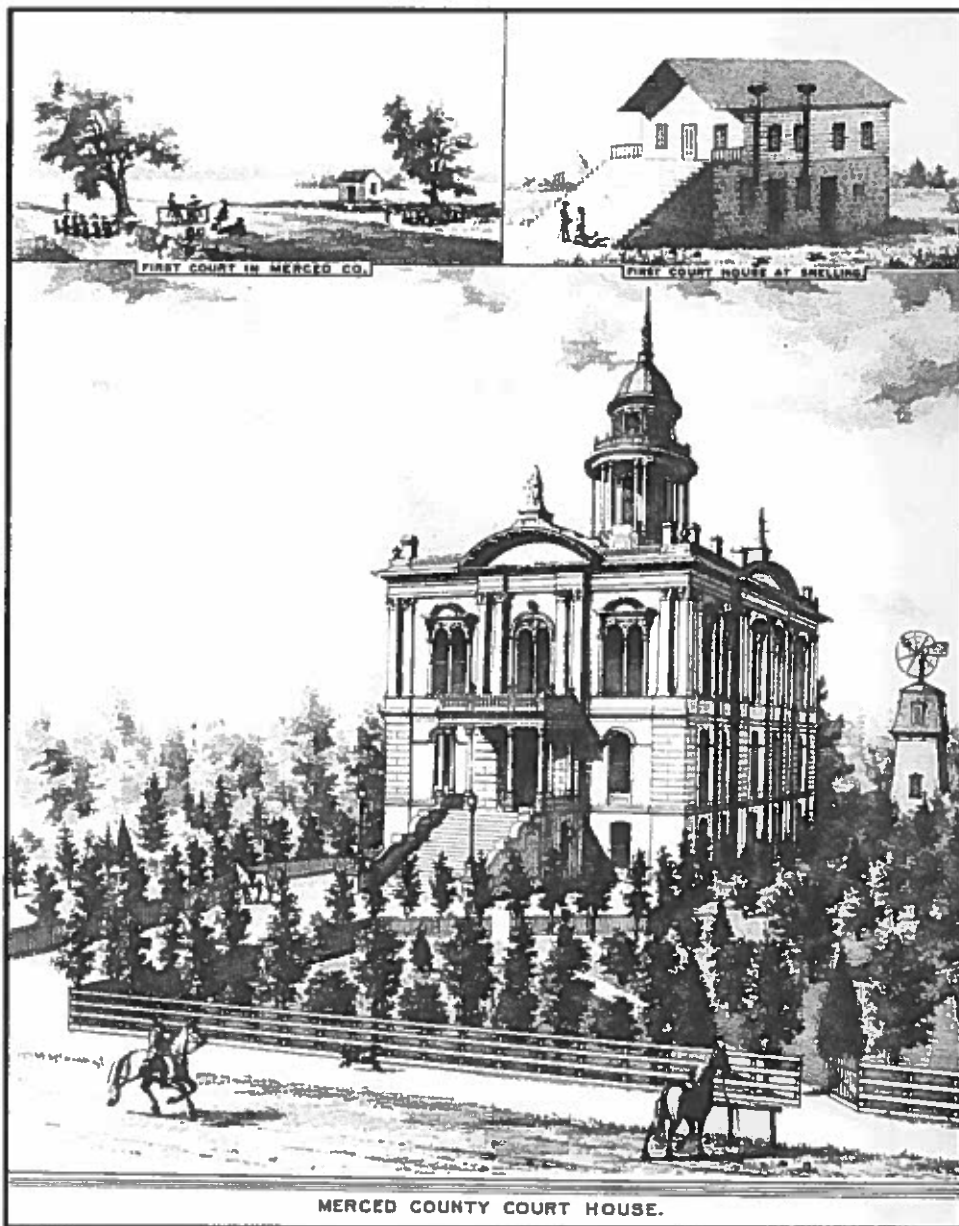


MERCED COUNTY CIVIL GRAND JURY FINAL REPORT 2015-2016

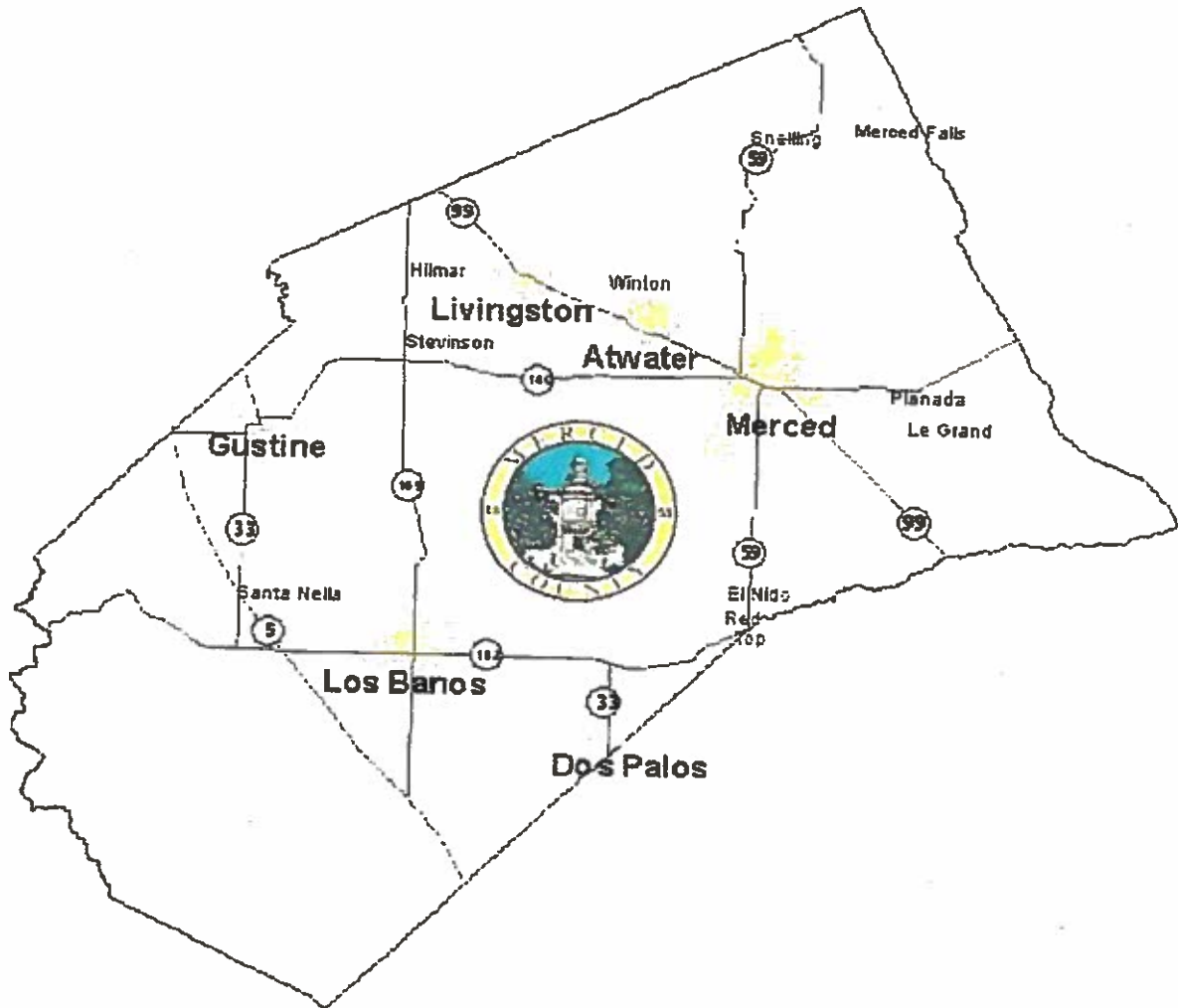


ACKNOWLEDGMENT

The Merced County Civil Grand Jury acknowledges with appreciation the Merced County Historical Society and the Courthouse Museum for providing the photograph for the cover of this report. The lithograph¹ depicts the first court location in June 1855 on the Turner and Osborne Ranch, the first county seat. The first Grand Jury met under a large oak tree about 150 yards in front of a building 12 by 25 feet too small to house the court proceedings. The tree became known as the “Grand Jury Tree” by Mariposa Creek. When the town of Snelling was designated as the county seat in September 1855, a new courthouse was built and still stands today as Merced County’s first courthouse. By majority vote on December 12, 1872, the county seat was moved to Merced. On May 8, 1875, a new courthouse was dedicated, and the Merced County Courthouse Museum now stands as a jewel and testimony of the progress Merced County made in its early development.²

¹Wood, H. (2007). *Ghost Towns of Merced County* (2nd ed., pp. 51-52). Merced, CA: Merced County Historical Society.

²*History of Merced County, California 1881* (1971, pp. 86-89). Fresno, CA: California History Books.



MERCED COUNTY CIVIL GRAND JURY

2015-2016 FINAL REPORT

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CIVIL GRAND JURY

PO Box 2034

Merced, California 95344

<http://www.co.merced.ca.us/grandjury>

June 30, 2016

The Honorable Paul C. Lo
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Lo:

The 2015-2016 Merced County Civil Grand Jury (MCCGJ) is privileged to be selected to serve as Civil Grand Jurors and respectfully present this Final Report to the Merced County Superior Court and the citizens of Merced County in accordance with California Penal Code, Section 933.

MCCGJ extends its sincere appreciation to each of the city and county agencies for their cooperation, patience, and prompt responses to all requested information. The acceptance of the findings and implementation of MCCGJ's recommendations now is the responsibility of the city and county agencies and departments detailed in the 2015-2016 MCCGJ Final Report.

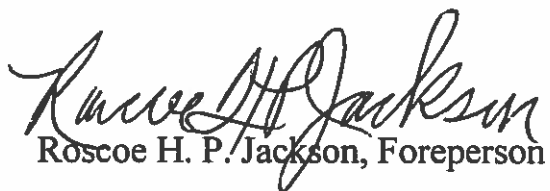
Of the fourteen (14) logged complaints received, two (2) was resolved, one (1) was anonymous, seven (7) were held over for 2016-2017 Merced County Civil Grand Jury due to receipt after March 15, 2016 and there were four (4) where no action was taken by MCCGJ.

As mandated by law, MCCGJ inspected three detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and Los Banos Police Department Detention Facility. A visit to Iris Garrett Juvenile Correctional Complex was also conducted.

The 2015-2016 Merced County Civil Grand Jury members used this opportunity to utilize their expertise to study the systems within this County that were either brought to our attention by a complainant or an internal or external investigation initiated by MCCGJ. MCCGJ's service to this County has given each of the jurors a unique opportunity to learn the detailed administrative processes and respond with reasonable recommendations to foster improved efficiency based on the information received from investigations.

When challenges occur in the communities, opportunities present themselves for each of us to contribute our resources, talents and work experiences. Serving on the Merced County Civil Grand Jury is an opportunity for citizens who desire the best for this County to accept and share the responsibility for a better future.

Sincerely,


Roscoe H. P. Jackson, Foreperson

2015-2016 MERCED COUNTY CIVIL GRAND JURY

Civil Grand Jurors

1. Anne-Marie Bandoni
2. Shirley Patricia Brown
3. Alan Cotta#
4. Harlan Dake
5. William (Bill) Day#
6. Jose Jesus Delgadillo
7. Mary Jo Diaz
8. Shawn M. Dwyer
9. Lynda McGrew Dyas
10. Joseph Galindo#
11. Katherine (Susan) Graf – Foreperson Pro-Tempore
12. Maria Granica
13. Roscoe H. P. (Jack) Jackson - Foreperson
14. Melissa A. Korth
15. Janet Marie Leonardo
16. Herbert George May
17. Kevin Olds
18. Dorene G. (Bunny) Paskin
19. Rich Scurich#
20. Don Philip Spiva
21. Ken van Loben Sels#

Jurors reside in the following communities of Merced County

Atwater

Los Banos

Merced

#Unable to complete term

**MANDATED INSPECTIONS
OF
MERCED COUNTY
DETENTION FACILITIES**

MANDATED DETENTION FACILITIES INSPECTIONS

SUMMARY

The 2015-2016 Merced County Civil Grand Jury (MCCGJ), in accordance with the requirements of California Penal Code (CPC) Section 919(b), has conducted an inspection of the detention facilities in Merced County. The purpose of these inspections was to "inquire into the conditions and management of the public prisons within the county" as stated in CPC Section 919(b). Under these provisions, members of the MCCGJ toured and inspected the following facilities:

- Merced County Sheriff's Department Main Jail
- Merced County Sheriff's Department John Latorraca Correctional Center
- Iris Garret Juvenile Correctional Complex
- Los Banos Police Department Jail Facility

During these inspections, the MCCGJ determined that the above referenced facilities met the minimum standards of the California Corrections Standards Authority (CSA) found in Title 15 and Title 24 of the California Code of Regulation.

INVESTIGATIVE METHODS

The 2015-2016 MCCGJ used an inspection form suggested by the California Grand Jurors' Association (CGJA) and California CSA. This form enabled clear documentation of each juror's observation during inspection. Each facility manager was also provided an inspection form to be completed prior to the MCCGJ inspection. The MCCGJ observed the interior and exterior condition of the building, the surrounding grounds and discussed management of facility staffing. The medical unit was inspected for any insufficiencies and/or hazardous practices. The kitchen facility was inspected and meal planning procedures were reviewed for nutritional requirements. Educational and vocational programs were reviewed, as well as discipline and inmate grievance procedures. Policies of inmate classification, orientation, visitation and correspondence policies were also reviewed. Cells were inspected and inmate interviews were performed.

In addition, the MCCGJ reviewed previous Merced County Grand Jury Reports, interviewed staff and reviewed the most recent inspection reports prepared by the

California CSA, the local fire and health authorities. We communicated via email and telephone with the facility managers throughout the inspection process.

JAIL INSPECTIONS REPORTS

MERCED COUNTY SHERIFF'S DEPARTMENT / MAIN JAIL FACILITY

The MCCGJ inspected the Main Jail Facility located at 700 W. 22nd Street in Merced on October 15, 2015. The Main Jail Facility originally had a state-rated capacity of 189 inmates. Assembly Bill 109 (AB109) now restricts the capacity to 170 inmates. When at capacity, inmates are transferred to John Latorraca Correctional Center (JLCC) to avoid violating AB109. The Main Jail Facility was built in 1968 and is outdated. The facility is safe for adequate supervision of inmates, but is not up to current jail standards. Prior to AB109, the county jails housed inmates serving terms of one year or less. Currently, there is a shortage of Maximum Security beds due to the fact that the facility was not designed for Maximum Security or long-term inmates.

The intake area and holding cells are inadequate for the number of detainees who come through this facility. The holding cells were full during this inspection, and detainees were disruptive. The Sober Cell had a large panel of cracked glass and appeared shattered. We were assured that the panel is intact on the inside of the cell; therefore, there is no risk to detainees.

The facility has obtained a full body scan system which enables the officers to detect weapons and/or contraband inside or outside the body. The facility has also installed additional cameras in areas not previously monitored. The facility will be getting an upgraded central communication/monitoring system. It is noted that phones have been installed in the holding cells which has eliminated the need for correctional officers to transfer detainees to other areas.

At the time of this inspection, approximately 25% of the inmates were in-house for murder charges, and most inmates were gang affiliated. Gang classification is extremely important. Officers in charge of classification are well trained in gang affiliations. They have continued training each year. Because of the outdated design of this facility, segregation is imperative. This facility does not house female inmates. Each cell can house up to eight inmates and contains a shower, washbasin and toilet.

Since the last MCCGJ Report, there were no suicides or attempted suicides nor escapes or attempted escapes. However, one inmate was murdered in his cell. This incident remains under investigation.

Under Senate Bill 863, the County was granted \$40 million to improve housing, health care and programs at JLCC. Renovations and new construction will begin in cycles of dormitories, a kitchen facility, a health care building, laundry, intake/release areas and a new administration building. In addition, the County has allocated \$4.5 million to the project. Phase I is to be completed within five years. Upon completion and if funds are available, Phase II will relocate the downtown jail to JLCC. This move would house all inmates in one location, eliminating the downtown jail for long-term incarceration.

Two inmates were interviewed by MCCGJ members. They were both incarcerated on murder charges. They appeared respectful but complained about the medical services. One of the inmates is working toward his GED.

This facility provides a full medical unit. It was found to be clean and in order. Narcotics are double locked in a medical wall cabinet. Only the head of the department and the nurse on duty have keys. Over the counter (OTC) medications are not locked up, but there are two locking doors between the triage area and the medicine closet. This department is staffed 24 hours a day, seven days a week (24/7) with registered nurses. Doctors and Mid-level Providers have set hours during the day, but will take calls from the nursing staff 24/7. Dental care is also provided by appointment, and mental health is available each Friday. Doctors and staff meet monthly with the Merced County Health Department.

FINDINGS

F1 The Main Jail Facility is 47 years old and is outdated by current jail standards. Plans for integrating this facility with JLCC within the next few years will meet the current standards.

F2 The MCCGJ is pleased to see that new security cameras, a new communication/monitoring system and a full body scanner are in place. Collectively, these improvements will limit the amount of contraband that comes into the facility and provide extended monitoring of inmates in their cells.

F3 The MCCGJ found a badly broken glass panel in the intake area Sober Cell. We were reassured that this panel does not present a risk to detainees or to officers.

F4 The facility appeared clean, organized and functional.

F5 The MCCGJ was impressed with the officers and the classification process of inmates. We recognize the Classification Officers' expertise and the importance of continual education in this difficult job.

RECOMMENDATIONS

There are no recommendations at this time.

COMMENDATIONS

C1 The department has been rated #1 in California and the Western Region of the United States and received a 97% score from the state audit for the "In Custody Behavioral Intervention Program". This program is aimed at reducing the recidivism rate of released inmates. Year-to-date, the department processed 161 participants in

the program with a recidivism rate of 18%. This is compared to the same number of inmates released who did not participate in the program and who showed a recidivism rate of 89%. This program has shown to have had an impact on the overall inmate population by reducing the level of disturbances, inmate assaults, grievances and behavioral issues.

**MERCED COUNTY SHERIFF'S DEPARTMENT/JOHN LATORRACA
CORRECTIONAL CENTER**

The MCCGJ inspected the John Latorraca Correctional Center (JLCC) on October 16, 2015. JLCC is located at 2584 W. Sandy Mush Road in Merced County. It has a state-rated capacity of 564 inmates. It houses both male and female inmates. At the time of this inspection, JLCC was nearing maximum capacity.

JLCC was originally built 25 years ago as a Minimum Security facility. However, since the implementation of AB109, the jail now houses Medium to High-risk inmates as well. The cells, as well as the interior and exterior of the buildings, are in need of repair. On or about November 12, 2015, the County was notified that they would receive a \$40 million grant to completely rebuild this facility. Merced County has also allocated \$4.5 million for this project. The plan includes educational buildings and a new medical facility with 30 acute care and mental health beds. This plan will also bring inmate cell buildings up to the current standards for jails. The project is on schedule and is to be completed within five years.

JLCC is current with all local inspections. The next California CSA inspection is scheduled for Spring 2016.

This facility maintains a minimum level of staffing and is fully secure. The department has successfully hired and trained seven new Correctional Officers.

This facility houses a food preparation area that provides approximately 2,000 meals per day and serves JLCC, the Main Jail, the Juvenile Facility and the Marie Green Center. The kitchen is managed with careful attention to meet health and sanitary requirements. The menu is reviewed by a licensed dietician, and special menus are provided for health reasons and religious preference. The inmates who work in food preparation are medically cleared, trained and dress appropriately with hair/beard nets, aprons and gloves. The County is currently in the bidding process for an outside food service that will oversee the entire management of food preparation and dietary requirements. This will provide a cost-savings to the County.

The medical facility was found to be clean, organized, and all drug cabinets were locked. We reviewed the Acute Care Unit which housed four patients at the time of this inspection. It was noted that the oxygen tubing from an oxygen tank was extended across the room to a patient. The patient could have been in distress if this tubing had been stepped on, tripped over or pinched off completely.

JLCC provides educational programs which enable inmates to receive their high school diploma, GED or in some cases college level courses. There are currently 53 inmates in these programs. There are two full-time and two part-time instructors on staff. Vocational and Anger Management classes are also available to the inmates.

It is noted the department has purchased 85 new tasers to replace the outdated devices. In addition, new radios were purchased with improved "repeaters" to enhance the signal.

The facility experienced two suicides in 2014-2015. No escapes or attempted escapes were reported within the same time period.

FINDINGS

F1 The 2014-2015 MCCGJ recommended that JLCC install toilets, washbasins and drinking fountains in exercise areas per Title 24, Section 1231.2.10 of Board of State and Community Correction (BSCC) Minimum Standard for Local Detention Facilities. These areas will be renovated with funds received from the \$40 million grant.

F2 Since the date of inspection, the medical staff has corrected the potential hazard of oxygen tubing extending across the floor in the Acute Care Unit.

RECOMMENDATIONS

There are no recommendations at this time.

COMMENDATIONS

C1 The MCCGJ would like to note the success of the In-Custody Behavioral Intervention Program. It is noted that 161 participants completed this program, with a recidivism rate of 18%. Of the 160 participants who did not participate in the program, there was an 89% recidivism rate.

LOS BANOS POLICE DEPARTMENT JAIL FACILITY

The Los Banos Police Department (LBPJ) Jail was inspected by the MCGJ on October 22, 2015. The jail is located at 945 5th Street in Los Banos, California.

The LBPJ operates a Type 1J jail facility, which allows LBPJ to house no more than 20 inmates for up to and no longer than 96 hours excluding weekends and holidays. There were no inmates in-house at the time of this inspection.

In accordance with a mutual agreement, the LBPJ jail is utilized by the California Highway Patrol, the Dos Palos Police Department, the California Fish and Game, the Merced County Sheriff's Department and the Gustine Police Department for booking purposes.

The jail is part of the LBPJ facility and was designed according to the standards in effect at the time of its construction in 1969. The jail has passed all required inspections, including those of the Merced County Health Department and the Los Banos City Fire Department. There is one padded cell with a toilet for inmates who may be harmful to themselves or others.

The facility is well maintained, clean and free from clutter. The 911 dispatch is routed through this facility.

All detained individuals are interviewed at intake to determine their medical history and/or "special needs". This allows the department to place them in a Classification System to determine if they require segregation. There is no medical staff or medical area on site; therefore, all medical cases are immediately sent to John Latorraca Correctional Center for medical evaluation unless it is an emergency, in which case the inmate is transported to a local hospital. The facility does not house any violent or mentally-disturbed inmates. Inmates considered "high risk" are transported to the appropriate Merced County facility.

Inmates are provided three meals per day, in accordance with Title 15, Article 4 of the Board of State and Community Correction (BSCC) Minimum Standard for Local Detention Facilities. The officers are responsible for shopping weekly for food which is kept in a small kitchen on-site. The officers are also responsible for preparing and serving meals to inmates. The inmates are allowed 30 minutes to finish their meals inside their cells.

At the time of this inspection there were no escapes, attempted escapes, suicides or attempted suicides.

All personnel entering the jail area are required to place all weapons in a secured locker.

FINDINGS

F1 The LBPD is located in a 46-year-old building that does not meet current standards for jail facilities; however, it is functional and currently serves the purpose at this time. The department is reviewing the possibility of relocating.

F2 The MCCGJ found no significant problems at this inspection.

RECOMMENDATIONS

There are no recommendations at this time.

INVITED RESPONSES

Merced County Sheriff

Merced County Chief Probation Officer

Chief of Police, City of Los Banos

IRIS GARRETT JUVENILE CORRECTIONAL COMPLEX

The MCCGJ conducted a facility inspection of the Iris Garrett Juvenile Correctional Complex (IGJCC) on October 7, 2015. At the time of the inspection, the juvenile complex housed 48 youth inmates (45 boys and 3 girls). It has a maximum bed capacity of 120, with a 105-bed budget capacity. There are 40 individual cells and 40 double cells.

IGJCC is located at 2840 W. Sandy Mush Road in Merced, California. This facility is a complete complex, housing the core of the Juvenile Justice System for Merced County.

The juvenile facility is supervised and funded by the Probation Department, not the Sheriff's Department.

This facility houses a Juvenile Court where all cases are adjudicated, including first-time offenders. The Juvenile Court operation includes: an intake area, 48-hour holding cells and long-term cells for offenders sentenced by the Court. The Court area includes a courtroom, a clerk's office and conference rooms for attorneys to meet privately with their clients.

IGJCC ensures the youth are continuing their education. The MCCGJ found the classrooms and instructors provided an enthusiastic learning environment. The youth were very respectful and studying at their age appropriate grade level. The instructors seemed to connect with the youth in a very positive manner and encouraged creativity to express themselves. The goal is to graduate these students with a high school diploma or GED. The facility provides a graduation ceremony to celebrate the accomplishments of the students.

IGJCC offers various programs for the youth such as the Workforce Learning Academy, Peaceful Warrior, Cognitive Behavioral Therapy, and Noble Young Man. In addition, the facility offers a Good Behavior Incentive Plan to earn points towards early release.

The MCCGJ inspected the Medical Unit and Intake Areas. These were found to be clean and organized. It was noted that the youth were well groomed, appeared healthy and had clean clothing. The rooms/cells were clean and in order. Upon observation of the youth in the recreation area, the MCCGJ was impressed with the level of respect shown.

FINDINGS

F1 The facility was clean and well maintained. It was noted that the rooms/cells were in order, and the showers were clean.

F2 The youth were well groomed and appeared healthy. They were respectful to staff and to the jurors present.

F3 The MCGJ found numerous educational and vocational programs provided to the youth in an effort to prepare them for release into society.

F4 The MCGJ noted that the utility closet left opened in the shower area as reported in the 2014-2015 MCGJ Report had been fixed and currently locked.

RECOMMENDATIONS

There are no recommendations at this time.

COMMENDATIONS

C1 The MCGJ was very impressed with the classroom setting and the enthusiasm and dedication of the instructors in their innovative teaching and interaction with the youth.

INVESTIGATIVE REPORTS

MERCED COUNTY'S EFFORTS TO END HOMELESSNESS

Internal Investigation 15-08-17

SUMMARY

In May of 2011, the Merced County Board of Supervisors adopted a ten-year plan to combat homelessness in the county. They assigned the task of implementing this plan to the Merced County Association of Governments (MCAG). MCAG, along with the City of Merced and Merced County, contracted with Urban Initiatives (UI). This Southern California organization specializes in assisting counties and agencies to achieve compliance with federal and state qualifications in order to obtain funding and support to combat homeless issues within their jurisdiction. Under the advisement of UI, the Continuum of Care (CoC), a countywide committee made up of volunteers from many local organizations, was created to move the county's plan forward. The Merced County Civil Grand Jury (MCCGJ) elected to investigate UI's contract and what was being done in the County concerning homelessness.

BACKGROUND

The 2014-2015 MCCGJ voted to do an internal investigation concerning the homeless issue in Merced County. Due to time constraints, they referred this investigation to the 2015-2016 MCCGJ. In August 2015, the current MCCGJ voted to adopt this investigation.

METHODOLOGY

The MCCJG used the interview process to gather information on the issues presented. Several county and city representatives were interviewed, along with individuals from non-profit organizations that deal with the homeless issue in Merced County.

DISCUSSION

In order to obtain federal and state funding for homeless support services, the County is required to have an organized structure in place before applying for any grants.

MCAG was the first Collaborative Applicant (CA) assigned. MCAG, with the approval of the Board of Supervisors, contracted UI to provide Merced County with a grant inventory worksheet and a detailed budget requirement inventory necessary to apply for federal and state funds.

Merced County and the City of Merced funded the contract with UI in 2014. The mission of UI was to work with various jurisdictions to design a plan and then oversee the implementation of a system of care and affordable housing for the homeless.

UI assisted in the formation of the CoC. The CoC is comprised of non-profit agencies, local churches, MCAG, Veterans Affairs representatives, Mental Health representatives and UI. The

CoC's business model is to involve all the agencies that have services to offer the homeless. With the help of UI, the CoC was awarded two grants from The Department of Housing and Urban Development (HUD) in the amount of \$1.2 million for transitional housing, permanent supportive housing and the continued operation of the Homeless Management Information System.

UI has had two contracts with Merced County over the past two years. The contractual obligations of these contracts are the following:

- Assist the County in completing the annual HUD application for funding.
- Update the 10-year plan to end homelessness.
- Coordinate the homeless count and survey.
- Monitor various organizations that receive HUD funding through the CoC.
- Ensure federal guidelines are followed.

UI also assists the County with other aspects such as housing inventory charts, the annual homeless report and working with the CA.

According to the CoC, UI has greatly improved the participation and productivity of the homeless program by accomplishing the following since accepting the contract:

- The CoC committee increased attendance from approximately nine participants to an average of 50 to 60. These individuals represent close to 50 different agencies.
- A CoC board was established and meets quarterly.
- There are active sub-committees within the CoC.
- A governing charter has been established.
- Standards have been written.
- A pilot program has been initiated.
- A coordinated entry system is being established. This identifies an individual's or family's need for homeless assistance.
- The ten-year plan has been updated and includes solutions for implementation.

UI helped start the pilot program working with homeless veterans. The CoC's first goal was to deal with this issue. Many veterans have been assisted, and it is projected to have zero homeless veterans housed by the end of 2016. This pilot program has served as the vehicle for other programs to address homeless issues and clients.

UI's opinion is that the best practice is to conduct street outreach. Their approach is not to just provide a blanket, but to enter individuals into a program and get them off the streets. Mental health and other agencies are and will continue to be critical in the success of this program.

United Way of Merced County (UW) is a volunteer member of the CoC. While this investigation was being conducted, UW applied to be the new CA for Merced County. When interviewed, UW explained that HUD's model is to approach housing first. This means it is important to house people and get them off the streets. Individuals will then receive the services they need to maintain housing and become contributing members of society. This new approach to end homelessness is to get permanent supportive housing and then, if needed, have a case manager assist individuals to utilize any available services.

There are several non-profit charitable organizations that have proposed a “Village of Hope Project”. This is a project that would provide housing and onsite support for individuals. Case managers and support services from multiple agencies would be located at the housing facility to assist individuals. HUD does not fully fund new housing projects. Therefore, to encourage investors and developers to become partners in a “Village of Hope Project”, tax credits and incentives need to be provided to insure these types of projects can become a reality.

Currently, the Merced Rescue Mission has established a rapid re-housing program along with the Human Services Agency (HSA). During this investigation, the Housing of Merced County (HAMC) has made Section 8 vouchers available and has set aside a number for the CoC to use. Homeless veterans will be given preference.

Since the initial interviews were conducted, the MCCGJ learned that on March 1, 2016 the CoC applied for a \$660,000 grant (two years of funding). This money, if received, will allow the hiring of three full-time trained professionals who would work in the field to assist homeless individuals and families with available programs and services.

The MCCGJ also learned of two planned projects to assist in providing housing to the homeless:

1. A 37-unit facility located near Highway 99.
2. A 60 to 80-unit facility that would accommodate onsite services to be located in southeast Merced.

The City of Merced is also working to put ordinances in place that will make it more difficult for homeless to settle in common public areas. Ordinances of these types are already enforced in surrounding counties and cities.

Since the initial interviews, MCCGJ has learned that the CoC has organized a working group that is reaching out to local landlords in hopes of getting their support in developing permanent supportive housing for the homeless. The CoC has applied for local grants that will help with deposits and other issues that seem to be a hurdle between homeless occupants and local landlords.

This investigation began with looking at UI and its contract with the County and City of Merced. According to the CoC, UI has done an exemplary job in helping the County become compliant, and its director is to be commended in his participation in and contribution to the goals of the CoC. In the future, the CA’s strategy is to reduce the hands-on participation by UI and transfer that responsibility to the CA. The knowledge of UI has been invaluable to the CoC, and they will continue to enlist UI’s expertise.

FINDINGS

- F1. Since UI’s involvement, participation in the CoC by government agencies, non-profits and other organizations has greatly increased. The CoC conducted its latest count of homeless individuals on January 28, 2016. This count involved over 170 volunteers walking in 28 zones throughout the County and talking one-on-one with individuals. They asked them a series of questions in order to determine their housing situation. This resulted in a more accurate count. The current count of homeless individuals in Merced County is 519.

RECOMMENDATION

R1. The MCCGJ recommends that the various organizations that are involved in dealing with homelessness in Merced County continue their outstanding work and that local governments continue to increase their support to address this issue and provide support to the CoC.

R2. The MCCGJ recommends that the City of Merced and Merced County continue to seek funds from federal and state government agencies that can be used to provide aid in combating homelessness in our area.

COMMENDATIONS

C1. The MCCGJ commends the following organizations for their diligent and hard work in combating homelessness in Merced County: The Continuum of Care, Urban Initiatives, The United Way of Merced County and The Merced Rescue Mission. There are also numerous individuals who have contributed endless hours of work in dealing with this problem, and the MCCGJ commends them for their efforts.

C2. The MCCGJ commends the City of Merced and Merced County for their efforts in initiating a constructive program for dealing with the homeless issue.

REQUESTED RESPONSES

Pursuant to Penal Code Section 933.05, the Civil Grand Jury request responses as follows

Merced County Board of Supervisors

Merced City Council

Merced County Association of Governments

INVITED RESPONSES

Merced County Collaborative Applicant

Merced County Continuum of Care

GLOSSARY

CA Collaborative Applicant

CoC Merced County Continuum of Care

HACM Housing Authority of Merced County
HSA Merced County Department of Human Services Agency
HUD US Department of Housing and Urban Development
MCAG Merced County Association of Governments
MCCGJ Merced County Civil Grand Jury
UI Urban Initiatives
UW United Way of Merced County

THE DISCRETIONARY FUND PROCESS

MERCED COUNTY BOARD OF SUPERVISORS

Internal Investigation 15-08-18

SUMMARY

The Merced County Board of Supervisors has had a discretionary fund program for each member of the board for many years. Each member receives \$40,000 per year of public funds to spend on community projects, city and county programs and improvements, as well as providing assistance to non-profit organizations. Many citizens feel that there is no transparency and accountability of these funds. California Law prohibits any elected official from using this public resource to seek re-election. With that noted, the discretionary fund has been a controversial topic in the newspapers and during election time. There are citizens of the County who believe that discretionary fund spending provides a year-round opportunity for Supervisors to increase their political profile within their districts. The Merced County Civil Grand Jury (MCCGJ), decided to review the process of how these funds are requested, dispersed and used. The MCCGJ wanted to investigate this practice to ensure there is a clear and transparent process in place for application, acceptance, disbursement and expenditure of these discretionary funds.

METHODOLOGY

MCCGJ used the interview process. Representatives from Merced County Public Works, County Executive Office and the Controller's Office were interviewed concerning the discretionary process. Copies of 2015 requests and disbursements were reviewed. Documents for selected items over a ten-year period were studied. MCCGJ also reviewed the Request for Special Board Projects Funds form and accessed the websites of other counties in California regarding their application and disbursement process.

DISCUSSION

The Supervisors have awarded funds to hundreds of organizations, schools and non-profit organizations over the years. Some are in connection with events such as holiday celebrations, sports uniforms, food banks, veterans service organizations, senior center activities, school programs and services, sponsorship of events and other activities. These funds have also been awarded for repair or replacement of building items and appliances.

The funds have enabled organizations to provide additional services that would otherwise not have been available. It has been questioned why the Request for Special Board Project Funds form is not readily available on the County website for all to access. Also the County website and the Supervisors' websites do not provide information about availability of discretionary funds.

Examples of funds spent in 2014-2015 are as follows:

- Winton Recreation Baseball Program trip to a Giants game - \$1,800.00
- Reimbursement for a freezer in Hilmar - \$1,328.71
- Academic Decathlon - \$500.00
- School Perfect Attendance Program - \$500.00
- Le Grand Sober Graduation - \$500.00
- American Legion - \$600.00
- Bible Christian Church Food Pantry - \$5,000.00
- Outdoor cameras installed with a three-year service contract, Veteran's Monument Courthouse Park - \$4,993.00
- McSwain Elementary School security cameras - \$7,000.00
- McSwain Franklin/Beachwood funds (no other description) - \$61,808.00
- McSwain tablets and charging stations - \$18,459.01
- Le Grand High School baseball equipment - \$2,000.00
- Flag pole repair Courthouse Museum - \$1,500.00
- New Beginnings Spay/Neuter Program - \$2,500.00
- KDPT-LD Dos Palos non-profit radio sound system - \$6,500.00

The total amount of Merced County tax dollars allocated per year to the five Supervisors for discretionary spending is \$200,000.00. The Supervisors are allowed to roll over funds from one year to the next. If not re-elected, any monies left over are returned to the general fund.

There are several ways to request funds. Requests can be done by letter, email, fax or telephone call. One method recommended is the Request for Special Board Projects Funds form. This form is optional and is used at the discretion of the Supervisor. If this form were used, the requesting party would complete the form acknowledging, under penalty of perjury, that the funds will be spent as requested.

If a Supervisor wishes to donate funds, the request goes before the Board of Supervisors for a majority vote. There are two processes for disbursement. If it is a county project, the Public Works Department is involved in the process and ensures accountability. If the request is from another group, the check is sent directly to the entity. There is no follow-up to ensure the funds have been spent for the intention requested.

While many of the organizations receiving funds may have provided services, equipment to schools or repaired/replaced building items, a transparent process for requesting and disbursement of these tax dollars is not in place. There is little or no oversight of an organization that is not a city or county entity regarding the quality of materials, construction and the qualification of contractors. All city and county entities are monitored by the Public Works Department for compliance.

MCCGJ focused on the process of how these funds are advertised for public application, how they are spent and if there is a transparent method for ensuring the funds are used for the purposes intended.

Discretionary fund requests are made directly to the Supervisor. Sometimes it is as simple as a telephone call. It was noted that the requests made by telephone are what some citizens consider the Supervisor's "Pet Projects", and a telephone call is all that is needed for funding. Supervisors frequently request funds for the same projects every year. There is no requirement for a non-profit organization to provide proof of current non-profit status. In the 2014-2015 term, many requests approved by the Board of Supervisors for funding lacked any kind of documentation, not even a note how the request was received by the Supervisor.

There have been public discussions as to whether the portion of the \$200,000.00 used for county purposes should have been allocated through the Merced County budget instead of through individual Supervisors. Discretionary funding has been used for many projects that could have been allocated in budgets of respective departments.

- Janitorial services
- Flagpole and flowerbed
- \$100,000 for One Stop Permit Shop to aid in the cost of relocation, software and data migration from ten years ago
- A fire station tuff shed

How the money is allocated is not the primary focus of this investigation. The main issues are transparency and accountability in the funding process.

These funds are from taxpayer dollars. Yet when disbursed, it appears to some that Merced County taxpayers are not acknowledged. The perception is that the Supervisor is the one credited with having bestowed the funds on the group.

If there were a transparent application and disbursement process, more citizens of Merced County would have access to these special funds.

FINDINGS

F1 There are no written procedures regarding applications, acceptance, disbursement and follow-up of discretionary funds.

F2 There is no consistent or standard request process for discretionary funding used by all the County Supervisors.

F3 There is no follow-up process to ensure funds donated to non-profit organizations are used for the purpose requested.

F4 Many requests submitted for approval on the Board Agenda did not have the written request or attached supporting documents for funds, bids, or estimates.

F5 There is no information on the County of Merced website advising the public that Special Board Project Funds are available and how to apply for them

F6 The Board Agenda Item form only provides for check marks indicating review and approval of discretionary fund expenditures.

F7 Request for Special Board Project Funds form is not available on the County of Merced website.

RECOMMENDATIONS

R1 MCCGJ recommends that written policies and procedures be established for the discretionary fund process.

R2 MCCGJ recommends that the Request for Special Board Project Funds form or something similar be used for all funds requested.

R3 MCCGJ recommends that a follow-up process be established to ensure funds donated to non-profit organizations are used for the purpose requested.

R4 MCCGJ recommends that all requests for approval on the Board Agenda should have attached supporting documentation regarding estimates, bids, or the cost of an event or item.

R5 MCCGJ recommends that information be accessible on the County websites describing the availability of discretionary funds and how to apply for them.

R6 MCCGJ recommends in lieu of just checking a box on the “Board Agenda Item” form that signatures be required from the Auditor Controller, Chief Executive Officer, County Council, and Department of Public Works Administrator.

R7 MCCGJ recommends that the process verifies an organization’s non-profit status.

REQUESTED RESPONSES

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses as follows:

Merced County Board of Supervisors

INVITED RESPONSES

Merced County Executive Office

Merced County Counsel

Merced County Controller's Office

Merced County Department of Public Works

CARRIED CONCEALED WEAPON (CCW)
Internal Investigation 15-08-24

SUMMARY

The Merced County Civil Grand Jury (MCCGJ) determined it was important to review and investigate the procedure for Carried Concealed Weapon (CCW) permits. The goal of this investigation was to ensure that the Merced County Sheriff's Department and all local city law enforcement authorities issuing CCW permits are consistent with the permitting process.

METHODOLOGY

The MCCGJ conducted interviews with several law enforcement leaders throughout Merced County. A list of questions regarding policies and procedures were created and used during this process.

DISCUSSION

In order to obtain a CCW permit, an application is required with fees determined by the California Department of Justice (DOJ) and the local city law enforcement authority. The licensing authority conducts a background check on each applicant. The applicant is required to complete firearm safety training and certification for each concealed weapon (Penal Code (PC) Sections 26150 and 26155). In addition, an applicant may be required to submit to psychological evaluation (PC Section 26190 (f)(1)). The DOJ can take two to four months to process the applicant's information; therefore, it can take several months to obtain a CCW permit.

Law enforcement is required to maintain records of "denial" or a "denial amendment", "issuance" or "issuance amendment" and the "revocation" of a license. These records must be filed immediately with the DOJ (PC Section 26225).

The MCCGJ discovered through the interview process that each law enforcement authority within Merced County follows the requirements of the DOJ; however, it was also noted that city law enforcement authorities have different philosophies regarding the issuance of CCW permits resulting in inconsistencies in the screening process. For example, some believe it is a privilege not a right to carry a concealed weapon, while others feel that only law enforcement personnel should have CCW permits. Yet, others believe that anyone who qualifies in accordance with DOJ requirements is entitled to a CCW permit. One law enforcement authority requires all applicants to meet with the department's psychologist. If deemed necessary, another would visit the applicant's home prior to making a decision. The purpose is to observe occupants in their home environment and to determine if there is obvious "hate" paraphernalia. The authority

would also speak with neighbors to determine if the applicant was witnessed to have obvious anger issues or other warning signs.

It was noted during this investigation that the Merced County Sheriff's Department processes the majority of CCW applications in the County. To ensure uniform communication among the local city law enforcement authorities when issuing permits, the Sheriff's Department created a form to be completed by the enforcement authority verifying whether or not an applicant living within its jurisdiction has had any criminal reports or contacts, traffic accidents, traffic citations, calls for service or background investigations. This form is required if an applicant is directed to or chooses to apply directly to the Sheriff's Department. The application process will not continue by any local city law enforcement authority until this form is completed.

Finally, applicants are required to be certified for each concealed weapon by a range master at a firing range approved by the Sheriff's Department. A list of approved firing ranges is provided to the applicant. The Sheriff's Department does not require a psychological evaluation nor conduct home visits unless it is deemed necessary. The Sheriff's Department will not allow 22 caliber hand guns to be a concealed weapon due to the fact its ammunition is typically unstable.

FINDINGS

F1 The MCCGJ discovered through this investigation that each city law enforcement authority within Merced County has different procedures of evaluation for CCW permits, and each entity is following the protocol mandated by the California Department of Justice.

F2 The Merced County Sheriff's Department processes the majority of the CCW permits

RECOMMENDATIONS

There are no recommendations at this time.

COMMENDATIONS

C1 The MCCGJ concluded that the Merced County Sheriff's Department is coordinating a sensible communication plan with law enforcement authorities within Merced County. We find that this new procedure will facilitate transparency and fairness in the application process of issuing CCW permits.

INVITED RESPONSES

Merced County Sheriff
Chief of Police Atwater
Chief of Police Dos Palos
Chief of Police Los Banos
Chief of Police Merced

CITY OF LOS BANOS WATER QUALITY

External Investigation 15-09-23

SUMMARY

Due to quarterly notices issued by the City of Los Banos Water Department to its residents, the Merced County Civil Grand Jury (MCCGJ) performed an investigation into the water quality issues affecting the City of Los Banos and its residents.

METHODOLOGY

MCCGJ used the interview process as its primary tool, as well as research and correspondence with other officials. Multiple interviews were conducted with the City of Los Banos Public Works Department.

In addition, MCCGJ questioned the Fresno representative of the California State Resources Control Board, Division of Drinking Water.

DISCUSSION

The investigation was quickly directed to evaluate the Chromium 6 levels in the water supply. Chromium 6, a heavy metal, has consistently been found at higher levels in the Los Banos water than the State of California's Maximum Contaminant Level (MCL). The new standard of 10 parts per billion (ppb), down from 50 ppb, was enacted in 2014. Historically, the water supply for the City of Los Banos has tested an average of 29 ppb for Chromium 6.

With all water sources within the City testing higher than the State MCL, the City of Los Banos is currently under a compliance order (Compliance Order No. 03-11-15R-003) from the State. Within the terms of the compliance order, the City submitted a corrective action plan to mitigate the Chromium 6 levels over time. Los Banos is required to submit quarterly water test reports to the State Water Resources Control Board, Division of Drinking Water (DDW) detailing progress being made by the City to regain compliance specific to Chromium 6. Provided the City continues to make progress as defined in the compliance order, the DDW will not take any further action upon the City.

The City of Los Banos has been chosen to participate in a pilot program with North American Haganas, Inc. (NAH) to have Chromium 6 extracted from the drinking water at a proposed well site. The development of this pilot program has been approved. The implementation date of the program is unknown, but it will likely begin within the next several months.

NAH believes it has the ability to extract Chromium 6 from the Los Banos water supply. If successful, NAH plans to expand its operation to other water departments plagued by similar issues. NAH will then utilize the Chromium 6 for other industrial applications.

FINDINGS

- F1 Currently, the Federal MCL for Chromium 6 is 100 ppb for drinking water.
- F2 Prior to 2014, the State of California had a MCL of 50 ppb.
- F3 In 2014, the State of California reduced the MCL to 10 ppb.
- F4 Historically, the water supply for the City of Los Banos has tested an average of 29 ppb for Chromium 6.
- F5 The City of Los Banos Department of Public Works conducted tests at nine private well sites in or near the City that have produced Chromium 6 levels from 3.3 ppb to 44 ppb.
- F6 Los Banos has 13 well sites with 10 currently in use.
- F7 Currently, Los Banos has a water system in place that can serve up to 44,000 people. The present population is well below that figure.
- F8 The compliance order with the DDW will be in force until March 2025.
- F9 The City of Los Banos has contracted with NAH on a pilot program to remove Chromium 6 from its water supply. NAH is a company specializing in metal powders and is working on a system that extracts Chromium 6 from ground water. Their intent is to utilize this extracted metal for use in its industrial endeavors.
- F10 MCCGJ found through its investigation and interviews that the City of Los Banos is ahead of other cities in California specific to dealing with the problem of Chromium 6 in its water supply.
- F11 The City has made the citizens of Los Banos aware of the Chromium 6 levels in its water supply as required by the State of California Water Quality Board Directives.
- F12 Although the amount of Chromium 6 in the Los Banos water supply is above standards approved by the State of California, the City has been given a waiver by the State to deal with the Chromium 6 levels as long as they continue to seek ways to lower the levels found in the water.
- F13 The City of Los Banos developed a 20-year plan approved by the DDW to mitigate the level of Chromium 6 in the City's water system.

RECOMMENDATIONS

- R1 MCCGJ recommends that the City of Los Banos continue to work towards solving the problem of Chromium 6 in its water supply.

COMMENDATIONS

C1 MCCGJ commends the City of Los Banos in its efforts to lower the Chromium 6 levels through research and technological innovations.

C2 MCCGJ commends the City of Los Banos for testing its water more frequently than what is required by the DDW.

REQUESTED RESPONSES

Pursuant to Penal Code 933.05, the Civil Grand Jury requests a response as follows:

City of Los Banos

INVITED RESPONSES

City of Los Banos Public Works Department

GLOSSARY

DDW – Division of Drinking Water, State Water Resources Control Board

MCCGJ – Merced County Civil Grand Jury

MCL – Maximum Contaminant Level

NAH – North American Haganas, Inc.

PPB – Parts Per Billion

MERCED COUNTY SHERIFF'S DEPUTIES COMPENSATION PACKAGE

Internal Investigation 15-09-30

SUMMARY

The 2015-2016 Merced County Civil Grand Jury (MCCGJ) conducted an inquiry regarding the wage and benefit package offered to the Merced County sheriff deputies. Based on several newspaper articles and television news reports regarding this subject, the MCCGJ concluded it was important to investigate if sheriff deputies were inadequately compensated compared to their counterparts in the Central Valley.

METHODOLOGY

Interviews were conducted with several members of the Sheriff's Department, as well as extensive research regarding compensation for deputies in other counties in the Central Valley, specifically Madera, Mariposa, San Joaquin and Stanislaus.

DISCUSSION

Merced County has both a high crime and active gang rate. According to the 2015 FBI Uniform Crime Report, Merced County was rated the 8th most "dangerous" county in the State of California. There have been more than 90 homicides in the last three years. AB109 Public Safety Realignment, Penal Code Section 487 and Proposition 47 have allowed more criminals on the street than ever before.

The Merced County Sheriff's Department is currently down 14 deputies from an allocated staff of 44. As a result deputies are working 12-hour shifts with seven, sometimes six, officers on duty at any one time throughout the County. This leaves many areas of the County without sufficient law enforcement and runs the risk of a slow response time of 30 to 60 minutes and the inability to handle multiple emergencies. There is no adequate back-up for deputies on patrol. If the department had a full complement of 60 deputies, the officers would work ten-hour shifts and overlap coverage in the County. It is important to note that with few deputies, Merced County cannot sustain a Gang Unit at this time.

In July 2011, sheriff deputies received a salary increase to be spread over four years. In July 2015, Merced County employees, including sheriff deputies, received a four percent across the board increase to be spread over two years. Since June 30, 2015, sheriff deputies have been working without a contract and are currently in negotiations with the County.

The benefit package offered deputies is comparable to those in other counties. However, after deductions for Social Security taxes, retirement, and health care, a deputy's net pay can be 30 to 40 percent less. One possible cause is that Merced County opted to keep Social Security and pension deductions under the '37 Act Retirement System. Therefore, these taxes are withheld for the County Deputies. In comparison, deputies in other counties might not pay into Social Security; therefore, their net pay is more.

It has become increasingly difficult for the Merced County Sheriff's Department to compete with other local law enforcement agencies. Because Merced County sheriff deputies receive the lowest take home pay compared to their counterparts in neighboring counties (including city police departments and colleges), it has become a major problem to recruit and retain qualified candidates. The County incurs a substantial expense and time commitment to recruit, screen and test each deputy hired only to have him/her leave for a higher salary at another agency. A deputy can leave the department and seek employment with the Merced City Police Department for an increase in salary.

A sheriff deputy's sole duty is the safety of the citizens of Merced County. These men and women risk their lives daily in exchange for take home pay that is lower than their counterparts in other counties.

FINDINGS

F1 Merced County is ranked the 8th most "dangerous" county in the State of California.

F2 Merced County Sheriff's Department does not have the funds or staffing to sustain a Gang Unit.

F3 Merced County Sheriff's Department has the lowest take home pay for their deputies compared to their counterparts in neighboring counties.

RECOMMENDATIONS

R1 MCCGJ recommends that the Board of Supervisors negotiate with the Merced County Deputy Sheriff's Association in an attempt to restructure the compensation package for competitive wages and benefits to retain and attract new deputies to Merced County.

R2 MCCGJ recommends the Board of Supervisors work with the Deputy Sheriff's Association to negotiate retirement contribution options.

R3 MCCGJ recommends an increase in staffing beyond the current allocation of 44 deputies to allow for night and weekend back-up, a decrease in response time and better coverage in rural areas.

BIBLIOGRAPHY

2015 FBI Uniform Crime Report

AB 109 Public Safety Realignment

Penal Code Section 487

California Proposition 47 enacted November 4, 2014

Memorandum of Understanding between the County of Merced and the Deputy Sheriffs Association (DSA) effective July 1, 2011 through June 30, 2015

REQUESTED RESPONSE

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses as follows:

Merced County Board of Supervisors: F1- F3, inclusive, and R1 - R3 within 90 days.

Merced County Sheriff: F1- F3, inclusive, and R3 within 60 days.

EMERGENCY MENTAL HEALTH SERVICES IN MERCED COUNTY

Internal Investigation 15-12-04

SUMMARY

The impact of the mental health crisis in Merced County is not just a county problem. It is a statewide crisis. There is a shortage of beds in psychiatric facilities for adults and children in Merced County. To add to this problem, there is also a shortage of psychiatric providers and funds to care for those who are having a mental health crisis issue. The Merced County Civil Grand Jury (MCCGJ) conducted an inquiry regarding how mental health services are implemented in the hospital setting and primarily in our local emergency room (ER).

METHODOLOGY

MCCGJ used the interview process to gather information on the issues presented. County representatives were interviewed, along with individuals from the medical field, as well as hospital representatives.

DISCUSSION

There are many individuals who are seen in the ER every day. Of these, an average of 4 to 12 patients per day are treated with mental health issues. Even more alarming is that half of these patients are under the age of 18. When a patient is brought to the ER with mental health issues, they are rated as either minor (anxiety/depression), moderate, or severe (suicidal, in a psychotic state, or under the influence of drugs or alcohol). These individuals arrive at the hospital in one of three ways.

1. They are walk-in patients. Either they walk in by themselves or another person brings them in.
2. They are brought to the ER by the police or by ambulance.
3. They are brought in to the ER from the Merced County Psychiatric Center Marie Green (Marie Green) because of medical issues.

However they arrive, all patients must be evaluated for any medical issues. Once medically cleared, they are evaluated for mental distress. If they are rated as severe, they are held on a 5150. This is a term in reference to the California Welfare and Institutions Code Section 52150. This code authorizes a qualified officer or clinician to involuntarily confine a person suspected to have a mental disorder that makes him or her a danger to him- or herself, a danger to others, and/or gravely disabled. When a person is suspected of being a danger to him- or herself or to others, the Merced County Mental Health Department (MCMH) is notified. They then dispatch a trained mental health worker to evaluate the patient. Only MCMH has the authority to either release a patient from a 5150 hold or confine them for other services. At this time and due to the lack of mental health workers, there is only one individual available Monday through Friday from 8am to 6pm to evaluate a patient in the ER for a 5150 hold. However after hours and on

weekends and holidays, there is only one mental health worker that covers the entire County 24/7.

Once a person has been evaluated, they are either sent home or confirmed as a 5150 patient. If the patient is a minor and is deemed a 5150, they are held in the ER until a bed becomes available in a pediatric psychiatric facility. Under these conditions, patients can be held from 1 to 12 hours in the ER and in many cases even days waiting for psychiatric beds to become available.

This delayed wait causes a huge stress on the ER. There are 25 ER beds at Mercy Medical Center. When 4 to 12 rooms are being used for 5150 holds and remain in use until they are cleared by a mental health professional, that leaves limited bed space for all the other medical emergency issues that the hospital sees on a daily basis.

In regards to minors on 5150 holds, Merced County has no pediatric psychiatric facilities. The closest facility is in Sacramento, and it can take a day or two for the minor to be transferred, and in some cases up to four days. The frightening issue for minors is that there is no intervention for them while they wait in the ER, and the environment can be traumatic and stressful for them. Unfortunately, the entire State of California is experiencing these same problems as the beds for minors have decreased due to lack of facilities, a decrease in funding and an increase of mental health issues in the youth.

The lack of psychiatric care is only getting worse in Merced County. At this time, Mercy Medical Center has a psychologist on staff; however in May, the medical center will be turning over their psychiatric care to a "Tele-psychiatry" (Video Consult).

There is a concern that, because of the lack of mental health beds, 5150 individuals are prematurely being released into the community without treatment.

MCCGJ investigation has found that ER departments have become a "safety net" for mental health patients, for which they are often not able to adequately treat. It is also noted that once a patient is released, there seems to be no follow up with the patient. It would seem reasonable to have the patient follow up on their care; however, mental anguish can alter a person's ability to follow up on their own. Health Insurance Portability and Accountability Act (HIPAA) regulations do not allow mental health records to be intertwined with their medical records, nor can their primary physicians be notified of the follow-up care for mental health needs. Often, the ER is the only evaluation and treatment for individuals suffering with a mental health crisis.

MCCGJ interviewed county department and private hospital staff. All of the individuals interviewed were of the same opinion that the mental health issues and recourses in this County need to be greatly improved. Merced County is losing qualified professionals. Yet the rate of those needing mental health services is rising. There is a bottleneck occurring in the ER due to the fact that there are not enough mental health workers and a lack of psychiatric bed facilities to place these individuals. With recent law changes in the Affordable Care Act, this problem has only intensified. Mental illness is a real condition. As stressors are put on our society, mental health issues will continue to increase. As a County, we need to be prepared and have adequate personnel and facilities that are equipped to help these individuals and not leave them either turned away or sitting on an ER bed for days.

FINDINGS

F1 The Mercy Medical Center has 25 ER beds, and on any given day 4 to 12 are being occupied by mental health patients awaiting a 5150 review.

F2 The closest pediatric psychiatric facility is in Sacramento.

F3 The Merced County Mental Health Department has a severe shortage of qualified mental health professionals.

F4 As of May, Mercy Medical Center will have no psychiatric medical professionals on staff.

RECOMMENDATIONS

R1 MCCGJ recommends that Merced County needs to attract more qualified mental health providers to this County. However, there is a real issue in getting mental health professionals to come and practice in Merced County. It isn't clear if this is because of insufficient money or opportunities, but it is clear this issue needs to be addressed.

R2 MCCJG recommends that Merced County do all they can to bring psychiatric facilities to the County to accommodate the mental health patients.

R3 MCCGJ recommends that a program be created and implemented to begin mental health services for minors as they wait in the ER.

REQUESTED RESPONSES

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses as follows:

Merced County Board of Supervisors responds to F1-F4, inclusive, and R1 –R3, inclusive, within 90 days.

INVITED RESPONSES

Merced County Mental Health Department

Emergency Medicine at Mercy Medical Center

**PROCEDURES THAT GOVERN SAFETY IN SCHOOL SITE SELECTION
LOS BANOS UNIFIED SCHOOL DISTRICT'S ACQUISITION OF
CREEKSIDE JUNIOR. HIGH SCHOOL SITE**

External Investigation 16-02-05

SUMMARY

The newly constructed Creekside Junior High School in the Los Banos Unified School District (LBUSD) sits squarely in an airport zone (Zone C: Extended Approach/Departure Area and Primary Traffic Patterns see Appendix A). Safe? Not Safe? This raises questions according to the California Education Codes (Ed. Code) and the Department of Education's School Site Selection and Approval Guide. In certain cases, this can be allowed if the proper procedures are followed.

In January 2016, the Merced County Civil Grand Jury (MCCGJ) decided to look into the site selection process for a new junior high school in the City of Los Banos. This site selection process took place over several years, and it was found that the site was in an airport Zone C, which was contrary to both the State Education and the State Public Utilities Codes. The following report details this selection process and the consequences of building a junior high school in an airport Zone C.

METHODS

MCCGJ used the interview process with LBUSD officials, Merced County and Airport Land Use Commission officials, and individuals who have years of experience in the planning and construction of school sites in Merced County. MCCGJ also researched the Education and Public Utilities Codes and the Airport Land Use Compatibility Plan.

DISCUSSION

Building a new school is no small undertaking. There are Education and Public Utilities Codes to follow, general city and county plan procedures, funds to raise and assessments to be done. In 2013, LBUSD acquired a piece of land near the Los Banos Municipal Airport.

During this process, it was revealed that the land LBUSD acquired is located in an airport Zone C. Because of this, the California Department of Education in its letter to LBUSD stated the California Department of Education would not recommend against the proposed school site, but they suggested that alternative sites be reviewed in the interest of aviation safety. They also informed the school district that if they wished to pursue this site, "the LBUSD must schedule a hearing with the ALUC (Airport Land Use Commission) for review."

The following timeline summarizes the actions taken by LBUSD for the acquisition and construction of the Creekside Junior High School.

May 20, 2013 LBUSD wrote a letter to the California Department of Education (CDE) stating the districts intention to build a new school and to identify the location of the property being considered.

Following the May 20th letter, the CDE planning consultant reviewed documentation of the proposed site and determined that the school would be located in an airport Zone C.

That consultant then informed the Caltrans Division of Aeronautics of the proposed school site location.

June 5, 2013 Public records indicate that LBUSD closed escrow on the property at 1401 Prairie Springs Dr (Parcel No 430-010-022-000) and completed purchase of said property.

June 12, 2013 The Deed was recorded with the Merced County Recorder's Office. The acquisition of the property was completed before the school heard back from the Department of Education. The Land was purchased from a developer who was in default to his bank. The developer also owed the school district a very large overdue tax assessment. With tax relief, a bank default and bond money, LBUSD obtained the property.

Education Code Section 17215(d) states, "If the report does not favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school may not acquire title to or lease the property." (Ref. 4 & 5) Yet, LBUSD took title to the property a month before they received the letter from the California Department of Education.

July 8, 2013 CalTrans sent a letter to the California Department of Education confirming the proposed site was in an airport Zone C. The letter also pointed out safety and noise concerns "should give pause for approval of this proposed school site". CalTrans also recommended "the review of alternative sites". But if the school district wanted to proceed with the proposed site, then LBUSD "must schedule a meeting" with ALUC.

July 11, 2013 The California Department of Education informed LBUSD that Caltrans would not officially recommend against the site, but a hearing must be held if they proceeded.

In an interview, LBUSD stated that their attorneys advised them that since the Department of Education and Caltrans did not say "no" outright, the district could proceed with construction on the proposed school site.

LBUSD contacted the local ALUC as required and attended a meeting on September 19, 2013. There, LBUSD provided documentation about the school site to the Commission. However, ALUC reiterated that they could not approve a school to be built in an airport Zone C.

Oct 16, 2013

ALUC sent a letter to LBUSD. Based on application submittal documents, Staff Report, LBUSD's testimony and review of adopted ALUC compatibility criteria, the Commission determined that the proposed site "is inconsistent with regard to Policies 5.2.6 and 5.5.2, and Compatibility Zone C of the ALUC Compatibility Plan." Policy 5.2.6 Land Uses of Special Concern states under the list of "Prohibited Uses" within airport Zone C are children's schools, and specifically states under 5.5.2 "Nonconforming Uses" that schools are prohibited from being constructed in an airport Zone C. During an interview with an unbiased third party school district planner, it was made clear that districts should never consider building in airport zones A, B, and C. (Ref. 1)

The next procedure was for LBUSD to hold a special public hearing and vote to "overrule" ALUC. This process releases ALUC and other entities from liability and responsibility. It also causes LBUSD to assume all of the liability and responsibility for the safety of the children and staff at the school site.

In order for LBUSD to overrule ALUC they would need to:

- At least 45 days prior to any decision to overrule the commission, the local agency must provide the local ALUC and the Division a copy of the proposed decision and findings;
- The holding of a public hearing (except when an ALUC disapproves a local agency action prior to having adopted an ALUC Compatibility Plan);
- The making of specific findings that the action proposed is consistent with the State Aeronautics Act;
- Approval of the proposed action by a two-thirds vote of the agency's governing body.

LBUSD HAS NEVER HELD THIS HEARING. Under state law LBUSD has the option of taking the special steps necessary to overrule all or part of the ruling by ALUC Compatibility Plan. If LBUSD failed to take either action (i.e., amend local plans to be consistent with the ALUC Compatibility Plan or overrule the ALUC), then it is required to submit all land use development actions involving property within the airport influence area to the ALUC for review (Public Utilities Code [PUC] Section 21676.5(a)). LBUSD did none of these. Their attorneys advised them that since they were a school district they could use Government Code Section 65402 (c) (Ref 3)

Dec. 12, 2013

LBUSD circumvented the process by putting forth Resolution #34-13. The main part of this resolution states that the Government Code Section 65402 (c) gives them the authority to "override" all other governing bodies and build the school on the proposed site.

LBUSD did not send this Resolution (#34-13) to ALUC nor to Caltrans informing them of the alternate course of action they had chosen to take. When LBUSD left the meeting in September 2013, ALUC considered "the issue was settled". They "perceived the law to be clear that a

school should not be built in an Airport Zone C". In the spring of 2015, ALUC learned, via public notice, that LBUSD had forged ahead with the Creekside School site and a groundbreaking ceremony was announced.

ALUC made several attempts to inform LBUSD that the Public Utilities Code still needed to be addressed and overruled by LBUSD. Lawyers for LBUSD advised their client to follow a clause in Government Code Section 65402 (c) and to discount the Education and Public Utilities Codes. However, in the Department of Education's Site and Selection Approval Guide for acquiring school sites, the first thing listed for safety is the school site's location to airports. This is a concern, not just for landings and take-offs, but also for noise and chemicals that come from airport activities.

A letter from the Department of Transportation Division of Aeronautics Division to the California Department of Education and the Los Banos Unified School District dated July 8, 2015 stated after evaluating the Creekside Junior High School site, the original stipulation as a condition of their recommendation was that LBUSD "must schedule a hearing" with the ALUC. They also stated that LBUSD did meet with ALUC on September 19, 2013 and on October 16, 2013, ALUC notified LBUSD that it determined the proposed Creekside Junior High School site was inconsistent with the Merced County Airport Land Use Compatibility Plan for the Los Banos Municipal Airport. They once again prescribed the specific process that must be followed for a local agency to overrule the ALUC. In addition, the Department of Transportation said LBUSD had to overrule ALUC with specific findings that the project prevents "the creation of new noise and safety problems." In the meantime, LBUSD began construction on the site. They further pointed out that LBUSD needed to hold public hearings, overrule ALUC and notify Caltrans in a timely matter. The Department of Transportation received a letter from LBUSD on June 12, 2015 saying these issues were not only "moot" points, but that any challenges are now untimely. Caltrans' legal advisors stated that these contentions lacked merit and indefensible as ALUC has raised a public safety issue.

When asked why LBUSD chose to go ahead with this purchase/construction and circumvent the proper established procedures, LBUSD's response was "well next time we will follow the Public Utilities Codes" that pertain to selection of school sites.

Since 2013, ALUC, Caltrans and even Merced County Counsel have asked LBUSD to finish the proper procedure. LBUSD chose to follow another option believing that the Government Code gives them all the authority needed.

During this three-and-a-half-year process, LBUSD continued to go forth in its planning and construction of Creekside Junior High School. The school is scheduled to be open in the fall of 2016.

So the question remains, is it safe for a school site to be built in an airport Zone C? The Education Codes and the Public Utilities Codes indicate a safety issue. LBUSD was able to acquire this parcel of land that was in default without having to use eminent domain on farmland. LBUSD officials have stated that the Creekside Junior High School property, located in an airport Zone C, is not unsafe to put children and staff.

FINDINGS

- F1 LBUSD purchased land in default from a local developer who owed tax assessments to the district.
- F2 The sole responsibility of the Airport Land Use Commission is to prevent incompatible land use development, and thereby protect the public from both noise and risks. It is also to preserve the utility of airports.
- F3 The School Site Selection and Approval Guide of the Department of Education states under **Evaluating Safety Factors** that “Safety is the first consideration in the selection of school sites”, and that “In selecting a school site, the selection team should consider the following factors: (1) proximity to airports;”
- F4 The responsibilities of the school district, the California Department of Education, and the Department of Transportation Aeronautics Program, Office of Airports, concerning a school site's proximity to runways are contained in Education Code Section 17215 (as amended by Assembly Bill (AB) 747, Chapter 837, Statutes of 1999). (See *CCR, Title 5, Section 14011(k).*)

RECOMMENDATIONS

- R1 MCCGJ recommends that the leadership, as well as the trustees, of the Los Banos Unified School District follow the State Public Utilities and Education Codes when selecting future school sites. The population of Los Banos continues to grow and the need for new schools will continue. These new schools need to be constructed in an area that will provide the safest environment for educational opportunities for all the students of Los Banos.
- R2 MCCGJ recommends LBUSD be more proactive and informative when purchasing property and constructing new school sites by keeping the public informed.
- R3 MCCGJ recommends that LBUSD include a clause in its student registration documents stating that the Creekside Junior High School is located in an airport Zone C.

CODES AND POLICIES

- Ref. 1 Airport Land Use Compatibility Plan Policy 5.2.6 Land Uses of Special Concern
- Ref. 2 Airport Land Use Compatibility Plan Policy 5.5.2 Nonconforming Uses
- Ref. 3 Government Code 65402 (c)
- Ref. 4 Department of Education School Site Selection and Approval Guide.
- Ref. 5 Education Code Section 17215

Ref. 6 [http://www.co.merced.ca.us/pdfs/planning/aluc/2015/06-18/aluc item a los banos override.pdf](http://www.co.merced.ca.us/pdfs/planning/aluc/2015/06-18/aluc_item_a_los_banos_override.pdf)

Ref. 7 LBUSD Resolution 34-13

REQUESTED RESPONSES

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses as follows:

Los Banos Unified School District: respond to F1, F3, F4 and R1-R3 inclusive.

Airport Land Use Commission: respond to F2, F3, and F4

INVITED RESPONSES

Merced County Board of Supervisors

APPENDIX A
PROPOSED SCHOOL SITE AT
1401 PRAIRIE SPRINGS DR., LOS BANOS

- Legend**
- Boundary Lines**
- - - City Limits
 - - - Airport Property Line
 - - - Existing Runway (3,000 ft. length)
 - - - Airport Influence Area
- Compatibility Zone Factors**
- Runway Protection Zone (RPZ)¹
 - Object Free Area (OFA)¹
 - CHL Noise Contours²
 - Arrival Accident Risk Contours³
 - Departure Accident Risk Contours³
 - FAR Part 77, Subpart C, Outer Horizontal Surface⁴
 - FAR Part 77, Subpart B, FAA Height
 - Habitat Surface⁴
 - General Aircraft Traffic Pattern Envelope

Compatibility Zone Definition

- Compatibility zones represent a composite of noise, overflight, safety and airspace impacts. See Chapter Table 3A, Compatibility Zone Factors, for general use to develop zone boundaries.
- Airport-specific considerations include: lack of ballast or asphalt, and existing urban development east and south of airport.

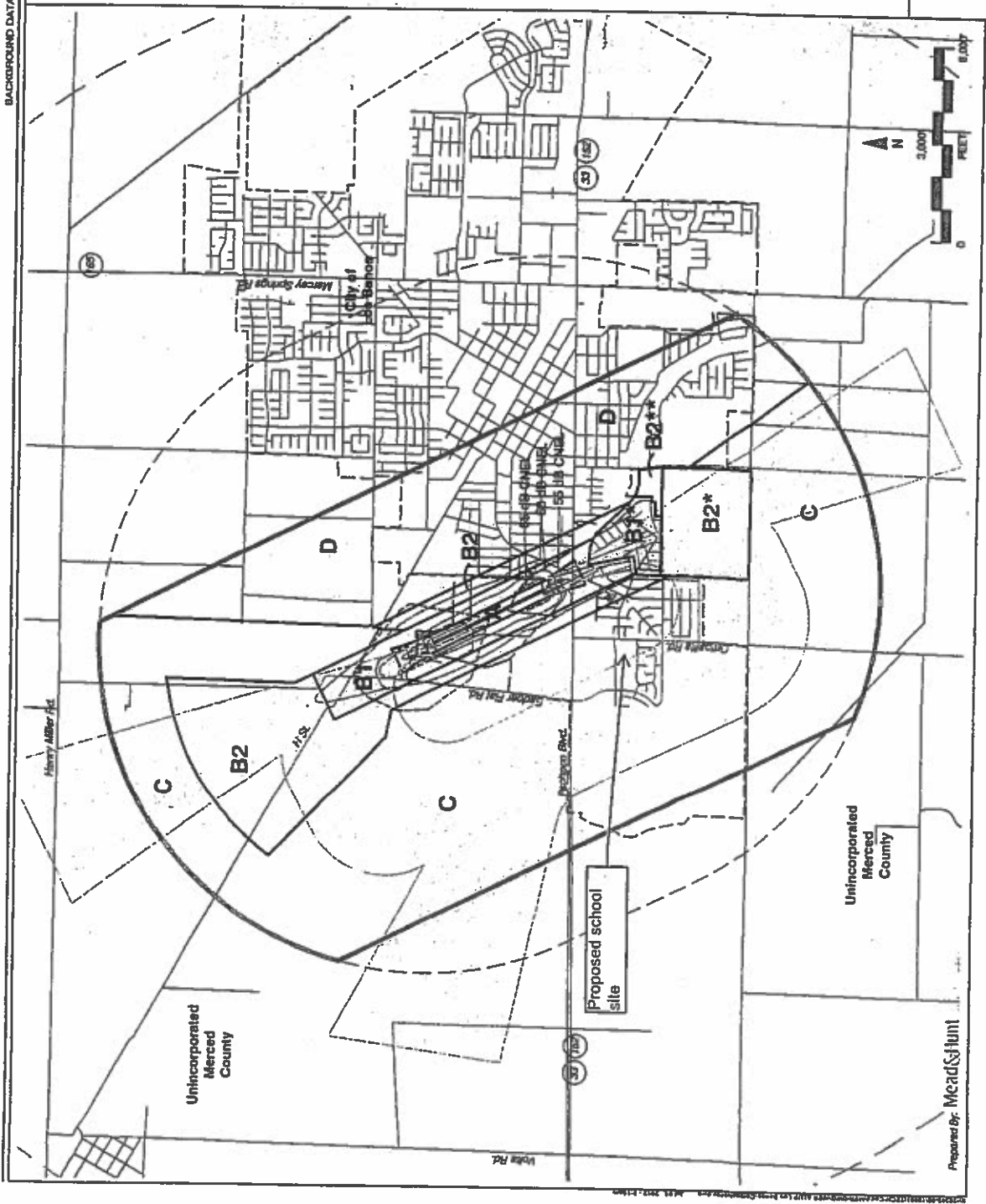
NOTES

1. Source: Los Banos Municipal Airport Layout Plan (2010).
2. Source: Los Banos Municipal Airport Master Plan (Note contours reflect a forecast activity level of 21,000 operations by 2030).
3. Source: California Airport Land Use Planning Handbook published by California Department of Transportation, D of Aeronautics (October 2011). The accident distribution contours depict where an aircraft accident is most likely to happen when one occurs. The contours represent high concentration of accident points in 20% increments.
4. Source: Federal Aviation Regulation (FAR) Part 77, Efficient Use, and Preservation of Navigable Airspace (2011). See Map LOS 2 for complete FAA Height Notations Surface.
5. Source: Mead & Hunt, Inc. based on input from city

**Los Banos Municipal Airport
Land Use Compatibility Plan
(Adopted June 21, 2012)**

Exhibit

Compatibility Factors
Los Banos Municipal



APPENDIX A

CITY OF MERCED CODE ENFORCEMENT PROCESS

External Investigation 16-02-22

SUMMARY

The Merced County Civil Grand Jury (MCCGJ) received an inquiry about the Century Bowl bowling alley. For the past 15 years, the exterior of this vacant building has remained in a condition that does not comply with the Merced California Code Enforcement Program. This committee viewed several photos showing garbage, tall weeds and graffiti. It was also noted that this building is on the south side of Merced, off the Childs Avenue exit of Highway 99. That exit leads to the Ramada Merced, Hampton Inn and Suites, Holiday Inn Express and quick stops for refueling and snacks. It is the exit used to access other hotels in Merced in the same general area. These hotels are used by travelers visiting national parks and UC Merced, attending graduation ceremonies, participating in family reunions and weddings, and many other activities.

MCCGJ voted to investigate the policies and procedures of the City Code Enforcement Department, specifically ask about the compliance issues regarding the Century Bowl. After MCCGJ's decision to open an investigation, it was noted that residents had posted photos on social media. There was also a Town Hall meeting with the citizens of South Merced regarding the Century Bowl property. This was purely coincidental and was not a consideration when the investigation commenced.

The mission of Code Enforcement is to stop and reverse a trend of neighborhood deterioration. The efforts of the Code Enforcement Program are to work collaboratively with other city departments and citizens to improve the livability and viability of our neighborhoods.

The Century Bowl has had years of "nuisance" calls to Code Compliance and the Merced City Police regarding garbage, squatters, disorderly individuals, graffiti and overgrowth of landscape. This property has been owned/managed by the same trust since 2007.

With the City and County increasing their visibility for recruitment of UC Merced students, the expected growth of UC Merced and the High Speed Rail scheduled to stop in Merced, it is more important than ever for '*The Gateway to Yosemite*' to have curb appeal near our highway exits and best hotels. Everyone understands the importance of "first impressions".

METHODOLOGY

MCCGJ requested an interview with the Code Enforcement Department. Effective March 31, 2014, the department was transferred to and became part of the Merced City Police Department. MCCGJ also researched Chapter 1.11-ADMINISTRATIVE PENALTIES on www.municode.com/library/ca/merced/codes prior to the interviews. (See Addendum 1 and 2.)

MCCGJ received a copy of the Code Enforcement Procedures manual updated in 2010.

MCCGJ received a copy of the Code Enforcement Manual updated in 2010.

MCCGJ researched the City and County websites.

DISCUSSION

Code Enforcement explained positions and duties as it related to Code Compliance. (See Addendum 3.) Code Enforcement also gave MCCGJ personal experiences and specific incidences as it related to the challenges in dealing with Century Bowl property

Code Enforcement officers provided an example of a “nuisance” complaint and how it was handled. A house burned under suspicious circumstances that could not be accessed for several years. During that time, the City of Merced placed a fence around the area to protect the integrity of the property until the matter was settled. After the case closed, the City billed the owner for the cost of the fence and received reimbursement. The property owner then fulfilled the required course of action to bring it into compliance.

Other examples of compliance problems are occupants without water and basketball hoops in the street. These are priority calls and must be handled urgently, as it affects the public health and safety. Many non-compliance issues can be resolved with a simple visit from Code Enforcement.

The current procedure, as stated in the interview process of this investigation, for the submission of a complaint is as follows:

- A telephone complaint message with no address and/or a bad telephone number is disregarded.
- Once a complaint has been taken, due to limited staffing, the department does not notify the complainant of the resolution.
- It is then the complainants’ responsibility to follow up on their complaint.
- The department uses “common sense” when determining the viability of a report.
- Courtesy is important when responding to a complaint.

MCCGJ was advised that the issue with Century Bowl was the constant change of ownership and applications/permits for businesses. However, public records do not seem to support this theory since the Century Bowl property has not changed ownership since 2007. When property changes title, code enforcement issues are passed on to the new owner. This adds additional time for the new owner to rectify the issue, and each owner has the option to request an extension(s).

The “Complaint/Referral/Observation” process begins with:

1. Complaint received
2. Case initiated and courtesy notice sent prior to initial inspection
3. Initial inspection/determine violation or compliance
4. Send declaration of nuisance to property owner/interested parties
5. Re-inspection 10 days from date of notice
6. Send notice of re-inspection to owner/interested parties **or issue administrative citation for repeat offenders**
7. Re-inspection from date of notice or citation
8. Send notice of hearing **or issue administrative citation**
9. Administrative hearing/re-inspection of property prior to Hearing
10. Notice and order to abate
11. Abatement warrant/abate nuisance
12. Final report and cost assessment

This process stops with ownership change or other application/permits submitted. Merced Municipal Code (MMC) states notices are to be served to the responsible party. A responsible party is generally defined as owner, using or in charge of the premises location, manager or the person responsible for the event or incident. During the interview with Code Compliance officers, it was stated that the Century Bowl property had changed owners several times over the past several years. The officers gave this as the reason why they have been unable to sustain compliance orders and arrive at administrative penalties for the Century Bowl property. However as of May 23, 2016, public records show the same owner since October 2007. The City of Merced website posts online permits by month and year. MCCGJ was unable to confirm if permits or permissions for the Century Bowl property were pulled. The County of Merced website search for applications, permits, business license or any other project type at the Century Bowl location yielded no applications going back to 2008.

The Code Compliance Division supplied MCCGJ with a case history of actions for the Century Bowl. This history is from March 2007 to April 2016, and some is quite detailed. The complaints containing case numbers offered the following details:

- Date opened and closed. The shortest time to close a case was three weeks. The longest time was one year.
- Description of the issue. These ranged from a simple patrol check to a Priority 1 fire.
- Staff hours to complete. The time to complete a case ranged from 1.30 hours to 42.16 hours, and the number of staff ranged from 1 to 16.
- Contact/Discussion with Owner/Representative. Emails, telephone calls, face-to-face meetings and letters were used to contact the Owner and/or the Representative assigned to fulfill the Compliance Citation.

One detailed case report involving Century Bowl took a year to close. Code Compliance described the property on June 22, 2009 as a “Dangerous Building” and “received a report of no projects or plans regarding this property”. A summary is as follows:

- A Notice and Order to Abate was issued on June 22, 2009. From this date until August 10, 2009, multiple attempts were made to contact the owner to schedule a meeting. In the meeting with the owner on August 10, 2009, “long term development and immediate actions were discussed”.
- The second inspection was not conducted until November 17, 2009 and thereafter was checked weekly for compliance. There was no evidence of compliance by the owner regarding improvements to the property.
- The third inspection was conducted on December 17, 2009 and graffiti was found. The owner was sent an email, and a status update on the property development was requested. The owner advised via email “he has people looking at the property” and no further details were provided.
- From December 17, 2009, four additional inspections were done and again requests for property development status were requested, with no response from the owner.
- On June 4, 2010, a communication from the owner advised he was working with an electrical contractor, and the case was closed.

Additional reports to Code Enforcement and Police continued to show a lack of “voluntary compliance” by the owner to maintain the property. In one report, the owner stated he had a property manager. However, the continued years of violations do not substantiate the owner’s statements.

The Code Enforcement Department relies on the Citizens of Merced for their help in keeping our city beautiful and in maintaining and restoring pride of ownership of homes and properties in our community. The Citizens did their job by submitting a decade or more of complaints about the Century Bowl.

Once the Code Enforcement Department was placed under the supervision of the Merced Police Department in 2014, many believed the Century Bowl issues would be resolved. However, there are no noticeable changes and the complaints continue.

Since February 17, 2016, there have been multiple complaints and numerous inspections regarding ongoing issues at this property. This resulted in Century Bowl being declared a “public nuisance.” The Merced Fire Department has currently declared this property a “dangerous building.”

MCCGJ found that the Code Compliance Division has been extremely understaffed and has had no central electronic management system for processing. They now have additional staff and a new management system that logs and sets-up the Merced Municipal Code (MMC) follow-up dates from the date the complaint was received.

FINDINGS

F1 The Century Bowl has had the same owner/trustee since October 2007. According to the Merced County and City websites, the property has had no applications or permits recorded as of May 23, 2016.

F2 Code Enforcement telephone complaint messages are directed to the officer in the field. On many occasions, the officer was able to resolve the complaint quickly; therefore, the complainant would not be notified that the complaint has been resolved.

F3 There is no standard or procedural time frame to respond to complaints. It depends on severity and staffing.

F4 If there is an object in the street that has not been removed within 72 hours, which is a violation of MMC, code requires that Public Works be notified. It then becomes the responsibility of Public Works to remove the object.

F5 The current disposition in the case of the Century Bowl, as of April 28, 2016, a 'Declaration of Public Nuisance' was issued and the file was forwarded to the City Attorney's office for consultation on the next step toward a resolution.

RECOMMENDATIONS

R1 MCCGJ recommends that Code Enforcement apply for grants that will allow the hiring and training of additional officers. The integrity of the entire city relies on the Code Enforcement Program to maintain the livability of the City of Merced. With minimal staffing, they cannot preserve in a timely manner the livability and viability of our neighborhoods. It is recommended that 'extra help' staff be placed in a position to handle the minor complaints.

R2 MCCGJ recommends the City of Merced research the option of obtaining an experienced grant writer to assist Code Enforcement and other departments in acquiring available funding.

R3 MCCGJ recommends that once Public Works has been notified to remove an object, the complainant should be notified of this disposition. This would eliminate the redundant calls on the same issue to Code Enforcement.

R4 MCCGJ recommends that a tracking number be assigned on the Planning Department Request for Code Enforcement Form. This would allow a complainant to contact the city clerk's office and request information on cases.

COMMENDATIONS:

C1 MCCGJ commends the Code Enforcement Department for the implementation of the updated management system, AS400, allowing complaint calls to be recorded and put into a queue for action. This updated system has allowed Code Enforcement to process complaints efficiently and appears to be working more effectively. The first case report from June 4, 2009 regarding Century Bowl took one year to close. Whereas with the new system, the February 18, 2016 case report took only two and one-half months to process and is now with the City Attorney's office.

ADDENDA

Addendum 1 Administrative Citations

Addendum 2 Administrative Penalties

Addendum 3 What is a Code Enforcement Officer?

REQUEST FOR RESPONSE

Pursuant to Penal Code Section 933.05, the Civil Grand Jury request response as follows:

City of Merced

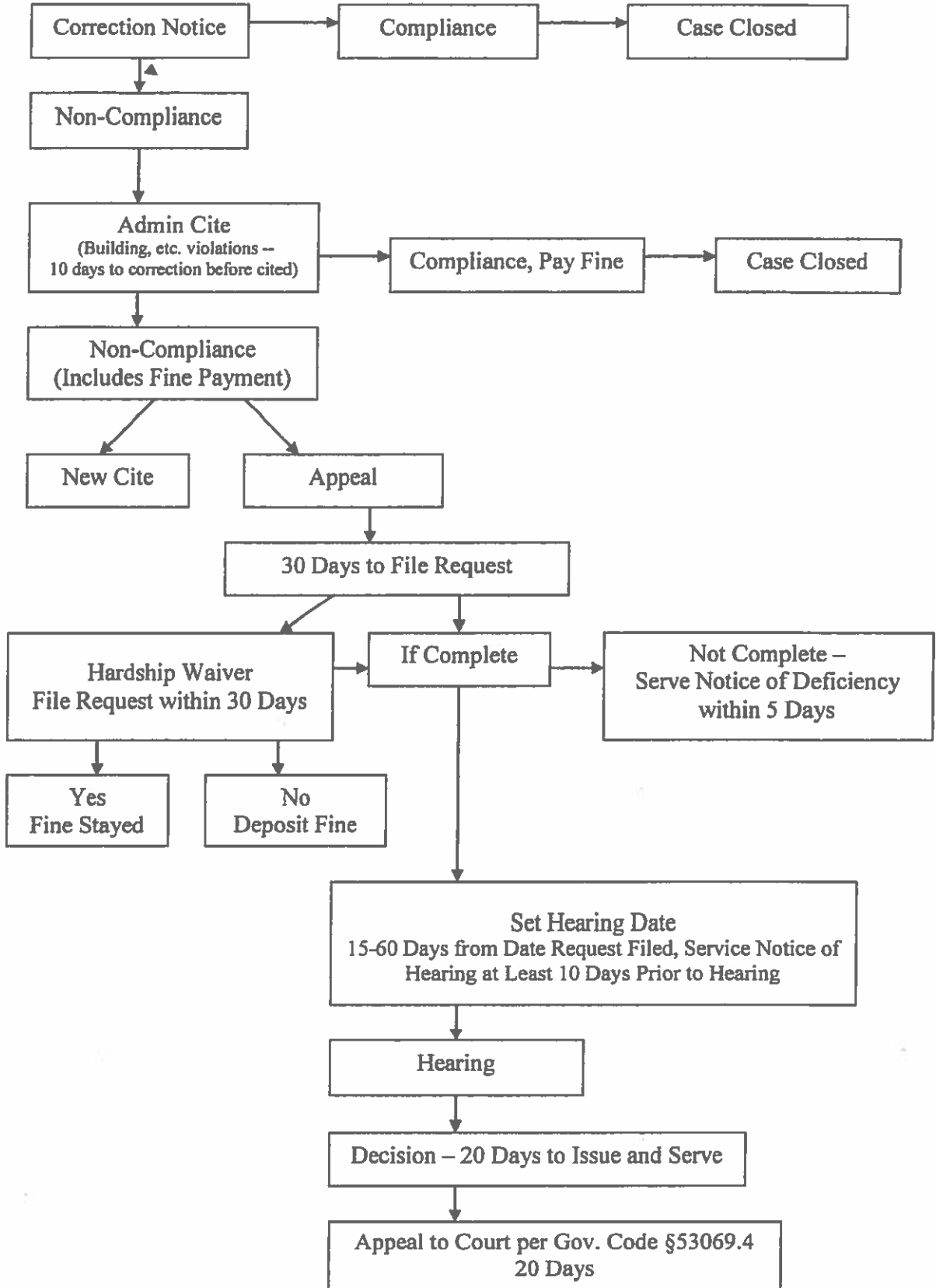
INVITED RESPONSE

Merced Police Department/Code Enforcement Division

ADDENDUM 1

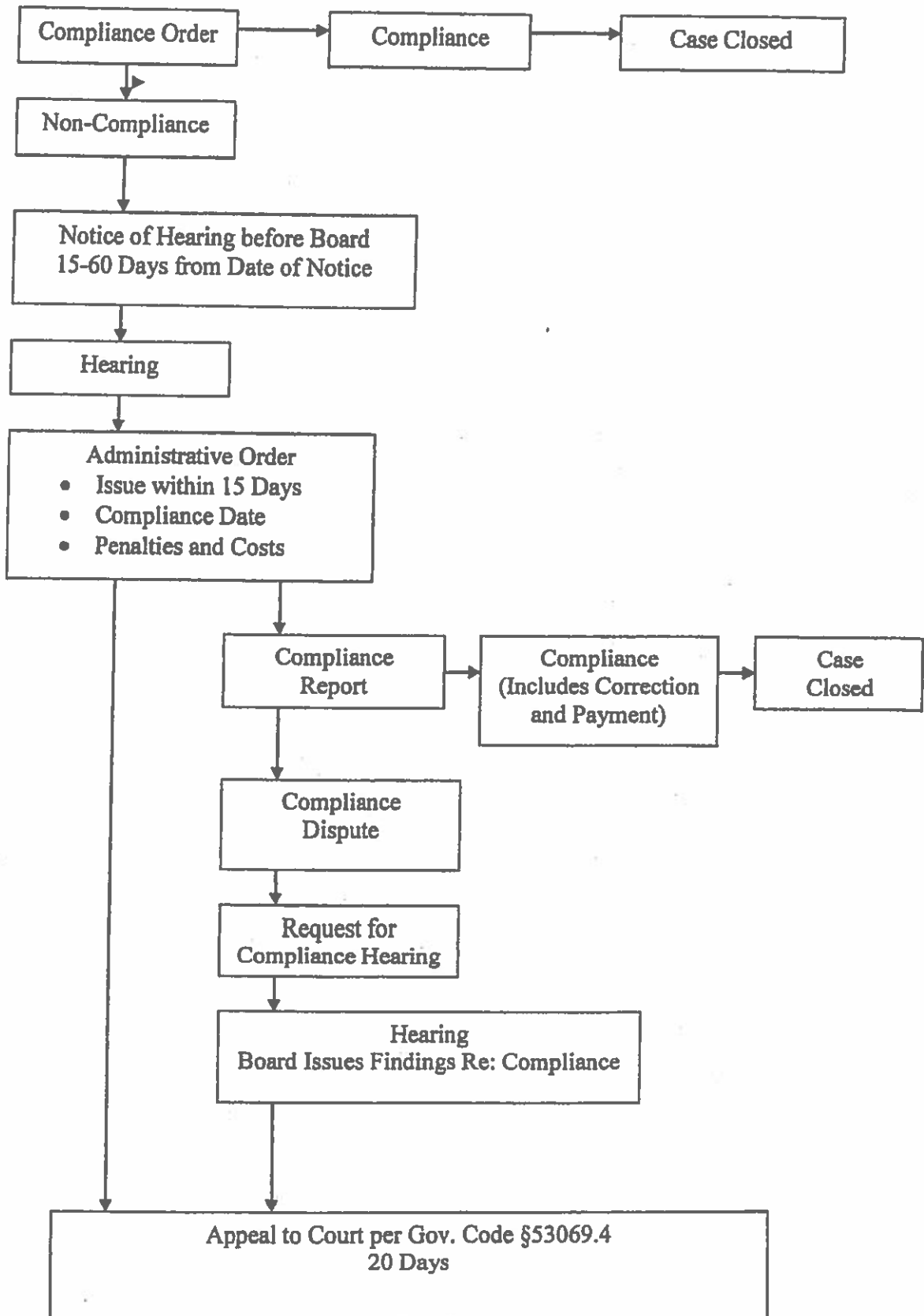
ADMINISTRATIVE CITATIONS

ADMINISTRATIVE CITATIONS



ADDENDUM 2
ADMINISTRATIVE PENALTIES

ADMINISTRATIVE PENALTIES



ADDENDUM 3

WHAT IS A CODE ENFORCEMENT OFFICER?

What is a Code Enforcement Officer?



In response to the concerns of the citizens of Merced, the City created a Code Enforcement program. The program is designed to assist you in revitalizing the neighborhood you live in. The goal of the Code Enforcement Department is to identify, stop, and reverse a trend of neighborhood deterioration by helping people to help themselves. By cleaning up and maintaining your properties, you will restore pride of ownership to your home and the community.

The efforts of Code Enforcement Officers are intended to improve the livability and quality of neighborhoods by working together with citizens and other City Departments. Assistance, education, and enforcement are all parts of the program. Code Enforcement is actively involved in developing new City ordinances designed to prevent and correct problems affecting our community. Enforcement centers on voluntary compliance and focuses on property maintenance and nuisances. Code Enforcement wants to help YOU create the kind of neighborhood that you want.

How can I do my part in my neighborhood?

Any program needs YOU to make is succeed. Keep in mind that nobody cares more about a neighborhood than the people who live in it. Here are some things that you can do to help:

- ◆ Start with improvements to your own property. Often just one person making improvements is enough to encourage an entire neighborhood to make changes.
- ◆ Look around! Become familiar with your neighborhood and its needs.
- ◆ Work with your neighbors. Work together towards a solution.
- ◆ Get involved! Get to know your neighbors; become a part of your local Neighborhood Watch program. If there isn't one in your area, get together with your neighbors and start one.
- ◆ Call us! That's what we are here for, let us help.



What type of things are you looking for?



- ◆ Unsafe or unsanitary living conditions
- ◆ Abandoned appliances
- ◆ Lack of regular yard maintenance
- ◆ Trash and debris
- ◆ Overgrown vegetation likely to harbor rodents and/or depreciate property values
- ◆ Conditions that could be fire or life safety hazards
- ◆ Unsecured/abandoned buildings that could be dangerous or hazardous
- ◆ Vehicles /parked stored on lawns.
- ◆ Structures that do not meet Building Code standards
- ◆ Any tree or shrub that interferes with visibility or passage of vehicular or pedestrian traffic
- ◆ Illegal dumping
- ◆ Non conforming business in residential zones
- ◆ Unlicensed or non-op vehicles
- ◆ Major automotive repair work in residential areas without a permit from the Fire Department
- ◆ Leaning, deteriorated, fences or other structures.
- ◆ Any vehicle being used for human habitation
- ◆ Exposed/unsafe wiring
- ◆ Lack of running water
- ◆ Lack of heat
- ◆ Peeling paint



**RESPONSES TO 2014-2015
CIVIL GRAND JURY
REPORT**



COUNTY EXECUTIVE OFFICE

James L. Brown
County Executive Officer

2222 "M" Street
Merced, CA 95340
(209) 385-7636
(209) 385-7673 Fax
www.co.merced.ca.us

Equal Opportunity Employer

August 26, 2015

The Honorable Brian McCabe
Presiding Judge, Merced County Superior Court
2260 N Street
Merced, CA 95340

RE: CIVIL GRAND JURY RESPONSE

Dear Judge McCabe:

Enclosed are the appropriate County department responses regarding the Merced County Civil Grand Jury Final Report for Fiscal Year 2014-2015. The Board of Supervisors' response to the Civil Grand Jury Report is expected by October.

Sincerely,

Mike North
Management Analyst
Merced County Executive Office

cc: Roscoe Jackson, 2014-2015 Merced County Grand Jury Foreperson
Merced County Board of Supervisors
James L. Brown, County Executive Officer



Administrative Services Department

Information Systems
Geographical Information Services
Purchasing

Communications
Custodial Services
Central Services

Mark A. Cowart
Director / Chief Information Officer

2222 "M" Street
Merced, CA 95340
(209) 385-7690
(209) 385-3535 Fax
www.co.merced.ca.us

Equal Opportunity Employer

Monday, August 10, 2015

The Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
670 West 22nd Street
Merced, CA 95340

Regarding: 2014-2015 Grand Jury report

Your Honor:

We have received and reviewed the 2014/2015 Grand Jury report. There are no issues in the report which pertain to, or require further action by, the Department of Administrative Services.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Cowart". The signature is written in a cursive style.

Mark Cowart
Administrative Services Department, Director



DEPARTMENT OF AGRICULTURE

David A. Robinson
Agricultural Commissioner
Director of Weights and Measures

2139 Wardrobe Avenue
Merced, CA 95341-6445
Phone: (209) 385-7431
Fax: (209) 725-3910
Los Banos Office (209) 827-2030

www.co.merced.ca.us

Equal Opportunity Employer

July 17, 2015

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, Ca 95340

Re: 2014/2015 Grand Jury Report

Your Honor,

I have received and reviewed the 2014/2015 Grand Jury Report. There are no issues in the report which require further action by the Merced County Department of Agriculture.

Sincerely,

David A. Robinson
Agricultural Commissioner
Sealer of Weights and Measures



**OFFICE OF COUNTY ASSESSOR-CLERK-
RECORDER & REGISTRAR OF VOTERS**

Barbara J. Levey
Assessor-Clerk-Recorder-
Registrar of Voters

2222 "M" Street
Merced, CA 95340
(209) 385-7631
(209) 725-3956 Fax
www.co.merced.ca.us

Equal Opportunity Employer

August 14, 2015

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, CA 95340

RE: 2014/2015 Grand Jury Report

Your Honor,

I have received and reviewed the 2014/2015 Grand Jury Report. There are no issues in the report which pertain to, or require further action by, the Merced County Assessor, Clerk, or Recorder. As to Citizen Complaint 15-01-08 - as Registrar of Voters, I concur with the investigation findings. I would offer however, that the number of voters who received incorrect ballots was 441 Vote By Mail voters. These voters then received a correct ballot and letter of explanation and instruction. The remaining affected 548 voters received the correct ballot at their assigned polling location.

Sincerely,

Barbara J. Levey
Assessor-Clerk-Recorder-Registrar of Voters



AUDITOR-CONTROLLER

Lisa Cardella-Presto, CPA
Auditor-Controller

2222 "M" Street
Merced, CA 95340
(209) 385-7511
(209) 725-3900 Fax
www.co.merced.ca.us

Equal Opportunity Employer

July 9, 2015

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, Ca 95340

RE: 2014/2015 Grand Jury Report

Your Honor,

I have received and reviewed the 2014/2015 Merced County Grand Jury Report. There are no issues in the report which pertain to matters under the control of the Merced County Auditor-Controller.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Cardella-Presto". The signature is fluid and cursive.

Lisa Cardella-Presto, CPA
Merced County Auditor-Controller



**DEPARTMENT OF
CHILD SUPPORT SERVICES**

Sharon Wardale-Trejo
Director

Darlene Ingersoll
Assistant Director

Physical Address
3368 N. Highway 99
Suite A
Merced, CA 95348
(866) 901-3212
(209) 381-1305 Fax

Mailing Address
P.O. Box 3199
Merced, CA 95344

Equal Opportunity Employer

July 17, 2015

The Honorable Brian McCabe, Presiding Judge
Superior Court of California, County of Merced
627 W. 21st Street
Merced, California 95340

Re: Grand Jury Final Report 2014/2015

Dear Judge McCabe:

I have received and reviewed the Merced County Civil Grand Jury Final Report for Fiscal Year 2014/15. There are no issues to report on regarding the Merced County Department of Child Support Services.

If you require any further information, please contact me.

Sincerely,

Sharon Wardale-Trejo, MPA
Director



DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT

Mark J. Hendrickson
Director

2222 M Street
Merced, CA 95340
(209) 385-7654
(209) 383-726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

DATE: July 20, 2015

TO: The Honorable Brian McCabe
Presiding Judge of the Merced County Superior Court

FROM: Mark J. Hendrickson, Director
Community and Economic Development Department

SUBJECT: 2014-2015 Civil Grand Jury Report

MEMORANDUM

I have reviewed the 2014-2015 Civil Grand Jury Report and there are no issues in the report that pertain to matters under the control of my department.

If I can be of further assistance, please feel free to contact me at your earliest convenience.



**DISTRICT ATTORNEY
LARRY D. MORSE II**

550 W. Main Street
Merced, CA 95340
Phone (209) 385-7381
Fax (209) 725-3669

Chief Deputy District Attorney
HAROLD L. NUTT

Chief Deputy District Attorney
ROBERT O. CARROLL

Director of Administrative Services
JEANNETTE M. PACHECO

**INVESTIGATIONS
(209) 385-7383**

Chief Investigator
PATRICK N. LUNNEY

**VICTIM WITNESS
(209) 385-7385**

Victim Witness Program Director
LISA DeSANTIS

**LOS BANOS DIVISION
445 I Street
Los Banos, CA 93635
Phone (209) 710-6070
Fax (209) 827-2029**

August 7, 2015

Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
2260 "M" Street
Merced, CA 95340

Re: 2014-2015 Grand Jury Report

Your Honor:

I have received and reviewed the 2014-2015 Civil Grand Jury Final Report. There are no issues in the report which require further response by the Merced County District Attorney's Office.

Sincerely,

Larry D. Morse II
District Attorney



FIRE DEPARTMENT

3500 NORTH APRON AVENUE
ATWATER, CA 95301
OFFICE (209) 385-7344
FAX (209) 725-0174

NANCY B. KOERPERICH
Fire Chief
(209) 966-3622

MARK LAWSON
Division Chief
(209) 385-7450

August 10, 2015

Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
2260 "M" Street
Merced, CA 95340

Re: 2014 - 2015 Grand Jury Report

Dear Judge McCabe,

I have received and reviewed the 2014 - 2015 Civil Grand Jury Final Report and offer a response to the Safely Surrender Baby Law Internal investigation 14-12-10. The Merced County Fire Department, as noted in the report, contracts for cooperative fire protection services through the California Department of Forestry & Fire Protection (CAL FIRE). Under the agreement, CAL FIRE works at the direction and guidance of the Merced County Board of Supervisors.

Since the release of the report, we have worked with both the County Executive Office and Human Services Agency to address this topic as quickly as possible. While the fire department is aware of the law and would have functioned appropriately in the event of a baby being surrendered, the County felt it was necessary to adopt a more formalized set of procedures and guidelines regarding the program. As a part of fire service protection, we also perform emergency medical services (EMS), and under the training and guidelines for EMS, our fire department personnel would have contacted a supervisor and initiated the actions required to have a surrendered baby accepted and transported to the correct agency.

As the Fire Chief, I feel confident that our personnel would have provided the appropriate care and notifications had an infant been surrendered, but this investigation has assisted the Fire Department in instituting a more formalized set of policies and procedures in the development of Safe Surrender Baby Sites. The Board of Supervisors adopted a resolution to provide further direction to the Fire Department and the investigation has shown that even though the department was aware of the potential for any station to be a place of refuge for a surrendered infant, we were deficient in written protocols and specific training for proper execution of the law. We have since corrected that.

2014-2015 Grand Jury Response
Fire Department

We are happy to report that we have established newly written policies and procedures and are requiring all personnel to maintain currency annually. Under the new procedures; all documents and materials are readily available at all twenty fire stations, in both English and Spanish, training will be conducted over the next month to bring all personnel current with the new policy, and the training will be incorporated into the annual Continued Professional Training (CPT) that CAL FIRE requires each year. In addition to bringing our current personnel up to date, we are adding the policies and training into our orientation training for all new hires.

We appreciate the efforts of the Grand Jury in bringing this to our attention and thank you for your time.

Sincerely,



Nancy B. Koerperich
Fire Chief
Merced County Fire



COUNTY EXECUTIVE OFFICE
Human Resources

James L. Brown
County Executive Officer

Marci R. Barrera
Director of Human Resources

2222 "M" Street
Merced, CA 95340
(209) 385-7682
(209) 385-7375 Fax
www.co.merced.ca.us

Equal Opportunity Employer

July 10, 2015

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Superior Court of California, County of Merced
670 West 22nd Street
Merced, CA 95340

RE: 2014/2015 Grand Jury Report

Dear Presiding Judge McCabe:

We have received and reviewed the Grand Jury report for 2014/2015 and have found no issues in the report that pertain to the Human Resources Department.

Sincerely,

Marci R. Barrera
Director of Human Resources



HUMAN SERVICES AGENCY

Ana Pagan
Director

2115 W. Wardrobe Avenue
(209) 385-3000
(209) 354-2501 Fax
www.co.merced.ca.us

Mailing Address

P.O. Box 112
Merced, CA 95341-0112

Equal Opportunity Employer

June 30, 2015

The Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2222 M Street
Merced, CA 95340

Regarding: Grand Jury Report 2014/2015

I have received and reviewed the Grand Jury Report.

There was mention of the Human Services Agency in relation to the Safe Surrender Act. However, it was clear that the Agency is not a board designated site and only acts to receive the child from the hospital for care after the designated sites have fulfilled their obligations.

Therefore, there were no issues in the report that pertain to matters under our control.

Sincerely,

Ana Pagan
Director

✓ cc: Mike North, County Executive Office



MERCED COUNTY LIBRARY

Amy Taylor
County Librarian

2100 "O" Street
Merced, CA 95340
(209) 385-7485
(209) 726-7912 Fax
<http://www.co.merced.ca.us/library/>
Equal Opportunity Employer

July 21, 2015

The Honorable Brian McCabe
Presiding Judge, Superior Court of California, County of Merced
2260 N. Street
Merced, CA 95340

Re: 2014-2015 Grand Jury Report

Your Honor,

I have received and reviewed the 2014-2015 Grand Jury report. There are no issues in the report which pertain to or require further action by the Merced County Library.

Respectfully,

Amy A. Taylor
County Librarian



DEPARTMENT OF MENTAL HEALTH
Administration

Yvonnia Brown, MSW
Director

Administration
1944 M Street
Merced, CA 95340
(209) 381-6813
(209) 725-3676 Fax
www.co.merced.ca.us

Mailing Address
PO Box 2087
Merced, CA 95344

Equal Opportunity Employer

July 20, 2015

The Honorable Brian McCabe, Presiding Judge
Superior Court of California, County of Merced
627 West 21st Street
Merced, CA 95340

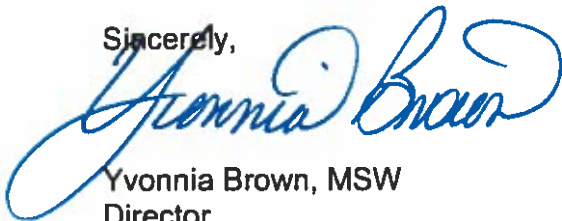
Re: Grand Jury Final Report 2014/2015

Dear Judge McCabe:

I have received and reviewed the Merced County Civil Grand Jury Final Report for FY 2014/2015. There are no issues to report on regarding the Merced County Mental Health Department.

If you require any further information, please contact me.

Sincerely,



Yvonnia Brown, MSW
Director



PROBATION DEPARTMENT



Scott M. Ball
Chief Probation Officer

July 13, 2015

The Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
627 W. 21st Street
Merced, CA 95340

RE: 2014/2015 Grand Jury Report

Dear Judge McCabe:

I have received and reviewed the Grand Jury Report with regard to the inspection of the Iris Garrett Juvenile Justice Complex (IGJJC). The one issue noted by the Jury, an unlocked utility closet, has been addressed with IGJJC administration, supervisors, and line staff. The matter has been rectified to my satisfaction and as reflected in Department policy.

As always, we appreciate the work of the Grand Jury and their complimentary comments with regard to our operations.

Sincerely,

Scott M. Ball
Chief Probation Officer



PUBLIC DEFENDER

David R Elgin
Public Defender

2150 "M" Street
Merced, CA 95340
(209) 385-7692
(209) 725-8872- Fax
www.co.merced.ca.us

Equal Opportunity Employer

Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
627 W. 21st Street
Merced, CA 95340

Re: 2014/2015 Grand Jury Report

Dear Judge McCabe,

I have received and reviewed the 2014/2015 Grand Jury Report. There are no issues in the report that pertain to matters under the control of the Public Defender's Office.

Sincerely,

David R. Elgin
Public Defender



DEPARTMENT OF PUBLIC HEALTH

Kathleen Grassi, R.D., M.P.H.
Director

July 31, 2015

The Honorable Brian McCabe
Presiding Judge
Superior Court of California
County of Merced

RE: Merced County Civil Grand Jury Final Report 2014-2015

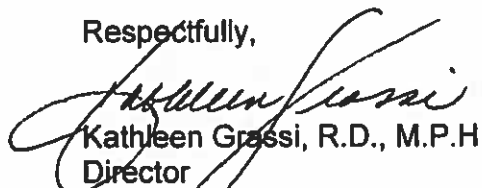
I have received and reviewed the Grand Jury Report. The Department of Public Health's response regarding the Merced County Permitting Process for Domestic Wells follows:

- F1: Merced County did experience a greater demand for well permits in FY 2014-15. Inspections were conducted by Environmental Health staff for all permitted domestic wells, after notification of the scheduled work was provided by the well driller as required by Merced County Code Sections 9.28.040 and 9.28.080. These code sections require the well driller to notify the Department of the commencement of the work. All wells received the proper inspections during FY 2014-15.
- R1: Merced County Code Section 9.28.030 D requires the well driller to post the permit at the work site prior to the commencement of the work. Well inspection dates and details are documented in the Department's Envision Connect database. There is no requirement provided in the Merced County Code that necessitates the Environmental Health Inspectors to sign-off or document the date and time of inspections on the permit itself.

To provide clarification related to the Discussion section of the Grand Jury Report, Merced County would not be the required entity to follow the California Water Well Standards, Bulletins 74-81 and 74-90 (Water Well Standards); it is a requirement of well drillers to follow the Water Well Standards.

The Department appreciates the oversight and values the work of the Grand Jury.

Respectfully,



Kathleen Grassi, R.D., M.P.H.
Director

KAG: vj



DEPARTMENT OF PUBLIC WORKS

Dana S. Hertfelder
Director

715 Martin Luther King Jr. Way
Merced, CA 95340-6041
(209) 385-7602
(209) 725-3989 Fax
www.co.merced.ca.us

Building Services
Parks and Recreation
Roads
Fleet Management
County Surveyor
Building & Safety

Equal Opportunity Employer

DATE: August 7, 2015
TO: Presiding Judge Brian McCabe
FROM: Dana S. Hertfelder, ^{DS*} Director of Public Works
SUBJECT: 2014/2015 Merced County Grand Jury Report

MEMORANDUM

Please be advised that I have received and reviewed the 2014/2015 Merced County Grand Jury Report.

There are no issues in the report which pertain to matters regarding my Department, so I have no detailed comments.

DSH:jlr

cc: Mike North, County Executive Office



**MERCED COUNTY
EMPLOYEES' RETIREMENT
ASSOCIATION**

3199 "M" Street
Merced, California 95348

STEVEN BLAND
Plan Administrator

Telephone 209-725-3636
Fax 209-725-3637
Email:
mcera@co.merced.ca.us

July 7, 2015

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Superior Court of California, County of Merced
670 West 22nd Street
Merced, CA 95340

Re: 2014/2015 Grand Jury Response

Dear Presiding Judge McCabe:

I have received and reviewed the 2014/2015 Grand Jury Report and have found no issues in the report that pertain to the Merced County Employees Retirement Association (MCERA) and no issues that call for a response from MCERA.

Sincerely,
Merced County Employees Retirement Association



Steven Bland
Plan Administrator

Los Banos Station
445 "I" Street
Los Banos, CA 93635
Phone: (209) 710-6000
Fax: (209) 827-1433

CF Bludworth Station
9481 Shanks Road
Delhi, CA 95315
Phone: (209) 385-7660
Fax: (209) 669-7771

Coroner's Division
455 E. 13th Street
Merced, CA 95340
Phone: (209) 385-7369
Fax: (209) 725-3390

Merced County Sheriff's Office

Vernon H. Warnke
Sheriff/Coroner

Sheriff's Administration

Mailing Address: 2222 M St. • Merced, CA 95340
Physical Address: 700 W. 22nd Street • Merced, CA 95340
Phone: (209) 385-7451 • Fax: (209) 385-7696

Civil Division
670 W. 22nd Street
Merced, CA 95340
Phone: (209) 385-7639
Fax: (209) 725-3516

Main Detention Facility
700 W. 22nd Street
Merced, CA 95340
Phone: (209) 385-7410
Fax: (209) 385-7489

John Latorraca Correctional Center
2584 W. Sandy Mush Road
El Nido, CA 95317
Phone: (209) 385-7575
Fax: (209) 725-3944

August 11, 2015

The Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
Merced, CA 95340

Re: Response to the 2014/2015 Grand Jury Report

Dear Judge McCabe:

In response to the 2014/2015 Merced County Civil Grand Jury Report, I offer the following information:

- JLCC: Finding 1- The non-compliance issue with Title 24, Section 2.10 (Exercise area), as stated in Board of State and Community Corrections (BSCC) 2010/2012 and 2012/2014 inspection reports, has not been corrected. This regulation requires outdoor exercise area(s) that include free access to a toilet, wash basin, and drinking fountain. The facility has constructed two outdoor, paved and fenced exercise areas that have no toilets or wash basins available to inmates.
- Recommendation: The Grand Jury recommends that the center install toilets, wash basins, and drinking fountains in exercise areas.
- Response: The Department of Public Works has been requested to plan and complete this project in the current yards. Under potential SB 863 jail funding to be decided in November 2015, JLCC would receive additional exercise yards meeting the Title 24 requirement for toilets, wash basins, and drinking fountains in the yards.
- Main Jail: Finding 1- Considering the age of the building, the interior and exterior of facility are in satisfactory condition. All interior areas inspected were noted to be clean and well-maintained except for "holding cells", which were commonly littered with food and trash but cleaned twice daily. Inmates are not held accountable for cleaning upon leaving the cell.

- Recommendation: Inmate must discard unused food items and trash before exiting their holding cells.
- Response: Staff will have inmates dispose of their trash upon exiting the holding cells.
- Currently the Sheriff's Office is submitting for 40 million in state funds to upgrade the JLCC facility. A remodel of the existing dormitory space will bring the structures up to current codes and provide additional exercise yard space. A new 10,000 square foot programming/classroom building, medical/mental health unit with 30 beds, new laundry, kitchen, intake/release building and administration building with video visitation are planned. The entire facility will receive enhanced fencing for site security. A final decision on our application will be made in November 2015.

My staff and I genuinely appreciate the effort and interest of the 2014/2015 Grand Jury members and offer our thanks for their service to our community.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vernon H. Warnke". The signature is written in black ink and is positioned above the printed name.

Vernon H. Warnke
Sheriff-Coroner



403 "F" STREET ★ LOS BANOS, CA 93635

209-826-5166 ★ FAX 209-826-8737

July 14, 2015

Merced County Executive Office
2222 M Street
Merced, CA 95340
Attn: Mike North

Re: Acknowledgment of 2014/2015 Grand Jury Report

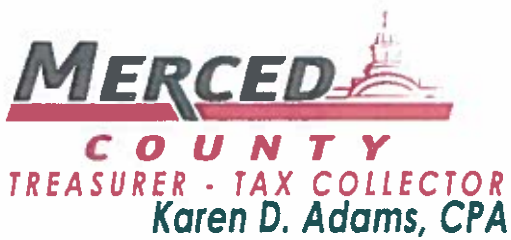
Honorable Brian McCabe, Presiding Judge
Superior Court of California, County of Merced:

Please note I have received and reviewed the 2014/2015 Grand Jury Report. There are no issues in the report which pertain to matters under my control.

Thank you,

A handwritten signature in blue ink, appearing to read "Ron Brandt".

Ron Brandt
Manager



Karen D. Adams, CPA
Treasurer-Tax Collector

2222 "M" Street
Merced, CA 95340
(209) 385-7307
(209) 725-3905 (Fax)
<http://www.mercedtaxcollector.org>

August 10, 2015

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Merced County Superior Court
P.O. Box 2034
Merced, CA 95344

SUBJECT: 2014-2015 GRAND JURY REPORT

I received and reviewed the 2014-2015 Grand Jury Report. There are no noted issues related to my authority as Treasurer-Tax Collector and therefore have no comments regarding any of the findings or recommendations contained in the report.

I thank the Grand Jury for the opportunity to present the treasury and tax collector objectives on November 3, 2014. I welcome the opportunity in the future.

Sincerely,

Karen D. Adams
Treasurer-Tax Collector

COMMITTED TO EXCELLENCE



DEPARTMENT OF
WORKFORCE INVESTMENT

Robert A. Morris
Director

Shermaene Roemhildt
Deputy Director

1880 Wardrobe Avenue
Merced, CA 95341-6407
(209) 724-2000
(209) 725-3592 Fax
www.co.merced.ca.us/index.asp?NID=92

Equal Opportunity Employer


July 24, 2015

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Merced County Superior Court
P.O. Box 2034
Merced, CA 95344

Subject: 2014-2015 Grand Jury Report

I have received and reviewed the 2014-2015 Grand Jury Report. There are no issues in the report which pertain to, or require further action by, the Department of Workforce Investment.

Sincerely,


Robert A. Morris
Director

STRIVING FOR EXCELLENCE



October 6, 2015

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Superior Court of California, County of Merced
Merced, CA 95340

RE: Board of Supervisors' 2014-15 Civil Grand Jury Response

Dear Presiding Judge McCabe:

The Merced County Board of Supervisors appreciates the Civil Grand Jury's responsibilities and commitment to public service. Pursuant to Penal Code 933, responses from elected and appointed officials have been received and appropriately forwarded. The following acknowledgements and information is respectfully submitted relating to matters under the jurisdiction of the Board of Supervisors.

Mandated Inspections – Main Jail

Recommendations:

The Civil Grand Jury inspected the Main Jail at 700 W. 22nd St. in Merced and noted the cleanliness of the interior areas with the exception of holding cells, which were reportedly littered with food and trash.

Response:

The Board appreciates the Grand Jury's inspection of the facility and the recognition of the overall cleanliness of the jail. The Board understands the Sheriff plans to improve the condition of the holding cells by requiring staff to have inmates dispose of their trash upon exiting the holding cells.

Mandated Inspections – John Latorraca Correctional Center

Recommendations:

The Civil Grand Jury inspected the John Latorraca Correctional Center at 2584 W. Sandy Mush Road in Merced and reported a need for outdoor exercise areas to include a wash basin, toilet and drinking fountain. The report also referenced three inmate escapes in 2014 and the Sheriff's Escape Prevention Plan that included several strategies, including improved fencing and better secured furniture. The report additionally found that the food preparation facility housed at the John Latorraca Correctional Center is well-run and maintained.

Board of Supervisors

John Pedrozo
Supervisor, District One

Hubert "Hub" Walsh, Jr.
Supervisor, District Two

Daron McDaniel
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

James L. Brown
County Executive Officer

Merced County
Administration Building
2222 "M" Street
Merced, CA 95340
(209) 385-7366
(209) 726-7977 Fax
www.co.merced.ca.us

Equal Opportunity Employer

*Striving for
Excellence*

Response:

The Board of Supervisors has approved the submission of an application for Senate Bill 863 jail reconstruction funding. If granted, these funds would help address security and infrastructure concerns at the John Latorraca Correctional Center while improving the capacity to house programs that reduce recidivism. The plan also includes mental health treatment facilities in an effort to better address inmate needs and help reduce the number of re-offenses upon release.

Mandated Inspections – Iris Garrett Juvenile Justice Correctional Complex

Recommendations:

The Grand Jury inspected the Iris Garrett Juvenile Justice Correctional Complex and found the facility to be well-maintained, inside and out. The Grand Jury also noted the cleanliness of the facility. One issue mentioned in the report was a small utility closet that was open and unlocked.

Response:

The Board appreciates the Grand Jury's commendations and the work of Probation Department staff in maintaining the facility. The Board understands that the open utility closet has been addressed with administration, supervisors and line staff and subsequently rectified.

Investigative Report – Permitting Process for Domestic Wells

Recommendations:

The Civil Grand Jury reviewed the County's domestic well permitting process, with a focus on the inspection process. The report highlighted the increased demand for well permits due to the ongoing drought conditions and recommended that permits be visibly posted at construction sites.

Response:

The Board appreciates the Civil Grand Jury's recognition of this critical issue and is aware of the heightened demand for well permits as a result of the drought. The Merced County Department of Public Health, Division of Environmental Health has taken strides to expedite well permitting processes while ensuring that both proper inspections and paperwork are completed. Regarding posting permits at work sites, Merced County Code requires well drillers to post the permit at the site prior to the commencement of the work. Also, well inspection dates and details are documented in the Department's Envision Connect database.

Investigative Report – Gubernatorial Election November 2014

Findings:

The Grand Jury investigated an incident where a number of voters in a district of the Merced County College Board of Trustees received two ballots due to a districting error.

Response:

As noted in the Grand Jury's report, the issue was resolved by the Registrar of Voters Office by resending corrected ballots to the affected voters with instructions and an explanation of the issue. There are no recommendations associated with this item.

Investigative Report – Safely Surrender Baby Law*Recommendations:*

The Civil Grand Jury conducted an assessment of the County's implementation of the Safely Surrendered Baby Law and has recommendations on how to improve services offered through the program. The Civil Grand Jury's Report recommends that the Merced County Board of Supervisors adopt a Safely Surrendered Baby Policy and direct the implementation of safe surrender sites, hotlines, websites, and multi-language signage and fliers. The Report goes on to recommend that all County fire stations be designated as safe surrender receiving sites. The Civil Grand Jury also recommends that there be adequate transportation for parents/guardians to safely surrender babies, a website to provide options and information for women in crisis, service announcements, billboards and marketing, parenting programs with transportation options amongst area high schools, and that educational information be provided to Alpha Pregnancy Crisis Center and all Primary Care doctors in the Merced County area.

Response:

The Board of Supervisors agrees with the mission behind the Safely Surrendered Baby Law and understands the need to provide information and other educational resources to County residents. There are currently safe surrender sites at fire stations within the City of Merced and the City of Los Banos. Mercy Medical Center is also a safe surrender site and is prepared to handle such situations, according to the Report.

The Board is supportive expanding services through the Safely Surrendered Baby Law. In August, the Board increased locations in unincorporated areas through a resolution designating Merced County fire stations as local Safe Surrender Baby sites. Through this effort, a hotline, online information and fliers are available. The Bus, while not operated by Merced County, should serve as a suitable option for anyone needing transportation to a safe surrender location. County agencies have the capacity to transport individuals in the event of an emergency. Merced County is amenable to working with community partners to improve the Safely Surrendered Baby program in our region.

Investigative Report – Merced County School Board Member Election Process*Recommendations:*

Two complaints were received by the Grand Jury regarding a possible misrepresentation on an elections application. The complaints claimed one candidate was not residing in the correct district at the time of application.

Response:

The Board is aware of the Grand Jury's finding that Election Code 349(c) allows a candidate to live and maintain more than one residence. There are no recommendations associated with this item.

Sincerely,



John Pedrozo, Chairman
Merced County Board of Supervisors

cc: Roscoe Jackson, 2014-15 Merced County Civil Grand Jury Foreperson
James L. Brown, County Executive Officer